

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

Jan 28 2026

Certiorari to Charleston County

S.C. SUPREME COURT

Honorable G. Thomas Cooper, Circuit Court Judge

SHAWNDELL Q. MCCLENTON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-001385

APPENDIX

GARY H. JOHNSON
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

KYLEE MARCELLA KANEALEY
Assistant Attorney General
S.C. Attorney General's Office
PO Box 11549
Columbia, SC 29211-1549
(803) 734-4103

ATTORNEY FOR PETITIONER

SCARLETT ANNE WILSON
Solicitor, Ninth Judicial Circuit
Ninth Circuit Solicitor's Office
101 Meeting Street, Suite 400
Charleston, SC 29401
(843) 958-1900

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED APRIL 21-23, 2014	1
INDICTMENTS	478
SENTENCE SHEETS	484
APPLICATION FOR POST-CONVICTION RELIEF FILED MAY 21, 2014	487
RETURN FILED SEPTEMBER 20, 2017	494
POST-CONVICTION RELIEF HEARING TRANSCRIPT DATED DECEMBER 6, 2018	505
PETITIONER’S EXHIBIT 1	606
ORDER OF DISMISSAL FILED FEBRUARY 13, 2019	625
APPLICATION FOR POST-CONVICTION RELIEF FILED JUNE 30, 2023	639
RETURN (COUNSEL APPOINTED) FILED DECEMBER 16, 2024	646
POST-CONVICTION RELIEF HEARING TRANSCRIPT DATED MAY 29, 2025	652
ORDER GRANTING BELATED APPEAL PURSUANT TO AUSTIN V. STATE FILED JUNE 16, 2025	658
APPLICATION FOR POST-CONVICTION RELIEF FILED NOVEMBER 4, 2016	662
ORDER CONSOLIDATING APPLICATIONS FILED MAY 12, 2017	685

STATE OF SOUTH CAROLINA	COURT OF GENERAL SESSIONS
COUNTY OF CHARLESTON	2012-GS-10-2892
	2012-GS-10-2893
	2012-GS-10-3189

STATE OF SOUTH CAROLINA	)	
	)	TRANSCRIPT OF RECORD
-vs-	)	
	)	April 21-23, 2014
SHAWNDELL Q. McCLENTON,	)	
	)	Charleston, South Carolina
Defendant.	)	

B E F O R E:

The Honorable Clifton Newman, Judge.

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

Timmy Finch, Assistant Solicitor
 Greg Voigt, Assistant Solicitor
 Attorneys for the State

Andrew Grimes, Esquire
 Christina Parnall, Esquire
 Attorneys for the Defendant

Amanda K. Haffenden, RPR, CRR
 Circuit Court Reporter

1	I N D E X				
2	WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
3	Joe Piech	26	38	--	--
4		237	267	--	--
5	Dawn Lee	41	45	57	58
6	Shawndell McClenton	76	80	88	90
7	Robert Feeters	92	99	316	--
8		305	313	--	--
9	Jeremy Jacobs	128	134	--	--
10		143	148	--	--
11	Warren Johnson	174	189	235	236
12		218	229	--	--
13	Jeffrey Miller	273	297	--	--
14	Amanda Mitchell	294	299	--	--
15	Caitlyn Horton	318	321	--	--
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					

1	E X H I B I T S			
2	NO.	DESCRIPTION	ID.	EV.
3	State's 1	Photograph	291	291
4	State's 2	Photograph	291	291
5	State's 3	Photograph	291	291
6	State's 4	Photograph	291	291
7	State's 5	Photograph	291	291
8	State's 6	Photograph	291	291
9	State's 7	Photograph	291	291
10	State's 8	Photograph	291	291
11	State's 9	Photograph	291	291
12	State's 10	Photograph	291	291
13	State's 11	Photograph	291	291
14	State's 12	Photograph	291	291
15	State's 13	Photograph	291	291
16	State's 14	Photograph	291	291
17	State's 15	Photograph	291	291
18	State's 16	Photograph	291	291
19	State's 17	Photograph	291	291
20	State's 18	Photograph	291	291
21	State's 19	Photograph	291	291
22	State's 20	Photograph	291	291
23	State's 21	Photograph	291	291
24	State's 22	Photograph	291	291
25	State's 23	Photograph	291	291

1	E X H I B I T S			
2	NO.	DESCRIPTION	ID.	EV.
3	State's 24	Photograph	291	291
4	State's 25	Photograph	291	291
5	State's 26	Photograph	291	291
6	State's 27	Photograph	291	291
7	State's 28	Photograph	291	291
8	State's 29	Photograph	291	291
9	State's 30	Photograph	291	291
10	State's 31	Photograph	291	291
11	State's 32	Photograph	291	291
12	State's 33	Photograph	291	291
13	State's 34	CD of statement	313	313
14	State's 35	Photograph	226	226
15	State's 36	CD of 911 call	229	229
16	State's 37	Bag	262	262
17	State's 38	Screwdriver	262	262
18	State's 39	Bag and coat	264	264
19	State's 40	Bag	266	266
20	State's 41	Flashlight	266	266
21	State's 42	Miranda card	311	311
22	Court's 1	Same as State's 42	95	--
23	Court's 2	Same as State's 32	179	--
24	Court's 3	Same as State's 35	183	--
25	Court's 4	Same as State's 3	192	--

1	E X H I B I T S			
2	NO.	DESCRIPTION	ID.	EV.
3	Court's 5	Photograph	192	--
4	Court's 6	Jury Note	396	--
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

1 (April 21, 2014.)

2 THE COURT: What do we have?

3 MR. LEWIS: This a burglary first, two counts
4 burglary first, and one count of breaking and entering
5 motor vehicle stemming from the same set of facts and
6 circumstances from February 25th, 2012.

7 With me is Christina Parnall, also from the
8 public defender's office.

9 THE COURT: Are you okay?

10 THE DEFENDANT: The medicine they got me on
11 is having side effect. They're supposed to switch it,
12 but the waiting list for me coming to see you for the
13 situation, it takes a long time, so I've been trying to
14 get them to switch the medicine. I'm having tremors and
15 stuff like that.

16 MR. LEWIS: Judge, I did learn recently that
17 he had been prescribed Zyprexa and Cogentin. Zyprexa is
18 usually for paranoid schizophrenia, and Cogentin is
19 normally to treat the site effects that are sometimes
20 caused by that.

21 This was sort of a new development. I had
22 not seen this reaction in him before, but I did think it
23 necessary to bring it to the Court's attention so that
24 you can question him and see how you can instruct us how
25 to proceed at this point.

1 THE COURT: All right. So what is his
2 medical history?

3 MR. LEWIS: I didn't have his mental health
4 history. I personally, as his attorney, had never had
5 issues with competency up until recently when I had been
6 aggrieved by my client over being a racist and other
7 issues, but aside from that, I had a normal relationship
8 with him.

9 After that last meeting, sometime probably in
10 the last month, he told me he was on those medications.
11 I have not seen him appearing as badly as he does today,
12 ever, but I can't say what's going on inside him, Judge.

13 THE COURT: All right. Let's swear
14 Mr. McClenton in, and I'll ask him some questions.

15 (Defendant duly sworn.)

16 THE COURT: All right. Mr. McClenton, you
17 have that folder in your hands. What's in there?

18 THE DEFENDANT: That's the folder I keep my
19 paperwork in.

20 THE COURT: Paperwork, and you got some
21 glasses in your pockets?

22 THE DEFENDANT: Yes, sir. I can't see real
23 good sometimes.

24 THE COURT: You do need to put them on or --

25 MR. LEWIS: Talk into the mike.

1 THE COURT: Do you normally wear glasses?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: All right. Tell me about your
4 medical or mental history.

5 THE DEFENDANT: It started when I was
6 younger, in foster care. My mom was taken away from us.
7 I was assaulted while I was in foster care, and they
8 removed me and had me to go stay with my brother's father
9 in California, and I used to go to counselling, treatment
10 center and stuff like that.

11 They just put me on the medication that he
12 said, I think it was in January. I had some issues with
13 my body and stuff like that, and the doctor had come to
14 see me and prescribed me with the medicine that I'm on
15 now.

16 THE COURT: Okay. Tell me, what kind of
17 medicine are you on?

18 THE DEFENDANT: Schizophrenia, bipolar.

19 THE COURT: And what does that do for you,
20 the medicine?

21 THE DEFENDANT: I guess it stops the voices I
22 hear now and then and makes me sleep a lot. Slows me
23 down, I guess.

24 THE COURT: And when did you take some of
25 that medicine?

1 THE DEFENDANT: They made me take it in the
2 morning and at night.

3 THE COURT: And after you take it, what does
4 it do for you? How does it make you feel?

5 THE DEFENDANT: Not too good. It causes me
6 to, like, get the tremors a lot and shake, shakes, and it
7 kind of stops the voices I hear off and on. If I don't
8 take the medicine, then they will punish me for not
9 taking it, for refusing it.

10 THE COURT: If you don't take the medicine,
11 how do you feel?

12 THE DEFENDANT: Worse than what I usually
13 feel. It's hard to sleep at night when I don't take the
14 medicine, and it's, like, voices, so he gave me the
15 medicine to make me sleep and stop the voices that I'm
16 hearing.

17 THE COURT: So as far as you being here today
18 and ready to go with your jury trial, are you ready to
19 proceed with the jury trial?

20 THE DEFENDANT: I don't feel comfortable in
21 this state to go forward. I understand some things; some
22 things I don't.

23 THE COURT: What is it that you don't
24 understand?

25 THE DEFENDANT: I mean, like, I don't know, I

1 guess I can't really explain it.

2 THE COURT: Well, you've been working with
3 Mr. Lewis in preparing your case for trial?

4 THE DEFENDANT: Yeah. He comes and talks to
5 me and tells me what he thinks.

6 THE COURT: Are you able to understand your
7 conversations with him?

8 THE DEFENDANT: Some of them. Some them is
9 like we get in a dispute that I really don't understand.
10 It's frustrating, and I can't really understand what he's
11 telling me.

12 THE COURT: What are you accused of doing?

13 THE DEFENDANT: Of burglary first.

14 THE COURT: What are you accused of doing?

15 THE DEFENDANT: Breaking into a house.

16 THE COURT: In Charleston County or city the
17 Charleston or where?

18 THE DEFENDANT: I don't know what county is
19 it is, Charleston County.

20 THE COURT: You don't know what area of the
21 county you were accused of committing the crime?

22 THE DEFENDANT: No, sir.

23 THE COURT: And you're accused of breaking
24 into a car?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: And breaking in a house?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And how long have you been in
4 jail?

5 THE DEFENDANT: Since September 4th.

6 THE COURT: What kind of criminal history do
7 you have?

8 THE DEFENDANT: I got in trouble when I was
9 like 17 or 18 for strong-arm robbery, and I had to go to
10 prison for that.

11 THE COURT: You went to prison for that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: For how long?

14 THE DEFENDANT: They gave me a ten-year
15 sentence.

16 THE COURT: How long -- how much time did you
17 do?

18 THE DEFENDANT: Four years or something like
19 that, four or five years.

20 THE COURT: When you got out from that, did
21 you go back to jail again for something?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Any convictions for anything
24 else?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: For what?

2 THE DEFENDANT: To -- I had two cases of
3 strong-arm robbery and burglary second.

4 THE COURT: Did you go back to prison?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And when is the most recent time
7 you got out of prison?

8 THE DEFENDANT: I just came from prison when
9 I got locked up in September.

10 THE COURT: You had just gotten out of prison
11 when you got arrested in September, or you've been out
12 for a while?

13 THE DEFENDANT: When I got arrested in
14 September --

15 MR. LEWIS: I can address it, if you want to
16 hear from me, but if you want to hear from him --

17 THE COURT: He's doing fine.

18 THE DEFENDANT: September for the bench
19 warrants.

20 THE COURT: Were you on probation or parole
21 then?

22 THE DEFENDANT: No, sir. Traffic tickets.

23 THE COURT: And while you were in prison,
24 were you given the same kind of treatment for the
25 condition that you say you now have?

1 THE DEFENDANT: Yes, sir. I was on the
2 waiting list because so many people see the mental health
3 people.

4 THE COURT: So you didn't get any mental
5 health treatment in prison?

6 THE DEFENDANT: No, sir. I wasn't there long
7 enough for them to give me the treatment and stuff.

8 THE COURT: Have you ever been evaluated for
9 your ability to -- your competency to stand trial?

10 THE DEFENDANT: I don't know, Your Honor.

11 THE COURT: Have you ever been to any
12 psychiatric institutions before?

13 THE DEFENDANT: I was going through
14 counselling when I was in California.

15 THE COURT: When did you come here from
16 California?

17 THE DEFENDANT: I came back down here when I
18 was, like, 14.

19 THE COURT: How old are you now?

20 THE DEFENDANT: Thirty-five.

21 THE COURT: And do you have a medical doctor?

22 THE DEFENDANT: The institution provides the
23 doctor for you, mental health doctor.

24 THE COURT: You said institution. You mean
25 the Charleston County Jail?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And you see a doctor in there?

3 THE DEFENDANT: Yes, sir, when they're
4 available to see you, and you have to put yourself on the
5 list and they'll come to see you, I guess to --

6 THE COURT: What is your doctor's name?

7 THE DEFENDANT: I don't know her name. I
8 think she's a new doctor there.

9 THE COURT: When did you see her?

10 THE DEFENDANT: I seen her, I think, in
11 January or February.

12 THE COURT: Is that when you started taking
13 this medicine?

14 THE DEFENDANT: Yes, sir. She put me on the
15 medicines.

16 THE COURT: When are you supposed to take it?

17 THE DEFENDANT: I take it every morning and
18 at night.

19 THE COURT: All right. What do you normally
20 do during the day, all day long?

21 THE DEFENDANT: Medicine put me to sleep. I
22 have to attend group classes.

23 THE COURT: For what?

24 THE DEFENDANT: For -- in the DAODAS program
25 they make you attend group lasts.

1 THE COURT: Studying what, or hearing about
2 what?

3 THE DEFENDANT: Just life and give you
4 counselling classes and all that, like drugs and stuff
5 like that.

6 THE COURT: All right. Mr. McClenton, you
7 can have a seat.

8 Counsel, Mr. Lewis?

9 MR. LEWIS: Yes, Your Honor?

10 THE COURT: What's on your mind?

11 MR. LEWIS: I just felt the need to bring it
12 to the Court's attention. I have not witnessed it as bad
13 as I said -- or it appears to me today. I'm not a
14 medical doctor, obviously, I just want whatever record is
15 created to be as good as possible.

16 I have met with him repeatedly. I am his
17 third public defender, so as people leave our office,
18 they're assigned a different lawyer. I've represented
19 him since September of 2013. In that time, we've
20 discussed a variety of his cases. I've not seen him as
21 bad as this until today. I had noticed a change in his
22 demeanor after the medicine had been prescribed.

23 Maybe in my own ignorance I believed a lot of
24 that could just simply be getting ready to go to trial on
25 burglary first, but I don't know what's going on in his

1 head, and that's why I wanted to bring it to the Court's
2 attention.

3 THE COURT: When you say bad as it is, what
4 do you mean? What is bad about him today?

5 MR. LEWIS: Judge, specifically when I met
6 him in the booth, he seemed to be nodding out, not as
7 attentive. He seems to be very intelligent, against my
8 advice will occasionally write his own briefs, that sort
9 of thing, or his own findings, but was not acting as he
10 normally does today.

11 The reason I needed to bring it to the
12 Court's attention is I don't know if it's -- I wouldn't
13 want to speak ill of him, but I don't know if it's
14 malingering or if he's having a serious reaction to these
15 medications, and so in my opinion, Judge, it would be
16 improper for us to go forward on that, but as Mr. Finch
17 could attest, if you asked him, I am ready to resolve
18 this case. It has been going on for a long time, but I
19 can't try it if my client is not competent.

20 THE COURT: So what do you want me to do?

21 MR. LEWIS: I want you to tell me whether you
22 believe my client to be competent, Judge.

23 THE COURT: He seems to be rational,
24 understands the nature of the charges. He seems to be
25 articulate and answered all of my questions pretty

1 clearly. Of course, I've never met him before. He seems
2 fine to me. He doesn't seem sleepy or groggy or
3 something, but typically when a lawyer presents a problem
4 they have some solution they propose as well.

5 MR. LEWIS: I understand that, Judge.

6 THE COURT: Not just throwing it at the judge
7 as a problem.

8 MR. LEWIS: I apologize. I didn't anticipate
9 this issue coming in today. I actually saw him
10 yesterday, and he didn't seem as bad as he does today,
11 but he did seem slow and depressed. Again, I believe
12 that was -- time to go to trial. I thought that's the
13 reaction he was having.

14 THE COURT: So have y'all discussed a plea
15 arrangement in this case, a plea bargain?

16 MR. LEWIS: We have, Your Honor.

17 MR. FINCH: If I may, Your Honor, the
18 defendant has -- I apologize for estimating -- in the
19 neighborhood of 23 open warrants in Charleston County in
20 addition to four open warrants in Dorchester County.

21 Prior to this, we had discussed and presented
22 to the defendant on multiple occasions on the record a
23 resolution to all pending charges, and I'll briefly lay
24 out those charges. He has two counts of indecent
25 exposure, one count possession of Ecstasy, one count of

1 CDV second offense; 12 counts of B&E MV, not including
2 this. So 13 counts of B&E MV, two counts burglary first,
3 two counts burglary second, one or two grand larcenies as
4 well as -- and those are Charleston County.

5 In Dorchester County, he's facing failure to
6 stop for a blue lights, damage -- I believe it's damage
7 to public property times three -- two, and I believe
8 there's a damage to real property, as well as unlawful --
9 unlawful conduct.

10 MR. LEWIS: Two child endangerments.

11 MR. FINCH: I apologize. We had proposed,
12 and I had the blessing of the solicitor in Dorchester
13 County, to resolve all of these charges, but the plea to
14 a term of 20 years. It would not be a split sentence, it
15 was 20 years.

16 Mr. McClenton has rejected that offer
17 multiple times, and there is a reason for that offer,
18 Your Honor. At that point in time the State felt that if
19 Mr. McClenton was going to take responsibility, ownership
20 for all of these crimes that that would give a measure of
21 closure to all of the multiple victims. It would end
22 what's become a cycle of arrest, release, arrest, and
23 help Mr. McClenton move forward in rehabilitating
24 himself, first step recognizing the ills and the harms
25 he's caused others.

1 THE COURT: All right. Mr. McClenton, you'll
2 stand again.

3 You've heard the solicitor indicate they've
4 made a plea offer to you to plead to all these various
5 charges you have in this county and Dorchester County for
6 a sentence of 20 years in prison.

7 Did your lawyer communicate those plea offers
8 to you?

9 MR. LEWIS: I did convey the offer to you.
10 Did I tell you about the plea offer of 20 years to
11 resolve all your pending cases?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And did you turn all that down?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: So you've opted to have a jury
16 trial instead of pleading guilty?

17 THE DEFENDANT: Yes, sir. I'm not guilty. I
18 didn't break into anybody's house. I didn't break into
19 anybody's house and take anything.

20 THE COURT: And now the charge that you
21 are -- burglary first degree offense, which involves
22 entering the dwelling of Amanda Mitchell on Daniel Ellis
23 Street, apartment **XX103**, and breaking into Amanda
24 Mitchell's car on Daniel Ellis Drive, the burglary first
25 degree, do you understand that carries a minimum sentence

1 of 15 years and a maximum sentence of life imprisonment?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And then the breaking into the
4 motor vehicle offense, you could get five to ten years.

5 MR. LEWIS: It's zero to five years.

6 THE COURT: Carries up to five years, and the
7 second count of burglary, first degree?

8 MR. FINCH: That's right, Your Honor.

9 THE COURT: Another apartment, apartment
10 number **XX106**, so you're facing two life sentences, plus
11 five years, as far as the cases that the State intends to
12 call for trial.

13 Do you understand that?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: And your choice is to have a
16 trial as opposed to pleading guilty?

17 THE DEFENDANT: Yes, sir. I'm not guilty of
18 it.

19 THE COURT: I am just making sure you
20 understand what your options are. And you fully
21 understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: All right. Thank you. Have a
24 seat.

25 Well, let the record reflect that the State

1 has communicated the plea offers and they have been
2 rejected by the defendant, and he fully understands that
3 nature of the charge and the possible punishment for the
4 offenses.

5 With regard to his taking medicine, he seems
6 lucid to me. He may not be in the best of health. I
7 don't see how his health should preclude us from moving
8 forward with a trial. Of course, you have to be able to
9 ask him questions and have him answer questions and
10 communicate with him. That may not be an optimal
11 situation.

12 MR. LEWIS: I understand, Judge. I don't
13 think there is ever such a thing as perfect trial
14 scenario.

15 THE COURT: Do you have any comments or
16 observations about his situation regarding competency,
17 Mr. Solicitor?

18 MR. FINCH: Your Honor, Mr. Finch for the
19 State.

20 As far as -- my observations, again, like
21 Mr. Lewis, I'm not a medical doctor but following your
22 discussion with the defendant, he does appear competent
23 to stand trial. He understands the charges in front of
24 him that he's facing today. He's understood all the
25 previous court appointments that he has been a party to.

1 I have personal history, and stop me if this is going
2 down a line you don't want to go towards; however, from a
3 medical perspective regarding this defendant, I can tell
4 you that on prior bond revocation hearings, he presented
5 with shortness of breath and heart attack-like symptoms,
6 was removed from the courtroom, promptly bonded out once
7 medically cleared.

8 That happened on two separate occasions. The
9 most recent, he was out on bond. In fact, the letter
10 from the emergency room stated similar symptoms to the
11 prior bond hearing, and then the bench warrant was
12 issued, so from my perspective and the State's
13 perspective, there is a history of at least medical
14 issues arising at inopportune times for the defendant,
15 but regardless of that, his competency seems sound.

16 THE COURT: All right.

17 All right. Anything else, Mr. Lewis?

18 MR. LEWIS: Not with regards to his
19 competency, Judge.

20 THE COURT: Well, I've done the inquiry
21 necessary pursuant to 24-23-410 with regard to the judge
22 making a determination of the person fit to stand trial
23 because of lack of understanding or proceedings or the
24 ability to assist counsel as a result of lack of mental
25 capacity, I do not find a basis for ordering a competency

1 evaluation.

2 He's given me his long-term history dating
3 back to his childhood, almost, and it seems as if he is
4 able to function in society in and out of institutions,
5 and his problems should not prevent us from proceeding at
6 this time.

7 What other matters do we have?

8 MR. LEWIS: We filed Biggers and Denno, as
9 well as a motion to suppress the evidence discovered in
10 the car and a motion in limine to preclude the State from
11 going into specifics regarding a tire iron that was taken
12 into evidence from the vehicle that belongs to Dawn Lee,
13 a codefendant in the case. My understanding is -- well,
14 I can address that in whichever order you would like to
15 do it, Judge.

16 THE COURT: All right. Do y'all agree on
17 anything or do you disagree on everything?

18 MR. FINCH: We agree on quite a bit, I'm
19 happy to report to the Court. We have gone through the
20 photographic exhibits. We have gone through the physical
21 evidence. We have agreed on what can come in. I believe
22 the items that would in would come in without objection.
23 They just need to be premarked.

24 We also have agreed -- we're very close to an
25 agreement regarding the defendant's statement. He made a

1 statement to law enforcement, and peppered throughout
2 that statement is quite a bit of inadmissible items.
3 Some things are irrelevant, some things would be improper
4 for the State to try to enter regarding prior bad acts,
5 things of that nature, so Mr. Lewis has taken it upon
6 himself to edit that, and we're down to about a 13
7 second -- we have two different versions.

8 The State would like to include 13 seconds
9 more of that version. The defense would like to exclude
10 that 13 seconds. We can present that -- proffer that to
11 Your Honor to make a determination or play it. We've
12 also agreed regarding the sequestration of witnesses.
13 That's not going to be an issue. We have one witness
14 that drove from Georgia, so if we're able to finish
15 pretrial, open, and take one witness, that's fine for the
16 State.

17 If the Court wants to break, we can break
18 early, but that's all we really request that we be able
19 to get into today. Of course, if we can finish the trial
20 today, that's fine with the State too, but at a bare
21 minimum, so we don't have to have the gentleman travel
22 back and forth.

23 MR. LEWIS: I have a protection order for
24 Wednesday, and I understand the Court has one for
25 Thursday. Mr. Finch and I are both interested in getting

1 this resolved.

2 THE COURT: With regard to motions in limine,
3 typically for me, not knowing anything about the case for
4 me to rule in limine, ruling in, ruling out various
5 things, but being totally unfamiliar with the case
6 doesn't do justice to either side, so I delay until I
7 know something about the case before trying to make major
8 evidentiary rulings.

9 Of course that would not apply to
10 identification, and so none of the suppression type
11 matters where I can hear testimony and make a ruling, but
12 things where the lawyers are arguing and want me to rule
13 based on your arguments without me knowing anything about
14 the case, I'm slow to do that.

15 MR. LEWIS: I understand that.

16 THE COURT: But with respect to these other
17 matters --

18 MR. FINCH: I just need to check with my
19 investigator, make sure the witnesses are present, and
20 we'll start then.

21 MR. LEWIS: Judge, in this case -- you'll
22 hear a lot about it over the next two days, but beginning
23 part of the physical evidence in the case was a traffic
24 stop that involved a co-defendant's vehicle, Dawn Lee.
25 Mr. McClenton was also in the vehicle when the traffic

JOE PIECH - DIRECT BY MR. FINCH

1 stop occurred. There is a discrepancy between the two
2 sides as to how the vehicle was searched.

3 The officer, I anticipate, will testify that
4 he received verbal consent to search the car. That is
5 contrary to the investigations that I've conducted in the
6 case, and Ms. Lee is going to be present as well to
7 testify as to how her interpretation of the traffic stop
8 and the search went down.

9 THE COURT: And Ms. Lee is --

10 MR. LEWIS: She's a codefendant that has
11 previously pled to a reduced charge. She is the mother
12 of Mr. McClenton's child. She was the driver of the
13 vehicle when the traffic stop occurred.

14 THE COURT: All right.

15 MR. FINCH: State calls Officer Joe Piech.

16 JOE PIECH,
17 having been first duly sworn,
18 was examined and testified as follows:

19 DIRECT EXAMINATION

20 THE WITNESS: I'm Officer Joe Piech with the
21 City of Charleston Police Department. My last name is
22 P-i-e-c-h.

23 BY MR. FINCH:

24 Q. Good morning, Mr. Piech. If you would, tell the
25 Court where it is you're employed.

1 A. I'm employed with the city of Charleston police
2 department.

3 Q. And your position there?

4 A. I'm a police officer.

5 Q. And duties and responsibilities?

6 A. I'm sorry?

7 Q. Your duties and responsibilities as a police
8 officer?

9 A. I'm in the patrol division right now, everything
10 that that entails. I mean, during when this happened, I
11 was just a normal patrol unit in a black and white car.
12 Since then, that's changed.

13 Q. On February 25, 2012, you were employed in that
14 capacity?

15 A. Yes, yes.

16 Q. And did you have an occasion to be involved in the
17 investigation of this case, which corresponds to your
18 OCA 1203151?

19 A. Yes.

20 Q. And what was your role in the investigation of
21 this case?

22 A. We were toned out. When I say toned out, that
23 means it was an urgent call that needed to be responded
24 to.

25 There was a burglary in progress possibly that

1 had -- that was either in progress or had just occurred.
2 We got toned out, which means the alarm was put over the
3 radio, and that means our blue lights go on and we hustle
4 to the scene and we get there.

5 Q. When you say blue lights, are also auditory and
6 siren?

7 A. Yes.

8 Q. Where were you toned out to? What was the
9 address?

10 A. [REDACTED] Daniel Ellis Drive. It's a Peninsula Condos,
11 condominium apartment complex.

12 Q. Are you familiar with that address?

13 A. Yes.

14 Q. And those condominiums?

15 A. Yes.

16 Q. How many entrances and exits are there to that?

17 A. One.

18 Q. Does that mean that any vehicle that wants to go
19 in or wants to go out is going to pass a central point?

20 A. Yes. There is one road going into the complex,
21 one road going out. There is no real exit.

22 Q. What other things are served by that entrance and
23 exit, what other businesses?

24 A. There is a shopping complex. There is a Lowe's.
25 That's probably the biggest business you're going to see.

1 The apartment complex sits behind that Lowe's, so there
2 is no way you can miss that going in there.

3 Q. And also a restaurant and bank?

4 A. In addition to -- well, it's closed now, but there
5 is a Ruby Tuesday's and two banks.

6 Q. All of those are fed off the same entrance and
7 exit?

8 A. Yes. You turn left into that road and they're all
9 there.

10 Q. About how wide is that road, one lane, two lanes?

11 A. It's two lanes, the traditional.

12 Q. One lane in and one lane out?

13 A. Yes.

14 Q. And on that night, do you recall the traffic flow
15 in and out of that?

16 A. None. There was -- as we responded, I saw
17 officers turn in before me. I wasn't the first one to
18 turn on to that road, but there was only black and whites
19 and blue lights and sirens when we turned in.

20 Q. And where did you position your vehicle?

21 A. I had been on the job for a while. Sometimes too
22 many people rush to a scene, and when I saw there were a
23 couple cars that had already gone in there, knowing there
24 is no rear entrance, I just sat in the lowest parking lot
25 with my headlights on the roadway, just in case someone

1 came running out, or whatever.

2 Q. And did you get a description of a vehicle or a
3 perpetrator?

4 A. Yeah. It was at that point, shortly after I sat
5 there with my blue lights -- I'm sorry, with my
6 headlights on over the radio, dispatch gave us a
7 description of a blue sedan and a black male possibly
8 wearing a white shirt, or a white sweatshirt type of
9 clothing that had just gotten -- that had just left, that
10 had just fled, and as I sat there, sure enough, there
11 they came.

12 Q. And when you say they came, a blue sedan and --

13 A. A blue sedan. It was dark. I waited to see --
14 okay. Here is a car come. All of a sudden, out of
15 nowhere, it comes across my headlights, a blue sedan.
16 The passenger had a white shirt, sweatshirt, sweater on.
17 He was the black male sitting in the passenger seat. It
18 was almost exactly -- it never happened to me before to
19 where the passage of the vehicle crossed my line of
20 sight, kind of fit with the description -- it was
21 simultaneous, I'm trying to say, from the dispatcher
22 saying that to what I saw, and I just immediately
23 initiated a traffic stop.

24 Q. And what is the distance from where you were
25 parked to the entrance of the condominiums, do you know

1 that?

2 A. I would say -- I would say maybe 300 yards.

3 Q. And you had been toned out about how much earlier
4 regarding something was in progress or that potential
5 suspect might be fleeing?

6 A. Oh, between those two points? It couldn't have
7 been more than maybe two minutes. It all happened fairly
8 quickly. I was -- the first units there just happened to
9 be close enough to get there pretty quick.

10 Q. When you say close enough to the condos to get to
11 the condo very quick?

12 A. Yeah, yeah.

13 Q. And you took sort of a perimeter position?

14 A. Yeah. When I saw them go in, I just said, yeah,
15 I'm going to hang back. Someone could run. Someone
16 could get in the car -- sometimes people rush to a site
17 and they don't focus on the surrounding areas.

18 Q. And after you initiated blue lights and stopped
19 that suspect vehicle, what did you do next?

20 A. After I initiated blue lights and stopped the
21 vehicle -- I have almost been hit a couple times on the
22 job by cars, so I habitually go to the passenger side of
23 the car. That's what I do. I don't want to get hit.

24 When I approached the right side of the vehicle, I
25 had them roll the window down and explain to them why

JOE PIECH - DIRECT BY MR. FINCH

1 they were being stopped. I immediately saw
2 Mr. McClenton, of course matching the description we had
3 gotten over the radio. I explained to him what was
4 happening, and I requested that he get out of the car to
5 speak with me, and due to the nature of the call and
6 based on past experiences, I searched him to make sure he
7 wasn't armed.

8 Q. Did you draw your service weapon at any time?

9 A. No.

10 Q. What was your tone of voice when you were talking
11 to Mr. McClenton?

12 A. I'm a pretty laid back guy. I would say it was
13 like this. I get rattled but sometimes -- I wasn't -- I
14 wasn't too keyed up, I guess.

15 Q. And why was that?

16 A. I just -- the more I do things, the calmer I get
17 at doing them, and it wasn't the first time I had run
18 into a burglary, and I just -- you kind of -- I'm a
19 football fan, and you hear some of these guys say
20 sometimes the more they play, the more the game kind of
21 slow downs, and I feel that way about law enforcement,
22 that you're not slowing down, you're just kind of seeing
23 things -- you don't get panicky. You just slow down and
24 watch and do your job. You do what you're supposed to
25 do.

1 Q. After you patted down Mr. McClenton, what happened
2 next?

3 A. After that, I started just briefly speaking with
4 him about why he was in the area, where he was coming
5 from. He said that his girlfriend dropped him off in the
6 apartment complex to see a friend and that she had left.
7 He said that he couldn't find his friend's apartment, and
8 then she came back to pick him up, and that's when I
9 pulled him over. He was unable to give me the name of
10 the friend or where in the complex that he lived.

11 Q. Did you receive any other information from
12 officers up at the site about the burglary?

13 A. Yeah. After I had gotten him out of the car, all
14 the things that I stated didn't take too long. It wasn't
15 like we had a 20 minute conversation. This was fairly
16 short. It was while I was out there that Officer
17 Hardwell then communicated to me over the radio to detain
18 him in reference to a resident that had -- there was
19 forced entry, there was evidence of forced entry to that
20 residence.

21 Q. Did you receive any information about any items
22 that may have been take been from that residence?

23 A. Yeah. Later on the complainant advised us that he
24 observed a garbage bag that was being carried out by him.

25 Q. When you say him, do you mean Mr. McClenton?

1 A. Yes. That was the information we were given by
2 the complainant, and there was no -- yeah, the white
3 trash bag.

4 Q. Where was the driver of the vehicle during this
5 exchange?

6 A. Upon -- when I first spoke with McClenton and
7 asked him out of the car, she stayed in the car. After
8 he was detained, she got alarmed. She -- you know, at
9 that point we didn't know if she knew what was going on
10 or not.

11 We explained to her what was going on, but at the
12 same time they also had a newborn child in the rear
13 passenger seat of the car that we asked her to care for,
14 because it was cold and the door was open.

15 Q. Did you -- regarding the white trash bag, did you
16 take any steps to see if that vehicle contained a white
17 trash bag?

18 A. After getting that information, just, you know, as
19 I said before, like when I do traffic stops -- you know,
20 I'm six-two. I'm kind of taller. When I walk around a
21 sedan to the passenger side, I get a pretty good
22 panoramic of the interior of the car if the windows
23 aren't heavily tinted, and I saw nothing like that. To
24 the best of my memory, the only thing in the back seat
25 was the child.

1 Q. And did that vehicle have a trunk?

2 A. Yes.

3 Q. Did you make any inquiry as to the trunk?

4 A. I asked if there was anything suspicious in the
5 trunk or anything that doesn't belong to them in the
6 trunk.

7 Q. And did you ask -- did you ask if you could look
8 in the trunk?

9 A. I did. I asked if we could have a look in the
10 trunk.

11 Q. Who did you ask?

12 A. I asked the driver.

13 Q. And that was Ms. Lee?

14 A. That is Ms. Dawn Lee, yes.

15 Q. And what was her response?

16 A. That we could.

17 Q. And how did you make entry into the trunk?

18 A. I don't recall ever opening a trunk myself. I'm
19 pretty sure that she did.

20 Q. Was that with a key or interior opening, do you
21 recall?

22 A. That -- you know, I want to say it was an interior
23 opening, but it very well could have been a key. That
24 was two years ago. I don't --

25 Q. And what would have happened at that stage had

1 she -- let me ask you this. Back up.

2 Why did you stop the car?

3 A. Why did I stop the car? There is a burglary in
4 progress. Matched the description. I stopped it.

5 Q. And officers were -- beg the Court's indulgence.

6 Regarding Ms. Lee, did you threaten her in any way
7 regarding opening the vehicle?

8 A. Absolutely not.

9 Q. Did you -- at that point was she detained?

10 A. No. We did not detain her. I was very concerned
11 about the child. It was -- I don't know if the heating
12 in that car worked or whatever, but it just seemed like
13 they didn't care that it was cold out and that the kid
14 was exposed to the cold, and eventually we got her and
15 the kid into one of the police cruisers to keep them
16 warm. I was concerned about the child.

17 Q. And you said that she became -- Ms. Lee became
18 alarmed and got out of the car. Could you describe her
19 demeanor?

20 A. Extremely nervous and crying.

21 Q. And did you change your tone of voice when talking
22 to Ms. Lee as opposed to Mr. McClenton?

23 A. No, no. I remained pretty on point and factual, I
24 would say.

25 Q. After the trunk was open, what did you notice on

1 the inside?

2 A. White trash bag and some electronic equipment.

3 Q. What did you do with those items?

4 A. When I was able to communicate to Officers
5 Hardwell and Bedell, Hardwell and Bedell were on the
6 scene with the complainant who was giving us this
7 information.

8 Could you repeat that question?

9 Q. What did do you with those items after you noticed
10 them in the trunk?

11 A. Okay. Yeah, after we observed the items, the
12 items were matching what we were being told they saw in
13 their hands and taken from the scene. Eventually we got
14 the victim out there who came home and was able to tell
15 us yes, this is missing and this is missing and this is
16 missing, and after we got that information over the
17 radio, we began to itemize things out of the trunk.

18 Some of it was left to the side of the car, some
19 of it was put on a -- I can't remember if it was mine or
20 another police officer's hood. There was, you know, more
21 than a couple different items.

22 Q. And do you recall where those items were -- did
23 the complainants come down to make any sort of
24 identification?

25 A. Eventually, yes.

1 Q. And do you recall where the items were at the time
2 of that identification?

3 A. Where I just said. There was -- the wine
4 bottles -- I want to say the wine bottles were placed in
5 a bag on the pavement to the rear of their sedan, and the
6 electronic equipment was on the hood of a police cruiser,
7 in addition to watches and such for identification, just
8 to show the victim when they came down.

9 MR. FINCH: Thank you very much. Please
10 answer any questions Mr. Lewis has.

11 THE COURT: Mr. Lewis?

12 MR. LEWIS: Thank you, Judge.

13 CROSS-EXAMINATION

14 BY MR. LEWIS:

15 Q. Let me jump around with you a little bit, Officer
16 Piech. Let's start with right after the traffic stop.

17 A. Uh-huh.

18 Q. Was it you that noted Ms. Lee appeared to be
19 hysterical and crying at that point?

20 A. Yeah.

21 Q. Just immediately?

22 A. Not immediately, but fairly quickly.

23 Q. Okay. And when you approached her, she just
24 calmly said, Yeah, you can search my car? How did that
25 go down?

1 A. When we got to the point to where we wanted to
2 observe what was in the trunk and consent was asked, she,
3 you know, to the best of my memory, through tears, said
4 it was okay. Her feelings didn't escalate from tears to
5 not tears. I mean, when it -- when you're on the scene
6 sometimes, some people don't care. Others kind of slowly
7 escalate into these emotional states, which I would
8 say -- which is kind of how she was. The tears started
9 to come, and then they were there for most of the night.

10 Q. Okay. And you said trying to remember back two
11 years is difficult. CP gives you a couple different ways
12 to remember, right? At least two.

13 A. Through reports --

14 Q. That's one.

15 A. Yeah.

16 Q. You consent to search forms, right?

17 A. Yeah. I didn't fill out any of those that night.

18 Q. Okay. But you have those available to you.

19 You're a patrol officer. You have those in the trunk of
20 your car and can use them whenever you want.

21 A. Yeah.

22 Q. And you didn't.

23 A. No.

24 Q. You didn't document her consent in any way other
25 than in your report you said she consented.

1 A. Correct.

2 Q. You don't have have -- for some reason, CPD still
3 doesn't have cameras in the cars, right?

4 A. At that time, my car did not have a camera, no.

5 Q. Okay. So none of those other ways for all of us
6 to help remember -- because I certainly wasn't even the
7 lawyer yet. I had no way to ask you, no prelim, nothing
8 like that. So all you can say you is look back at your
9 report and she consented?

10 A. Yeah.

11 Q. No specifics. You don't know why, you don't know
12 what she said, just that she did?

13 A. I mean -- there's -- and I'm not trying to be
14 sarcastic at all, but when there's not -- you don't
15 really elaborate that much when you're asking for
16 consent. It's a pretty straightforward question. I
17 mean, we asked her and she said yeah.

18 Q. Just -- you don't have anything -- mind if I
19 check, one of those sort of requests for consent?

20 A. Well, no. By that time, I mean, we had explained
21 to her why Mr. McClenton was detained and that she -- I
22 mean, I wasn't speaking quietly. Both passengers, when I
23 initially pulled the stop, knew what was going on and why
24 I was stopping them, so it was -- they both had full
25 knowledge as to why they were being stopped and why he

1 was detained.

2 Q. Did you ever say, Pop the trunk or I'll pop it for
3 you?

4 A. I did not, no.

5 Q. Okay. Did you ever tell her -- ask her if she
6 wanted to go to jail?

7 A. No.

8 Q. All right.

9 MR. LEWIS: No further questions for this
10 witness, Judge.

11 MR. FINCH: Nothing further from the State.

12 THE COURT: Thank you, sir. Any other
13 witnesses from the State?

14 MR. FINCH: Not from the State.

15 THE COURT: From the defense?

16 MR. LEWIS: Defense calls Dawn Lee.

17 DAWN LEE,

18 having been first duly sworn,

19 was examined and testified as follows:

20 DIRECT EXAMINATION

21 BY MR. LEWIS:

22 Q. Try to keep your voice up, Dawn. They need to
23 hear you and so does the Court.

24 At this point all I want to talk to you about was
25 the traffic stop itself. Okay? Can you walk me through

1 that? Tell me, how did the traffic stop go down? How do
2 you remember it?

3 A. I just remember coming out of the neighborhood. I
4 didn't see any police until the lights were just like all
5 around us. I think they was like -- they just swarmed
6 the car. I don't know. They were saying, you know, keep
7 your hands where we can see them, and then they told
8 him -- they were asking me if they could look in the
9 glove box, and I said --

10 Q. Let's back up a little bit, told him, and who is
11 him?

12 A. Oh, Shawn.

13 Q. And what did they tell him? You said they told
14 him what?

15 A. They asked him to get out of the car.

16 Q. Okay.

17 A. After.

18 Q. And then what happened?

19 A. Well, first, they asked to look in my car and I
20 said no, and then that's when I rolled up the window.
21 They asked him to get out of the car.

22 Q. All right. And I'm not trying to jump all over
23 you, I just kind of need to break it down piece by piece,
24 okay? So the way you remember it is right up front they
25 asked if they could search the car?

1 A. I don't -- I just remember they went to his side.
2 My window was up.

3 Q. Okay.

4 A. They went to his side, and they asked, you know,
5 what were we doing and could we look in your car or the
6 glove box specifically? And I said no, and then I rolled
7 up my window -- or I told him to roll up his side window,
8 and I didn't talk to anybody, and then they told him to
9 get out of the car.

10 Q. All right. What happened after they got him out
11 of the car?

12 A. I don't remember, like, the exact sequence that
13 everything happened, but I know they said -- well,
14 eventually I had to get out of the car.

15 Q. Okay.

16 A. They were talking to him for a while, and I think
17 maybe that's when I called the bondsman, because I didn't
18 know what was going on. I either called the bondsman or
19 his mom or whatever. So then they made me get out of the
20 car, and they had him in handcuffs, or they put him in
21 the car.

22 Q. Okay.

23 A. I can't even remember exactly the order that it
24 happened.

25 Q. I understand. I'll focus on a very specific issue

1 for you. Did you give them permission to look in your
2 car?

3 A. No, but I can jump forward to that part. I
4 remember that I was standing by my driver's door, and the
5 door was opened, and I don't know if my baby was still in
6 the car sleeping or I may have had him in my arms, I
7 don't remember, but I do remember they were saying, Pop
8 the trunk or I'll f'ing pop it for you. Do you want to
9 go to jail?

10 And basically telling me if I don't pop it,
11 they'll do it, or else I would go to jail so I felt like
12 I had to pop the trunk.

13 Q. At that point do you know if they had driven
14 anybody by the car, like a show up -- have you seen other
15 police cars being brought by you?

16 A. I don't think so. I think pretty much the cops
17 there from the beginning were there the whole time. I do
18 remember whenever -- as far as cars driving by, I
19 remember standing behind either my car or the popped car
20 and another car did drive by.

21 Q. Okay. As best as you can remember, why did you
22 end up giving -- or how did they open the trunk in the
23 first place? Did you open it? How did that happen?

24 A. I popped it because they were screaming at me and
25 cussing and saying, Pop the f'ing trunk or I'll pop it

1 for you. Do you want to go to jail? And stuff like
2 that, so I didn't think I would be going to jail as long
3 as I cooperated with whatever they were asking me.

4 Q. Okay. Did you want to pop the trunk?

5 A. No. I didn't want to talk to anybody or anything.
6 I was pretty much shut down because it was scary.

7 Q. Okay. And at that point, you hadn't been placed
8 under arrest, had you?

9 A. Uh-huh.

10 Q. Weren't in handcuffs, you hadn't been told you
11 were under arrest for something?

12 A. No. I wasn't told I was under arrest until a very
13 long time after that.

14 Q. Did they provide you with a search warrant?

15 A. No.

16 Q. But you gave consent. Did you want to give
17 consent?

18 A. No. I don't feel that I gave consent. I feel
19 like I was bullied into popping my trunk.

20 Q. Okay.

21 MR. LEWIS: Please answer Mr. Finch's
22 questions for you.

23 CROSS-EXAMINATION

24 BY MR. FINCH:

25 Q. Ms. Lee, the timeline is important, obviously, so

1 let's go back -- this is February 25th, 2012. Had you
2 ever been to that neighborhood before?

3 A. No.

4 Q. And what were you doing there?

5 A. I took Shawn there to pick up stuff.

6 Q. Pick up stuff?

7 A. Yes.

8 Q. Okay. And was that at your request or his
9 request?

10 A. His request.

11 Q. And where were y'all living at that time?

12 A. I can't remember the address.

13 Q. What part?

14 A. [REDACTED].

15 Q. In North Charleston?

16 A. Uh-huh.

17 Q. How long did it take you to get to James Island?

18 A. I really don't know exactly the time it took me to
19 get there. I really don't know.

20 Q. But you were driving the whole time?

21 A. Yeah.

22 Q. And when you got to that neighborhood, did you
23 know where to go?

24 A. No.

25 Q. Who was giving you directions?

1 A. Shawn.

2 Q. I'm sorry?

3 A. Shawndell.

4 Q. And when you got there, where did you go once you
5 got in the neighborhood?

6 A. I turned to the right and I was parking near a
7 Dumpster. I mean, that's all I can remember.

8 Q. Why did you pick that Dumpster?

9 A. Why did I pick a Dumpster?

10 Q. Why did you pick a Dumpster to park next to?

11 A. I mean, I just stopped near the building that he
12 said he had to go to because he was picking some stuff
13 up.

14 Q. And then he got out?

15 A. Uh-huh.

16 Q. And you stayed in the car?

17 A. Right.

18 Q. And there's a child who is in the car?

19 A. Right.

20 Q. How old is that child?

21 A. Hoe old was he then?

22 Q. At that time, yeah.

23 A. Like two months.

24 Q. So he's in a car seat?

25 A. Right.

1 Q. Was he asleep?

2 A. For the most part, but I know he woke up because I
3 had to change his diaper at one point I was there.

4 Q. How long does it take to change a diaper?

5 A. I don't know, like -- I don't know.

6 Q. You change a lot of diapers. It could be pretty
7 quick?

8 A. Pretty fast if I have enough wipes and diapers
9 ready, I guess.

10 Q. Couple minutes? Was that inside the car or
11 outside the car?

12 A. I changed it inside the car.

13 Q. Took the child out of the car, changed the diaper,
14 put him back in. Where was Shawn at that time?

15 A. I don't know.

16 Q. Did he tell you where he was going?

17 A. No.

18 Q. Did you get back in the car?

19 A. Did he get back in the car?

20 Q. Did you get back in the car?

21 A. I didn't get out of the car.

22 Q. So you got back in the driver's seat?

23 A. I mean, I stayed in the driver's seat. My car is
24 small. I changed the diaper without getting out of the
25 car myself.

1 Q. And you changed the diaper in the front seat?

2 A. Uh-huh.

3 Q. And after a while Mr. McClenton came back to the
4 car?

5 A. Uh-huh.

6 Q. And he asked you to pop the trunk?

7 A. Uh-huh.

8 Q. And you popped the trunk from the inside?

9 A. Uh-huh.

10 THE COURT: You have to use words, ma'am.

11 THE WITNESS: Yes, yes, I did. I popped the
12 trunk. There is a button.

13 BY MR. FINCH:

14 Q. You don't know whether he put anything in the
15 trunk or took out of the trunk?

16 A. That's right.

17 Q. And you gave that statement to the police?

18 A. Yes.

19 Q. And after that, did Mr. McClenton get in the car?

20 A. Yes.

21 Q. And then he asked you to stop at another
22 residence, or near another residence?

23 A. Like, when we were leaving, we stopped in front of
24 another building, and he got out and went to the
25 breezeway and came right back.

1 Q. Came right back, didn't stop anywhere else?

2 A. At that time we weren't parked. It was -- I
3 parked right in front of the building.

4 Q. You just parked right in front of the building?

5 A. Yeah.

6 Q. By where the car is parked?

7 A. Excuse me?

8 Q. By where the car is parked?

9 A. Yeah, in front of the other cars, but not in a
10 spot.

11 Q. Perpendicular to the cars. They're facing the
12 building, and you're parallel to the building?

13 A. Yeah.

14 Q. So in the lanes to travel, to leave. Did you
15 stop, Mr. McClenton got out, went into a breezeway and
16 came back?

17 A. Yeah.

18 Q. And you've told the police that before, right?

19 A. (Nods head.)

20 Q. And after that, your testimony is then he got in
21 the vehicle after that, right after the breezeway, and
22 then you drove out, and that's when the police stopped
23 you?

24 A. Yes.

25 Q. All right. And you said when the police stopped

1 you, you were swarmed by lights, surrounded by police
2 lights, right?

3 A. Yeah. Like, I didn't see them until they were all
4 around.

5 Q. And you didn't see them until they were there?

6 A. Right.

7 Q. And Officer Piech, or an officer, came up to the
8 passenger side of the car and Shawndell rolled the window
9 down?

10 A. I don't know if it was already down or if he
11 rolled it down. He probably did roll it down.

12 Q. And then the officer spoke to you both at that
13 time?

14 A. Uh-huh.

15 THE COURT: Can't hear you, ma'am.

16 THE WITNESS: Yes.

17 BY MR. FINCH:

18 Q. And told you why your car was stopped?

19 A. I don't know if they told me why the car was
20 stopped. I don't remember them telling me why the car
21 was stopped.

22 Q. You've had traffic stops with police before,
23 right?

24 A. Uh-huh, yes.

25 THE COURT: Please use words and pull the

1 mike down some.

2 BY MR. FINCH:

3 Q. You've before pulled over before by the police?

4 A. Yes.

5 Q. Don't they typically tell you why they pulled you
6 over?

7 A. Usually, yes.

8 Q. But your testimony is the officer never told you
9 why he pulled you over?

10 A. I don't remember him telling me.

11 Q. What did he say, to your recollection?

12 A. To my recollection, the first thing that I
13 remember is they went to his side and asked to search
14 into my car and my glove box.

15 Q. To your glove box?

16 A. I remember they said my glove box specifically.

17 Q. Okay. And then you told -- you testified just a
18 little bit ago that you told Shawndell to roll up the
19 window, not to talk to the officers?

20 A. Yeah, but I didn't want to talk to them.

21 Q. You didn't want to cooperate with police?

22 A. I didn't want to talk to them because I don't -- I
23 don't really trust the police, so I didn't know what was
24 going on. I did not want to talk to them, and that's
25 when they took Shawn.

1 Q. Did they take him out or did he get out?

2 A. They asked him to get out of the car.

3 Q. And he got out voluntarily?

4 A. Right.

5 Q. And then he was detained in handcuffs?

6 A. He was either in handcuffs and then placed into
7 the car or just put into a car.

8 Q. And you saw that happen?

9 A. Uh-huh.

10 Q. And your first thought was to call a bondsman?

11 A. Yes.

12 Q. You have a bondsman's phone number in your car, or
13 on your phone?

14 A. Yes.

15 Q. And because you knew that Shawn was in trouble?

16 A. Well, I thought maybe he might be, yeah.

17 Q. Because the police asked him to get out of the car
18 and then detained him?

19 A. Uh-huh.

20 Q. And then you got out of the car?

21 A. He doesn't have the best record, so I just figured
22 he would have to go into jail again.

23 Q. And then you got out of the car?

24 A. I just -- after a while, they came and got me out
25 of the car. They asked me to step out of the car, and

1 then they looked in my car, and then they asked to look
2 in the trunk, and that's when they were saying, Pop the
3 f'ing trunk or I'll pop it for you, and that's when I
4 popped it.

5 Q. They didn't have their guns out, did they?

6 A. No.

7 Q. Okay. Did you tell investigators of the public
8 defender's office they pulled the guns out?

9 A. I don't remember. They may have pulled the guns
10 when they first pulled up. I don't remember. Like, I
11 was freaking out. I can't even remember the exact order
12 that everything happened.

13 Q. But you gave them consent to search the vehicle?

14 A. I just remember certain times of it. I know that
15 they looked in my car, and they asked to look in the
16 trunk, but I can't remember the order of everything that
17 happened.

18 Q. So it's quite possible that they did tell you why
19 you were stopped; is that right?

20 A. That's what I'm telling you. Yeah, it's possible,
21 but I do not remember them. I don't recall that part.

22 Q. And it's possible as well that they asked to
23 search your car and you simply gave consent?

24 A. No, no. I remember that they were screaming at me
25 to pop the f'ing trunk. I barely had a chance to answer

1 the man because he was screaming at me.

2 Q. And then you opened the trunk?

3 A. Right.

4 Q. And you've taken an oath to tell the truth today,
5 and you've told my investigator you've lied under oath
6 before?

7 A. What are you talking about?

8 Q. Yes or no.

9 A. As far as my lawyer and why I took the plea deal?

10 Q. No, whether or not you've lied under oath before.
11 Yes or no.

12 A. When I did say that?

13 Q. When he met with you earlier last week, you told
14 him that you have lied under oath?

15 A. What are you talking about? I told who?

16 Q. My investigator, Josh; is that correct?

17 A. Okay. Can I break that down for you?

18 Q. Answer the question.

19 A. I lied because I took a plea deal for the best of
20 my interest, and I had to say that I was guilty and I
21 don't feel like I was. I had to say that I agreed with
22 my lawyer when a couple days before that I tried to fire
23 him, so how could I agree with my lawyer?

24 So yes, I lied to hurry up and get this plea deal
25 over with because I'm tired of fighting you over it. As

1 far as that goes, okay, maybe I did lie about that. I
2 lied that I agree with my lawyer.

3 Q. You said they were yelling. Who was yelling?

4 A. Obviously the police officer. One of the police
5 officers was yelling.

6 Q. Which one?

7 A. I mean, do you remember every officer's name that
8 pulls you over? I don't remember his name. I just know
9 he was an officer. There was a couple of them.

10 Q. Was he white or black?

11 A. He wasn't black. I don't know if he was Spanish,
12 white, I don't know, but he was a guy and he was an
13 officer, but he definitely was not black. There may have
14 been, like, one female officer there the whole night, and
15 she was black, and all the other ones were white guys, I
16 think.

17 Q. But you don't remember the order anything
18 happened?

19 A. I cannot remember exact specific order of any of
20 that day. I just remember key points, stuff in my head.

21 Q. Whose car was it that you got in that night?

22 A. Mine.

23 Q. Registered to you?

24 A. Uh-huh.

25 Q. You pay insurance?

1 A. Yes.

2 Q. You gave all the permission about who can use it
3 who can't use it?

4 A. Yes.

5 Q. Shawn didn't own a car?

6 A. No.

7 MR. FINCH: Thank you.

8 MR. LEWIS: Briefly, Judge.

9 THE COURT: Yes, sir.

10 REDIRECT EXAMINATION

11 BY MR. LEWIS:

12 Q. I'm sorry that you're having to go through this,
13 but I need to reiterate just a couple points with you,
14 okay? Is that all right?

15 I know they're asking you about specifics and you
16 can't remember those. Can you remember if you gave them
17 permission to get in your trunk?

18 A. I know that I did not give them permission to look
19 in my trunk.

20 Q. Okay. Any waiver about that? Are you kind of
21 confused?

22 A. No, because I remember the man yelling at me. I
23 remember where I was standing at that point because it
24 was a traumatic day. So --

25 Q. So was it pleasant?

1 A. No. But I mean, like, I remember thinking about
2 things that were significant to me, and the rest of it, I
3 don't try to remember it. It was over two years ago. I
4 don't try to remember. I don't try to go back there and
5 plan the whole day over in my head, so that's why I don't
6 remember the exact order of every little thing, but I do
7 remember the gist of it, and I definitely remember being
8 yelled at to pop my f'ing trunk or they're going to pop
9 it for me.

10 MR. LEWIS: Thank you, Dawn. Nothing
11 further.

12 THE COURT: Anything further? Ma'am, where
13 are you going?

14 THE WITNESS: I'm sorry. I thought I was
15 done.

16 RECROSS-EXAMINATION

17 BY MR. FINCH:

18 Q. Ms. Lee, prior to telling officers that -- or when
19 you told officers that they could open the trunk, were
20 you in handcuffs at that time?

21 A. No.

22 Q. Were you outside the vehicle at that time?

23 A. Yes.

24 Q. Was your door unlocked at that time?

25 A. My door was opened.

1 Q. And you had control of the keys?

2 A. I don't remember where the keys were.

3 Q. And you opened the trunk, right?

4 A. There is a button.

5 Q. You don't recall giving any keys to anybody?

6 A. Uh-huh.

7 Q. And how long from the time you had been stopped to
8 the blue lights and you noticed you had been stopped or
9 put the car in park, whenever you did, until the officers
10 asked until -- asked to take a look at your trunk?

11 A. I'm not good at this time frame thing, so from the
12 time I was stopped until the time they asked to look in
13 my trunk?

14 Q. Yes.

15 A. It could have been anywhere from 15 to 30 minutes
16 of.

17 THE COURT: I can't make out --

18 THE WITNESS: Maybe like 15 to 30 minutes. I
19 don't --

20 MR. FINCH: Thank you very much.

21 THE COURT: Thank you. You may step down.

22 MR. LEWIS: Judge, I am likely to call her in
23 my case in chief. I would ask she just be excused for
24 today.

25 THE COURT: Any comment?

DAWN LEE - RECROSS BY MR. FINCH

1 MR. FINCH: I don't plan on calling her. If
2 she's here, she's here.

3 THE COURT: She can be excused for today.

4 All right. Yes, sir?

5 MR. LEWIS: Thank you, Judge.

6 At this point, I did not see any way around
7 the warrant requirement. I understand the automobile
8 exception for contraband in plain sight or the presence
9 of contraband being presumed for probable cause. At this
10 point there was no waiver of one's right to be free from
11 unreasonable search and seizures. She said she did not
12 give them permission to search her car.

13 Obviously, Mr. McClenton wasn't even asked,
14 but he does have standing.

15 THE COURT: Nothing is obvious in court.

16 MR. LEWIS: What we have is a search of a
17 vehicle without consent. We have two opposing sides as
18 to what took place. That's why I felt it important to
19 bring up the mechanisms that the police have to prove up
20 what takes place. I've never been in trouble before in
21 my life. I've gotten speeding tickets, and I get notice.
22 I can't imagine -- only as a lawyer would I know that I'm
23 not to ever give the police permission to search my
24 vehicle, regardless of content.

25 She did assert her rights. They're saying

1 she didn't. Those mechanisms, like video recording,
2 while they're documenting, following their procedure
3 manuals, anything, they could have used that. They
4 didn't have. They chose not to, and it puts us in a
5 weird position where we have to simply make a judgment
6 call about one side or the other.

7 She certainly did not seem to enjoy this
8 experience. I anticipate she didn't enjoy the experience
9 of being stopped. I find hard to believe that she would
10 simply admit -- the tears, simply said, Oh, yeah. You
11 can search my trunk.

12 Someone who, under her own words, is savvy
13 enough to start calling a bondsman when her boyfriend is
14 put in handcuffs is not going to merely waive their
15 right.

16 THE COURT: She's going to call a bondsman
17 for what reason?

18 MR. LEWIS: Unfortunately, Judge, he was out
19 on several bonds at the time of this alleged incident, so
20 she sees him getting cuffed again. She know he's going
21 to jail because, unfortunately, that's what happened to
22 Shawndell. He gets arrested.

23 But at this point, there is no way around the
24 requirement the police have, you know, consent, search
25 incident to arrest, inventory to tow, some other

1 exception to the warrant requirement.

2 For those reasons, I would ask that all the
3 evidence that is discovered within the trunk of vehicle
4 be suppressed as fruits of the illegal search.

5 THE COURT: All right. Yes, sir?

6 MR. FINCH: Thank you, Your Honor. You heard
7 the testimony of Officer Piech; you heard the testimony
8 of Ms. Lee. State's position that not only did Ms. Lee
9 provide consent to search that vehicle, it was her
10 vehicle. She had control the vehicle, and it's the
11 State's position that in this situation that the
12 automobile exception does apply.

13 You have a highly mobile piece of equipment
14 as an automobile. Ms. Lee is still in control of that
15 vehicle. She's not detained. She's right outside the
16 vehicle. She been in the vehicle at the time. She
17 voluntarily got out of the vehicle when the door was
18 open.

19 Regarding her savviness regarding dealing
20 with the police, when she didn't want to deal with them,
21 she instructed Mr. McClenton to merely roll up the
22 window, seemingly a personality that would just shut out
23 the police and stonewall them either physically with a
24 window or to shut them down. She didn't want to give
25 them consent to that. She could have said no. Instead,

1 she said yes.

2 Additionally, there's conflicting testimony
3 about the demeanor of Officer Piech. The Court has the
4 ability to judge the demeanor of the witnesses. Mr.
5 Piech does present as very level-headed and experienced
6 member of law enforcement who had no testimony -- no
7 testimony regarding drawing weapons, raising his voice,
8 always testified that he spoke in an even tone that he
9 presented to the Court today.

10 Officers at the time additionally had
11 probable cause to stop the vehicle. They had probable
12 cause to search that vehicle. They did search that
13 vehicle. They went the extra step and asked for consent.
14 Additionally, Mr. McClenton didn't own the vehicle,
15 didn't control the vehicle. He had no reasonable
16 expectation of privacy inside the vehicle, of items that
17 were inside the vehicle, and therefore the State would
18 ask that the motion be denied and the evidence be allowed
19 to presented to Court and jury.

20 THE COURT: Yes, sir?

21 MR. LEWIS: Please forgive me, Judge. I
22 think it's California v. Brendlin that extends illegal
23 seizures and illegal searches to passengers.

24 THE COURT: Brendlin?

25 MR. LEWIS: Brendlin or Brandlin, if I could

1 have just one moment, Judge. I believe I e-mailed it to
2 myself. I'm sorry. Sorry.

3 It's Brendlin, B-r-e-n-d-l-i-n,
4 v. California, 551 U.S. 249, and I think it's being cited
5 also in our case, State v. Brandon, 379 SC 487.

6 In addition, Judge, Ms. Lee repeatedly said
7 she said no, and her will was overborne by the officer.
8 She is not expected to fight them physically. We have no
9 choice but to surrender at that point. That doesn't mean
10 it's willful.

11 Would you like me to continue?

12 THE COURT: I'm listening.

13 MR. LEWIS: That's why I reiterate with her
14 repeatedly so that there is no ambiguity about it. She
15 reiterates they said, Pop the trunk, or I'll f'ing pop it
16 for you.

17 She did not want that popped but she could
18 not resist them. This wasn't a consent to search. In
19 regards to probable cause to search the vehicle, the
20 automobile exception is specifically used talking about
21 narcotics, contraband, where they have reliable
22 information. This is pre-ID. No one has been brought by
23 an ID yet. There is no probable cause for an arrest;
24 otherwise, they would have done a search incident to
25 arrest. At this point they have a traffic stop that's

1 occurred. They're overbearing the owner's desire to keep
2 her property secure, telling her they're going to search
3 it, and searching it against her will.

4 The automobile exception would only apply if
5 there was probable cause to believe those specific things
6 were there and an articulable reason behind that. They
7 hadn't had any sort of ID yet.

8 MR. FINCH: Your Honor, at that time you
9 recall the testimony of Officer Piech, there was a
10 description of the vehicle. It was toned out in an
11 emergency response, potential burglary in progress or
12 very recently committed.

13 There is only one way in and out of the
14 subject residences. The description of the vehicle and
15 one of the suspects was in, I believe Officer Piech's
16 words, identical and simultaneous with that coming out of
17 the 911 dispatch. At that time, I can submit as an
18 officer of the Court that was not our consolidated
19 dispatch, but that is when they were taking calls and
20 refers that to officers on the streets that was
21 information that was coming in from a caller, going out
22 via the dispatch to the sitting officer.

23 Officer Piech took up a position where if a
24 car was fleeing that is the only place it could have
25 gone. Two other officers went into the complex. They

1 didn't notice any other suspect vehicles, nothing
2 matching that description, nothing else was stopped. We
3 believe exigent circumstances were met based on that
4 evidence and that testimony, and, again, the motion
5 should be denied.

6 THE COURT: Did she say that she knew or
7 suspected some criminal activity taking place or she had
8 no clue --

9 MR. FINCH: She has maintained throughout
10 that her purpose in being there -- and I'm not
11 eliminating just her testimony today. Her purpose in
12 being there is --

13 THE COURT: I think we could limit it to her
14 testimony.

15 MR. FINCH: My recollection, she was going
16 there to pick up some stuff, which is the first time. I
17 believe that's the first time I've heard that previously
18 was to see a friend. Mr. McClenton said he wanted to see
19 a friend. Ms. Lee said today that he -- she was asked
20 about Mr. McClenton's drive from their residence to North
21 Charleston down to James Island a good distance. She
22 hasn't been there before and that her purpose was for
23 Mr. McClenton to pick up his stuff. I believe that was
24 her testimony today.

25 She remained within the vehicle throughout

1 the time Mr. McClenton's outside the vehicle. She did
2 testify that two residences, two apartments involved.
3 Whether or not he made entry, she didn't testify anything
4 about that. She also did not testify as to any entry to
5 the vehicle, but she did testify to moving that vehicle
6 and that he did ask -- Mr. McClenton asked to pop the
7 trunk, but she didn't know if he was putting something in
8 or taking something out of the trunk.

9 THE COURT: But she had no basis to suspect
10 that he was involved in any criminal activity. Would she
11 have a basis to refuse a requested search?

12 MR. FINCH: I don't see -- if she thought
13 that he was not up to criminal activity, I don't think
14 she had a basis to refuse. No likelihood that there
15 would be contraband found in there, then she would act,
16 presumably, as an innocent party.

17 THE COURT: How about that, Mr. Lewis,
18 innocently taken him someplace to pick up something,
19 innocently leaving him? Did she have any basis to deny
20 their request to look in the trunk? Or because she just
21 doesn't trust, she doesn't like the police, she never
22 cooperates with police because she doesn't like them?
23 How does all that factor into this case?

24 MR. LEWIS: A couple different things. Let
25 me try to keep it in order. My mind, of course, is

1 rambling.

2 First off, unfortunately, they had a
3 tumultuous relationship. One of the charges mentioned
4 was actually a CDV second --

5 THE COURT: I'm trying to keep it within the
6 record, the record I've heard.

7 MR. LEWIS: The only reason I brought it up
8 is she was the victim the night before.

9 THE COURT: Of the CDV by him?

10 MR. LEWIS: Yes, Judge.

11 THE COURT: All right.

12 MR. LEWIS: So that both parties involved
13 have had more encounters with law enforcement than either
14 one wants. As I said, we're all protected by the
15 constitution --

16 THE COURT: The night before she called the
17 police.

18 MR. LEWIS: The night before she felt she
19 needed to. We're all protected by the constitution,
20 Judge, not just the criminals, fortunately. So as I said
21 before, any time an officer pulls me over -- I would love
22 for it to happen, but it's never happened -- would ask
23 for consent to search my vehicle, I would say no, just to
24 see what happens, as a defense attorney. I want to know
25 what happens, because the constitution of the United

1 States says I don't have to give them permission to do
2 that. She didn't have to give them permission.

3 THE COURT: She knew that they were stopping
4 them because of a suspected burglary.

5 MR. LEWIS: She did.

6 THE COURT: And she had no basis to believe
7 that either she or her passenger would be involved in
8 burglary because what she explained is innocent stops and
9 going into -- running into a place and coming out and so
10 forth.

11 So I'm asking the question, as I evaluate the
12 motive for lying, we got someone lying between the two
13 versions I heard, so I have to evaluate credibility in
14 terms of evaluating who I believe for purposes of this
15 motion. So thus, I'm asking if she had no reason to
16 suspect that he would be guilty, according to her
17 testimony or that that there would be anything -- any
18 stolen goods in her trunk, or did she, based on her
19 testimony?

20 MR. LEWIS: Based on that testimony alone,
21 Judge, I do not believe she would have a basis to believe
22 that there was anything stolen in the trunk.

23 THE COURT: So she has no basis to believe
24 that there's anything illegal in the trunk, then she,
25 under normal circumstances, would be inclined to be

1 cooperative so she could be on her way: Pop the trunk,
2 take a peek, go on about your business.

3 MR. LEWIS: I wish it were that simple in
4 every case. I'm sure the truth always lies in between
5 two points. Both sides are in their extreme, but here
6 you have to decide whether she plainly is lying. That's
7 certainly the Court's purview, you can do that, and is
8 lying about giving consent and gave the officers consent
9 that day.

10 I struggle with her crying hysterically,
11 which was admitted. It's documented in the photo, that
12 she's holding her infant in the front seat of the car,
13 obviously still distraught.

14 THE COURT: Why she was crying? Did she say?

15 MR. LEWIS: He had been arrested at that
16 point at least three or four times. By that point, he
17 had been out on bond twice before and had an arrest the
18 night before, or was supposed to be arrested for an event
19 the night before. I think that she at that point knew
20 that Shawn had a record, as she represented today. She
21 knew he was going to be going to jail.

22 All that aside, Judge, she still has a right
23 for whatever reason, good, bad, or no reason, to refuse
24 to give consent to search.

25 THE COURT: I understand that, but the

1 question is --

2 MR. LEWIS: I know.

3 THE COURT: She said she gave consent and
4 then she's contending that she gave consent under duress,
5 and whether duress was induced by the officer or by the
6 traumatic situation she said that she was in because he's
7 always going back and forth to jail and she's always had
8 to call a bondsman, I will sort that all out, but I don't
9 want to do it at 1:30 because it's lunchtime.

10 So why don't we break for 45 minutes, 2:15.

11 MR. LEWIS: Thank you, Judge.

12 A F T E R N O O N S E S S I O N

13 (In open court, jury not present.)

14 THE COURT: What did the young lady plead
15 guilty to, Ms. Lee?

16 MR. FINCH: November 21, 2013.

17 THE COURT: She pled guilty to what offenses?

18 MR. FINCH: Accessory after the fact of a D
19 felony.

20 THE COURT: Is that a transcript?

21 MR. FINCH: I actually just opened it, just
22 received it. If you would like, I'll present it to the
23 Court.

24 THE COURT: I am just wondering what
25 representations she made during her guilty plea

1 concerning this same issue of the car being stopped and
2 searched and her consent to search or --

3 MR. FINCH: To my recollection, none, Your
4 Honor. This is the first I've heard of any of these
5 issues being raised. I'll look through this quickly to
6 see if there is anything -- I recall in the plea colloquy
7 and in the presentation of the facts that we kept
8 everything to what happened that night, and essentially
9 she drove Mr. McClenton there at his request, waited in
10 the car, he took items from the apartment, put them in
11 the car, and she drove out, was stopped. The car was
12 searched, items were located, and if you'll give me --

13 MR. LEWIS: Just briefly, Judge, I wanted to
14 make sure you got my e-mail. I gave you the wrong case
15 law, and I do have a hard copy if you want it.

16 MR. FINCH: She did plead guilty to accessory
17 after the fact to a D felony. She understands it's a
18 maximum of 15 years. If you would like, I'd just read
19 the facts I presented at that time.

20 THE COURT: Yes, sir, if you would.

21 MR. FINCH: The incident occurred February
22 25, 2012 about 10:30 in the evening. Defendant drove her
23 then boyfriend and codefendant who is -- who was a
24 codefendant, Shawndell McClenton, from their residence in
25 North Charleston to [REDACTED] Daniel Ellis Drive over on James

1 Island, parked the vehicle while co-defendant entered two
2 residences there, specifically entered apartment **XX103**,
3 removed a variety of items, filling up a trash bag with
4 computers, watches, jewelry, wine bottles, and various
5 other items, then returned to the vehicle, also took a
6 key fob. It says fact, but fob, belonging to a car of
7 the owner of the apartment.

8 On his way to returning to the car driven by
9 Ms. Lee, he activated the key fob to figure out which car
10 it was and went further to Ms. Lee's car, placed the
11 items in the trunk, asking Ms. Lee to pop the trunk. He
12 put the two bags -- instead of two bags --

13 THE COURT: Go back a few lines.

14 MR. FINCH: Key fob?

15 THE COURT: The sentence before that.

16 MR. FINCH: He then returned to the vehicle,
17 took a key fob belonging to the car of the owner of the
18 apartment. On his way to return to the car driven by
19 Ms. Lee, he activated that key fob to figure out which
20 car it was and went further to Ms. Lee's car, placed the
21 items in the trunk, asking Ms. Lee to pop the trunk. He
22 put the two bags in the trunk of the vehicle and went
23 back and went through the car, and then returned to the
24 vehicle.

25 Ms. Lee drove herself, Mr. McClenton, and

1 their one-month-old child away from the locations, were
2 apprehended almost immediately as eyewitnesses on the
3 phone called 911 dispatch. All the items except for a
4 pair of earrings were recovered at the scene, and Mr.
5 McClenton and Ms. Lee were taken into custody.

6 The Court asked: Ma'am, do you agree or
7 disagree with the facts?

8 I agree.

9 Do you feel anything needs to be changed or
10 added to the facts?

11 No.

12 Are you pleading guilty, ma'am, because you
13 are guilty?

14 Yes, and then there's other facts were given.
15 Judge does go through certain rights that she was giving
16 up, right to a jury trial, presumption of innocence,
17 State has the burden of the proof, et cetera.

18 THE COURT: Court of appeals decision,
19 Mr. Lewis, this guy was convicted of felony DUI, leaving
20 the scene of the accident, claimed the Court erred in
21 failing to suppress evidence removing evidence from his
22 brother's truck because the search exceeded the scope of
23 consent, and his conviction was affirmed.

24 MR. LEWIS: Further along, Judge,
25 specifically on page three, it begins to talk about

1 passenger, occupant from Rakas v. Illinois 439.

2 THE COURT: And they're claiming standing by
3 the passenger?

4 MR. LEWIS: Yes, sir. The other mistake, as
5 I'm now mentioning it, is I think I would have to -- if
6 the Court would reopen it, I would have to call
7 Mr. McClenton as well to just briefly -- it would
8 basically be him saying, I would not have given consent
9 either. Nobody asked me.

10 I think the case law requires that he assert
11 that before the Court here as well, in addition to
12 explaining his relationship with Ms. Lee, they were
13 living together, had a child in common, to establish an
14 expectation of privacy in the vehicle.

15 THE COURT: That's what you want to do?

16 MR. LEWIS: Very briefly.

17 THE COURT: Briefly, right.

18 MR. LEWIS: Shawndell McClenton.

19 And, Judge, just for time's sake, I may go
20 ahead and do the Denno portion as well, go ahead and do
21 it all at once.

22 SHAWNDELL McCLENTON,

23 having been first duly sworn,

24 was examined and testified as follows:

25 DIRECT EXAMINATION

1 BY MR. LEWIS:

2 Q. Shawn, it seems to be an issue today. Keep your
3 voice up.

4 A. Yes, sir.

5 Q. I need to talk to you about two specific parts.
6 First, I want to talk to you about the traffic stop
7 itself.

8 A. Yes, sir.

9 Q. After you were stopped, what happened?

10 A. After we stopped, they told us to keep our hands
11 in sight where they could see them, and then one of the
12 officers came around to the passenger side door and I
13 rolled the window down and he was talking to me. He said
14 he was looking for -- I asked him what were we being
15 pulled over for, and he said he had the description of a
16 four-door Honda, and I said, We don't drive a four-door
17 Honda.

18 And he's, like, Well, could you step out the car
19 and talk to me?

20 So I got out of the car and I spoke to him,
21 and that's when he was asking me questions, where I was
22 coming from, who I was going to meet, stuff like that.

23 Q. Okay. And after you got out of the car, did he
24 ask you if he could search the vehicle?

25 A. No, sir.

1 Q. Did anyone ever ask you to search the vehicle?

2 A. No, sir.

3 Q. What's your connection to that vehicle?

4 A. I mean, my son's mother drives the vehicle. We
5 were living together.

6 Q. You were what?

7 A. We were living together.

8 Q. And y'all have a child in common?

9 A. Have a child in common and both are -- we was both
10 on the lease of our apartment, so we both paid bills
11 randomly on each other's behalf.

12 Q. Is she -- how would you describe the nature of
13 your relationship, girlfriend, fiancée, wife, what?

14 A. Common-law wife, but from my understanding, South
15 Carolina doesn't recognize common laws or anything.

16 Q. Actually probably one of only few that does. So
17 would you have given consent?

18 A. No, sir.

19 Q. Did anyone ask you if they could search that
20 vehicle?

21 A. No, sir.

22 Q. Did you think that because of your relationship
23 with Dawn that was basically y'all's car together?

24 A. Yes, sir.

25 Q. All right. I want to shift gears briefly because

1 there is a second motion we need to talk about as well.

2 I want to talk to you about your interrogation,
3 meeting with Detective Feeters.

4 A. Yes, sir.

5 Q. Tell me how that went down?

6 A. I was still under the influence of substance, you
7 know what I mean. He was questioning me. I was kind of
8 in and out, you know. The was night before I was out,
9 you know, partying and frustrated and stuff like that. I
10 came home, probably about 10:00 the next morning and --

11 Q. Let me clarify something real quick: What do you
12 mean by partying? What does that involve?

13 A. Drinking, you know, drugs, you know, things of
14 that nature, around different people.

15 Q. How much you would say you had of alcohol and --
16 and which drugs are you talking about?

17 A. Cocaine.

18 Q. How much would you have said you'd had?

19 A. More than a substantial amount, but enough to
20 black me out. When I got home, I pretty much just passed
21 out completely.

22 Q. Are you saying -- were you still feeling those
23 effects at all when you were meeting with Feeters or --

24 A. Yeah, I was still pretty much messed up. When she
25 came and told me I had two missed calls on my phone, she

1 woke me up and said, You have two missed calls on your
2 phone, and she was, like, I want to go get something to
3 eat --

4 Q. Let me stop you real quick. I'm not going into
5 that yet. I'm sure they may, but right now I'm going to
6 focus on specifically meeting with Detective Feeters.

7 A. He asked me questions and stuff like that. He had
8 the recorder off some of the time while he was talking to
9 me and he just turned it back on. I said I don't know --
10 I said, I'm high. I'm still having -- you know, I guess
11 you would say I was unaware of a lot of things that I was
12 still under the influence of drugs and alcohol, still
13 kind of heavy in my system, and I was explaining to him
14 that I had an addiction, you know, wasn't too proud of
15 it, but I told him I was having an addiction and about
16 how I lost my job and stuff like that. I got laid off,
17 and, you know that is pretty much, you know --

18 Q. All right. So the other part I want to talk to
19 you about is Dawn and your interrogation and the
20 relationship between that and Dawn Lee.

21 Did you think Dawn was going free at that point or
22 did you think she was going to jail?

23 A. No. He told me that she wasn't going to be
24 charged with anything, that she never got out of the car
25 when we went through the neighborhood. She didn't get

1 out of the car. She just took me to the apartment and I
2 got out, and I went and found the dude. I bought the
3 stuff, got back in the car, and then we left after that.
4 Shortly after, we got pulled over.

5 Q. So, lastly, just to sum it all up in one sentence,
6 do you think that your statement given to Detective
7 Feeters was willful? Did you do that as sound you as you
8 should be today?

9 A. No. I wasn't in my sound mind when I gave that
10 statement. I was pretty far gone on my alcohol and
11 cocaine at the time.

12 Q. All right.

13 MR. LEWIS: Please answer any questions that
14 Mr. Finch has for you, or Mr. Voigt.

15 CROSS-EXAMINATION

16 BY MR. FINCH:

17 Q. Mr. McClenton, the night of the 25th, Ms. Lee
18 drove you, right?

19 A. Yes, sir.

20 Q. Drove from North Charleston?

21 A. Yes, sir.

22 Q. All the way to James Island?

23 A. Yes, sir.

24 Q. And you asked her to drive you there?

25 A. Yes. I woke up and she told me I had two missed

1 calls, yeah. I called back, said, I got two laptops for
2 sale, and she said she wanted to go eat. And I said,
3 Let's go over here and get the laptops and we'll go eat
4 and come back.

5 Q. So she drove you there in your car?

6 A. Yes, sir.

7 Q. With your son?

8 A. Yes, sir, our son.

9 Q. She had keys to the car?

10 A. She had keys to her car, yeah.

11 Q. And her car, her keys.

12 A. Yes, sir.

13 Q. And if you were going to use that car --

14 A. I didn't have to ask permission for her keys. I
15 had a set of my own keys to the car.

16 Q. She drove you there?

17 A. Yes, sir.

18 Q. She had insurance on the car?

19 A. We both had insurance on the car. She wasn't
20 working at the time.

21 Q. It's registered to her?

22 A. The car?

23 Q. The car is registered to her?

24 A. Yes, sir.

25 Q. Okay. And what was status of your license at that

1 time, active or suspended?

2 A. I think active at that time.

3 Q. You don't know, do you?

4 A. Not really, but I believe they were active because
5 I had to get them active after I got the first driving
6 under suspension.

7 Q. You knew what was in the trunk of that car,
8 correct?

9 A. Did I know what was in the trunk of the car?

10 Q. Right.

11 A. I mean, I bought the stuff, so I knew.

12 Q. Yes or no: Did you know what was in the trunk of
13 that car?

14 A. Yes.

15 Q. And you knew it was stolen, right?

16 A. No, I didn't. I didn't know it was stolen at the
17 time.

18 Q. And you weren't working at the time, right?

19 A. Right.

20 Q. You just testified you weren't working at the
21 time?

22 A. No, just got laid off, yeah.

23 Q. So she's not working and you're not working,
24 right? Right?

25 A. I didn't have a physical job, but I was repairing

1 and rebuilding laptops to bring in money to help pay for
2 the bills. I got laid off and I go to ITT for my
3 architectural degree, so that's where I learned how to
4 rebuild computers and remodify them.

5 Q. You're studying architecture at ITT, right?

6 A. Yes.

7 Q. That's what you told Detective Feeters, right?

8 A. Yes, sir.

9 Q. And how do you use wine to repair laptops? You
10 don't, do you?

11 A. How do you use what?

12 Q. Wine?

13 A. You don't use wine to repair laptops.

14 Q. Do you use jewelry?

15 A. I didn't know that stuff was in the bag. I got
16 two laptops free.

17 Q. Please answer my question. Do you use jewelry to
18 fix laptops?

19 A. No, sir.

20 Q. Do you use tools to fix laptops?

21 A. No, sir.

22 Q. Do you use purses to fix laptops?

23 A. No, sir.

24 Q. Do you use flashlights to fix laptops?

25 A. No, I don't, sir.

1 Q. Do you use tire irons or crowbars to fix laptops?

2 A. No. I don't use any of those things to fix
3 laptops.

4 Q. I'm going to shift now to your discussion with
5 Detective Feeters. Do you recall that discussion?

6 A. No, I don't recall it.

7 Q. Do you recognize your attorney, Ben Lewis?

8 A. Do I recognize him?

9 Q. Yes, sir.

10 A. Yes, sir.

11 Q. Did he provide you with discovery?

12 A. Yes.

13 Q. Yes. Are you aware Mr. Lewis transcribes all the
14 statements himself?

15 A. What do you mean by am I aware?

16 Q. He types out the words, each and every word that
17 is recorded on a statement for his own records. Are you
18 aware of that?

19 A. Yes, I guess so.

20 Q. So he would have provided that to you with all
21 your other discovery, correct?

22 A. I don't have my whole complete discovery, sir.

23 Q. You've talked about this case with Mr. Lewis?

24 A. Yes, sir.

25 Q. And had the opportunity to ask him about any

1 statements you may or may not have given?

2 A. I've asked to hear all the statements of the DVDs
3 not transcribed {sic}.

4 Q. You've heard them all?

5 A. No, I haven't heard them all. I have transcribed
6 statements.

7 Q. Are you then denying that -- are you denying that
8 when you spoke to Detective Feeters you never mentioned
9 alcohol?

10 A. Am I denying that I never mentioned alcohol?

11 Q. Yes.

12 A. I can't remember if I ever mentioned alcohol.

13 Q. When you spoke with Detective Feeters, do you
14 recall saying, I know you have to tape this, but I would
15 rather speak to you off the record?

16 A. Yeah. I think I did tell him that because we was
17 talking about my cocaine addiction.

18 Q. Well, you were talking about lots of things during
19 that statement, weren't you?

20 A. No, not a lot of things, just my addiction, that's
21 all.

22 Q. You don't recall speaking about the events of the
23 night?

24 A. No, sir.

25 Q. You don't recall being concerned whether or not

1 Ms. Lee was going to be charged with burglary?

2 A. Not fully. He didn't say anything about burglary
3 at the time until after when he was talking about -- he
4 came back in and said, That's what I'm going to charge
5 you with.

6 Q. You don't recall signing your Miranda card?

7 A. I don't remember signing anything.

8 Q. You recall, though, being up for two days on
9 cocaine, at least telling Detective Feeters that?

10 A. Yes. I was talking to him about my addiction,
11 yeah.

12 Q. So you recall the part about your addiction and
13 the fact that you were up for two days, but you don't
14 recall not telling him anything about alcohol during that
15 statement?

16 A. I can remember that I was up for two days because
17 of the fact of I wasn't as drugged at that point in time,
18 you know. I remember that I was up the day before. I
19 remember when we had the CDV the day before I got locked
20 up, after that --

21 Q. Do you recall telling Detective Feeters you knew
22 you were likely going to go to prison for these charges?

23 A. No, sir.

24 Q. Do you recall telling Detective Feeters -- excuse
25 me, do. You recall telling Detective Feeters that you

1 were sorry for putting the victims and your wife through
2 the pain that you're putting them through at that time?

3 A. I don't remember telling Detective Feeters that.

4 Q. So, essentially, you just remember what you want
5 to remember about that?

6 A. No, sir. I can remember what I can remember, not
7 what I want to remember.

8 Q. You testified earlier that you blacked out from
9 your drug abuse. What is the last thing you remember?

10 A. I don't remember.

11 Q. What day was it?

12 A. Can't remember that. Can remember the actual day.
13 It would have to be after CDV, maybe the day of the 25th.

14 Q. And what is the first memory you have after your
15 blackout?

16 A. The blackout, first memory I had, I can't really
17 recall that, two years ago. I still suffer with
18 blackouts now. It's one of the reasons I take the
19 medication I'm on.

20 Q. So your testimony is you have no idea when you
21 blacked out or when you regained consciousness, so that
22 may even encompass the whole time that you gave the
23 statement, correct?

24 A. Excuse me?

25 Q. You may have been blacked out when you gave the

1 statement, correct?

2 A. I don't know.

3 Q. But you remember certain important things about
4 that statement, right?

5 A. I only remember talking to them about my drug
6 addiction.

7 MR. FINCH: Thank you, Your Honor.

8 THE COURT: Anything else?

9 MR. LEWIS: Just briefly.

10 REDIRECT EXAMINATION

11 BY MR. LEWIS:

12 Q. You didn't tell -- well, it might be hard to bring
13 it out now. You told Detective Feeters you mentioned
14 partying, but you may not have expanded on that. What
15 did partying include?

16 A. Partying includes drugs and alcohol.

17 Q. Now, we need to clarify one part about what was
18 said as well. When we're talking about -- are you
19 suggesting that you were blacked out the entire time that
20 you gave this statement to police?

21 A. I mean, sometimes when you black out, you go in
22 and out. Sometimes I go in and out. I don't stay out
23 all the time. It's like when I have my sleep somnia
24 {sic}. I could fall asleep anywhere and not wake up and
25 remember certain things.

1 Q. When you have what?

2 A. Sleep somnia, when you fall asleep unconsciously,
3 like when I'm talking to you, I fall asleep, like nodding
4 off. When I had that, I would go out, and I could
5 remember just certain bits and pieces, you know, and it's
6 the same way when I black out. Sometimes I can remember
7 some things, sometimes I can't.

8 MR. LEWIS: All right. No further questions.

9 THE COURT: The point of time of this whole
10 conversation is at or near the time of the arrest or
11 months later or --

12 MR. LEWIS: Immediately after.

13 THE COURT: Is that right? All this took
14 place immediately, this questioning that you're talking
15 about?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Immediately after your arrest?

18 THE DEFENDANT: I believe so. They took us
19 to City Hall or something like that, or police station,
20 and he was questioning us.

21 THE COURT: Okay. Any further questions?

22 MR. LEWIS: No, Judge.

23 MR. FINCH: One question.

24 RECROSS-EXAMINATION

25 BY MR. FINCH:

SHAWNDELL McCLENTON - RECROSS BY MR. FINCH

1 Q. No drugs were found in that car, correct?

2 A. No drugs were found in the car?

3 Q. Correct.

4 A. Yes, sir. I mean, no.

5 Q. No drugs found on your person?

6 A. No, not that I know of.

7 MR. FINCH: All right.

8 THE COURT: Thank you, sir. You can step
9 down.

10 I find the State has shown by a preponderance
11 of the evidence that the stop was a proper stop based on
12 the sequence of events from the suspected burglary and
13 the description given of the fleeing vehicle, that
14 consent was given to search the vehicle, that although
15 the defendant may have had strong words with the driver of
16 the vehicle that she nevertheless consented, that I've
17 reviewed the transcript of her guilty plea in front of
18 Judge Jefferson in which she acknowledged being guilty of
19 being a participant in the crimes that took place, and
20 today she has basically recanted her sworn testimony
21 before Judge Jefferson.

22 In addition, she's given some foggy testimony
23 in which she acknowledged being under stress and pressure
24 on much, apparently, to her own -- based on her own set
25 of living circumstances as well as based on any conduct

ROBERT FEETERS - DIRECT BY MR. FINCH

1 by police, and based on the totality of the circumstances
2 and common sense judgment and inferences about human
3 behavior as the Supreme Court indicated the Court should
4 consider, and also taking into consideration
5 Mr. McClenton's testimony about his drug induced state
6 and just basically evaluating the credibility of the
7 witnesses, I find the State has shown this consensual
8 search, free will of the occupant or passenger was not
9 overcome by law enforcement, and I deny the motion to
10 suppress.

11 MR. LEWIS: Yes, Your Honor.

12 THE COURT: Is there something else about the
13 Jackson Denno?

14 MR. FINCH: The State would call Detective
15 Feeters to discuss the voluntariness of the statement.

16 State calls Detective Rob Feeters.

17 ROBERT FEETERS,

18 having been first duly sworn,

19 was examined and testified as follows:

20 DIRECT EXAMINATION

21 BY MR. FINCH:

22 Q. Good afternoon, Mr. Feeters. If you would tell
23 the Court where it is you're employed.

24 A. My name is Robert Feeters. I'm employed by the
25 city of Charleston police department where I'm a

ROBERT FEETERS - DIRECT BY MR. FINCH

1 detective in the central investigations unit.

2 Q. And in your role, you interview suspects as part
3 of your investigation of crimes?

4 A. Yes, sir.

5 Q. And did you have occasion to interview a suspect
6 regarding OCA 1203151, Shawndell McClenton?

7 A. Yes, sir.

8 Q. What date and time did you meet with
9 Mr. McClenton?

10 A. On 2/25/2011 -- I'm sorry, 2012, I responded to a
11 burglary at **XX103** Ellis Drive. I was the on-call
12 detective. I responded. I heard a call go out. I
13 responded to area to assist in any way. That's where I
14 first encountered the defendant.

15 Q. And what was that encounter?

16 A. First encounter I had with him, I was driving to
17 the incident location to meet with the witnesses. I
18 observed the defendant that was stopped by patrol
19 officers. I exited the car.

20 I introduced myself to the defendant, and he tried
21 to talk to me about the case. I said, Let me talk to the
22 witnesses. I'll get back to you shortly.

23 I had to do some interviews first and I went back
24 and talked to him.

25 Q. Did you do some interviews at the departments?

1 A. Yes, sir.

2 Q. And a couple witnesses, Mr. Warren Johnson,
3 Mr. Jeremy Jacobs?

4 A. Yes, sir.

5 Q. And after that time, did you have time to meet
6 with Mr. McClenton at 180 Lockwood?

7 A. Yes, sir, CPD quarters.

8 Q. Was he in custody at the time?

9 A. Yes, sir.

10 Q. Not free to go?

11 A. No, sir.

12 Q. He was a suspect in these burglaries?

13 A. Yes, sir.

14 Q. And when you first encountered him by the car,
15 what was his demeanor? What was his physical demeanor?

16 A. He was rather excited. He wanted to talk to me.
17 At that point I was just getting on scene. We're talking
18 about the first encounter?

19 Q. Yes, sir.

20 A. He was very excited. He wanted to explain what
21 happened. I didn't want to talk to him yet. I just got
22 some other information, his name, date of birth, and I
23 needed to talk to the witnesses first and see what was
24 going on.

25 Q. And when you met with Mr. McClenton at

ROBERT FEETERS - DIRECT BY MR. FINCH

1 CPD headquarters, what was his demeanor like there?

2 A. He was still excited, and we sat down and I
3 informed him he was under arrest and what the charges
4 were.

5 Q. Did you read him his Miranda rights at that time?

6 A. Yes, sir, CPD issued Miranda card.

7 MR. FINCH: May I approach the court
8 reporter?

9 Mark this Court's 1.

10 BY MR. FINCH:

11 Q. Let me show you what's been marked for
12 identification purposes as Court's 1. Take a look at
13 that item, see if you can identify it, please.

14 A. Charleston Police Department Miranda warning card.
15 I read the back, Miranda rights, to the defendant. I
16 asked him if he understood his rights, asked him to
17 initial there, and then I asked him if he understood all
18 the rights I read to him, and he indicated he wanted to
19 talk to me about it. He signed it. I signed it as the
20 arresting warrant and date and time.

21 Q. What was date and time?

22 A. 2/26/2012 at 1:11 a.m.

23 MR. FINCH: Your Honor, at this time the
24 State would offer Court's 1.

25 THE COURT: Any objection?

ROBERT FEETERS - DIRECT BY MR. FINCH

1 MR. LEWIS: No objection.

2 THE COURT: It's in.

3 (Court's Exhibit No. 1 was marked for
4 identification and admitted into evidence.)

5 BY MR. FINCH:

6 Q. Did Mr. McClenton seem to understand his rights as
7 you described them to him?

8 A. He did, I believe he did.

9 Q. And did he appear to be under the influence of any
10 drugs or alcohol?

11 A. At that time, no. I did not smell on him other
12 than being excited, knowing what the charges were.

13 Q. When you say excited, can you describe that.

14 A. His voice was a little higher. I would try to
15 explain him what was going on. He would cut me off a
16 lot. I would have to slow down and try to explain to him
17 again, try to got him off to a smooth start.

18 Q. Did you record this by audio visual means?

19 A. I did by audio.

20 Q. And was the defendant aware he was being recorded?

21 A. Yes. The tape recorder was right next to us.

22 Q. Did he indicate he would rather speak to you off
23 the record?

24 A. Yes, he did, but I told him for an interview it
25 needs to be on the record.

1 Q. Did he understand the difference between on the
2 record and off the record?

3 A. He asked me, he said, I'll talk to you off the
4 record, but I don't do that if you're under arrest and
5 Mirandized. It's our policy it's being recorded, if at
6 all possible.

7 Q. Did you talk to the defendant about the locus of
8 the crime, where it happened?

9 A. At the point of the interview, yes, we began
10 talking about in generalities about the location, what he
11 was doing there tonight, if he understood why he was
12 there, but he was cutting me off when I was trying to
13 explain to him this is what was going on.

14 Q. What was his -- what were some of the areas of
15 concern, or, if I may, was he concerned about what would
16 happen to his wife?

17 A. When I explained to him he was being charged with
18 burglary first degree and breaking and entering a motor
19 vehicle at the location in question, he was very excited
20 about -- he denied -- I didn't break into anyone's
21 vehicle.

22 He did not say anything about the burglary. When
23 I questioned further on that, he became upset because his
24 girlfriend was involved. He wanted to know why we were
25 charging his girlfriend. At that point I did not

1 interview. I just try to gather facts. I said, I don't
2 know what we're doing right now about your girlfriend,
3 but this is what you're being charged with, going on the
4 fact an officer may have been charged with that, and I
5 said, I have to look at all the facts and circumstances
6 before I decide that's the next step to do.

7 Q. Did Mr. McClenton seem to understand what you were
8 talking about with regard to charges?

9 A. Yes.

10 Q. Did he seem to understand where he was at that
11 point in time?

12 A. Yes, he did.

13 Q. Did he understand he was under arrest?

14 A. Yes.

15 Q. He was suspect in a burglary?

16 A. Yes.

17 Q. Suspect in a BEMV?

18 A. Yes, sir.

19 Q. That his girlfriend may be implicated in such?

20 A. Yes.

21 Q. Any indication -- did he mention to you that he
22 had been partying recently?

23 A. He explained -- I asked him what he was doing and
24 why was he there. He said he had been partying, and then
25 he mentioned that he had a pretty bad cocaine habit and

ROBERT FEETERS - DIRECT BY MR. FINCH

1 that hanging out with bad friends made him do bad things,
2 that Dawn Lee was not involved, that he was dropped off
3 there that night by an unknown friend, and that he called
4 her to pick him up at that location.

5 Q. Did he mention being under the influence of
6 alcohol at that time?

7 A. He did mention cocaine. We let him talk about his
8 problem with that, and I indicated I felt sorry for his
9 habit, but my job right there was to figure out, you
10 know, who, what, where and why of this incident.

11 Q. Do you recall how long you spoke to Mr. McClenton
12 in that interview room?

13 A. I believe it was around 20 minutes, but it was
14 hard to extract information via direct or indirect
15 questions because we would go back to his problem with
16 cocaine.

17 Q. Did he seem to black out or go in and out of
18 consciousness?

19 A. No.

20 Q. He understood where he was and what he was saying
21 to the best of your ability to ascertain?

22 A. Yes. He was able to hold a conversation and
23 answer the questions I asked him.

24 MR. FINCH: Please answer any questions Mr.
25 Lewis has.

1 THE WITNESS: Sure.

2 CROSS-EXAMINATION

3 BY MR. LEWIS:

4 Q. I want to speak to you about the cocaine
5 specifically.

6 There was a point in the interview when he told
7 you he had been up for two days, kind of on a coke binge?

8 A. Yes. I remember him mentioning that.

9 Q. And talked about hanging out with these bad people
10 that -- you kind of reprimanded him for not staying at
11 home like he should.

12 A. Yes.

13 Q. Going out and using drugs and hanging out with bad
14 people. You mentioned that he was excited. As a
15 CPD officer, you unfortunately have to run into people
16 who are high on cocaine a lot. Wouldn't you describe as
17 being overly excited as one of the symptoms of cocaine?

18 A. That's a symptom.

19 Q. You didn't detect any odor of alcohol about his
20 person?

21 A. No, no, sir.

22 Q. Did he seem like he wanted to be there?

23 A. I don't think he wanted to be there. I think he
24 was upset he was there. I think he indicated he was
25 upset he put Dawn and the baby in that position. And

1 when I asked him, Do you feel sorry for what he did, he
2 indicated that he was.

3 Q. And indicated, as in he confessed, said, I'm sorry
4 that I did do the burglary, or that I'm sorry I put them
5 in this position?

6 A. He indicated -- I asked him, are you sorry you put
7 yourself -- I feel sorry for you -- do you feel sorry
8 that you put your victim -- Dawn Lee and your baby in
9 that situation, and he said yes, he was sorry for that.

10 Q. So throughout your -- he never actually confessed.
11 It was a statement and interrogation, but you wouldn't
12 call it a confession.

13 A. He never said he did the burglary.

14 Q. Just making sure. Let's see.

15 He also sounded like he was trying to wheel and
16 deal with you, not that you were trying to do with him,
17 but he was trying to get you to commit.

18 A. Exactly.

19 THE COURT: Mr. Lewis, is this on the issue
20 of voluntariness?

21 MR. LEWIS: Again, he's trying to protect a
22 family member, so the combination of cocaine, sleep
23 deprivation --

24 THE COURT: How would that bear on
25 voluntariness, his strategy in talking to --

1 MR. LEWIS: That because of the drug use, he
2 would not be able to think rationally. If he's not
3 rational, he can't think clearly, he can't make a willful
4 statement.

5 THE COURT: All right.

6 MR. LEWIS: Thank you, Judge.

7 THE COURT: Derailed myself.

8 MR. LEWIS: Nothing further.

9 THE COURT: Thank you. You may step down.

10 I find it was free and voluntary statement
11 after he was fully advised of his constitutional rights
12 pursuant to Miranda v. Arizona.

13 All right. Ready for the jury?

14 MR. FINCH: Yes, sir.

15 THE COURT: All right. Let's bring them in.
16 Bring them on. Bring them up.

17 Anything special about the voir dire?

18 MR. FINCH: Nothing from the State. Pretty
19 straightforward, if they've been a victim of a crime,
20 whether they've been charged by our office, been
21 represented by either one of us. Essentially that's --

22 MR. LEWIS: I think I included a couple
23 different things, victims of burglaries. Did y'all not
24 get mine? And the other one is I like to include is
25 whether they're readers of the blog Charleston Thug Life.

1 I usually include that in.

2 THE COURT: Is that the extent of your
3 Biggers?

4 MR. FINCH: It's a show-up ID, and there are
5 two witnesses. Both get brought to the scene, both
6 identify Mr. McClenton.

7 THE COURT: The witness you have today, is he
8 one of those two?

9 MR. FINCH: Yes, sir.

10 THE COURT: That would be a rather long
11 hearing.

12 MR. LEWIS: Yes, Judge.

13 THE COURT: If you want to go through that
14 process in advance, we may not get to that witness.

15 Well, we're ready for the jury.)

16 (In open court, jury present.)

17 THE COURT: I am Clifton Newman, and I am
18 presiding in this courtroom. Next to me is my law clerk,
19 Simone Martin, and you all have been sent up here for
20 jury selection in the case that we are to try. The State
21 will call its case.

22 MR. FINCH: Thank you, Your Honor. Good
23 afternoon, ladies and gentlemen: This is the State of
24 South Carolina versus Shawndell McClenton.

25 My name is Timmy Finch. I'm an assistant

1 solicitor of the Ninth Judicial Circuit here in South
2 Carolina. That encompasses Charleston and Berkeley
3 County. The circuit solicitor is Scarlett Wilson.
4 Assisting me in this case is Greg Voigt, another
5 assistant solicitor in our office.

6 MR. LEWIS: My name is Ben Lewis. I'm an
7 attorney with the Charleston County public defender's
8 office. Trying this case with me is Ms. Christina
9 Parnall, also from my office, and the head of our office
10 is Ashley Pennington, who is also one of our public
11 defenders.

12 THE COURT: And the indictments you've called
13 for trial, the charges are again?

14 MR. FINCH: Burglary in the first degree,
15 breaking and entering a motor vehicle, and burglary in
16 the first degree.

17 THE COURT: Ladies and gentlemen: The State
18 has called this case for trial, State versus Shawndell
19 McClenton. He is charged with two counts of burglary
20 first degree and one count of breaking into a motor
21 vehicle.

22 He has pled not guilty to the charges
23 contained in these indictments. He is presumed to be not
24 guilty. He cannot be found guilty unless the State
25 presents evidence that convinces a jury of his guilt

1 beyond a reasonable doubt, and that's why you were sent
2 here, for jury selection, and so that you can make a
3 determination whether the State can meet that burden of
4 proof in these cases.

5 You took an oath this morning during jury
6 qualifications to give complete responses to questions
7 you are asked during the jury qualification process.
8 That extends to this moment in time as well, to the jury
9 selection process. So if there are any questions that
10 are asked that pertain to you, you have an obligation
11 under your oath to give complete and truthful responses
12 to all questions.

13 Should I ask any question that you don't wish
14 to respond to openly, you will be given an opportunity to
15 come forward and share those answers with me here at the
16 bench, but you must give complete and truthful responses
17 to all questions.

18 Have you or any member of your family or
19 close personal friends ever had criminal charges
20 adjudicated by the Charleston County solicitor's office,
21 meaning any family members or close personal friend or
22 you have ever been prosecuted by the Charleston County
23 solicitor's office or defended by the public defender's
24 office? If so, please stand.

25 All right. Tell us your juror number and

1 very briefly why you're standing. Yes, sir?

2 A PROSPECTIVE JUROR: 226, my uncle, theft
3 and burglary.

4 THE COURT: Thank you. Yes, sir?

5 A PROSPECTIVE JUROR: Juror 337, my brother,
6 armed robbery and burglary.

7 THE COURT: All right.

8 A PROSPECTIVE JUROR: 77, my cousin, for
9 armed robbery.

10 THE COURT: Thank you.

11 A PROSPECTIVE JUROR: 162, my grandson, armed
12 robbery.

13 THE COURT: Thank you.

14 Do you have any friends, close friends or
15 family members, that may have pending charges, pending,
16 that is being prosecuted the Charleston County
17 solicitor's office or defended by the public defender's
18 office? If so, please stand. Regarding any pending
19 charges?

20 You or any member of your immediate family or
21 close personal friends ever been accused of committing a
22 violent crime or a victim of a violent crime? Violent
23 crime being rape, robbery, murder and burglary. You or
24 any member of your immediate family or close friend ever
25 been the victim of or accused of a violent crime, please

1 stand. Armed robbery is a violent crime as well.

2 Starting in the back. Yes, sir?

3 A PROSPECTIVE JUROR: Juror number 123. My
4 fiancée was a crime victim.

5 A PROSPECTIVE JUROR: 77. I have a close
6 friend who was raped.

7 THE COURT: Thank you sir. Front row? You
8 may be seated after you stood.

9 A PROSPECTIVE JUROR: Juror number 32,
10 Anthony Brown. My youngest brother was murdered in 1982.

11 THE COURT: Thank you, sir.

12 A PROSPECTIVE JUROR: 337. I was accused of
13 a violent crime, burglary.

14 THE COURT: All right. And found not guilty
15 of it?

16 A PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: Thank you, sir.

18 A PROSPECTIVE JUROR: 112, my sister-in-law
19 was ultimately stabbed and raped, and my brother shot an
20 intruder.

21 THE COURT: Thank you, sir. Yes, sir?

22 A PROSPECTIVE JUROR: 313, Andy Savage. My
23 son was robbed, armed robbery.

24 THE COURT: Thank you.

25 A PROSPECTIVE JUROR: 371, my house was

1 broken into.

2 THE COURT: Thank you, sir.

3 A PROSPECTIVE JUROR: I think my number is
4 263, Michelle Miller.

5 THE COURT: All right.

6 A PROSPECTIVE JUROR: And my house was
7 robbed.

8 A PROSPECTIVE JUROR: 317, I was mugged
9 twice, once by knifepoint, once by gunpoint, and
10 attempted carjacking.

11 THE COURT: Thank you. If any of those
12 experiences would prevent you from being a fair and
13 impartial juror in the trial of this case, please stand.

14 All right. Juror number --

15 A PROSPECTIVE JUROR: 337.

16 THE COURT: We will not consider you for
17 selection in this case, but stay with us.

18 If you've ever testified as a witness in a
19 civil or criminal case, or served on a jury in a civil or
20 criminal case, please stand. Been on the jury, served as
21 a witness. If so, please stand. Yes, ma'am?

22 A PROSPECTIVE JUROR: 216. I served as a
23 witness in an exploitation of an elder case before.

24 THE COURT: All right. Thank you.

25 A PROSPECTIVE JUROR: 186, served on a jury

1 here a few years ago.

2 THE COURT: Civil or criminal?

3 A PROSPECTIVE JUROR: Civil.

4 THE COURT: Thank you.

5 A PROSPECTIVE JUROR: 263, I served probably
6 about three, four years ago in the civil division.

7 THE COURT: All right. Your number is 233.

8 A PROSPECTIVE JUROR: 247, I served three,
9 four years ago on a civil case.

10 A PROSPECTIVE JUROR: Number 6. It's been a
11 long time, I think back in 2000, civil case.

12 THE COURT: All right. Thank you, sir.

13 If you have any difficulty sitting in
14 judgment of another based on any philosophical, moral,
15 religious, or political beliefs, if you have difficulty
16 sitting in judgment based on religious convictions,
17 philosophical beliefs, moral beliefs, or political
18 orientations, if so, please stand.

19 Ladies and gentlemen: The way a jury trial
20 takes place is the jurors decide the facts and the judge
21 provides the law. The jury applies the law to the facts
22 as you find it and makes a verdict.

23 So if any member of the jury panel could not
24 follow that instruction of law, please stand.

25 If you have ever had any unpleasant

1 experiences with law enforcement that would cause you --
2 any unpleasant experience with law enforcement, please
3 stand.

4 A PROSPECTIVE JUROR: Can you define
5 unpleasant?

6 THE COURT: I'll let you define unpleasant,
7 if you believe that you have.

8 A PROSPECTIVE JUROR: Harassment of several
9 officers in Atlanta, Georgia.

10 THE COURT: And your juror number is --

11 A PROSPECTIVE JUROR: 226.

12 THE COURT: Thank you, sir.

13 If you have any social, ethnic, or racial
14 views that would prevent you from being fair and
15 impartial in a case involving a defendant who is from a
16 certain social, ethnic, or racial background, if any of
17 that would prevent you from being a fair and impartial
18 juror, please stand.

19 If you're the member of any organization that
20 supports law enforcement, such as Mothers Against Drunk
21 Driving, Citizens Advocating Decency And Return to
22 Ethics, any similar organization, pro-law enforcement, or
23 any organization advocating defendant's rights, such as
24 the ACLU or any similar organization, if so, please
25 stand.

1 If you are a reader of a blog called
2 Charlestons Thug Life, please stand if you read that.
3 Tell us your juror number, please.

4 A PROSPECTIVE JUROR: 400.

5 THE COURT: Juror number 400. Thank you,
6 sir.

7 If you have any particular feelings about the
8 defense of burglary, receiving stolen goods that would
9 make it difficult for you to serve on a jury or burglary
10 or theft, please stand. Tell me which one you are
11 standing for.

12 Yes, sir? Juror number?

13 A PROSPECTIVE JUROR: 96. Two years ago my
14 parents' house was robbed, a lot of things stolen, a lot
15 of valuables.

16 THE COURT: All right. Would that prevent
17 you from being a fair and impartial juror in this case?

18 A PROSPECTIVE JUROR: No, sir.

19 THE COURT: Next to you?

20 A PROSPECTIVE JUROR: 92. When I was about
21 25 or 26, my apartment was broken into, and a couple
22 things were stolen and my car keys were taken.

23 THE COURT: All right. Would that prevent
24 you from being a fair and impartial juror in this case?

25 A PROSPECTIVE JUROR: I don't think so.

1 THE COURT: Thank you, sir.

2 Next?

3 A PROSPECTIVE JUROR: During a Valentine's
4 Day, my car was broken into and several of my cameras was
5 stolen during a date.

6 THE COURT: Would that prevent you from being
7 fair and impartial in this case?

8 A PROSPECTIVE JUROR: No, sir.

9 THE COURT: Behind him. Yes, sir?

10 A PROSPECTIVE JUROR: Juror 112 --

11 A PROSPECTIVE JUROR: Juror number 58.

12 A PROSPECTIVE JUROR: 112. I had my house
13 broken into, about 12 years ago. Had my car broken into
14 about five or six times over the years.

15 THE COURT: Would that prevent you from being
16 fair and impartial in this case?

17 A PROSPECTIVE JUROR: No, sir.

18 THE COURT: Yes, ma'am?

19 A PROSPECTIVE JUROR: Number 182. I had my
20 house broken into about ten years ago and then also last
21 year.

22 THE COURT: Would that prevent you from being
23 fair and impartial in this case?

24 A PROSPECTIVE JUROR: No, sir.

25 A PROSPECTIVE JUROR: Number 225. I had a

1 vehicle stolen in 1994 in New York state.

2 THE COURT: Would that prevent you from being
3 fair and impartial in this case?

4 A PROSPECTIVE JUROR: No.

5 THE COURT: Behind you?

6 A PROSPECTIVE JUROR: Juror 278. My house
7 was broken into and my moped was stolen.

8 THE COURT: Would that prevent you from being
9 fair and impartial in this case?

10 A PROSPECTIVE JUROR: No, sir.

11 THE COURT: Yes, ma'am?

12 A PROSPECTIVE JUROR: Juror 287, and last
13 year my car was broken into and paintings were stolen.

14 THE COURT: Would that prevent you from being
15 fair and impartial in this case?

16 A PROSPECTIVE JUROR: No, sir.

17 THE COURT: Yes?

18 A PROSPECTIVE JUROR: 371. My house was
19 broken into and they tried to take everything.

20 THE COURT: All right. Would that prevent
21 you from being fair and impartial in this case?

22 A PROSPECTIVE JUROR: No, sir.

23 THE COURT: Yes?

24 A PROSPECTIVE JUROR: Number 233. I had an
25 armed robbery at my house.

1 THE COURT: Would that prevent you from being
2 fair and impartial in this case?

3 A PROSPECTIVE JUROR: No, sir.

4 THE COURT: Yes, sir?

5 A PROSPECTIVE JUROR: In 2004, I was robbed
6 at gunpoint, my wallet and my coat; in 2005, I was robbed
7 at knifepoint for a Little Caesars' pizza; and also in
8 2005, I had my car broken into and various items taken.

9 THE COURT: Would that prevent you from being
10 fair and impartial in this case?

11 A PROSPECTIVE JUROR: No.

12 A PROSPECTIVE JUROR: Juror 164, I had my car
13 as well as my house broken into and items removed.

14 THE COURT: Would that prevent you from being
15 fair and impartial in this case?

16 A PROSPECTIVE JUROR: No.

17 THE COURT: Thank you.

18 The defendant in this case sits before you at
19 this moment in time presumed to be not guilty of these
20 charges, and that remains with him unless or until the
21 State proves guilt beyond a reasonable doubt. He is
22 presumed to be not guilty.

23 Any person accused of committing a crime in
24 the State of South Carolina is not required to prove his
25 innocence. He has no burden whatsoever in this case. If

1 there is anyone on the jury panel that believes at this
2 moment in time that Mr. McClenton is guilty of these
3 charges, please stand.

4 If you are familiar with the Peninsula Resort
5 Condominiums on James Island, if you live there or have
6 any immediate family or friends that live there or have
7 lived there, please stand. Yes, sir, Mr. --

8 A PROSPECTIVE JUROR: 58. I lived there
9 during the years of 2009 and 2010.

10 THE COURT: Thank you, sir. Yes, ma'am?

11 A PROSPECTIVE JUROR: Juror 74, and I live on
12 James Island also.

13 THE COURT: Are you familiar with the
14 Peninsula Resort Condominiums on -- what road is that?

15 MR. FINCH: Daniel Ellis Road.

16 A PROSPECTIVE JUROR: No.

17 THE COURT: All right. Thank you.

18 A PROSPECTIVE JUROR: Juror 194. I live on
19 James Island also.

20 THE COURT: Are you familiar with the
21 Peninsula Resort Condominiums on Daniel Ellis Road?

22 A PROSPECTIVE JUROR: No.

23 THE COURT: All right. Thank you.

24 If you know of any reason whatsoever, any
25 reason in the world why you should not be picked to be on

1 this jury, any reason in the world based on your
2 particular circumstances of your life, please let me know
3 at this time, if you know of any reason why you cannot.

4 A PROSPECTIVE JUROR: My family knows and
5 social media knows Sergeant Eubanks of Charleston County.

6 THE COURT: I didn't give the witnesses. Let
7 me call out the names of witnesses and see if you know
8 any of them.

9 Possible witnesses are Warren Johnson, Jeremy
10 Jacobs, Amanda Mitchell, Caitlyn Horton, Officer Joe
11 Piech, Officer Neil Leahy, Officer Thomas Bedell,
12 Detective Robert Feeters, Investigator Jeff Miller? Art
13 Degiovine, he's a public defender investigator, Dawn Lee,
14 or Mr. McClenton? Friend, associate, enemy, acquaintance
15 of any of those prospective witnesses, please stand. If
16 you know any of them, please stand. No one is standing.

17 Anything else the State or defense would like
18 me to ask?

19 MR. FINCH: No, Your Honor.

20 THE COURT: All right. Ladies and gentlemen:
21 We're going to press on with jury selection.

22 Everyone is eligible to serve other than
23 juror 337. If there is anyone who didn't answer any
24 question for fear of embarrassment or anyone on second
25 thought have determined that I was going too fast and you

1 probably should have answered but didn't get a chance to,
2 had it rolling around in your mind that you think your
3 oath requires you to, or if there are any questions you
4 did not respond openly to, this is your opportunity to
5 provide that information at this time.

6 A PROSPECTIVE JUROR: I had two cousins
7 murdered back in 2009.

8 THE COURT: Two cousins murdered in 2009.
9 And your juror number is?

10 A PROSPECTIVE JUROR: 194.

11 THE COURT: Thank you. Anyone else? Anyone
12 else? Anything else? Any other jurors need to answer
13 any questions?

14 All right.

15 THE CLERK: Ladies and gentlemen: When your
16 name is called please take with you all your belongings
17 and step forward to the podium. You're going to face the
18 back of the room.

19 Again, if you're not selected just please
20 return back to your seat. If you are selected, you're
21 going to proceed to walk to the jury box and be seated.

22 Strikes are five and ten with, the State
23 striking first. Juror number 123, Jordan Goucher.

24 (The juror, a white male, approaches.)

25 What say you for the State?

1 MR. FINCH: Please present the juror.

2 THE CLERK: What say you for the defendant?

3 MR. LEWIS: Please excuse juror.

4 THE CLERK: You've been excused from the
5 trial of this case. Please return to your seat.

6 Juror number 194, Antorio Ladson.

7 (The juror, a black male, approaches.)

8 What say you for the State?

9 MR. FINCH: Please present the juror.

10 THE CLERK: What say you for the defendant?

11 MR. LEWIS: Please seat this juror.

12 THE CLERK: You've been selected as a juror
13 in this case. You may take a seat in the jury box.

14 Juror number 350, Mary Sturkie.

15 (The juror, a white female, approaches.)

16 What say you for the State?

17 MR. FINCH: Please present the juror.

18 THE CLERK: What say you for the defendant?

19 MR. LEWIS: Please excuse the juror.

20 THE CLERK: You've been excused from the
21 trial of this case. You may return to your seat.

22 Juror number 59, Destiny Clayton.

23 (The juror, a white female, approaches.)

24 What say you for the State?

25 MR. FINCH: Please present the juror.

1 THE CLERK: What say you for the defendant?

2 MR. LEWIS: Please seat the juror.

3 THE CLERK: You've been selected as a juror
4 in this case. Please take a seat in the jury box.

5 Juror number one 62, Sheila Jefferson.

6 (The juror, a black female, approaches.)

7 What say you for the State?

8 MR. FINCH: Please excuse the juror.

9 THE CLERK: You've been excused from the
10 trial of this case. Please take your seat.

11 Juror number 77, Robert Curry.

12 (The juror, a black male, approaches.)

13 What say you for the State?

14 MR. FINCH: Please excuse the juror.

15 THE CLERK: Sir, you've been excused from the
16 trial of this case. You may return to your seat.

17 Juror number 55, Sara Chavarri.

18 (The juror, a white female, approaches.)

19 What say you for the State?

20 MR. FINCH: Please present the juror.

21 THE CLERK: What say you for the defendant?

22 MR. LEWIS: Please excuse the juror.

23 THE CLERK: Ma'am, you've been excused from
24 the trial of this case. You may return to your seat.

25 Juror number 32, Anthony Brown.

1 (The juror, a black male, approaches.)

2 What say you for the State?

3 MR. FINCH: Please present the juror.

4 THE CLERK: What say you for the defendant?

5 MR. LEWIS: Please seat this juror.

6 THE CLERK: Sir, you've been selected as a
7 juror in this case. You may take a seat in the jury box.

8 Juror number 313, Andrew Savage.

9 (The juror, a white male, approaches.)

10 What say you for the State?

11 MR. FINCH: One moment. Please present the
12 juror.

13 THE COURT: What say you for the defendant?

14 MR. LEWIS: Please excuse the juror.

15 THE CLERK: You've been excused from the
16 trial of this case.

17 Juror number 362, Joseph Tompkins.

18 (The juror, a white male, approaches.)

19 What say you for the State?

20 MR. FINCH: Please present the juror.

21 THE CLERK: What say you for the defendant?

22 MR. LEWIS: Please seat the juror.

23 THE CLERK: You've been selected as a juror.
24 You may take a seat in the jury box.

25 Juror number 209 Sandra Luongo, L-u-o-n-g-o.

1 (The juror, a white female, approaches.)
2 What say you for the State?
3 MR. FINCH: Please present the juror.
4 THE CLERK: What say you for the defendant?
5 MR. LEWIS: Please seat this juror.
6 THE CLERK: Ma'am, you've been selected as a
7 juror in this case. You may take a seat in the jury box.
8 Juror number 38 Melissa Buganski.
9 (The juror, a white female, approaches.)
10 What say you for the State?
11 MR. FINCH: Please present the juror.
12 THE CLERK: What say you for the defendant?
13 MR. LEWIS: Please excuse the juror.
14 THE CLERK: You've been excused from the
15 trial of this case. You may return to your seat.
16 Juror number 106, Jennifer Ferrebee.
17 (The juror, a white female, approaches.)
18 What say you for the State?
19 MR. FINCH: Please present the juror.
20 THE CLERK: What say you for the defendant?
21 MR. LEWIS: Please excuse the juror.
22 THE CLERK: Ma'am, you've been excused from
23 the trial of this case. You may return to your seat.
24 Juror number 89, Joan Derhodo.
25 (The juror, a white female, approaches.)

1 What say you for the State?

2 MR. FINCH: Please present the juror.

3 THE CLERK: What say you for the State?

4 MR. LEWIS: Please seat the juror.

5 THE CLERK: You've been selected as a juror
6 in this case. Take a seat in the jury box.

7 Juror number 247, Kent Mouzon.

8 (The juror, a white male, approaches.)

9 What say you for the State?

10 MR. FINCH: Please present the juror.

11 THE CLERK: What say you for the State?

12 MR. LEWIS: Please seat this juror.

13 THE CLERK: You've been selected as a juror
14 in this case. You may take a seat in the jury box.

15 Juror number 148, John Hollingsworth.

16 (The juror, a white male, approaches.)

17 What say you for the State?

18 MR. FINCH: Please present the juror.

19 THE CLERK: What say you for the defendant?

20 MR. LEWIS: Please excuse the juror.

21 THE CLERK: You've been excused from the
22 trial of this case. You may return to your seat. Juror
23 number 171, Chaz Jones.

24 (The juror, a male, approaches.)

25 What say you for the State?

1 MR. FINCH: Please excuse the juror.

2 THE CLERK: You've been excused from the
3 trial of this case. Please return to your seat.

4 Juror number 317, Justin Schwartz.

5 (The juror, a white male, approaches.)

6 What say you for the State?

7 MR. FINCH: Please present the juror.

8 THE CLERK: What say you for the defendant?

9 MR. LEWIS: Please excuse the juror.

10 THE CLERK: Sir, you've been excused from the
11 trial of this case. You may return to your seat.

12 Defendant has exhausted eight of its strikes.

13 MR. LEWIS: Thank you.

14 THE COURT: Juror number 74, Brooke Cribbs.

15 (The juror, a white female, approaches.)

16 What say you for the State?

17 MR. FINCH: Please present the juror.

18 THE CLERK: What say you for the defendant?

19 MR. LEWIS: Please seat this juror.

20 THE CLERK: Ma'am, you've been selected as a
21 juror in this case. You may have a seat in the jury box.

22 Juror number 27, Kelly Bramble.

23 (The juror, a white female, approaches.)

24 What say you for the State?

25 MR. FINCH: Please present the juror.

1 THE CLERK: What say you for the defendant?

2 MR. LEWIS: Please seat this juror.

3 THE CLERK: You've been selected as a juror
4 in this case. Please take a seat in the jury box.

5 Juror number 216, Dorothy Mayes.

6 (The juror, a white female, approaches.)

7 What say you for the State?

8 MR. FINCH: Please excuse the juror.

9 THE COURT: What say you for the defendant?

10 MR. LEWIS: Please seat this juror.

11 THE CLERK: You've been selected as a juror
12 in this case. Please have a seat in the jury box.

13 Juror number 371, Jeremiah Waldrep.

14 (The juror, a white male, approaches.)

15 What say you for the State?

16 MR. FINCH: Please present juror.

17 THE CLERK: What say you for the defendant?

18 MR. LEWIS: Please excuse the juror.

19 THE CLERK: You've been excused from the
20 trial of this case. You may return to your seat.

21 Juror number 225, Michael Mekarski.

22 (The juror, a white male, approaches.)

23 What say you for the State?

24 MR. FINCH: Please present the juror.

25 THE CLERK: What say you for the defendant?

1 MR. LEWIS: Pardon? What was the number
2 again?

3 A PROSPECTIVE JUROR: The number was 225.

4 MR. LEWIS: Please seat this juror.

5 THE CLERK: You've been selected as a juror
6 in this case. You may take a seat in the jury box.

7 Juror number 65, Pamela Collins.

8 (The juror, a white female, approaches.)

9 What say you for the State?

10 MR. FINCH: Please present the juror.

11 THE CLERK: What say you for the defendant?

12 MR. LEWIS: Please seat this juror.

13 THE CLERK: You've been selected as our 12th
14 juror, and you may take a seat in the jury box.

15 THE COURT: Two alternates.

16 THE CLERK: Juror number 182, Jennifer
17 Kinsey.

18 (The juror, a white female, approaches.)

19 What say you for the State?

20 MR. FINCH: Please present the juror.

21 THE CLERK: What say you for the State?

22 MR. LEWIS: Please excuse the juror.

23 THE CLERK: You've been excused as a juror in
24 this case. You may return to your seat.

25 Juror number 319, Tracy Scro.

1 (The juror, a white female, approaches.)

2 What say you for the State?

3 MR. FINCH: Please present the juror.

4 THE CLERK: What say you for the defendant?

5 MR. LEWIS: Please excuse the juror.

6 THE CLERK: You've been excused as a juror
7 and you may return to your seat.

8 Juror number 226, Jacob Melbo.

9 (The juror, a white male, approaches.)

10 What say you for the State?

11 MR. FINCH: Please excuse the juror.

12 THE CLERK: You've been excused from this
13 case. You may return to your seat.

14 Juror number 92, Joshua Dubick.

15 (The juror, a white male, approaches.)

16 Any challenges from the State?

17 MR. FINCH: No, ma'am.

18 THE CLERK: Any challenges from the
19 defendant?

20 MR. LEWIS: Briefly, Judge, if you could just
21 voir dire, very briefly, on the facts of the burglary of
22 his parents.

23 THE COURT: All right. Tell us about it
24 again, Mr. Dubick.

25 A PROSPECTIVE JUROR: It was actually my

1 apartment that got stolen. We were home, and we found
2 out the next morning when we went outside and tried to
3 find the car and discovered several things in the car
4 were stolen, taken, but they were recovered, and there
5 were some people that were arrested, but it was about ten
6 years ago.

7 MR. LEWIS: No objection.

8 THE CLERK: You've been selected as our first
9 alternate. You may be seated in the jury box.

10 Now striking for our second alternate, juror
11 number 112, Christopher Fryer.

12 (The juror, a white male, approaches.)

13 What say you for the State?

14 MR. FINCH: Please present the juror.

15 THE CLERK: What say you for the defendant?

16 MR. LEWIS: We would ask that this juror be
17 struck due to the violence suffered by his sister, to his
18 sister, potential inability to set it aside.

19 THE COURT: Would any of those facts affect
20 your ability to be a fair and impartial juror in this
21 case?

22 A PROSPECTIVE JUROR: May I step up?

23 THE COURT: Yes. Counsel?

24 (Discussion held at sidebar.)

25 MR. LEWIS: Please excuse the juror.

1 THE COURT: You may return to your seat. You
2 withdraw your challenge for cause?

3 MR. LEWIS: Yes, Your Honor.

4 THE COURT: Number 233, Michelle Miller.

5 (The juror, a black female, approaches.)

6 What say you for the State?

7 MR. FINCH: Please present the juror.

8 THE CLERK: What say you for the defendant?

9 MR. LEWIS: Please seat the juror.

10 THE CLERK: You've been selected as our
11 second alternate. You may take a seat in the jury box.

12 THE COURT: All right. Any matters of law
13 regarding jury selection?

14 MR. FINCH: No, Your Honor.

15 THE COURT: Have you been selected to be the
16 jury in the trial of this case. Those of you who were
17 not selected, what do you want them to do?

18 You are free to go. If you'll call back
19 after 6 p.m. for further information.

20 All right. Ladies and gentlemen: We need to
21 talk to the lawyers for a few minutes. If you all would
22 go to the jury room, please do not discuss the case.

23 (In open court, jury not present.)

24 THE COURT: Typically I like to attempt to
25 accommodate counsel, but I have to leave no later than 10

JEREMY JACOBS - DIRECT BY MR. FINCH

1 to 5:00. I've got to leave no later than 4:45.

2 MR. FINCH: I think my direct of Mr. Jenkins
3 is about six minutes, regarding the Biggers hearing, then
4 the State is ready to proceed with its openings. I don't
5 know how long your instructions are for the jury.

6 The State calls Jeremy Jacobs.

7 JEREMY JACOBS,
8 having been first duly sworn,
9 was examined and testified as follows:

10 DIRECT EXAMINATION

11 BY MR. FINCH:

12 Q. Good of afternoon, Mr. Jacobs. Where is it you're
13 employed right now?

14 A. Ameris Bank.

15 Q. And where is that?

16 A. St. Mary's, Georgia.

17 Q. And you drove up here today?

18 A. Yes.

19 Q. To testify in this trial?

20 A. Yes.

21 Q. I want to take you back to February 25, 2012.

22 Were you living at [REDACTED] Daniel Ellis Drive?

23 A. Yes, sir.

24 Q. What was your apartment number, [REDACTED]?

25 A. Yes, it was, [REDACTED].

1 Q. And while you were residing there, did you have
2 occasion to happen upon a criminal investigation near
3 that address on that date?

4 A. I did.

5 Q. And on that date do you recall about what time you
6 came back home?

7 A. I don't remember the exact time, but it was
8 evening time. It was dark, so the sun had set, and,
9 well, February, I guess it gets dark early, so it was
10 already dark.

11 Q. Would it have been around 10:00?

12 A. Yes.

13 Q. Tell us what you did when you got home.

14 A. Walked -- pulled in the apartment and I went
15 upstairs and I got my dog and I brought him outside to
16 take a walk and use the restroom.

17 Q. What is the lighting around the breezeway to your
18 apartment?

19 A. They have lights in the breezeway.

20 Q. And when you were -- when you went out to walk the
21 dog, did you see anything out of the ordinary?

22 A. No. There was a vehicle parked in the dead end,
23 right there by the apartments, and so there was a vehicle
24 parked facing outwards. Seemed a little out of the
25 ordinary, but nothing too alarming.

JEREMY JACOBS - DIRECT BY MR. FINCH

1 Q. As you continued to walk the dog, did you see
2 anything out of the ordinary.

3 A. I wouldn't call it out of the ordinary.

4 Q. Did you see anyone going into the white vehicle?

5 A. I did.

6 Q. Describe your thoughts regarding the white
7 vehicle.

8 A. It looked like the person in the vehicle owned it.
9 They were just -- the door was open. The dome light was
10 on. They looked like they were searching for something
11 in the middle compartment there of the car. I was new to
12 the area, so I didn't know -- it didn't seem out of the
13 ordinary to me.

14 Q. How far away were you from the vehicle at that
15 time?

16 A. I walked right by it. The breezeway -- that car
17 was in the first spot, right beside the breezeway, right
18 beside the sidewalk, so I would say two, three feet.

19 Q. Were you able to observe the individual inside the
20 vehicle?

21 A. Yes.

22 Q. Were you able to get a good look at that
23 individual's face?

24 A. Yes.

25 Q. And what the person was wearing?

1 A. Yes.

2 Q. About how long were you able to view that
3 individual?

4 A. It was just a few moments. You know, we passed by
5 him on the way up to the apartment and again on the way
6 back, and as I was walking my dog, I noticed that he got
7 in the car and left.

8 Q. When you say the car, could you describe the car?

9 A. It was a Chevy Cavalier.

10 Q. What color?

11 A. Blue.

12 Q. Did you notice any distinguishing marks on it?

13 A. Nothing that stood out, just blue Cavalier, an
14 older model.

15 Q. Could you tell who was driving the vehicle?

16 A. There was a white female driving the vehicle, with
17 brown hair, ponytail.

18 Q. A little bit later did you notice police at that
19 address?

20 A. I did.

21 Q. What were they doing?

22 A. They were using their flashlights to look in the
23 white car that was in that first spot.

24 Q. And did you approach the police?

25 A. I did.

1 Q. What did you tell them?

2 A. I told them if you're looking for the guy that
3 owns the car or whatever, you know, he was here earlier
4 but he left.

5 Q. Did the police ask you to accompany them to try to
6 make an identification of that individual?

7 A. They did.

8 Q. And where did that happen?

9 A. That happened out in front of Lowe's on the drive
10 out going towards -- I guess that's Daniel Ellis.

11 Q. And what was the -- were you able to identify an
12 individual?

13 A. Yes.

14 Q. What was that individual doing when you identified
15 him?

16 A. They were standing -- they brought him out of the
17 vehicle, out of the police officer's car, and asked me if
18 I recognized him.

19 Q. Did you have any hesitation, being able to
20 recognize him?

21 A. No.

22 Q. If you could rate out of a scale to ten how
23 confident you were that was the individual in the car
24 then later identified in front of Lowe's out of ten, how
25 confident were you at that time?

1 A. Ten.

2 Q. What about the vehicle that that individual was
3 in?

4 A. Ten.

5 Q. Was that also at the scene?

6 A. It was.

7 Q. Any other items visible to you other than the
8 individual in the car and the police cars?

9 A. The dress of the person. I recognized the white
10 sweater pullover and dark jeans.

11 Q. Did you recognize his face?

12 A. Yes.

13 Q. Did you convey that to the officers at the scene?

14 A. Yes.

15 Q. Did any officer indicate that you should identify
16 anybody at the scene?

17 A. No.

18 Q. Were any suggestion made to you about anything
19 regarding your involvement in this case?

20 A. No.

21 Q. From law enforcement or any victims?

22 A. No, sir.

23 MR. FINCH: Please answer any questions Mr.
24 Lewis has.

25 THE COURT: Yes, sir.

JEREMY JACOBS - CROSS BY MR. LEWIS

1 MR. LEWIS: Thank you, Judge.

2 CROSS-EXAMINATION

3 BY MR. LEWIS:

4 Q. It was nice to talk to you on the phone the other
5 day.

6 I want to speak to you briefly about the
7 opportunity you had to view him. You said it didn't
8 really seem like it stuck out for you. It is just a guy,
9 could have been going through his own car?

10 A. Uh-huh.

11 Q. What really drew your attention? Was there
12 anything that made you focus on him, or is that how you
13 normally are?

14 A. I would say it's how I normally am. I'm always
15 just kind of aware of my surroundings and who's around
16 me, try to be.

17 Q. Okay. I understand. And when they actually took
18 you for the show up, all the stuff kind of fell into
19 place for you, right, the car, the clothes, and the guy?

20 A. Yes. It appeared that that was the person, the
21 car that I saw, just, you know, just before.

22 Q. And you -- it's not like they took the guy away
23 from the car. It was all kind of in one place at the
24 same time?

25 A. Yes, yes, sir.

1 Q. Was he handcuffed?

2 A. I believe he was, yes.

3 Q. Okay. Blue lights still on or did they turn them
4 off for you?

5 A. I believe the lights were off.

6 Q. Okay. Do they show you any other people but him?

7 A. They also pulled a female out of the vehicle.

8 Q. Okay. How did you describe him?

9 A. I described him as a black gentleman, probably
10 around six feet tall, maybe 200 pounds, give or take. He
11 had on a white fleece top and dark blue jeans.

12 Q. Okay. And age?

13 A. I'm not sure that we talked about age.

14 Q. You talked about how it was dark, nothing that
15 really stuck out on his face, no scars, no tattoos, no
16 eyeglasses, nothing that stuck out from you?

17 A. Nothing that stuck out. No distinguishing
18 features.

19 Q. Right. No gold lip ring or anything that --

20 A. No, sir.

21 MR. LEWIS: Okay. Nothing further, Judge.

22 Just looking at the facts we're supposed to
23 with identifications like this, the whole reason we get
24 to those, the suggestibility prong, the Courts have held
25 these sort of show-up IDs are inherently suggestive, and

1 increasingly so when the suspect is in handcuffs and
2 especially here that the ID of the vehicle and the ID of
3 the defendant were done simultaneously.

4 Given that, I think the first prong is overly
5 suggestive. The Courts considered. The witness didn't
6 necessarily did not see anything special about this, so
7 that would suggest that the degree of his attention isn't
8 going to be particularly high. He's testified that he's
9 one of those people who is always a perfect witness, can
10 kind of focus on what's going on around him, but nothing
11 really stuck out that day, and he actually believed that
12 the suspect was the owner of the vehicle, nothing that
13 would actually draw his attention to it.

14 Yes, he did say he was ten out of ten in
15 certainty, and, yes, it was quick in time afterwards, but
16 the issues with the degree of attention and nothing was
17 actually taking place like -- that would make something
18 stick out in their mind, it's just a guy rifling through
19 a car, and because of those reasons, we would ask the
20 ID in regards to this witness not be allowed.

21 Thank you, Judge.

22 THE COURT: All right.

23 While I find that the single person show-ups
24 are highly suggestive in nature, they're still proper
25 where the identification occurs shortly or immediately

1 after an offense at or near the scene of the crime, where
2 the witness's description is accurate, on point with
3 regard to the description of the suspect as well as the
4 car involved and it's all fresh in the witness's memory,
5 there is no opportunity based upon the factual scenario
6 presented for it to be any other person matching that
7 description.

8 The circumstances surrounding this
9 identification is ultimately indicia of reliability to
10 the purpose be served by having to bring this individual
11 and to rule this individual out and continue searching
12 for the right person if you got the wrong person, it
13 would be one reason to favor a show-up in this particular
14 circumstance. I find that although the suspect is
15 handcuffed or in the presence of police officers, he
16 still has all the indicia of reliability, based on the
17 freshness of the identification, so I deny any motion to
18 suppress the identification.

19 (In open court, jury present.)

20 (Jury duly sworn.)

21 THE COURT: Let the record reflect the jury
22 has been sworn.

23 Ladies and gentlemen: You've now been an
24 oath to well and truly try this case according to the law
25 and according to the evidence so help you God. As long

1 as you hold true to that oath, you will have complied
2 with your oath as a juror, and no one will have the right
3 to criticize your verdict.

4 This is a case brought by the State against
5 the defendant regarding charges in which he has pled not
6 guilty. He's presumed to be not guilty, and he cannot be
7 found guilty unless the State presents evidence which
8 convinces each of you of his guilt beyond a reasonable
9 doubt, and that is the purpose of the trial, if you
10 determine whether the State can meet that burden.

11 You will evaluate the evidence in this case
12 and have the responsibility of judging the credibility of
13 the witnesses who testify and the credibility of the
14 evidence presented. It will be up to you to determine
15 the facts of this case. Just as only you can determine
16 the facts of this case, as the presiding judge, I am the
17 sole and exclusive judge of the law in this case. You
18 must accept the law as I state it to you.

19 It is important that you not discuss the case
20 in any form or fashion with each other or with anyone
21 else in your presence until I tell you that it is time to
22 do so. That will be after you have heard all the facts
23 of the case and received all the evidence as well as
24 heard the arguments of counsel.

25 It is especially important that you do not

1 seek to find out anything about this case other than what
2 is presented here in the courtroom and also that you not
3 discuss this case with anyone not on the jury nor any one
4 of your fellow jurors until it's time to deliberate on
5 the case. I look forward to working with you and making
6 this experience as meaningful as possible.

7 We'll proceed now with opening statements.

8 MR. FINCH: Thank you, Your Honor. May it
9 please the Court:

10 THE COURT: I'll tell you one additional
11 thing. I will pick a foreperson a little later in the
12 process.

13 MR. FINCH: Thank you, Your Honor.

14 Good afternoon. On February 25, 2012,
15 Shawndell McClenton and the mother of his child, Dawn
16 Lee, drove from their residence in North Charleston to
17 [REDACTED] Daniel Ellis Drive with their two-month-old child in
18 the car.

19 Once there, Ms. Lee parked the car. She had
20 been instructed to drive Mr. McClenton there because he
21 was going to meet a friend. That's what he told her, and
22 after he got there, he got out of the car. She parked
23 the car, turned off the lights, sat in the car with her
24 child.

25 At that time Mr. McClenton entered building

1 11, in the rear, and, through an open and unlocked
2 window, entered apartment -- or unit **XX106**. Once inside,
3 he took a purse, he left. He went back to the car, and
4 then he went to another residence, unit **XX103**, and there
5 he used an instrument to pry open a door into the
6 residence, pried open the lock, once inside, ransacked
7 that unit, took personal items, computers, electronics
8 jewelry, clothing, put it all in a trash bag that he had
9 taken from inside that residence, put it in that car.
10 Also took a key fob, and the key fob allowed him to open
11 the car of the resident of that unit **XX103**, Ms. Amanda
12 Mitchell, who just left a little bit earlier, around
13 9:45, during the nighttime hours, and that car was parked
14 right in front of her unit.

15 So he hit that key fob until he saw the
16 lights, and that car unlocked and went inside that car
17 looking for other items. At that time, Ms. Lee had
18 pulled the car, the co-defendant, pulled the car up to
19 that car, and he went back and forth from one car to the
20 next until they finally left. When he left, there's only
21 one way in and out of that set of apartments.

22 Officers had already been dispatched, and
23 they were waiting, two officers went in, one officer
24 stayed at the only entrance and exit of that unit. There
25 is a description of the car, description of

1 Mr. McClenton, and description of Ms. Lee given to law
2 enforcement. They stopped a car matching that
3 description, containing the defendant. They got consent
4 to search that vehicle. They opened the trunk, and in
5 there they found all the items from **XX103** and **XX106**.
6 That defendant was then immediately identified at the
7 scene, and there were witnesses called 911 while this is
8 happening.

9 The elements of burglary first are that the
10 defendant entered the dwelling at night with the intent
11 to commit a crime therein, breaking and entering a motor
12 vehicle, breaking inside their car.

13 Again, at the end of the trial, the State
14 will deliver to you enough evidence, testimony, exhibits,
15 and your own common sense, putting together all the
16 circumstantial bits, that you'll be able to confidently
17 find Mr. McClenton guilty of burglary in the first degree
18 and breaking and entering a motor vehicle.

19 MR. LEWIS: Good afternoon, ladies and
20 gentlemen: All right. Well, if that's all it is, we're
21 done. Clearly it's not that simple. If it were, we
22 wouldn't be here today.

23 When I think about this case, what comes to
24 mind to me is two childhood games, hot potato -- I'm from
25 Kentucky, so I hope that's here as well, universal game,

JEREMY JACOBS - CROSS BY MR. LEWIS

1 and musical chairs. Those two games have a lot to do
2 with this case because neither side is going to disagree
3 with the property that was recovered from inside the
4 vehicle.

5 He had the property. He got it from somebody
6 else. That's not a burglary. You have to go inside,
7 commit the crime. That's burglary. If you buy stolen
8 goods, that's receiving stolen goods. It's a completely
9 different crime, but what I'm asking you all to do is
10 hear the evidence, ask the evidence that helps prove
11 where a human being has been.

12 Our fingerprints stick on nice flat surfaces
13 like that. You can see them if you look at the right
14 angle; DNA, anything that actually shows that something
15 took place. Don't just let circumstantial evidence steer
16 you towards the result the State wants.

17 The music has not stopped playing. There is
18 still lots of chairs there. We don't have to say that
19 he's guilty just because he possessed stolen goods, so
20 once you've heard all the evidence in this case I will
21 ask, probably tomorrow afternoon, that you find
22 Mr. McClenton not guilty.

23 Thank you.

24 THE COURT: Who is your first witness?

25 MR. FINCH: State calls Jeremy Jacobs.

JEREMY JACOBS - DIRECT BY MR. FINCH

1 JEREMY JACOBS,
2 having been first duly sworn,
3 was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. FINCH:

6 Q. Good afternoon, Mr. Jacobs. If you could, tell
7 the Court where it is you're employed.

8 A. Ameris Bank.

9 Q. Where is that?

10 A. In St. Mary's, Georgia.

11 Q. And back in 2012, did you live in the Charleston
12 area?

13 A. I did.

14 Q. Where did you live?

15 A. I lived over on Daniel Ellis Drive.

16 Q. What unit were you in?

17 A. [REDACTED].

18 Q. And is that directly above **XX103**?

19 A. It is.

20 Q. Do you recall the night of February 25th, 2012?

21 A. Yes, sir.

22 Q. Do you recall what time you got home that evening?

23 A. It would have been after dinner, you know, 9:00,
24 around there, 8:00, 9:00.

25 Q. Okay. And did you walk your dog after that?

1 A. I did. I did. When we arrived in the parking
2 lot, came upstairs, into my apartment, got my dog,
3 brought him down, walked him around and used the rest
4 room.

5 Q. Did you notice any individuals -- let me back up.
6 How is the lighting in the breezeway on the
7 entranceway?

8 A. There are lights in the breezeway. It's good.

9 Q. Fairly well lit?

10 A. Yes.

11 Q. And when you walked out with your dog, did you see
12 anybody outside?

13 A. I did, I did.

14 Q. What did you see?

15 A. I saw a gentleman in a car, in the first parking
16 spot, right next to the walkway going up the apartments.
17 He was in a car, looking around, looking for something,
18 maybe in the center console.

19 Q. Was the door to the car open?

20 A. It was.

21 Q. Dome light on?

22 A. Yes, sir.

23 Q. Were you able to see inside the vehicle?

24 A. Yes.

25 Q. Were you able to get a good look at that

1 individual?

2 A. Yes, sir.

3 Q. Be able to see his face?

4 A. Yes, sir.

5 Q. Clothes he was wearing?

6 A. Yes, sir.

7 Q. And what was he doing in the car other than
8 looking for items, seemingly looking for items, anything
9 else?

10 A. No. I didn't observe anything else. It just
11 seemed like he was looking for something in the console.

12 Q. Was there another car in the area?

13 A. There was.

14 Q. And what was that car like?

15 A. It was where our apartment building was, there
16 is -- it kind of dead ends right there, and there was a
17 car facing outwards, not in a parking spot when we pulled
18 in. We saw the car sitting there kind of out in the
19 open.

20 Q. Can you describe that vehicle?

21 A. It was a blue Chevy Cavalier.

22 Q. And did you see that individual get out of the
23 car? Did he go back up to the apartments?

24 A. He did.

25 Q. What did he do there?

JEREMY JACOBS - DIRECT BY MR. FINCH

1 A. He went up to the apartment, checked the door, and
2 that's where I got kind of the best look at him because
3 there is an overhead light right in front of door you can
4 put your key in.

5 Q. Which apartment was that?

6 A. The one below mine, so [REDACTED].

7 Q. You're [REDACTED]?

8 A. Yeah, I'm [REDACTED].

9 Q. XX103?

10 A. 103.

11 Q. And he went to the door. What did he do at the
12 door?

13 A. It appeared he checked the doorknob and, you know,
14 as if he was making sure it was locked. I was new to the
15 area, so I didn't know -- and my neighbors yet, and so I
16 didn't -- it seemed like he went up, checked the doorknob
17 as if he were meant to have it, make sure it's locked,
18 and then got in the car, in that Cavalier, and took off.

19 Q. And a short time later were police in the area?

20 A. They were.

21 Q. What did you do?

22 A. I went downstairs. The lights -- I was watching
23 TV. The blue lights caught my eye. I noticed they were
24 searching. The police officer had their mag light out,
25 looking in the car where I saw the gentleman, and so I

1 thought, well, if they're looking for him, he's gone.

2 I'll go down and tell them, and --

3 Q. Is that what you told them?

4 A. Yes. I said, If you're looking for somebody, I
5 saw the guy that was in the car. He took off with
6 somebody already.

7 Q. Did you give a description of that individual?

8 A. Yes, I did.

9 Q. And did the police ask you to come with them to
10 make a possible identification?

11 A. Yes.

12 Q. And where did that happen?

13 A. That happened just -- it was still on Daniel Ellis
14 Drive as you go out of the condominiums there in front of
15 Lowe's is less than a half a mile away.

16 Q. And where was -- were you able to make an
17 identification?

18 A. I was.

19 Q. How certain were you --

20 MR. LEWIS: Objection, Your Honor. Just to
21 renew my objection for the record.

22 THE COURT: Yes.

23 BY MR. FINCH:

24 Q. Were you able to make an identification?

25 A. Yes, sir.

JEREMY JACOBS - CROSS BY MR. LEWIS

1 Q. How certain were you that the person you saw in
2 the car was the person that the police had asked to see
3 if you could identify?

4 A. I was very certain.

5 Q. Ten out of ten?

6 A. Ten out of ten.

7 Q. How about the vehicle?

8 A. Ten out of ten.

9 Q. How long had it been, roughly, since the time that
10 you saw that individual until the time that the police
11 asked you to potentially identify someone?

12 A. It wasn't too terribly long, maybe 30, 40 minutes.

13 Q. Okay. And --

14 MR. FINCH: That's all I have. Please answer
15 any questions Mr. Lewis may have.

16 THE COURT: Yes, sir.

17 CROSS-EXAMINATION

18 BY MR. LEWIS:

19 Q. Good to talk to you again. Really briefly.

20 So when you saw the guy in the center console of
21 the vehicle, he didn't take off running? He didn't say
22 anything to you, right?

23 A. Correct.

24 Q. Didn't attack you?

25 A. Correct.

1 Q. Didn't swing a crowbar at you?

2 A. No, sir.

3 Q. No mask over his face?

4 A. No, sir.

5 Q. Nothing like that that would have made your
6 suspicions rise up that something bad is going on?

7 A. Correct.

8 Q. Now, and one thing that wasn't necessarily brought
9 up, when you got back from dinner did you hear any
10 banging noises, like a door being pried open?

11 A. I did not.

12 Q. Nothing like that, and your apartment was directly
13 above?

14 A. Correct.

15 Q. Okay. Okay. Did you see the guy getting into the
16 Cavalier with the crowbar?

17 A. I did not see anything in his hands.

18 Q. Did you see if he had gloves on?

19 A. I didn't notice any gloves.

20 Q. Okay. But it was well lit. You would have been
21 able to see that, right?

22 A. It's light underneath the apartment, and when the
23 car was open, the dome light was on, but outside after it
24 passes the walkway out into the parking lot, you know,
25 it's nighttime.

1 Q. Right. So then it's hard -- we all have different
2 levels of night vision. I'm blind as a bat at night, but
3 you said the way you were able to make your determination
4 is what you saw when he was under that -- the light in
5 the breezeway.

6 A. Correct.

7 Q. Okay. In most scenarios, your memory fades. That
8 night you said you didn't get necessarily a great look at
9 his face, but a lot of it played together when you saw
10 things together.

11 A. Yes.

12 Q. You saw the car; you saw the guy?

13 A. Yes.

14 Q. Right? And so you thought that this has to be
15 right.

16 A. Yes.

17 Q. Ten out of ten?

18 A. Ten out of ten.

19 Q. 100 percent?

20 A. 100 percent.

21 Q. Not a lot of things in like are completely 100
22 percent certain, right?

23 A. Correct.

24 Q. But you were sure of this?

25 A. Yes, sir.

1 Q. Okay. You said you saw him check the door as if
2 it was locked then, like to make sure it's locked.

3 A. Yes, sir.

4 Q. Okay. So when you're seeing that, that means
5 you're seeing the hand.

6 A. Uh-huh.

7 Q. Right?

8 A. I saw the hand on the door.

9 Q. So glove or no glove?

10 A. I couldn't see that.

11 Q. Okay.

12 A. Or I don't recall if there was a glove on or not.

13 Q. Right. But you would have seen that back then?
14 If you would have seen a glove, something that would have
15 covered up fingerprints or DNA or something like that?

16 A. Yes.

17 Q. One second, Judge. Very brief.

18 The description you gave of the suspect's
19 face, the person doing it --

20 A. I don't believe I described his face the night of.

21 Q. Okay.

22 THE COURT: Anything further?

23 MR. FINCH: No, Your Honor.

24 THE COURT: All right. Thank you. You may
25 step down. We're going stop for the day and start back

1 at 9:30. So you're free to go, and we need you back at
2 9:30 tomorrow morning. Please do not discuss the case
3 with anyone. Don't go on line trying to find out about
4 the case.

5 All right. We'll be back at 9:30 tomorrow
6 morning.

7 (Recess taken.)

8 (April 22, 2014.)

9 (In open court, jury not present.)

10 THE COURT: Good morning. How is your guy
11 today?

12 MR. LEWIS: Unfortunately, we're going to
13 have to discuss that again.

14 THE COURT: Yes, sir. Mr. Lewis?

15 MR. LEWIS: Meeting with Mr. McClenton this
16 morning, he seems to be exhibiting a lot of the same
17 symptoms as yesterday morning. I think he got better
18 throughout the day, but as soon as I was told that this
19 morning -- the jail has not called me back yet. I
20 thought maybe we could get his doctor in here to say he's
21 good to go, he's not -- I just don't know what's going
22 on.

23 So I'm doing my part, I think, as his
24 attorney to bring it to the Court's attention, let you
25 know what I'm seeing and what I'm being told.

1 THE COURT: All right. Mr. McClenton, let's
2 see. You're still under oath from yesterday. What's
3 going on today?

4 THE DEFENDANT: I'm jittery, messing with my
5 head. I asked my lawyer to call and talk to the mental
6 health lady who prescribed me the medicine. It's like
7 I'm going in and out. If I sit down too long, my mind
8 turns off. I don't know if it's the medicine they have
9 me on or what.

10 THE COURT: So, I mean, is this something
11 that bothers you, like early in the morning, or do you
12 straighten up later in the day?

13 THE DEFENDANT: It's like once the medicine
14 wears off, then I'm okay until I have to take it again at
15 nighttime.

16 THE COURT: Yesterday when you -- not only
17 with me talking to you yesterday, but also yesterday when
18 you got on the witness stand, you were going back and
19 forth with the solicitor during cross-examination and
20 responding to your lawyer, you seemed to be perfectly
21 fine.

22 THE DEFENDANT: Once the medication wears
23 off, I can be okay, but whenever I take the medicine, it
24 messes me up more.

25 THE COURT: How long have you been aware of

1 that fact?

2 THE DEFENDANT: Ever since, like, a week
3 after I started taking the medication I requesting to see
4 the doctor again. It's supposed to be a trial medicine,
5 she said, seeing how --

6 THE COURT: A trial medicine?

7 THE DEFENDANT: To see how it reacts with my
8 body, if that's the right type of medicine I need.

9 THE COURT: And what time did you take the
10 medicine today?

11 THE DEFENDANT: I think it was like 7:00 the
12 nurse come in the dorm.

13 THE COURT: All right. And understanding
14 that you're in a jury trial and you need to be
15 clear-headed and focussed, why did you take medicine and
16 come here?

17 THE DEFENDANT: It's not an option for me to
18 take the medicine because it's a mental health
19 medication. If I don't take the medicine, they reprimand
20 you.

21 THE COURT: Well, maybe you can take it
22 earlier in the morning.

23 THE DEFENDANT: I don't have a choice to
24 decide when I take the medicine.

25 THE COURT: So what do you want us to do?

1 THE DEFENDANT: I don't know. I want to see
2 if you can give me the right medication because this
3 messes me up real bad.

4 THE COURT: Well, did you ever find out her
5 name, or his name?

6 THE DEFENDANT: No, sir. I don't know. The
7 doctor is a new lady. She said she's a new doctor.

8 THE COURT: You don't talk to them when they
9 come to see you?

10 THE DEFENDANT: They don't come to see you.
11 You have to put it in the computer to see them, and
12 whenever they find time, they come and see you.

13 THE COURT: Did they bring you the medicine,
14 someone handed it to you this morning?

15 THE DEFENDANT: I have to go to the
16 medication cart and get the medicine. They call your
17 name out to the cart.

18 THE COURT: When I asked you what was the
19 doctor's name, you didn't think to ask to find out?

20 THE DEFENDANT: By the time I got back to the
21 institution, the mental health department was closed.

22 THE COURT: All right. All right. Well, it
23 seems like that shouldn't be so hard to find out.

24 Mr. Lewis, since you've been working on this
25 issue for a couple days, now presenting the same problem,

1 but he still seems to be lucid, even though he's
2 trembling a little bit. What else are you thinking,
3 Mr. McClenton?

4 THE DEFENDANT: I don't know. What else am I
5 thinking?

6 THE COURT: What else are you thinking about
7 you and the medicine and pressing on with the jury?

8 THE DEFENDANT: I feel dysfunctional at
9 times. If I sit down too long I go out, and, like --

10 THE COURT: What time of day are you back to
11 normal?

12 THE DEFENDANT: I take the medicine in the
13 morning. About 3:00 or 4:00 I'm all right, and when I
14 take the medicine at night, again at 8 o'clock, same
15 result.

16 THE COURT: All right. Have a seat. Sit
17 down.

18 Mr. Lewis, what are you thinking?

19 MR. LEWIS: My stance on it is kind of the
20 same as yesterday. I'm not a medical professional, but
21 as an officer of the Court, throughout trial yesterday,
22 he seemed to be okay. He was writing questions that he
23 would like me to present as cross-examination. He was
24 engaged.

25 I can't say what time he jotted it down, but

1 right now, this appearance is not helpful. I don't know
2 what to do. Again, I have to bring it to the Court's
3 attention. I wish we could continue trying our case
4 normally without this going on, but I can't say what's
5 going on in Mr. McClenton's head.

6 That's why I tried to reach out to mental
7 health this morning. I know they're incredibly busy, as
8 are we all, and I don't know who his doctor is, and I
9 assume we would get the run around. We would have to
10 fill out some forms.

11 THE COURT: You want the doctor here? We can
12 send for him or her or whoever it might be. There has to
13 be a person at the jail, a jail director or medicine or
14 whatever the particular title might be.

15 MR. LEWIS: I mean, I certainly could do
16 that, Judge. I'm sorry to be delaying this trial, but it
17 may be necessary to preserve Mr. McClenton's rights.

18 THE COURT: Well, I understand all about
19 preserving rights, and that's why we try to be meticulous
20 in the court about preserving rights. Yesterday we
21 observed him engaging you with jury selection and the
22 critical choice of whether Andy Savage should be a juror
23 or not. You said it's your case, it's your call, and you
24 struck the famous defense lawyer with his consultation
25 throughout the process, and when testifying, he seemed

1 perfectly fine. I don't know.

2 What do you think, Mr. Finch?

3 MR. FINCH: Your Honor, as I stated
4 yesterday, there seems to be a bit a trend with
5 Mr. McClenton, at least in prior proceedings, bond
6 hearings. There's always a convenient medical excuse not
7 to be a participant. I'm agreeing with the Court.
8 Mr. McClenton seemed lucid yesterday. He seems lucid
9 now. He's able to answer your questions.

10 I don't know if that's an affectation. I
11 don't know Mr. McClenton personally. I don't know if
12 this is put on to delay the case, but the State is
13 just -- has a right to a speedy resolution just as much
14 as Mr. McClenton. This has been going on for years as
15 Mr. McClenton has delayed the proceedings previously.

16 If the solution is to have him evaluated by
17 mental health in short order and they can get over here
18 very quickly, perhaps we can do some of the other
19 pretrial or extra jury activities for the trial until Mr.
20 McClenton is cleared by mental health. If that's a
21 solution, we do have a couple items that can be taken up
22 outside the presence of the jury, I don't think that
23 would infringe upon the rights of Mr. McClenton; however,
24 I don't see any need to stop the trial or delay any
25 longer based on this most recent development.

1 THE COURT: Of course I don't see it as a
2 mental health issue, as far as affecting his competency
3 to stand trial. He was competent to stand trial and able
4 to assist trial as he did throughout the proceeding and
5 seems to continue to do so.

6 The question was not so much mental health,
7 but who is the mystery doctor who is ordering this
8 medication that might have him trembling in the morning,
9 and if we can get the identity of that person and, if
10 necessary, have them come down and explain to the
11 satisfaction of the Court and counsel what's going on and
12 whether there can be a modification if needed, but it
13 does not affect his competency to stand trial, only
14 whether or not his appearance is affected, and, of
15 course, it's always hard to gauge or judge a person based
16 on a person's appearance.

17 He says that sometimes it may cause him to
18 nod off, and so if the Court observes that or counsel
19 observes that, we can immediately stop the proceedings as
20 necessary, if that's necessary, but I will not bring a
21 mental health person here to give an assessment of his
22 competency because that doesn't seem to be an issue.

23 Clearly, you participate in the trial. You
24 go through examination and cross-examination, and you
25 have to understand and interpret the questions and give

1 appropriate responses and all of that. That indicates he
2 is competent, capable of assisting counsel.

3 What can we do to find out who prescribes his
4 medication?

5 MR. LEWIS: My secretary has been reaching
6 out via e-mail right now. I have several numbers,
7 Captain Gathers, Major Smith, and Amy Craddick with DMH.

8 THE COURT: Do they work at the jail or do
9 they service the jail?

10 MR. LEWIS: My understanding are the two are
11 directly in charge of the jail, the first two, and then
12 Amy Craddick is with the department of mental health at
13 the jail who would kind of be in charge of deciding what
14 medications -- the medication he's on.

15 THE COURT: See if they can get down here and
16 answer some questions ASAP. We have Mr. McClenton here
17 on trial and seems as if when he shows up in the morning,
18 he's shaking and a little groggy and he says he takes --
19 what kind of medicine is that?

20 MR. LEWIS: Zyprexin and Cogentin.

21 THE COURT: He takes that kind of medicine
22 and he gets -- and it takes him some hours to get to the
23 point where he can be totally focussed, and so I asked
24 him, considering that he's in trial and he needs to be
25 focussed with this, why does he take the medicine at the

1 time he does, which she says that is in the morning or
2 not, and he says he has no option and he must take it --
3 he'll get punished if he doesn't, or perhaps if he
4 doesn't take it he'll -- what will happen?

5 MR. LEWIS: I would assume he would
6 decompensate in some way, but this is worse than I've
7 seen him at all. He seems to be totally focussed and
8 engaged when he's in the trial. He was on the stand
9 yesterday and talked with me all day yesterday, even
10 though he started out today seemingly under the influence
11 of medication state. We're trying to figure out why it
12 is that it is and why that's affecting our trial and what
13 can we do so that we can press on without trial, without
14 that interfering with the trial, because it appears at
15 this moment that we might have to wait a couple hours
16 until his medication wears off a little bit to press on
17 with the trial and wondering whether you can help us
18 figure that out.

19 In theory this also could be an
20 opportunity -- I know you wanted us to wait on the motion
21 regarding the tire iron or crowbar, but you've heard a
22 little bit about it, and you may be able to understand
23 our issues with it if you wanted to do that hearing.

24 THE COURT: Sure.

25 MR. FINCH: Judge, in this case there were

1 two crime scenes: One was processed before the other.
2 The first crime scene processed was a parking unit,
3 **XX103**, that belonged to Amanda Mitchell. The entry to
4 that apartment was determined to be a patio, or a porch
5 door, that was pried open. When the crime scene tech
6 processed that scene, he processed for fingerprints and
7 he also took note of the damage to the door. The door
8 was closed when he encountered it and then opened the
9 door, photographed the doorjamb, the lock mechanism, as
10 well as tool marks, and in his report, prior to seeing
11 any evidence, in his report he said it appeared to have
12 been made by -- these pry marks appear to have been made
13 by a large screwdriver, and he described to me in our
14 meetings as a big mechanic's screwdriver, if Your Honor
15 is familiar, or a crowbar.

16 Later a tire iron, sort of crowbar was found
17 at the -- in the suspect vehicle that was collected as
18 evidence. It was photographed. When I met with the
19 crime scene technician, I asked him to go over what it
20 was and indicated to him it was, a potentially large
21 screwdriver or crowbar. We went over the pictures with
22 and without the scale.

23 He showed pointed marks or blunt marks that
24 had a square end to them and the impression that they
25 made in the door, and he said that indicates to him some

1 sort of bladed object that would have gone into that and
2 left an impression into the wood.

3 I asked him if he could determine from those
4 pictures, judging by the scale, roughly the size of the
5 impression that each one of those made. There were two
6 or three of them that were clearly visible. He said they
7 were about half an inch.

8 I then asked him, based on the scale, what
9 was the distance from the beginning of that mark to the
10 end of the doorjamb where the prime fulcrum, essentially,
11 would have been, and it was estimated to be about three
12 inches.

13 I then showed him the tire iron that was in
14 evidence and asked him what were the dimensions of that,
15 and he said the bladed end was about half an inch, and I
16 asked him if there was anything of note three inches from
17 that blade again, and he said that on both sides it
18 appeared the paint had been worn away down to bare metal,
19 and I asked him, also judging by the pictures, can you
20 tell what shape the instrument was, and he said it
21 appeared to be a round shape, not a square or hexagon.

22 And I asked him, Is this, in your opinion
23 then, the tool that made these marks?

24 He said, I can't say that, but I can say that
25 the size of the impression is consistent, is about a half

1 an inch, and then the distance of damage is about three
2 inches. And on the piece collected, it's a half an inch,
3 it's round, and at three inches is where the damage to
4 that tool stops.

5 But he would not go so far as to say that
6 tool was used to pry open that door. I didn't plan on
7 asking him that either, just that those marks are
8 consistent.

9 THE COURT: All right.

10 MR. LEWIS: And, Judge, that's exactly my
11 issue with this. The only reason to put this into
12 evidence is to suggest, oh, of course this is the tool
13 that did it. Otherwise, it's irrelevant, the fact that
14 there is a jack found in the vehicle is not relevant
15 unless you say this jack was used to do that.

16 My understanding is, for one, if you're using
17 a fulcrum action, there would only be a mark on one side.
18 The reason there would be marks on both sides would it if
19 it's a hydraulic jack used to pump up a car. This is not
20 a crowbar. I think it would be important for the Court
21 to see it is straight with an L-shape with the hexagon
22 wrench portion up here, and, yes, there is a flathead at
23 this end, but like you would use with a hydraulic jack.

24 I think it's improper to present it as --
25 we're not saying it's the tool, but it looks like it

1 could be. That's not evidence. That's speculation.
2 He's not an expert. He's not been certified, and won't
3 be, in tool marks, so he's not qualified to give an
4 opinion any way, and I think even calling attention to
5 those specific things, yes, I would cross-examine him on
6 it, if it goes that far, but I think it's improper if --
7 we're not saying this is the tool, but it could have
8 been, and the prejudice that he would suffer treating
9 that, that is important.

10 That's basically my stance on it.

11 THE COURT: Yes, sir?

12 MR. FINCH: Judge, you know, the argument and
13 the defense is this is a wholly circumstantial case, and
14 be that as it may, the circumstances certainly seem to
15 implicate Mr. McClenton.

16 The State's position is it would go to the
17 weight of the evidence. Mr. Lewis can vigorously
18 cross-examine crime scene tech Miller about whether or
19 not this is used or was used, but the fact remains that a
20 tool consistent with the marks made on that door was
21 found in the defendant's possession with the stolen
22 items.

23 Now, to clarify what Mr. Lewis was saying
24 about the fulcrum action, there is damage to both sides
25 of the door. It's entirely possible that this implement

1 was put in between the doorjamb and then moved back and
2 forth in order to pry open the door and leave damage to
3 the door and the doorjamb.

4 MR. LEWIS: There are also a series of other
5 marks all along this tool that is used. I assume he
6 could explain his, you know, reasoning why he believed
7 there are marks up by the socket portion as well. It's a
8 car tool. To go this far and to put this in as evidence
9 is taking it too far, but we certainly can hear the
10 testimony of Mr. Miller when he arrives, but I at least
11 wanted Court to be aware of the issue before we have to
12 deal with it.

13 THE COURT: So what is the law of the issue
14 involving the person is an expert in the field of crime
15 scene investigation? Is that what he's an expert in?

16 MR. FINCH: Through training and experience,
17 we would see if he could be qualified as an expert, but
18 that's his field of expertise. That's what he's been
19 doing for the Charleston city police department for many
20 years.

21 Again, as a witness, he was not prepared to
22 go so far and wouldn't go so far as to say this is the
23 tool; however, he was just going to simply say that it's
24 a bladed implement. From his training and experience,
25 the mark there was a bladed instrument consistent with a

1 flatted screwdriver -- a flatted screwdriver or a
2 crowbar, and that the marks -- and it was a round
3 implement, and that's what we have. That's what is found
4 in the defendant's possession, and he can do that just by
5 looking at the marks that are on the door. It's not a
6 hexagon or square mark on the door, it's rounded and the
7 diameter is about a half an inch, same as that tool.

8 Now, what was going to be elicited from
9 Mr. Miller is regarding just the mark that he saw and
10 what that led him to believe based on his training and
11 experience.

12 MR. LEWIS: And, Judge, this isn't someone
13 from SLED. This is a crime scene tech, someone that
14 normally would never be qualified as an expert. That's
15 why I said a tool mark expert, yes, that person I would
16 voir dire on it, but chances are, they're going to be
17 able to testify and give an opinion. Crime scene tech,
18 photographs, take samples -- they're not experts on tool
19 marks.

20 MR. FINCH: Judge, you don't have to be an
21 expert to look at a scale and say that's a half an inch
22 and look at a tool and say that's a half an inch. That's
23 an expert opinion. That is a fact statement. It's not
24 opinion based to say that this distance is three inches
25 and that distance is half an inch. You don't need an

1 expert to do that, you just need to be able to read the
2 ruling, and, clearly, crime scene tech Miller can read a
3 ruler and identify the marks.

4 THE COURT: A crime scene tech versus a crime
5 scene expert, what's the difference?

6 MR. LEWIS: The tech would be the CSI person
7 that you see on TV, just dusting for prints. The expert
8 would be the analyst that then took that process, that
9 ran it through SLED, that sort of thing. This person is
10 a responding officer that wears a different uniform, that
11 collects -- tries to collect evidence. They're not
12 experts. They haven't been published. They are taught
13 how to try to collect evidence, but they can't give
14 opinions as to what that evidence means.

15 THE COURT: This evidence is in the trunk of
16 the car?

17 MR. LEWIS: Yes, sir, where most of us keep
18 our tire irons.

19 MR. FINCH: This was loose with other stolen
20 items, Your Honor, along with a flashlight.
21 Additionally, I would argue that working for SLED does
22 not necessarily an expert make or doing an analysis. I
23 think there's training and experience that comes with
24 being a crime scene tech. I can go over Mr. Miller's
25 qualifications with him, his continuing education, his

1 training and his fingerprint analysis. Many times in
2 different agencies, we'll have someone who does work as a
3 tech but also does the fingerprint analysis, the AFI'S
4 analysis for a certain agency, so they do have an
5 expertise in different field, sometimes firearms from
6 prior training or military.

7 I don't think that your title dictates
8 necessarily what your ability to formulate an expert
9 opinion on based on other, perhaps, unknown at this
10 moment training and/or experience.

11 THE COURT: All right.

12 MR. LEWIS: That's the gist of it, Judge.

13 You have found Mr. McClenton's statement
14 admissible during our previous hearing, but we did have
15 that 13 seconds issue.

16 THE COURT: Okay.

17 MR. LEWIS: That we can go ahead and address
18 now.

19 MR. FINCH: Essentially, you heard the
20 Court's instruction and truly, because this is the way
21 Mr. Lewis and I tend to work together on things, we try
22 to come to an agreement on things as best we can to
23 streamline the court proceedings because there are
24 inevitable delays.

25 What we've done is taken a statement given by

1 the defendant, which is about 21 minutes long, and we've
2 culled that down -- I don't even know the time -- it's
3 probably about eight minutes.

4 MR. LEWIS: Around ten, maybe ten total.

5 MR. FINCH: What we've done is taken out what
6 likely would be objectionable, references to prior bad
7 acts, references to drugs, drug use. Of course, the
8 State's position, should Mr. McClenton testify, that this
9 would then open the door to those things as far as
10 impeachment, but it voided his testimony.

11 We've removed those items. We have a
12 13-second dispute. In that -- and I'm paraphrasing --
13 Detective Feeters asked Mr. McClenton, Is this the first
14 time you've done this? He said, I guarantee this isn't
15 the first time you've done this.

16 And Mr. McClenton said, Done what?

17 He says, Kicked in a door, taken stuff, or
18 something like that.

19 And he says, Yeah, this is the first time
20 I've caught a burglary charge. That's the 13 seconds,
21 essentially. Now, again, I'm paraphrasing it. I don't
22 want you to think that I've got that down pat, but it's
23 essentially that's the gist of it, and if the Court would
24 like to hear that --

25 THE COURT: This is the first time I caught a

1 burglary charge, is that a lie?

2 MR. FINCH: I asked Mr. Lewis, when we talked
3 on the phone Sunday night, I said, I thought it would be
4 clearer where he says, Is this the first time you've done
5 this?

6 What?

7 Kicked in a door taken, somebody's stuff?

8 Yeah, and then he pauses and says, This is
9 the first time I caught a burglary charge. I'm not
10 trying to use it to impeach him or show that that's a
11 lie. That's not what the purpose of this. It was that
12 the "yeah" is an admission, correct.

13 So I actually asked Mr. Lewis -- I don't
14 think that second part could get us in trouble that would
15 lead the jury to think, well, he's got other charges,
16 he's got this, that, and the other, this is his first
17 burglary charge.

18 He could decide to leave it in. I'm good
19 with it with or without. I think it is good as an
20 admission. Either way, that's what I wanted to do;
21 however, I think that second -- that last three seconds
22 may be problematic, but I'll leave it up to Court, as
23 this is the proposal from Mr. Lewis.

24 MR. LEWIS: In response, I think the question
25 in and of itself is kind of like the old question have

1 you stopped beating your wife?

2 There is not a correct answer to that. If
3 you say yes, that means you have previously beaten your
4 wife and have now stopped. If you say no, that means you
5 continue to beat your wife.

6 Is this the first time type you kicked in the
7 door? He could say no. He said, This is the first time
8 I caught a burglary charge. That's why I think that part
9 is important, but the problem is, it's not the first time
10 he caught a burglary charge. He has a burglary
11 conviction on his record.

12 Mr. Finch and I agreed -- well, he's not
13 intending to try to impeach him on that specific issue,
14 and I think that's the right decision. I think, if it
15 comes in at all, to simply stop it at, Is this the first
16 time you've kicked in a door, yes, and not putting the
17 rest of the context in there, just makes it sound like a
18 blatant admission.

19 He, in my discussions with him, is not making
20 an admission. He's saying, This is the first time I've
21 caught this sort of charge, which, as I said, is a lie,
22 but in that context, I think it's more damning, and we're
23 already editing a lot to simply stop at, Did you commit
24 the crime? Yes.

25 THE COURT: All right.

1 MR. FINCH: Your Honor, the State would
2 submit there is a third answer to that question as
3 Mr. Lewis proposed. It's not just yes or no. If the
4 question were posed, Are you still beating your wife or
5 have you stopped beating your wife, someone who has never
6 beaten his wife has the option to say, I've never beaten
7 my wife.

8 That's an appropriate response. That's not
9 what Mr. McClenton did. He chose to say yes, this was
10 the first time he's done this. Although that turned out
11 to be a lie, that was his decision. He's well aware of
12 the process. He knew that everything he said could and
13 would be used against him in a court of law. This is not
14 his first time he's reviewed those Miranda rights.

15 He clearly understood what was going on at
16 the time, but I'll leave it to the Court to listen to
17 those two versions and make a decision.

18 THE COURT: All right. I'll be happy to
19 listen to those two versions and make a decision.

20 So these entire statements or just the 13
21 seconds?

22 MR. FINCH: I believe it's around the 13
23 minute mark, 13 --

24 MR. LEWIS: I think it's a little shy of
25 that.

WARREN JOHNSON - DIRECT BY MR. FINCH

1 THE COURT: Entire statements are how long?

2 MR. LEWIS: Ten minutes and ten minutes, I
3 think, ten minutes and maybe 11 minutes. I fast
4 forwarded the part that is relevant, or that we're
5 arguing about. The rest of it is identical.

6 THE COURT: All right.

7 MR. LEWIS: Other than that 13 seconds.
8 A does not, B does. As the editor, I made my preference
9 A.

10 THE COURT: So you're advocating A, he's
11 advocating B.

12 MR. LEWIS: Yes, sir.

13 MR. FINCH: Yes, Judge.

14 THE COURT: What else is on your mind?

15 MR. LEWIS: Biggers.

16 THE COURT: Let's do the Biggers.

17 MR. FINCH: State calls Warren Johnson.

18 WARREN JOHNSON,

19 having been first duly sworn,
20 was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MR. FINCH:

23 Q. Good morning, Mr. Johnson. If you would tell the
24 Court where it is you're employed.

25 A. I'm self-employed.

1 Q. What kind of work do you do?

2 A. Advertising.

3 Q. And how long have you lived in the Charleston
4 area?

5 A. I have been back in Charleston for six years now.

6 Q. And about two years ago, February of 2012, were
7 you living over on James Island?

8 A. Correct.

9 Q. At the Peninsula Condos?

10 A. Correct.

11 Q. Do you remember what unit you lived in?

12 A. I believe it was [REDACTED], but I'm -- I'm not sure.

13 Q. And how long had you lived there prior to February
14 2012?

15 A. Just a few weeks, as I recall.

16 Q. And do you recall an incident that occurred
17 February 25th, 2012, regarding a possible burglary near
18 that address?

19 A. Yes.

20 Q. And tell us, what were you doing that night when
21 you returned -- first of all, what time did you return to
22 your condominium that night?

23 A. I don't know. I would guess -- I would guess
24 around 9:00 maybe, around 9:00 or 10 p.m. It was dark.

25 Q. And when you returned, where were you coming from?

WARREN JOHNSON - DIRECT BY MR. FINCH

1 A. I was returning from the grocery store.

2 Q. Did you have some groceries with you?

3 A. Yes.

4 Q. And where did you park?

5 A. I parked directly in front of my unit.

6 Q. And those units have breezeways that separate the
7 units?

8 A. That's correct.

9 Q. Or separate the apartments, condos?

10 A. Correct.

11 Q. And they have lights in the breezeways?

12 A. Yes.

13 Q. And so when you parked, do you go into your
14 apartment that's on the first or second floor?

15 A. Second floor.

16 Q. And what did you see when you drove in, when you
17 parked?

18 A. When I pulled up, there was a young man standing,
19 I believe, on the second stairwell, facing out towards
20 the parking lot, either the second or the third
21 stairwell, as I recall.

22 Q. And that would be so -- in the open breezeway on
23 the second or third floor, you're saying?

24 A. Well, on the stairway facing out. I'm not sure if
25 it's in between floors -- I haven't been back there in a

1 few years, but there's -- you know, it's an open air
2 breezeway, where if someone is standing facing the
3 parking lot, they're -- you know, I would say equidistant
4 between these two lamps and about the same height right
5 there.

6 Q. Okay. So about ten feet off the ground or so?

7 A. I tend to probably -- 10, 15 feet, yes.

8 Q. And that's also in that illuminated area?

9 A. Yes.

10 Q. And so when were you coming in, did you have the
11 groceries in your hand?

12 A. Yes.

13 Q. Did you -- what was the general description of
14 that individual you saw, white male, black male?

15 A. Black male, early 20's, as I recall, maybe late
16 teens, early 20's.

17 Q. And you went in, did you go ahead and take your
18 groceries into your house?

19 A. I did.

20 Q. And what happened after that?

21 A. I put my groceries away, and then I realized that
22 I had left my phone in my car.

23 Q. Did you go back to the car?

24 A. Yes.

25 Q. What did you see when you went back to the car?

WARREN JOHNSON - DIRECT BY MR. FINCH

1 A. I looked to my right and found it curious that
2 this gentleman was in my breezeway and then happened to
3 be in the next breezeway, and I walked out -- so when I'm
4 walking out to my car, my car is literally right in front
5 of my unit and then the breezeway to my right, he was
6 standing -- there's a set of bushes, as I recall, and
7 then another breezeway, and he was out there, and when I
8 looked over, he seemed to duck back into the breezeway,
9 which caused me suspicion.

10 MR. FINCH: May I approach the court
11 reporter?

12 (Court's Exhibit No. 2 was marked for
13 identification.)

14 BY MR. FINCH:

15 Q. I'll show you what's been marked as Court's
16 Exhibit 2, and take a look at that and see if you can
17 identify that.

18 A. Yes, I can.

19 Q. What is that?

20 A. This would have been taken from the breezeway that
21 I was just talking about, the breezeway up front here.
22 It would have been my breezeway.

23 Q. And where was the defendant standing when you saw
24 him?

25 A. This is different. This has since been

1 landscaped, but he would have been standing right here,
2 if you can --

3 Q. If you can show the Court, the judge.

4 A. So if this is the breezeway, right where these air
5 conditioning units are.

6 Q. Yes.

7 A. There was also a large hedge, and so there is the
8 hedge here and then the breezeway here, so he was
9 standing here, and then my car is here, and then when I
10 walked back, he ducked back into that breezeway, the
11 second breezeway.

12 Q. And, again, that breezeway is illuminated?

13 A. Yes.

14 Q. So were you able to have a look at that
15 individual?

16 A. Yes.

17 Q. Same individual you saw in the breezeway, your
18 breezeway?

19 A. Yes.

20 Q. What did you do next?

21 THE COURT: We can go off the record just for
22 a moment.

23 We have Amy waiting on the phone. She is the
24 head of mental health at the jail. Let's call her and
25 see what she can tell us and then pick back up.

WARREN JOHNSON - DIRECT BY MR. FINCH

1 (Recess taken.)

2 We're going to go back on the record. You
3 may proceed.

4 BY MR. FINCH:

5 Q. Thank you, Your Honor.

6 Mr. Johnson, you had just been -- you just
7 testified that you had seen -- you had seen an individual
8 by the bushes or by a hedge and ducked back into a
9 breezeway. I guess that is also an illuminated
10 breezeway?

11 A. That's correct.

12 Q. And then you went back into your apartment?

13 A. That's correct.

14 Q. And what did you do back there?

15 A. I went in, I may have poured a glass of wine, and
16 started thinking about it and how I thought that this man
17 being in my breezeway and then in the next breezeway and
18 ducking out seemed suspicious, so I decided to step out
19 on my porch and just see what was going on.

20 Q. What did you see when you went out on your porch?

21 A. I sat there for I can't remember how long, you
22 know, maybe five minutes or so. I heard a rustling of
23 some glass or plastic objects, clanging together.

24 Q. Clanging together?

25 A. Correct, and I don't recall if -- it's been a

1 couple of years. I don't recall if the person carrying
2 these bags had climbed over the porch rail or came out of
3 the breezeway. I don't recall. But at that point, I
4 called the police.

5 Q. And when you say you're not sure if they came out
6 over the rail or out of the breezeway, when you're on
7 your patio, were you seated or standing?

8 A. Standing.

9 Q. And is there a railing there?

10 A. Yes.

11 Q. Can you see over the railing down towards that
12 other apartment?

13 A. Yes.

14 Q. Were you looking in that direction?

15 A. Yes. So, for example, if I were standing -- if
16 you were standing at this corner of this wall here and I
17 reached my head out and back towards you, I'm looking in
18 that direction down one unit.

19 Q. And which direction was the -- was this individual
20 moving once you saw him?

21 A. Towards the parking lot, which is right here.

22 Q. And what did you notice about that individual?
23 What was he doing?

24 A. At that point, I believe I was on the phone with
25 the police department, and he was carrying what I thought

WARREN JOHNSON - DIRECT BY MR. FINCH

1 to be a large white bag or bags, and then he also had
2 something in his right hand and held it up and started
3 clicking.

4 It was at that point that I determined that it was
5 a key fob, an automatic car opener.

6 Q. And did any of the cars open?

7 A. Yes. One of the cars lit up.

8 Q. What did that individual do after that car lit up?

9 A. I'm not sure if he got into the car at that point
10 or he may have gotten into the car quickly. I don't
11 think he did, but he exited through the parking lot, and
12 there are a series of garages on the right and some other
13 units on my left, and he continued to walk behind the
14 garages.

15 There is a set of woods, and at that point, I had
16 assumed that, you know, he was gone at that point. I had
17 assumed, perhaps into the woods or into a car.

18 MR. FINCH: Can you mark this Court's 3.

19 (Court's Exhibit No. 3 was marked for
20 identification.)

21 BY MR. FINCH:

22 Q. Mr. Johnson, I'm going to show you what's been
23 marked for identification purposes only as Court's
24 Exhibit No. 3. If you take a look at that item and tell
25 me if you can recognize that.

1 A. Yes.

2 Q. What's that?

3 A. That's what I was just telling you about. Did you
4 want me to point --

5 Q. If you could just show the Court where it is that
6 you were -- you observed this individual going to.

7 A. Okay. So, again, this is -- this is where he was
8 standing, right in this area when exiting with the bag,
9 the bag and the key fob, right in here. And then what I
10 was just telling you, when he left with this, he walked
11 down this stairwell. The white car that he had opened --

12 Q. We'll use the overhead, and you can use this
13 monitor right in front of you. You can indicate on that.

14 Okay. Go ahead, Mr. Johnson, please.

15 A. And so if I touch this you're able to see --

16 Q. You can touch --

17 A. Did you want me to stand up?

18 Q. Can you stand up --

19 MR. LEWIS: You can actually mark it on the
20 screen.

21 THE WITNESS: So, again, he exited this area
22 here.

23 BY MR. FINCH:

24 Q. And which way did he head, if you could indicate
25 the bushes or the woods you said he headed towards.

1 A. (Indicating.)

2 Q. And then did he ever get into that white car, the
3 car that opened up?

4 A. Yes. He certainly did get into the white car. I
5 cannot remember if he got in the car before taking this
6 bag or bags to this area. I know that after he -- you
7 know, once he got into a vehicle in this area, he
8 returned and pulled, as I recall, right next to -- right
9 next to the vehicle, which may have been parked and,
10 again, facing the units, parked here, here, here, or
11 here. I'm not sure.

12 Q. Very close to that walkway?

13 A. That's correct.

14 Q. Okay. And do you recall that the vehicle -- you
15 said he got into a vehicle and then parked near that
16 white vehicle. Do you recall that vehicle?

17 A. Yes. So a vehicle returned, pulled in right next
18 to -- and, again, I was on the phone with the police at
19 this point, so I may need to listen to that again, but
20 the vehicle that he entered pulled next to the parked
21 white car that had been lit up by the automatic key.

22 Q. What did that individual do at that point?

23 A. Exited the passenger door and got into the
24 driver's side of said white car, was in there fidgeting
25 around a bit. Then when a car would pull up from this

1 direction, he would exit the car and get back into this
2 car.

3 Q. Exit the white car and get in the blue car?

4 A. That's correct. And, as I recall, he did this a
5 few times, but, again, I was on the phone with the police
6 throughout the entire process.

7 Q. Eventually did that individual in the blue car
8 leave?

9 A. Yes. He got back into the blue car. The blue car
10 packed up again. Let's just say it was this parking
11 spot, backed up and then pulled up here and was
12 essentially almost directly in front of me unit and stood
13 there parked for a few minutes, perhaps determining what
14 to do at this point. I don't know.

15 Q. And were you able to see that individual that was
16 going in and out of that car?

17 A. Yes.

18 Q. Did it appear to you the same person that was on
19 the breezeway?

20 A. Yes.

21 Q. On your breezeway?

22 A. Yes.

23 Q. And the other breezeway?

24 A. Yes.

25 Q. And that you saw leaving with a bag from the

WARREN JOHNSON - DIRECT BY MR. FINCH

1 direction of **XX103**, unit number **XX103**?

2 A. If that's this unit, then yes.

3 Q. Eventually then you said you were on the phone
4 with 911. Did the police respond to your location? Did
5 the police come to you?

6 A. The police eventually came to me. I was on the
7 phone and was explaining how a vehicle would exit this
8 property. I could hear the police sirens and explained
9 that it was, you know, only one way out and that this car
10 had left and they should expedite things. I said I can
11 hear, but, you know, the car is leaving, and it will be
12 exiting by Lowe's.

13 Q. And when you had -- did officers ask you to make
14 an identification of somebody they had in custody?

15 A. Yes.

16 Q. Where did that take place?

17 A. That took place -- forgive me. I don't know if it
18 was the Lowe's parking lot or there is a -- Ruby
19 Tuesday's, I believe, is the restaurant or something like
20 that, but the vehicle was pulled off -- you know, into
21 one of those parking lots, and then as I recall, I did
22 not have to get out of the car. They instead put a
23 spotlight on the vehicle and the man that I saw.

24 Q. Were you able to make an identification of that
25 individual?

1 A. Yes.

2 Q. And in your opinion, was that the same individual
3 you had seen in your breezeway?

4 A. Yes.

5 Q. Same individual that you saw in the other
6 breezeway and going in and out of the car?

7 A. Yes.

8 Q. Were you able to identify his clothing?

9 A. Yes. When I initially pulled up to my unit, as I
10 recall, he was wearing a white shirt, a pullover shirt,
11 and also a dark -- what seemed to be winter jacket,
12 perhaps a hooded winter jacket, but I could see a white
13 shirt beneath the pants. I can't recall.

14 Q. Did he eventually take that jacket off?

15 A. That's -- I don't know if the jacket was taken off
16 when exiting the property with the bags or if the jacket
17 was taken off after he came back and pulled next to the
18 vehicle and got out of that car into the white car, but
19 at that point, I recall him wearing a white or light
20 colored shirt.

21 Q. Do you know about how much time elapsed from the
22 time that the car drove away when you last saw it in
23 front of your unit until you made an identification on
24 the roadside?

25 A. Oh, until I made the identification?

1 Q. Correct.

2 A. I don't recall if I did an interview with the
3 detective first or if I went over with an officer to do
4 the ID. I'm not sure which of those I did first.

5 Q. A rough estimate of time?

6 A. If I ID'd the vehicle and the suspect, I may have
7 done that within five to ten minutes. If I waited -- if
8 I did the interview, as I recall, the interview with the
9 detective first, then maybe it would have been 30
10 minutes.

11 Q. No more than 30 minutes?

12 A. No, not as I recall.

13 Q. And please estimate on a scale of one to ten how
14 confident you were that that was the individual. Were
15 you able to give them a numeric idea?

16 A. I believe I said maybe an eight or a nine.

17 Q. And regarding the vehicle?

18 A. The same.

19 Q. And at that time did you also indicate that you
20 were -- whether or not you could be 100 percent sure of
21 anything ever?

22 A. No, no, I could not and would not do that. It was
23 simply the fact that I saw the person in my breezeway and
24 the next breezeway exiting a property with bags coming
25 back in a vehicle, getting in and out of this white car,

1 getting back into this blue-ish metallic vehicle, parking
2 in front of my unit, and then that car being pulled over
3 by the police.

4 Q. You're confident that was the individual?

5 A. Yes, but I would never bet my life on it, but yes.

6 Q. You're confident that that was the vehicle?

7 A. Yes.

8 MR. FINCH: Thank you. Please answer any
9 questions Mr. Lewis has.

10 CROSS-EXAMINATION

11 BY MR. LEWIS:

12 Q. Good morning, Mr. Johnson.

13 A. Good morning.

14 Q. How are you doing?

15 A. I'm well. Thank you.

16 Q. I want to talk to you a little bit about -- well,
17 partially the drawing we have up here.

18 A. Okay. I'm happy to erase it.

19 Q. If you want to do that. Okay. So when you're
20 facing the front of building 1400 --

21 A. Yes.

22 Q. -- where you stay, there is kind of two
23 breezeways?

24 A. That's correct.

25 Q. The breezeway to the right, which is where your

1 apartment would have been?

2 A. That's correct.

3 Q. And then the breezeway on the left.

4 A. That's correct.

5 Q. And so when you first saw him, you said he was
6 coming down the stairs towards you?

7 A. That's correct. When I got the -- so if where I'm
8 sitting right now, let's say I'm in my driver's seat --

9 Q. Okay.

10 A. And if I -- if you pick a point equidistant
11 between these two lamps --

12 Q. Okay.

13 A. -- I would say that's where I first saw him.

14 Q. All right. So not higher than, obviously, the
15 second floor, not higher than your apartment because you
16 would have been ten feet off the ground yourself. Does
17 that make sense? The first floor apartments are going to
18 be zero to ten. Next floor would be 10 to 20, next floor
19 would be 20 to 30?

20 A. Yes, and my car sat below grade. I walk up a
21 series of three to four steps to get to the first floor.

22 Q. Okay.

23 A. But my estimate, again, if I were to put a mark
24 where one of these lamps are, I would guess that that
25 would be the distance of where he was standing.

1 MR. LEWIS: May I approach the court
2 reporter?

3 THE COURT: Yes.

4 (Court's Exhibit No. 4 was marked for
5 identification.)

6 BY MR. LEWIS:

7 Q. Can you identify that for me, sir.

8 A. Well, this is not a photograph of both breezeways.
9 So it -- I don't know if you have another picture of the
10 facility where you can show my breezeway, but I can
11 identify it.

12 MR. LEWIS: I'll mark another one. We'll
13 mark this as Court's 5.

14 (Court's Exhibit No. 5 was marked for
15 identification.)

16 BY MR. LEWIS:

17 Q. Can you identify that one?

18 A. Well, again, this is not a complete picture, the
19 side of the bidding. This seems very similar to the one
20 I just saw.

21 Q. Okay. Can we work with that one? Do you know
22 what that is?

23 A. If -- yes, I can, if I can -- if this is the
24 second -- okay. So here -- yes, yes, I can work with
25 this.

1 Q. Let me throw it up there for you. Okay. So what
2 do you see there? Where would your breezeway have been?

3 A. Here (indicating).

4 Q. And the second breezeway?

5 A. Here (indicating).

6 Q. All right. And so your porch, where is that?

7 A. Again, forgive me. I don't have a full photograph
8 here. My porch is here, and this would be here.

9 Q. Right. The second this, that would have been the
10 apartment you saw the person coming out of?

11 A. That's correct.

12 Q. And you say back then there was a bush there.

13 A. Yes. There were -- as I recall, a series of
14 hedges that ran --

15 Q. Basically the whole length of the first level?

16 A. As I recall. They may have just been, you know,
17 here to here and here -- you know, to the other breezeway
18 for decorative purposes, but as I recall, yes, there were
19 a series of hedges there.

20 Q. And when you say you saw him in relation to the
21 hedges, was he inside the hedges or outside the hedges?

22 A. At which point?

23 Q. At any point.

24 A. Is this when I went back to get my phone?

25 Q. Whenever you saw him in relation to the hedges.

1 Did you ever see him on the inside of the hedges? If
2 we're saying this is the railing that you see for this
3 porch, if I wanted to go there, I would have to climb
4 over the door. Did you see him here with the hedges in
5 front of him, or did you see him outside of the hedges as
6 if headed toward the parking lot?

7 A. Well, when I first -- when my suspicions were
8 first raised, as I recall, there were hedges here, and he
9 was standing, you know, let's just say this is a large
10 hedge, say waist high. He was standing in this
11 direction, so there were hedges there, and then when I
12 looked over, he ducked back into the breezeway and ducked
13 into the hedges behind the breezeway. Coming out, I was
14 looking down in this direction. I don't recall if there
15 were hedges directly in front of the actual porch or not.

16 Q. Okay.

17 A. So no, I do not recall him being behind --

18 Q. Within?

19 A. Within a set of hedges. This area in front at
20 that time was a grassy area.

21 Q. Okay. Did you see him then at any point standing
22 in that grassy area?

23 A. Yes.

24 Q. Where did you see him?

25 A. Approximately right in here and in here.

1 Q. Okay.

2 A. So -- I'm sorry.

3 Q. No, no. We're hearing from you.

4 A. The white vehicle -- and, again, forgive me, I
5 don't know if it was -- I can't remember the exact
6 parking spot where the white car may have been here, what
7 would be in a spot here or here and here. I can't
8 remember which set of parking spaces the white car and
9 this dark metallic blue-ish car had pulled in.

10 Q. Okay. And when you were up here on your balcony,
11 up in this area --

12 A. Yes.

13 Q. -- and Mr. Finch asked you a little bit about it
14 as well, was there ever a point where you actually --
15 this is your balcony -- leaned over to look back?

16 A. Yes. I mean, I think initially, when I heard all
17 of that rustling with the bags and, you know, jingling
18 around, that's when I would have looked down, but I do --
19 you know, I do have a vantage point, looking, you know,
20 in this direction.

21 Q. But only if you lean out, correct? Because this
22 right here is a wall.

23 A. That's correct. So I have to -- do you want me to
24 show you?

25 Q. Sure, sure. Court's permission?

1 THE COURT: Sure.

2 THE WITNESS: So, you know, if I'm standing
3 here, and I look down and look at your feet, I can see,
4 and then if I go like this, I can see into the porch
5 again.

6 BY MR. LEWIS:

7 Q. Okay. Did you ever see him within the porch area?

8 A. No, I don't recall, because I recall hearing a
9 rustling that may have come from the porch area or may
10 have come from the breezeway.

11 Q. Okay.

12 A. For some reason, I'm thinking that the porch was
13 involved, but I'm not certain.

14 Q. Okay. But if you had to be certain, you cannot
15 say that you saw anyone climbing over the porch railing?

16 A. You know, I can't. It's been a couple of years.
17 I can't for certain, but I can for certain say that the
18 individual -- I did for some time have access to him
19 here, in this area, this grass area.

20 Q. Okay. But, again, in front of the hedges?

21 A. As I recall -- and I do not know if these
22 photographs were taken after the remodelling of the
23 property, and I do not recall if there were hedges in
24 front of the porch. I do recall hedges being here.

25 Q. Okay.

1 A. But in front of the porch, I can't say if there
2 were hedges or not.

3 Q. We'll shift gears now, so we'll stop talking about
4 hedges for you.

5 The person that you saw, you said he was in his
6 late teens, early 20's?

7 A. That would -- for some reason, it seemed to be
8 maybe a college age guy.

9 Q. Okay. Anything distinctive about his face?
10 Anything that stuck out about --

11 A. You know, I really -- I was carrying groceries. I
12 was not -- I don't know that I really looked at his face.
13 You know, it's in passing. We did say hello, you know,
14 how is it going, how are you, something, in passing.

15 Q. Okay.

16 A. And, you know, I wasn't thinking about identifying
17 or looking anyone in the eye as I was walking into my
18 unit, other than this person was there.

19 Q. Right. You didn't know that this might become
20 important for something two years down the line?

21 A. Correct.

22 Q. But you did at least notice a black male at that
23 point.

24 A. Yes, I did.

25 Q. And later, when you described the car, you saw two

1 black males in that vehicle?

2 A. I did not see -- I did not see the driver of the
3 other vehicle.

4 Q. Okay. So you never --

5 A. As I recall.

6 Q. You never said there's two black males?

7 A. I may have. I don't know who I said was in the
8 car, but I don't, at this point, recall seeing someone in
9 the driver's side.

10 Q. Okay.

11 A. But someone else was driving the car.

12 Q. Got you. Yep. Okay. So when you saw the
13 gentleman with the bag, at this point you're not sure if
14 it was one bag or two or three or four?

15 A. Correct, correct.

16 Q. But just something white in his hand.

17 A. As I recall, yes.

18 Q. When you saw him by the white car, did you see
19 anyone else around him?

20 A. No.

21 Q. No one?

22 A. No one.

23 Q. Anybody walking a dog?

24 A. No.

25 Q. All right.

1 A. Not that I could see.

2 Q. And you're talking about the rustling of the bag.
3 The way I'm imagining it is that the sound of you taking
4 your recycling kind of, just --

5 A. Yes. You know, I don't know if it was a -- I
6 would guess maybe just a white trash bag, or trash bags,
7 I would guess.

8 Q. But I guess --

9 A. But some -- you know, stuff clanging together,
10 stuff that --

11 Q. Right.

12 A. Yes, that -- taking out the recycling could be a
13 good reference but with -- it seemed to be heavier, not
14 tin cans, but --

15 Q. Glass bottles?

16 A. Glass or plastics or --

17 Q. What I was trying to get at is you never heard
18 something as loud as a door being pried open?

19 A. I don't recall. I hear rustling, okay?

20 Q. Okay.

21 A. So did that rustling come from the porch? My
22 inclination says yes because of the sound that it would
23 make, and that's what caused me to, you know, look down
24 and say, Okay. This clearly, you know, shouldn't be
25 happening.

1 Q. Okay.

2 A. Whether it was, you know, rustling coming from
3 this area or from this area, it was an awkward set of
4 movements that was loud and caused me to stand up and ask
5 myself what's going on and determined that that shouldn't
6 be going on.

7 Q. Okay. You said you saw him with a white garbage
8 bag in one hand and then raised his right arm up with a
9 clicker in the other?

10 A. That's correct.

11 Q. Did you see a crowbar at any point?

12 A. I don't recall seeing a crowbar.

13 Q. Okay.

14 A. At this point.

15 Q. I mean, that's two hands, so I guess he could have
16 held it like this, but --

17 A. Yeah. I don't know.

18 Q. Okay. And after that, they took you -- well, you
19 heard the sirens. You called the police. The police
20 showed up. They took you to do a show of ID?

21 A. That's correct.

22 Q. Rode in the police car?

23 A. Yes.

24 Q. You said they had the blue car pulled over in one
25 of two parking lots?

1 A. As I recall. It could have been in the street. I
2 don't know. It's not a highly trafficked area, you know,
3 during the evening, given that Lowe's is closed, and so
4 it would be residents living there or someone going to
5 the restaurants so it's possible it could -- I could --
6 they could have just had him on the side of the road --

7 Q. Okay.

8 A. -- or in one of the parking lots.

9 Q. Okay. And you said that you got -- he was -- was
10 he removed from the vehicle or was he still in the police
11 car? How did that take place? How did they do the
12 show-up for you?

13 A. I don't recall. Forgive me. It's been such a
14 long time. I don't recall if he was in the police car or
15 standing near the car. I don't know.

16 I do know that I asked not to be seen because if
17 this, you know, was a crime, I didn't know and didn't
18 want someone coming back, and so the officer said no, you
19 don't have to get up and do it face to face. You know,
20 we will shine a spotlight and then you can determine for
21 us if you believe that that's the man you saw and if that
22 is the vehicle you saw.

23 Q. Okay. But at this point, you don't know whether
24 he was inside the car during the show-up or outside of
25 the car?

1 A. I can't recall.

2 Q. Okay.

3 A. I'm sorry.

4 Q. You also said earlier that nothing really stuck
5 out about his face. So how did you make the ID if you
6 didn't really get a good look at his face?

7 A. I think it's just really putting it altogether,
8 this man in my breezeway, the man in the next breezeway,
9 which, you know, why is he standing in two breezeways?
10 Should he be there? This man exiting the property, as I
11 understand it, which caused me concern to call the police
12 with the bag or bags of I don't know what was in them,
13 lifting up the electronic key, exiting, coming back,
14 entering this white vehicle a few times, getting into the
15 blue car, driving away, so that was my determining factor
16 in identifying the man in the process.

17 But did I look at his face, you know, when I was
18 carrying the groceries up? It could be very similar to
19 how is it going, very quick hello, where two people
20 passing by.

21 Q. So when you identified him, did you identify him
22 because of the white shirt, blue car, everything
23 together, or was there something that said that has to be
24 the guy in there, if you didn't see his face?

25 A. It was more stature and wardrobe and being right

1 | there at that very second.

2 | Q. So proximity?

3 | A. Yes, correct.

4 Q. So how close the show-up occurred to where
5 everything else had taken place?

6 A. Yes. I'm on the phone with the police, and the
7 car is exiting. From the time the car is exiting to the
8 time the police cars had pulled this vehicle over was
9 seconds.

10 Q. Okay. Do you remember what brand of shirt it was?

11 If it's the wardrobe and stature, what kind of clothing

12 stood out for you? What kind of shirt was it?

13 A. I don't know. It was a white pullover shirt. It
14 was not a long-sleeved business button down shirt like
15 I'm wearing or you are wearing.

16 Q. Okay. All right. One second, Judge.

17 When you saw the key fob, did you see any
18 gloves at that point?

19 A. No, I don't recall gloves.

20 MR. LEWIS: No further questions at this
21 point, Judge.

22 THE COURT: All right. Redirect?

23 MR. FINCH: Nothing from the State, Your
24 Honor.

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

1 MR. FINCH: If I may instruct the jury about
2 sequestration.

3 THE COURT: Sure.

4 Any further witnesses on this issue?

5 MR. FINCH: No, Your Honor.

6 THE COURT: Any argument?

7 MR. LEWIS: Yes, Your Honor. I think the
8 most common phrase we heard during the testimony is, I
9 don't recall. In addition, the most telling part is that
10 he didn't get a look at the person's face, and the way
11 that he says he made the ID was they caught him so close
12 it has to be him, the proximity. Can't even remember
13 whether or not the person was removed from the vehicle
14 for the show-up in the first place.

15 I think the problem here is we're
16 bootstrapping. We're saying he's got to be the right guy
17 because I picked him out. There's nothing that he can
18 testify to that says that his ID is credible at this
19 point. The same issues that we had with the show-up
20 yesterday, person in custody, car right there, so it's
21 certainly suggestive, and he basically testified that the
22 reason he believes that's the person is because it was so
23 suggestive, that he looked like he was up to no good.

24 He focuses on the crime, not the human being
25 that allegedly committed the crime. I think we have

1 serious problems with his reliability and his ability to
2 make a determination as to the person who committed the
3 crime. In addition, he described alleged perpetrator as
4 a late teens, early 20's. As you know, Mr. McClenton is
5 35. At the time he would have been 33.

6 That doesn't match. Nothing about his
7 physical appearance, nothing that would lead you to
8 believe it's him other than a black male wearing a white
9 shirt. That is definitely not good enough.

10 THE COURT: Does that help you or hurt you?

11 MR. LEWIS: Certainly, I can cross if it
12 comes in, but we don't want it to.

13 THE COURT: What is it you're trying to get
14 me to exclude?

15 MR. LEWIS: His out of court show of ID and
16 any attempted in court show of ID.

17 THE COURT: All right. Yes, sir?

18 MR. FINCH: Thank you.

19 As you heard, Mr. Johnson had ample
20 opportunity to view the defendant at the time of this
21 event. It was in two well-lit areas in the breezeways.
22 The activities of the defendant piqued his interest where
23 he went out and observed this individual with a coat on
24 and without a coat on. He noted in -- his stature, he
25 noted his size. He may be incorrect on the age. Outside

1 of some carnival workers, I'm not sure anybody is great
2 at guessing ages of other people.

3 I will say that he was quickly taken to where
4 the defendant was standing. There wasn't a huge lapse of
5 time. It could have been just a few minutes, no longer
6 than a half an hour. As an officer of the court, I can
7 tell you he did give the statement after identification,
8 which makes it much closer to the five-minute time frame.
9 Certainly, there is that proximity. He had just seen
10 this individual over the past several minutes acting
11 suspiciously, albeit from afar, maybe 15, 20 feet.

12 Although he didn't take into account
13 necessarily distinguishing facial characteristics, he
14 made note of the vehicle that he was in, as well as the
15 clothes that he was wearing, and that stature of this
16 individual.

17 Again, as an officer of the Court, I will
18 tell you on the 911 call he give a very good description,
19 about six feet, 220 pounds, which is roughly -- it very
20 close to the size of the defendant, and lending more
21 credibility at that time to the stature and the
22 appearance of the defendant, not identifying his face.
23 Again, he identified him as eight out of ten or nine out
24 of ten. He's not saying ten out of ten, and I think the
25 identification should come in, and Mr. Lewis can attack

1 him on cross-examination, attack his credibility as to
2 that issue, and it goes to the weight of that
3 identification, not to the permissibility.

4 MR. LEWIS: Mr. Johnson would have picked out
5 any black male in a white shirt in the back seat of the
6 car because of the proximity, because of the car. It's
7 the whole circumstances surrounding this, not an ID of
8 the person. That's the reason show-ups are not favored.
9 You can rely on other things that don't pick out the
10 human being.

11 I'm not saying he didn't have an ample
12 opportunity to see the person, what I'm saying is he
13 can't ID, it given all that. He didn't acknowledge the
14 existence of another witness that you heard from
15 yesterday. He said he can't be sure who the drivers were
16 of the vehicle, even though on the 911 call Mr. Finch
17 referenced he said there were two black males in the car.
18 Certainly, we know that's not accurate either.

19 So we're dealing with a two year-old memory
20 that should have been accurate at the time, and
21 especially can't be accurate now. Noticing facial
22 characteristics is a big deal, especially if a person is
23 seated in a cop car during the show-up, because all you
24 see is the face. Any black male would be on trial today
25 based on that ID.

1 MR. FINCH: Mr. Lewis had an opportunity to
2 ask Mr. Johnson regarding whether or not he would have
3 picked out any black male seated in the car.
4 Additionally, if he wants to reference the fact on the
5 911, Mr. Johnson hypothesizes or theorizes that it's two
6 black males in the car. There could have been another
7 black male that would have been inside the vehicle or
8 outside the vehicle, based on Mr. Johnson's memory that
9 he could have identified if it been two individuals in
10 that car, he may have identified other person; however,
11 he said it was this individual at the car shortly after
12 his time. Again, it goes to the weight and not its
13 admissibility regarding the identification. The answer
14 is Biggers cross-examination.

15 MR. LEWIS: Additionally, we're giving
16 credence to the fact that he was able to identify
17 pre-wearing a white shirt only and wearing a white shirt
18 with a black jacket over and then wearing a different
19 item of clothing later, but there has not been any ID of
20 that either.

21 So it's at this point that -- I think I've
22 said it as well as I need to, I hope, but this
23 identification is not credible. Anyone in that vehicle
24 would have been picked out by Mr. Johnson. There is
25 nothing there that differentiates. It's the whole

1 circumstance that he's relying on. Had he been
2 identified in a photo lineup, Shawndell wouldn't be
3 sitting here. Based on that, that's why it's
4 problematic.

5 Put it in here today, in front of this jury,
6 it will be, Of course he's got the right guy. He said
7 so.

8 Yes, I will vigorously cross-examine. That
9 doesn't protect it. We don't need that ID coming in when
10 it's this flawed.

11 THE COURT: You object to the identification
12 of the car as well or he's not planning to testify to
13 anything about the car? I don't recall anything you
14 asked him about the car.

15 MR. FINCH: I did ask Mr. Johnson about the
16 car, and he did identify Mr. McClenton and the car. He
17 gave eight or nine out of ten for Mr. Johnson and the
18 car.

19 MR. LEWIS: As will probably come out, he
20 describes the car as powder blue, sky blue, metallic
21 blue, and dark blue. Granted, they're all blues, but
22 there is a wide range in that as well, and the
23 Cavalier -- the vehicle that Mr. McClenton was stopped
24 in, nothing particularly brings that out. It was a
25 combination of those two things, is why he's saying he

1 made his ID. He had the car, so it's got to be him.

2 THE COURT: You didn't ask him any questions
3 about the car. You haven't filed a motion about the car,
4 so your objection is to --

5 MR. LEWIS: Is to him specifically being
6 ID'd.

7 THE COURT: It's a close question, but I
8 think that it appears to be the lack of certainty by this
9 witness as to the identification of the defendant at the
10 scene weighs against allowing this in court -- this
11 identification testimony. It probably can be -- it's
12 probably a 50/50 proposition as to whether it should be
13 ruled in or ruled out, and I'm going to give the
14 defendant the benefit of the doubt as to this
15 identification and not allow the identification of the
16 person since the defendant -- the victim did not do any
17 type of -- or no effort was made to have him establish an
18 independent basis for the identification such as, I saw
19 that man right there. He's the guy.

20 I think his identification is not sufficient,
21 given the inability to establish the factors that we
22 weigh in favor of allowing the suggestive show of
23 procedure. Inability to establish those factors from
24 Neil v. Biggers weigh against allowing it.

25 As I see it, he can testify about the car.

1 He can testify about everything that occurred, but he has
2 to stop short of saying, I identified that man.

3 MR. LEWIS: Yes, Your Honor.

4 MR. FINCH: Thank you, Your Honor.

5 THE COURT: Hello? Amy is on the phone.

6 (Whereupon, Amy Craddock appears via
7 telephone.)

8 I'm waiting for the solicitor to -- assistant
9 solicitor, other solicitor is here, Mr. Voigt, is here so
10 we'll press on. We're in Court, in session, and when
11 Mr. McClenton appears during the morning, he seems to be
12 a little groggy and shaky, and it seems to take him a few
13 hours before he is normal and not shaking.

14 THE WITNESS: Okay.

15 THE COURT: And he says that he's under
16 orders to take this medication at the jail at 7:00 --
17 what time did he take it?

18 THE DEFENDANT: When the nurse comes in,
19 about 7:00 or 8:00 in the morning.

20 THE COURT: When the nurse comes in -- what
21 time did you take it today?

22 THE DEFENDANT: I take it about 6:00. You
23 got a court day, they come in early.

24 THE COURT: They came in early today at 6:00,
25 he said, because he had to come to court, and when he got

1 here at about 9:30 or so, he was sort of shaking a little
2 bit, still seemingly lucid and can communicate and then
3 he was nodding a little bit.

4 He seems to be about 50 percent better now,
5 which is about close to two hours later, but I told him I
6 would check into it because we need him in tip top shape
7 when he's in court. Of course his case may be over -- it
8 may be over today.

9 THE WITNESS: Okay.

10 THE COURT: We don't know, but I told him I
11 would look into it to see what -- and his lawyer is here
12 vehemently defending him.

13 What do you think about all this?

14 THE WITNESS: It sounds to me like the meds
15 could possibly be making him groggy. It sounds like
16 maybe he needs a medical assessment? I'm not sure what
17 type of medical history he has, but certainly sounds like
18 maybe the medical team needs to assess him when he gets
19 back to the jail, and I don't have access to a
20 psychiatrist until Friday and cannot -- because I'm not a
21 doctor, cannot make changes to medication.

22 So it would be very reasonable for me to get
23 an appointment with him on Friday with the psychiatrist,
24 but I don't know how that's going to impact the rest of
25 the week for you guys, you know, having his court case.

1 THE COURT: Well, he seems to be doing fine
2 now to me, but at the time we were trying to get you, he
3 wasn't doing fine.

4 Mr. Lewis, what is your assessment?

5 MR. LEWIS: I guess two things, and one may
6 have not been the best advice in the world. I tried to
7 get him yesterday. I said, You're on trial. Don't take
8 your medicine tonight, and the worry is that he would be
9 disciplined if he did not.

10 In the event that this case goes over into
11 another day, can we have your medical team be ordered by
12 the Court not to take this medication?

13 THE WITNESS: That's a tough call because
14 you're asking someone from the legal world to make a
15 medical call, you know what I mean?

16 MR. LEWIS: I do. And that is kind of where
17 all of us have been struggling. We don't know how big or
18 bad these symptoms are. Just a side note. Do you have
19 any idea if coffee, drinking coffee, would be a bad thing
20 for him to do?

21 THE WITNESS: I'm not a doctor, so I don't
22 want to --

23 MR. LEWIS: I understand.

24 THE WITNESS: -- you know, really make too
25 many comments about would affect medications, but I don't

1 believe that there is any restrictions as far as, you
2 know, if you take medications if you drink caffeine.

3 It could be something that you guys could
4 try. It sounds like maybe he feels better like later on
5 in the day?

6 MR. LEWIS: Yes, ma'am.

7 THE WITNESS: Is it possible to wait for the
8 court proceedings until later on in the day?

9 MR. LEWIS: We've been up and running for a
10 while now.

11 THE COURT: We've given him about two hours
12 to get totally with us, and he seems to be about totally
13 with us.

14 Are you totally with us, Mr. McClenton.

15 THE DEFENDANT: I'm here. Still got the
16 tremors and stuff.

17 THE COURT: He says he's got some tremors,
18 but he's able to focus and communicate, seemingly about
19 95 percent.

20 THE WITNESS: Well, I would certainly
21 suggest, like I said earlier, that our medical staff take
22 a look at him when he comes back to the jail today to see
23 if that's something that is possibly being caused
24 medically or if it's being caused by his psychiatric
25 medications, and, you know, our medical doctor might be

1 able to talk to him more about whether or not he should
2 take the medicine or, you know, if giving him coffee
3 would be a good or a bad idea.

4 THE COURT: Well, if you would make a note of
5 a concern that we have, since we are here in court and
6 observing him, he tells me that he is -- that he takes
7 this medicine and it takes about four hours for it to
8 wear off, and then he's okay for the rest of the day, and
9 then he has to take it again at night, around what time?

10 THE DEFENDANT: Whenever the nurse comes in,
11 usually about 7:30.

12 THE COURT: About 7:30 at night he takes more
13 medicine, and then he zones out again, and that takes him
14 through the night and then he gets more medicine during
15 the day. He says he has to take the medicine at night
16 because otherwise what will happen?

17 THE DEFENDANT: Can't sleep.

18 THE COURT: He can't sleep. Zyprexa and
19 Cogentin, is that during night and during the day?

20 THE DEFENDANT: Both.

21 THE COURT: During the day and during the
22 night, but I think that we were a little more frantic
23 when we were calling you earlier, and we have done some
24 other things and he seems to be in fairly good shape, but
25 I think if you would make a note in your records that

1 this is so important, the judge called in mid-trial to
2 alert y'all to the issues so that if it would have been
3 granted, had it been addressed before the beginning of
4 trial, but we've kind of monitored it as we've seen fit,
5 and I'm convinced that it has not affected his ability to
6 have a fair trial and to be focussed on the advice of his
7 counsel and the solicitor we decided to let the jury in.
8 They've been waiting for two hours to come into court,
9 and we've dealt with other issues in which his
10 involvement wasn't essential. So I think that sort of
11 takes care of us for the time being.

12 MR. LEWIS: Yes, Your Honor.

13 THE COURT: But we certainly thank you.

14 THE WITNESS: No problem at all. And I will
15 definitely alert our medical staff to take a look at him
16 the moment he gets back in jail.

17 THE COURT: All right. Hold on for me one
18 more moment if you would.

19 It appears that a family member has a finger
20 up for the lawyer maybe? And who are you, ma'am?

21 MR. LEWIS: His mother.

22 THE COURT: His mother is in court whispering
23 to the lawyer. Let see.

24 Mr. Lewis, anything else?

25 MR. LEWIS: Not for her.

1 THE COURT: One moment, Ms. Craddock.

2 MR. LEWIS: His mother suggests, as a med
3 tech, that maybe food might help.

4 THE COURT: All right. You know, the
5 motherly instinct says he needs something to eat, and
6 that might help the medicine digest quicker and him
7 recover faster from the effects of other the medicines.

8 THE WITNESS: Okay. He should be getting the
9 medicines right about the time in the morning, especially
10 when he's getting his breakfast tray, so as far as the
11 daytime, that shouldn't be too much of an issue. I can
12 certainly ask the doctor if he'll give him an evening
13 snack to go along with the medicine.

14 THE COURT: All right. Well, thank you very
15 much.

16 THE WITNESS: All right. Thank you.

17 THE COURT: Let the record reflect we waited
18 two and a half hours before bringing the jury in. It's
19 now noon.

20 We were to start at 9:30, and we've given
21 Mr. McClenton time to shake off his medicine that he said
22 he took at 6:00 this morning, or 5:00. What time did you
23 take it?

24 THE DEFENDANT: 6:30.

25 THE COURT: 6:30 this morning, and he seems

1 to be okay. Are you okay?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: All right. Very good. Now, with
4 regard to the 13 seconds, I'm on the State's side on that
5 issue. Defendant was given his Miranda rights. He gave
6 a voluntary statement. It's not a trick question or it
7 doesn't impact upon the question of admissibility. The
8 officers used various techniques and questioned the
9 witnesses. It did not suggest he has a prior criminal
10 history, and it can be interpreted as an issue or it may
11 not be, depends on the testimony, but it's a free and
12 voluntary statement given after he was apprised of his
13 constitutional rights, and it is admitted.

14 MR. LEWIS: Yes, Your Honor.

15 MR. FINCH: Thank you.

16 MR. LEWIS: Just for recordkeeping sake, it's
17 marked, I think, as B, so we can make sure the correct
18 version is authenticated.

19 THE COURT: Yes. And here is B.

20 MR. FINCH: What I'll do at the lunch
21 break -- Mr. Feeters is my last witness, ID it, and then
22 we'll offer it for authentication.

23 THE COURT: Are we ready for the jury?

24 MR. FINCH: Giving 30 seconds to complete
25 marking these. I believe they'll all be admitted without

WARREN JOHNSON - DIRECT BY MR. FINCH

1 objection.

2 THE COURT: Is that right?

3 MR. LEWIS: Yes, Your Honor. All these
4 pictures admitted without objection.

5 THE COURT: Exhibits 1 through 33.

6 (State's Exhibit Nos. 1 through 33 were
7 marked for identification and admitted into evidence.)

8 THE COURT: All right. Let's get the jury
9 stepping this way.

10 (In open court jury present.)

11 THE COURT: We've been sitting here, various
12 ones of us, since 9:30 this morning. We had to deal with
13 matters that did not involve you. That happens from time
14 to time.

15 Welcome back, day number two of State versus
16 McClenton. State's case. You may call your next
17 witness.

18 MR. FINCH: Thank you, Your Honor.

19 The State calls Warren Johnson.

20 WARREN JOHNSON,

21 having been first duly sworn,

22 was examined and testified as follows:

23 DIRECT EXAMINATION

24 BY MR. FINCH:

25 Q. Good afternoon, Mr. Johnson.

1 A. Good afternoon.

2 Q. Would you go ahead and tell the jury where you are
3 employed?

4 A. I am self employed in the advertising industry.

5 Q. And how long have you lived in the Charleston
6 area?

7 A. I have been back in Charleston for approximately
8 six years.

9 Q. And in 2012, February 2012, were you living over
10 on James Island?

11 A. Yes.

12 Q. Whereabouts on James Island?

13 A. I was living in the Peninsula Condominiums, Daniel
14 Ellis Drive. I believe it was [REDACTED] or [REDACTED].

15 Q. And as of February 25th, about how long had you
16 been living there?

17 A. Two weeks.

18 Q. And --

19 A. As I recall.

20 Q. Do you recall an incident involving the police on
21 February 25th, 2012?

22 A. Yes.

23 Q. Tell us about that night. Where were you when you
24 returned back to your condominium? Where would you be
25 coming from?

1 A. I had been coming from the -- I came from the
2 grocery store. Did you want me to walk through the
3 sequence of events --

4 Q. You came from the grocery store?

5 A. Yes.

6 Q. And then you returned to your condominium?

7 A. Correct.

8 Q. Where did you park?

9 A. Directly in front of -- directly in front of my
10 unit.

11 Q. And what did you do after that?

12 A. I grabbed my groceries, went up the stairs, and
13 entered my unit.

14 Q. Did you see anything when you parked your car?

15 A. Yes. I saw a gentleman standing in the breezeway,
16 close to my apartment, looking out towards me, towards
17 the apartment, or towards my vehicle.

18 Q. I'm going to show you what's been entered into
19 evidence as State's Exhibit No. 31.

20 Could you take a look at that and see if you can
21 tell me what that's a photograph of.

22 A. This is a photograph of the building. My
23 breezeway is not shown. I do, however, see my unit's
24 porch. This is the facade of the building where I was
25 living.

1 Q. And I'm going to put it up on the screen so you
2 can see it. I know you indicated your breezeway is not
3 shown, but are all the breezeways fairly similar in these
4 condominiums?

5 A. They are.

6 Q. So looking at this breezeway here, is that fairly
7 similar to the breezeway where your apartment was?

8 A. Yes.

9 Q. So if you could indicate where you're talking
10 about, this individual was standing, using that as an
11 example, that breezeway.

12 A. Well, so my breezeway is here. It's, you know, a
13 duplicate, if you will, of this, and so when I pulled up,
14 my vehicle would have been to the right of this silver
15 vehicle, probably by a spot or two. A similar example
16 would be, you know, if this were my unit, this is where I
17 would have parked, and this is where the gentleman would
18 have been standing there.

19 Q. Up there?

20 A. Yes.

21 Q. Looking out towards the parking lot?

22 A. Correct.

23 Q. Did you take note of that individual? Did you
24 notice him in any way?

25 A. Well, when I walked up, he walked down, we

WARREN JOHNSON - DIRECT BY MR. FINCH

1 recognized one another, said hello, or good evening or --

2 Q. And when you say recognize, you didn't mean that
3 you had seen him before and you knew who he was, you just
4 sort of --

5 A. No, I had never seen him before.

6 Q. Okay. And then you took the groceries in?

7 A. Yes.

8 Q. What happened after that?

9 A. I realized that -- I realized I had left my phone
10 in my car, so I came back out to my car. I glanced over
11 to my right and noticed that the gentleman who was
12 standing up here in my breezeway was now on the first
13 floor behind a series of bushes here, and when I looked
14 over, entering my unit again, he backed in this direction
15 into the breezeway, just backed up.

16 Q. I'm going to show you what's been entered into
17 evidence as State's Exhibit 33. Take a look at that and
18 see if you can identify it.

19 A. Yes, I can.

20 Q. What's that?

21 A. That would be the -- that would be the breezeway
22 that I just referred to where he -- that was the second
23 breezeway. The first, to my right, the second was the
24 breezeway that the gentleman stepped back into.

25 Q. Put this up on the screen, and I'll have you take

1 a look at this and help the jury understand where this
2 individual was standing as you viewed him, just go ahead
3 and make a mark on that screen.

4 A. From my vantage point looking at this, the
5 gentleman is standing here. There was a series of bushes
6 here. This is the entrance to the breezeway, and I was
7 walking in this direction, upstairs into my unit.

8 Q. And what did that individual do?

9 A. He backed in -- once he saw me, he backed into the
10 breezeway.

11 Q. And where did you go?

12 A. I went back into my unit.

13 Q. What did you do after that?

14 A. I thought about it for a moment, poured myself a
15 glass of wine, and then I went back on to the porch
16 because the idea of this man standing in my breezeway and
17 now standing in that breezeway and then backing up caused
18 suspicion, so I decided to step out on my porch which is
19 here.

20 Q. All right. And then what did you do? Did you
21 have that glass of wine out on the porch?

22 A. Yes, I did. I was there, as I recall, maybe about
23 five minutes. At that point, I heard some rustling
24 around with what seemed to be, you know, an awkward sound
25 of glass and plastic and awkward movement, so I stood up

1 and looked down and saw this individual with a bag or
2 bags of -- we'll call it merchandise or items, and then
3 simultaneously, when he was standing in this area, this
4 whole area has since been relandscaped, but this was a
5 grass area, and upon exiting, he grabbed a set of keys
6 that one can use to open a car and held it up and did it
7 a few times and a white, late model vehicle lit up, the
8 interior of that car lit up.

9 Q. What did you see after that?

10 A. After that, I don't recall if he got directly into
11 the vehicle, but he exited this front landscaped area,
12 walked through the parking lot, passed a series of
13 garages towards some woods to the right of the garage,
14 garages.

15 Q. I'm going to show you what's been marked for ID
16 purposes only as State's 35. Could you take a look at
17 that and tell me if you recognize that?

18 A. Yes, I do.

19 Q. What is that?

20 A. This is the area I just described where the
21 gentleman was standing, holding up the electronic car
22 key, exited down the breezeway, steps through the parking
23 lot and past the series of garages towards the woods.

24 Q. And that photograph fairly and accurately
25 represents the area as you recall it at that time?

1 A. Yes.

2 MR. FINCH: At this time the State would more
3 for State's admission of 35.

4 THE COURT: Any objection?

5 MR. LEWIS: No objection.

6 MR. FINCH: Permission to publish, Your
7 Honor?

8 THE COURT: Yes.

9 (State's Exhibit No. 35 was marked for
10 identification and admitted into evidence.)

11 BY MR. FINCH:

12 Q. All right, Mr. Johnson. If you could, just walk
13 us through what you just testified to, looking at State's
14 Exhibit 35.

15 A. You can't see it, but this is the grassy area I
16 was referring to where I was on the phone with the
17 police, describing what I was seeing in this area. He
18 walked down here through the through the parking lot and
19 this direction, towards the woods.

20 Q. And that was after the car lit up, white car?

21 A. That's correct.

22 Q. Did -- what happened after that, as he walked down
23 that direction?

24 A. I was standing on my porch. A dark metallic blue
25 older model domestic car pulled up next to the white car

WARREN JOHNSON - DIRECT BY MR. FINCH

1 that was just lit up via the electronic key.

2 The car may have been in this spot, this spot,
3 this spot, or this spot, I don't recall, but if it were
4 this spot, this vehicle that I'm referring to pulled back
5 into this parking lot, here is where the white car was,
6 and pulled in, headlights first. He exited the passenger
7 side door and went into the driver's side door of the
8 white car.

9 This happened a couple of times. Whenever a
10 vehicle would approach from this direction or from this
11 direction, he would exit the vehicle and enter the
12 passenger side of the vehicle that he approached, and
13 this happened, I want to say, three or four times.

14 Q. And when he was in the car, did the dome light
15 come on in that car?

16 A. Yes.

17 Q. And did it appear to be the same person that you
18 saw in the breezeway?

19 A. Yes.

20 MR. LEWIS: Objection, Judge.

21 THE COURT: Objection is overruled.

22 BY MR. FINCH:

23 Q. And could you see what he was doing inside the
24 vehicle?

25 A. He just seemed to be fumbling around in the

1 vehicle, perhaps looking for things, going into the glove
2 box. I'm just assuming.

3 Q. And at that time, did you -- what did you do?

4 A. Well, I was on my porch and I was just -- I was on
5 the phone with the police, describing what I was seeing.

6 Q. And were you describing what you were seeing
7 directly to the 911 dispatcher?

8 A. Yes.

9 Q. Are you aware if those calls are audio recorded?

10 A. Yes.

11 Q. Have you had an opportunity to listen to the
12 recording of that?

13 A. It's been some time since I've listened to that.
14 I have listened to an interview that I did with the
15 detective after this event.

16 Q. Mr. Johnson, did you have an opportunity to listen
17 to copy of that call in my office?

18 A. Yes.

19 Q. And I'm going to show you now what's been marked
20 for ID purposes as State's 36. Can you identify this
21 item.

22 A. That has my initials on it, yes.

23 Q. And is there a date?

24 A. 11/19/13.

25 Q. Is this the CD you listened to in my office?

WARREN JOHNSON - DIRECT BY MR. FINCH

1 A. Yes.

2 Q. Of the 911 call?

3 A. Yes.

4 MR. FINCH: Your Honor, at this time the
5 State would move for admission of State's 36.

6 THE COURT: Any objection?

7 MR. LEWIS: No objection.

8 THE COURT: It's admitted.

9 (State's Exhibit No. 36 was marked for
10 identification and admitted into evidence.)

11 MR. FINCH: Permission to publish, Your
12 Honor?

13 THE COURT: Yes.

14 (Whereupon the CD of the 911 call was played
15 for the jury of.)

16 BY MR. FINCH:

17 Q. Mr. Johnson, you were describing things that you
18 saw and giving that information directly to the 911
19 folks?

20 A. Correct.

21 Q. After that, it sounds like that call wrapped up
22 with the police nearby. Did you meet with police that
23 evening?

24 A. Yes.

25 Q. You gave them a statement?

1 A. I did.

2 Q. And did they ask you to come and see if you could
3 identify anything?

4 A. They did.

5 Q. And you were able to identify the vehicle?

6 A. Yes.

7 Q. I'm going to show you what has been previously
8 admitted as State's 16. Is that the vehicle you
9 identified for police?

10 A. I believe so, yes. It's been a few years since
11 I've seen it, but it appears to be accurate.

12 Q. And --

13 MR. FINCH: Beg the Court's indulgence.
14 Please answer any questions Mr. Lewis has for you.

15 THE WITNESS: Sure.

16 CROSS-EXAMINATION

17 BY MR. LEWIS:

18 Q. Good afternoon, Mr. Johnson.

19 A. Good afternoon.

20 Q. So at that time you were living in apartment
21 [REDACTED], right?

22 A. Yes.

23 Q. And we should have some pictures here that would
24 help guide us. And so [REDACTED], where is that?

25 A. Right here (indicating).

1 Q. And so you've testified you saw someone around the
2 bush. I understand this is a newer picture so it doesn't
3 have the bushes around it, but I believe you testified
4 bushes were basically nearby where we could see the two
5 air blowers, HVAC units by the breezeway?

6 A. Yes.

7 Q. Can you go ahead and mark it for me.

8 Okay. Now, we discussed this case in another
9 hearing, but on the 911 call we all just heard, you say
10 you could specifically see someone coming out of this
11 apartment.

12 A. Yes.

13 Q. But you couldn't. You saw them in the area,
14 right?

15 A. Correct. This whole area here -- this whole area
16 here at the time was a grassy area, and so right around
17 in here is where he held up the --

18 Q. Clicker?

19 A. -- clicker and had the bag of stuff.

20 Q. Okay. I want to be clear about the 911 call. I
21 understand what you believe you were seeing, but I want
22 to be clear about what you actually saw.

23 A. Sure.

24 Q. You can't say you actually saw anyone coming out
25 of apartment **XX103**?

1 A. I could not. I just -- when I was standing on my
2 porch, I could only hear the rustling. I did not see
3 anyone walk out.

4 Q. Okay. But did you see a bag of stuff?

5 A. Yes.

6 Q. You heard it clanking, so it had some weight to
7 it?

8 A. Yes.

9 Q. But you don't know where it came from, right?

10 A. No, I don't. All I know all, he was in this area
11 with this stuff. He seemed to be awkward, carrying some
12 things and trying to locate the car at the same time.

13 Q. And you don't know who would have placed those
14 items in the bag that was rustling?

15 A. Correct.

16 Q. So you saw a guy with a bag?

17 A. Correct.

18 Q. Okay. And after the rustling, the seeing him in,
19 I guess, two different breezeways, came across as
20 suspicious to you so you called police.

21 A. That's correct.

22 Q. And you stayed on the phone with them, and what we
23 just heard was that 911 call, right?

24 A. Yes. I called the police after he came out.

25 Q. With the stuff?

1 A. With the stuff that I had not seen him carrying.

2 Q. And I just got to focus in again.

3 A. Sure. Sorry.

4 Q. Came out from where the bushes are, but you cannot
5 say and are not saying that he came out of that
6 apartment?

7 A. I did not witness it. I could only hear the
8 rustling which caused me to get up that I should probably
9 call police.

10 Q. And the rustling that we're talking about is the
11 sound of stuff in a bag, almost like you're taking out
12 your recycling and it has some wind bottles in it or
13 something like that, not the sound that would be created
14 if someone were prying open a door?

15 A. You know, it was just -- so I could hear the
16 stuff, but I could hear just an awkward rustling around.

17 Q. Okay.

18 A. And I could hear that -- with that rustling
19 around, I could hear things clinking in a bag.

20 Q. Okay. On the 911 call, you described two males
21 were in the vehicle?

22 A. Yes.

23 Q. I know it sounds like it's splitting hairs,
24 color-wise. What color blue is that?

25 A. You know, I would say a metallic --

1 Q. I'll put it up.

2 A. Sure.

3 Q. I think it's in evidence already, State's 16. So
4 metallic?

5 A. Yes.

6 Q. Is it a sky blue?

7 A. You know, it depends if we're splitting hairs
8 depending on how the light hits it.

9 Q. I guess I can kind of see it, especially in this
10 light. Certainly not a powder blue?

11 A. Well, depending on how the light hits it, but as
12 I'm looking at it presently, no, this would be a
13 darker -- a darker blue.

14 Q. And on the 911 call, you had described -- you were
15 speaking in a hushed tone. Is it fair to say that?

16 A. Yes.

17 Q. You didn't want to be seen?

18 A. That's correct.

19 Q. You actually described that you were kind of
20 standing back in your balcony?

21 A. Yes.

22 Q. So not exactly an ideal position, but you're doing
23 your best as a witness to say what you're seeing.

24 A. Ideal for me so as to not be seen, yes.

25 Q. Different goals. You don't want to be seen?

1 A. Yes.

2 Q. But that's when you were able to provide the
3 information of two males in a sedan, right?

4 A. Uh-huh. If that's what I said, yes.

5 Q. That's why we all heard the 911 call. And I know
6 I'm splitting hairs again, but how many doors does a
7 sedan have?

8 A. Four.

9 Q. How many doors does the car you picked out have?

10 A. Two.

11 Q. Okay. Sometimes it's just what we have to do.
12 And after that, I have to reiterate to be clear about
13 this. You never saw anyone stepping over -- stepping
14 over this railing?

15 A. Not that I can recall. I was sitting here, heard
16 a rustling noise that came from this direction, and when
17 I looked down here, he was here with the stuff and the
18 key.

19 Q. Okay. Right here on the ground there?

20 A. That's correct.

21 Q. And as we discussed again in a brief hearing,
22 there was a different landscaping plan back then, two
23 years ago.

24 A. Yes, yes.

25 Q. And that included a series of bushes?

1 A. Yes.

2 Q. And in that hearing you said whether he was in
3 front of or behind those bushes, he was actually inside
4 or outside, he was outside of those bushes?

5 A. That's correct, I did say that, yes.

6 Q. Okay. One second, Judge.

7 We also talked about this, gloves. Anybody
8 wearing gloves?

9 A. Not that I recall.

10 MR. LEWIS: Nothing further at this time,
11 Judge. Thank you.

12 THE COURT: Redirect?

13 MR. FINCH: Thank you.

14 REDIRECT EXAMINATION

15 BY MR. FINCH:

16 Q. Mr. Johnson, you recall stating to the 911
17 operator that you couldn't see the driver?

18 A. That's correct.

19 MR. FINCH: Thank you. Nothing further, Your
20 Honor.

21 THE COURT: Yes?

22 MR. LEWIS: Just to explore that one quick
23 question.

24 RECROSS-EXAMINATION

25 BY MR. LEWIS:

1 Q. So you just made an assumption. You assumed it
2 was a male?

3 A. I did, yes.

4 MR. LEWIS: Nothing further.

5 THE COURT: Thank you, sir. You may step
6 down.

7 You may call your next witness.

8 MR. FINCH: State calls Officer Joe Piech.

9 MR. LEWIS: Judge per your policies, he is
10 excused.

11 THE COURT: Once a witness steps down,
12 they're excused.

13 JOE PIECH,

14 having been first duly sworn,

15 was examined and testified as follows:

16 DIRECT EXAMINATION

17 THE WITNESS: My name is Joe Piech with the
18 City of Charleston Police Department.

19 BY MR. VOIGT:

20 Q. Could you spell that for the court reporter.

21 A. My last name is spelled P-i-e-c-h.

22 Q. How long have you been with the City of Charleston
23 Police Department?

24 A. I just passed my seven year mark in April.

25 Q. How are you currently assigned?

1 A. I am currently working with the team three power
2 squad. I'm still in the same position, but it's a
3 special unit.

4 Q. Where were you assigned back on February 25, 2012?

5 A. To the best of my memory, I was working a
6 neighborhood officer position. It was a special patrol
7 in the Westchester neighborhood of James Island, and my
8 shift secured at 2300 hours and I was on my way in when
9 this call went out.

10 Q. So you were on your way to work?

11 A. I was on my way home. I'm sorry.

12 Q. And during February 2012, did you work primarily
13 in James Island?

14 A. Only. I worked a specified neighborhood, and I
15 was on my way back to the office. That was the only way
16 I could pass by this area.

17 Q. And so you worked at very limited geographical
18 areas?

19 A. Yes.

20 Q. And why do they assign you to a very limited
21 geographical area?

22 A. Because those limited areas are very crime ridden
23 and they can -- they basically block them off for
24 specialized patrols during specific times of the day that
25 occur, anywhere from gang activity to drug activity. The

JOE PIECH - DIRECT BY MR. VOIGT

1 violence just kind of depends on what we got going on in
2 those different areas.

3 Q. And some of that is what you observed while you're
4 patrolling?

5 A. That's my job, yeah.

6 Q. And some of that is what you get called out for?

7 A. Sometimes, yeah.

8 Q. And on the 25th of February, 2012, did you have
9 occasion to be called out to the Peninsula Condos?

10 A. The call was toned out, which means it was sent
11 out as an urgent call, the type of call you put your
12 sirens on and your blue lights and your sirens.

13 I just -- I was just coming up on Daniel Ellis
14 Drive as it went out. Two cars, two to three cars, beat
15 me to the punch turning on to Daniel Ellis Drive. I
16 followed them in and that is how it started for me.

17 Q. How do you get called out to crimes? How did that
18 work in 2012?

19 A. By tone. That's what we call it. It's a tone
20 that goes out over the radio that means you got to get
21 there quickly.

22 Q. And what were you responding to? What were you
23 being toned out to?

24 A. A burglary in progress or a burglary that had just
25 occurred, is how I remember it. It was an in progress

1 call. We had to get there.

2 Q. So an in progress call means that perhaps the
3 perpetrator or perpetrators are still in the vicinity of
4 the call.

5 A. Yes, yes.

6 Q. And from the time you got toned out to the time
7 you turned into the area by the Peninsula Condos,
8 approximately how long was that?

9 A. Less than two minutes.

10 Q. Had your sirens on?

11 A. Yes.

12 Q. You had blue lights going?

13 A. Yes.

14 Q. Were you alone in the car that evening?

15 A. Yes.

16 Q. Now, how was the Peninsula Condos set up? What
17 kind of apartment complex is it?

18 A. You turn on to Daniel Ellis Drive from Folly Road,
19 and that pretty much will -- you take a left and it goes
20 by some businesses, and then it dead ends into the
21 apartments back there, the condos, as they're called.

22 Q. I'm going to show you what's been marked as
23 State's Exhibits 29 and 30.

24 MR. VOIGT: May I approach, Your Honor?

25 THE COURT: Yes.

JOE PIECH - DIRECT BY MR. VOIGT

1 BY MR. VOIGT:

2 Q. Do you recognize State's Exhibit 29 and 30? Take
3 a look for a second.

4 A. It took me a minute, but yes.

5 Q. Are you oriented?

6 A. Yeah. I had to turn it around.

7 Q. What do State's 29 and 30 depict? Do they depict
8 the general area around Daniel Ellis Drive, the Peninsula
9 Condos?

10 A. Yeah. Number 29 will show you almost pretty much
11 the entire thing of businesses in the condos, and number
12 30 is more specifically the condos.

13 Q. So one is a closer in picture?

14 A. Yes.

15 Q. All right.

16 MR. FINCH: At this time the State would
17 offer Exhibits 29 and 30.

18 MR. LEWIS: Without objection.

19 THE COURT: It's admitted.

20 MR. VOIGT: Can I publish these, Your Honor?

21 THE COURT: Yes. What are we looking at
22 there in and that is State's 29.

23 THE WITNESS: Yeah, those are the condos
24 directly in front of me.

25 BY MR. VOIGT:

1 Q. What is that big flat roofed building there?

2 A. In the upper right-hand corner would be Lowe's.

3 Q. Okay. And how many means -- how do you get in and
4 out of Peninsula Condos?

5 A. One entrance.

6 Q. So if you go in there, you got to go the same way
7 to come out?

8 A. Yeah. There is no rear. That's just that one.

9 Q. Because there is nothing but marsh back there?

10 A. Right.

11 Q. So you get toned out to this burglary in progress.
12 What did you decide to do?

13 A. I've been a police officer at that point since
14 2003. It's not the first burglary I responded to. I
15 take my job seriously, and I want to get there promptly
16 but I don't panic. I saw two cars -- at least two cars I
17 remember going in before me. Knowing that there was no
18 way out of there, since dispatch was telling me there was
19 possibly a car involved, I decided to deactivate my blue
20 lights and wait at Lowe's to see if a car was coming out.

21 Q. Is this the area right here? Is this the in and
22 out?

23 A. Yeah, by that pool. There is a pool and a
24 clubhouse, and there is gates just past that.

25 Q. I'm going to move this just slightly. Could you

1 see in that where you positioned car care?

2 A. No, you got to move it more down to me.

3 Q. Like this direction? Could you see where your put
4 your car?

5 A. Yes.

6 Q. And that is a little touch screen there.

7 A. Just tap it?

8 Q. Yeah, go ahead. So you're there.

9 A. Yeah.

10 Q. So what should you do? You parked your car there?

11 A. And I just said to myself two cars just went
12 screaming in there. A lot of times burglars will run,
13 sometimes, but since they're putting out a car and it
14 sounded like there was someone else possibly in that car,
15 I said I'm going to wait by that entrance were my
16 headlights on. My headlights were on. I was just going
17 to sit there and see if anything came out.

18 Q. Did you know what you were looking for?

19 A. Well, almost precisely in that time frame where I
20 parked, or almost immediately, dispatch began to put out
21 description of a blue sedan and a black male wearing a
22 white sweater or sweatshirt or something of that sort.

23 Q. Were you told to look for a four-door or two-door
24 sedan?

25 A. I don't remember. I just remember a blue sedan.

1 Q. And does the word sedan have any specific meaning
2 for you in terms?

3 A. Just a smaller car.

4 Q. So not a van or a truck or a bus or a motorcycle?

5 A. No, not like a full size car, like a Cadillac or
6 something, a smaller sized car.

7 Q. Let me show you what's been marked as State's
8 Exhibit 16. Is that the car you saw?

9 A. Yes.

10 Q. When you saw that car, what did you do?

11 A. As we're looking at this picture now is how I saw
12 it because I had my headlights on. They were putting out
13 the description. I saw the car coming. It passed
14 through my light beam. I saw a blue sedan with that
15 black male occupant wearing the white shirt inside.
16 After seeing that, I initiated the traffic stop.

17 Q. From where you were seated in your car, was the
18 passenger closer to you or was the driver closer to you?

19 A. Driver was closer to me.

20 Q. Could you see through the vehicle all the way to
21 the passenger?

22 A. Yes.

23 Q. What did you do once you saw this vehicle?

24 A. Pulled it over.

25 Q. Which side did you approach?

JOE PIECH - DIRECT BY MR. VOIGT

1 A. I approached from the passenger side. I've almost
2 been hit a couple of times on traffic stop. I don't want
3 to get hit. There wasn't a ton of traffic, obviously.
4 There was no traffic on that road. It's just a muscle
5 memory thing that I do, so any time I initiate a traffic
6 stop, I approach from the passenger side.

7 Q. Now, we've heard a little bit of it before we came
8 in here. Were you on the radio with other officers?

9 A. When a car like that goes out, there is a ton of
10 people on the radio. Unless something important happens,
11 I don't talk that much, if I can help it, and I'm pretty
12 certain that I didn't say anything until I pulled that
13 traffic stop.

14 Q. Okay. Once you pulled that car over, where did
15 you position the vehicle?

16 A. Directly behind it as I standardly would.

17 Q. Did you inform other officers you were getting out
18 with this vehicle?

19 A. I'm pretty sure that I put it out as a traffic
20 stop, yeah.

21 Q. Why would you do that? Why would you let
22 everybody else know what to do?

23 A. Officer safety, and that's just what we do to get
24 another officer there to help you. It can hurt to have
25 two of us or three of us there.

1 Q. You were in your car by yourself?

2 A. Yes.

3 Q. You didn't have a partner riding with you?

4 A. No.

5 Q. Did other vehicles respond to your traffic stop?

6 A. Yes. The way I remember it is I put it out as a
7 traffic stop just as I would and we -- as I did that,
8 cars came in. They were turning in. They were just
9 arriving on the scene and were, you know, doing U-turns
10 and getting around and helping me out.

11 Q. So a number of other vehicles responding to the
12 additional -- the original tone?

13 A. Yeah.

14 Q. Call?

15 A. This happened right at a shift change so we had
16 plenty of cars.

17 Q. You had people coming and going?

18 A. Yeah.

19 Q. Approximately how many different cars surrounded
20 you after you got out of this vehicle, police cars?

21 A. Shortly thereafter, I would say that I had at
22 least two more out with me that stopped.

23 Q. Who did you make first contact with?

24 A. In the car?

25 Q. Yeah.

1 A. Mr. McClenton, the passenger, since I approached
2 from the passenger side.

3 Q. What did you observe him to be wearing?

4 A. A white sweater.

5 Q. Was that -- did that fit the description of
6 someone you were looking for?

7 A. Yes.

8 Q. What did you ask him to do?

9 A. I explained to him what was going on, why he was
10 being stopped, and I asked him to get out of the vehicle
11 to speak with me and he agreed.

12 Q. Did you have your gun drawn?

13 A. No.

14 Q. Did you yell at him, shout at him, curse at him?

15 A. No.

16 Q. Did he voluntarily got out of the vehicle?

17 A. Yes.

18 Q. Did he attempt to run or flee or fight you in any
19 way?

20 A. No, no. His demeanor was one of just being
21 compliant with what I was asking.

22 Q. Did he appear nervous in any way?

23 A. A little, yeah.

24 Q. Did you tell him why he had been pulled over?

25 A. Yes.

1 Q. Was he free to go?

2 A. No. I held him, I spoke with him, and I performed
3 a pat down of him, given the nature of the call. We were
4 going to verify whether or not he was -- I mean, I made
5 that clear.

6 Q. Okay.

7 A. Based on what they were driving and what he was
8 wearing.

9 Q. Did you make contact with the driver?

10 A. Once -- I mean, it all happened in seconds, but
11 once I had help to kind of help out with Mr. McClenton,
12 yeah, we spoke with the driver and explained to her what
13 was going on.

14 Q. Did you place Mr. McClenton in handcuffs?

15 A. Not right away, no.

16 Q. About how long did that take?

17 A. I would say I spoke with him -- I would say under
18 five minutes. I had officers on the radio advising me to
19 detain him because they had found forced entry.

20 Q. So you're in radio communication with other
21 officers at other areas in Peninsula Condominiums?

22 A. That had been broken into, yeah.

23 Q. So at this point you knew -- what did you know at
24 this point?

25 A. That we had a burglary and that I had a vehicle

JOE PIECH - DIRECT BY MR. VOIGT

1 pulled over with a suspect that was matching what we were
2 being told by the caller.

3 Q. And that's as good as far as that goes, but --

4 A. To get him out of the car?

5 Q. To arrest him for something?

6 A. Oh, absolutely.

7 Q. Who was in that vehicle?

8 A. With Mr. McClenton?

9 Q. Do you recall her name?

10 A. Yeah. It's Dawn Lee.

11 Q. Okay.

12 A. And a very young child in the passenger seat.

13 Q. Was the child in the car seat, secured in a car
14 seat?

15 A. Yes.

16 Q. Do you know approximately how old the child was,
17 months, weeks?

18 A. No, very brand new, very young.

19 Q. Not holding neck upright yet?

20 A. No, no.

21 Q. February 25th, was it a warm or cold night?

22 A. It was a cold night. You could see your breath.

23 Q. Did you have any concerns for the child in the
24 cold?

25 A. I did, and that was it became --

JOE PIECH - DIRECT BY MR. VOIGT

1 MR. LEWIS: Objection, Your Honor.
2 Relevance.

3 THE COURT: Objection overruled.
4

5 THE WITNESS: I became concerned for the
6 welfare of the child shortly after we learned that it was
7 in the car. It was cold. You know, for some reason it
8 didn't seem like they had the heat on in the car.
9 Eventually we got her and the kid in a police cruiser so
10 they could stay warm. It was a concern.

11 BY MR. VOIGT:

12 Q. We're talking about the mother of -- Ms. Lee?

13 A. Yeah. We wanted her to take care of her child
14 while we were out there.

15 Q. Did you make a visual inspection of inside of the
16 vehicle?

17 A. Yeah. When I -- upon my initial approach when I
18 pass over to the passenger side if the windows aren't
19 tinted, I can get a pretty good panoramic, plus seeing
20 inside and speaking with them; yes, I could see.

21 Q. And why do you do that? Why would you look inside
22 the vehicle?

23 A. Oh, just officer safety. We see in training and
24 all see in videos and such it doesn't take but a couple
25 seconds to get shot in traffic stops.

JOE PIECH - DIRECT BY MR. VOIGT

1 Q. Are traffic stops historically dangerous for
2 officers in the line of duty?

3 A. They can be, yeah.

4 Q. And you're just trying to eliminate any potential
5 threat or any -- and that is just a visual inspection?

6 A. From the get go. I mean, most violent things are
7 done with the hands of the bad people, and you can get a
8 good view of their hands as well. It's just -- it's
9 important to me when I stop the car.

10 Q. You didn't have any indication, though, that
11 Ms. Lee was a threat to you?

12 A. No.

13 Q. And the defendant had been compliant with what you
14 had requested to do, and at that point he was secured and
15 he wasn't a threat to you?

16 A. No.

17 Q. Did you ask Ms. Lee if you could search the trunk?

18 MR. LEWIS: Objection pursuant to my previous
19 objection.

20 THE COURT: Overruled.

21 THE WITNESS: We did ask for permission to
22 search her vehicle, eventually.

23 BY MR. VOIGT:

24 Q. And how long do you think it was before you asked
25 her?

1 A. Once we were given radio information offhand,
2 based on the forced entry, we were also given additional
3 information over the radio of objects that were taken, we
4 had to actually contact the victim, to what I recall, so
5 there was a little bit of a lapse for us to get the
6 victim out there but it wasn't very long. It wasn't like
7 a couple hours or anything like that.

8 Q. So by the time you asked for consent, did you have
9 at least a general idea of the sorts of items you were
10 looking for?

11 A. Yes, yes.

12 Q. And that was related to you via radio from other
13 officers or victims or however that may have been?

14 A. Yeah, right.

15 Q. Okay. You patted down Mr. McClenton.

16 A. Yes.

17 Q. Did he have any keys on him for any vehicle that
18 you recall?

19 A. Not that I can remember, no.

20 Q. And he hadn't been driving this particular
21 vehicle?

22 A. No. He was a passenger.

23 Q. All right. Did you look in the trunk?

24 A. After it was opened, yes.

25 Q. Did you open the trunk?

JOE PIECH - DIRECT BY MR. VOIGT

1 A. Not that I can recall, no.

2 Q. Do you recall who did?

3 A. No.

4 Q. Okay.

5 A. I want to say that Ms. Lee did.

6 Q. Did she use some sort of interior latch or
7 something on the key fob or something like that?

8 A. It's possible. You know, a lot of times keys
9 don't work and they got to use the inside. The inside
10 doesn't work, and they got to use the keys. Usually when
11 the owner of the vehicle or the person that's driving it
12 gives us consent, we go ahead and let them do it since
13 it's their trunk and it's less of a headache for us.

14 Q. Now, you say that you got consent from Ms. Lee.
15 Did you threaten Ms. Lee with -- well, with anything, to
16 get her to do that?

17 A. No.

18 Q. Did you promise some sort of leniency or promise
19 to let her go or do anything like that to get her to let
20 you look in the trunk?

21 A. No.

22 Q. Did you make any threats to her that you were --
23 you know, you were going to do it by hook or by crook?

24 A. No.

25 Q. Okay. Did she seem intimidated or afraid of you?

1 A. Not of me personally. I think appeared very
2 nervous with the situation, though.

3 Q. Didn't at some point she become emotional?

4 A. I remember her being pretty emotional from the
5 point where I was explaining to them why they were being
6 stopped to why I got him out of the car. It was kind of
7 like, you know, she started, you know, to get nervous and
8 eventually that turned into tears.

9 Q. Okay. Were you able to ascertain whether or not
10 Ms. Lee or the defendant lived in the Peninsula Condos?

11 A. I did ask --

12 MR. LEWIS: Objection, Your Honor.

13 THE COURT: Basis for the objection?

14 MR. LEWIS: We would actually have a matter
15 of law. If we're going to go into specifics as to what
16 the defendant or Ms. Lee said, if it's Ms. Lee, it's
17 hearsay; if it's the defendant, we need a hearing on it.

18 THE COURT: Restate the question? And don't
19 answer it.

20 MR. VOIGT: The question I asked: Were you
21 able to ascertain whether Ms. Lee or the defendant lived
22 in the Peninsula Condos.

23 THE COURT: Objection is overruled.

24 THE WITNESS: So I can go ahead and answer?

25 BY MR. VOIGT:

JOE PIECH - DIRECT BY MR. VOIGT

1 Q. Without telling us what other people said, were
2 you able to find out if they lived there or not?

3 A. Yes. One of the things I asked the offender,
4 before he was detained, is why he was there. What are
5 you doing in the area? He advised me that the driver had
6 dropped him off in the apartment complex to see one of
7 his friends and then she left.

8 He said that he couldn't find his friend's
9 apartment that she came to pick him up, and I pulled them
10 as they were just leaving the complex, but he wasn't able
11 to give me the name of the friend or where in the complex
12 he supposedly lived.

13 THE COURT: Ladies and gentlemen: We're
14 going to break at this time for lunch as it relates to
15 the jury for 45 minutes, and we want to come back at
16 2:00. So please go to the jury room and don't discuss
17 the case. Pertaining to the jury only.

18 (In open court, jury not present.)

19 THE COURT: All right. Regarding the issue
20 and the objection about a necessity of hearing because of
21 the statement by the defendant?

22 MR. LEWIS: Well, actually, Judge, on second
23 thought, now that that testimony has been elicited, I
24 like what I heard, so I withdraw my objection. This
25 portion sounds great to me.

JOE PIECH - DIRECT BY MR. VOIGT

1 THE COURT: Okay.

2 MR. LEWIS: So I'm glad it's in evidence.

3 THE COURT: All right. Anything by the
4 State?

5 MR. VOIGT: No, Your Honor.

6 THE COURT: I'm just listening as whether it
7 qualified as a statement necessitating an out of court
8 hearing, based on the voluntariness, but you like the
9 answer and you don't want me to do any issues surrounding
10 it, right?

11 MR. LEWIS: My initial gut reaction when I
12 hear something is to object, but -- and I think we could
13 have had a hearing. At this point I'm waiving it in
14 regards to the statements that have been made.

15 THE COURT: All right.

16 MR. LEWIS: I understand that that should be
17 the completion of Officer Piech's interactions with
18 Mr. McClenton. If there were, then I would need a
19 hearing on those, but I think that this is it, and as I
20 said, in regards to these statements coming in, I'm happy
21 with it, I do not object to those statements coming into
22 evidence.

23 THE COURT: All right. And you think your
24 client agrees with you on that?

25 MR. LEWIS: I was going to say I hate to be

JOE PIECH - DIRECT BY MR. VOIGT

1 so blunt, but it doesn't matter, what -- I'll ask him
2 now.

3 THE COURT: What did he say? He said he's
4 good?

5 MR. LEWIS: He said whatever I want to go
6 with; is that right? All right. I'm good.

7 THE COURT: All right. Okay. Any other
8 statements by this defendant to this officer that would
9 necessitate any type of hearing?

10 MR. VOIGT: Not that I'm aware of, and, for
11 the record, I was, I think, even in the second go around
12 I said trying not to go there, so --

13 THE COURT: Okay. We're in the breaking mode
14 until 2:00. And, Officer, you're under examination.

15 Do not discuss your testimony with anyone.

16 (Recess taken.)

17 A F T E R N O O N S E S S I O N

18 THE COURT: Okay. We can bring in the jury.

19 (In open court, jury present.)

20 THE COURT: All right. You may proceed.

21 BY MR. VOIGT:

22 Q. I think I was in the middle of asking you some
23 questions about a blue car and the people and the
24 contents of the car.

25 So here we are, to go back to the car. You asked

1 Ms. Lee for consent?

2 A. Yes.

3 Q. Did she seem to understand what you were asking
4 her to do?

5 A. Yes. You know, we made it clear what had just
6 happened, and it was implied, you know, one of them might
7 be it and they might have stuff that was missing.

8 Q. And so the trunk, she popped it somehow or
9 another, I think you said?

10 A. Yes, yeah.

11 Q. Well, what happened after that?

12 A. The primary thing that immediately jumped out and
13 over the radio was that there was a white trash bag
14 containing something that he was carrying away from where
15 the complainant saw him. Once the trunk was opened,
16 right there was a white trash bag.

17 Q. Okay. I'm going to show you what's been marked --
18 I think it's actually entered into evidence as State's
19 20.

20 MR. LEWIS: They've all been entered.

21 BY MR. VOIGT:

22 Q. I'm going to put it up on the screen. This is
23 State's 20. Do you recognize that?

24 A. Yeah.

25 Q. What's that?

JOE PIECH - DIRECT BY MR. VOIGT

1 A. It's a white trash bag containing wine bottles.

2 Q. I'm going to show you what's previously been
3 marked and entered as State's 21. What's that? Is that
4 the same bag?

5 A. Yeah. Wine bottles, electronics -- there was
6 quite a bit of electronic stuff that was in the bag and
7 outside of it because they were too large to put inside
8 there.

9 Q. Did you take the stuff out and kind of see what
10 was in there?

11 A. I did not. Other officers did. I kind of relied
12 on my eyes to see, yeah, that looks like what we're being
13 told over the radio, but I couldn't do everything at
14 once, and I'm pretty sure another officer did that.

15 MR. VOIGT: May I approach the court
16 reporter, Your Honor? What number are we on?

17 BY MR. VOIGT:

18 Q. Officer Piech, I'm going to show you what's been
19 marked State's 37 and ask you to take a look at the
20 outside of that and then take a look at the contents and
21 tell me if you recognize that.

22 A. That's our white trash bag and one of our burglary
23 tools.

24 MR. LEWIS: Objection, Your Honor.
25 Classification of a burglary tool.

JOE PIECH - DIRECT BY MR. VOIGT

1 THE COURT: Of a what?

2 MR. LEWIS: He said this is a white trash bag
3 and a burglary tool. I'm objecting to him calling a
4 screwdriver a burglary tool.

5 THE COURT: Any response?

6 MR. VOIGT: It's a screwdriver, however we
7 want to classify it.

8 THE COURT: All right. The objection is
9 sustained to the characterization.

10 BY MR. VOIGT:

11 Q. So is that a screwdriver?

12 A. Yes, it's a screwdriver, and my apologies. It's
13 commonly referred to in those instances, but yes, it is a
14 screwdriver.

15 Q. Could also be used for turning screws?

16 A. Yes.

17 Q. Do you recognize that as something having been
18 seized from the blue car driven by Dawn Lee?

19 A. Yeah.

20 Q. How do you know those are the items you seized?
21 Did you place those into evidence?

22 A. No, I did not.

23 Q. Is your name on the evidence sheet at all?

24 A. Yeah, it is.

25 Q. Yeah, it is. And why do you put your name on an

JOE PIECH - DIRECT BY MR. VOIGT

1 evidence card outside of a bag?

2 A. So you know who dumped evidence.

3 Q. Right. And in this case, would that have been
4 you?

5 A. It's very possible. It's my handwriting. If I
6 did it, I placed it in there. Just the time frame --

7 Q. You're having a hard time remembering actually
8 having done that?

9 A. Yes, yes.

10 Q. And one of the reasons we keep track of things in
11 bags and on those little sheets is --

12 MR. LEWIS: Objection. Leading.

13 THE COURT: I haven't heard the question.

14 BY MR. VOIGT:

15 Q. Why do we label things like that?

16 A. For recordkeeping and, you know, so that we know
17 who dropped what.

18 Q. Do we know who placed the white bag and the
19 screwdriver in evidence?

20 A. Yeah, me, apparently.

21 Q. Okay.

22 MR. VOIGT: At this time I would offer
23 State's 37 and mark the screwdriver as State's 38.

24 MR. LEWIS: Renewing my objection to all the
25 specific items, no -- no further objection as to

1 authentication, so no objection, Judge.

2 THE COURT: All right. They're admitted over
3 objection.

4 (State's Exhibit Nos. 37 and 38 were marked
5 for identification and admitted into evidence.)

6 BY MR. VOIGT:

7 Q. Can you take those out?

8 A. Yes.

9 Q. So this is 37. This is the bag.

10 A. Okay.

11 Q. And I'm going to place that on there. That is
12 just a buy-at-the-store kind of screwdriver.

13 A. Yes.

14 Q. What was in the trunk of that car?

15 A. When the trunk was opened, the white bag was
16 visible. Once that bag was removed, there were also some
17 computers, some laptop computers, and some other
18 electronic stuff.

19 Q. I'm going to show you what's been previously
20 marked as State's 17. Are these the computers we're
21 talking about?

22 A. Yes.

23 Q. State's 24, are these some of the items we're
24 talking about?

25 A. Yeah. There was one -- once Mr. McClenton was

1 detained, then we realized that the missing items were in
2 the trunk, we searched his coat pocket and found the
3 victim's watch, the cameras. It could very well be that
4 watch.

5 Q. I'm going to bring the bag that this apparently
6 was in. Take a look at the bag and then the contents
7 thereof. Do you recognize it?

8 A. Yes.

9 Q. How do you recognize it?

10 A. The sticker with my name on it that I dropped.

11 Q. Okay. By dropped, you mean --

12 A. Dropping into evidence. I placed it into
13 evidence, yes.

14 Q. And is -- describe to the jury, so that they can
15 know, what is the evidence facility like at CPD, do you
16 know?

17 A. Yeah. You take an object, a coat, or anything
18 else that -- everything has a different sort of
19 procedure. Most things you place into some sort of bag
20 like this if it's too large or a smaller envelope or
21 plastic bag, and it's placed in a mailbox or a locker and
22 then itemized into a computer system.

23 Q. So are all the things seized by the Charleston
24 Police Department in all their cases, are they all mixed
25 together? Does the police department try to keep them

1 separate?

2 A. How do you mean, just --

3 Q. Do I keep them by item number by OCA number?

4 A. By case number, yes. All associated items with
5 one case number will be at the same access.

6 Q. So the case -- do you recognize the case number
7 associated with this particular case on that bag?

8 A. Yep.

9 Q. And what number is that?

10 A. That's case number 1203151.

11 Q. And do you recognize that item, which I will call
12 State's 39, do you recognize that as something that you
13 took from the vehicle?

14 A. Yes.

15 Q. And where did you take it from in the vehicle?

16 A. From the front seat. He was sitting on it.

17 Q. Okay.

18 MR. FINCH: At this time the State would
19 offer into evidence State's 39.

20 MR. LEWIS: Same.

21 THE COURT: It's admitted.

22 (State's Exhibit No. 39 was marked for
23 identification and admitted into evidence.)

24 BY MR. VOIGT:

25 Q. So this is State's 39. He was sitting on this?

1 A. Yes, yeah.

2 Q. What did you find inside this?

3 A. The watch -- or the watch of the victim and a
4 camera.

5 Q. And I'm going to show you what's been marked as
6 State's 25. Is that what this depicts?

7 A. Yeah. There is the camera, and forgive me. There
8 was also stolen jewelry in the picture there.

9 Q. All that was in the coat?

10 A. Yes.

11 Q. All right. Got one more to show you, 40. I'm
12 going to show you what's been marked as State's 40, ask
13 you to take a look in this particular bag.

14 Do you recognize those items as items that you
15 seized from the trunk of the blue vehicle?

16 A. Yes.

17 Q. And how do you know those are items you seized
18 from the trunk of the blue vehicle?

19 A. Because my name is on the sticker and I
20 actually -- I remember this one because of how difficult
21 it was to get the crowbar to stay in there.

22 Q. Okay. And where in the trunk were those items?

23 A. Her trunk was kind of -- I didn't know -- kind of
24 sometimes people's trunks, stuff kind of gets pushed to
25 the back, and there is only room in the front. They'll

1 have a tire, and then maybe they'll throw bags or kids'
2 items back there.

3 There was -- most of it was situated immediately
4 in the trunk when you opened it up. It wasn't like a
5 cubby, it was kind of like a cubby that made itself in
6 front of wheel well and all this other stuff.

7 Q. Is there anything besides the large metal object
8 in that bag?

9 A. There's a flashlight, a green flashlight.

10 MR. VOIGT: And I would mark that as State's
11 41. At this time I would move to offer State's 40 and
12 41.

13 MR. LEWIS: Same objection.

14 THE COURT: It's admitted over objection.

15 (State's Exhibit Nos. 40 and 41 were marked
16 for identification and admitted into evidence.)

17 BY MR. VOIGT:

18 Q. What is State's 41 that I just -- I've labelled
19 that for you?

20 A. This is a green flashlight.

21 Q. Is this the same flashlight that is in State's 23?

22 A. Yes.

23 Q. And State's 40, is this the same tool that is
24 depicted in State's 23 as we previously entered into
25 evidence?

JOE PIECH - DIRECT BY MR. VOIGT

1 A. Yes.

2 Q. Now, that's part of a tire jack, isn't it?

3 A. Yeah, it could possibly be that.

4 Q. Now, I may have to peel through layers of pictures
5 here. Could you tell, looking in that trunk, where the
6 spare of that particular car was located?

7 A. I want to say that it was above the -- sometimes
8 you have the tire underneath the compartment in the
9 trunk. I want to say it was above. I can't be 100
10 percent certain.

11 Q. Was there a compartment where the tire iron and
12 the jack and all those things were? Do you remember
13 there even being a jack in the car?

14 A. I don't remember seeing a jack, no.

15 Q. Was that -- and I'm referring now to State's 26,
16 or the picture of State's 26. Was that loose in the
17 trunk?

18 A. That was sitting next to all the other objects
19 that were in the front when you opened it up.

20 Q. Next to the computers and all the other --

21 A. Yes. To the best of my memory, yes.

22 Q. All right. One moment, Your Honor.

23 MR. VOIGT: I will tender the witness, Your
24 Honor.

25 CROSS-EXAMINATION

1 BY MR. LEWIS:

2 Q. To the best of your memory, right?

3 A. Yes.

4 Q. We are all human. We all make mistakes?

5 A. Yes.

6 Q. Forgot who put everything into evidence, right?

7 Hey, it happens.

8 A. It was a long night for me. That was the end of
9 my shift, and, you know, I got held over, I think, about
10 four hours, so it was one of those groggy nights of
11 submitting reports and such.

12 Q. I understand. But, like I said, we all make
13 mistakes. We get things wrong, right?

14 A. We can.

15 Q. I mean, you're not going to fight me on that. You
16 just did, so let's own it together and move on. You made
17 a mistake.

18 A. In what?

19 Q. You forgot who put it into evidence?

20 A. Well, yeah, I did forget, but I was reminded by my
21 signature on the evidence label.

22 Q. Right. So I did --

23 A. I'm not trying to argue, I --

24 Q. No, that's fine. You said earlier when you
25 stopped him you exchanged some words with Mr. McClenton,

1 but he wouldn't give you a name, somebody's name, the
2 person he was there to meet.

3 A. Correct.

4 Q. And as a police officer now seven years, you're
5 kind of used to that, aren't you, people not giving up
6 the names of other people?

7 A. I mean, most people, if they're visiting friends,
8 don't have a problem saying who they are.

9 Q. That's not what I'm asking you. I'm asking you,
10 as a police officer, in your experience, most of the time
11 people don't want to get other people in trouble. They
12 don't give up other people's names?

13 MR. VOIGT: Object to the form of the
14 question. Calls for speculation.

15 MR. LEWIS: I'm asking, in his experience, if
16 people have not given up other people's names? He can
17 say I did or I didn't.

18 THE COURT: I heard the question. There was
19 an objection. Did you want to --

20 MR. LEWIS: Yes. I'm not asking him to
21 speculate. I'm asking him, in his life, when he asks for
22 people to tell the names of people that they're around,
23 that they'll often say, I'm not going to tell you. I
24 don't know.

25 THE COURT: Overrule the objection.

1 MR. LEWIS: Thank you.

2 THE COURT: You don't have to thank me, but
3 you may answer the question.

4 THE WITNESS: Could you just please read --
5 BY MR. LEWIS:

6 Q. Sure. The question is, in your time as a police
7 officer, isn't it common for the people that you interact
8 with to not want to name other people?

9 A. I mean, sometimes when that interaction with them
10 means they might be getting in trouble, they won't, but
11 often on traffic stops when we initiate contact, explain
12 to them why we're doing such a stop and just after
13 explaining that, they usually don't have a problem with
14 telling us, Yeah, I was just at my buddy Joe's or Tom's.

15 Q. You must interact with completely different
16 people?

17 A. I interact with the citizens of Charleston.

18 MR. VOIGT: Objection.

19 THE COURT: Is that a question or comment?

20 MR. LEWIS: No, I'm sorry, Judge. I'll move
21 on.

22 BY MR. LEWIS:

23 Q. You said earlier that those were burglary tools.

24 A. Yes.

25 Q. The screwdriver.

1 A. Yes.

2 Q. You're making a conclusion, right, that that's
3 what that is?

4 A. I did, yes.

5 Q. So it's got to be a burglary tool because it's a
6 screwdriver.

7 A. Well, remembering that night, I remember that
8 doors were pried open.

9 Q. Okay.

10 A. That's what made us seize those items.

11 Q. So you think this did that?

12 A. It can.

13 Q. Okay. Sure.

14 A. Windows, doors -- I wasn't on scene to see what
15 had been pried open, even though sometimes stuff is being
16 communicated to you over the radio, you can't always
17 intimately listen because you're engaged on the scene
18 with other things.

19 Q. You said a lot of times burglars will run.

20 A. Yes.

21 Q. Anybody run?

22 A. When I got there, I said to myself, I'm going to
23 wait here for a very small window of time before thinking
24 of something else to do. We've had -- I've worked in --
25 in 2012, I had worked on team three for five years, where

1 I was coming up on five years. When we've chased people
2 out of those particular condos in general, they come
3 through that back wood line, they never come through the
4 front, but I thought that since was a sedan mentioned
5 that I should wait just a few minutes to see if somebody
6 comes up.

7 Q. Okay. I appreciate all that. This is a very
8 simple question. You can say yes or you can say no. Did
9 he run in?

10 MR. VOIGT: Object to the characterization of
11 his question.

12 THE COURT: The objection is sustained.

13 BY MR. LEWIS:

14 Q. Did they run?

15 A. Nobody ran that night.

16 Q. Okay. But you did say a lot of times burglars
17 will run.

18 A. Well, they have before. I've chased them before,
19 yeah.

20 Q. You also said something that you may be splitting
21 hairs that I'm just confused about in law enforcement.
22 Part of what you do is identify vehicles, right?

23 A. What do you mean by identify? Based on
24 information we're given?

25 Q. Yeah.

1 A. Yeah, sure.

2 Q. Okay. A two-door vehicle is called a coupe,
3 right?

4 A. Yeah, sometimes. A lot of times we're given sedan
5 information. It goes from phone to dispatcher to us
6 because we need it.

7 Q. A four-door vehicle is called a sedan, right?

8 A. Yes.

9 Q. There are two different words for two different
10 things, right?

11 A. Yeah.

12 Q. Okay. So a Cadillac not being a sedan isn't
13 actually accurate; Cadillacs, they have two-door coupes
14 and four-door sedans, right?

15 A. Yeah, to the best of my knowledge.

16 Q. I got you. Just making sure. And so at this
17 point, when you're performing the traffic stop and you're
18 taking these items and putting them into evidence, you
19 don't know they came from, do you?

20 A. Well, I was there. I saw them. You mean like
21 where they came from --

22 Q. The origin -- no, the origin of them.

23 A. No, no, I never went to the scene -- no.

24 Q. So you don't know who took them out of the
25 apartment?

1 A. No.

2 Q. You don't know where they started. You just know
3 when you saw them there they were in the trunk?

4 A. Yes.

5 MR. LEWIS: One moment, Judge.

6 No further questions, Judge.

7 MR. VOIGT: No redirect.

8 THE COURT: Thank you, sir. You may step
9 down.

10 THE WITNESS: Thank you.

11 JEFFREY MILLER,

12 having been first duly sworn,

13 was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. FINCH:

16 Q. Tell the Court where it is you're employed.

17 A. Charleston police department.

18 Q. What do you do for CPD?

19 A. I'm a crime scene technician.

20 Q. As part of crime scene technician, what are some
21 of your duties and responsibilities?

22 A. We respond to calls like burglaries, car
23 break-ins, armed robberies, and we take photographs with
24 the physical evidence and document scenes.

25 Q. On February 25 to February 26, 2012, did have you

1 occasion to be called out as part of OCA 1203151 and OCA
2 1203165?

3 A. Yes.

4 Q. What was your role in those cases?

5 A. They were two separate burglaries to apartments in
6 an apartment complex.

7 Q. Was that at [REDACTED] Daniel Ellis Drive?

8 A. Yes.

9 Q. And do you recall the apartment numbers for those
10 separate --

11 A. I could check my reports.

12 Q. If you need to refresh your recollection, please
13 do so.

14 A. The first apartment that I went to, which was on
15 the 25th, was apartment **XX103**, and then the second one,
16 which was on the 26th, which is still during my shift,
17 was **XX106**.

18 Q. And let's talk now about apartment **XX103**. What
19 did you do at that scene?

20 A. I responded to an in progress burglary that just
21 occurred.

22 Q. When you got to apartment 14013 -- let's back up.

23 When you go to any crime scene in general, a
24 burglary crime scene, what are the steps you do to start
25 your investigation?

1 A. The first thing is I want to talk to the officer
2 that's there, and in this case, I talked to Sergeant
3 Rivers, and then she filled me in on the particulars of
4 the case.

5 Q. And would that be where they -- where other
6 officers thought maybe was a point of entry or other
7 items?

8 A. Yes. They had already been in the apartment to
9 check to make sure there was nobody in there.

10 Q. And they cleared the apartment?

11 A. Yes.

12 Q. For officer safety?

13 A. Yes.

14 Q. Did they find anybody in there, to your knowledge?

15 A. No.

16 Q. And then once you get to a scene, do you start to
17 document it in any way?

18 A. Yes. I'll start off with photographs. I like to
19 get the case number because that's how I start my photos,
20 and then I get pictures and start with latent processing
21 and then go through the scene.

22 Q. So did you say latent processing?

23 A. Yes, processing for fingerprints.

24 Q. And how do you do that?

25 A. With black powder, black fingerprint powder.

1 Q. And let's talk about fingerprints for a bit.

2 How does that look with the black powder when
3 you're searching for fingerprints or evidence of
4 fingerprints?

5 A. What we do is we have brushes, and we tint the
6 brush and we dip it into the powder. It's a very fine
7 powder, and what it does is it will attach itself to the
8 moisture left behind from a fingerprint. You can also
9 get water spots as well if you're doing cars or different
10 surfaces.

11 Q. And in this case you processed the scene of
12 apartment -- or condo **XX103**?

13 A. Yes.

14 Q. For fingerprints?

15 A. Yes.

16 Q. Did you get any fingerprints from that apartment?

17 A. No.

18 Q. No, none at all?

19 A. None.

20 Q. Why might that be the case?

21 A. Well, with fingerprints, you're looking for a
22 latent, which means it's hidden, and by applying powder,
23 it would raise it up, and if you see ridge detail, that
24 would be my print. You then apply the tape to lift it,
25 but there are numerous factors that can affect that.

1 Number one would be the person. Are they going to
2 be somebody that leaves a print? The surface itself, is
3 it a smooth surface, a rough surface? Is it clean? Does
4 it have anything to prevent anything from sticking to it?

5 Q. And what areas did you process for fingerprints in
6 this case?

7 A. On this apartment, I started -- there was a window
8 screen for the living room that was off. I don't know if
9 it had anything to do with this case or if it had just
10 been laying there on the ground, so that was processed
11 first, and then there was a car that was entered, process
12 the car next.

13 I then started on my way into the apartment, which
14 there was a bannister to the porch, so the bannister was
15 done. Then the door, which had the pry marks. Then went
16 inside to the bedroom, and there were dresser drawers
17 that were open, a jewelry box, and then I looked for
18 different things that may have been rummaged or touched.

19 Q. I'm going to show you what's already been entered
20 into as State's 6, 7, 8, 9, 10, 11, 12, 13, 14, 15. Take
21 a look at those photographs and tell me if you recognize
22 them.

23 A. Yes. These are photos I took at the scene.

24 Q. I'm showing you now State's No. 7. Is that the
25 screen you're talking about?

JEFFREY MILLER - DIRECT BY MR. FINCH

1 A. Yes. This is the screen to the living room.

2 Q. And State's 9, is that the car you're talking
3 about?

4 A. Yes, that's the car.

5 Q. What's on the top of that car?

6 A. Where you see moisture?

7 Q. Is it like dew?

8 A. Yes.

9 Q. And State's 12, the dresser you're referring to?

10 A. Yes. This was in the bedroom.

11 Q. And then State's 11, is that the damage to the
12 door?

13 A. Yes. These are the marks on the door, where you
14 see the dead bolt lock there.

15 Q. All right. You said you got no latents -- no
16 fingerprints that were found at any of those locations?

17 A. Correct.

18 Q. Does that mean no one has ever touched those
19 items?

20 A. No.

21 Q. It just means that you couldn't get a latent?

22 A. Right.

23 Q. Did you do any further processing of the marks on
24 this door?

25 A. Well, I took the photos that you see here. Here

1 is one picture, but I also took photos because you could
2 see marks on it, and I put a scale in there, in case a
3 tool was recovered, then it could go to a tool examiner
4 for any kind of direct comparison.

5 Q. And let me show you what's been entered as State's
6 14. Is that an example of the scale you used?

7 A. Yes.

8 Q. What is the total distance in that scale?

9 A. It's a two-inch scale from top to bottom.

10 Q. Is that a sticker you can put on?

11 A. Yes.

12 Q. And let me show you, this is State's 13. Is that
13 the same doorjamb?

14 A. Yes.

15 Q. And when you're looking at that doorjamb, did you
16 notice anything about the doorjamb that was interesting
17 to you?

18 A. Well, the reason -- when I took this photo, and I
19 put the scale in for it, is you can see marks.

20 Q. That's a touch screen. You can go ahead and touch
21 that.

22 A. You can see marks along here and here, which have
23 like a straight edge. In my report I refer to possibly a
24 large screwdriver or a crowbar which would make that
25 straight mark.

JEFFREY MILLER - DIRECT BY MR. FINCH

1 Q. And let me show you a picture with a scale.

2 Looking at your scale and those marks, could you tell
3 about how big those marks are?

4 A. Yeah. With the scale they look about a half inch.

5 Q. All right. And using that scale, could you tell
6 the difference between where those marks are that you
7 marked on there, roughly, to the edge of that doorjamb?

8 A. Well, the width of the scale was a full edge, so
9 based upon looking at this, you're probably looking at
10 about three inches, maybe a little more, with the wood
11 pushed out.

12 Q. What can you tell them? Looking at State's 11, is
13 there anything you can tell, looking at those marks of
14 the shape of something that may have made that mark?

15 MR. LEWIS: Objection. Calls for
16 speculation.

17 THE COURT: Objection is overruled.

18 BY MR. FINCH:

19 Q. You can answer that question.

20 A. You can see whatever pressure was applied with the
21 tool that was used. It made like an indentation, almost
22 like a curve.

23 Q. I'm sorry. Did you say curve?

24 A. Yeah.

25 Q. What kind of object would make that kind of

1 indentation?

2 A. Well, a curved tool, like I said in my report. A
3 large screwdriver, which would be round, or a crowbar.

4 Q. I'm going to have you look at what has been
5 entered into evidence as State's 40, and as you look at
6 that item, let me get a photo of it as well, I'm
7 referring to the exhibit of State's 26, which is a
8 photograph of the State'S 40, what is that?

9 A. Well, that's a crowbar or a tire iron. It just
10 depends on your terminology.

11 Q. Something you might use to lift a jack up on a
12 car?

13 A. Yeah, sort of take the wheel off.

14 Q. Change a flat tire?

15 A. Yes.

16 Q. Looking at the item in front of you, and if you
17 need a ruler I can provide one, but what is the width of
18 the tip of that?

19 A. It's a half inch.

20 Q. And about three inches from the tip of that, is
21 there anything interesting or anything of note about that
22 item in front of you, State's 40?

23 A. Well, you can see where the paint -- because it's
24 black, some of the paint has been worn off.

25 Q. And how does paint generally wear off items?

1 A. It has to strike something or rub up against
2 something.

3 Q. I want to now focus on apartment **XX106**. I'm going
4 to show you a series of photographs, State's 1 through 5,
5 see if you can recognize those items.

6 A. Yes.

7 Q. And what are those?

8 A. These are photos of the second apartment that I
9 went to, which was on the 26th.

10 Q. Do you remember what time that was on the 26th?

11 A. That was 0540 in the morning.

12 Q. So 20 to 6:00 in the morning?

13 A. Right, 5:40 a.m.

14 Q. And this was a separate crime scene, correct?

15 A. Yes.

16 Q. Do you remember how you were directed to that
17 crime scene?

18 A. I responded there and spoke to Officer Leahy.
19 During their investigation of the apartment, they located
20 items that belonged to the person that lived in this
21 apartment, and then they went there and they found it had
22 been broken into.

23 Q. And did they -- were you able to determine a point
24 of entry?

25 A. Yeah. There was a window in the bedroom where,

1 according to the complainant, the window had been left
2 open so the window screen was off and you could see the
3 window was up.

4 Q. I'm going to show you what's been entered as
5 State's 2. Take a look up on the screen or the screen in
6 front of you. Is that the photo you took of the rear of
7 that unit?

8 A. Yes.

9 Q. And State's 5, interior of the same window?

10 A. Yes.

11 Q. Did you process that scene?

12 A. Yes.

13 Q. For fingerprints?

14 A. Yes.

15 Q. What were the results?

16 A. I didn't find anything.

17 Q. Again, same thing, relatively the same conditions
18 as the first, atmospheric weather conditions?

19 A. Yes, it was chilly. It was cold.

20 Q. That window had been opened by somebody?

21 A. Well, my information is the window had been left
22 open.

23 Q. So it was opened by someone?

24 A. Right.

25 Q. Maybe the resident?

1 A. The screen was there, but the window had been left
2 open by the resident.

3 Q. Did you process the screen?

4 A. Yes. The screen was processed first.

5 Q. And do you see that item off the ground, that
6 platform there, no fingerprints on the screen?

7 A. None.

8 Q. Correct, none on the window?

9 A. None.

10 Q. Not from the residence?

11 A. From nobody, right. The screen, the window
12 outside, inside, and the door leading out of the
13 apartment.

14 Q. Okay. And then you -- did you also take
15 photographs at where a car was stopped on Daniel Ellis
16 Drive?

17 A. Yes.

18 Q. And, again, these have already been entered into
19 evidence. It's a sample of some of these, State's 23, a
20 photo you took of items, State's 21?

21 A. Yes.

22 Q. Is that your hand in that photograph?

23 A. Yes.

24 Q. Is that also your hand?

25 A. Yes.

1 Q. What is that? What is that item in the
2 photograph, do you know?

3 A. A set of car keys.

4 Q. Is that --

5 A. A remote control, and then you can see the key.

6 Q. All right. When you got to these items, did you
7 process any of the items that came out of that vehicle?

8 A. No.

9 Q. The crowbar was not processed for fingerprints?

10 A. No.

11 Q. DNA?

12 A. No.

13 Q. Why not?

14 A. Well, the officers were handling the car. I was
15 there to document the items they had in the car by taking
16 the photographs.

17 Q. Generally, would you fingerprint or swab for DNA
18 items that were in someone's possession?

19 A. Not in their possession, no. There are rare
20 circumstances, but being a burglary like this, no, we
21 wouldn't.

22 Q. Why is that?

23 A. Well, you're looking for contact DNA, and normally
24 when you want to take something somebody has in their
25 possession and you're looking for their DNA, it's kind of

1 a waste.

2 Q. When you say it's a waste, from your experience,
3 why would you say that?

4 A. Well, like with a tool, if somebody has a tool in
5 their possession, I'm not going to swab that for contact
6 DNA, but if a tool was left at a scene, that would be a
7 surface to swab for contact DNA.

8 Q. What is the difference if it's in their possession
9 or not?

10 A. You don't know who it belongs to when it's found
11 at a scene, inside of a scene.

12 Q. And when it's found with the person?

13 A. Then you have possession.

14 Q. Let me ask you this: You've worked with this city
15 now for 19 years?

16 A. I've been with the city for 28 years. I've been
17 in crime scene for 19 years.

18 Q. In that time, you have swabbed for touch DNA in
19 the past?

20 A. Yes.

21 Q. And in property crimes, what is your experience in
22 the collection and processing analysis of touch DNA?

23 MR. LEWIS: Objection, Your Honor.

24 THE COURT: We're not talking about
25 statistics of other cases. It's irrelevant. Rephrase

1 the question or restate the questions.

2 BY MR. FINCH:

3 Q. You didn't swab for DNA in this case, touch DNA in
4 this case, correct?

5 A. Correct.

6 Q. And based on your experience in swabbing for touch
7 DNA, what would those results have been?

8 A. Well, depending on the type of surfaces that we
9 were looking at -- we did do a program with Marshall
10 University where we were doing contact DNA swabs of any
11 kind of items that we suspected of being touched, it
12 seems, and mostly to do property crimes, and we got very,
13 very few positives.

14 Not knowing the statistics of knowing how many of
15 everything was sent, most of the things that I know of
16 that we did get good results -- it's like if somebody
17 took a drink out of a can.

18 Q. Just saliva?

19 A. Yes.

20 MR. FINCH: Thank you. Please answer any
21 questions Mr. Lewis has.

22 CROSS-EXAMINATION

23 BY MR. LEWIS:

24 Q. So the moral of the story is don't try, right? If
25 it's tough to get evidence, don't even bother trying to

1 do that?

2 A. I don't understand your -- is that a question?

3 Q. Yes, because you didn't even try. Because it's
4 tough, it would be hard to get DNA.

5 A. No.

6 Q. It is or it isn't?

7 A. Well, when you say try, it also depends on the
8 type of crime as to how far you go. When you go into a
9 scene and you look -- and everything that you see, you're
10 taking everything into consideration, how things were
11 touched, how they might have been touched.

12 If you don't see anything, then the chances of
13 swabbing there, all I'm doing is just wasting time and
14 effort and -- chances of finding anything.

15 Q. So you only take DNA samples if you can see them.
16 DNA is visible, right?

17 A. Well, what I said before -- no, DNA is not visible
18 unless you're collecting blood.

19 Q. Right. Exactly. So you have to take a sample to
20 see if there is evidence there. You can't see it. You
21 have to swab it and submit it for DNA testing, right?

22 A. Just depends on the circumstances, and in this
23 case I didn't feel it was necessary.

24 Q. In any way, in anything?

25 A. Right.

1 Q. Two apartments, a bunch of different items,
2 including something that they're trying to suggest, a
3 crowbar, you said? Where is that? Let me grab that real
4 quick. So what you're alleging here is this was used?

5 A. It could have been used.

6 Q. Anything that looks like it could have been used?

7 A. That's what I say, yes.

8 Q. These marks here, what caused those here?

9 A. Something rubbed against it to knock it off.

10 Q. This end?

11 A. Yes.

12 Q. So you're not suggesting this was stuck in the
13 door and pried. You don't have any idea what caused any
14 of the marks on here?

15 A. Correct.

16 Q. No clue?

17 A. Correct.

18 Q. So you don't know if it's used in any way?

19 A. Correct.

20 Q. You don't know if it's connected to this scene in
21 any way?

22 A. Correct.

23 Q. And you call it a crowbar? It's got a socket on
24 it?

25 A. I said a crowbar or a car tire iron.

1 Q. A call it a jackhammer.

2 A. Right.

3 Q. Where would you keep a jackhammer?

4 A. Well, in my car it would be in the trunk.

5 Q. That's what I expected.

6 MR. FINCH: Objection, Your Honor.

7 THE COURT: What was the question?

8 MR. LEWIS: It wasn't a question. He's
9 right.

10 BY MR. LEWIS:

11 Q. So you keep your jackhammer in the trunk of your
12 car?

13 A. Yes.

14 Q. Okay. You talked a lot about latent processing as
15 well, and you said, well, there could have been dew
16 there. So it would have been hard to get prints?

17 A. Yeah. If anything is wet, you can't apply the
18 fingerprint powder to it, so you're just making a mess.

19 Q. So in an entire house, not one fingerprint.

20 A. You don't do the entire house. You only do the
21 areas that you suspect where things were disturbed or
22 touched.

23 Q. So on every countertop where something was taken,
24 no prints, nowhere?

25 A. Correct.

1 Q. Okay. No prints, no DNA, no forensic evidence at
2 all, from anywhere.

3 A. Correct.

4 Q. But part of what you said right at the very
5 beginning, how you investigate a case, is you talk to
6 other officers so you know a little bit about what you're
7 going to be doing, right?

8 A. Yes.

9 Q. You know if they tell you, Hey, we caught
10 somebody. We got a guy. He's got all the stuff. It's
11 not a tough case for you, is it?

12 A. Well, it would have been nice to find something in
13 the apartment, but in this case I did not.

14 Q. No?

15 A. Now, what would have made it easier for me if he
16 had actually been in the apartment when the officers
17 arrived.

18 Q. I would agree. That would certainly make it
19 pretty easy. But because we don't have that in every
20 case, we have to rely on you, evidence collection,
21 examinations by experts, and we have none of that here.

22 A. Right.

23 Q. Okay. And especially in regards to this, you
24 mentioned a specific type of expert that's not you?

25 A. Correct.

1 Q. So you're guessing, like I would be, as to who
2 make these marks?

3 A. Right.

4 Q. All right. I can understand not wanting to take
5 fingerprints from the outside that would show the dew on
6 the top of the car, right?

7 A. Yes.

8 Q. But the inside of the car didn't have dew all over
9 it, did it?

10 A. No.

11 Q. And then Mr. Finch showed us a whole bunch of
12 pictures about stuff taken out of the trunk of the
13 vehicle, and the idea is you said you don't want to do
14 prints when something is in someone's possession, right,
15 or you don't bother to.

16 A. Right. It just kind of defeats the purpose.

17 Q. Okay. So, for example, these wine bottles that
18 have a really nice flat surface, right?

19 A. Right.

20 Q. Perfect for fingerprints?

21 A. Right.

22 Q. But you didn't test those to see who may have
23 taken those and put them in the bag of stuff?

24 A. No.

25 Q. None of those items, and then what is that,

1 candle, box, a charger? All those have flat surfaces?

2 A. Uh-huh.

3 Q. But none of them were even attempted to be
4 fingerprinted to see who took them and who put them in
5 the back?

6 A. Right.

7 MR. LEWIS: No further questions.

8 THE COURT: Any redirect?

9 MR. FINCH: No, Your Honor.

10 THE COURT: Thank you, sir. Next witness,
11 please.

12 MR. FINCH: State calls Amanda Mitchell.

13 AMANDA MITCHELL,

14 having been first duly sworn,

15 was examined and testified as follows:

16 DIRECT EXAMINATION

17 BY MR. FINCH:

18 Q. Good afternoon, Ms. Mitchell.

19 A. Hi.

20 Q. If you would tell the Court where it is you're
21 employed.

22 A. Southern Wine and Spirits.

23 Q. And what do you do for Southern Wine and Spirits?

24 A. I am a sales rep for wine and beer.

25 Q. And how long have you lived in Charleston area?

1 A. About three years.

2 Q. Where are you from originally?

3 A. Columbia, South Carolina.

4 Q. Back in 2012, where were you living?

5 A. On James Island, Peninsula Apartments, **XX103**.

6 Q. And do you remember back on February 25, 2012 when
7 that unit was broken into?

8 A. Yes.

9 Q. Tell us what you were doing that day, or that
10 evening.

11 A. That evening, I went over to a friend's house. I
12 got a ride over there because my car was still at my
13 apartment, and I got a call around, I think, 9:30, that I
14 didn't know what the call was about, a police officer
15 just saying, You need to get back immediately.

16 Q. When you left the house, do you recall what time
17 you left? How long had you been away from the house by
18 the time you got a phone call?

19 A. Maybe two hours.

20 Q. And when you left, was it dark out?

21 A. I think so. I think it was just setting.

22 Q. You left, and what was the condition of your
23 apartment when you left?

24 A. It was locked.

25 Q. And what about the inside? Was it fairly neat?

1 A. Yeah. I try to keep it fairly clean.

2 Q. Do you keep some wine in the house?

3 A. I do. At night and over the weekends, if I have
4 extra wines for customers, I don't like to keep them in
5 my car, so I bring them inside.

6 Q. And what kind of car do you drive?

7 A. A Hyundai Sonata.

8 Q. What color is that?

9 A. White.

10 Q. And -- all right. So you left, went over to a
11 friend's house, and you got a call from who?

12 A. The police.

13 Q. And what did they tell you?

14 A. They said that I just needed to get back
15 immediately.

16 Q. And so what did you do?

17 A. I got back immediately, and there was officers all
18 over the place, and they told me that my house got broken
19 into.

20 Q. And did you go through the apartment, or the
21 condo, to see what was missing?

22 A. Yes. Some things didn't catch immediately.

23 Q. What was missing from the house?

24 A. From my room, I noticed some of my shoes were
25 gone. Wine, there was some white wines gone. My

1 computers -- that's one of the first things I looked for.
2 My personal computer and my work computer were gone. I
3 had a digital camera that was gone, some jewelry that was
4 gone, those things. Those were the definite things I saw
5 right off the bat.

6 Q. I'm going to show you some pictures. This is
7 State's Exhibit 23. Take a look at that. Can you
8 identify any of those items?

9 A. Yes. Those are the wines, and in front of the
10 wines, that's my computer charger, and then some
11 coasters. Actually, a jewelry box that's -- that looks
12 empty, and some boots, shoes, and a little wallet, or a
13 purse.

14 Q. Is that that orangey rectangular thing?

15 A. Yes.

16 Q. And this is State's 25?

17 A. Yes. That's some jewelry and my camera.

18 Q. Okay. And then State's 24?

19 A. That's my watch.

20 Q. And how about State's 17?

21 A. That is my computer case. There were -- my work
22 computer is in that case, and my personal computer is
23 above that.

24 Q. Where did you buy your car from?

25 A. Car Max.

1 Q. Recognize that?

2 A. Yeah. Those are my spare keys that were in my
3 dresser.

4 Q. The dresser in your bedroom?

5 A. In my living room.

6 Q. How about that dresser?

7 A. Yeah.

8 Q. Where is that?

9 A. That is in my bedroom. That's where I keep all my
10 jewelry on top.

11 Q. Is that how you left it?

12 A. No.

13 Q. What's different about how you left it and how it
14 appears in that photograph?

15 A. Well, usually I do leave my jewelry on top, but a
16 little more organized, and then the drawers and the white
17 jewelry box are usually closed and then the drawers are
18 usually closed shut.

19 Q. When you got back to the house, you identified
20 those items for police that had been taken?

21 A. Yes.

22 Q. And did you identify those on site?

23 A. Yes.

24 Q. And were those items returned to you?

25 A. Yes.

AMANDA MITCHELL - DIRECT BY MR. FINCH

1 Q. Everything taken from your apartment returned to
2 you?

3 A. Not everything. I had a pair of earrings. My
4 birthstone is aquamarine that my parents gave me a long
5 time ago that were not there.

6 Q. I'm going to show you -- and this has been entered
7 into evidence as State's 41. Recognize that item?

8 A. No.

9 Q. Doesn't belong to you?

10 A. No.

11 Q. If it had, would it have been returned to you?

12 A. Yes.

13 Q. Do you know Mr. McClenton?

14 A. I do not.

15 Q. Have you ever seen him before?

16 A. I don't think so.

17 Q. Did you give him permission to go in your house?

18 A. No.

19 Q. Allow him to go through your car?

20 A. No.

21 MR. FINCH: Thank you. Please answer any
22 questions Mr. Lewis has.

23 MR. LEWIS: Thank you, Judge.

24 CROSS-EXAMINATION

25 BY MR. LEWIS:

1 Q. Nobody likes being burglarized. I'm sorry you had
2 to go through that.

3 You said you got a call from the police?

4 A. Yes.

5 Q. And that was about 9:30.

6 A. I think so, yes.

7 Q. And you had been gone with your friends for about
8 two hours, you said?

9 A. Probably a little less than, yes.

10 Q. But it wasn't dark yet when you left?

11 A. I think it just -- if was just now getting dark or
12 just then getting dark.

13 Q. But it's not pitch black at 7:30.

14 A. No, I don't know, I --

15 Q. I mean -- I know it's really hard to think back
16 that far, but, basically, what you said today was two
17 hours.

18 A. Right.

19 Q. Okay. Recognize me?

20 A. No.

21 Q. Have I ever been in your house?

22 A. No.

23 Q. Do I have permission to be in your house?

24 A. No.

25 Q. What about any of them?

1 A. No.

2 Q. Okay. So do you have any way of knowing that guy
3 has ever been in your house? I mean, you don't have a
4 camera set up, right?

5 A. No.

6 Q. So you just don't know who did this to you, right?

7 A. Right.

8 Q. Okay. I'm not trying to trick you. Probably --
9 give me one second.

10 MR. LEWIS: Thank you, ma'am.

11 THE COURT: Any redirect?

12 Thank you. You may step down.

13 THE WITNESS: Thank you.

14 THE COURT: All right. We'll take a little
15 break now. When you return, Ms. Campbell, Ms.

16 Campbell -- is it Gamble? What is your name?

17 A PROSPECTIVE JUROR: Bramble.

18 THE COURT: Bramble. I was close. I'm
19 appointing you to be foreperson of the jury, and if
20 you'll take the foreperson's seat, it will be your
21 responsibility to preside over the jury deliberations,
22 serve as a spokesperson for the jury, and to complete the
23 verdict form when the -- when and if the jury reaches a
24 verdict at the end of this case.

25 We'll take a few minutes. Please do not

1 discuss the case.

2 (In open court, jury not present.)

3 THE COURT: Mr. McClenton, you're still under
4 oath after being sworn earlier. I want to talk with you
5 a few minutes now about your constitutional right to
6 testify or not to testify, and I want to explain to you
7 certain of your rights. If you do not understand
8 anything I say, please let me know and I'll be happy to
9 explain it in greater detail or clarify anything that you
10 might not understand.

11 Do you understand?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: We will assume we're at the stage
14 of trial where you have a right to present your defense.
15 I think the State says they have one or two more
16 witnesses, but after conferring with your lawyer, we'll
17 just discuss it with you now; is that right? You want
18 need to do that now, Mr. Lewis?

19 MR. LEWIS: Yes, Your Honor.

20 THE COURT: Soon we'll reach the point where
21 you have the right to claim protections given to you by
22 the Fifth Amendment of the constitution of the United
23 States, and the Fifth Amendment to the constitution of
24 the United States says no person shall be compelled in
25 any criminal case to be a witness against himself, and

1 what this means is you cannot be compelled or made to
2 testify. You do have the right to testify if you'd like
3 to, but no one can make you testify.

4 This is a personal right, and no one can
5 waive your right to testify except you. Now, if you
6 decide to testify, you'll be subject to the same rules
7 that govern other witnesses, and you may be examined or
8 cross-examined on any relevant issue in this case.

9 In addition, if the convictions you have
10 involve dishonesty or false statements or if there were
11 crimes punishable by more than one year imprisonment and
12 I determine that the probative value of admitting this
13 evidence outweighs its prejudicial effect to you, the
14 solicitor then will be able to admit your or introduce
15 your record to attack your credibility. And, typically,
16 on questions, depending on what the offense is, the Court
17 will go through the analysis to determine whether or not
18 the probative value of admitting a conviction outweighs
19 any prejudicial effect to you.

20 Now, if you decide to testify, this decision
21 on your part must be freely, voluntarily, and
22 intelligently made with full knowledge of the protections
23 given to you by the Fifth Amendment as well as the
24 consequences of your decision to testify. If you decide
25 not to testify, that you don't want to testify, I will

1 instruct the jurors that they cannot give the fact that
2 you did not testify any consideration whatsoever and that
3 there is to be absolutely no prejudice to you because you
4 did not testify.

5 It's left entirely up to you to whether or
6 not you testify. You may talk with your attorney, your
7 attorneys, your family members. I see some of them that
8 are present, friends or anyone else you might want to
9 talk to, but the final decision is entirely up to you as
10 to whether or not you testify or not testify.

11 Do you understand what I've explained to you?

12 THE DEFENDANT: Yes, sir, Your Honor.

13 THE COURT: Do you have any questions about
14 what I've explained to you?

15 THE DEFENDANT: No, sir.

16 THE COURT: Have you talked to your lawyers
17 about whether or not you should testify?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Do you need to talk to them or
20 want to talk to them anymore about whether you should
21 testify?

22 THE DEFENDANT: No, sir.

23 THE COURT: Have you made a decision at this
24 point?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: All right. Well, we'll revisit
2 that at when the appropriate time comes as to whether or
3 not you're going to testify or not testify. You may
4 change your mind between now and the time for you to
5 testify.

6 MR. LEWIS: Thank you, Judge.

7 (Recess taken.)

8 (In open court, jury present.)

9 THE COURT: So, Madame Forelady, how is the
10 jury doing?

11 THE FOREPERSON: Fine, Your Honor.

12 THE COURT: We're thinking of pressing on
13 today and trying to possibly finish the case today.

14 There are a few more witnesses we know of.
15 We don't know for sure. We'll examine it as time passes,
16 but do any of you have major child care issues, major
17 child care issues that cannot be addressed or otherwise
18 resolved?

19 A PROSPECTIVE JUROR: I'm not sure because I
20 can't communicate.

21 THE COURT: All right. We'll let you
22 communicate when we have time for all that. All right.
23 We don't want to keep you captive with no phone calls.
24 All right.

25 Your next witness.

ROBERT FEETERS - DIRECT BY MR. FINCH

1 MR. FINCH: The State calls detective Rob
2 Feeters.

3 ROBERT FEETERS,
4 having been first duly sworn,
5 was examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. FINCH:

8 Q. Good afternoon, Detective Feeters.

9 A. Good afternoon.

10 Q. If you could tell the Court where it is you're
11 employed.

12 A. Employed with the Charleston city police
13 department.

14 Q. What do you discover for CPD?

15 A. I'm a detective assigned to central warrants.

16 Q. And as a detective with Charleston Police
17 Department, what are some of your duties and
18 responsibilities?

19 A. Once every other month detectives are assigned
20 different shifts, and the night in question, I was
21 working night shift, and I was responsible for any
22 call-out for any major crimes that needed to be
23 investigated or witnesses that needed to be interviewed.

24 Q. You said the date in question, February 25th,
25 2012.

1 A. Yes, sir.

2 Q. You said -- what shift were you on, night shift?

3 A. Yes, sir.

4 Q. And what are the hours of the night shift?

5 A. That night in particular it was 11:00 at night
6 till 7:00 in the morning.

7 THE COURT: And, Officer, the mike, too, if
8 you can push it over towards you.

9 BY MR. FINCH:

10 Q. And you got called out to [REDACTED] Daniel Ellis Drive
11 on that evening?

12 A. Yes.

13 Q. What time did you get called out?

14 A. I heard initial tones go out for the call, so I
15 automatically started heading that way to assist in any
16 way.

17 Q. You say tones. Is that what we hear on the 911,
18 those alternating beeping, loud kind of alarm sounds?

19 A. Correct. Whenever it's in progress, serious
20 crime, the tone goes out to the officers' attention, and
21 the call is immediately dispatched after that. That's
22 only for in progress or serious calls.

23 Q. And what type did this call tone out?

24 A. Approximately 2225 hours, about 10:25 p.m.

25 Q. Dark at that time?

1 A. Yes, sir.

2 Q. And what did you do once you heard that tone out?

3 A. I responded to the area, I got there, obviously
4 after the officers got there. Upon approach to the
5 location, I saw the officers had pulled over a vehicle
6 that matched the description given did dispatch.

7 I stopped there briefly to get some basic
8 information on the occupants in the vehicle and what they
9 had. After I spoke with the officers, the sergeant, I
10 was briefed on what was going on, I briefly spoke with
11 Mr. McClenton, just got his name and also the driver.

12 Upon hearing that, I went straight to the
13 apartments where we meant with Mr. Warren Johnson first.

14 Q. And Mr. Johnson is a witness?

15 A. Yes, sir.

16 Q. Did you take a statement from Mr. Johnson?

17 A. Yes, took a recorded statement in which when I was
18 done with the statement, it was entered into
19 CPD evidence.

20 Q. And did you meet with other witnesses?

21 A. Yes, sir. After -- approximately 2245, I met with
22 Mr. Johnson, and then at 1201 I met with Mr. Jeremy
23 Jacobs.

24 Q. And that's midnight now on the 26th?

25 A. Correct.

ROBERT FEETERS - DIRECT BY MR. FINCH

1 Q. Okay. Did you also speak with Dawn Lee?

2 A. I briefly spoke with Dawn Lee at the initial
3 traffic stop, just to get some preliminary information to
4 look at who they had, see if it matched up with the
5 information they were giving to me. So I didn't question
6 them, I just got basic information with what they had so
7 I could go.

8 Q. Regarding the defendant, Mr. McClenton, did you
9 speak with him?

10 A. Briefly.

11 Q. Aside from at the car?

12 A. No, no. At the car I spoke with him briefly. If
13 he wanted to speak to me, I said, We can talk later. And
14 I said, Let me speak to my investigator, and I'll get
15 back with you later.

16 Q. So during your investigation, do you know what
17 time Sergeant Rivers called Ms. Mitchell?

18 A. It had to have been after --

19 MR. LEWIS: Objection, Your Honor. Calls for
20 speculation.

21 THE COURT: Does he know what time who called
22 who?

23 MR. FINCH: Sergeant Rivers, one of the
24 officers at the scene, called the victim.

25 THE COURT: Called who?

ROBERT FEETERS - DIRECT BY MR. FINCH

1 MR. FINCH: The victim, Ms. Mitchell.

2 THE COURT: He can answer yes or no.

3 THE WITNESS: I don't know the exact time,
4 but it had to have been after --

5 MR. LEWIS: And it would also be hearsay,
6 Judge.

7 THE COURT: If he knows, he knows.

8 THE WITNESS: It happened after the traffic
9 stop when we were doing the investigation.

10 BY MR. FINCH:

11 Q. What time is the traffic stop?

12 A. Traffic stop is at shortly after 2225 hours, I
13 would have to say 2245 hours when they were on the scene
14 when they found the forced entry. They got information
15 on the owner, and that's who he made the phone call to,
16 to the owner of the apartment.

17 Q. Did you, in fact, speak with Mr. McClenton later
18 on after you met with him on the side of the road there?

19 A. Yes. Once probable cause was to his arrest, he
20 transported back to Charleston Police Department, which I
21 interviewed him. We had an audio interview.

22 Q. And at that time was Mr. McClenton in custody?

23 A. Yes, sir.

24 Q. Let me show you what's been marked as State's
25 Exhibit 42.

ROBERT FEETERS - DIRECT BY MR. FINCH

1 A. This is a Charleston County police department
2 Miranda card.

3 Q. Did you read Mr. McClenton his Miranda rights
4 before speaking to him?

5 A. Correct. I did it verbatim, what was on the card.
6 I asked him to follow along with me. On the back side,
7 it says, Do you understand your rights?

8 I asked him to initial the rights.

9 MR. LEWIS: I'm just renewing my previous
10 objection.

11 THE COURT: Yes, sir. It's noted.

12 THE WITNESS: Where you put the time and date
13 it was recorded, he signed his signature there, and I
14 initialed my signature. That was placed into evidence.

15 BY MR. FINCH:

16 Q. Commonly -- there's rights around the back as the
17 ones we're all familiar with on television, et cetera?

18 A. Correct.

19 Q. Right to remain silent, et cetera?

20 MR. FINCH: At this time, the State would
21 move for admission of State's 42.

22 MR. LEWIS: Same objection, Your Honor.

23 THE COURT: It's admitted over objection.

24 (State's Exhibit No. 42 was marked for
25 identification and admitted into evidence.)

1 BY MR. FINCH:

2 Q. And you said you record the statement with the
3 defendant.

4 A. Yes, sir.

5 Q. Digital audio recording?

6 A. Audio.

7 Q. Audio recording?

8 A. Yes.

9 Q. And have you had a chance to listen to that
10 statement since you took it from the defendant?

11 A. Yes, sir.

12 Q. And you provided with a CD to listen to?

13 A. Yes, sir.

14 Q. And it's your understanding that is an edited
15 version of that statement?

16 A. That's an edited version, correct.

17 Q. I'm going to have you look at what's been marked
18 for ID as State's 34. Take a look at that disk and tell
19 me if you recognize it.

20 A. Yes, sir. This is the statement that was
21 provided. I initialed my initials underneath there.

22 Q. So that's the recording of the edited statement
23 that that you listened to?

24 A. Correct.

25 MR. FINCH: State would move for the

ROBERT FEETERS - DIRECT BY MR. FINCH

1 admission of State's 34.

2 MR. LEWIS: Previous objection.

3 THE COURT: Admitted.

4 (State's Exhibit No. 34 was marked for
5 identification and admitted into evidence.

6 MR. FINCH: Permission to publish, Your
7 Honor?

8 THE COURT: Yes, sir.

9 BY MR. FINCH:

10 Q. Detective Fretters, when Mr. McClenton was giving
11 you that statement, did he appear to understand what he
12 was doing?

13 A. Yes, in my opinion.

14 Q. Did he appear to be under the influence of any
15 drugs or alcohol?

16 A. I think he was excited. I didn't smell any type
17 of alcohol about his person.

18 Q. He seemed to be fully aware what he was doing and
19 saying?

20 A. Yes.

21 Q. You also interviewed Dawn Lee?

22 A. Yes.

23 Q. Did you ask her about whether or not she --

24 MR. LEWIS: Objection, Your Honor. Hearsay,
25 asking about what Dawn Lee may have said.

ROBERT FEETERS - CRSS BY MR. LEWIS

1 MR. FINCH: The question was, have you asked
2 Dawn Lee -- if he asked Dawn Lee about driving there. Is
3 is that what he asked?

4 MR. LEWIS: Judge, the whole line of
5 questioning -- to give a response to even talk about it
6 is all hearsay. You can elicit from one person what
7 another person said or their response to a person without
8 them here to testify.

9 THE COURT: All right. Solicitor?

10 MR. FINCH: Co-conspirator's statement.

11 THE COURT: All right.

12 (Discussion held at sidebar.)

13 THE COURT: Objection sustained.

14 MR. FINCH: Thank you, Detective Feeters.

15 THE COURT: Yes, sir.

16 MR. LEWIS: Thank you.

17 CROSS-EXAMINATION

18 BY MR. LEWIS:

19 Q. Good afternoon, Detective.

20 A. Mr. Lewis.

21 Q. You said now you're in the central investigations
22 portion, right?

23 A. Yes, sir.

24 Q. And y'all handle major crimes.

25 A. Yes, sir.

1 Q. Things that are big deals.

2 A. Yes.

3 Q. So tone cases. Unfortunately, you and I have
4 heard a lot of them throughout the years the same thing
5 that Mr. Finch talked about, the 911 calls, right?

6 A. Yes.

7 Q. That signifies it's a big deal. You need to get
8 there quickly, and what you said, that means there are
9 serious cases that are currently in progress.

10 A. Correct.

11 Q. Right? But a lot of that is based on what
12 witnesses say, so you have to treat it as serious. You
13 don't know yet what's actually taking place.

14 A. Correct.

15 Q. Right? So, I mean, if a call goes out, for
16 example, for a kidnapping case, you're immediately --
17 that tone is going to go off, and y'all are going to
18 respond, right?

19 A. Correct.

20 Q. Could be somebody duct-taped one of their guys to
21 a tree, but you're going to treat it as if it's the
22 biggest deal in the world, right?

23 A. Right.

24 Q. You did respond to the scene. You were able to
25 see two people in the -- well, two people and a very

1 young baby in the car?

2 A. Correct.

3 Q. Is Dawn Lee male or female?

4 A. Female.

5 Q. Is she black or white?

6 A. White female.

7 Q. We heard the interview, slightly edited version of
8 the interview. At one point you tell Shawndell you're
9 going to let him talk to Dawn, right?

10 A. Correct. That would have been after I interviewed
11 her.

12 Q. I certainly understand. But then he doesn't give
13 you an answer, and you say, I'm not going to let you talk
14 to her. I'm too busy. I'm the only detective on
15 tonight, right?

16 A. At the point -- what I thought he wanted, he
17 wanted to talk to her now, and I said, No, I can't
18 accommodate you with that, and I was going to let him --
19 after I interviewed Dawn, all right, and if I could, you
20 know, if everything was okay -- because I didn't want to
21 end up passing information to her.

22 If it was okay, I would accommodate him because
23 they are, you know, joined and they have a child
24 together, so I don't have a problem with it.

25 Q. And we were able to hear all through that he keeps

1 asking about Dawn. Is she going to be charged? Is she
2 going to be arrested? And she ultimately was.

3 A. Correct.

4 Q. You had her arrested. And he was worried about
5 that, worried about her?

6 A. Yes. It appeared he was.

7 Q. He also explained that he had been dropped off by
8 a friend, and you asked -- like all good detectives, you
9 want to know, all right, Who did it? Who dropped you
10 off?

11 And he wouldn't give you the name, right?

12 A. Right.

13 Q. And that's when -- all right. Fine. I'm done.
14 And that's the last thing they heard, right?

15 A. Right.

16 Q. All right.

17 MR. LEWIS: One second, Judge.

18 No further questions.

19 THE COURT: Redirect?

20 REDIRECT EXAMINATION

21 BY MR. FINCH:

22 Q. Let me back up. Were you able to corroborate
23 anything Mr. McClenton told you?

24 A. Nothing, nothing at all. Based on the whole
25 interview, there is nothing that could be corroborated by

1 what I saw and what I heard.

2 Q. All right. What Mr. McClenton told you about a
3 friend that had dropped him off, were you ever able to
4 ascertain from your investigation who dropped him off?

5 A. From the --

6 MR. LEWIS: Objection, Your Honor.

7 THE COURT: Objection is overruled.

8 THE WITNESS: From Dawn Lee interview --

9 MR. LEWIS: Objection, Your Honor.

10 THE COURT: Objection is overruled.

11 THE WITNESS: Post-Miranda statement, she
12 explained that she did, in fact, drive him to go see a
13 friend at the apartments and that she did park the
14 vehicle.

15 She stated that he got out of the vehicle to
16 go find a friend. He came back a short time later which
17 he instructed her to pop the trunk.

18 BY MR. FINCH:

19 Q. All right. So that's -- you're saying that during
20 your investigation Dawn Lee drove him there?

21 A. Based on my findings, yes.

22 Q. And she was the driver on the way out?

23 A. Correct.

24 THE COURT: And, ladies and gentlemen, beyond
25 the testimony that he was able to ascertain the driver of

CAITLYN HORTON - DIRECT BY MR. FINCH

1 the vehicle, you are to disregard the remaining portion
2 of the witness's answer as not being responsive to the
3 solicitor's question.

4 MR. FINCH: Thank you, Your Honor. I have
5 nothing further.

6 MR. LEWIS: Your Honor, may we approach,
7 briefly?

8 THE COURT: Yes.

9 (Discussion held at sidebar.)

10 THE COURT: Redirect, Mr. Lewis?

11 MR. LEWIS: I anticipate nothing, Judge. One
12 second.

13 Thank you, Detective.

14 THE COURT: Thank you. Next witness, please.

15 MR. FINCH: State calls Caitlyn Horton.

16 CAITLYN HORTON,

17 having been first duly sworn,

18 was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY MR. FINCH:

21 Q. Good afternoon, Ms. Horton.

22 A. Hi.

23 Q. If you would, tell the jury and the Court what you
24 do in town.

25 A. I'm a nursing student at MUSC.

1 Q. And you're right in the middle of exams, aren't
2 you?

3 A. I am.

4 Q. We appreciate you being here. How long have you
5 lived in the Charleston area?

6 A. It will be three years in June.

7 Q. And back in 2012, February 2012, where did you
8 live?

9 A. James Island.

10 Q. Daniel Ellis Drive?

11 A. Yes.

12 Q. [REDACTED]?

13 A. Uh-huh.

14 Q. Was that Apartment XX106?

15 A. I think so, yeah.

16 Q. I'm going to show you some pictures which have
17 been entered into evidence. These are State's Exhibits 1
18 through 5. Could you just leaf through those and see if
19 you recognize that residence.

20 A. Yes, this is my apartment, my old apartment.

21 Q. Okay. And on the evening of February 25th, 2012,
22 do you remember the last time you were at that residence
23 that evening?

24 A. It was around 6:30 or 7 p.m.

25 Q. And then you left out for the night?

1 A. Uh-huh.

2 Q. Did you later find out that your house had been
3 burglarized?

4 A. Yeah, uh-huh.

5 Q. How did you find out?

6 A. The police department called me around 3:00 in the
7 morning.

8 Q. And then did you have to go back --

9 A. Yeah, and -- I was at my ex-boyfriend's house and
10 I drove back.

11 Q. And did you leave the window open?

12 A. I did, the bedroom window.

13 Q. And is that -- let me show you what's been entered
14 in as State's 5. And that's the bedroom window?

15 A. Uh-huh, yes, sir.

16 Q. What was missing from your house?

17 A. My wallet.

18 Q. And --

19 A. And my social security card that was inside.

20 Q. And was that returned to you?

21 A. It was.

22 Q. Police tell you how they got it?

23 A. Uh-huh.

24 Q. Okay. What did they tell you?

25 A. They found it in the intruder's car.

1 Q. And do you know Shawndell McClenton?

2 A. I don't.

3 Q. Have you ever heard that name before?

4 A. Yes. He is the person who broke into my
5 apartment.

6 Q. Do you recognize this man sitting over here at
7 this table in the white shirt?

8 A. I've never seen him before.

9 Q. Didn't give him permission to be in your house?

10 A. No, sir.

11 Q. Didn't give him permission to take your purse?

12 A. No, sir.

13 Q. Social security card?

14 A. No, sir.

15 Q. Please answer any questions Mr. Lewis has for you.

16 A. Okay.

17 RECROSS-EXAMINATION

18 BY MR. LEWIS:

19 Q. How are you doing? We'll keep this pretty short
20 and painless.

21 You said the police told you he's the guy that
22 broke into your house.

23 A. Yes.

24 Q. But you don't know if he's the guy that broke into
25 your house or not, right, because you were away from your

1 house?

2 A. Uh-huh.

3 Q. So you're not an eyewitness. Right?

4 A. No.

5 Q. Not an ear witness? You didn't hear anything,
6 didn't see anything; no video cameras; no nothing?

7 A. Uh-huh.

8 Q. So, like many of us, you're just believing what
9 people tell you, right?

10 A. Yeah.

11 Q. Okay. I'm not trying to be mean, but you don't
12 know if that man has ever been in your house or not?

13 A. Correct.

14 Q. Or her or me or the judge or anybody, right?

15 A. I mean, all I know is that the wallet was found in
16 his possession.

17 Q. Right. But if I give you my pen --

18 A. Uh-huh.

19 Q. -- I'm handing it to you. If I gave that to you,
20 it came from me, correct?

21 A. Uh-huh.

22 Q. It doesn't mean that if that's illegal and I gave
23 it to you that you stole it, right?

24 A. Uh-huh.

25 Q. Just wanting to clarify that, that if I give

1 something to you, I steal something and I give it to you,
2 you're not the burglar of that, right?

3 A. Sure. I don't know.

4 MR. FINCH: Objection, Your Honor. Calls for
5 legal conclusion.

6 THE COURT: All right. What about that?

7 MR. LEWIS: I'll rephrase me question.

8 BY MR. LEWIS:

9 Q. I'll keep it very simple.

10 This is a house. There is something in the house.

11 A. Uh-huh.

12 Q. I'm a burglar. I take it and I give it to you.

13 A. Uh-huh.

14 Q. Did you break into that house?

15 A. No.

16 MR. LEWIS: Thank you, ma'am. Very fast.
17 You can get back to studying.

18 THE COURT: Any redirect?

19 MR. FINCH: No, Your Honor.

20 MR. LEWIS: Oh, I'm sorry. One last
21 question. Almost let something go.

22 Q. What time did you leave your house that day?

23 A. 6:30 or 7:00 at night.

24 Q. And when you say at night, was it completely dark
25 outside when you left?

1 A. I have a hard time. I'm not sure.

2 Q. Okay. But in the evening?

3 A. Uh-huh. All right.

4 MR. LEWIS: Thank you.

5 THE COURT: Anything further?

6 MR. FINCH: No, Your Honor.

7 THE COURT: All right. You can step down and
8 you're excused.

9 Anything further from the State?

10 MR. FINCH: The State rests.

11 THE COURT: All right. You've heard the
12 State's case. We'll take a few-minute break and have you
13 come back after giving the jurors an opportunity to make
14 phone calls to see if they can clear up any scheduling
15 issues.

16 (In open court, jury not present.)

17 THE COURT: Yes, sir. Any motions or matters
18 of law?

19 MR. LEWIS: Yes, sir.

20 At this time the defense moves for a directed
21 verdict, specifically in regards to the aggravator of
22 nighttime hours. We've heard testimony that is kind of
23 speculative as to when the crime occurred. We have heard
24 testimony, though, that puts him outside in the evening
25 hours when the tone went out would have been around 10 --

1 10:25.

2 There has been no evidence that can put
3 Mr. McClenton, first off, inside. I understand the
4 circumstantial nature of the case, but, more importantly,
5 at the time, under the hours of darkness, the only
6 aggravator that exists here on this case, and for those
7 reasons, I would move those charges at least be amended
8 at this point or would have to be amended for directed
9 verdict purposes to a burglary second because there is no
10 other aggravator that's been provided to support the
11 Court.

12 THE COURT: What about the eyewitnesses?

13 MR. LEWIS: The eyewitnesses put him outside,
14 Judge.

15 THE COURT: Hauling away merchandise.

16 MR. LEWIS: Yes, Your Honor.

17 THE COURT: Is that part of the crime or --

18 MR. LEWIS: The entering must occur at night,
19 Judge. There is no evidence that the entering occurs at
20 night.

21 THE COURT: Is the carrying away of
22 merchandise part of the crime? These goods could have --
23 whatever time they said at night.

24 MR. LEWIS: I would not believe so, Judge,
25 because in that case, any burglar, as he continues to

1 take his stuff to the pawn shop the next day, is going to
2 possibly be in the hours at night. At some point, yes,
3 it's going to become night again. They have to prove
4 that when he entered it was nighttime hours, at that
5 point, when they had to prove both that, that he entered
6 and that when he did it, it was dark, it was nighttime,
7 to prove up that aggravator.

8 THE COURT: And one witness who said it was
9 getting dark?

10 MR. LEWIS: One witness said it was getting
11 dark, we have two different times that have been
12 provided. This witness said 6:30 or 7:30, the other
13 witness said 7:30, but possibly later because of the
14 two-hour window as to when she received the phone call.

15 THE COURT: They didn't have to leave home at
16 the same time. They live at different places.

17 MR. LEWIS: Absolutely, which even furthers
18 my argument that there is not evidence that puts these
19 crimes occurring under the hours of darkness, the
20 elements that are required to make this a burglary first.

21 THE COURT: What do you say to that,
22 Mr. Solicitor?

23 MR. FINCH: Thank you, Your Honor.

24 There's an eyewitness in this case,
25 Mr. Warren Johnson, who says -- who places the defendant

1 at the apartments at dark, in the breezeway away from one
2 of the subject apartments. Then, right in the area of
3 the subject Apartment **XX103**, he hears rustling in the
4 area of what he believed is either the door to off the
5 patio or the door in the breezeway, is the only two doors
6 in the residence.

7 He hears clanging of glass items being
8 removed. He hears rustling and confused movements
9 separate and apart from the removal of the items, which
10 is the clanging that's been characterized as like taking
11 the recycling out.

12 Additionally, Mr. Jeremy Jacobs has the
13 individual, Mr. McClenton in the exact same area at the
14 exact same time. Ms. Horton -- I'm sorry, Ms. Mitchell
15 said when she left, she was gone no longer than two
16 hours, that her house was in fair order. It was not in
17 any disarray or had been broken into at that point, and
18 all her items remained within.

19 Now, backtracking that, no more than two
20 hours still puts us in the hour of nighttime, as this
21 call was toned out at 10:25. She was called and returned
22 no later than two hours, that it would have been
23 impossible for them to call her to return to the burglary
24 prior to the call being toned out.

25 Detective Fretters said it had to have been

1 after the tone was called out. They would not have
2 called and said, We found your merchandise, your items,
3 in another vehicle -- in a vehicle that has been seen
4 leaving the area prior to that call going out.

5 It would have been physically impossible, and
6 for that reason, there is substantial circumstantial
7 evidence that the defendant committed these crimes in the
8 nighttime hours. The proximity of both apartments -- the
9 testimony of Mr. Johnson that the car moved from area of
10 building 11, building 14, in that area the two subject
11 residences all happening at about the same time, two
12 residences with one vehicle, all happening at the same
13 time, all reported as dark. The only way they saw this
14 individual is through the illumination in the breezeway
15 and the dome light in the car.

16 THE COURT: Was hauling away the goods part
17 of the burglary?

18 MR. LEWIS: No, Judge.

19 THE COURT: I'm not talking to you.

20 MR. FINCH: It is the larceny portion of --
21 that the State would be alleging is a crime to commit
22 therein.

23 THE COURT: Taking and carrying away --

24 MR. FINCH: Taking and carrying away the
25 goods.

1 THE COURT: Carrying away is part of the
2 burglary, part of the larceny associated with the
3 burglary?

4 MR. FINCH: Correct.

5 THE COURT: So part of the crime itself.

6 MR. FINCH: Correct, Your Honor.

7 THE COURT: Which clearly occurred in the
8 nighttime.

9 MR. FINCH: Clearly, but seemingly without
10 any debate that it occurred at nighttime, somewhere
11 around 10:20 to 10:25.

12 MR. LEWIS: The statute says entering or
13 remaining occurs during the nighttime hours. That's the
14 aggravating.

15 I understand. We would love to plead to a
16 larceny, but the aggravator that is necessary to continue
17 prosecuting this as a burglary first degree requires the
18 entering or remaining, not the flight therefrom, not the
19 transfer of goods, must occur during the nighttime hours.

20 THE COURT: I'm beyond whether or not you get
21 a directed verdict. You absolutely do not get a directed
22 verdict.

23 I am at the point of evaluating whether or
24 not the second degree should be submitted as a lesser
25 included, whether there is any evidence from which the

1 jury could conclude the burglary occurred during the
2 daytime versus the nighttime. So, I mean, you're arguing
3 based on directed verdict.

4 MR. LEWIS: I understand.

5 THE COURT: So I deny the motion for
6 convicted verdict.

7 MR. LEWIS: Yes, Your Honor.

8 THE COURT: Based on eyewitness testimony
9 placing the testify there committing the burglary.

10 MR. LEWIS: Yes, Your Honor. I understand.

11 Procedurally, I think I'm supposed to renew
12 all previous objections, and I think I can actually say
13 that by saying, Judge, I renew all previously
14 made objections that the Court overruled.

15 THE COURT: All right. Deny the them now as
16 I did them, if I denied them then, or overruled them
17 again.

18 Mr. McClenton, we've reached that stage where
19 you have the right to present your defense, and, once
20 again, I reiterate that you have the constitutional right
21 to remain silent or the right to testify. It's your
22 decision as to whether or not you would testify or not
23 testify.

24 Have you made a choice.

25 THE DEFENDANT: Yes, sir, not to testify.

1 THE COURT: You're not going to testify?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: All right. Very good. Thank
4 you.

5 Do you have any other witnesses that you
6 intend to call?

7 MR. LEWIS: No, Your Honor. We would simply
8 ask to rest in the presence of the jury.

9 THE COURT: What do you want?

10 MR. LEWIS: Mere presence and receiving
11 stolen goods.

12 THE COURT: You're requesting mere presence
13 and requesting receiving stolen goods?

14 MR. LEWIS: Yes, sir.

15 THE COURT: What says the State?

16 MR. FINCH: Candidly, I don't think there is
17 any grounds for mere presence charge, and Mr. Jacobs
18 identified Mr. McClenton as the individual he saw going
19 into the vehicle; one, Mr. Johnson, was confident that
20 the same person that was in the breezeway and behind the
21 hedges and carrying out the items was the same person who
22 got in the car.

23 There doesn't seem to be indication that
24 Mr. McClenton somehow got in the car prior to it
25 leaving -- or after it leaving Mr. Johnson's site and

1 then the car being seen again. In fact, Mr. McClendon's
2 own words say there is no one else in the car, so the
3 idea that there's merely present at the scene while
4 somebody else was committing these crimes just doesn't
5 seem to hold water and logic, and we ask that not be a
6 charge to the jury.

7 MR. LEWIS: Subsequent, while the person that
8 we have alleged, the friend he just refused to name is
9 the person that committed burglary, he's caught with the
10 stolen goods.

11 THE COURT: I don't follow you. I haven't
12 heard any testimony about any friend.

13 MR. LEWIS: You didn't -- well, Judge, it was
14 elicited by Mr. Voigt when he had Officer Piech testify
15 as to what Mr. McClendon had said at the scene.

16 He said, I'm here to meet a friend. Later,
17 they elicited Dawn Lee's testimony of the same thing, but
18 she suppressed that, but Officer Piech also said the
19 same, saying that Shawndell told him, came into evidence,
20 that he was just there to meet a friend.

21 THE COURT: Well -- go ahead.

22 MR. LEWIS: In regards to receiving stolen
23 goods, they were not given willingly but they were in his
24 possession. In regards to that, that's the reason I
25 would ask for that lesser charge.

1 If the jury ends up believing he is guilty of
2 something but not the burglary itself, it gives them that
3 fall back.

4 THE COURT: If he's there to visit someone,
5 the person he's there to visit would be a burglar?

6 MR. LEWIS: Yes, Your Honor.

7 THE COURT: All right. I think that
8 stretches credulity. There is no basis for me to charge
9 either mere presence or receiving stolen goods, and I
10 deny those requests.

11 MR. LEWIS: Thank you, Judge. I would just
12 ask my objection be noted for the record, or my request.

13 THE COURT: How about this issue of burglary
14 second. It's not a request, or is it?

15 MR. LEWIS: Absolutely. I would absolutely
16 also request a charge on burglary second. The issue
17 about the timing of when the entering and remaining
18 occurred is the question that needs to be left to the
19 jury.

20 It's not so specific that it had to have
21 occurred at night; thus, I think we're entitled to a
22 burglary second charge as well, if we put on the verdict
23 form it could give the jury the ability to choose that as
24 well, if they believe no aggravating.

25 MR. FINCH: It's the State's position that

1 there is no evidence that putting Mr. McClenton in the
2 that apartment complex during the daytime hours, whether
3 or not he is dropped off -- even if you believe he is
4 dropped off by a friend or that Ms. Dawn Lee put him
5 there, no one -- there has been no testimony, no evidence
6 that anybody saw that car during the daylight hours.

7 There has been no evidence whatsoever that
8 Mr. McClendon or anybody fitting his general description
9 was in that area during the daylight hours. The only
10 evidence we have is that Mr. McClenton was seen in and
11 around the subject premises in the nighttime hours, in
12 the dark, right around 10:00 to 10:20 in the evening.

13 THE COURT: Yes, sir?

14 MR. LEWIS: Judge, I stand on my previous
15 comments that it's the State's burden to prove
16 specifically the entering or remaining during the
17 nighttime hours. They cannot do that. There is no
18 witness that says, I saw that take place.

19 No admission that says that I did that at
20 night. It's all speculative as to when the actual
21 entering occurred. So I know we're close here, but the
22 issue, I think, is they can't prove it beyond a
23 reasonable doubt that that entering occurred during the
24 nighttime hours, and I think that's why the jury should
25 have the ability to choose the lesser if they believe he

1 committed the burglary and don't believe it occurred
2 during the nighttime hours.

3 MR. FINCH: Also, statutorily, immediate
4 flight from the residence happened in the nighttime
5 hours. In the statute to burglary first includes
6 immediate flight, immediate flight from that area and
7 that time and from that residence was in the nighttime
8 hours, and it's testified by Mr. Jacobs and Mr. Johnson.

9 THE COURT: Back to my previous question, is
10 hauling away the goods part of the burglary, and
11 Mr. Lewis interrupted the conversation and said
12 entering -- what did you say?

13 MR. LEWIS: Entering and remaining.

14 THE COURT: Entering and remaining. You have
15 to be in the place, according to him. When, in effecting
16 entry or while in the building or in immediate flight
17 therefrom, per the statute. So let's read that statute
18 and see what it says.

19 MR. LEWIS: Don't mean to spike the football
20 here, Judge, but the burglary statute, the reason it
21 differentiates burglary second from burglary third is the
22 addition of an aggravator. You always have to have a
23 dwelling, but the aggravator that they're relying on here
24 modifies the immediate flight to say, under subsection 3,
25 (d)3, the entering or remaining occurs in the nighttime,

1 requiring that modification. That is the aggravator, the
2 entering and remaining in the nighttime.

3 THE COURT: I'm not sure I'm following
4 exactly what you're saying. Say it one more time.

5 MR. LEWIS: Yes, Your Honor. Burglary first.
6 A person is guilty of burglary in the first degree if the
7 person enters a dwelling without consent with the intent
8 to commit a crime in the dwelling and either when
9 affecting entry or while in the dwelling or an immediate
10 flight therefrom, he or another participant of the crime,
11 and then there are the aggravators.

12 The problem is the entering or remaining
13 occurs in the nighttime. The subsection (d) allows for
14 an or. The or at the end of the (d) gives the two prior
15 burglaries aggravator and the nighttime aggravator, so
16 the first subsection does not include flight. That
17 includes the I just robbed you during the daytime, took
18 your gun, and as I'm running away from you, I still got
19 your gun, or causes physical injury to another person.

20 So from the aggravator point of view, so the
21 only way is if they're able to show that the entering or
22 remaining occurred at nighttime, not the flight. It
23 would be our interpretation, Judge, that the flight
24 applies the lowercase a, b, c, and then d.

25 MR. FINCH: Still no evidence he was there

1 earlier in the day. Eyewitnesses put him there. They
2 hear the sounds of entry, and they hear the sounds
3 separate and apart from the hauling away of goods. Entry
4 was made two different places. Eyewitnesses have that
5 defendant heading in the direction of two places in the
6 nighttime. Ms. Horton -- I mean, Ms. Mitchell identifies
7 that when she left, at the time it would have been dark,
8 her house was undisturbed.

9 MR. LEWIS: I think she said it was getting
10 dark, Judge. It's one of those kind of pregnant things.
11 We're not quite too pregnant here. It's not nighttime
12 yet when she left.

13 MR. FINCH: Additionally, Mr. Johnson
14 indicates that he saw Mr. McClenton -- he saw the suspect
15 going from one breezeway into the next and about five
16 minutes later leaving with goods, didn't see him with a
17 bag beforehand, didn't see him -- didn't see him carrying
18 anything prior to that that he could note. The State's
19 position is the evidence still points to the entry and
20 the departure all happening within that five-minute span,
21 all in the nighttime hours, all in the dark.

22 THE COURT: Well, based on your two
23 arguments, you should have no problem whatsoever in
24 convincing the jury as to which one of them which one is
25 right, so I'm going to give the jury the option on second

1 degree and see who convinces the jury of that, because
2 it's a -- I think Mr. Lewis can spike the football. As
3 far as the way that statute is written, the immediate
4 flight relates to the person being armed, causing
5 physical injury or threatening with a dangerous
6 instrument or displaying the knife or just whatever, and
7 the entering into a nighttime is a totally deceptive
8 qualifier, and there is such a small sliver of
9 possibility, but maybe there is a two percent chance that
10 the jurors would conclude that the State has not proven
11 the burglary occurred. Maybe a 1 percent chance, but
12 that 1 percent is enough to submit it to the jury and let
13 the jury answer the question.

14 And since the burden is on the State and it
15 carries 15 years to life, so let's see what the jury says
16 about it. I will include that as a lesser offense and
17 see what they say.

18 MR. LEWIS: Thank you, Your Honor.

19 MR. FINCH: Thank you, Your Honor.

20 THE COURT: Now, whether the jury can decide
21 burglary first degree, burglary second degree, and not
22 guilty, any objection to them writing whatever that
23 decision is on the back of the verdict form, on the back
24 of the indictment?

25 MR. FINCH: Would they be writing just guilty

1 or then guilty --

2 THE COURT: They have to write what the
3 verdict is. They'll be instructed.

4 MR. FINCH: No objection.

5 THE COURT: Guilty burglary first degree,
6 guilty of burglary second degree, or not guilty?

7 MR. FINCH: No objection from the State.

8 MR. LEWIS: So long is there going to be a
9 separate form they're told about?

10 THE COURT: No. This is the form where it
11 says verdict. Tell us whether he's guilty. Burglary
12 first degree, there will be separate instructions which I
13 will give them in writing stating that if they do not
14 find beyond a reasonable doubt the State has proven
15 burglary first they must consider a burglary second. Of
16 course they can't find him guilty of anything unless they
17 first find the plaintiff has proven guilt beyond a
18 reasonable doubt.

19 MR. LEWIS: Yes, Your Honor. No objection.

20 THE COURT: They'll write the verdict in the
21 form.

22 MR. LEWIS: No objection.

23 THE COURT: That's point one. And point
24 number two with regard to the identification, special
25 identification instruction. I'll give y'all an

1 opportunity to look at this. Let's take a look at this
2 instruction.

3 This is standard identification that
4 highlights special section regarding show-ups and other
5 possible fallacies in identification, eyewitness
6 identification, particularly the second paragraph.

7 During this case, the State presented
8 testimony from an eyewitness. I charge you that
9 eyewitness identification evidence must be scrutinized
10 carefully. Human memory is not foolproof. Human beings
11 have the ability to recognize other people from past
12 experiences and to identify them at a later time, but
13 there are risks of making mistaken identifications based
14 on the nature of memory and the factors that affect the
15 reliability of eyewitness identifications.

16 Human memory is not like a video recording
17 that a witness need only replay to remember what
18 happened. Memory is far more complex. The process of
19 remembering consists of three stages: Acquisition, that
20 is, the perception of the original event; retention, that
21 is, the period of time that passes between the event and
22 the eventual recollection of pieces -- of a piece of
23 information; and retrieval, a stage in which a person
24 recalls stored information.

25 Each of these stages memory can be affected

1 by a variety of factors. Hence, in determining whether
2 the identification testimony is reliable, you must
3 consider the believability of an identification witness
4 in the same way as any other witness. You may consider
5 whether the witness had an adequate opportunity to
6 observe the offender at the time of the offense. This
7 would be affected by things like how long or short a time
8 was available, how far or close the witness was, the
9 lighting conditions, and whether the witness has the
10 chance to see or know the person in the past.

11 What do you think about that Mr. Lewis?

12 MR. LEWIS: I like it, Judge.

13 THE COURT: All right.

14 MR. LEWIS: No objection.

15 MR. FINCH: Your Honor, I don't like it. I
16 don't like it for the following reasons: It seems to put
17 an additional burden on the State to have gone through an
18 analysis with the officers to make sure they provide such
19 things in regards to research that's been done and
20 certain items that aren't part of the additional analysis
21 regarding suggestibility and reliability of the witness.

22 The way it reads, later and later in this, is
23 that there is science out there that the jury has not
24 been privy to, that there are studies the jury has not
25 been privy to that has never been explained to them.

1 This is new information; additionally, that it's the
2 State's responsibility to walk these officers and ensure
3 that this analysis has been provided to the witness is
4 now a commentary on the facts as to what should or should
5 not have happened factually as opposed to simply that,
6 sure, you have to -- I mean, understanding there are
7 limits to human memory and there are limits, but that's
8 for them to judge as far as the credibility of the
9 witnesses as well, and that it is the State's burden to
10 prove identity beyond a reasonable doubt; however, that
11 lies in presenting a fair opportunity to view the
12 defendant as well as the reliability of the witness, and
13 I think it dovetails with the credibility of each witness
14 as to whether they believe that witness or not, whether
15 they want to believe the entirety of that identification
16 or discard it.

17 I don't think that all this other reference
18 to studies, again, that has not been provided to the
19 jury, had the State known about this charge, perhaps we
20 would have approached things differently, tailored the
21 questions a little bit differently to the officers;
22 however, the defense had the opportunity to discuss the
23 nature of the show-up identification and explore that
24 fully and to potentially attack the reliability and
25 credibility of those eyewitnesses, or the one eyewitness

1 in this case, and that was done.

2 Mr. Lewis did an effective job of where this
3 individual was standing. I just feel this charge places
4 an additional burden on the State that goes beyond just
5 the responsibility and the requirement for the
6 identification, and we'd ask it not be read.

7 MR. LEWIS: I don't see any additional
8 burden, Judge. They still have to prove identity in
9 every case. This just explains how and why show-up IDs
10 are suggestive. One was allowed in and one was kept out
11 in this case, based on those issues, and hopefully -- I
12 mean, I understand the State hopefully will not say that
13 two people ID'd him or two people said he was there. One
14 person said that at this point. Another person described
15 what was witnessed, but to say --

16 MR. FINCH: I think Mr. Lewis knows that I
17 wouldn't make an improper statement in closing argument.

18 MR. LEWIS: I do. I apologize if I suggested
19 that you would, but I just want to make sure that if this
20 is the charge the Court normally gives on identification,
21 I think Shawndell is entitled to it and ask that it be
22 given.

23 MR. VOIGT: Your Honor, I hate to --

24 THE COURT: Sir?

25 MR. VOIGT: May I just seek clarification on

1 your burglary second ruling? The problem, I think, with
2 our burglary statutes is that there is another way to get
3 to a burglary and have the jury believe that this
4 occurred during the nighttime hours.

5 The burglary second statute, much like the
6 burglary first statute, has multiple subparts. A
7 burglary of a building during the nighttime hours is a
8 burglary second, and that is -- so, in other words, it's
9 not just that 2 or 3 percent chance that a jury could
10 find -- in other words, if the argument isn't merely --
11 the difference between the two statutes isn't merely
12 nighttime or not nighttime and whatever the percentage
13 the jury would have to believe in the nighttime.

14 The jury can believe that it happened in the
15 nighttime and yet under our burglary second statute,
16 depending on how you're going to charge it, they could
17 then find a separate burglary second. We have two
18 burglary seconds, essentially, and a nighttime burglary
19 second is a little bit different creature, so I don't
20 think we can just -- it's not as simple as if it didn't
21 happen in the nighttime, then it's definitely a burglary
22 second, which I think gives credence to our all or not
23 burg first argument.

24 MR. LEWIS: Judge, the distinction is there
25 has been no testimony whatsoever to suggest this is not a

1 residence, as it was indicted. It was indicted as a
2 burglary first because it is a burglary of a residence.
3 The issue is that they cannot prove -- or the argument,
4 at least for charge reasons, is that they cannot prove up
5 the nighttime element.

6 The fact that you could prove or could argue
7 for a burglary second if the solicitor decided to indict
8 it differently has nothing to do with what charge my
9 client is entitled to. He's entitled to burglary second
10 because the aggravator for nighttime is not available.

11 It's a residence or it's not. They brought
12 it as a residence; thus, it can only be a burglary first
13 because of the nighttime hours or a burglary second, non
14 violent, zero to ten felony for a residence. If they say
15 these are not residences or that he's armed with a weapon
16 or that he hurt someone inside or that he's convicted of
17 two prior burglaries, then that would be a different
18 issue. That's not how he was indicted, and that's now
19 how we try our case.

20 MR. VOIGT: I don't think -- the jury can
21 find each or not find each and every element of the
22 offense. The dwelling aspect of it is just another way
23 to find that it was indicted, and the jury is free to not
24 find that, so I think it might be unnecessarily
25 confusing, given the very flimsy evidence that this

1 happened at any other time at night.

2 MR. LEWIS: There is no direct evidence that
3 it occurred at night. There is circumstantial evidence,
4 although strong circumstantial evidence, that it occurred
5 at night, but no direct. The flight element, as we
6 previously discussed, is --

7 MR. VOIGT: We're not discussing that.

8 MR. LEWIS: We won't discuss it now. Then we
9 stand on the Court's previous ruling.

10 THE COURT: Burglary second degree in this
11 case includes all burglary first degree, except that the
12 burglary occurred during the nighttime?

13 MR. LEWIS: There has been no testimony that
14 it was not a residence.

15 THE COURT: I'm not going to charge anything
16 about what kind of other -- the burglary dwelling. I'll
17 define the dwelling, but that's it. I'm not going into
18 buildings, and we know what a dwelling is.

19 MR. LEWIS: Yes, Your Honor.

20 THE COURT: Mr. Solicitor, if you object to
21 the use of the word research as revealed, and I delete
22 the phrase research as revealed, I would simply say there
23 are risks. If you want to say research is revealed, then
24 I'll consider striking that portion of it and just say
25 there are risks in making a mistake in identification.

1 MR. FINCH: I think that's covered by
2 identification testimony. There is an impression by a
3 witness.

4 THE COURT: I think every state in the union
5 provides it, except South Carolina has recognized the
6 problems with eyewitness identification, and it's well
7 documented throughout that the level of misidentification
8 eyewitness testimony and far too many people in prison
9 that shouldn't be there, and I'm going to give them an
10 instruction so that the jury will be aware of it.

11 It may not tell them that research -- the
12 reason that they should have heightened concerns
13 regarding eyewitness identification, but they will be
14 instructed that it is, and I'll give you a chance to
15 query me on any particular word here or there, but I'm
16 not going to change the instruction.

17 MR. FINCH: Thank you, Your Honor. In the
18 second paragraph then, four lines from the bottom, you
19 reference, But research has shown that, and I believe you
20 are all right with leaving that, but research has shown
21 that -- and I'm picking up the sentence -- there are
22 risks in making mistaken identification. We pick it up
23 again with that research is focused on the nature of
24 memory and the factors that affect the reliability of
25 eyewitness identifications.

1 I think that that follows that that sentence
2 should also be struck; otherwise, it makes no sense when
3 the first portion is struck. If you're referencing it
4 has already been struck, I ask that sentence again be
5 struck as confusing.

6 THE COURT: I'll delete the references to
7 research throughout, and I'll save that for the next
8 case.

9 All right. We'll take a couple minutes and
10 come back and hear argument. State is going to open on
11 the law and then respond. Opening and closing?

12 MR. FINCH: We can do the whole thing at
13 once.

14 MR. LEWIS: I didn't put anything in.

15 THE COURT: I will put burglary in the second
16 degree contains all the elements of burglary first degree
17 except that the State has failed to prove that burglary
18 occurred during the night.

19 How about that?

20 MR. FINCH: Thank you, Your Honor.

21 (Recess taken.)

22 THE COURT: All right. We've heard the
23 State's case. It's now defense's turn.

24 MR. LEWIS: The defense rests.

25 THE COURT: All right, ladies and gentlemen.

1 The defense has rested. It means you've heard all the
2 evidence in this case. It's now time to hear the
3 arguments in this case, first by the State and then the
4 defendant.

5 MR. LEWIS: Just briefly, at the close of my
6 case, I renew my previous argument.

7 THE COURT: Noted.

8 MR. LEWIS: Thank you, Judge.

9 MR. FINCH: Good afternoon. Yesterday you
10 joined us here in the courtroom as judges of the facts in
11 this case, and the State's job is to present the facts
12 and to try to convince you beyond a reasonable doubt that
13 the defendant is guilty of the crimes he's charged with.

14 In this case, he's charged with two counts of
15 burglary first degree, one count of breaking and entering
16 a motor vehicle. The law on that is fairly succinct;
17 however, the judge is going to reinstruct you or charge
18 you on the law so if anything differs from what I tell
19 you about the law, please refer to the judge.

20 My job is to advocate on behalf of the State
21 but also to instruct you at first glance here about what
22 the law is in this case because you're going to have to
23 apply these facts that you're determining in deciding and
24 apply them to the law as the Court states it to you.
25 Again, the judge is the judge of the law, and you're the

1 judge of the facts.

2 Burglary first, the elements are entering a
3 dwelling with the intent to commit a crime therein. In
4 this case, that occurs in the nighttime hours. Nighttime
5 hours are generally between dusk and dawn, nighttime,
6 when it's dark enough that it would be hard to make out
7 one's face if it wasn't illuminated by natural light or
8 moonlight or artificial light.

9 Breaking and entering into a motor vehicle
10 doesn't have a nighttime component, just entering or
11 breaking into a vehicle with the intent to commit a crime
12 therein.

13 In this case, you've heard a lot of the
14 facts. You've heard testimony from eyewitnesses; you've
15 heard testimony from victims; you've heard testimony from
16 the police; you've heard lots of testimony. I cranked it
17 all in, most of it in one day, and that doesn't mean
18 we're rushing through it or it's not important. All that
19 testimony and the evidence and the exhibits you have are
20 all you have to establish the facts of what happened
21 February 25th, 2012 on [REDACTED] Daniel Ellis Drive in James
22 Island.

23 And I think, after you weigh all that
24 evidence, you will be firmly convinced about the guilt of
25 the defendant, but let's review the evidence and

1 testimony you've heard, because although it was all in a
2 short amount of time, it's a lot of information to go
3 through. So I'm going to review starting with yesterday,
4 the testimony from Jeremy Jenkins.

5 Jeremy Jenkins came up here from Georgia, and
6 at the time of this incident, he was living in [REDACTED] Daniel
7 Ellis Drive, living right above one of residents -- or
8 the residences that was broken into, right above, and he
9 told you when he got home he was went upstairs and took
10 his dog out, pretty benign activity, pretty normal, and
11 he walked past somebody in a car, rummaging through it.
12 Kind of looked like they owned that car, but they were
13 definitely digging through it, digging through the side
14 compartments, et cetera, and they walked around.

15 Dome light was on. He could see that
16 individual. He could see it was well lit by the
17 breezeway there. He could see that. He could see what
18 he was wearing. He could see what he was doing. He went
19 back upstairs. He saw the blue lights, saw the police
20 went to look out the window, and sees the police looking
21 at this car.

22 He saw somebody near the car. He said to the
23 police, Hey, if you're looking for the guy that was in
24 that car, he just left.

25 And so they said, Well, see if you can make

1 an identification.

2 So they took him to the scene and told you
3 about a car that they had seen that that person left in,
4 and he saw the police and Mr. McClenton detained along
5 with Ms. Lee and that vehicle. He was 100 percent sure
6 that was the vehicle that took the person in the car
7 away. He was 100 percent sure the person standing there
8 in front of him was the person that was inside that car.
9 It was all important.

10 He told the officers that night, ten out of
11 ten. Told you right here on the stand, sworn in, ten out
12 of ten, 100 percent sure. And it's interesting to note,
13 think about Mr. Jacobs. He lives in Georgia now. He
14 doesn't live at that apartment complex. He doesn't know
15 anybody involved. He doesn't have a dog in this fight.
16 He doesn't have any reason to lie to you about who was in
17 that car or what he thought they were doing or anything
18 else, no reason to lie.

19 In fact, he came up here. He stayed up here
20 throughout the day, and the reason we got him in is so he
21 could go back to work.

22 Next you heard for Warren Johnson. Remember,
23 Jeremy Jacobs told you this all happened in the dark, but
24 he could see because that dome light was on. You heard
25 from Warren Johnson.

1 Warren Johnson came home from grocery
2 shopping, around 10:00 or so, went upstairs, put the
3 groceries in. Forgot his phone. Many people know what's
4 that like, to forget your phone. You got to go get your
5 phone. Years ago, you didn't even need your phone. He
6 goes up and gets his phone. Saw somebody up there when
7 he pulled in. Didn't think anything about it. He hadn't
8 lived there very long. This guy could have lived there.

9 He didn't think there was anything out of the
10 usual with this individual until he came back and got his
11 phone. He looked over and sees him standing over. Jumps
12 back. That's kind of an odd thing to do, at least that's
13 what Warren Johnson thought, and he started to process
14 this, and he said, Something is not right. Something is
15 just not right.

16 So he got his phone, went back upstairs, got
17 a glass of wine, said I'm just going to go out on this
18 patio here and see if I see anything.

19 He looked down and heard some noise. He
20 heard some noises right around that patio door, that
21 patio door you later find out is a point of entry that
22 has been pried open by some item. There is clanging of
23 bottles, something sounds like recycling going on, large
24 heavy bag, full white bag, trash bag.

25 And he looks down and then he sees the

1 defendant, blue car. He sees him -- car come around,
2 sees him in the white vehicle using the key fob that you
3 heard Amanda Mitchell say she left inside her house. She
4 left it inside her house. It was in the dresser drawer,
5 same dresser drawer that were open, same dresser drawers
6 where all the jewelry came from, where -- right below
7 where the jewelry was; same dresser drawers that she
8 normally shuts; same dresser drawers that seems like
9 Amanda Mitchell wasn't thrilled about you seeing her
10 house in disarray. Seems like she keeps a neat house.

11 She knew what wine was missing because she's
12 a wine rep. She's responsible for those things. She
13 took it for more customers so she didn't have to
14 re-inventory it or put it away, and she could identify
15 and did identify for police what was missing, but there's
16 all that stuff: Key fob, lighting up the car, items
17 being placed in the car, defendant coming out of the car,
18 went back and forth to the blue car, white car, blue car,
19 white car.

20 And he's on the phone to 911, and when you
21 listen to the 911 tape, you can tell he's narrating what
22 he's seeing. In fact, I asked him that question: Are
23 you saying what you saw to the dispatcher?

24 He was, as it was happening. It's almost a
25 play by play.

1 And while this is happening, 10:00, 10:20, we
2 heard from Detective Feeters that tone went out at 10:25.
3 All that's happening in those nighttime hours. All of
4 that is happening live.

5 You hear Warren Johnson say, I hear the
6 sirens. You hear Joe Piech say, We hear lights and
7 sirens all happening at the same time. And Warren
8 Johnson, you hear his voice change. Maybe you didn't
9 notice it on the first listen. You listen to any of the
10 statements again -- you can listen to 911 again. You got
11 that ability to assess and then look at anything, that's
12 all on your purview, but what you hear is his voice
13 change when that car goes away.

14 Oh, okay. They're gone. He has hushed
15 tones. I don't want to be seen. Didn't really at that
16 point seem like he didn't really want to -- he didn't
17 want to be seen by anybody, but here he is standing up
18 and telling you why, because he knows a crime was
19 committed and he has information that's valuable to you
20 to help you make a determination.

21 Then you heard from Joe Piech. Joe Piech
22 seems like a straight-shooting policeman on the force for
23 seven years, at that point five years.

24 He tells you, I've been doing it those five
25 years, at the point when this happened. He doesn't get

1 rattled. He's responded to lots of burglaries in
2 progress, sure, tone's out, but he's not going to rush
3 in. He's not going to freak out, and he made a
4 reasonable decision.

5 There's only one way in and one way out of
6 this apartment complex, so he took up a position where
7 anybody leaving by vehicle, which is the information he
8 had, would have had to pass. It's good police work.
9 It's just using your brain, using your common sense.

10 And what happens? Almost simultaneously with
11 the time Warren Johnson is on the phone to 911, as fast
12 as 911 can turn around that description, blue car. Is it
13 a sedan? Is it a coupe?

14 You heard Officer Piech. It's like playing
15 telephone, and, really, it is playing telephone, one
16 telephone to dispatch. He understood sedan to mean the
17 vehicle is smaller. So he sees the defendant in the
18 vehicle, and he said, That's incredible. Blue car, black
19 male, white shirt. I'm getting the description, seeing
20 the description, pulls him over.

21 He approaches, talks to Mr. McClenton, gets
22 consent to search the vehicle based on information.
23 There was a white plastic bag or white trash bag or white
24 bag with items in it. Trunk opens, right there in front
25 of him. Right there in a little cubby that had been

1 carved out for this, sort of things moved around, is this
2 white bag. And in that white bag the contents were laid
3 out, and there's wine. There's some coasters. There was
4 some clothing items, all from Amanda Mitchell's
5 apartment, same apartment Warren Johnson heard the
6 rustling and the clanging, saw the defendant duck back
7 into the breezeway, right by the entrance, right in the
8 area of the patio with the railing where the forced entry
9 was made.

10 And what else was found right by all the
11 items that were taken underneath that? Laptop computers
12 belonging to Amanda Mitchell. There was also a
13 flashlight that didn't belong to Amanda Mitchell, and
14 that was with this tire iron, crowbar. You can make
15 whatever description, whatever title you want based on
16 how you use this tool. You can call it a paperweight if
17 you put it on your desk.

18 The fact of the matter is the marks noticed
19 by the crime scene tech, Jeff Miller, who just comes in
20 to report facts. He doesn't know, he's not telling you
21 necessarily who did what. He just reported facts. He
22 got on the stand and reported facts.

23 He said, I measured the blade mark into the
24 door. It's half an inch. It's not an expert opinion.

25 Any one of you, any person who's qualified,

1 anybody can read a ruler is qualified to say that mark is
2 about half an inch, and he told us this blade right here
3 is half an inch wide.

4 He also told you that about three inches from
5 the tip paint is worn away on both sides, down to bare
6 metal. This is going to be with you in the jury room.
7 You can take a look at it. He also told you it was a
8 round radius of the tool that was used to pry open that.

9 Now, Mr. Miller wasn't going to go so far as
10 to say that was definitively the tool that was used
11 because it didn't make a tool mark, and that's up to you.
12 Circumstantial evidence. He's found with a flashlight.
13 He's found with all these stolen items. I'm sure it's
14 not in the trunk of the car, but it's not found with the
15 spare tire. It's not found with the jack. In fact,
16 there is no testimony that anyone even saw a jack.

17 But the size, shape -- they're all consistent
18 with a tool that was used to open that door, a
19 measurement and characteristics.

20 So you heard from Jeff Miller, and Jeff
21 Miller told you about -- and this is where we get to the
22 important part. This is sort of the CSI moment, all
23 right? It's common that many people want to see DNA and
24 fingerprints in this day and age.

25 DNA is a great piece of evidence if you can

1 find it. Typically, as Mr. Miller indicated, you find it
2 in the body. He referenced saliva and blood. He also
3 told you it's very rare to get touch DNA. In fact, it's
4 almost a waste of time to try to get touch DNA off of an
5 item, just touch DNA, and that's in cells that perhaps
6 may be left behind. In reference, many times it's
7 attempted and not found.

8 And Mr. Miller also told you, You don't swab
9 for DNA or fingerprints for something that's in personal
10 possession, because what you're doing is proving
11 possession. If something is in somebody's possession,
12 you don't need to prove it was in their possession.
13 That's why he said it was a waste of time.

14 Now, if, for instance, that flashlight or
15 that screwdriver or the tire iron had been found near the
16 scene, it would have been useful to try to swab for DNA
17 or fingerprints. Just think of the difference. It's
18 found in the car, and if you find fingerprints and DNA
19 from Mr. McClenton, in the car that he's driving in, he
20 had possession.

21 Of course his fingerprints were on that. He
22 used it to change a tire. Of course his DNA is on it.
23 It's sitting next to his clothes, so the swabbing for the
24 DNA or the dusting for fingerprints for an item that's in
25 somebody's possession doesn't move the ball.

1 It doesn't defeat the fact that a tool that
2 matches the marks, at least the radius and dimensions by
3 the marks noticed by Jeff Miller, is found in the
4 defendant's possession in that vehicle with all the
5 stolen items.

6 Now, you also heard from the victims in this
7 case, two young women who, again, took time out of their
8 day, so they do have a dog in this fight, so to speak,
9 but they got out there and told you they didn't know who
10 broke into the place. He didn't know who took these
11 items, and I didn't put them up there to tell you or to
12 hope that they would be able to point to Mr. McClenton,
13 say he was the one that did it.

14 In spite of what the State has to do in its
15 burden to prove to you beyond a reasonable doubt is not
16 just present the evidence, but anticipate defenses
17 because the defense has no burden, and the judge will
18 instruct you on it. They have no burden to present any
19 evidence. The burden is totally on the State to prove to
20 you beyond a reasonable doubt the facts as alleged by the
21 State, but part of that is to dispel potential defenses.

22 And so you understand why Ms. Mitchell and
23 Ms. Horton were on the stand, that's to explain that this
24 wasn't a mistake, that these items weren't there by
25 accident, that they had been to a flea market earlier and

1 sold these things and forgot about them and left them
2 outside, but to establish that the house was the way it
3 was when they left, the house was broken into, it wasn't
4 a mistake, and Mr. McClenton had these items.

5 Now, you last heard from Detective Feeters.
6 Detective Feeters did what detectives do: He asked him
7 questions, tried to put the picture together as to what
8 happened. And Detective Feeters took statements from
9 Warren Johnson, took statements from Jeremy Jacobs, took
10 statements from Dawn Lee. And sometimes people wonder
11 why you don't hear those statements.

12 You got to hear Mr. Jacobs testify. You got
13 to hear Mr. Johnson testify, so we don't have to play
14 those statements for you. He also took a statement from
15 the defendant, Mr. McClenton. It's interesting, what you
16 learn by listening to that statement. Keep in mind,
17 Detective Feeters testified that Mr. McClenton was, in
18 his opinion, not under the influence of any drugs or
19 alcohol, not confused about where he was, understood what
20 he was doing and willingly and knowingly waived his right
21 to remain silent and give a statement.

22 So Detective Feeters asked him some
23 questions, and Mr. McClenton asked him, What am I being
24 charged with?

25 Detective Feeters said, Burglary, breaking

1 and entering a motor vehicle.

2 What did Mr. McClenton say? Motor vehicle?
3 Motor vehicle? I didn't break into motor a vehicle.

4 Well, that's interesting as to what he
5 doesn't say. He didn't say, I didn't break into a house.
6 Focus on the motor vehicle, and then later on he said,
7 What do you mean, break in? What do you mean break in?
8 What's going to happen to my girlfriend? I didn't break
9 into a motor vehicle.

10 You heard an edited version of that. It was
11 about 12 minutes long. Not once in 12 minutes, when
12 referencing the burglary, did he say, I didn't burglarize
13 that house.

14 Not once did he say, I didn't break into that
15 house, I didn't take that stuff. He's asked the question
16 pointedly, what stuff did you take? And the answer
17 wasn't I didn't take A.

18 Back to the motor vehicle. What's going to
19 happen to my girlfriend?

20 In fact, Detective Feeters at one point talks
21 about him breaking into an apartment and he says, Yeah,
22 but I didn't break into a motor vehicle.

23 Detective Feeters says, You feel sorry for
24 yourself. You should feel sorry for your child and your
25 girlfriend and your victim, the people you did this to

1 tonight. They're petrified. You need to feel sorry for
2 them, and he says, I do.

3 And later he asks him, Detective Feeters
4 says, Is this the first time did you this?

5 What, kicked in a door? Yeah.

6 Mr. McClenton also tells you and tells the
7 Court there is no one else in the car. He tells
8 Detective Feeters a friend dropped him off. Called Dawn
9 Lee to pick him up. Detective Feeters finds out Dawn Lee
10 drove him there, stayed there. She was in the car and
11 they left.

12 So what does this all mean? What does all
13 this circumstantial evidence mean? Now, the judge will
14 tell you, as far as the charge on circumstantial
15 evidence -- the charge means instruction -- that it all
16 should point to one answer, and the part of this is where
17 I at least give you what I think that law is, so let me
18 walk you through it briefly.

19 Dawn Lee and Shawndell McClenton drive over
20 to Daniel Ellis Drive, [REDACTED] Daniel Ellis Drive. Parked
21 the car. Mr. McClenton gets out, starts looking around
22 the grounds, finds an open window, climbs up, on the
23 little stand where the HVAC unit is, removes the screen,
24 goes in, grabs a purse, goes out the front door.

25 You'll see the pictures in front of XX106,

1 nothing else is disturbed. Then goes over to building
2 14, upstairs, downstairs. He just went in one place, so
3 the easiest way to get in, looking for other places,
4 easiest ways in. This is a smash and grab situation:
5 Get in, get out. Get what you can. Get the most
6 valuable things.

7 So he finds a way in and finds some
8 opportunity, makes his way in to **XX103**, Amanda Mitchell's
9 apartment. In there he takes jewelry, computers, wine,
10 clothing, coasters, another handbag, and other items,
11 cameras, electronics. Everything is counted for except
12 for something. Also found that key fob. Here you go.
13 Let's figure out where it is, it's quick. It's right
14 there.

15 Goes into the car, tries to find something to
16 steal there, goes back and forth because he doesn't want
17 to be detected in the car. Doesn't know Warren Johnson
18 is on the balcony watching him because Warren Johnson
19 tells you he's hiding, didn't want to see him, and then
20 off they go and off they go and get stopped almost
21 immediately, within 30 seconds or so by the police.

22 All the items were found in the car. Tools
23 consistent with the breaking and entering point of the
24 home are found in the car. Flashlight is found in the
25 car. Flashlights with -- everything else is Amanda

1 Mitchell's, but it's not Amanda Mitchell's. There is
2 only one reason to have a flashlight with all the stolen
3 stuff, in the same bag as the stolen stuff, because you
4 used it to look around the apartment.

5 Now, I'm going to ask you to weigh the
6 evidence, the photographs, the testimony you heard, what
7 makes sense. Does it make sense that Mr. McClenton is
8 just sort of there and he happens to run into somebody in
9 the parking lot and just happened to rob this place and
10 just happened to have put it all in a bag or something or
11 just found it, just happened to be over there? It
12 doesn't make sense.

13 The reason we chose you 12 people from the
14 community is because you can apply common sense, apply
15 your common sense. It doesn't make sense. What makes
16 sense is Mr. McClenton over there looking at breaking
17 into some place, gets some stuff to do whatever he's
18 going to do with the stuff.

19 Luckily, other citizens called the police,
20 reported it in a timely and immediate fashion, and
21 Mr. McClenton was apprehended right there. People got
22 their stuff back, but it doesn't change the fact he went
23 in and did it. Doesn't change the fact that he went in
24 and took the stuff and then left the stuff.

25 Doesn't change the fact that these people's

1 homes were invaded and violated, their cars were broken
2 into. Just because stuff got returned, or most of the
3 stuff, doesn't mean that this didn't happen or it's not
4 important.

5 All this circumstantial evidence points in
6 one direction: Dawn Lee sat in the car, waited for
7 Mr. McClenton to finish, find out if there was any
8 valuables that you could easily grab and get back into
9 the car and make it out of there. Well, they got in and
10 they got out, but they didn't get away.

11 Weigh the evidence. Think about it. Think
12 about what reasonable doubt is. Reasonable doubt is a
13 doubt that leaves you firmly convinced, hesitation that
14 wouldn't cause you to hesitate to act. Hesitation is
15 different than deliberation.

16 I want you to think about it. Think about
17 what makes sense. It's not hesitation, it's
18 deliberation. Think about the facts. Think about what
19 the circumstantial evidence leads to, one conclusion:
20 Shawndell McClenton is guilty of burglary in the first
21 degree.

22 He broke into a house at night. It's dark
23 outside. Took stuff. He broke into a car. He's guilty
24 of BEMV.

25 We ask you to return verdicts accordingly

1 with that.

2 THE COURT: Mr. Lewis?

3 MR. LEWIS: May it please the Court: Good
4 afternoon, ladies and gentlemen.

5 I know you're tired. I know you're ready for
6 this to be over. I will try to get this done as quickly
7 as I can so y'all can do what you are here to do, which
8 is decide what you believe actually took place.

9 You all get to stop the music. I said that
10 at the beginning that this case reminds me of two
11 childhood games: Hot potato and musical chairs, and that
12 is what we're dealing with here.

13 There is not a hotter potato than that stolen
14 stuff. That's true. He has the hot potato. This isn't
15 a receiving stolen goods case. This is a burglary case.
16 You have to decide if he actually is the person that
17 crossed that threshold, that went into that person's
18 home. You have to decide that beyond a reasonable doubt.

19 Now, you've heard the State talking about
20 these issues of, well, the CSI doesn't matter. It
21 matters more than I could possibly express to you, how
22 important that is. That's how we, in a modern society,
23 decide whether or not someone did something in some
24 place.

25 If we don't have an eyewitness that says yes,

1 I saw them inside, which we don't -- make no mistake. No
2 one says, I saw him in there. People say, what they're
3 saying, He had the bag. Whether you believe that is up
4 to you to decide. That is not burglary. Burglary is
5 crossing the threshold, going into someone's home and
6 committing the crime.

7 Now, he did possess stolen goods. He was
8 questioned about that. Who were you with? Anybody else
9 in the car? No, no.

10 That's a lie. We know that's a lie. Dawn Lee
11 was in the car. Just because he's covering up for
12 somebody doesn't mean he's a burglar. Just because he
13 didn't want Dawn to be sitting right here doesn't mean
14 that he's a burglar. He's trying to protect other
15 people, sacrificing himself.

16 Now, we're not sacrificing ourselves
17 completely. We're here to count on you all to look at
18 the evidence and the lack of evidence. Not one
19 fingerprint in two apartments? The kind of guy that's
20 going to walk around with a bag of stolen stuff is not
21 going to be savvy enough to wipe down evidence, to leave
22 no trace.

23 They use these sort of excuses to say, It's
24 good enough, guys. It's good enough. Convict him.
25 Let's move on. Got places to go. It's not good enough.

1 It's way too important.

2 They don't tone out for a shoplifting. They
3 don't tone out get everybody moving for a low level case.
4 This is a big deal. So, as I said, the music hadn't
5 stopped. They're trying to stop the music today, and
6 they're trying to leave the only person without a chair
7 Shawndell, and it's not right. That's not what the
8 evidence confirms.

9 We all make mistakes, and maybe I seem rude
10 to call Officer Piech out on the mistakes he made, but
11 it's an important idea. He had no hesitation whatsoever
12 in calling a simple screwdriver -- it's a screwdriver,
13 yes, it is a burglary tool. But if I asked him about the
14 difference between a sedan and a coupe, I'm the bad guy.
15 I'm saying something strange. No. We all have lived our
16 lives. We know what a sedan is, what is coupe is. Most
17 of us drive.

18 But he made a mistake about who put the rest
19 of this stuff into evidence, so we have to understand
20 that those sorts of mistakes -- you're not automatically
21 correct. That doesn't mean it's a burglary. Someone
22 caught with stolen goods doesn't mean they committed the
23 crime. That's why, like I said, we rely on forensics, to
24 help corroborate what actually took place.

25 Back in the dark ages, they would throw

1 people over into the water, and if they sank, they were
2 innocent, and if they floated, they were witches so they
3 burned.

4 We don't need to do that anymore. We can now
5 rely on science, thank God, because we can say, Show me
6 the evidence. There is no evidence. We got a lot of
7 pictures. You got a flashlight like I would keep in my
8 car. You've got -- whatever you want to call it. It has
9 marks where the hydraulic jack would be to change a tire.
10 It's not as nefarious as is being presented today.

11 It's what we keep in the trunks of our cars.
12 We keep tire irons in the trunks of our cars. We don't
13 keep stolen stuff in the trunks of our cars. That's the
14 kind of thing that a fence would do. Also, the kind of
15 thing a fence would do is not reveal the person who he
16 got the stuff from.

17 Is he going to be charged too? Is he going
18 to be charged too? That the last thing he asked before
19 Feeters shook off that day, him worrying about somebody
20 tells. He knows he's caught with stolen stuff. That
21 doesn't mean he was caught doing the burglary, so that's
22 why the forensics in this case are so important.

23 Please look at the lack of any forensic
24 evidence, any corroboration. They just glossed over it.
25 They don't care. They made excuses about dew, yeah,

1 outside. Inside, no evidence?

2 Again, I did it in the opening. I'm doing it
3 again now. There is evidence that exists that should be
4 able to be found. They didn't bother to swipe. They
5 didn't bother to do their job. Those wine bottles would
6 be incredibly easy to see who took them, who put them in
7 that bag. They didn't bother to check, and that's what's
8 so problematic about it because they want to bootstrap
9 up, Oh, he's caught with stuff. He did it.

10 No. You have to be convinced, like I said,
11 that he's the one that crossed that threshold and
12 remaining at nighttime.

13 We don't know when the actual burglary took
14 place. We have ideas about it. We think that it might
15 be after dark because it wouldn't make sense otherwise
16 because people left around 7:30 or 8:00 and that's when
17 they had to come back. That's another element that y'all
18 need to consider, is whether or not the burglary occurred
19 at nighttime, and you also have -- the more important
20 part is you have to decide whether he did it or not,
21 whether he's the person that actually committed that
22 burglary, the person who actually crossed that threshold.

23 I think it's important to bring up just a few
24 of the facts. You heard testimony from two different
25 witnesses, Warren Johnson and Jeremy Jacobs. Warren

1 Johnson said he was on his balcony watching the whole
2 thing, eyes like a hawk, could see it, but didn't see
3 Jeremy Jacobs who said he was walking his dog right in
4 the area.

5 People make mistakes. He's mistaken about
6 what he saw. He said that person wasn't there. They
7 both can't be right unless they're both -- one of them is
8 mistaken. Not anything nefarious, not bias, not liars.
9 I'm not saying anyone here is lying.

10 What I'm saying is they jumped to
11 conclusions. They're relying on excuses. They're not
12 thinking it through. Think back, please, about that part
13 as well. He had an opportunity to say, Yeah, I saw a
14 white guy walking a dog while this other guy, the black
15 male, was breaking into the car.

16 He didn't say that. He didn't call out to
17 that person. The two things, the two stories, the two
18 versions don't match up.

19 Both people do say that the person they saw
20 carrying the white bag were not wearing gloves. Again, I
21 know I'm reiterating the same point about if you're not
22 wearing gloves there should be evidence. There should be
23 something that shows what happened.

24 So what actually happened is the police said,
25 Oh, well this is easy.

1 They told their crime scene tech, We got the
2 guy. You don't need to work so hard, so let's move on,
3 so that's why there is not a single DNA swab even done,
4 let alone analyzed.

5 Warren Johnson also said they saw two males
6 in the car. Were there two males in the car? Was he
7 wrong? Again, people make mistakes. The idea is we have
8 to rely, in this room, on the -- on the street, it's good
9 enough, but in this courtroom, we have to decide whether
10 it's proof beyond a reasonable doubt, whether you can
11 believe it completely whether he's the person that
12 committed -- not that he got caught holding that hot
13 potato.

14 The earrings that are still missing, I don't
15 know if that's what the actual burglar wanted to keep and
16 fence the rest of the goods through Mr. McClenton. They
17 weren't recovered. Mr. McClenton had done this,
18 everything that was stolen would have been right there.
19 You don't get rid of, you don't drop, you don't throw
20 away earrings.

21 Now, I talked to you about entering, entering
22 and remaining. It's a legal term you have to go over
23 when you're talking about what burglary means, but you'll
24 be given charges on two different prompts. I hope you'll
25 see what I'm trying to argue today and you'll understand

1 Mr. McClenton is not guilty. I hope you'll see that, but
2 if you don't, there is a charge that is a little bit
3 lower than the burglary first.

4 It's burglary second. If you can't believe
5 or you don't know when the actual burglary took place,
6 whether it was when it was dark outside or whether it
7 occurred earlier in the day, and that is another
8 distinction that you can make.

9 The specifically legalese is the entering and
10 remaining, which means the crossing that threshold into
11 that apartment had to occur while it was dark outside.
12 It's an old reason, an old law, because the idea that
13 we're home, we don't want our homes invaded while we're
14 going to be home sleeping, cooking. That's why it's a
15 different charge.

16 Lastly, in every case, we always talk about
17 proof beyond a reasonable doubt. It's a hard standard to
18 explain, but the way I like to look at it is if someone
19 told me my mother was a burglar, I wouldn't believe them.
20 I would demand proof, just like you should.

21 You don't know Shawndell. I hope you care
22 about him, because we should all care about each other,
23 you don't know him, but you should demand the same sort
24 of evidence to convince beyond a reasonable doubt, to
25 prove that he was in there, as you would someone you

1 cared about.

2 MR. FINCH: Objection, Your Honor. Golden
3 rule.

4 THE COURT: Stay within the lines.

5 MR. LEWIS: For me, that's how I imagine
6 reasonable doubt is, what you would have to show me to
7 convince me that someone I cared about did this. Please
8 do the same. Please find him not guilty.

9 Thank you.

10 THE COURT: Madame forelady and ladies and
11 gentlemen: You have heard the testimony the evidence and
12 the arguments of the State and the defendant. I will now
13 explain to you the law that applies to this case.

14 Under the constitution and the laws of South
15 Carolina, you are the finders of the facts in this case.
16 I do not have the right to pass upon the facts or even to
17 express any opinion that I might have as to them because
18 this is a matter solely for you, the jury, to determine.

19 As jurors then, it is your duty to determine
20 the effect, the value, the weight and the truth of the
21 evidence presented during this trial. You are also the
22 judges, the sole judges, of the credibility, that is, the
23 believability of the witnesses who have testified and of
24 the evidence presented during this trial.

25 In passing upon credibility, you may take

1 into consideration many things, such as the demeanor or
2 manner of testifying, whether the witness has reason to
3 be biassed or prejudiced, or whether the testimony of a
4 witness was corrected on the one hand or supported and
5 corroborated on the other hand.

6 All these things you will consider, bearing
7 in mind that you should give the defendant the benefit of
8 any reasonable doubt. It becomes your duty as jurors to
9 analyze and to evaluate the evidence and determine that
10 evidence which convinces you of its truth.

11 Now, the fact that the defendant was
12 arrested, charged, and indicted in this case is not
13 evidence and cannot be considered by you as evidence of
14 guilt in this case, nor does it create any presumption or
15 inference of guilt. Indictments are simply the formal
16 written instruments which contain the charges made
17 against the defendant. Indictments are the formal
18 documents by which the case is brought into court.

19 There are two types of evidence which are
20 generally presented during a trial: Direct evidence and
21 circumstantial evidence. Direct evidence proves the
22 existence of a fact and does not require deduction.
23 Circumstantial evidence is proof of a chain of facts and
24 circumstances indicating the existence of a fact.

25 Crimes may be proven by circumstantial

1 evidence. The law makes no distinction between the
2 weight or value to be given either direct or
3 circumstantial evidence; however, to the extent the State
4 relies on circumstantial evidence, all the circumstances
5 must be consistent with each other, and, when taken
6 together, point conclusively to the guilt of the accused
7 beyond a reasonable doubt.

8 If these circumstances merely portray the
9 behavior of the defendant as suspicious, the proof has
10 failed. The State has the burden of proving the
11 defendant guilty beyond a reasonable doubt. This burden
12 rests with the State, regardless of whether the State
13 relies on direct evidence, circumstantial evidence, or
14 some combination of the two.

15 I instruct you and emphasize that the fact
16 that the defendant did not testify is not a factor to be
17 considered by you in any way in your deliberations and in
18 your consideration of the question of the guilt or the
19 innocence of the defendant.

20 It must not be considered by you in any
21 manner whatsoever. A defendant has the constitutional
22 right to remain silent, and the assertion of this right
23 must not be considered by you in your deliberations.

24 I repeat, under your oath, you are to draw no
25 conclusion whatsoever from the fact that the defendant in

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

7 Now, as the trial judge, it is my
8 responsibility to preside over the trial of this case and
9 to rule upon the admissibility of the evidence offered
10 during the trial. You are to consider only the testimony
11 which has been presented from this witness stand,
12 together with any exhibits which have been made part of
13 the record. I have the additional duty to charge you the
14 law applicable to this case, and as the presiding judge,
15 I am the sole judge of the law of this case.

16 It is your duty as jurors to accept as
17 correct and apply the law as I now state it to you and
18 then reach your verdict, and, finally, I charge you in
19 this regard that you should not be concerned with what
20 you think the law ought to be, but, rather, what I charge
21 you that the law is.

22 The defendant has pled not guilty to the
23 charges in the indictments, and that plea places the
24 burden on the State to prove the defendant guilty. A
25 person charged with committing a criminal offense in

1 South Carolina is never required to prove himself
2 innocent. I charge you that it is a cardinal rule -- it
3 is an important rule of the law that the defendant in a
4 criminal trial, no matter what the seriousness of the
5 charge may be, will always be presumed to be not guilty
6 of the crime for which the indictment was issued unless
7 guilt has been proven satisfying you of that guilt beyond
8 a reasonable doubt.

9 The presumption of innocence does not end
10 when you begin your deliberations, but it accompanies the
11 defendant throughout the trial until you reach a verdict
12 of guilt based on evidence satisfying you of that guilt
13 beyond a reasonable doubt.

14 The presumption of innocence is like a robe
15 of righteousness placed upon the shoulders of the
16 defendant which remains with the defendant until it has
17 been stripped from the defendant by evidence satisfying
18 you of the defendant's guilt beyond a reasonable doubt.

19 Now, the presumption of innocence is not a
20 mere legal theory. It's not just a legal phrase, it is a
21 substantial right to which every defendant is entitled,
22 unless you, the jury, are satisfied from the evidence of
23 the defendant's guilt beyond a reasonable doubt.

24 The State must prove the defendant guilty
25 beyond a reasonable doubt, so what is a reasonable doubt

1 in the law? A reasonable doubt is a doubt which makes an
2 honest, sincere, conscientious juror in search of the
3 truth to hesitate to act. Proof beyond a reasonable
4 doubt must therefore be proof of such a convincing
5 character that a reasonable person would not hesitate to
6 rely and act upon it in the most important of his or her
7 own affairs. Proof beyond a reasonable doubt can also be
8 described as proof that leaves you firmly convinced of
9 the defendant's guilt.

10 Now, there are very few things in this world
11 that we know with absolute certainty, and in criminal
12 cases, the law does not require proof that overcomes
13 every possible doubt. If, based on your consideration of
14 the evidence you are firmly convinced that the defendant
15 is guilty, then you must find him guilty. If, on the
16 other hand, you think there is a real possibility that he
17 is not guilty, you must then give him the benefit of the
18 doubt and find him not guilty.

19 Now, the indictments in this case allege
20 three different offenses against the defendant: He's
21 charged with two counts of burglary in the first degree
22 and breaking and entering into a motor vehicle. Each
23 indictment charges a separate and distinct offense. You
24 must decide each indictment separately on the evidence
25 and law applicable to it uninfluenced by your decision as

1 to any other indictments.

2 The defendant may be convicted or acquitted
3 on any of the indictments. You will be asked to write a
4 separate verdict of guilty or not guilty for each
5 indictment. The defendant is charged with two counts of
6 burglary -- of first degree burglary. The State must
7 first prove beyond a reasonable doubt that the defendant
8 entered a dwelling without consent. A dwelling is any
9 building or portion of a building in which a person
10 ordinarily sleeps.

11 In order to prove that the defendant entered
12 the dwelling, the State does not have to show that the
13 defendant's entire body entered the dwelling. The
14 smallest entry is sufficient. It may be any part of the
15 body, such as a hand or foot or even an instrument, such
16 as a hook or other instrument. In addition, the State
17 does not have to prove that force was used to gain entry.
18 Next, the State must prove beyond a reasonable doubt that
19 the defendant intended to commit a crime at the time of
20 the entry. Intent may be shown by acts and conduct of
21 the defendant and other circumstances to which you may
22 naturally and reasonably infer intent.

23 Finally, the State must prove beyond a
24 reasonable doubt that the defendant entered or remained
25 in the dwelling in the nighttime. Nighttime is the

1 period between sunset and sunrise during which there is
2 not enough daylight to recognize a person's face except
3 by artificial light or moonlight. If you find the State
4 has failed to prove beyond a reasonable doubt that the
5 defendant committed first degree burglary, you may
6 consider whether the State has proved beyond a reasonable
7 doubt that the defendant committed second degree
8 burglary.

9 Second degree burglary includes all of the
10 elements of first degree burglary, except that the State
11 has failed to prove that the burglary occurred during the
12 nighttime. The defendant is also charged with breaking
13 into a motor vehicle or auto breaking. In order to prove
14 this crime, the State must proof beyond a reasonable
15 doubt that the defendant broke into or attempted to break
16 into a motor vehicle or its compartment with the intent
17 to steal the vehicle or anything of value from the
18 vehicle or anything used in connection with the vehicle
19 or in the commission of any criminal offense.

20 Breaking is an act of physical force, however
21 slight, by which any obstruction to entering this is
22 forcibly removed. Breaking does not need to be by means
23 of great force because any force which is necessary to
24 make an opening is sufficient.

25 For example, if the car door is closed, even

1 though it is not locked, an opening of that door would
2 constitute a breaking. Intent means intending the result
3 which actually occurs, not accidentally or involuntarily.
4 Intent may be shown by acts and conduct of the defendant
5 and other circumstances from which you may naturally and
6 reasonably infer intent.

7 A statement alleged to have been made by the
8 defendant has been admitted into evidence in this case.
9 While the Court has determined that the statement is
10 admissible, I instruct you that you make the ultimate
11 decision of whether or not the defendant made the
12 statement. If the defendant did make the statement, you
13 must determine whether the defendant -- whether the
14 statement was made by the defendant voluntarily and of
15 his own free will.

16 This means that the statement was not caused
17 by pressure, force, fear, threats, coercion or
18 intimidation or by hope or a promise of leniency or a
19 reward of any kind.

20 In determining whether the statement was
21 voluntary you should consider both the characteristics of
22 the defendant and the details of the questions. Some of
23 the factors that you must consider are the age of the
24 defendant, the education or lack of education of the
25 defendant, mental ability or capacity of the defendant,

1 the IQ or intelligence of the defendant, the background
2 and environment of the defendant, the place and length of
3 detention, the nature of the questioning, and the advice
4 or lack thereof to the defendant of his constitutional
5 rights, including but not limited to the right to remain
6 silent, that any statement could be used against him in a
7 court of law, the right to have a lawyer present, that if
8 he cannot afford a lawyer, a lawyer would be appointed to
9 represent him without any cost, and that he could stop
10 making a statement at any time.

11 You must carefully consider all of the
12 surrounding circumstances before you give any weight to
13 an alleged statement. The State has the burden of
14 proving beyond a reasonable doubt that the alleged
15 statement was voluntary. If you determine that it was,
16 you may give the statement any further consideration that
17 you deem proper. You must decide what weight, if any,
18 should be given to the alleged statement. If you
19 determine the alleged statement was not the free and
20 voluntary statement of the defendant you should not
21 consider the statement at all.

22 At issue in this case is the identification
23 of the defendant as the person who committed the crimes
24 charged. The defendant, Shawndell McClenton, as part of
25 his general denial of guilt has contended the State has

1 not presented sufficient, reliable evidence to establish
2 beyond a reasonable doubt that he is the person who
3 committed the alleged offenses.

4 The State has the burden of proving identity
5 beyond a reasonable doubt. You must be satisfied beyond
6 a reasonable doubt of the accuracy of the defendant
7 before you may convict the defendant.

8 Identification testimony is an expression of
9 belief or impression by a witness. You must determine
10 the accuracy of the witness's identification of the
11 defendant. I charge you that eyewitness identification
12 testimony must be scrutinized. Human memory is not
13 foolproof. Human beings have the ability to recognize
14 other people from past experiences and to identify them
15 at a later time, but there are risks of making mistaken
16 identifications based on the nature of memory and the
17 factors that affect the reliability of eyewitness
18 identifications.

19 Human memory is not like a video recording
20 that a witness need only replay to remember what
21 happened. Memory is far more complex. A process of
22 remembering consists of three stages: Acquisition, that
23 is, the perception of the original event; retention, that
24 is, the period of time that passes between the event and
25 the eventual recollection of a piece of information; and

1 retrieval, a stage in which a person recalls stored
2 information.

3 Each of these stages of memory can be
4 affected by a variety of factors; hence, in determining
5 whether the identification testimony is reliable, you
6 must consider the believability of an identification
7 witness the same way as any other witness. You may
8 consider whether the witness had an adequate opportunity
9 to observe the offender at the time of the offense.

10 This would be affected by things like how
11 long or short a time was available, how far or close the
12 witness was, the lighting conditions, and whether the
13 witness has the chance to see or know the person in the
14 past.

15 In this case, the State has offered testimony
16 from a witness who identified the defendant during a
17 show-up. In other words, the defendant was the only
18 person shown to the witness at that time. Even though
19 such a procedure is suggestive in nature, it is sometimes
20 necessary for the police to conduct a show-up or
21 one-on-one identification procedure.

22 The benefits of a fresh memory may balance
23 the risk of undue suggestion; however, show-ups conducted
24 in an extensive period of time after an event provide a
25 heightened risk of misidentification.

1 Also, police officers during a show-up must
2 instruct the witnesses that the person they are about to
3 view may or may not be person who committed the crime and
4 that they should not feel compelled to make an
5 identification.

6 In determining whether the identification is
7 reliable or the result of an unduly suggestive procedure,
8 you should consider how much time elapsed after the
9 witness last saw the perpetrator, whether the appropriate
10 instructions were given to the witness, and all other
11 circumstances surrounding the show-up. Once again, I
12 instruct you that the burden of proof on the State
13 extends to every element of the crimes charged, and this
14 specifically includes the burden of proving beyond a
15 reasonable doubt the identity of the defendant as a
16 person who committed the crimes.

17 If, after examining the testimony you have a
18 reasonable doubt as to the accuracy of the identification
19 of the defendant as the person who committed the offense
20 or offenses, you must find the defendant not guilty.

21 Madame forelady and members of the jury: I
22 am required to charge you on the law as I have done
23 during these instructions now being given to help guide
24 you to a just and lawful verdict. Whether some of these
25 instructions will apply will depend on what you find to

1 be the facts. The fact that I have instructed you on
2 various subjects on this case must not be taken as
3 indicating an opinion of this Court as to what you should
4 find to be the fact or what your verdict should be.

5 You have been chosen and sworn to give the
6 parties in this case a fair and impartial trial, and when
7 you've done so, you will have complied with your oath,
8 and no one will have a right to criticize your verdict.
9 You must not be influenced by opinion or expressions of
10 opinion you may have heard outside of the courtroom, but,
11 rather, should base your verdict only on the testimony of
12 the sworn witnesses who took the stand, the exhibits
13 received into evidence, and facts which have been
14 stipulated or agreed to by the parties.

15 You should not be swayed by caprice, passion,
16 prejudice or improper sympathy for or against any parties
17 in this case. Remember, you have no friends to reward or
18 enemies to punish, and all parties are entitled to a fair
19 and impartial trial at your hands.

20 It is your duty as jurors to consult with one
21 another and to deliberate with a view toward -- or to
22 reaching an agreement. Each of you must decide the case
23 for yourself, but only after an impartial consideration
24 of all the evidence in the case with your fellow jurors.

25 In the course of your deliberations, do not

1 hesitate to reexamine your own views and change your
2 opinion if you become convinced it is erroneous, but do
3 not surrender your honest conviction as to the weight or
4 effect of the evidence solely because of the opinion of
5 your fellow jurors or for the mere purpose of returning a
6 verdict.

7 As I've stated earlier, you are the judges of
8 the facts. You are to seek the truth from the evidence
9 in the case. Your verdict must represent the considered
10 judgment of each juror; in other words, your verdict must
11 be unanimous. You may have noticed I have read to you
12 these instructions. I do so to give you the law as
13 accurately as possible. I will give you a copy of these
14 instructions you will have in the jury room. You may
15 refer to these instructions to assist in your
16 deliberations. Please return the instructions to the
17 bailiff when you are finished deliberating.

18 Madame Foreman: It is your duty to preside
19 over the deliberations of the jury. During your
20 deliberations, if you should desire to communicate with
21 the Court, please reduce your message or question to
22 writing signed by the forelady and pass the note to the
23 bailiff who will bring it to my attention. I will then
24 respond as promptly as possible, either by writing or
25 having you return to the courtroom, so that I can address

1 you orally.

2 I caution you, however, that with regard to
3 any message or question, you should not specify your
4 numerical division at the time. Again, any verdict you
5 reach must be a unanimous one; that is, must be agreed to
6 by all of all you.

7 As to the charge of first degree burglary,
8 you may find the defendant guilty of first degree
9 burglary or guilty of second degree burglary or not
10 guilty. As to the charge of breaking into a motor
11 vehicle, you may find the defendant guilty or not guilty,
12 and as to the first degree burglary charge, there are two
13 separate indictments.

14 When you have reached an unanimous verdict as
15 to each charge and have indicated each verdict on the
16 back of the respective indictment, you knock on the door
17 and we will take your verdict.

18 Now, you'll have the three indictments in the
19 jury room, Madame Forelady and where it says verdict,
20 that's where you write it. You write it out. If it's
21 guilty of first degree burglary, you write that out. If
22 it's guilty of second degree burglary, you write that
23 out, and if it's not guilty, you write that out.

24 And as to the breaking into motor vehicle, if
25 it's guilty or not guilty, you write whichever one it is,

1 sign and date the verdict form. There is no
2 suggestibility by the Court in the order which I stated
3 them. I ask that you go to the jury room now.

4 Now, we've picked 14, but we can only use 12
5 and we have two alternates, so out of the first 12 jurors
6 selected, if you cannot continue with deliberations,
7 please let me know at this time by raising your hands at
8 6:20 here on Tuesday afternoon. If you cannot proceed
9 with deliberating, please raise your hand.

10 All right. All hands are down and folded in
11 various respects.

12 That means when y'all go to the jury room,
13 the two alternates will remain in the courtroom with us
14 as the others go to the jury room. So please go to the
15 jury room, all of you except the alternates, but do
16 not -- just a moment -- but do not begin to discuss the
17 case.

18 You can stand if you want to, but do not
19 begin to discuss the case until you receive a copy of
20 this jury trial charge, these indictments, and these
21 exhibits. Once you receive these things, that will be
22 your signal to begin your deliberating. Once you begin
23 deliberating, you will deliberate until you have reached
24 a verdict at which time you'll knock on the door, advise
25 the bailiff, and we will bring you out to receive your

1 verdict.

2 I tried to convince the clerk's office to
3 order dinner from one of these fancy restaurants while
4 you deliberate, but that's not in the cards. They've
5 ordered pizza, which is the standard from nighttime late
6 deliberating, so that -- if you're worried about getting
7 hungry, we figured that out and you can handle that
8 whichever way you prefer.

9 Please go to the jury room at this time.

10 (In open court, jury not present.)

11 THE COURT: All right. Are there any
12 additions or exceptions to the charge by the State or the
13 defendant?

14 MR. FINCH: None from the State, Your Honor.

15 MR. LEWIS: Judge, just two specific ones: I
16 made the request, you declined to grant them. I guess
17 you have -- if your clerk has your standard mere presence
18 and receiving stolen goods charge, if we could just make
19 those Court's exhibits, I understand your ruling on it.
20 I just have to, I think, keep my record clear.

21 THE COURT: All right.

22 MR. LEWIS: Thank you, Judge.

23 (At 6:27 p.m., the jury retired to
24 deliberate.)

25 (In open court, jury not present.)

1 THE COURT: We have a jury note with three
2 questions: Can we get clarification on where buildings
3 are located on Exhibit 30, **XX106** and **XX103**; second, can
4 we have a device to play the CD with defendant's
5 statements; and three, is there a transcript that we can
6 review the testimony of Jacobs and Johnson? It says the
7 statement.

8 MR. FINCH: I believe this laptop -- I'm kind
9 of answering them out of order.

10 I think the first answered is really by they
11 have what they have. We didn't mark buildings 11 and 14.
12 There may have been testimony -- I think there was
13 testimony elicited that -- not as to Exhibit 30, but that
14 they went back in the direction of building 11, and
15 building 11 is shown in a different photograph, and
16 that's what Warren Johnson indicates was building 11, and
17 coming from 14, it's not in reference on 30.

18 They might be able to glean that from the
19 transcript of Mr. Johnson's testimony; however, I know
20 it's not on 30, it was not indicated on 30; however, the
21 relationship of the two was testified to.

22 So I don't know how the Court -- as far as
23 that specific exhibit, I don't know how the Court feels
24 about it. I don't think we can mark that exhibit up post
25 trial; however, it may clarify things and move things

1 along, if that's made clear through Mr. Johnson's
2 testimony.

3 Secondly, I believe this laptop has a bunch
4 of other things. I know in the past the fear is that the
5 jury might access the Internet or something if they've
6 given a laptop. This laptop, I believe -- if you take
7 the cord out, it doesn't have access to the Internet,
8 it's just -- it would work as a CD player, or they could
9 work in here.

10 The third, I would guess, regarding
11 transcripts, I don't know if we could replay the
12 testimony or whether there is a transcript available. I
13 think that would take least overnight to get those
14 transcripts.

15 MR. LEWIS: I think it would probably take it
16 longer than that. I agree with the State about they have
17 got what they've got. My understanding is that the
18 clerk's office I thought may have had a computer, but if
19 this one would work, I have no problem sending that back
20 to play Mr. McClenton's statement again. And, usually my
21 experience, they have to just -- you usually play the
22 audio -- the court reporter usually plays the audio back
23 for them in here. We just kind of sit here, if they
24 needed to hear the testimony of Johnson or Jacobs. So I
25 think we're in agreement.

1 THE COURT: All right. If we'll bring the
2 jury, please.

3 (Court's Exhibit No. 6 was marked for
4 identification and admitted into evidence.)

5 (7:48 p.m., in open court jury present.)

6 THE COURT: All right. Madame Forelady,
7 ladies and gentlemen: We have three questions from you.
8 Number one is: Can we get clarification on where
9 buildings are located on Exhibit Number 30, **XX106** and
10 **XX103**, and in response to that question, as I indicated
11 to you at the very first sentence of the jury charge, and
12 that is that you have heard the testimony, the evidence,
13 and the arguments from the State and the defendant.

14 That means there is no further testimony.
15 There is no further evidence that you can receive. There
16 are no further arguments that you will get from counsel.
17 Additionally, this is a matter for you to determine, and
18 it would be improper for me to express opinions that I
19 might have concerning the evidence, so any effort by me
20 to explain any evidence that you have would be improper.
21 The case is in your hands, the evidence -- all of the
22 evidence has been presented to you.

23 So there would be no -- the lawyers can get
24 up and argue more, give you more clarification. I can't
25 comment on the evidence. You have the evidence in the

1 jury room. It's yours. We attempted to send out the
2 exhibit. The exhibit is with you. The evidence is with
3 you.

4 With regard to the second question, we have a
5 device to play the CD with defendant's statements. The
6 parties have agreed to send in the laptop for you to play
7 that evidence on.

8 As to number three, is there a transcript
9 that we can review the testimonies of Jacobs and Johnson?
10 The answer is no. The Court reporter transcribes
11 testimony for later use, if needed, but she has no means
12 of instantly producing transcripts.

13 If you decide that you want to hear testimony
14 again, if you want to have any specific testimony during
15 the trial replayed over again, then you would come in the
16 courtroom per your request and listen again. Of course,
17 the purpose of jurors coming and listening and observing
18 is so that at the end of the testimony you can
19 collectively recall the testimony, discuss the testimony,
20 and deliberate based on the testimony that you have set
21 quietly listening to, but if you want to hear again any
22 aspect of the case, let me know, and we can play it back,
23 but specifically in response to the testimony,
24 specifically in response to your question, there are no
25 transcripts available.

1 and be seated. Defendant will rise.

2 Madame Clerk: You may publish the verdict.

3 THE CLERK: Yes, sir. Case number
4 2012-GS-10-3189, the State of South Carolina, County of
5 Charleston versus Shawndell McClenton: We, the jury,
6 unanimously find the defendant guilty on burglary in the
7 first degree. Signed, Foreperson, Kelly Bramble,
8 4/22/2014.

9 2012-GS-10-2892 the State of South Carolina,
10 County of Charleston, versus Shawndell McClenton burglary
11 in the first degree, we, the jury, unanimously find the
12 defendant guilty, signed foreperson Kelly Bramble
13 4/22/2014.

14 Indictment number 2012-GS-10-2893, State of
15 South Carolina, County of Charleston, versus defendant,
16 Shawndell McClenton, indictment for breaking and entering
17 a motor vehicle, we, the jury, find the defendant
18 unanimously guilty, signed Kelly Bramble, 4/22/2014.

19 THE COURT: All right. Ladies and gentlemen:
20 If that is the verdict of each and every one of you,
21 please let me know by raising your right hand. I thank
22 you very much.

23 Any additional polling or individual polling
24 requested?

25 MR. LEWIS: Yes, please.

1 THE COURT: Madame Clerk: Please poll each
2 juror individually.

3 THE CLERK: When I call out your name, I'm
4 going to ask you two questions. Please just indicate by
5 saying yes or no.

6 Juror number 27 is this your verdict?

7 THE JUROR: Yes.

8 THE CLERK: Is it still your verdict?

9 THE JUROR: Yes.

10 THE CLERK: Juror number 194, is this your
11 verdict?

12 THE JUROR: Yes.

13 THE CLERK: Is it still your verdict?

14 THE JUROR: Yes.

15 THE CLERK: Juror number 59, is this your
16 verdict?

17 THE JUROR: Yes.

18 THE CLERK: Is it still your verdict?

19 THE JUROR: Yes.

20 THE CLERK: Juror number 32, is this your
21 verdict?

22 THE JUROR: Yes.

23 THE CLERK: Is it still your verdict?

24 THE JUROR: Yes.

25 THE CLERK: Juror number 362, is this your

1 verdict?

2 THE JUROR: Yes.

3 THE CLERK: Is it still your verdict?

4 THE JUROR: Yes.

5 THE CLERK: Juror number 209, is this your

6 verdict?

7 THE JUROR: Yes.

8 THE CLERK: Is it still your verdict?

9 THE JUROR: Yes.

10 THE CLERK: Juror number 89, is this your

11 verdict?

12 THE JUROR: Yes.

13 THE CLERK: Is it still your verdict?

14 THE JUROR: Yes.

15 THE CLERK: Juror number 247, is this your

16 verdict?

17 THE JUROR: Yes.

18 THE CLERK: Is it still your verdict?

19 THE JUROR: Yes.

20 THE CLERK: Juror number 74, is this your

21 verdict?

22 THE JUROR: Yes.

23 THE CLERK: Is it still your verdict?

24 THE JUROR: Yes.

25 THE CLERK: Juror number 216, is this your

1 verdict?

2 THE JUROR: Yes.

3 THE CLERK: Is it still your verdict?

4 THE JUROR: Yes.

5 THE CLERK: Juror number 225, is this your
6 verdict?

7 THE JUROR: Yes.

8 THE CLERK: Is it still your verdict?

9 THE JUROR: Yes.

10 THE CLERK: Juror number 65, is this your
11 verdict?

12 THE JUROR: Yes.

13 THE CLERK: Is it still your verdict?

14 THE JUROR: Yes.

15 THE CLERK: Your Honor, the verdict has been
16 polled. The verdict stands.

17 THE COURT: The verdict is the unanimous
18 verdict. Thank you, ladies and gentlemen, for your time
19 and effort in deliberating and reaching a verdict in this
20 case.

21 Are there any post-trial motions?

22 MR. LEWIS: Yes, Your Honor. We renew all
23 previous objections. Motion to set aside verdict and ask
24 for a new trial.

25 THE COURT: All right. Any response,

1 Solicitor?

2 MR. FINCH: No, Your Honor.

3 THE COURT: The evidence of guilt in this
4 case is overwhelming, and the defendant has had a fair
5 trial before the jury of your selection, and I
6 respectfully deny all post-trial motions.

7 MR. LEWIS: Yes, Your Honor.

8 THE COURT: Ladies and gentlemen: When you
9 find someone guilty, it then becomes my duty to sentence
10 the person. Burglary of first degree carries from 15
11 years to life imprisonment.

12 The defendant has a criminal record. What is
13 that record, Mr. Solicitor?

14 MR. FINCH: Just a moment, Your Honor.

15 You're aware of his pending charges, which
16 remain to be resolved.

17 THE COURT: What are they?

18 MR. FINCH: He has -- I apologize. I had it
19 earlier. I know he has a --

20 MR. LEWIS: I can provide it.

21 THE COURT: All right. What is it? What are
22 they?

23 MR. LEWIS: We have two pending indecent
24 exposures, possession of a controlled substance, the
25 burglary first, and the B and E motor vehicle were just

1 resolved; a CDV second; two burglary second, nonviolents;
2 a grand larceny; three more grand larcenies; 11 B and
3 E motor vehicles --

4 MR. FINCH: 12.

5 MR. LEWIS -- 12 B and E motor vehicles and
6 another grand larceny.

7 THE COURT: All from Charleston County?

8 MR. FINCH: Those are from Charleston County,
9 Your Honor. He also has Dorchester County pending
10 charges, which are the failure to stop for a blue lights,
11 the injury to property, public property times three
12 injury, two counts of child endangerment, and those are
13 Dorchester County charges.

14 His convictions, he has 1999 accessory to the
15 fact of strong-arm robbery, accessory after the fact;
16 common law strong-arm robbery, '99; another count of
17 strong-arm robbery, '99; indecent exposure, 2006; he's
18 got a CDV first, and that's from '06; possession of
19 cocaine base from 2008; assault on police officer while
20 resisting arrest, and that is also from 2008, and he's
21 got a BMV from 2009 and a burg second nonviolent from
22 2009. The CDV first was from 2011, Your Honor, and that
23 is a list of his convictions.

24 You know his pending charges, and, of course,
25 these ones today.

1 THE COURT: All right. And he is in jail and
2 has been in jail since that night?

3 MR. LEWIS: No, Judge.

4 MR. FINCH: No, Judge. He bonded out --
5 after he was arrested on these charges, he remained
6 incarcerated, I have to look back at my records, for
7 about -- I can't remember exact time. Judge Dennis set a
8 consolidated bond of \$150,000 on all his pending charges
9 at that time.

10 After he bonded out, a short time after that,
11 well, I guess a couple months after that, he was picked
12 up on a number of BEMVs and petty larcenies and grand
13 larcenies related to the BEMVs. He was sentenced to
14 seven months consecutive and was up at SCDC from June, I
15 believe, August of this past year, 2013, got back right
16 around the new year, 2014, just a few days shy of that.

17 So he's been incarcerated on other items.
18 Most recently, though, he was arrested and he was in on a
19 bench warrant and bond revocation based on revoking all
20 the previous bonds of those -- it was about a dozen
21 charges before he picked up the other 16, BEMV and petty
22 larcenies.

23 MR. LEWIS: Judge, my calculation would be
24 498 days of credit from February 26, 2012 through March 6
25 of 2013, and then from December 19th, 2013 through April

1 22, 2014.

2 I think he's trying to correct me. You were
3 in prison? They hadn't removed his bond.

4 THE COURT: Those details we can clarify.
5 It's pushing 9:00.

6 MR. LEWIS: Yes, Your Honor.

7 THE COURT: I want to give everyone a full
8 opportunity to make a presentation at sentencing. I
9 thought I would just have that information made known at
10 this time. Jurors typically like to get as much
11 information as they can on the cases that they have
12 heard, so that's just an additional information that
13 you've gotten, at least concerning Mr. McClenton, and his
14 history here in Charleston County.

15 So thank you for your work. We're going to
16 let you all go. We're leaving also. We're going to do
17 his sentencing tomorrow afternoon when you -- we're going
18 to start another case tomorrow, I understand, in the
19 morning.

20 MR. FINCH: That's correct, it's my
21 understanding, Your Honor.

22 THE COURT: So we'll pick this up in the
23 afternoon.

24 Mr. McClenton should be fully lucid by that
25 time, and we'll see when you get back around 2:00, 2:30,

1 whatever time it is. We can break and do it. We'll
2 break at a convenient time and pick this case back up
3 tomorrow. I think his mother left out. She may be okay
4 by tomorrow, as well give her a chance to settle down.

5 So, ladies and gentlemen: Thank you very
6 much for your services, and we're picking another case
7 and we'll be rolling again tomorrow, but fortunately for
8 you, you won't have to worry about it.

9 You elected to stay tonight to finish this
10 case up, and so you will not have to come back, and you
11 are free from jury service at this time. You can discuss
12 the case with anyone that you want to discuss it with,
13 but certainly no one is to bother you about anything.
14 Should anyone attempt to do so, please let me know, and I
15 will be sure to take care of that person.

16 Ms. Julie Armstrong has a very fine
17 representative here, Miss Paige, and what would you like
18 to tell your jurors?

19 THE CLERK: Ladies and gentlemen: I just
20 want to thank you for your service on behalf of
21 Ms. Armstrong. We really do appreciate all that you do
22 and all the time you've actually taken out of your lives
23 to be here, so if there is anything that I can help you
24 with as far as work excuses, please let the bailiffs
25 know.

1 (Jury dismissed.)

2 (April 23, 2014.)

3 A F T E R N O O N S E S S I O N

4 THE COURT: All right. We're on the record,
5 State versus Shawndell McClenton.

6 Mr. McClenton, how are you doing today?

7 THE DEFENDANT: I'm all right, Your Honor.

8 THE COURT: All right. Good.

9 THE DEFENDANT: Thank you.

10 THE COURT: Yes, sir.

11 All right. First, the State.

12 MR. FINCH: Thank you, Your Honor. May it
13 please the Court: Clearly, you were present the entire
14 time of the trial. You were witness to all the facts in
15 the trial.

16 Previously, the State has published Mr.
17 McClenton's prior convictions, as well as his outstanding
18 charges from Charleston and Dorchester Counties. My
19 investigator spoke to the victims of these burglaries and
20 BEMVs. Neither of them were able to attend based on work
21 schedules, and I don't think they had any specific
22 sentencing requests. They understood the range of
23 sentencing the Court has in front of it, and, knowing
24 that, made no recommendations regarding sentence.

25 As far as a sentence to be imposed or

1 requested by the State, the Court is aware of plea
2 negotiations on this and made aware of the circumstances
3 that surrounded that office, and it's important to point
4 out from the point of view of the State that certain
5 things have changed since that offer was extended, and
6 actually kept open for quite a long time, Your Honor, was
7 rejected on the record several times, and that is that
8 Your Honor got to see -- learn more about the case, these
9 cases specifically, as well as interaction with the
10 defendant, and, most telling, in the pretrial -- one of
11 the pretrial hearings when Mr. McClenton took the stand,
12 and it became clear to the State and perhaps to the Court
13 that Mr. McClenton was not being forthcoming.

14 He was lying on the stand, and the State
15 takes that very seriously and we ask -- and knowing that
16 the offer had been 20 years, and that was in light of
17 certain conditions to be taken by Mr. McClenton, the
18 State is asking for a higher sentence than that 20 years.
19 That would likely affect the pending disposition of these
20 pending cases with the sufficient sentence, and, in the
21 eyes of the State, likely most of these could be resolved
22 in short order.

23 We'll leave the sentencing in the discretion
24 of the Court, Your Honor.

25 THE COURT: All right. Thank you.

1 Counselor?

2 MR. LEWIS: As you heard when you questioned
3 Mr. McClenton on the first day of trial, he is 35 years
4 old. He is a lifelong resident of Charleston. You saw
5 his mother in the blue sitting in the courtroom
6 throughout various witnesses, throughout the trial, and
7 observe family members here showing support for him.

8 He does have a records, Judge. We've all
9 aware of that. It's called -- attention was called to
10 it. What I think is important to understand is he had
11 gotten a significant sentence previously, a ten-year
12 sentence. The practical effect of that is five years of
13 incarceration.

14 Now, Shawndell understands, and I certainly
15 understand, the serious nature of burglary first charges,
16 invading the sanctity of someone's home. It is a very,
17 very serious case. That said, he is not beyond help.

18 In my experience, or having talked to people
19 who have been doing this longer than me, it makes those
20 with hope do better without hope, so I would hope that
21 the Court could consider a sentence that would give him
22 the possibility of having hope and having a life at some
23 point down the line.

24 I talked to Mr. Finch about this as well when
25 I prepared these documents. It's not a mitigation

1 packet, but it is guidelines to the Court as if you were
2 to apply 15-year sentence, a 20-year sentence, a 25-year
3 sentence, 35-year sentence, 40-year sentence, 50-year
4 sentence, the age that Shawndell would be at the time he
5 would be released from custody. I think that's an
6 important factor to consider.

7 He does have a two-year-old child at this
8 point with Ms. Lee. He knows that he's not going to be
9 the father of that child that he would have wanted to be.
10 At this point, Judge, I'm asking -- may I approach with
11 this?

12 THE COURT: Yes, sir.

13 MR. LEWIS: And those calculations were made
14 using his birth date and the Department of Corrections
15 release date calculator, as the Court is aware, there is
16 no parole on burglary first. He will serve 85 percent of
17 that, whatever sentence is imposed in those numbers at
18 the bottom that I've handwritten simply calculate what
19 his age would be.

20 THE COURT: What is this, something on their
21 web site where you plug in a sentence and try to --

22 MR. LEWIS: You plug in a charge, whether
23 it's concurrent or consecutive to other sentences, and
24 the number of days credit they have. He was, in fact, in
25 custody from July 12th, 2013 through April 22, 2014 on a

1 bond revocation, so the total calculation I came up with
2 for his credit is 654 days, so you should be able to see
3 that in the calculator. As well, when you look at jail
4 credit, it should be the third box down in each sentence.

5 It is a most serious offense, so he
6 understands -- I would love to think he was in a position
7 where that could be a problem, but I would ask that you
8 be as lenient as you can be with the sentence, Judge. He
9 does have family support. He does have somebody to come
10 home to, but he has certainly made some poor decisions
11 throughout his life. I just hope that you will consider
12 being lenient upon him.

13 Do you want to say anything about the case?
14 We just ask for any mercy you can give, judge.

15 THE COURT: All right. What is your mother's
16 name?

17 THE DEFENDANT: Donna May Beard.

18 THE COURT: Ms. Beard, stand up. Talk to me
19 about your son.

20 THE WITNESS: Like I said, what I know and
21 what I've heard is two different children that I'm kind
22 of looking at. When they're grown, they don't let you
23 know what they're doing, and when they're grown, you let
24 them be grown.

25 When you do talk to them, it goes in one ear

1 and come out the other, but all I can say is just be
2 lenient on him, please.

3 THE COURT: I can't remember all the details
4 of what he told me the other day, but it seems like he
5 was in California for a period of time and he was --

6 THE WITNESS: Most of my children was born in
7 the California because I was in the military and my
8 husband at the time was in the military also.

9 THE COURT: Did you tell me you were abused,
10 Mr. McClenton?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: When he was in California, he was
13 in foster care, he was abused growing up.

14 THE WITNESS: That was at the time -- the
15 abuse part, I didn't know anything about because I wasn't
16 there. I had to let them go stay with their father every
17 other summer, and that was our rule when we divorced,
18 that I had to let him and his brother go with their
19 fathers.

20 THE COURT: So he was raised in foster care,
21 by you, by his father, by his grandmother?

22 THE WITNESS: That would be his father
23 because I have always had him myself.

24 THE COURT: And he told me he started having
25 some type of emotional problems when he was still in

1 California. What do you know about that?

2 THE WITNESS: I don't know anything about
3 what went on in California when they were with their
4 father.

5 THE COURT: Do you know anything about him
6 getting any treatment for mental or psychiatric problems
7 or being diagnosed as being bipolar or anything of that
8 nature?

9 THE WITNESS: Only thing, like my daughter
10 was saying, but in California they had this thing, if you
11 don't go to school, you go to -- it's like a camp, okay?
12 Now, his father couldn't control them. That's where he
13 would put them.

14 THE COURT: Is that like a jail?

15 THE WITNESS: Yes.

16 THE COURT: It's kind of interesting that you
17 can't tell me that much about your son.

18 THE WITNESS: Because I remarried, and after
19 I married, I had another life. I didn't be bothered with
20 my husband's life, and a lot of things that my children
21 say that happened, I don't know what happened. When I
22 question it, I get another answer.

23 THE COURT: So this whole history and all
24 this criminal activity in Dorchester County, breaking in
25 cars, exposing himself, committing domestic violence,

1 strong-arm robberies, all those things you don't know
2 anything about?

3 THE WITNESS: I know about these strong-arm
4 robberies that he have had in the past, but, like I said,
5 all this happened after he was grown.

6 THE COURT: The reason I'm asking you all
7 these questions is because, if someone says be lenient --
8 I know you didn't volunteer to speak. I asked you to
9 stand up, but your lawyer asked the same thing, so I want
10 to know why you are asking me what you're asking me,
11 because I'll get to him and ask him the same thing in a
12 minute.

13 THE WITNESS: Well, I know that this is a bad
14 crime that he did and I know he's got to pay for it and
15 so do he. But, you know, like, I've heard so many things
16 about life I wouldn't want him to have life. If you
17 could give him 10, 20 years, that's fine, but not life.

18 THE COURT: First degree burglary, when you
19 go into someone's home during the nighttime, the law
20 presumes that you are prepared to be killed or be killed
21 because when you go in someone's home, you don't know
22 whether they're home or not, whether they come home or
23 not, you have no clue.

24 So the law considers the person that would do
25 such a thing would be a person who is prepared to kill or

1 be killed, based on what they encounter once they cross
2 the threshold. That's why the mandatory minimum is 15
3 years on each count. Maximum sentence is up to life for
4 first degree burglary. And -- so, Mr. -- your lawyer
5 says, well, people who go to prison need to have hope.

6 Well, you have the hope on the one hand, but
7 then the need to protect society on the other hand, and
8 what I'm hearing, it seems Mr. McClenton might be one of
9 the most notorious criminals in Charleston. I haven't
10 been here long, and I cannot sentence him to these things
11 he's accused of doing, but just based on the pattern that
12 he explained -- as he explained it to me and being
13 constantly in prison or committing new crimes, the
14 question is, is there a point of trying to give him hope
15 or to protect everybody else so that y'all have some hope
16 that he won't break into cars, steal the stuff, and do
17 those other things.

18 What do you think about that?

19 THE WITNESS: You got to protect the people
20 too. I understand that.

21 THE COURT: All right. Anything else from
22 any other person, family member?

23 Mr. McClenton, anything you want to tell me
24 that you think I should know in deciding what your
25 sentence should be? Not about whether or not you were

1 guilty or not guilty or anything of that nature. The
2 jury has spoken on that, but as to anything else that you
3 think would help me in deciding the right sentence?

4 MR. LEWIS: Judge, he did prepare a letter
5 for you, if I may approach.

6 THE COURT: All right. When I get these
7 letters, I consider them personal. Can I read them out
8 loud?

9 MR. LEWIS: Absolutely, Judge.

10 THE COURT: To Honorable Judge Newman: Your
11 Honor, I humbly write this letter in fully
12 acknowledgement that your hand will chose the next steps
13 in my life. I've been to prison, the Department of
14 Corrections, for every mistake I've made in my life, and
15 I'm currently in the DAODAS program, which provides
16 counselors and groups that teach recovery. I've also
17 been accepted to the South Carolina Strong program.

18 Prison has not provided help for me in any of
19 the previous -- prison has not provided any help for me
20 in any of the present convictions, and I need help. I
21 really do want my life to be on track. I have so much
22 potential to add to society and positive actions and
23 productivity. I have a son that's two years old and a
24 daughter that's eight. I want to be a positive force and
25 role model for them.

1 I can now and promise God to never make that
2 mistake again. If given the opportunity, I ask you,
3 Honorable Judge Newman, for mercy in the Court. I will
4 not at this point let you down if offered to give a
5 chance but will be that force of positivity to the world.

6 Respectfully, I ask to even consider allowing
7 me to be put into the Impact on Crime or Turning Leaf
8 program by Ms. Amy Rock, which is for violent offenses,
9 and I humbly ask that you can take this into
10 consideration. I thank you for ever -- even taking time
11 to read this letter, considerably grateful, Shawndell
12 McClenton. All right. Thank you, Mr. McClenton.

13 What else do you have, Mr. Lewis?

14 MR. LEWIS: You did say you wanted me to
15 address the idea of hope versus keeping someone away to
16 protect the rest of us.

17 THE COURT: No, that was a comment to his
18 mother. I turn to you on the question of please be
19 lenient.

20 MR. LEWIS: Yes, Your Honor.

21 THE COURT: The basis for any leniency.

22 MR. LEWIS: Judge, kind of part of being a
23 public defender is that we deal with everybody. We take
24 whatever we get, and we're not expected to necessarily
25 like everybody in every situation, but we hope that

1 everyone can at least have a life.

2 I've been fortunate not to have to handle any
3 capital cases where my client has faced death, but
4 certainly have had to handle cases sufficient as this one
5 where Shawndell has a very real chance of going to prison
6 for the rest of his life. I hope that that does not
7 happen today. It hasn't happened to me before, not
8 begging for your sympathy on that basis, Judge, but I
9 don't think that to put him in prison for life will make
10 us all safer after a certain point.

11 I understand right now the repeated arrests
12 are problematic and certainly worrisome to the Court.
13 The prior record, likewise, causes problems for us.
14 Certainly the most violent offenses were back in 1999 and
15 early 2000. Time has passed since then.

16 THE COURT: We should note the State
17 prosecuted these separately, or some of these other
18 offenses he could be facing life without the possibility
19 of parole.

20 MR. LEWIS: He was fortunate enough in all
21 these arrests that the two burglary firsts is the only
22 two most serious offenses he had occurred at the same
23 time. So I have explained to him that he was fortunate
24 with what happened in Dorchester County, that those
25 charges were not upgraded which sometimes takes place

1 with law enforcement in pursuit situations where police
2 cars are hit, that they bring more serious charges.

3 In this case --

4 THE COURT: Go ahead.

5 MR. LEWIS: In this case, I think some of the
6 mitigating factors, at least, are that -- and I'm
7 thankful of this, that neither of the two victims that
8 you heard from yesterday had any idea that that person
9 was in their home except that their property was missing.
10 I can imagine the home invasion style scenario and how
11 terrifying that would be, and I'm grateful that they did
12 not have to experience that.

13 THE COURT: What do you think their life for
14 the duration of their stay there beyond this burglary?

15 MR. LEWIS: I think it was probably
16 terrifying.

17 THE COURT: When you came home every night?

18 MR. LEWIS: It was a nice apartment complex,
19 and I think part of the reason they had chosen that was
20 probably to make themselves feel safer. I think that was
21 taken away from them by this burglary.

22 I will say that the way they presented in
23 Court, though, was they moved on with their lives. I'm
24 not calling them out, but they're not here giving a
25 statement saying how traumatized they are. What I'm

1 saying is they smiled. I was able to joke with them.
2 They have moved on. And so because it's not that style
3 of home invasion -- and, unfortunately, I have those kind
4 of cases too: I have the duct taping case, I have the
5 guns to the head cases inside people's homes. There is
6 not a lot of mitigation if that person is convicted, but
7 in this case I think it was purely a property based
8 offense, a desire to steal, not to harm a human, although
9 the sanctity of their property.

10 I do understand the serious nature about it.
11 That's why I have had so many conversations with
12 Shawndell about it.

13 THE COURT: The thing I'm trying to figure
14 out about Mr. McClenton and this medication that he's on
15 and this mental situation is whether he really has a
16 mental problem, whether that is part of attempting to
17 avoid his responsibility for these offenses and to go to
18 the extent of taking psychiatric medication as part of
19 that process.

20 MR. LEWIS: I think that's question is beyond
21 my ability to respond. I don't know. As I've said
22 repeatedly, what actually is going on in his head.

23 THE COURT: He is so thoroughly intelligent.
24 He speaks well; he presents himself well. He's not a
25 dummy by any stretch of the imagination. He's a smart

1 guy, and so he passed competency tests and I never met
2 anyone who is schizophrenic. What else did you say?

3 MR. LEWIS: I will say that people who are
4 smarter than me and went to a more prestigious school
5 than I did have prescribed those medications for him.

6 THE COURT: Based on his subjective
7 complaints or --

8 MR. LEWIS: I don't know why they would have
9 done it. I hope the jail is not simply giving out mental
10 health meds to someone who says I got a mental health
11 problem.

12 THE COURT: But you seem to be shocked that
13 he had any kind of mental health problem, based on your
14 representation for two years.

15 MR. LEWIS: Yes, Your Honor. It did not --

16 THE COURT: And his mama doesn't know
17 anything about it.

18 MR. LEWIS: It was something that was kind of
19 sprung on me in the last few months. I didn't know if it
20 was an issue or not. I did not have issues of my own
21 with competency until the medication caused whatever it
22 did cause.

23 I definitely agree that would be -- if we
24 needed to have him actually evaluated we could go through
25 that.

1 THE COURT: Maybe Ms. Parnall has been --
2 she's been in close consultation with him.

3 MS. PARNALL: Yes, Your Honor. I have been
4 able to help with him this week, and from my experience,
5 speaking with him and working with him during the week, I
6 have found him to be a very intelligent person, very
7 gifted at understanding what's going on around him. He's
8 been able to provide a lot of insight and, Your Honor,
9 that's partly why I do hope that you're able to give him
10 some hope because of the mental strength he possesses.

11 I think it's something that I'm hoping one
12 day he'll be able to rein in and use that to be able to
13 provide for himself and be a responsible member of
14 society. He is gifted in ways that many of us aren't at
15 understanding complex things, even legal concepts, Your
16 Honor.

17 THE COURT: All right. Thank you.
18 Anything else you want to say about it,
19 Mr. McClenton?

20 MR. LEWIS: No, Your Honor.

21 THE COURT: All right. Thank you, sir. Any
22 response by the State?

23 MR. FINCH: Thank you, Your Honor.

24 Throughout the pendency of all of
25 Mr. McClenton's charges, there has also been a concern by

1 the State of issues, malingering, avoiding
2 responsibility. He's eluded responsibility during bond
3 revocation hearings where Mr. McClenton then presented
4 with cardiac symptoms. That happened on several
5 occasions. The State was concerned by the nature of the
6 presentation Monday and Tuesday regarding a delay in the
7 proceedings, as well as the presentation by Ms. Lee
8 remaining in pretrial.

9 I know the two share a child, that it did
10 seem that her reaction to the State said as this got
11 closer to trial seemed to be influenced by Mr. McClenton,
12 and I hoped to further defense that was new in the entire
13 pendency of this action. So the State shares the
14 concerns of the Court regarding a manipulative nature of
15 the defendant and a desire to avoid responsibility and
16 accountability.

17 THE COURT: Mr. McClenton, one of the things
18 your lawyer mentioned about you having a child, and you
19 mentioned the same thing, and these offenses that you
20 committed, you had the child with you while committing
21 the crimes, these offenses, and you have separate charges
22 of child endangerment and the like, and so I really don't
23 know anything worthwhile that you could offer a child
24 other than to find himself or herself in the same
25 position you're in when they get of age.

1 I'm sure you love the child, and the child or
2 children, they love you, but with the pattern that you
3 have demonstrated in the presence of the child, your own
4 acknowledgement of drug abuse and all types of criminal
5 activity I don't see what you could offer a child as far
6 as becoming a productive member of society. Maybe some
7 miracle will happen in your life and you will see the
8 light, and it can be a possibility in the future but
9 currently that's the way I assess the situation. I sort
10 of hope that I'm wrong.

11 And with regard to this burglary in the first
12 degree, the sentence is that you should be committed to
13 the state department of corrections for a period of 24
14 years. On each count of burglary first degree, sentence
15 on breaking and entering into a car, you be committed to
16 the State department of corrections for five years.
17 Sentences will run concurrent, and you'll receive
18 credit -- you'll receive credit for 654 days. I wish you
19 the best of luck.

20 MR. LEWIS: Thank you, Your Honor.

21 - - -

22 (Whereupon, the proceedings were concluded.)

23 - - -

24

25

I, the undersigned Amanda K. Haffenden, RPR, CRR, Official Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Charleston County, South Carolina, on the 21-23 of April 2014.

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

July 14, 2014

A handwritten signature in dark ink, appearing to read 'A. Haffenden', is written over a horizontal line.

Circuit Court Reporter

\$	92:6, 263:10, 274:1	186 [1] - 107:25	404:24	219:21, 238:8,
\$150,000 [1] - 404:8	1203165 [1] - 274:2	189 [1] - 2:9	2012-GS-10-2892 [2]	248:21, 274:15,
,	123 [2] - 106:3,	19 [3] - 3:21, 286:15,	- 1:2, 398:9	305:24, 319:21,
'06 [1] - 403:18	116:23	286:17	2012-GS-10-2893 [2]	350:21
'99 [2] - 403:16,	128 [1] - 2:8	192 [2] - 4:25, 5:3	- 1:2, 398:14	26 [8] - 2:3, 4:5,
403:17	12th [2] - 124:13,	194 [4] - 114:18,	2012-GS-10-3189 [2]	110:21, 266:15,
0	410:25	116:10, 117:6, 399:10	- 1:3, 398:4	266:16, 273:25,
0540 [1] - 282:11	13 [14] - 3:15, 18:2,	1982 [1] - 106:10	2013 [6] - 15:19,	281:7, 404:24
1	24:6, 24:8, 24:10,	1994 [1] - 112:1	71:16, 404:15,	262 [4] - 4:16, 4:17
1 [13] - 3:3, 4:22,	169:15, 170:20,	1999 [2] - 403:14,	404:25, 410:25	263 [2] - 107:4, 108:5
94:9, 94:12, 94:24,	173:20, 173:22,	418:14	2014 [9] - 1:7, 6:1,	264 [2] - 4:18
95:3, 218:5, 218:6,	173:23, 174:7, 217:4,	19th [1] - 404:25	152:8, 404:16, 405:1,	266 [4] - 4:19, 4:20
282:4, 319:17,	277:20, 279:12	1:00 [1] - 397:4	407:2, 410:25, 425:8,	267 [1] - 2:3
338:11, 338:12, 397:8	13-second [1] -	1:11 [1] - 94:22	425:11	26th [4] - 274:16,
10 [8] - 3:12, 127:25,	170:12	1:30 [1] - 71:9	209 [2] - 119:25,	282:9, 282:10, 307:24
175:24, 177:7,	134 [1] - 2:8	2	400:5	27 [3] - 4:6, 122:22,
190:18, 277:20,	14 [10] - 3:16, 13:18,	2 [6] - 3:4, 4:23,	21 [6] - 3:23, 6:1,	399:6
324:25, 414:17	277:20, 279:6,	178:12, 178:16,	71:16, 170:1, 258:3,	273 [1] - 2:11
100 [8] - 150:19,	328:10, 364:2, 391:4,	283:5, 344:9	284:20	278 [1] - 112:6
150:20, 150:21,	393:11, 393:17,	2/25/2011 [1] - 92:10	21-23 [2] - 1:7, 425:8	28 [2] - 4:7, 286:16
188:20, 266:9, 352:5,	425:11	2/26/2012 [1] - 94:22	215 [1] - 219:14	287 [1] - 112:12
352:7, 352:12	1400 [1] - 189:20	20 [16] - 3:22, 18:14,	216 [3] - 107:22,	29 [7] - 4:8, 239:23,
103 [1] - 146:10	14013 [1] - 274:22	18:15, 19:6, 19:10,	123:5, 400:25	240:2, 240:7, 240:10,
106 [1] - 120:16	XX103 [20] - 19:23,	33:15, 98:13, 190:18,	218 [1] - 2:10	240:17, 240:22
10:00 [5] - 78:10,	73:2, 92:11, 140:4,	190:19, 205:11,	22 [4] - 3:24, 152:8,	291 [66] - 3:3, 3:4,
129:11, 334:12,	140:11, 141:5,	257:19, 257:23,	405:1, 410:25	3:5, 3:6, 3:7, 3:8, 3:9,
353:2, 355:1	143:18, 146:9, 162:3,	282:12, 408:16,	220 [1] - 205:19	3:10, 3:11, 3:12, 3:13,
10:20 [3] - 329:11,	274:15, 274:18,	408:18, 414:17	2225 [2] - 306:24,	3:14, 3:15, 3:16, 3:17,
334:12, 355:1	276:12, 294:5, 327:3,	20's [4] - 177:15,	309:12	3:18, 3:19, 3:20, 3:21,
10:25 [5] - 306:24,	364:8, 393:3, 395:10	177:16, 196:6, 204:4	2245 [2] - 307:21,	3:22, 3:23, 3:24, 3:25,
325:1, 327:21,	14201 [1] - 146:6	20-year [1] - 410:2	309:13	4:3, 4:4, 4:5, 4:6, 4:7,
329:11, 355:2	14203 [5] - 128:24,	200 [1] - 135:10	225 [4] - 111:25,	4:8, 4:9, 4:10, 4:11,
10:30 [1] - 72:22	128:25, 143:17,	2000 [2] - 108:11,	123:21, 124:3, 401:5	4:12
11 [12] - 3:13, 140:1,	146:7, 146:8	418:15	109:11, 125:8	294 [1] - 2:12
174:3, 277:20,	14205 [4] - 175:12,	2003 [1] - 241:14	229 [3] - 2:10, 4:15	297 [1] - 2:11
278:11, 280:12,	219:14, 229:21,	2004 [1] - 113:5	23 [7] - 3:25, 17:19,	299 [1] - 2:12
328:10, 393:11,	229:24	2005 [2] - 113:6,	265:21, 265:24,	2:00 [3] - 254:16,
393:14, 393:15,	143 [1] - 2:8	113:8	284:19, 296:7, 407:2	256:14, 405:25
393:16, 403:2	148 [2] - 2:8, 121:15	2006 [1] - 403:17	2300 [1] - 237:8	2:15 [1] - 71:10
11/19/13 [1] - 227:24	15 [11] - 3:17, 20:1,	2008 [2] - 403:19,	233 [3] - 108:7,	2:30 [1] - 405:25
XX106 [9] - 20:10,	59:15, 59:18, 72:18,	403:20	112:24, 127:4	3
140:2, 141:5, 274:17,	177:7, 205:11,	2009 [5] - 114:9,	235 [1] - 2:9	3 [8] - 3:5, 4:24, 4:25,
282:3, 319:14,	277:20, 338:15,	116:7, 116:8, 403:21,	236 [1] - 2:9	182:18, 182:19,
363:25, 393:3, 395:9	402:10, 415:2	403:22	237 [1] - 2:3	182:24, 335:24, 344:9
112 [4] - 106:18,	15-year [1] - 410:2	2010 [1] - 114:9	24 [4] - 4:3, 261:23,	30 [20] - 4:9, 59:15,
111:10, 111:12,	16 [5] - 3:18, 229:8,	2011 [1] - 403:22	296:18, 424:13	59:18, 148:12, 188:9,
126:11	233:3, 243:8, 404:21	2012 [29] - 6:6,	24-23-410 [1] - 22:21	188:11, 190:19,
11:00 [1] - 306:5	162 [1] - 105:11	27:13, 46:1, 72:22,	247 [3] - 108:8,	217:24, 239:23,
12 [12] - 3:14, 18:1,	164 [1] - 113:12	92:10, 128:21,	121:7, 400:15	240:2, 240:7, 240:12,
111:13, 277:20,	17 [4] - 3:19, 11:9,	139:14, 143:11,	249 [1] - 64:4	240:17, 364:21,
278:9, 362:11,	261:20, 296:20	143:20, 175:6,	25 [11] - 4:4, 27:13,	393:3, 393:13,
365:13, 391:4, 391:5,	171 [1] - 121:23	175:14, 175:17,	72:22, 110:21,	393:17, 393:20, 395:9
403:4, 403:5	174 [1] - 2:9	219:9, 219:21, 237:4,	128:21, 139:14,	300 [1] - 31:2
1201 [1] - 307:22	179 [1] - 4:23	237:12, 238:8,	237:4, 264:6, 273:25,	305 [1] - 2:7
1203151 [4] - 27:18,	18 [2] - 3:20, 11:9	238:18, 270:25,	294:6, 296:16	31 [2] - 4:10, 220:19
	180 [1] - 93:6	273:25, 294:4, 294:6,	25-year [1] - 410:2	311 [2] - 4:21
	182 [2] - 111:19,	305:25, 319:7,	25th [14] - 6:6, 46:1,	313 [5] - 2:7, 4:13,
	124:16	319:21, 350:21,	80:17, 87:13, 143:20,	106:22, 119:8
	183 [1] - 4:24		175:17, 219:15,	

316 [1] - 2:6 317 [2] - 107:8, 122:4 318 [1] - 2:13 319 [1] - 124:25 32 [5] - 4:11, 4:23, 106:9, 118:25, 399:20 321 [1] - 2:13 33 [5] - 4:12, 204:5, 218:5, 218:6, 222:17 337 [4] - 105:5, 106:12, 107:15, 115:23 34 [4] - 4:13, 311:18, 312:1, 312:4 35 [8] - 4:14, 4:24, 204:5, 224:16, 225:3, 225:9, 225:14, 409:3 35-year [1] - 410:3 350 [1] - 117:14 36 [4] - 4:15, 227:20, 228:5, 228:9 362 [2] - 119:17, 399:25 37 [5] - 4:16, 258:19, 260:23, 261:4, 261:9 371 [3] - 106:25, 112:18, 123:13 379 [1] - 64:5 38 [5] - 2:3, 4:17, 120:8, 260:23, 261:4 39 [5] - 4:18, 263:12, 263:19, 263:22, 263:25 396 [1] - 5:4 3:00 [2] - 156:13, 320:6	498 [1] - 404:24 4:00 [1] - 156:13 4:45 [1] - 128:1 4th [1] - 11:5	214:12, 299:13, 326:12, 326:13, 371:16 7:48 [1] - 395:5 7:52 [1] - 397:2 7:53 [1] - 397:13	able [61] - 10:6, 21:8, 23:4, 24:14, 24:18, 37:4, 37:14, 98:22, 101:2, 130:19, 130:22, 131:2, 132:11, 132:19, 141:16, 144:23, 144:25, 145:3, 147:16, 147:24, 149:21, 150:3, 158:9, 159:3, 161:22, 167:17, 168:1, 179:14, 183:15, 185:15, 186:24, 187:8, 188:15, 207:16, 213:18, 214:1, 229:5, 234:2, 253:9, 253:21, 254:2, 254:10, 282:23, 302:14, 314:24, 315:25, 316:22, 317:3, 317:25, 336:21, 360:12, 371:4, 393:18, 407:20, 411:2, 420:1, 422:4, 422:8, 422:9, 422:12 absolute [1] - 380:11 Absolutely [4] - 36:8, 326:17, 333:15, 416:9 absolutely [4] - 248:6, 303:3, 329:21, 333:15 abuse [3] - 87:9, 412:15, 424:4 abused [2] - 412:9, 412:13 accept [2] - 138:18, 378:16 accepted [1] - 416:17 access [5] - 195:18, 211:19, 263:5, 394:5, 394:7 Accessory [1] - 71:18 accessory [3] - 72:16, 403:14, 403:15 accident [2] - 74:20, 360:25 accidentally [1] - 383:3 accommodate [3] - 127:25, 315:18, 315:22 accompanies [1] - 379:10 accompany [1] - 132:5 according [5] -	69:16, 137:24, 137:25, 283:1, 335:15 accordingly [1] - 366:25 account [1] - 205:12 accountability [1] - 423:16 accuracy [3] - 385:6, 385:10, 387:18 accurate [7] - 137:2, 206:18, 206:20, 206:21, 229:11, 272:13, 425:4 accurately [2] - 224:24, 389:13 accused [10] - 10:12, 10:14, 10:21, 10:23, 105:21, 105:25, 106:12, 113:23, 377:6, 415:11 acknowledge [1] - 206:13 acknowledged [2] - 90:18, 90:23 acknowledgement [2] - 416:12, 424:4 ACLU [1] - 109:24 acquaintance [1] - 115:14 Acquisition [2] - 340:19, 385:22 acquitted [1] - 381:2 act [5] - 67:15, 366:14, 380:3, 380:6, 382:20 acting [2] - 16:9, 205:10 action [3] - 164:17, 165:24, 423:13 actions [1] - 416:22 activated [2] - 73:9, 73:19 active [4] - 82:1, 82:2, 82:4, 82:5 activities [2] - 158:19, 204:22 activity [8] - 66:7, 67:10, 67:13, 237:25, 351:10, 413:24, 424:5 acts [4] - 24:4, 170:7, 381:20, 383:4 actual [6] - 87:12, 193:15, 334:20, 371:13, 373:15, 374:5 add [1] - 416:22 added [1] - 74:10 addiction [7] - 79:14, 79:15, 85:17, 85:20, 86:10, 86:12, 88:6 addition [11] - 17:20,
4	5	8	9	
4 [3] - 3:6, 4:25, 191:4 4/22/2014 [3] - 398:8, 398:13, 398:18 40 [10] - 4:19, 148:12, 264:11, 264:12, 265:11, 265:15, 265:23, 281:5, 281:8, 281:22 40-year [1] - 410:3 400 [2] - 110:4, 110:5 41 [7] - 2:4, 4:20, 265:11, 265:12, 265:15, 265:18, 298:7 42 [5] - 4:21, 4:22, 309:25, 310:21, 310:24 439 [1] - 75:1 45 [3] - 2:4, 71:10, 254:15 487 [1] - 64:5	5 [8] - 3:7, 5:3, 191:13, 191:14, 282:4, 283:9, 319:18, 320:14 50 [1] - 211:4 50-year [1] - 410:3 50/50 [1] - 209:12 55 [1] - 118:17 551 [1] - 64:4 57 [1] - 2:4 58 [3] - 2:4, 111:11, 114:8 59 [2] - 117:22, 399:15 5:00 [2] - 128:1, 216:22 5:40 [1] - 282:13	8 [3] - 3:10, 156:14, 277:20 80 [1] - 2:5 85 [1] - 410:16 88 [1] - 2:5 89 [2] - 120:24, 400:10 8:00 [3] - 143:24, 210:19, 371:16 8:48 [1] - 397:19	9 [3] - 3:11, 277:20, 278:2 90 [1] - 2:5 911 [26] - 4:15, 65:17, 74:3, 141:7, 186:4, 205:18, 206:16, 207:5, 227:7, 228:2, 228:14, 228:18, 230:9, 230:20, 231:23, 232:20, 233:14, 234:5, 235:16, 306:17, 314:5, 354:20, 354:21, 355:10, 356:11, 356:12 92 [3] - 2:6, 110:20, 125:14 95 [2] - 4:22, 213:19 96 [1] - 110:13 99 [1] - 2:6 9:00 [5] - 143:23, 143:24, 175:24, 405:5 9:30 [8] - 152:1, 152:2, 152:5, 211:1, 216:20, 218:12, 294:13, 299:5 9:45 [1] - 140:13	
	6			
	6 [7] - 3:8, 5:4, 108:10, 127:19, 277:20, 395:3, 404:24 62 [1] - 118:5 65 [2] - 124:7, 401:10 654 [2] - 411:2, 424:18 6:00 [4] - 210:22, 210:24, 216:22, 282:12 6:20 [1] - 391:8 6:27 [1] - 392:23 6:30 [5] - 216:24, 216:25, 319:24, 323:23, 326:12			
	7			
	7 [4] - 3:9, 277:20, 277:24, 319:24 7 [9] - 72:25, 128:22, 139:17, 274:7, 306:10, 319:12, 350:21, 351:6, 363:20 7000 [1] - 28:10 74 [3] - 114:11, 122:14, 400:20 76 [1] - 2:5 77 [3] - 105:8, 106:5, 118:11 7:00 [5] - 154:11, 210:16, 210:19, 306:6, 323:23 7:30 [6] - 214:11,			
		A		
		a.m [2] - 94:22, 282:13 ability [15] - 13:9, 22:24, 63:4, 98:21, 126:20, 169:8, 204:1, 215:5, 333:23, 334:25, 340:11, 355:11, 383:25, 385:13, 420:21		

29:4, 38:7, 64:6, 75:11, 90:22, 203:9, 204:3, 302:9, 335:22, 381:16 additional [10] - 139:10, 245:12, 251:2, 341:17, 341:20, 343:4, 343:7, 378:13, 398:23, 405:12 Additionally [8] - 63:2, 63:14, 168:21, 207:4, 207:15, 327:12, 337:13, 395:17 additionally [2] - 63:10, 342:1 additions [2] - 392:12, 397:14 address [11] - 12:15, 23:14, 28:9, 28:12, 46:12, 129:3, 131:19, 169:17, 175:18, 389:25, 417:15 addressed [2] - 215:3, 304:17 adequate [2] - 341:5, 386:8 adjudicated [1] - 104:20 admissibility [3] - 207:13, 217:7, 378:9 admissible [2] - 169:14, 383:10 admission [9] - 171:12, 171:20, 172:18, 172:20, 225:3, 228:5, 310:21, 312:1, 334:19 admit [2] - 61:10, 302:14 Admitted [1] - 312:3 admitted [22] - 70:11, 95:4, 217:13, 217:25, 218:4, 218:7, 225:10, 228:8, 228:10, 229:8, 240:19, 261:2, 261:5, 263:21, 263:23, 265:14, 265:16, 310:23, 310:25, 312:5, 383:8, 395:4 admitting [2] - 302:12, 302:18 advance [1] - 102:14 Advertising [1] - 175:2 advertising [1] - 219:4 advice [4] - 16:8,	212:6, 215:6, 384:3 advise [1] - 391:24 advised [3] - 33:23, 101:11, 254:5 advising [1] - 247:18 advocate [1] - 349:20 Advocating [1] - 109:21 advocating [3] - 109:23, 174:10, 174:11 afar [1] - 205:11 affairs [1] - 380:7 affect [8] - 126:19, 159:13, 212:25, 276:25, 340:14, 347:24, 385:17, 408:19 affectation [1] - 158:10 affected [6] - 159:14, 215:5, 340:25, 341:7, 386:4, 386:10 affecting [3] - 159:2, 161:12, 336:9 affirmed [1] - 74:23 afford [1] - 384:8 AFI'S [1] - 169:3 afraid [1] - 252:25 afternoon [21] - 91:22, 102:23, 128:12, 139:14, 141:19, 142:21, 143:6, 218:25, 219:1, 229:18, 229:19, 293:18, 305:8, 305:9, 313:19, 318:21, 349:9, 367:4, 391:8, 405:17, 405:23 afterwards [1] - 136:15 age [9] - 135:12, 135:13, 196:8, 204:25, 358:24, 383:23, 410:4, 410:19, 423:25 agencies [1] - 169:2 agency [1] - 169:4 ages [2] - 205:2, 369:25 aggravating [2] - 329:14, 333:24 aggravator [12] - 324:21, 325:6, 325:10, 326:7, 329:16, 335:22, 335:23, 336:1, 336:15, 336:20, 345:10	aggravators [1] - 336:11 aggrieved [1] - 7:6 ago [15] - 35:24, 52:18, 58:3, 87:17, 108:1, 108:6, 108:9, 110:13, 111:13, 111:20, 126:6, 175:6, 234:23, 298:5, 353:5 agree [9] - 23:16, 23:18, 55:23, 56:2, 74:6, 74:8, 291:18, 394:16, 421:23 agreed [9] - 23:21, 23:24, 24:12, 55:21, 172:12, 246:11, 388:14, 390:5, 396:6 agreeing [1] - 158:7 agreement [4] - 23:25, 169:22, 388:22, 394:25 agrees [1] - 255:24 ahead [14] - 75:20, 169:17, 177:17, 183:14, 219:2, 223:2, 230:7, 242:8, 252:12, 253:24, 279:20, 332:21, 419:4 air [3] - 177:1, 179:4, 230:5 alarm [2] - 28:2, 306:18 alarmed [2] - 34:8, 36:18 alarming [1] - 129:25 albeit [1] - 205:11 alcohol [14] - 78:15, 79:12, 80:10, 85:9, 85:10, 85:12, 86:14, 88:16, 95:10, 98:6, 99:19, 312:15, 312:17, 361:19 alert [2] - 215:2, 215:15 allege [1] - 380:19 alleged [10] - 61:19, 204:3, 332:8, 360:20, 383:7, 384:13, 384:14, 384:18, 384:19, 385:3 allegedly [1] - 203:25 alleging [2] - 289:4, 328:21 allow [1] - 209:15 Allow [1] - 298:19 allowed [4] - 63:18, 136:20, 140:10, 343:10 allowing [4] -	209:10, 209:22, 209:24, 417:6 allows [1] - 336:13 almost [14] - 23:3, 30:18, 31:21, 74:2, 185:12, 232:11, 240:10, 242:19, 242:20, 244:1, 280:21, 354:24, 359:4, 364:20 Almost [2] - 323:21, 356:10 alone [3] - 69:20, 239:14, 373:4 alternate [3] - 126:9, 126:10, 127:11 alternates [4] - 124:15, 391:5, 391:13, 391:15 alternating [1] - 306:18 altogether [1] - 201:7 Amanda [17] - 1:20, 2:12, 19:22, 19:23, 115:10, 140:11, 162:3, 293:12, 354:3, 354:9, 357:4, 357:12, 357:13, 364:8, 364:25, 365:1, 425:1 AMANDA [1] - 293:13 ambiguity [1] - 64:14 amended [2] - 325:7, 325:8 Amendment [3] - 301:22, 301:23, 302:23 Ameris [2] - 128:14, 143:8 amount [2] - 78:19, 351:2 ample [2] - 204:19, 206:11 Amy [6] - 160:7, 160:12, 179:23, 210:5, 210:6, 417:8 analysis [9] - 168:22, 169:1, 169:3, 169:4, 286:22, 302:17, 341:18, 341:20, 342:3 analyst [1] - 168:8 analyze [1] - 376:9 analyzed [1] - 373:4 Andrew [2] - 1:16, 119:8 Andy [2] - 106:22, 157:22 angle [1] - 142:14 Answer [1] - 55:18	answer [35] - 21:9, 38:10, 45:21, 54:25, 80:13, 83:17, 98:23, 98:24, 115:23, 116:12, 133:23, 148:14, 158:9, 160:16, 172:2, 173:2, 189:8, 207:13, 229:14, 253:19, 253:24, 255:9, 269:3, 280:19, 287:20, 298:21, 309:2, 315:13, 318:2, 321:15, 338:13, 362:16, 363:16, 396:10, 413:22 answered [3] - 16:25, 116:1, 393:10 answering [1] - 393:9 answers [1] - 104:15 Anthony [2] - 106:10, 118:25 anticipate [5] - 17:8, 26:3, 61:8, 318:11, 360:16 Antorio [1] - 117:6 apart [2] - 327:9, 337:3 apartment [81] - 19:23, 20:9, 28:11, 29:1, 33:6, 33:7, 72:10, 73:2, 73:7, 73:18, 77:10, 80:1, 110:21, 126:1, 128:24, 129:14, 129:18, 131:5, 140:2, 144:2, 145:15, 146:1, 146:5, 149:12, 149:22, 162:4, 176:14, 180:12, 181:12, 190:1, 190:15, 192:10, 220:16, 220:17, 221:7, 229:20, 230:11, 230:25, 232:6, 239:17, 254:6, 254:9, 272:25, 274:6, 274:9, 274:14, 274:15, 274:18, 274:22, 275:8, 275:10, 276:12, 276:16, 277:7, 277:13, 282:3, 282:8, 282:19, 282:21, 284:13, 291:13, 291:16, 294:13, 294:23, 295:20, 298:1, 309:16, 319:20, 321:5, 334:2,

352:14, 356:6, 357:5, 362:21, 364:9, 365:4, 374:11, 419:18 Apartment [2] - 319:14, 327:3 apartments [16] - 67:2, 129:23, 140:21, 144:16, 145:23, 176:9, 190:17, 239:21, 274:5, 289:1, 307:13, 317:13, 327:1, 327:2, 328:8, 368:19 Apartments [1] - 294:5 apologies [1] - 259:12 apologize [5] - 17:8, 17:18, 18:11, 343:18, 402:18 appeal [1] - 425:6 appeals [1] - 74:18 appear [8] - 21:22, 95:9, 162:12, 185:18, 226:17, 246:22, 312:11, 312:14 appearance [5] - 157:1, 159:14, 159:16, 204:7, 205:22 appeared [8] - 38:18, 134:20, 146:13, 162:11, 163:18, 163:21, 253:1, 316:6 appearing [1] - 7:11 applicable [2] - 378:14, 380:25 applied [1] - 280:20 applies [3] - 108:21, 336:24, 375:13 apply [12] - 25:9, 62:12, 65:4, 276:24, 290:17, 349:23, 349:24, 365:14, 378:17, 387:25, 410:2 applying [1] - 276:22 appointed [1] - 384:8 appointing [1] - 300:19 appointment [1] - 211:23 appointments [1] - 21:25 appreciate [3] - 271:7, 319:4, 406:21 apprehended [2] - 74:2, 365:21 apprised [1] - 217:12 approach [14] - 94:7, 131:24, 178:10, 191:1, 226:10,	239:24, 243:25, 244:6, 249:17, 258:15, 307:4, 318:6, 410:10, 416:5 approached [6] - 31:24, 38:23, 226:12, 244:1, 246:1, 342:20 approaches [31] - 116:24, 117:7, 117:15, 117:23, 118:6, 118:12, 118:18, 119:1, 119:9, 119:18, 120:1, 120:9, 120:17, 120:25, 121:8, 121:16, 121:24, 122:5, 122:15, 122:23, 123:6, 123:14, 123:22, 124:8, 124:18, 125:1, 125:9, 125:15, 126:12, 127:5, 356:21 appropriate [4] - 160:1, 173:8, 304:2, 387:9 April [8] - 1:7, 6:1, 152:8, 236:24, 404:25, 407:2, 410:25, 425:8 aquamarine [1] - 298:4 architectural [1] - 83:3 architecture [1] - 83:5 area [58] - 10:20, 33:4, 92:13, 130:12, 143:12, 145:12, 146:15, 146:19, 175:4, 177:8, 183:8, 183:21, 184:6, 184:7, 193:19, 193:20, 193:22, 194:11, 195:7, 195:9, 195:19, 199:3, 200:2, 219:6, 224:3, 224:4, 224:5, 224:11, 224:20, 224:25, 225:15, 225:17, 230:13, 230:15, 230:16, 231:10, 237:16, 237:21, 239:7, 240:8, 241:21, 254:5, 293:25, 307:3, 319:5, 327:2, 327:4, 327:13, 328:4, 328:9, 328:10, 334:9, 335:6, 357:8, 372:4 areas [9] - 31:17, 96:14, 204:21,	237:18, 237:22, 238:2, 247:21, 277:5, 290:21 argue [5] - 168:21, 267:23, 345:6, 373:25, 395:24 arguing [3] - 25:12, 174:5, 330:2 argument [9] - 165:12, 203:6, 326:18, 343:17, 344:10, 344:23, 345:3, 348:10, 349:6 arguments [7] - 25:13, 138:24, 337:23, 349:3, 375:12, 395:13, 395:16 arising [1] - 22:14 Arizona [1] - 101:12 arm [8] - 11:9, 12:3, 199:8, 403:15, 403:16, 403:17, 414:1, 414:3 Armed [1] - 106:1 armed [9] - 32:7, 105:6, 105:9, 105:11, 106:23, 112:25, 273:23, 338:4, 345:15 arms [1] - 44:6 Armstrong [2] - 406:16, 406:21 arrangement [1] - 17:15 arrest [17] - 18:22, 45:8, 45:11, 45:12, 61:25, 64:23, 64:25, 70:17, 89:10, 89:17, 94:3, 96:4, 97:13, 248:5, 309:19, 403:20 arrested [11] - 12:11, 12:13, 61:22, 70:15, 70:18, 126:5, 316:2, 316:4, 376:12, 404:5, 404:18 arresting [1] - 94:20 arrests [2] - 418:11, 418:21 arrived [2] - 144:1, 291:17 arrives [1] - 166:10 arriving [1] - 245:9 Art [1] - 115:12 articulable [1] - 65:6 articulate [1] - 16:25 artificial [2] - 350:8, 382:3 ASAP [1] - 160:16 ascertain [5] - 98:21, 253:9, 253:21, 317:4,	317:25 Ashley [1] - 103:10 Aside [1] - 308:11 aside [4] - 7:7, 70:22, 126:18, 401:23 asleep [4] - 48:1, 88:24, 89:2, 89:3 aspect [2] - 345:22, 396:22 assault [1] - 403:19 assaulted [1] - 8:7 assert [2] - 60:25, 75:10 assertion [1] - 377:22 assess [3] - 211:18, 355:11, 424:9 assessment [3] - 159:21, 211:16, 212:4 assign [1] - 237:20 assigned [5] - 15:18, 236:25, 237:4, 305:15, 305:19 assist [5] - 22:24, 92:13, 159:4, 306:15, 389:15 assistant [3] - 102:25, 103:5, 210:8 Assistant [2] - 1:14, 1:15 Assisting [1] - 103:4 assisting [1] - 160:2 associate [1] - 115:14 associated [3] - 263:4, 263:7, 329:2 assume [4] - 157:9, 161:5, 166:5, 301:13 assumed [3] - 182:16, 182:17, 236:1 assuming [1] - 227:2 assumption [1] - 236:1 Atlanta [1] - 109:9 atmospheric [1] - 283:18 attach [1] - 276:7 attack [6] - 22:5, 148:24, 205:25, 206:1, 302:15, 342:24 attack-like [1] - 22:5 attempt [3] - 127:24, 246:18, 406:14 attempted [6] - 107:10, 204:16, 293:3, 359:7, 382:15, 396:1 attempting [1] - 420:16 attend [3] - 14:22,	14:25, 407:20 attention [14] - 6:23, 15:12, 16:2, 16:12, 134:11, 136:7, 136:13, 136:16, 152:24, 157:3, 165:4, 306:20, 389:23, 409:9 attentive [1] - 16:7 attest [1] - 16:17 attorney [6] - 7:4, 68:24, 84:7, 103:7, 152:24, 303:6 attorneys [1] - 303:7 Attorneys [2] - 1:15, 1:17 audio [7] - 95:18, 95:19, 227:9, 309:21, 311:5, 394:22 Audio [2] - 311:6, 311:7 auditory [1] - 28:5 August [1] - 404:15 authenticated [1] - 217:18 authentication [2] - 217:22, 261:1 auto [1] - 382:13 automatic [2] - 182:5, 184:21 automatically [2] - 306:15, 369:20 automobile [5] - 60:7, 62:12, 62:14, 64:20, 65:4 available [7] - 14:4, 39:18, 341:8, 345:10, 386:11, 394:12, 396:25 Avenue [1] - 46:14 avoid [2] - 420:17, 423:15 avoiding [1] - 423:1 aware [17] - 84:13, 84:15, 84:18, 95:20, 134:15, 153:25, 166:11, 173:11, 227:9, 256:10, 312:18, 347:10, 402:15, 408:1, 408:2, 409:9, 410:15 awkward [5] - 199:3, 223:24, 223:25, 231:11, 232:16
				B
				B&E [2] - 18:1, 18:2 baby [4] - 44:5, 99:25, 100:8, 315:1 backed [5] - 185:11, 222:14, 222:15, 223:9

background [2] - 109:16, 384:1 backing [1] - 223:17 backtracking [1] - 327:19 bad [21] - 15:12, 15:21, 16:3, 16:4, 17:10, 24:4, 70:23, 97:25, 98:1, 99:9, 99:13, 149:6, 155:3, 170:6, 212:18, 212:19, 214:3, 250:7, 369:14, 414:13 badly [1] - 7:11 Bag [3] - 4:16, 4:18, 4:19 bag [62] - 33:24, 34:3, 34:15, 34:17, 37:2, 38:5, 73:3, 83:15, 140:8, 182:1, 183:8, 183:9, 184:6, 185:25, 197:13, 197:14, 198:2, 198:6, 199:8, 201:12, 224:1, 230:19, 231:4, 231:14, 231:16, 232:11, 232:19, 257:13, 257:16, 258:1, 258:4, 258:6, 258:22, 259:2, 260:1, 260:18, 261:9, 261:15, 261:16, 262:5, 262:6, 262:19, 262:21, 263:7, 264:13, 265:8, 292:23, 337:17, 353:24, 356:23, 356:24, 357:2, 365:3, 365:10, 368:3, 368:20, 371:7, 372:20 bags [14] - 73:12, 73:22, 181:2, 182:1, 184:6, 187:16, 188:24, 194:17, 198:6, 201:12, 224:2, 260:11, 265:1 bailiff [3] - 389:17, 389:23, 391:25 bailiffs [1] - 406:24 balance [1] - 386:22 balcony [5] - 194:10, 194:15, 233:20, 364:18, 372:1 ball [1] - 359:25 banging [1] - 149:10 Bank [2] - 128:14, 143:8 bank [1] - 29:3 banks [1] - 29:5 bannister [2] -	277:14 bare [3] - 24:20, 163:18, 358:5 barely [1] - 54:25 bargain [1] - 17:15 base [2] - 388:11, 403:19 Based [8] - 69:20, 208:3, 247:7, 271:23, 316:24, 317:21, 330:8, 421:6 based [42] - 25:13, 32:6, 66:3, 69:18, 90:11, 90:24, 90:25, 91:1, 108:14, 108:16, 115:1, 137:5, 137:16, 158:25, 159:15, 163:8, 167:10, 167:24, 169:9, 206:25, 207:8, 251:2, 255:8, 280:9, 287:6, 314:11, 330:3, 337:22, 340:13, 343:11, 356:22, 357:15, 379:12, 380:13, 385:16, 396:20, 404:19, 407:20, 415:1, 415:11, 420:7, 421:13 basic [2] - 307:7, 308:6 basis [12] - 22:25, 67:9, 67:11, 67:14, 67:19, 69:6, 69:21, 69:23, 209:18, 333:8, 417:21, 418:8 Basis [1] - 253:13 bat [2] - 150:2, 296:5 beam [1] - 243:14 bear [1] - 100:24 Beard [2] - 411:17, 411:18 bearing [1] - 376:6 beat [2] - 172:5, 238:14 beaten [3] - 172:3, 173:6 beating [3] - 172:1, 173:4, 173:5 became [6] - 36:17, 96:23, 248:25, 249:5, 408:12 become [5] - 18:22, 196:19, 253:3, 326:3, 389:2 becomes [2] - 376:8, 402:9 becoming [1] - 424:6 Bedell [3] - 37:5, 115:11	bedroom [7] - 277:16, 278:10, 282:25, 297:4, 297:9, 320:12, 320:14 beeping [1] - 306:18 beer [1] - 293:24 beforehand [1] - 337:17 Beg [1] - 229:13 beg [1] - 36:5 began [3] - 37:17, 96:9, 242:20 begging [1] - 418:8 begin [5] - 379:10, 391:16, 391:19, 391:22 beginning [6] - 25:22, 44:17, 163:9, 215:3, 291:5, 367:10 begins [1] - 74:25 behalf [3] - 77:11, 349:20, 406:20 behavior [2] - 91:3, 377:9 behind [12] - 29:1, 44:19, 65:6, 182:13, 193:13, 193:17, 222:13, 235:3, 244:16, 276:8, 331:20, 359:6 Behind [2] - 111:9, 112:5 beings [2] - 340:10, 385:13 belief [1] - 385:9 beliefs [3] - 108:15, 108:17 believability [3] - 341:3, 375:23, 386:6 believes [2] - 114:1, 203:22 belong [3] - 35:5, 298:9, 357:13 belonged [2] - 162:3, 282:20 belonging [3] - 73:6, 73:17, 357:12 belongings [1] - 116:16 belongs [2] - 23:12, 286:10 below [3] - 146:6, 190:20, 354:6 BEMV [3] - 97:17, 366:24, 404:21 BEMVs [3] - 404:12, 404:13, 407:20 Ben [2] - 84:7, 103:6 bench [4] - 12:18, 22:11, 104:16, 404:19	beneath [1] - 187:13 benefit [3] - 209:14, 376:7, 380:17 benefits [1] - 386:22 benign [1] - 351:10 Berkeley [1] - 103:2 beside [2] - 130:17, 130:18 best [16] - 21:6, 34:24, 39:3, 44:21, 53:21, 55:19, 98:21, 146:2, 169:22, 212:6, 233:23, 237:5, 266:21, 267:2, 272:15, 424:19 bet [1] - 189:5 better [4] - 152:17, 211:4, 213:4, 409:20 between [19] - 26:1, 31:6, 69:12, 70:4, 79:20, 96:1, 166:1, 176:25, 177:4, 190:11, 280:6, 304:4, 340:21, 344:11, 350:5, 369:14, 377:1, 382:1, 385:24 beyond [41] - 104:1, 113:21, 138:8, 317:24, 329:20, 334:22, 339:14, 339:17, 342:10, 343:4, 349:12, 360:15, 360:20, 367:18, 373:10, 374:17, 374:24, 377:7, 377:11, 378:6, 379:7, 379:13, 379:18, 379:23, 379:25, 380:3, 380:7, 381:7, 381:18, 381:23, 382:4, 382:6, 382:14, 384:14, 385:2, 385:5, 387:14, 409:17, 419:14, 420:20 bias [1] - 372:8 biased [1] - 376:3 bidding [1] - 191:19 big [8] - 162:14, 206:22, 212:17, 241:1, 280:3, 314:1, 314:7, 369:4 Biggers [7] - 23:8, 102:3, 128:3, 174:15, 174:16, 207:14, 209:24 biggest [2] - 28:25, 314:22 bills [2] - 77:10, 83:2 binge [1] - 99:7	bipolar [2] - 8:18, 413:7 birth [2] - 93:22, 410:14 birthstone [1] - 298:4 bit [24] - 23:18, 24:2, 38:15, 42:10, 52:18, 131:18, 140:12, 156:2, 158:4, 161:16, 161:22, 184:25, 189:16, 194:13, 211:2, 211:3, 244:7, 251:5, 258:6, 276:1, 291:6, 342:21, 344:19, 374:2 bits [2] - 89:5, 141:16 black [40] - 27:11, 29:18, 30:7, 30:17, 56:10, 56:11, 56:13, 56:15, 78:20, 88:21, 89:6, 98:17, 117:7, 118:6, 118:12, 119:1, 127:5, 135:9, 177:14, 196:22, 197:1, 197:6, 204:8, 206:5, 206:17, 206:24, 207:3, 207:6, 207:7, 207:18, 242:21, 243:15, 275:25, 276:2, 281:24, 299:13, 315:5, 356:18, 372:14 Black [1] - 177:15 blacked [4] - 87:8, 87:21, 87:25, 88:19 blackout [2] - 87:15, 87:16 blackouts [1] - 87:18 blade [3] - 163:17, 357:23, 358:2 bladed [4] - 163:1, 163:15, 166:24, 166:25 blatant [1] - 172:18 blessing [1] - 18:12 blind [1] - 150:2 block [1] - 237:23 blog [2] - 101:25, 110:1 blood [2] - 288:18, 359:2 blowers [1] - 230:5 blue [51] - 18:6, 28:3, 28:5, 29:19, 30:5, 30:7, 30:12, 30:13, 30:15, 31:18, 31:20, 59:8, 131:13, 135:11, 145:21, 146:23, 185:3, 185:7, 185:9,

189:1, 194:9, 199:24, 201:15, 201:22, 208:20, 208:21, 225:24, 232:24, 233:6, 233:10, 233:13, 238:12, 239:12, 241:19, 242:21, 242:25, 243:14, 256:23, 259:18, 264:15, 264:18, 351:19, 354:1, 354:18, 356:12, 403:10, 409:5 Blue [3] - 131:11, 135:3, 356:18 blue-ish [2] - 189:1, 194:9 blues [1] - 208:21 blunt [2] - 162:23, 256:1 BMV [1] - 403:21 body [5] - 8:13, 154:8, 359:2, 381:13, 381:15 bolt [1] - 278:14 bond [10] - 22:4, 22:9, 22:11, 70:17, 158:5, 404:8, 404:19, 405:3, 411:1, 423:2 bonded [3] - 22:6, 404:4, 404:10 bonds [2] - 61:19, 404:20 bondsman [6] - 43:17, 43:18, 53:10, 61:13, 61:16, 71:8 bondsman's [1] - 53:12 booth [1] - 16:6 boots [1] - 296:12 bootstrap [1] - 371:8 bootstrapping [1] - 203:16 born [1] - 412:6 bother [6] - 287:25, 292:15, 371:4, 371:5, 371:7, 406:13 bothered [1] - 413:19 bothers [1] - 153:11 bottles [10] - 38:4, 73:4, 198:15, 232:12, 258:1, 258:5, 292:17, 353:23, 371:5 bottom [3] - 279:9, 347:18, 410:18 bought [2] - 80:2, 82:11 box [26] - 42:9, 43:6, 52:14, 52:15, 52:16,	116:21, 117:13, 118:4, 119:7, 119:24, 120:7, 121:6, 121:14, 122:21, 123:4, 123:12, 124:6, 124:14, 126:9, 127:11, 227:2, 277:17, 293:1, 296:11, 297:17, 411:4 boyfriend [2] - 61:13, 72:23 boyfriend's [1] - 320:9 brain [1] - 356:9 Bramble [6] - 122:22, 300:17, 300:18, 398:7, 398:12, 398:18 brand [2] - 202:10, 248:18 Brandlin [1] - 63:25 Brandon [1] - 64:5 break [25] - 19:18, 24:17, 42:23, 55:17, 71:10, 96:20, 217:21, 254:14, 273:23, 300:15, 323:14, 324:12, 362:3, 362:5, 362:7, 362:8, 362:14, 362:22, 382:15, 406:1, 406:2, 415:16 break-ins [1] - 273:23 breakfast [1] - 216:10 Breaking [4] - 10:15, 350:9, 382:20, 382:22 breaking [28] - 6:4, 10:23, 11:1, 19:23, 20:3, 96:18, 103:15, 103:20, 141:11, 141:12, 141:18, 256:13, 349:15, 350:11, 361:25, 362:21, 364:23, 365:16, 372:15, 380:22, 382:12, 382:13, 383:2, 390:10, 390:24, 398:16, 413:24, 424:15 breath [2] - 22:5, 248:22 breezeway [77] - 49:25, 50:15, 50:21, 129:17, 129:19, 130:16, 130:17, 144:6, 144:8, 150:5, 176:22, 177:2, 178:2, 178:3, 178:5, 178:7,	178:8, 178:20, 178:21, 178:22, 179:4, 179:8, 179:10, 179:11, 179:12, 179:17, 179:18, 180:9, 180:10, 180:17, 181:3, 181:6, 185:19, 185:21, 185:23, 187:3, 187:6, 188:23, 188:24, 189:25, 190:3, 191:10, 192:2, 192:4, 192:17, 193:12, 193:13, 195:10, 201:8, 220:15, 220:23, 221:2, 221:6, 221:7, 221:11, 221:12, 222:12, 222:15, 222:21, 222:23, 222:24, 223:6, 223:10, 223:16, 223:17, 224:22, 226:18, 230:5, 327:1, 327:5, 328:14, 331:20, 337:15, 351:17, 357:7 breezeways [8] - 176:6, 176:11, 189:23, 191:8, 201:9, 204:21, 221:3, 231:19 Brendlin [4] - 63:22, 63:24, 63:25, 64:3 BRENDLIN [1] - 64:3 brief [2] - 151:17, 234:21 briefed [1] - 307:10 Briefly [4] - 57:8, 75:17, 125:20, 308:10 briefly [18] - 17:23, 33:3, 72:13, 75:7, 75:16, 77:25, 88:9, 105:1, 125:21, 134:6, 148:19, 307:7, 307:10, 308:2, 308:12, 318:7, 349:5, 363:18 briefs [1] - 16:8 bring [21] - 6:23, 15:11, 16:1, 16:11, 60:19, 83:1, 88:12, 101:15, 137:10, 152:24, 155:13, 157:2, 159:20, 256:18, 262:5, 295:5, 371:23, 389:23, 391:25, 395:1, 419:2 Bring [2] - 101:16 bringing [1] - 216:18 brings [1] - 208:24 broke [7] - 321:4,	321:22, 321:24, 360:10, 366:22, 366:23, 382:15 broken [19] - 107:1, 110:21, 111:4, 111:13, 111:20, 112:7, 112:13, 112:19, 113:8, 113:13, 247:22, 282:22, 294:7, 295:18, 327:17, 351:8, 361:3, 366:1 Brooke [1] - 122:14 brother [4] - 105:5, 106:10, 106:19, 412:18 brother's [2] - 8:8, 74:22 brought [11] - 44:15, 64:22, 68:7, 102:5, 129:15, 132:16, 138:4, 144:3, 149:8, 345:11, 376:18 Brown [2] - 106:10, 118:25 brown [1] - 131:17 brush [1] - 276:6 brushes [1] - 276:5 buddy [1] - 269:14 Buganski [1] - 120:8 building [22] - 47:11, 49:24, 50:3, 50:4, 50:12, 139:25, 145:15, 189:20, 220:22, 220:24, 241:1, 328:10, 335:16, 344:7, 364:1, 381:9, 393:14, 393:15, 393:16 buildings [4] - 346:18, 393:2, 393:11, 395:9 bullied [1] - 45:19 bunch [3] - 289:1, 292:11, 394:3 burden [23] - 74:17, 104:3, 113:25, 138:10, 334:15, 338:14, 341:17, 342:9, 343:4, 343:8, 360:15, 360:17, 360:18, 360:19, 377:10, 377:11, 378:3, 378:5, 378:24, 384:13, 385:4, 387:12, 387:14 burg [2] - 344:23, 403:21 burglar [8] - 323:2, 323:12, 325:25,	333:5, 368:12, 368:14, 373:15, 374:19 burglaries [8] - 93:12, 101:23, 273:22, 274:5, 336:15, 345:17, 356:1, 407:19 burglarize [1] - 362:12 burglarized [2] - 299:1, 320:3 burglars [3] - 242:12, 270:19, 271:16 Burglary [8] - 103:14, 336:5, 339:11, 346:10, 350:2, 361:25, 368:4, 402:10 burglary [155] - 6:3, 6:4, 10:13, 12:3, 15:25, 18:2, 18:3, 19:21, 19:24, 20:7, 27:25, 32:18, 33:12, 36:3, 65:11, 69:4, 69:8, 86:1, 86:2, 90:12, 92:11, 96:18, 96:22, 97:15, 100:4, 100:13, 103:15, 103:19, 105:3, 105:6, 105:23, 106:13, 110:8, 110:9, 125:21, 141:9, 141:17, 142:6, 142:7, 170:20, 171:1, 171:9, 171:17, 172:8, 172:10, 175:17, 238:24, 241:11, 241:14, 247:25, 258:22, 258:25, 259:3, 259:4, 269:23, 270:5, 274:20, 274:24, 285:20, 325:9, 326:20, 327:23, 328:17, 329:2, 329:3, 329:17, 330:1, 330:9, 332:9, 333:2, 333:13, 333:16, 333:22, 335:1, 335:5, 335:10, 335:20, 335:21, 336:6, 338:11, 338:21, 339:5, 339:6, 339:15, 344:1, 344:2, 344:3, 344:5, 344:6, 344:7, 344:8, 344:15, 344:17, 344:18, 344:21, 345:2, 345:7, 345:9, 345:12, 345:13, 346:11,

346:12, 346:16, 348:15, 348:16, 348:17, 349:15, 362:12, 366:20, 367:15, 368:4, 369:13, 369:21, 370:21, 371:13, 371:18, 371:22, 373:23, 374:3, 374:4, 374:5, 380:21, 381:6, 382:5, 382:8, 382:9, 382:10, 382:11, 390:7, 390:9, 390:12, 390:21, 390:22, 398:6, 398:10, 402:25, 403:1, 409:15, 410:16, 414:18, 415:4, 418:21, 419:14, 419:21, 424:11, 424:14 burned [1] - 370:3 bus [1] - 243:4 bush [2] - 192:12, 230:2 bushes [11] - 178:6, 180:8, 183:25, 222:13, 223:5, 230:3, 230:4, 232:4, 234:25, 235:3, 235:4 business [3] - 28:25, 70:2, 202:14 businesses [3] - 28:23, 239:20, 240:11 busy [2] - 157:7, 315:14 button [3] - 49:12, 59:4, 202:14 buy [3] - 142:7, 261:12, 296:24 buy-at-the-store [1] - 261:12 BY [75] - 26:23, 38:14, 41:21, 45:24, 49:13, 51:17, 52:2, 57:11, 58:17, 76:1, 80:16, 88:11, 89:25, 91:21, 94:10, 95:5, 99:3, 128:11, 134:3, 143:5, 147:23, 148:18, 174:22, 178:14, 180:4, 182:21, 183:23, 189:11, 191:6, 191:16, 195:6, 218:24, 225:11, 226:22, 228:16, 229:17, 235:15, 235:25, 236:19, 240:1, 240:25,	249:11, 250:23, 253:25, 256:21, 257:21, 258:17, 259:10, 260:14, 261:6, 263:24, 265:17, 267:1, 269:5, 269:22, 271:13, 273:15, 280:18, 287:2, 287:23, 290:10, 293:17, 298:25, 305:7, 306:9, 309:10, 310:15, 311:1, 312:9, 313:18, 316:21, 317:18, 318:20, 321:18, 323:8	232:4, 302:1, 303:1, 304:17, 334:17, 345:3, 345:4, 376:13, 384:8, 391:6, 391:8, 415:10 cans [1] - 198:14 capable [1] - 160:2 capacity [3] - 22:25, 27:14, 383:25 capital [1] - 418:3 caprice [1] - 388:15 Captain [1] - 160:7 captioned [1] - 425:6 captive [1] - 304:23 car [376] - 10:24, 19:24, 23:10, 26:4, 27:11, 30:14, 31:16, 31:23, 32:4, 33:13, 34:7, 34:13, 34:22, 36:2, 36:3, 36:12, 36:18, 37:18, 38:24, 39:20, 40:4, 42:6, 42:15, 42:19, 42:21, 42:25, 43:5, 43:9, 43:11, 43:14, 43:20, 43:21, 44:2, 44:6, 44:14, 44:19, 44:20, 47:16, 47:18, 47:24, 48:10, 48:11, 48:12, 48:13, 48:18, 48:19, 48:20, 48:21, 48:23, 48:25, 49:4, 49:19, 50:6, 50:8, 51:8, 51:18, 51:19, 51:20, 52:14, 53:2, 53:7, 53:12, 53:17, 53:20, 53:23, 53:25, 54:1, 54:15, 54:23, 56:21, 57:5, 59:9, 60:12, 65:24, 70:12, 72:1, 72:10, 72:11, 73:6, 73:8, 73:9, 73:10, 73:17, 73:18, 73:20, 73:23, 76:18, 76:20, 76:23, 77:23, 79:24, 80:1, 80:3, 81:5, 81:9, 81:10, 81:11, 81:13, 81:15, 81:18, 81:19, 81:22, 81:23, 82:7, 82:9, 82:13, 90:1, 90:2, 92:19, 93:14, 110:22, 111:4, 111:13, 112:13, 113:8, 113:12, 126:3, 130:11, 130:16, 131:7, 131:8, 131:23, 132:3, 132:17, 132:23, 133:8, 134:9, 134:19, 134:21, 134:23, 136:19,	137:4, 139:18, 139:19, 139:22, 139:23, 140:3, 140:9, 140:11, 140:13, 140:16, 140:18, 140:19, 140:25, 141:2, 141:12, 144:15, 144:17, 144:19, 145:7, 145:12, 145:14, 145:17, 145:18, 145:23, 146:18, 146:25, 147:5, 148:2, 149:23, 150:12, 164:19, 166:8, 168:16, 177:22, 177:23, 177:25, 178:4, 179:9, 182:5, 182:8, 182:9, 182:10, 182:17, 183:11, 184:2, 184:3, 184:4, 184:5, 184:21, 184:24, 184:25, 185:1, 185:2, 185:3, 185:7, 185:9, 185:16, 186:9, 186:11, 186:22, 187:6, 187:18, 187:22, 188:25, 189:2, 190:20, 194:6, 194:8, 194:9, 196:25, 197:8, 197:11, 197:18, 199:22, 199:24, 200:11, 200:14, 200:15, 200:24, 200:25, 201:15, 201:22, 202:7, 203:20, 206:6, 206:17, 206:23, 207:3, 207:6, 207:10, 207:11, 208:12, 208:13, 208:14, 208:16, 208:18, 208:20, 209:1, 209:3, 209:25, 220:14, 222:10, 224:6, 224:8, 224:21, 225:20, 225:25, 226:2, 226:5, 226:8, 226:14, 226:15, 231:12, 234:9, 239:14, 241:19, 241:20, 242:1, 242:4, 242:10, 242:13, 242:14, 243:3, 243:5, 243:6, 243:8, 243:10, 243:13, 243:17, 244:9, 244:14, 245:1, 245:24, 248:4, 248:13, 249:7, 249:8, 250:9, 253:6, 256:23,	256:24, 256:25, 259:18, 261:14, 266:6, 266:13, 273:22, 277:11, 277:12, 278:2, 278:4, 278:5, 281:12, 284:15, 285:3, 285:14, 285:15, 289:25, 290:4, 290:12, 292:6, 292:8, 294:12, 295:5, 295:6, 296:24, 298:19, 308:11, 308:12, 315:1, 320:25, 328:9, 328:15, 331:22, 331:24, 332:1, 332:2, 334:6, 351:11, 351:12, 351:21, 351:22, 351:24, 352:3, 352:6, 352:8, 352:17, 354:1, 354:16, 354:17, 354:18, 354:19, 355:13, 356:12, 356:18, 358:14, 359:18, 359:19, 363:7, 363:10, 363:21, 364:15, 364:17, 364:22, 364:24, 364:25, 366:6, 366:9, 366:23, 368:9, 368:11, 370:8, 372:15, 373:6, 382:25, 424:15 Car [1] - 296:25 card [9] - 4:21, 86:6, 94:6, 94:14, 260:1, 310:2, 310:5, 320:19, 321:13 cardiac [1] - 423:4 cardinal [1] - 379:2 cards [1] - 392:4 care [16] - 8:6, 8:7, 34:13, 36:13, 39:6, 215:11, 242:1, 249:13, 304:16, 304:17, 370:25, 374:21, 374:22, 406:15, 412:13, 412:20 cared [2] - 375:1, 375:7 carefully [2] - 340:10, 384:11 carjacking [1] - 107:10 carnival [1] - 205:1 CAROLINA [2] - 1:1, 1:5 Carolina [15] - 1:8,
	C			
	Cadillac [2] - 243:5, 272:12 Cadillacs [1] - 272:13 Caesars' [1] - 113:7 caffeine [1] - 213:2 Caitlyn [3] - 2:13, 115:10, 318:15 CAITLYN [1] - 318:16 calculate [1] - 410:18 calculation [2] - 404:23, 411:1 calculations [1] - 410:13 calculator [2] - 410:15, 411:3 California [11] - 8:9, 13:14, 13:16, 63:22, 64:4, 412:5, 412:7, 412:12, 413:1, 413:3, 413:10 call-out [1] - 305:22 caller [2] - 65:21, 248:2 calmer [1] - 32:16 calmly [1] - 38:24 camera [6] - 40:4, 264:4, 264:7, 296:3, 296:17, 300:4 cameras [5] - 40:3, 111:4, 262:3, 322:6, 364:11 camp [1] - 413:11 Campbell [2] - 300:15, 300:16 Candidly [1] - 331:16 candle [1] - 293:1 cannot [20] - 56:19, 103:24, 115:3, 138:6, 184:5, 195:14, 211:20, 211:21,			

77:15, 102:24, 103:2, 113:24, 294:3, 347:5, 375:15, 379:1, 398:4, 398:9, 398:15, 416:17, 425:3, 425:7 carried [1] - 33:24 carries [3] - 19:25, 338:15, 402:10 Carries [1] - 20:6 carrying [13] - 181:1, 181:25, 196:11, 201:18, 231:11, 232:1, 257:14, 325:21, 328:23, 328:24, 331:21, 337:17, 372:20 Carrying [1] - 329:1 cars [28] - 29:23, 31:22, 40:3, 44:15, 44:18, 50:9, 50:11, 133:8, 182:6, 182:7, 202:8, 238:14, 241:16, 242:11, 245:8, 245:16, 245:19, 245:20, 276:9, 366:1, 370:11, 370:12, 370:13, 413:25, 415:16, 419:2 cart [2] - 155:16, 155:17 carved [1] - 357:1 Case [1] - 398:3 case [200] - 10:3, 16:18, 17:15, 23:13, 25:3, 25:5, 25:7, 25:14, 25:21, 25:23, 26:6, 27:17, 27:21, 29:25, 59:23, 64:5, 67:23, 70:4, 72:14, 75:10, 84:23, 92:21, 102:20, 102:21, 103:4, 103:8, 103:18, 107:13, 107:17, 107:19, 107:20, 107:23, 108:9, 108:11, 109:15, 110:17, 110:24, 111:7, 111:16, 111:23, 112:3, 112:9, 112:15, 112:21, 113:2, 113:10, 113:15, 113:18, 113:25, 117:5, 117:13, 117:21, 118:4, 118:10, 118:16, 118:24, 119:7, 119:16, 120:7, 120:15, 120:23, 121:6, 121:14, 121:22, 122:3,	122:11, 122:21, 123:4, 123:12, 123:20, 124:6, 124:24, 125:13, 126:21, 127:16, 127:22, 133:19, 137:24, 138:4, 138:11, 138:15, 138:16, 138:17, 138:19, 138:23, 139:1, 139:3, 139:5, 141:23, 142:2, 142:20, 152:2, 152:4, 157:3, 157:23, 158:12, 161:25, 165:13, 211:7, 211:25, 212:10, 218:16, 230:8, 254:17, 260:3, 263:4, 263:5, 263:6, 263:7, 263:10, 275:2, 275:4, 275:19, 276:11, 276:20, 277:6, 277:9, 279:2, 287:3, 287:4, 288:23, 291:5, 291:11, 291:13, 291:20, 296:21, 296:22, 300:24, 301:1, 301:25, 302:8, 304:13, 314:16, 324:12, 325:4, 325:6, 325:25, 326:24, 340:7, 343:1, 343:9, 343:11, 345:19, 346:11, 348:8, 348:23, 349:2, 349:3, 349:6, 349:11, 349:14, 349:22, 350:4, 350:13, 360:7, 367:10, 367:15, 369:3, 370:22, 374:16, 375:13, 375:15, 376:12, 376:14, 376:18, 378:1, 378:8, 378:14, 378:15, 380:19, 383:8, 384:22, 386:15, 388:2, 388:6, 388:17, 388:22, 388:24, 389:9, 391:17, 391:19, 395:21, 396:22, 401:20, 402:4, 405:18, 406:2, 406:6, 406:10, 406:12, 408:8, 409:17, 411:13, 419:3, 419:5, 420:4, 420:7, 425:6 cases [18] - 12:2, 15:20, 19:11, 20:11, 104:4, 262:24, 274:4,	286:25, 314:3, 314:9, 380:12, 405:11, 408:9, 408:20, 418:3, 418:4, 420:4, 420:5 catch [1] - 295:22 caught [15] - 146:23, 170:20, 170:25, 171:9, 172:8, 172:10, 172:21, 203:11, 291:9, 332:9, 369:22, 370:20, 370:21, 371:9, 373:12 caused [14] - 6:20, 18:25, 178:9, 198:23, 199:4, 201:11, 213:23, 213:24, 223:17, 232:8, 289:8, 289:13, 383:16, 421:21 causes [3] - 9:5, 336:19, 418:13 causing [1] - 338:4 caution [1] - 390:2 Cavalier [6] - 131:9, 131:13, 145:21, 146:18, 149:16, 208:23 CD [9] - 4:13, 4:15, 227:25, 228:14, 311:12, 393:4, 394:8, 396:5, 397:12 CDV [8] - 18:1, 68:4, 68:9, 86:19, 87:13, 403:1, 403:18, 403:22 cells [1] - 359:5 center [3] - 8:10, 144:18, 148:20 central [4] - 28:19, 92:1, 305:15, 313:21 certain [22] - 54:14, 74:15, 88:3, 88:25, 89:5, 109:16, 147:19, 148:1, 148:4, 150:22, 169:4, 195:13, 195:14, 195:17, 244:12, 266:10, 301:7, 341:20, 408:4, 408:17, 418:10 certainly [19] - 40:6, 61:7, 70:7, 157:15, 165:14, 166:9, 184:4, 203:21, 211:17, 213:20, 215:13, 216:12, 291:18, 315:12, 406:13, 409:14, 411:10, 418:4, 418:12 Certainly [5] - 204:11, 205:9, 206:18, 233:10,	418:14 certainty [3] - 136:15, 209:8, 380:11 certified [1] - 165:2 certify [2] - 425:3, 425:9 cetera [4] - 74:17, 310:17, 310:19, 351:14 chain [1] - 376:23 chair [1] - 369:6 chairs [3] - 142:1, 142:18, 367:11 challenge [1] - 127:2 challenges [2] - 125:16, 125:18 chance [12] - 54:25, 116:1, 311:9, 338:9, 338:11, 341:10, 344:9, 347:14, 386:13, 406:4, 417:5, 418:5 chances [3] - 167:16, 288:12, 288:14 change [16] - 15:21, 36:21, 48:3, 48:4, 48:6, 245:15, 304:4, 347:16, 355:8, 355:13, 359:22, 365:22, 365:23, 365:25, 370:9, 389:1 Change [1] - 281:14 changed [7] - 27:12, 48:12, 48:13, 48:24, 49:1, 74:9, 408:5 changes [1] - 211:21 character [1] - 380:5 characteristics [4] - 205:13, 206:22, 358:19, 383:21 characterization [2] - 259:9, 271:10 characterized [1] - 327:10 charge [49] - 19:20, 21:3, 26:11, 86:4, 160:11, 160:13, 170:20, 171:1, 171:9, 171:17, 172:8, 172:10, 172:21, 331:17, 332:6, 332:25, 333:8, 333:16, 333:22, 340:8, 342:19, 343:3, 343:20, 344:16, 345:4, 345:8, 346:15, 349:17, 363:14, 363:15, 374:2, 374:15, 378:13,	378:18, 378:20, 379:2, 379:5, 385:11, 387:22, 390:7, 390:10, 390:12, 390:15, 391:20, 392:12, 392:18, 395:11, 397:15, 410:22 charged [20] - 79:24, 86:1, 96:17, 97:3, 97:4, 101:20, 103:19, 316:1, 349:13, 349:14, 361:24, 370:17, 370:18, 376:12, 378:25, 380:21, 381:5, 382:12, 384:24, 387:13 charger [2] - 293:1, 296:10 charges [38] - 16:24, 17:23, 17:24, 18:13, 19:5, 21:23, 68:3, 86:22, 94:3, 95:12, 97:8, 103:13, 103:22, 104:19, 105:15, 105:19, 113:20, 114:3, 138:5, 171:15, 325:7, 373:24, 376:16, 378:23, 380:23, 402:15, 403:10, 403:13, 403:24, 404:5, 404:8, 404:21, 407:18, 409:15, 418:25, 419:2, 422:25, 423:21 charging [1] - 96:25 CHARLESTON [1] - 1:2 Charleston [50] - 1:8, 10:16, 10:17, 10:19, 13:25, 17:19, 18:4, 26:21, 27:1, 46:15, 66:21, 72:25, 80:20, 91:25, 94:14, 101:25, 103:2, 103:7, 104:20, 104:22, 105:16, 115:5, 139:16, 143:11, 166:19, 175:3, 175:5, 219:5, 219:7, 236:18, 236:22, 262:23, 269:17, 273:17, 293:25, 305:12, 305:16, 309:20, 310:1, 319:5, 398:5, 398:10, 398:15, 403:7, 403:8, 405:14, 407:18, 409:4, 415:9, 425:7

Charlestons [1] - 110:2 chased [2] - 271:1, 271:18 Chavarri [1] - 118:17 Chaz [1] - 121:23 check [7] - 25:18, 40:19, 151:1, 211:6, 274:11, 275:9, 371:7 checked [3] - 146:1, 146:13, 146:16 Chevy [2] - 131:9, 145:21 chief [1] - 59:23 child [38] - 18:10, 26:12, 34:12, 34:25, 36:11, 36:16, 47:18, 47:20, 48:13, 74:1, 75:13, 77:8, 77:9, 139:15, 139:17, 139:24, 248:12, 248:13, 248:16, 248:23, 249:6, 249:13, 304:16, 304:17, 315:23, 362:24, 403:12, 410:7, 410:9, 423:9, 423:18, 423:20, 423:22, 423:23, 424:1, 424:3, 424:5 childhood [3] - 23:3, 141:24, 367:11 children [4] - 411:21, 412:6, 413:20, 424:2 chilly [1] - 283:19 choice [6] - 20:15, 64:9, 154:23, 157:22, 330:24, 397:6 choose [2] - 333:23, 334:25 chose [4] - 61:4, 173:9, 365:13, 416:12 chosen [2] - 388:5, 419:19 Christina [3] - 1:17, 6:7, 103:8 Christopher [1] - 126:11 circuit [1] - 103:3 Circuit [5] - 1:21, 103:1, 425:2, 425:7, 425:15 circumstance [2] - 137:14, 208:1 circumstances [20] - 6:6, 66:3, 69:25, 90:25, 91:1, 97:5, 115:2, 137:8, 165:14, 206:7, 285:20, 288:22, 376:24,	377:4, 377:8, 381:21, 383:5, 384:12, 387:11, 408:2 Circumstantial [2] - 358:12, 376:23 circumstantial [16] - 141:16, 142:15, 165:13, 325:4, 328:6, 346:3, 346:4, 363:13, 363:14, 366:5, 366:19, 376:21, 376:25, 377:3, 377:4, 377:13 cited [1] - 64:4 citizens [2] - 269:17, 365:19 Citizens [1] - 109:21 City [4] - 26:21, 89:19, 236:18, 236:22 city [7] - 10:16, 27:1, 91:25, 166:19, 286:14, 286:16, 305:12 civil [5] - 107:19, 108:6, 108:9, 108:11 Civil [2] - 108:2, 108:3 claim [1] - 301:21 claimed [1] - 74:20 claiming [1] - 75:2 clanging [6] - 180:23, 198:9, 327:7, 327:10, 353:22, 357:6 Clanging [1] - 180:24 clanking [1] - 231:6 clarification [4] - 343:25, 393:2, 395:8, 395:24 clarify [7] - 78:11, 88:17, 165:23, 301:9, 322:25, 393:25, 405:4 classes [2] - 14:22, 15:4 Classification [1] - 258:25 classify [1] - 259:7 Clayton [1] - 117:22 clean [2] - 277:3, 295:1 clear [10] - 154:15, 230:20, 230:22, 234:12, 247:5, 257:5, 324:14, 392:20, 394:1, 408:12 clear-headed [1] - 154:15 cleared [3] - 22:7, 158:20, 275:10 clearer [1] - 171:4	clearly [7] - 17:1, 101:3, 163:6, 168:2, 173:15, 198:24, 329:7 Clearly [4] - 141:21, 159:23, 329:9, 407:13 clerk [2] - 102:18, 392:17 CLERK [82] - 116:15, 117:2, 117:4, 117:10, 117:12, 117:18, 117:20, 118:1, 118:3, 118:9, 118:15, 118:21, 118:23, 119:4, 119:6, 119:15, 119:21, 119:23, 120:4, 120:6, 120:12, 120:14, 120:20, 120:22, 121:3, 121:5, 121:11, 121:13, 121:19, 121:21, 122:2, 122:8, 122:10, 122:18, 122:20, 123:1, 123:3, 123:11, 123:17, 123:19, 123:25, 124:5, 124:11, 124:13, 124:16, 124:21, 124:23, 125:4, 125:6, 125:12, 125:18, 126:8, 126:15, 127:8, 127:10, 398:3, 399:3, 399:8, 399:10, 399:13, 399:15, 399:18, 399:20, 399:23, 399:25, 400:3, 400:5, 400:8, 400:10, 400:13, 400:15, 400:18, 400:20, 400:23, 400:25, 401:3, 401:5, 401:8, 401:10, 401:13, 401:15, 406:19 Clerk [2] - 398:2, 399:1 clerk's [2] - 392:2, 394:18 clicker [2] - 199:9, 230:19 Clicker [1] - 230:18 clicking [1] - 182:3 client [6] - 7:6, 16:19, 16:22, 255:24, 345:9, 418:3 Clifton [2] - 1:12, 102:17 climb [1] - 193:3 climbed [1] - 181:2 climbing [1] - 195:15 climbs [1] - 363:22	clinking [1] - 232:19 close [22] - 23:24, 31:9, 31:10, 104:19, 104:21, 105:14, 105:21, 105:24, 106:5, 184:12, 202:4, 203:11, 205:20, 209:7, 211:5, 220:16, 300:18, 334:21, 341:8, 349:5, 386:11, 422:2 closed [7] - 29:4, 155:21, 162:8, 200:3, 297:17, 297:18, 382:25 closer [6] - 205:8, 240:13, 243:18, 243:19, 423:11 closing [2] - 343:17, 348:11 closure [1] - 18:21 Clothes [1] - 145:5 clothes [3] - 134:19, 205:15, 359:23 clothing [7] - 30:9, 140:8, 187:8, 202:11, 207:19, 357:4, 364:10 clubhouse [1] - 241:24 clue [3] - 66:8, 289:16, 414:23 Co [1] - 313:10 co [3] - 25:24, 73:1, 140:18 Co-conspirator's [1] - 313:10 co-defendant [2] - 73:1, 140:18 co-defendant's [1] - 25:24 coasters [3] - 296:11, 357:3, 364:10 coat [7] - 4:18, 113:6, 204:23, 204:24, 262:2, 262:17, 264:9 cocaine [11] - 80:11, 85:17, 86:9, 97:25, 98:7, 98:16, 99:4, 99:16, 99:17, 100:22, 403:19 Cocaine [1] - 78:17 codefendant [4] - 23:13, 26:10, 72:23, 72:24 coercion [1] - 383:17 coffee [3] - 212:19, 214:2 Cogentin [4] - 6:17, 6:18, 160:20, 214:19	coke [1] - 99:7 cold [8] - 34:14, 36:13, 36:14, 248:21, 248:22, 248:24, 249:7, 283:19 collect [2] - 168:11, 168:13 collected [2] - 162:17, 164:2 collecting [1] - 288:18 collection [2] - 286:22, 291:20 collectively [1] - 396:19 collects [1] - 168:11 college [1] - 196:8 Collins [1] - 124:7 colloquy [1] - 72:6 color [4] - 131:10, 232:24, 295:8 color-wise [1] - 232:24 colored [1] - 187:20 Columbia [1] - 294:3 combination [3] - 100:22, 208:25, 377:14 comfortable [1] - 9:20 Coming [1] - 193:13 coming [31] - 6:12, 17:9, 33:4, 42:3, 65:16, 65:21, 69:9, 76:22, 175:25, 177:10, 188:24, 190:6, 192:10, 199:2, 200:18, 201:13, 208:9, 219:25, 220:1, 230:10, 230:24, 238:13, 241:20, 243:13, 245:17, 255:20, 255:21, 271:1, 354:17, 393:17, 396:17 comment [4] - 59:25, 269:19, 395:25, 417:17 commentary [1] - 342:4 comments [3] - 21:15, 212:25, 334:15 commission [1] - 382:19 commit [9] - 100:17, 141:11, 142:7, 172:23, 328:21, 336:8, 350:3, 350:11, 381:19 committed [20] -

65:12, 203:25, 204:2, 328:7, 332:9, 335:1, 355:19, 369:22, 371:21, 373:12, 382:5, 382:7, 384:23, 385:3, 387:3, 387:16, 387:19, 423:20, 424:12, 424:15 committing [10] - 10:21, 105:21, 113:23, 330:9, 332:4, 368:6, 378:25, 413:25, 415:13, 423:20 common [13] - 75:13, 77:8, 77:9, 77:15, 91:2, 141:15, 203:8, 269:7, 356:9, 358:23, 365:14, 365:15, 403:16 Common [1] - 77:14 Common-law [1] - 77:14 commonly [1] - 259:13 Commonly [1] - 310:16 communicate [8] - 19:7, 21:10, 37:4, 211:2, 213:18, 304:20, 304:22, 389:20 communicated [3] - 21:1, 33:17, 270:16 communication [1] - 247:20 community [1] - 365:14 comparison [1] - 279:4 compartment [4] - 130:11, 266:8, 266:11, 382:16 compartments [1] - 351:14 compelled [3] - 301:24, 302:1, 387:4 competency [11] - 7:5, 13:9, 21:16, 22:15, 22:19, 22:25, 159:2, 159:13, 159:22, 421:1, 421:21 competent [5] - 16:19, 16:22, 21:22, 159:3, 160:2 complainant [5] - 33:23, 34:2, 37:6, 257:15, 283:1 complainants [1] - 37:23	complaints [1] - 421:7 complete [8] - 84:22, 104:6, 104:11, 104:16, 191:18, 217:24, 300:22, 425:4 completely [7] - 78:21, 142:8, 150:21, 269:15, 323:24, 368:17, 373:11 completion [1] - 255:17 complex [19] - 28:11, 28:20, 28:24, 29:1, 33:6, 33:10, 65:25, 239:17, 254:6, 254:10, 254:11, 274:6, 334:2, 340:18, 352:14, 356:6, 385:21, 419:18, 422:15 compliant [2] - 246:21, 250:13 complied [2] - 138:1, 388:7 component [1] - 350:10 computer [9] - 155:11, 262:22, 296:2, 296:10, 296:21, 296:22, 394:18 computers [10] - 73:4, 83:4, 140:7, 261:17, 261:20, 266:20, 296:1, 357:11, 364:9 concepts [1] - 422:15 concern [5] - 96:15, 201:11, 214:5, 249:10, 422:25 concerned [7] - 36:10, 36:16, 85:25, 96:15, 249:5, 378:19, 423:5 concerning [3] - 72:1, 395:19, 405:13 concerns [3] - 248:23, 347:12, 423:14 conclude [2] - 330:1, 338:10 concluded [1] - 424:22 conclusion [4] - 270:2, 323:5, 366:19, 377:25 conclusions [1] - 372:11	conclusively [1] - 377:6 concurrent [2] - 410:23, 424:17 condition [2] - 12:25, 294:22 conditioning [1] - 179:5 conditions [5] - 283:17, 283:18, 341:9, 386:12, 408:17 condo [3] - 31:11, 276:12, 295:21 condominium [4] - 28:11, 175:22, 219:24, 220:6 Condominiums [5] - 114:5, 114:14, 114:21, 219:13, 247:21 condominiums [4] - 28:14, 30:25, 147:14, 221:4 condos [7] - 31:10, 176:9, 239:21, 240:11, 240:12, 240:23, 271:2 Condos [9] - 28:10, 175:9, 238:9, 239:7, 239:16, 240:9, 241:4, 253:10, 253:22 conduct [5] - 18:9, 90:25, 381:20, 383:4, 386:20 conducted [2] - 26:5, 386:23 conferring [1] - 301:16 confessed [2] - 100:3, 100:10 confession [1] - 100:12 confident [6] - 132:23, 132:25, 188:14, 189:4, 189:6, 331:19 confidently [1] - 141:16 confirms [1] - 369:8 conflicting [1] - 63:2 confused [4] - 57:21, 271:21, 327:8, 361:19 confusing [2] - 345:25, 348:5 connected [1] - 289:20 connection [2] - 77:3, 382:18 conscientious [1] - 380:2	consciousness [2] - 87:21, 98:18 consecutive [2] - 404:14, 410:23 consensual [1] - 91:7 consent [36] - 26:4, 39:2, 39:16, 39:24, 40:16, 40:19, 45:16, 45:17, 45:18, 54:13, 54:23, 60:17, 61:24, 62:9, 62:25, 63:13, 64:18, 68:23, 70:8, 70:24, 71:3, 71:4, 72:2, 74:23, 75:8, 77:17, 90:14, 141:3, 251:8, 252:12, 252:14, 257:1, 336:7, 356:22, 381:8 consented [3] - 39:25, 40:9, 90:16 consequences [1] - 302:24 consider [22] - 91:4, 107:16, 339:15, 341:3, 341:4, 346:24, 371:18, 376:6, 378:10, 382:6, 383:21, 383:23, 384:11, 384:21, 386:6, 386:8, 387:8, 409:21, 410:6, 411:11, 416:7, 417:6 considerably [1] - 417:11 consideration [9] - 91:4, 288:10, 303:2, 376:1, 377:18, 380:13, 384:16, 388:23, 417:10 considered [6] - 136:5, 376:13, 377:17, 377:20, 377:23, 389:9 considering [1] - 160:24 considers [1] - 414:24 consistent [7] - 163:25, 164:8, 165:20, 166:25, 358:17, 364:23, 377:5 consists [2] - 340:19, 385:22 console [3] - 144:18, 145:11, 148:20 consolidated [2] - 65:18, 404:8 conspirator's [1] - 313:10	constantly [1] - 415:13 constitute [1] - 383:2 constitution [6] - 68:15, 68:19, 68:25, 301:22, 301:23, 375:14 constitutional [6] - 101:11, 217:13, 301:5, 330:20, 377:21, 384:4 consult [1] - 388:20 consultation [2] - 157:24, 422:2 contact [8] - 245:23, 247:9, 251:4, 269:11, 285:23, 286:5, 286:7, 287:10 contain [1] - 376:16 contained [2] - 34:16, 103:23 containing [3] - 141:3, 257:14, 258:1 contains [1] - 348:16 contended [1] - 384:25 contending [1] - 71:4 content [1] - 60:24 contents [4] - 256:24, 258:20, 262:6, 357:2 context [2] - 172:17, 172:22 continue [8] - 64:11, 137:11, 157:3, 159:5, 172:5, 329:16, 391:6, 397:3 continued [2] - 130:1, 182:13 continues [1] - 325:25 continuing [1] - 168:25 contraband [4] - 60:8, 60:9, 64:21, 67:15 contrary [1] - 26:5 control [6] - 59:1, 62:10, 62:14, 63:15, 285:5, 413:12 controlled [1] - 402:24 convenient [2] - 158:6, 406:2 conversation [4] - 33:15, 89:10, 98:22, 335:11 conversations [2] - 10:7, 420:11

convey [2] - 19:9, 133:13 Convict [1] - 368:24 convict [1] - 385:7 convicted [5] - 74:19, 330:6, 345:16, 381:2, 420:6 conviction [4] - 74:23, 172:11, 302:18, 389:3 convictions [7] - 11:23, 108:16, 302:9, 403:14, 403:23, 407:17, 416:20 convince [4] - 349:12, 374:24, 375:7, 392:2 convinced [7] - 215:5, 350:24, 366:13, 371:10, 380:8, 380:14, 389:2 convinces [4] - 103:25, 138:8, 338:1, 376:10 convincing [2] - 337:24, 380:4 cooking [1] - 374:14 cooperate [1] - 52:21 cooperated [1] - 45:3 cooperates [1] - 67:22 cooperative [1] - 70:1 cop [1] - 206:23 cops [1] - 44:16 copy [4] - 72:15, 227:17, 389:13, 391:19 cord [1] - 394:7 corner [2] - 181:16, 241:2 correct [39] - 55:16, 82:8, 84:21, 87:23, 88:1, 90:1, 171:12, 172:2, 176:8, 180:11, 180:13, 184:13, 185:4, 189:24, 190:2, 190:4, 190:7, 192:11, 194:21, 194:23, 197:15, 199:10, 199:21, 202:3, 217:17, 225:21, 231:21, 233:18, 234:20, 235:5, 235:18, 282:14, 287:4, 311:16, 322:20, 369:21, 378:17, 405:2, 405:20 Correct [47] - 40:1,	90:3, 148:23, 148:25, 149:7, 149:14, 150:6, 150:23, 175:8, 175:10, 176:10, 180:25, 188:1, 196:21, 197:15, 220:7, 221:22, 228:20, 230:15, 231:15, 231:17, 268:3, 278:17, 284:8, 287:5, 289:15, 289:17, 289:19, 289:22, 290:25, 291:3, 291:25, 306:19, 307:25, 310:5, 310:18, 311:24, 314:10, 314:14, 314:19, 315:2, 315:10, 316:3, 317:23, 322:13, 329:4, 329:6 corrected [1] - 376:4 Corrections [2] - 410:14, 416:14 corrections [2] - 424:13, 424:16 corresponds [1] - 27:17 corroborate [2] - 316:22, 369:24 corroborated [2] - 316:25, 376:5 corroboration [1] - 370:24 cost [1] - 384:9 Counsel [2] - 15:8, 126:23 counsel [9] - 22:24, 127:25, 138:24, 159:11, 159:18, 160:2, 215:7, 395:16, 425:10 counseling [3] - 8:9, 13:14, 15:4 Counselor [1] - 409:1 counselors [1] - 416:16 count [10] - 6:4, 17:25, 20:7, 103:20, 349:15, 368:17, 403:16, 415:3, 424:14 counted [1] - 364:11 countertop [1] - 290:23 Counties [1] - 407:18 counts [11] - 6:3, 17:24, 18:1, 18:2, 18:3, 103:19, 349:14,	380:21, 381:5, 403:12 County [27] - 10:16, 10:19, 13:25, 17:19, 17:20, 18:4, 18:5, 18:13, 19:5, 103:3, 103:7, 104:20, 104:22, 105:16, 115:5, 310:1, 398:4, 398:10, 398:15, 403:7, 403:8, 403:9, 403:13, 405:14, 413:24, 418:24, 425:7 COUNTY [1] - 1:2 county [3] - 10:18, 10:21, 19:5 coupe [4] - 272:2, 356:13, 369:14, 369:16 coupes [1] - 272:13 couple [22] - 29:23, 31:21, 37:21, 39:11, 55:22, 56:9, 57:13, 67:24, 93:2, 101:22, 110:21, 155:25, 158:21, 161:15, 181:1, 195:16, 226:9, 244:2, 249:24, 251:7, 348:9, 404:11 Couple [1] - 48:10 course [18] - 17:1, 21:8, 24:19, 25:9, 32:2, 67:25, 159:1, 159:15, 164:12, 170:7, 208:6, 211:7, 339:16, 359:21, 359:22, 388:25, 396:16, 403:24 court [41] - 21:25, 60:15, 71:13, 94:7, 102:16, 127:23, 137:19, 152:9, 157:20, 169:23, 173:13, 178:10, 191:1, 204:15, 204:16, 205:6, 209:10, 210:23, 210:25, 211:7, 211:25, 213:8, 214:5, 215:8, 215:22, 218:10, 236:20, 254:18, 255:7, 256:19, 258:15, 301:2, 304:8, 324:16, 376:18, 384:7, 392:10, 392:25, 394:22, 395:5, 397:19 COURT [499] - 1:1, 6:2, 6:9, 7:1, 7:13, 7:16, 7:20, 7:24, 8:1, 8:3, 8:16, 8:19, 8:24,	9:3, 9:10, 9:17, 9:23, 10:2, 10:6, 10:12, 10:14, 10:16, 10:20, 10:23, 11:1, 11:3, 11:6, 11:11, 11:13, 11:16, 11:20, 11:23, 12:1, 12:4, 12:6, 12:10, 12:17, 12:20, 12:23, 13:4, 13:8, 13:11, 13:15, 13:19, 13:21, 13:24, 14:2, 14:6, 14:9, 14:12, 14:16, 14:19, 14:23, 15:1, 15:6, 15:10, 16:3, 16:20, 16:23, 17:6, 17:14, 19:1, 19:13, 19:15, 19:20, 20:3, 20:6, 20:9, 20:15, 20:19, 20:23, 21:15, 22:16, 22:20, 23:16, 25:2, 25:16, 26:9, 26:14, 38:11, 41:12, 41:15, 49:10, 51:15, 51:25, 57:9, 58:12, 59:17, 59:21, 59:25, 60:3, 60:15, 61:16, 62:5, 63:20, 63:24, 64:12, 66:6, 66:13, 67:9, 67:17, 68:5, 68:9, 68:11, 68:16, 69:3, 69:6, 69:23, 70:14, 70:25, 71:3, 71:14, 71:17, 71:20, 71:24, 72:20, 73:13, 73:15, 74:18, 75:2, 75:15, 75:17, 88:8, 89:9, 89:13, 89:17, 89:21, 90:8, 91:12, 94:25, 95:2, 100:19, 100:24, 101:5, 101:7, 101:9, 101:15, 102:2, 102:7, 102:10, 102:13, 102:17, 103:12, 103:17, 105:4, 105:7, 105:10, 105:13, 106:7, 106:11, 106:14, 106:17, 106:21, 106:24, 107:2, 107:5, 107:11, 107:16, 107:24, 108:2, 108:4, 108:7, 108:12, 109:6, 109:10, 109:12, 110:5, 110:16, 110:19, 110:23, 111:1, 111:6, 111:9, 111:15, 111:18, 111:22, 112:2, 112:5, 112:8, 112:11, 112:14, 112:17,	112:20, 112:23, 113:1, 113:4, 113:9, 113:14, 113:17, 114:10, 114:13, 114:17, 114:20, 114:23, 115:6, 115:20, 116:8, 116:11, 119:13, 122:14, 123:9, 124:15, 125:23, 126:19, 126:23, 127:1, 127:4, 127:12, 127:15, 127:24, 133:25, 136:22, 137:21, 139:10, 142:24, 147:22, 148:16, 151:22, 151:24, 152:10, 152:14, 153:1, 153:10, 153:16, 153:25, 154:6, 154:9, 154:13, 154:21, 154:25, 155:4, 155:8, 155:13, 155:18, 155:22, 156:6, 156:10, 156:16, 157:11, 157:18, 159:1, 160:8, 160:15, 160:21, 161:24, 164:9, 165:11, 166:13, 168:4, 168:15, 169:11, 169:16, 170:25, 172:25, 173:18, 174:1, 174:6, 174:10, 174:14, 174:16, 179:21, 191:3, 195:1, 202:22, 202:25, 203:3, 203:6, 204:10, 204:13, 204:17, 208:11, 209:2, 209:7, 210:5, 210:15, 210:20, 210:24, 211:10, 212:1, 213:11, 213:17, 214:4, 214:12, 214:18, 214:21, 215:13, 215:17, 215:22, 216:1, 216:4, 216:14, 216:17, 216:25, 217:3, 217:19, 217:23, 218:2, 218:5, 218:8, 218:11, 225:4, 225:8, 226:21, 228:6, 228:8, 228:13, 235:12, 235:21, 236:5, 236:11, 239:25, 240:19, 240:21, 249:3, 250:20, 253:13, 253:18,

253:23, 254:13, 254:19, 255:1, 255:3, 255:6, 255:15, 255:23, 256:3, 256:7, 256:13, 256:18, 256:20, 259:1, 259:5, 259:8, 260:13, 261:2, 263:21, 265:14, 268:18, 268:25, 269:2, 269:19, 271:12, 273:8, 280:17, 286:24, 290:7, 293:8, 293:10, 300:11, 300:14, 300:18, 301:3, 301:13, 301:20, 303:13, 303:16, 303:19, 303:23, 304:1, 304:9, 304:12, 304:21, 306:7, 308:21, 308:25, 309:2, 309:7, 310:11, 310:23, 312:3, 312:8, 313:9, 313:11, 313:13, 313:15, 316:19, 317:7, 317:10, 317:24, 318:8, 318:10, 318:14, 323:6, 323:18, 324:5, 324:7, 324:11, 324:17, 325:12, 325:15, 325:17, 325:21, 326:8, 326:15, 326:21, 328:16, 328:19, 328:23, 329:1, 329:5, 329:7, 329:20, 330:5, 330:8, 330:15, 331:1, 331:3, 331:9, 331:12, 331:15, 332:11, 332:21, 333:4, 333:7, 333:13, 334:13, 335:9, 335:14, 336:3, 337:22, 338:20, 339:2, 339:5, 339:10, 339:20, 339:23, 341:13, 343:24, 346:10, 346:15, 346:20, 347:4, 348:6, 348:15, 348:22, 348:25, 349:7, 367:2, 375:4, 375:10, 392:11, 392:21, 393:1, 395:1, 395:6, 397:14, 397:20, 397:23, 397:25, 398:19, 399:1, 401:17, 401:25, 402:3, 402:8, 402:17, 402:21, 403:7, 404:1,	405:4, 405:7, 405:22, 407:4, 407:8, 407:10, 408:25, 410:12, 410:20, 411:15, 411:18, 412:3, 412:9, 412:12, 412:20, 412:24, 413:5, 413:14, 413:16, 413:23, 414:6, 414:18, 415:21, 416:6, 416:10, 417:17, 417:21, 418:16, 419:4, 419:13, 419:17, 420:13, 420:23, 421:6, 421:12, 421:16, 422:1, 422:17, 422:21, 423:17 Court [69] - 1:21, 23:19, 24:17, 24:24, 26:25, 41:23, 63:3, 63:9, 63:19, 65:18, 71:23, 74:6, 74:18, 74:20, 75:6, 75:11, 91:3, 91:23, 139:9, 143:7, 156:21, 158:7, 159:11, 159:18, 164:20, 166:11, 170:23, 171:22, 173:16, 174:24, 179:3, 183:5, 205:17, 210:10, 212:12, 273:16, 293:20, 302:16, 305:10, 318:23, 325:11, 330:14, 343:20, 349:24, 363:7, 367:3, 383:9, 388:3, 389:21, 391:2, 393:22, 393:23, 396:10, 407:13, 407:23, 408:1, 408:12, 408:24, 409:21, 410:1, 410:15, 417:3, 418:12, 419:23, 423:14, 425:2, 425:7, 425:15 Court's [32] - 4:22, 4:23, 4:24, 4:25, 5:3, 5:4, 6:23, 15:12, 16:1, 16:12, 36:5, 70:7, 94:9, 94:12, 94:24, 95:3, 152:24, 157:2, 169:20, 178:12, 178:15, 182:18, 182:19, 182:23, 191:4, 191:13, 191:14, 194:25, 229:13, 346:9, 392:19, 395:3	courtroom [10] - 22:6, 102:18, 139:2, 349:10, 373:9, 388:10, 389:25, 391:13, 396:16, 409:5 Courts [2] - 135:24, 136:5 cousin [1] - 105:8 cousins [2] - 116:6, 116:8 covered [2] - 151:15, 347:1 covering [1] - 368:11 CP [1] - 39:11 CPD [9] - 40:2, 93:7, 94:1, 94:6, 99:15, 262:15, 273:18, 305:14, 307:19 Craddick [2] - 160:7, 160:12 Craddock [2] - 210:6, 216:1 cranked [1] - 350:16 create [1] - 376:14 created [2] - 15:15, 232:13 creature [1] - 344:19 credence [2] - 207:16, 344:22 credibility [12] - 69:13, 91:6, 138:12, 138:13, 205:21, 206:1, 302:15, 342:8, 342:13, 342:25, 375:22, 375:25 credible [2] - 203:18, 207:23 credit [6] - 404:24, 410:24, 411:2, 411:4, 424:18 credulity [1] - 333:8 Cribbs [1] - 122:14 crime [60] - 10:21, 96:8, 101:19, 105:22, 105:23, 105:25, 106:1, 106:4, 106:13, 113:23, 137:1, 141:11, 142:7, 142:9, 162:1, 162:2, 162:5, 162:19, 165:18, 166:14, 167:13, 168:2, 168:4, 168:24, 172:24, 200:17, 203:24, 203:25, 204:3, 237:22, 273:19, 273:20, 274:23, 274:24, 282:14, 282:17, 286:17, 288:8, 306:20, 324:23,	325:17, 325:22, 328:21, 329:5, 336:8, 336:10, 350:3, 350:11, 355:18, 357:19, 368:6, 369:23, 373:1, 379:6, 381:19, 382:14, 387:3, 414:14 Crime [2] - 167:17, 417:7 crimes [18] - 18:20, 90:19, 92:3, 238:17, 286:21, 287:12, 302:11, 305:22, 313:24, 326:19, 328:7, 332:4, 349:13, 384:23, 387:13, 387:16, 415:13, 423:21 Crimes [1] - 376:25 criminal [18] - 11:6, 66:7, 67:10, 67:13, 104:19, 107:19, 107:20, 108:2, 129:2, 217:9, 301:25, 378:25, 379:4, 380:11, 382:19, 402:12, 413:24, 424:4 criminals [2] - 68:20, 415:9 critical [1] - 157:22 criticize [2] - 138:3, 388:8 crook [1] - 252:23 CROSS [13] - 2:2, 38:13, 45:23, 80:15, 99:2, 134:2, 148:17, 189:10, 229:16, 266:25, 287:22, 298:24, 313:17 cross [11] - 153:19, 156:23, 159:24, 165:5, 165:18, 204:11, 206:1, 207:14, 208:8, 302:8, 415:1 CROSS- EXAMINATION [12] - 38:13, 45:23, 80:15, 99:2, 134:2, 148:17, 189:10, 229:16, 266:25, 287:22, 298:24, 313:17 cross-examination [5] - 153:19, 156:23, 159:24, 206:1, 207:14 cross-examine [3] - 165:5, 165:18, 208:8 cross-examined [1] - 302:8	crossed [4] - 30:19, 367:17, 371:11, 371:22 crossing [2] - 368:5, 374:10 crowbar [19] - 149:1, 149:16, 161:21, 162:15, 162:16, 162:21, 164:20, 167:2, 199:11, 199:12, 264:21, 279:24, 281:3, 281:9, 285:9, 289:3, 289:23, 289:25, 357:14 crowbars [1] - 84:1 CRR [2] - 1:20, 425:1 cruiser [2] - 38:6, 249:9 cruisers [1] - 36:15 crying [4] - 36:20, 38:19, 70:10, 70:14 CSI [3] - 168:6, 358:22, 367:20 cubby [3] - 265:5, 356:25 cuffed [1] - 61:20 culled [1] - 170:2 curious [1] - 178:1 Curry [1] - 118:11 curse [1] - 246:14 curve [2] - 280:22, 280:23 curved [1] - 281:2 cussing [1] - 44:25 custody [7] - 74:5, 93:8, 186:14, 203:20, 309:22, 410:5, 410:25 customers [2] - 295:4, 354:13 cut [1] - 95:15 cutting [1] - 96:12 cycle [1] - 18:22
D				
d)3 [1] - 335:25 damage [9] - 18:6, 18:8, 162:7, 164:1, 164:3, 165:24, 166:2, 278:11 damning [1] - 172:22 dangerous [2] - 250:1, 338:5 Daniel [24] - 19:22, 19:24, 28:10, 72:25, 114:15, 114:21, 128:22, 132:10, 139:17, 143:15, 147:13, 219:13, 238:13, 238:15,				

239:18, 240:8, 274:7, 284:15, 306:10, 319:10, 350:21, 351:6, 363:20 DAODAS [2] - 14:24, 416:15 Dark [1] - 306:25 dark [33] - 30:13, 129:8, 129:9, 129:10, 133:10, 135:11, 135:14, 175:24, 187:11, 194:9, 208:21, 225:24, 294:20, 299:10, 299:11, 299:12, 323:24, 326:6, 326:9, 326:11, 327:1, 328:13, 334:12, 337:7, 337:10, 337:21, 350:6, 352:23, 366:22, 369:25, 371:15, 374:6, 374:11 darker [2] - 233:13 darkness [2] - 325:5, 326:19 date [13] - 92:8, 93:22, 94:20, 94:21, 111:5, 129:3, 129:5, 227:23, 305:24, 310:12, 391:1, 410:14, 410:15 dating [1] - 23:2 daughter [2] - 413:9, 416:24 Dawn [39] - 2:4, 23:12, 25:24, 35:14, 41:16, 41:22, 58:10, 77:23, 79:19, 79:20, 79:21, 98:2, 99:25, 100:8, 115:13, 139:15, 248:10, 259:18, 308:1, 308:2, 312:21, 312:25, 313:2, 315:3, 315:9, 315:19, 316:1, 317:8, 317:20, 332:17, 334:4, 361:10, 363:8, 363:9, 363:19, 366:6, 368:10, 368:13 dawn [1] - 350:5 DAWN [1] - 41:17 daylight [3] - 334:6, 334:9, 382:2 days [12] - 25:22, 55:22, 86:8, 86:13, 86:16, 99:7, 155:25, 404:16, 404:24, 410:24, 411:2, 424:18 daytime [4] - 216:11,	330:2, 334:2, 336:17 deactivate [1] - 241:19 dead [4] - 129:22, 145:16, 239:20, 278:14 deal [12] - 55:9, 55:19, 55:24, 62:20, 100:16, 166:12, 206:22, 218:12, 314:7, 314:22, 369:4, 417:23 dealing [3] - 62:19, 206:19, 367:12 deals [1] - 314:1 dealt [1] - 215:9 death [1] - 418:3 debate [1] - 329:10 December [1] - 404:25 Decency [1] - 109:21 deceptive [1] - 338:7 decide [22] - 70:6, 97:6, 108:20, 154:24, 171:18, 241:12, 302:6, 302:20, 302:24, 338:20, 367:8, 367:16, 367:18, 367:23, 368:4, 371:20, 373:9, 380:24, 384:17, 388:22, 396:13, 397:2 decided [5] - 180:18, 215:7, 223:18, 241:19, 345:7 deciding [4] - 160:13, 349:23, 415:24, 416:3 decision [15] - 74:18, 172:14, 173:11, 173:17, 173:19, 302:20, 302:24, 303:9, 303:23, 330:22, 338:23, 356:4, 380:25, 383:11, 397:8 decisions [1] - 411:10 declined [1] - 392:16 decompensate [1] - 161:6 decorative [1] - 192:18 deduction [1] - 376:22 deem [1] - 384:17 defeat [1] - 360:1 defeats [1] - 292:16 defendant [147] - 17:18, 17:22, 21:2,	21:22, 22:3, 22:14, 73:1, 90:15, 92:14, 92:18, 92:20, 94:15, 95:20, 96:7, 109:15, 113:18, 117:2, 117:10, 117:18, 118:1, 118:21, 119:4, 119:13, 119:21, 120:4, 120:12, 120:20, 121:19, 122:8, 122:18, 123:1, 123:9, 123:17, 123:25, 124:11, 125:4, 125:19, 126:15, 127:8, 136:3, 138:5, 140:18, 141:3, 141:6, 141:10, 170:1, 178:23, 204:20, 204:22, 205:4, 205:20, 205:22, 209:9, 209:14, 209:16, 250:13, 253:10, 253:16, 253:17, 253:21, 254:21, 256:8, 308:8, 311:3, 311:10, 326:25, 328:7, 337:5, 342:12, 349:4, 349:13, 350:25, 354:1, 354:17, 356:17, 357:6, 361:15, 375:12, 376:7, 376:11, 376:17, 377:9, 377:11, 377:16, 377:19, 377:21, 377:25, 378:1, 378:4, 378:22, 378:24, 379:3, 379:11, 379:16, 379:17, 379:21, 379:24, 380:14, 380:20, 381:2, 381:5, 381:7, 381:11, 381:19, 381:21, 381:24, 382:5, 382:7, 382:12, 382:15, 383:4, 383:8, 383:11, 383:12, 383:13, 383:14, 383:22, 383:24, 383:25, 384:1, 384:2, 384:4, 384:20, 384:23, 384:24, 385:6, 385:7, 385:11, 386:16, 386:17, 387:15, 387:19, 387:20, 390:8, 390:11, 392:13, 395:13, 398:6, 398:12, 398:15, 398:17, 402:4,	402:12, 408:10, 423:15 DEFENDANT [94] - 6:10, 7:18, 7:22, 8:2, 8:5, 8:18, 8:21, 9:1, 9:5, 9:12, 9:20, 9:25, 10:4, 10:8, 10:13, 10:15, 10:18, 10:22, 10:25, 11:2, 11:5, 11:8, 11:12, 11:14, 11:18, 11:22, 11:25, 12:2, 12:5, 12:8, 12:13, 12:18, 12:22, 13:1, 13:6, 13:10, 13:13, 13:17, 13:20, 13:22, 14:1, 14:3, 14:7, 14:10, 14:14, 14:17, 14:21, 14:24, 15:3, 19:12, 19:14, 19:17, 20:2, 20:14, 20:17, 20:22, 89:16, 89:18, 153:4, 153:13, 153:22, 154:2, 154:7, 154:11, 154:17, 154:23, 155:1, 155:6, 155:10, 155:15, 155:20, 156:4, 156:8, 156:12, 210:18, 210:22, 213:15, 214:10, 214:17, 214:20, 216:24, 217:2, 301:12, 303:12, 303:15, 303:18, 303:22, 303:25, 330:25, 331:2, 407:7, 407:9, 411:17, 412:11 Defendant [7] - 1:8, 1:17, 7:15, 72:22, 122:12, 217:5, 398:1 defendant's [12] - 23:25, 25:24, 109:23, 165:21, 167:4, 360:4, 379:18, 379:23, 380:9, 381:13, 393:4, 396:5 defended [2] - 104:23, 105:17 defender [3] - 15:17, 115:13, 417:23 defender's [5] - 6:8, 54:8, 103:7, 104:23, 105:17 defenders [1] - 103:11 defending [1] - 211:12 Defense [1] - 41:16 defense [16] - 24:9, 41:15, 68:24, 110:8,	115:17, 157:24, 165:13, 301:14, 324:20, 330:19, 342:22, 348:24, 349:1, 360:17, 397:17, 423:12 defense's [1] - 348:23 defenses [2] - 360:16, 360:21 define [3] - 109:4, 109:6, 346:17 definite [1] - 296:4 definitely [7] - 56:13, 58:7, 204:9, 215:15, 344:21, 351:13, 421:23 definitively [1] - 358:10 Degiovine [1] - 115:13 degree [45] - 19:21, 19:25, 20:7, 83:3, 96:18, 103:14, 103:16, 103:20, 136:7, 136:16, 141:17, 329:17, 329:24, 336:6, 338:1, 338:21, 339:5, 339:6, 339:12, 346:10, 346:11, 348:16, 349:15, 366:21, 380:21, 381:6, 382:5, 382:7, 382:9, 382:10, 390:7, 390:8, 390:9, 390:12, 390:21, 390:22, 398:7, 398:11, 402:10, 414:18, 415:4, 424:12, 424:14 delay [4] - 25:6, 158:12, 158:24, 423:6 delayed [1] - 158:15 delaying [1] - 157:16 delays [1] - 169:24 delete [2] - 346:21, 348:6 deliberate [6] - 139:4, 388:21, 391:23, 392:4, 392:24, 396:20 deliberating [9] - 389:17, 391:9, 391:22, 391:23, 392:6, 397:3, 397:5, 397:11, 401:19 deliberation [2] - 366:15, 366:18 deliberations [10] - 300:21, 377:17,

377:23, 379:10, 388:25, 389:16, 389:19, 389:20, 391:6, 397:13 deliver [1] - 141:14 demand [2] - 374:20, 374:23 demeanor [9] - 15:22, 36:19, 63:3, 63:4, 93:15, 94:1, 246:20, 376:1 demonstrated [1] - 424:3 denial [1] - 384:25 denied [4] - 63:18, 66:5, 96:20, 330:16 Dennis [1] - 404:7 Denno [3] - 23:8, 75:20, 91:13 Deny [1] - 330:15 deny [6] - 67:19, 91:9, 137:17, 330:5, 333:10, 402:6 denying [3] - 85:7, 85:10 Department [9] - 26:21, 94:14, 236:18, 236:23, 262:24, 305:17, 309:20, 410:14, 416:13 department [13] - 27:2, 91:25, 155:21, 160:12, 166:19, 181:25, 262:25, 273:17, 305:13, 310:1, 320:6, 424:13, 424:16 departments [1] - 92:25 departure [1] - 337:20 depict [2] - 240:7 depicted [1] - 265:24 depicts [1] - 264:6 depressed [1] - 17:11 deprivation [1] - 100:23 Derailed [1] - 101:7 Derhodo [1] - 120:24 Describe [1] - 130:6 describe [8] - 36:18, 77:12, 95:13, 99:16, 131:8, 135:8, 145:20, 262:14 described [12] - 95:7, 135:9, 151:20, 162:13, 196:25, 204:3, 224:20, 232:20, 233:14,	233:19, 343:14, 380:8 describes [1] - 208:20 describing [4] - 225:17, 227:5, 227:6, 228:17 DESCRIPTION [3] - 3:2, 4:2, 5:2 description [30] - 30:2, 30:7, 30:20, 32:2, 36:4, 65:10, 65:14, 66:2, 76:15, 90:13, 137:2, 137:3, 137:7, 140:25, 141:1, 141:3, 147:7, 151:18, 177:13, 205:18, 242:21, 243:13, 246:5, 307:6, 334:8, 356:12, 356:19, 356:20, 357:15 desire [4] - 65:1, 389:20, 420:8, 423:15 desk [1] - 357:17 Destiny [1] - 117:22 detail [2] - 276:23, 301:9 details [3] - 383:22, 405:4, 412:3 detain [3] - 33:17, 36:10, 247:19 detained [10] - 34:8, 36:9, 40:21, 41:1, 53:5, 53:18, 62:15, 254:4, 262:1, 352:4 detect [1] - 99:19 detected [1] - 364:17 detective [9] - 92:1, 92:12, 188:3, 188:9, 227:15, 305:1, 305:15, 305:16, 315:14 Detective [35] - 78:3, 79:6, 80:6, 83:7, 84:5, 85:8, 85:13, 86:9, 86:21, 86:24, 86:25, 87:3, 88:13, 91:14, 91:16, 115:12, 170:13, 305:8, 312:10, 313:14, 313:19, 318:13, 327:25, 355:2, 361:5, 361:6, 361:8, 361:17, 361:22, 361:25, 362:20, 362:23, 363:3, 363:8, 363:9 detectives [3] - 305:19, 316:8, 361:6 detention [1] - 384:3 determination [6] - 22:22, 24:11, 104:3,	150:3, 204:2, 355:20 determine [16] - 138:10, 138:14, 138:15, 163:3, 200:20, 282:23, 302:12, 302:17, 375:18, 375:19, 376:9, 383:13, 384:15, 384:19, 385:9, 395:17 determined [5] - 115:25, 162:4, 182:4, 199:5, 383:9 determining [7] - 185:13, 201:15, 341:1, 349:23, 383:20, 386:4, 387:6 development [2] - 6:21, 158:25 device [2] - 393:4, 396:5 dew [5] - 278:7, 290:15, 292:5, 292:8, 370:25 diagnosed [1] - 413:7 diameter [1] - 167:7 diaper [5] - 48:3, 48:4, 48:13, 48:24, 49:1 diapers [2] - 48:6, 48:8 dictates [1] - 169:7 difference [7] - 96:1, 168:5, 280:6, 286:8, 344:11, 359:17, 369:14 different [39] - 15:18, 24:7, 37:21, 39:11, 67:24, 78:14, 101:23, 142:9, 150:1, 168:10, 169:2, 169:5, 178:25, 207:18, 231:19, 234:22, 238:2, 245:19, 262:18, 269:15, 272:9, 276:9, 277:18, 289:1, 297:13, 305:20, 326:11, 326:16, 337:4, 344:19, 345:17, 366:15, 371:24, 373:24, 374:15, 380:20, 393:15, 411:21 Different [1] - 233:25 differentiates [2] - 207:25, 335:21 differently [3] - 342:20, 342:21, 345:8 differs [1] - 349:18	difficult [3] - 39:11, 110:9, 264:20 difficulty [2] - 108:13, 108:15 digest [1] - 216:6 digging [2] - 351:13 Digital [1] - 311:5 digital [1] - 296:3 dimensions [2] - 163:14, 360:2 dinner [3] - 143:23, 149:9, 392:3 dip [1] - 276:6 dire [3] - 101:17, 125:21, 167:16 Direct [2] - 376:20, 376:21 direct [7] - 98:14, 128:2, 279:4, 346:2, 346:5, 377:2, 377:13 DIRECT [14] - 2:2, 26:19, 41:20, 75:25, 91:20, 128:10, 143:4, 174:21, 218:23, 236:16, 273:14, 293:16, 305:6, 318:19 directed [6] - 282:16, 324:20, 325:8, 329:21, 330:3 direction [19] - 181:14, 181:18, 181:19, 185:1, 186:1, 193:11, 193:14, 194:20, 222:14, 223:7, 225:19, 225:23, 226:10, 226:11, 234:16, 242:3, 337:5, 366:6, 393:14 directions [1] - 46:25 directly [11] - 143:18, 149:12, 160:11, 176:5, 185:12, 193:15, 220:9, 224:10, 227:7, 228:18, 240:24 Directly [2] - 220:9, 244:16 director [1] - 157:13 disagree [3] - 23:17, 74:7, 142:2 disarray [2] - 327:17, 354:10 discard [1] - 342:16 disciplined [1] - 212:9 discover [1] - 305:14 discovered [3] - 23:9, 62:3, 126:3 discovery [3] -	84:11, 84:21, 84:22 discrepancy [1] - 26:1 discretion [1] - 408:23 discuss [17] - 91:15, 127:22, 138:19, 139:3, 152:2, 152:13, 254:16, 256:15, 301:1, 301:17, 342:22, 346:8, 391:16, 391:19, 396:19, 406:11, 406:12 discussed [7] - 15:20, 17:14, 17:21, 230:8, 234:21, 346:6, 378:2 discussing [1] - 346:7 Discussion [3] - 126:24, 313:12, 318:9 discussion [3] - 21:22, 84:4, 84:5 discussions [1] - 172:19 dishonesty [1] - 302:10 disk [1] - 311:18 dismissed [1] - 407:1 dispatch [9] - 30:6, 65:17, 65:19, 65:22, 74:3, 241:18, 242:20, 307:6, 356:16 dispatched [2] - 140:22, 306:21 dispatcher [4] - 30:21, 227:7, 272:5, 354:23 dispel [1] - 360:21 displaying [1] - 338:6 disposition [1] - 408:19 dispute [2] - 10:9, 170:12 disregard [1] - 318:1 distance [8] - 30:24, 66:21, 163:9, 164:1, 167:24, 167:25, 190:25, 279:8 distinct [1] - 380:23 distinction [3] - 344:24, 374:8, 377:1 distinctive [1] - 196:9 distinguishing [3] - 131:12, 135:17, 205:13

distraught [1] - 70:13 disturbed [2] - 290:21, 364:1 division [3] - 27:9, 108:6, 390:4 divorced [1] - 412:17 DMH [1] - 160:7 DNA [31] - 142:14, 151:15, 285:11, 285:17, 285:23, 285:25, 286:6, 286:7, 286:18, 286:22, 287:3, 287:7, 287:10, 288:4, 288:15, 288:16, 288:17, 288:21, 291:1, 358:23, 358:25, 359:3, 359:4, 359:5, 359:9, 359:16, 359:18, 359:22, 359:24, 373:3 doctor [19] - 8:13, 13:21, 13:23, 14:2, 14:8, 15:14, 21:21, 152:20, 154:4, 155:7, 157:8, 157:11, 159:7, 211:21, 212:21, 213:25, 216:12 doctor's [2] - 14:6, 155:19 document [4] - 39:24, 273:24, 275:17, 285:15 documented [2] - 70:11, 347:7 documenting [1] - 61:2 documents [2] - 376:18, 409:25 dog [13] - 129:15, 129:21, 130:1, 131:6, 143:25, 144:2, 144:11, 197:23, 351:10, 352:15, 360:8, 372:3, 372:14 Dome [2] - 144:21, 351:15 dome [5] - 130:9, 149:23, 226:14, 328:15, 352:24 domestic [2] - 225:25, 413:25 done [26] - 22:20, 58:15, 64:24, 136:3, 141:21, 169:25, 170:5, 170:14, 170:15, 171:4, 173:10, 188:7, 214:23, 250:7, 260:8,	277:15, 307:18, 316:13, 341:19, 343:1, 367:6, 373:3, 373:17, 387:22, 388:7, 421:9 Done [1] - 170:16 Donna [1] - 411:17 door [66] - 34:14, 44:4, 44:5, 58:24, 58:25, 62:17, 76:12, 76:16, 130:9, 140:5, 144:19, 146:1, 146:3, 146:11, 146:12, 149:10, 151:1, 151:8, 162:5, 162:7, 162:9, 162:25, 164:6, 165:20, 165:25, 166:2, 166:3, 167:5, 167:6, 170:9, 170:17, 171:7, 172:7, 172:16, 184:23, 193:4, 198:18, 226:7, 232:14, 242:23, 272:2, 272:7, 272:13, 272:14, 277:15, 278:12, 278:13, 278:24, 284:12, 289:13, 327:4, 327:5, 353:20, 353:21, 357:24, 358:18, 363:5, 363:24, 382:25, 383:1, 390:16, 391:24 doorjamb [8] - 162:9, 163:10, 166:1, 166:3, 279:13, 279:15, 279:16, 280:7 doorknob [2] - 146:13, 146:16 doors [5] - 234:6, 234:9, 270:8, 270:14, 327:5 Dorchester [9] - 17:20, 18:5, 18:12, 19:5, 403:9, 403:13, 407:18, 413:24, 418:24 dorm [1] - 154:12 Dorothy [1] - 123:5 doubt [47] - 104:1, 113:21, 138:9, 209:14, 334:23, 339:14, 339:18, 342:10, 349:12, 360:15, 360:20, 366:12, 366:13, 367:18, 373:10, 374:17, 374:24, 375:6, 376:8, 377:7, 377:11, 378:6, 379:8,	379:13, 379:18, 379:23, 379:25, 380:1, 380:4, 380:7, 380:13, 380:18, 381:7, 381:18, 381:24, 382:4, 382:7, 382:15, 384:14, 385:2, 385:5, 385:6, 387:15, 387:18 dovetails [1] - 342:13 down [76] - 8:23, 13:17, 19:13, 22:2, 24:6, 26:8, 31:25, 32:22, 32:23, 33:1, 37:23, 38:8, 38:25, 42:1, 42:23, 45:6, 51:9, 51:10, 51:11, 52:1, 55:17, 59:21, 62:24, 66:21, 76:13, 78:5, 90:9, 94:2, 95:16, 101:9, 144:3, 147:2, 151:25, 153:7, 156:9, 156:17, 156:25, 159:10, 160:15, 163:18, 170:2, 170:22, 181:11, 181:18, 183:11, 190:6, 193:14, 194:18, 195:3, 196:20, 198:23, 202:14, 221:25, 224:1, 224:22, 225:18, 225:22, 234:17, 236:6, 236:11, 242:2, 247:3, 251:15, 273:9, 300:12, 324:7, 353:19, 353:25, 358:5, 368:21, 391:10, 406:4, 409:23, 411:4, 417:4 downs [1] - 32:21 downstairs [2] - 146:22, 364:2 dozen [1] - 404:20 draw [3] - 32:8, 136:13, 377:24 drawer [2] - 354:4, 354:5 drawers [6] - 277:16, 297:16, 297:17, 354:5, 354:7, 354:8 drawing [2] - 63:7, 189:17 drawn [1] - 246:12 dress [1] - 133:9 dresser [10] - 277:16, 278:9, 297:3, 297:4, 297:6, 354:4,	354:5, 354:7, 354:8 drew [1] - 134:11 drink [2] - 213:2, 287:17 Drinking [1] - 78:13 drinking [1] - 212:19 Drive [21] - 19:24, 28:10, 72:25, 92:11, 128:22, 139:17, 143:15, 147:14, 219:14, 238:14, 238:15, 239:18, 240:8, 274:7, 284:16, 306:10, 319:10, 350:21, 351:7, 363:20 drive [10] - 44:20, 66:20, 76:16, 80:24, 132:9, 139:20, 295:6, 317:12, 363:19, 369:17 driven [4] - 44:13, 73:8, 73:18, 259:18 driver [13] - 26:12, 34:4, 35:12, 90:15, 197:2, 235:17, 243:18, 247:9, 247:12, 254:5, 307:11, 317:22, 317:25 Driver [1] - 243:19 driver's [7] - 44:4, 48:22, 48:23, 184:24, 190:8, 197:9, 226:7 drivers [1] - 206:15 drives [1] - 77:4 driving [13] - 44:18, 46:20, 82:5, 92:16, 131:15, 131:16, 197:11, 201:15, 247:7, 251:20, 252:11, 313:2, 359:19 Driving [1] - 109:21 drop [1] - 373:19 dropped [13] - 33:5, 98:2, 254:6, 260:17, 262:10, 262:11, 316:7, 316:9, 317:3, 317:4, 334:3, 334:4, 363:8 Dropping [1] - 262:12 drove [16] - 24:14, 50:22, 72:9, 72:11, 72:22, 73:25, 80:18, 81:5, 81:16, 128:17, 139:16, 176:16, 187:22, 317:20, 320:10, 363:10 Drove [1] - 80:20 drug [7] - 87:9, 88:5,	91:5, 101:1, 170:7, 237:25, 424:4 drugged [1] - 86:17 drugs [13] - 15:4, 78:13, 78:16, 79:12, 88:16, 90:1, 90:2, 90:5, 95:10, 99:13, 170:7, 312:15, 361:18 Drunk [1] - 109:20 Dubick [2] - 125:14, 125:24 duck [2] - 178:8, 357:6 ducked [4] - 179:10, 180:8, 193:12 ducking [1] - 180:18 duct [2] - 314:20, 420:4 duct-taped [1] - 314:20 dude [1] - 80:2 due [2] - 32:5, 126:17 DUI [1] - 74:19 duly [15] - 7:15, 26:17, 41:18, 75:23, 91:18, 128:8, 137:20, 143:2, 174:19, 218:21, 236:14, 273:12, 293:14, 305:4, 318:17 dummy [1] - 420:25 dumped [1] - 260:2 Dumpster [4] - 47:7, 47:8, 47:9, 47:10 duplicate [1] - 221:13 duration [1] - 419:14 duress [2] - 71:4, 71:5 During [5] - 111:3, 214:21, 282:19, 340:7, 389:19 during [54] - 14:20, 27:10, 34:4, 71:25, 85:18, 86:14, 104:5, 104:7, 111:5, 114:9, 140:13, 153:19, 169:14, 200:3, 200:24, 203:8, 206:23, 210:11, 214:14, 214:19, 214:21, 237:12, 237:24, 274:16, 308:16, 317:19, 329:13, 329:19, 330:1, 334:2, 334:6, 334:9, 334:16, 334:23, 335:2, 336:17, 344:4, 344:7,

346:12, 348:18, 375:21, 375:24, 376:20, 378:10, 382:1, 382:11, 386:16, 387:1, 387:23, 396:14, 414:19, 422:5, 423:2 dusk [1] - 350:5 dusting [2] - 168:7, 359:24 duties [4] - 27:5, 27:7, 273:21, 305:17 duty [8] - 250:2, 375:19, 376:8, 378:13, 378:16, 388:20, 389:18, 402:9 DVDs [1] - 85:2 dwelling [16] - 19:22, 141:10, 335:23, 336:7, 336:8, 336:9, 345:22, 346:16, 346:17, 346:18, 350:3, 381:8, 381:12, 381:13, 381:25 dysfunctional [1] - 156:8	302:13, 302:19, 375:20, 389:4, 409:12 effecting [1] - 335:15 effective [1] - 343:2 effects [3] - 6:19, 78:23, 216:7 effort [4] - 209:17, 288:14, 395:19, 401:19 eight [6] - 122:12, 170:3, 188:16, 205:23, 208:17, 416:24 either [19] - 25:6, 28:1, 43:18, 44:19, 53:6, 62:23, 68:13, 69:7, 75:9, 101:21, 164:7, 176:20, 206:18, 207:20, 327:4, 333:9, 336:8, 377:2, 389:24 Either [1] - 171:20 elaborate [1] - 40:15 elapsed [2] - 187:21, 387:8 elder [1] - 107:23 elected [1] - 406:9 electronic [7] - 37:2, 38:6, 201:13, 224:21, 226:1, 258:6, 261:18 electronics [3] - 140:7, 258:5, 364:11 element [5] - 345:5, 345:21, 346:5, 371:17, 387:13 elements [5] - 141:9, 326:20, 348:16, 350:2, 382:10 elicit [1] - 313:6 elicited [5] - 167:8, 254:23, 332:14, 332:17, 393:13 eligible [1] - 115:22 eliminate [1] - 250:4 eliminating [1] - 66:11 Ellis [25] - 19:22, 19:24, 28:10, 72:25, 92:11, 114:15, 114:21, 128:22, 132:10, 139:17, 143:15, 147:13, 219:14, 238:13, 238:15, 239:18, 240:8, 274:7, 284:15, 306:10, 319:10, 350:21, 351:7, 363:20 eluded [1] - 423:2 embarrassment [1] - 115:24	emergency [2] - 22:10, 65:11 emotional [4] - 39:7, 253:3, 253:4, 412:25 emphasize [1] - 377:15 Employed [1] - 305:12 employed [14] - 26:25, 27:1, 27:13, 91:23, 91:24, 128:13, 143:7, 174:24, 174:25, 219:3, 219:4, 273:16, 293:21, 305:11 empty [1] - 296:12 encompass [1] - 87:22 encompasses [1] - 103:2 encounter [4] - 92:15, 92:16, 93:18, 415:1 encountered [3] - 92:14, 93:14, 162:8 encounters [1] - 68:13 end [15] - 18:21, 44:22, 129:22, 141:13, 162:24, 163:10, 163:15, 164:23, 267:8, 289:10, 300:24, 315:21, 336:14, 379:9, 396:18 endangerment [2] - 403:12, 423:22 endangerments [1] - 18:10 ends [3] - 145:16, 239:20, 333:1 enemies [1] - 388:18 enemy [1] - 115:14 enforcement [13] - 24:1, 32:21, 63:6, 68:13, 91:9, 109:1, 109:2, 109:20, 109:22, 133:21, 141:2, 271:21, 419:1 engaged [3] - 156:24, 161:8, 270:17 engaging [1] - 157:21 enjoy [2] - 61:7, 61:8 ensure [1] - 342:2 entails [1] - 27:10 enter [2] - 24:4, 226:11 entered [29] - 73:1, 73:2, 139:25, 140:2,	141:10, 184:20, 220:13, 220:18, 222:16, 257:18, 257:20, 258:3, 265:24, 277:11, 277:19, 279:5, 281:5, 283:4, 284:18, 298:6, 307:18, 319:17, 320:13, 326:4, 326:5, 381:8, 381:11, 381:13, 381:24 entering [35] - 6:4, 19:22, 96:18, 103:15, 141:11, 141:18, 201:14, 222:14, 325:18, 325:19, 329:12, 329:18, 333:17, 334:16, 334:21, 334:23, 335:12, 335:25, 336:2, 336:12, 336:21, 338:7, 349:15, 350:2, 350:9, 350:10, 362:1, 364:23, 373:21, 374:9, 380:22, 382:21, 398:16, 424:15 Entering [2] - 335:13, 335:14 enters [1] - 336:7 entire [9] - 88:19, 173:20, 185:6, 240:11, 290:19, 290:20, 381:13, 407:13, 423:12 Entire [1] - 174:1 entirely [3] - 165:25, 303:5, 303:9 entirety [1] - 342:15 entitled [6] - 333:21, 343:21, 345:9, 379:21, 388:18 entrance [9] - 28:22, 29:6, 29:24, 30:25, 140:24, 223:6, 241:5, 242:15, 357:7 entrances [1] - 28:16 entranceway [1] - 144:7 entry [20] - 33:19, 35:17, 67:3, 67:4, 162:3, 247:19, 251:2, 275:6, 282:24, 309:14, 335:16, 336:9, 337:2, 337:19, 353:21, 357:8, 381:14, 381:17, 381:20 Entry [1] - 337:3	envelope [1] - 262:20 environment [1] - 384:2 equidistant [2] - 177:3, 190:10 equipment [3] - 37:2, 38:6, 62:13 erase [1] - 189:18 erred [1] - 74:20 erroneous [1] - 389:2 escalate [2] - 39:4, 39:7 especially [7] - 136:2, 138:25, 206:21, 206:22, 216:9, 233:9, 291:23 Esquire [2] - 1:16, 1:17 essential [1] - 215:10 Essentially [2] - 101:21, 169:19 essentially [7] - 72:8, 87:4, 163:10, 170:21, 170:23, 185:12, 344:18 establish [7] - 75:13, 209:17, 209:21, 209:23, 350:20, 361:2, 385:1 estimate [3] - 188:5, 188:13, 190:23 estimated [1] - 163:11 estimating [1] - 17:18 et [4] - 74:17, 310:17, 310:19, 351:14 Ethics [1] - 109:22 ethnic [2] - 109:13, 109:16 Eubanks [1] - 115:5 EV [3] - 3:2, 4:2, 5:2 evaluate [4] - 69:11, 69:13, 138:11, 376:9 evaluated [3] - 13:8, 158:16, 421:24 evaluating [3] - 69:14, 91:6, 329:23 evaluation [1] - 23:1 evening [16] - 72:22, 129:8, 143:22, 200:3, 216:12, 222:1, 228:23, 239:14, 294:10, 294:11, 306:11, 319:21, 319:23, 324:2, 324:24, 334:12
E				
e-mail [2] - 72:14, 160:6 e-mailed [1] - 64:1 ear [2] - 322:5, 411:25 early [10] - 24:18, 129:9, 153:11, 177:15, 177:16, 196:6, 204:4, 210:23, 210:24, 418:15 earrings [4] - 74:4, 298:3, 373:14, 373:20 easier [1] - 291:15 easiest [2] - 364:3, 364:4 easily [1] - 366:8 easy [3] - 291:19, 371:6, 372:25 eat [4] - 79:3, 81:2, 81:3, 216:5 Ecstasy [1] - 17:25 edge [3] - 279:23, 280:7, 280:8 edit [1] - 24:6 edited [5] - 311:14, 311:16, 311:22, 315:7, 362:10 editing [1] - 172:23 editor [1] - 174:8 education [3] - 168:25, 383:24 effect [6] - 6:11,				

event [9] - 70:18, 204:21, 212:10, 227:15, 340:20, 340:21, 385:23, 385:24, 386:24 events [3] - 85:22, 90:12, 220:3 eventual [2] - 340:22, 385:25 eventually [6] - 36:14, 43:14, 186:6, 187:14, 250:22, 253:8 Eventually [5] - 37:13, 37:25, 185:7, 186:3, 249:9 evidence [160] - 23:9, 23:12, 23:21, 25:23, 33:19, 62:3, 63:18, 66:4, 74:21, 90:11, 95:4, 103:25, 137:25, 138:7, 138:11, 138:14, 138:23, 141:14, 142:10, 142:15, 142:20, 162:11, 162:18, 163:14, 164:12, 165:1, 165:17, 166:8, 168:11, 168:13, 168:14, 168:15, 218:7, 220:19, 222:17, 225:10, 228:10, 233:3, 255:2, 255:22, 257:18, 259:21, 259:23, 260:1, 260:2, 260:19, 261:5, 262:12, 262:13, 262:15, 263:19, 263:23, 265:16, 265:25, 267:6, 267:19, 267:21, 272:18, 273:24, 276:3, 281:5, 284:19, 287:25, 288:20, 291:1, 291:20, 298:7, 302:13, 307:19, 310:14, 310:25, 312:5, 319:17, 325:2, 325:19, 326:18, 328:7, 329:25, 332:19, 334:1, 334:5, 334:7, 334:10, 336:25, 337:19, 340:9, 345:25, 346:2, 346:3, 346:4, 349:2, 350:19, 350:24, 350:25, 358:12, 358:25, 360:16, 360:19, 363:13,	363:15, 365:6, 366:5, 366:11, 366:19, 368:18, 368:21, 369:8, 369:19, 370:6, 370:24, 371:1, 371:3, 372:22, 374:24, 375:11, 375:21, 375:24, 376:9, 376:10, 376:13, 376:19, 376:20, 376:21, 376:23, 377:1, 377:3, 377:4, 377:13, 378:9, 379:12, 379:17, 379:22, 380:14, 380:24, 383:8, 385:1, 388:13, 388:24, 389:4, 389:8, 395:4, 395:12, 395:15, 395:19, 395:20, 395:21, 395:22, 395:25, 396:2, 396:7, 402:3, 425:5 evidentiary [1] - 25:8 ex [1] - 320:9 ex-boyfriend's [1] - 320:9 exact [10] - 43:12, 54:11, 56:19, 58:6, 129:7, 194:5, 309:3, 327:13, 327:14, 404:7 exactly [6] - 30:18, 43:23, 46:18, 164:10, 233:22, 336:4 Exactly [2] - 100:18, 288:19 examination [7] - 153:19, 156:23, 159:24, 206:1, 207:14, 256:14 EXAMINATION [33] - 26:19, 38:13, 41:20, 45:23, 57:10, 58:16, 75:25, 80:15, 88:10, 89:24, 91:20, 99:2, 128:10, 134:2, 143:4, 148:17, 174:21, 189:10, 218:23, 229:16, 235:14, 235:24, 236:16, 266:25, 273:14, 287:22, 293:16, 298:24, 305:6, 313:17, 316:20, 318:19, 321:17 examinations [1] - 291:21 examine [4] - 165:5, 165:18, 208:8, 304:15 examined [15] -	26:18, 41:19, 75:24, 91:19, 128:9, 143:3, 174:20, 218:22, 236:15, 273:13, 293:15, 302:7, 302:8, 305:5, 318:18 examiner [1] - 279:3 examining [1] - 387:17 example [7] - 181:15, 221:11, 221:15, 279:6, 292:17, 314:16, 382:25 exams [1] - 319:1 exceeded [1] - 74:22 except [10] - 74:3, 302:5, 346:11, 347:5, 348:17, 364:11, 382:2, 382:10, 391:15, 419:9 exception [4] - 60:8, 62:1, 62:12, 65:4 exceptions [2] - 392:12, 397:14 exchange [1] - 34:5 exchanged [1] - 267:25 excited [9] - 93:16, 93:20, 94:2, 95:12, 95:13, 96:19, 99:14, 99:17, 312:16 exclude [2] - 24:9, 204:14 exclusive [1] - 138:17 Excuse [2] - 50:7, 87:24 excuse [19] - 86:24, 117:3, 117:19, 118:8, 118:14, 118:22, 119:14, 120:13, 120:21, 121:20, 122:1, 122:9, 123:8, 123:18, 124:22, 125:5, 125:11, 126:25, 158:6 excused [21] - 59:23, 60:3, 117:4, 117:20, 118:9, 118:15, 118:23, 119:15, 120:14, 120:22, 121:21, 122:2, 122:10, 123:19, 124:23, 125:6, 125:12, 236:10, 236:12, 324:8, 370:25 excuses [3] - 368:23, 372:11, 406:24 exhausted [1] -	122:12 exhibit [5] - 281:7, 393:23, 393:24, 396:2 Exhibit [26] - 95:3, 178:12, 178:16, 182:19, 182:24, 191:4, 191:14, 218:6, 220:19, 222:17, 225:9, 225:14, 228:9, 240:2, 243:8, 261:4, 263:22, 265:15, 296:7, 309:25, 310:24, 312:4, 393:3, 393:13, 395:3, 395:9 exhibiting [1] - 152:16 Exhibits [4] - 218:5, 239:23, 240:17, 319:17 exhibits [7] - 23:20, 141:14, 350:19, 378:12, 388:12, 391:21, 392:19 exigent [1] - 66:3 existence [3] - 206:14, 376:22, 376:24 exists [2] - 325:6, 371:3 exit [7] - 28:21, 28:23, 29:7, 140:24, 185:1, 186:7, 226:11 Exit [1] - 185:3 exited [6] - 92:19, 182:11, 183:21, 224:11, 224:22, 226:6 Exited [1] - 184:23 exiting [9] - 183:8, 186:12, 187:16, 188:24, 201:10, 201:13, 202:7, 224:5 exits [1] - 28:16 expanded [1] - 88:14 expect [1] - 64:20 expectation [2] - 63:16, 75:14 expected [3] - 64:8, 290:5, 417:24 expedite [1] - 186:10 experience [18] - 61:8, 109:2, 139:6, 166:16, 166:24, 167:11, 168:23, 169:10, 268:10, 268:15, 286:2, 286:21, 287:6, 394:21, 409:18, 419:12, 422:4 experienced [1] - 63:5	experiences [5] - 32:6, 107:12, 109:1, 340:12, 385:14 expert [15] - 165:2, 166:14, 166:15, 166:17, 167:14, 167:15, 167:21, 167:23, 168:1, 168:5, 168:7, 168:22, 169:8, 291:24, 357:24 expertise [2] - 166:18, 169:5 experts [3] - 167:18, 168:12, 291:21 explain [15] - 10:1, 31:25, 93:20, 95:15, 95:16, 96:13, 159:10, 166:6, 269:11, 301:6, 301:9, 360:23, 374:18, 375:13, 395:20 explained [17] - 32:3, 34:11, 40:20, 69:8, 96:17, 97:23, 186:8, 246:9, 247:12, 303:11, 303:14, 316:7, 317:12, 341:25, 415:12, 418:23 explaining [5] - 75:12, 79:13, 186:7, 253:5, 269:13 explains [1] - 343:9 exploitation [1] - 107:23 explore [2] - 235:22, 342:23 exposed [1] - 36:14 exposing [1] - 413:25 exposure [2] - 17:25, 403:17 exposures [1] - 402:24 express [3] - 367:21, 375:17, 395:18 expression [1] - 385:8 expressions [1] - 388:9 extended [1] - 408:5 extends [3] - 63:22, 104:8, 387:13 extensive [1] - 386:24 extent [3] - 102:2, 377:3, 420:18 extra [3] - 63:13, 158:19, 295:4 extract [1] - 98:14

extreme [1] - 70:5 Extremely [1] - 36:20 eye [2] - 146:23, 196:17 eyeglasses [1] - 135:16 eyes [3] - 258:12, 372:2, 408:21 eyewitness [15] - 322:3, 326:24, 330:8, 340:5, 340:8, 340:9, 340:15, 342:25, 347:6, 347:8, 347:13, 347:25, 367:25, 385:11, 385:17 Eyewitnesses [2] - 337:1, 337:4 eyewitnesses [5] - 74:2, 325:12, 325:13, 342:25, 350:14	376:11, 376:22, 376:24, 377:15, 377:25, 378:1, 388:1, 388:4, 403:15, 410:24 factor [4] - 67:23, 201:15, 377:16, 410:6 factors [10] - 209:21, 209:23, 276:25, 340:14, 341:1, 347:24, 383:23, 385:17, 386:4, 419:6 facts [36] - 6:5, 72:7, 72:19, 74:7, 74:10, 74:14, 97:1, 97:5, 108:20, 108:21, 125:21, 126:19, 135:22, 138:15, 138:16, 138:22, 342:4, 349:10, 349:11, 349:23, 350:1, 350:14, 350:20, 357:20, 357:21, 357:22, 360:20, 366:18, 371:24, 375:15, 375:16, 376:23, 388:1, 388:13, 389:8, 407:14 factual [2] - 36:23, 137:5 factually [1] - 342:5 fades [1] - 150:7 failed [4] - 348:17, 377:10, 382:4, 382:11 failing [1] - 74:21 failure [2] - 18:5, 403:10 fair [23] - 107:12, 109:14, 109:17, 110:17, 110:24, 111:7, 111:16, 111:23, 112:3, 112:9, 112:15, 112:21, 113:2, 113:10, 113:15, 126:20, 215:6, 233:15, 327:16, 342:11, 388:6, 388:18, 402:4 fairly [10] - 31:7, 33:15, 38:22, 214:24, 221:3, 221:6, 224:24, 294:25, 295:1, 349:16 Fairly [1] - 144:9 fall [4] - 88:24, 89:2, 89:3, 333:3 fallacies [1] - 340:5 false [1] - 302:10 familiar [6] - 28:12, 114:4, 114:13, 114:20, 162:15,	310:17 family [13] - 100:22, 104:18, 104:21, 105:15, 105:20, 105:24, 114:6, 115:4, 215:19, 303:7, 409:7, 411:9, 415:22 famous [1] - 157:24 fan [1] - 32:19 fancy [1] - 392:3 far [34] - 9:17, 20:11, 21:20, 44:18, 55:9, 56:1, 80:10, 130:14, 159:2, 164:5, 165:6, 166:8, 166:9, 166:22, 170:9, 213:1, 216:10, 248:3, 288:8, 299:16, 338:3, 340:18, 341:8, 342:8, 347:8, 358:9, 363:14, 385:21, 386:11, 393:22, 406:24, 407:25, 424:5 fashion [2] - 138:20, 365:20 fast [5] - 48:8, 115:25, 174:3, 323:16, 356:11 faster [1] - 216:7 father [7] - 8:8, 410:9, 412:16, 412:21, 412:22, 413:4, 413:12 fathers [1] - 412:19 favor [2] - 137:13, 209:22 favored [1] - 206:8 fear [3] - 115:24, 383:17, 394:4 features [1] - 135:18 February [27] - 6:6, 14:11, 27:13, 46:1, 72:21, 128:21, 129:9, 139:14, 143:20, 175:6, 175:13, 175:17, 219:9, 219:15, 219:21, 237:4, 237:12, 238:8, 248:21, 273:25, 294:6, 305:24, 319:7, 319:21, 350:21, 404:24 fed [1] - 29:6 feelings [2] - 39:4, 110:7 feet [8] - 130:18, 135:10, 177:6, 177:7, 190:16, 195:3, 205:11, 205:19 FEETERS [2] - 91:17, 305:3	Feeters [38] - 2:6, 78:3, 78:23, 79:6, 80:7, 83:7, 84:5, 85:8, 85:13, 86:9, 86:21, 86:24, 86:25, 87:3, 88:13, 91:15, 91:16, 91:22, 91:24, 115:12, 170:13, 217:21, 305:2, 305:8, 313:14, 355:2, 361:5, 361:6, 361:8, 361:17, 361:22, 361:25, 362:20, 362:23, 363:3, 363:8, 363:9, 370:19 fell [1] - 134:18 fellow [3] - 139:4, 388:24, 389:5 felony [4] - 71:19, 72:17, 74:19, 345:14 felt [6] - 15:11, 18:18, 44:11, 60:18, 68:18, 98:8 Female [1] - 315:4 female [20] - 56:14, 117:15, 117:23, 118:6, 118:18, 120:1, 120:9, 120:17, 120:25, 122:15, 122:23, 123:6, 124:8, 124:18, 125:1, 127:5, 131:16, 135:7, 315:3, 315:6 fence [3] - 370:14, 370:15, 373:16 Ferrebee [1] - 120:16 few [24] - 73:13, 77:16, 108:1, 127:21, 131:4, 175:15, 177:1, 185:5, 185:13, 201:14, 205:5, 210:12, 224:7, 229:10, 271:5, 287:13, 300:25, 301:5, 304:14, 324:12, 371:23, 380:10, 404:16, 421:19 few-minute [1] - 324:12 fiancee [2] - 77:13, 106:4 fidgiting [1] - 184:24 field [3] - 166:14, 166:18, 169:5 Fifth [3] - 301:22, 301:23, 302:23 fight [5] - 64:8, 246:18, 267:15, 352:15, 360:8	fighting [1] - 55:25 figure [7] - 73:9, 73:19, 98:9, 161:11, 161:18, 364:13, 420:13 figured [2] - 53:21, 392:7 filed [2] - 23:8, 209:3 fill [2] - 39:17, 157:10 filled [1] - 275:3 filling [1] - 73:3 final [1] - 303:9 Finally [1] - 381:23 finally [2] - 140:20, 378:18 Finch [13] - 1:14, 16:16, 21:18, 24:25, 80:14, 102:25, 158:2, 172:12, 194:13, 206:16, 292:11, 314:5, 409:24 FINCH [208] - 17:17, 18:11, 20:8, 21:18, 23:18, 25:18, 26:15, 26:23, 38:9, 41:11, 41:14, 45:24, 49:13, 51:17, 52:2, 57:7, 58:17, 59:20, 60:1, 62:6, 65:8, 66:9, 66:15, 67:12, 71:16, 71:18, 71:21, 72:3, 72:16, 72:21, 73:14, 73:16, 80:16, 88:7, 89:23, 89:25, 90:7, 91:14, 91:21, 94:7, 94:10, 94:23, 95:5, 98:24, 101:14, 101:18, 102:4, 102:9, 102:22, 103:14, 114:15, 115:19, 117:1, 117:9, 117:17, 117:25, 118:8, 118:14, 118:20, 119:3, 119:11, 119:20, 120:3, 120:11, 120:19, 121:2, 121:10, 121:18, 122:1, 122:7, 122:17, 122:25, 123:8, 123:16, 123:24, 124:10, 124:20, 125:3, 125:11, 125:17, 126:14, 127:7, 127:14, 128:2, 128:11, 133:23, 139:8, 139:13, 142:25, 143:5, 147:23, 148:14, 151:23, 158:3,
F				
f'ing [6] - 44:8, 44:25, 54:3, 54:25, 58:8, 64:15 facade [1] - 220:24 face [22] - 116:17, 130:23, 133:11, 135:15, 145:3, 149:3, 150:9, 151:19, 151:20, 196:9, 196:12, 200:19, 201:5, 201:6, 201:17, 201:24, 203:10, 205:22, 206:24, 350:7, 382:2 faced [1] - 418:3 facial [2] - 205:13, 206:21 facility [2] - 191:10, 262:15 facing [12] - 18:5, 20:10, 21:24, 50:11, 129:24, 145:17, 176:19, 176:24, 177:2, 184:10, 189:20, 418:18 fact [40] - 22:9, 71:18, 72:17, 73:6, 86:13, 86:17, 97:4, 154:1, 164:13, 165:19, 167:23, 188:23, 207:4, 207:16, 303:1, 309:17, 317:12, 332:1, 345:6, 352:19, 354:22, 357:18, 358:15, 359:3, 360:1, 362:20, 365:22, 365:23, 365:25,				

161:25, 165:12, 166:16, 167:20, 168:19, 169:19, 170:5, 171:2, 173:1, 173:22, 174:13, 174:17, 174:22, 178:10, 178:14, 180:4, 182:18, 182:21, 183:23, 189:8, 202:23, 203:1, 203:5, 204:18, 207:1, 208:15, 210:4, 217:15, 217:20, 217:24, 218:18, 218:24, 225:2, 225:6, 225:11, 226:22, 228:4, 228:11, 228:16, 229:13, 235:13, 235:15, 235:19, 236:8, 240:16, 263:18, 273:15, 280:18, 287:2, 287:20, 290:6, 293:9, 293:12, 293:17, 298:21, 305:1, 305:7, 306:9, 308:23, 309:1, 309:10, 310:15, 310:20, 311:1, 311:25, 312:6, 312:9, 313:1, 313:10, 313:14, 316:21, 317:18, 318:4, 318:15, 318:20, 323:4, 323:19, 324:6, 324:10, 326:23, 328:20, 328:24, 329:4, 329:6, 329:9, 331:16, 333:25, 335:3, 336:25, 337:13, 338:19, 338:25, 339:4, 339:7, 341:15, 343:16, 347:1, 347:17, 348:12, 348:20, 349:9, 375:2, 392:14, 393:8, 397:16, 402:2, 402:14, 402:18, 403:4, 403:8, 404:4, 405:20, 407:12, 422:23 Finch's [1] - 45:21 finders [1] - 375:15 findings [2] - 16:9, 317:21 fine [12] - 12:17, 17:2, 24:15, 24:20, 153:21, 158:1, 212:1, 212:3, 267:24, 276:6, 406:16, 414:17	Fine [2] - 304:11, 316:13 finger [1] - 215:19 fingerprint [8] - 169:1, 169:3, 275:25, 276:8, 285:17, 290:18, 290:19, 368:19 fingerprinted [1] - 293:4 fingerprints [23] - 142:12, 151:15, 162:6, 275:23, 276:1, 276:3, 276:4, 276:14, 276:16, 276:21, 277:5, 278:16, 283:13, 284:6, 285:9, 292:5, 292:20, 358:24, 359:9, 359:17, 359:18, 359:21, 359:24 finish [5] - 24:14, 24:19, 304:13, 366:7, 406:9 finished [1] - 389:17 fire [1] - 55:22 firearms [1] - 169:5 firmlly [4] - 350:24, 366:13, 380:8, 380:14 First [5] - 68:2, 76:6, 92:16, 407:11, 414:18 first [147] - 6:3, 6:4, 10:13, 15:25, 18:2, 18:24, 19:21, 19:24, 20:7, 26:17, 29:17, 31:8, 32:17, 34:6, 41:18, 42:19, 44:23, 52:12, 53:10, 54:10, 66:16, 66:17, 72:4, 75:23, 82:5, 87:14, 87:16, 91:18, 92:14, 92:23, 93:14, 93:18, 93:23, 96:18, 103:14, 103:16, 103:20, 116:23, 126:8, 128:8, 130:17, 131:23, 136:4, 141:9, 141:17, 142:24, 143:2, 144:15, 160:11, 162:2, 170:13, 170:15, 170:19, 170:25, 171:4, 171:9, 171:16, 172:6, 172:7, 172:9, 172:15, 172:20, 173:10, 173:14, 174:19, 175:21, 176:14, 188:3, 188:4, 188:9, 190:5, 190:13, 190:17, 190:21,	192:15, 193:7, 193:8, 203:14, 218:21, 222:12, 222:23, 226:6, 236:14, 241:14, 245:23, 273:12, 274:14, 275:1, 277:11, 283:18, 284:4, 293:14, 296:1, 305:4, 307:13, 318:17, 325:3, 326:20, 329:17, 335:5, 336:5, 336:6, 336:16, 338:21, 339:5, 339:12, 339:15, 339:17, 344:6, 344:23, 345:2, 345:12, 346:11, 348:3, 348:16, 349:3, 349:15, 349:21, 350:2, 355:9, 363:4, 366:20, 374:3, 380:21, 381:6, 381:7, 382:5, 382:10, 390:7, 390:8, 390:12, 390:21, 391:5, 393:10, 395:11, 398:7, 398:11, 402:10, 402:25, 403:18, 403:22, 409:3, 409:15, 410:16, 415:4, 424:11, 424:14 firsts [1] - 418:21 fit [4] - 22:22, 30:20, 215:4, 246:5 fitting [1] - 334:8 five [21] - 11:19, 13:20, 20:4, 20:5, 20:6, 20:11, 111:14, 116:22, 180:22, 188:7, 205:8, 223:23, 247:18, 270:25, 271:1, 337:15, 337:20, 355:23, 355:24, 409:12, 424:16 five-minute [2] - 205:8, 337:20 fix [6] - 83:18, 83:20, 83:22, 83:24, 84:1, 84:2 flashlight [10] - 168:20, 265:9, 265:20, 265:21, 357:13, 358:12, 359:14, 365:2, 370:7 Flashlight [2] - 4:20, 364:24 Flashlights [1] -	364:25 flashlights [2] - 83:24, 131:22 flat [5] - 142:12, 241:1, 281:14, 292:18, 293:1 flathead [1] - 164:22 flatted [2] - 167:1 flawed [1] - 208:10 flea [1] - 360:25 fled [1] - 30:10 flee [1] - 246:18 fleece [1] - 135:11 fleeing [3] - 31:5, 65:24, 90:13 flight [12] - 329:18, 335:4, 335:6, 335:16, 335:24, 336:10, 336:16, 336:22, 336:23, 338:4, 346:5 flimsy [1] - 345:25 floated [1] - 370:2 floor [9] - 176:14, 176:15, 176:23, 190:15, 190:17, 190:18, 190:21, 222:13 floors [1] - 176:25 flow [1] - 29:14 fob [16] - 73:6, 73:9, 73:14, 73:17, 73:19, 140:10, 140:15, 182:5, 183:9, 202:17, 252:7, 354:2, 354:16, 364:12 Focus [1] - 362:6 focus [8] - 31:17, 43:25, 79:6, 134:12, 136:10, 213:18, 232:2, 282:3 focused [1] - 347:23 focuses [1] - 203:24 focussed [5] - 154:15, 160:23, 160:25, 161:7, 215:6 foggy [1] - 90:22 folded [1] - 391:10 folder [2] - 7:17, 7:18 folks [1] - 228:19 follow [3] - 108:24, 310:6, 332:11 followed [1] - 238:16 following [4] - 21:21, 61:2, 336:3, 341:16 follows [14] - 26:18, 41:19, 75:24, 91:19, 128:9, 143:3, 174:20, 218:22, 236:15, 273:13, 293:15, 305:5, 318:18, 348:1	Folly [1] - 239:18 food [1] - 216:3 foolproof [2] - 340:10, 385:13 foot [1] - 381:15 football [3] - 32:19, 335:19, 338:2 force [8] - 355:22, 381:17, 382:20, 382:23, 383:17, 416:24, 417:5 forced [6] - 33:19, 247:19, 251:2, 309:14, 357:8 forcibly [1] - 382:22 foregoing [1] - 425:4 forelady [3] - 375:10, 387:21, 389:22 Forelady [5] - 304:9, 390:19, 395:6, 397:7, 397:20 Foreman [1] - 389:18 forensic [2] - 291:1, 370:23 forensics [2] - 369:23, 370:22 foreperson [3] - 139:11, 300:19, 398:12 FOREPERSON [3] - 304:11, 397:22, 397:24 Foreperson [1] - 398:7 foreperson's [1] - 300:20 forget [2] - 267:20, 353:4 Forgive [1] - 200:13 forgive [5] - 63:21, 186:17, 192:7, 194:4, 264:7 Forgot [2] - 267:6, 353:3 forgot [2] - 267:19, 361:1 form [9] - 138:20, 268:13, 300:23, 333:23, 338:23, 339:9, 339:10, 339:21, 391:1 formal [2] - 376:15, 376:17 forms [2] - 39:16, 157:10 formulate [1] - 169:8 forth [8] - 24:22, 69:10, 71:7, 140:19, 153:19, 166:2, 354:18, 364:16

forthcoming ^[1] - 408:13 fortunate ^[3] - 418:2, 418:20, 418:23 fortunately ^[2] - 68:20, 406:7 forward ^[8] - 9:21, 16:16, 18:23, 21:8, 44:3, 104:15, 116:17, 139:5 forwarded ^[1] - 174:4 foster ^[4] - 8:6, 8:7, 412:13, 412:20 Four ^[2] - 11:18, 234:8 four ^[16] - 11:19, 17:20, 70:16, 76:16, 108:6, 108:9, 190:21, 197:14, 214:7, 226:13, 242:23, 267:10, 272:7, 272:14, 347:18 four-door ^[5] - 76:16, 242:23, 272:7, 272:14 fourthly ^[1] - 397:1 frame ^[4] - 59:11, 205:8, 242:19, 260:6 frantic ^[1] - 214:22 freak ^[1] - 356:3 freaking ^[1] - 54:11 free ^[14] - 60:10, 79:21, 83:16, 91:8, 93:10, 101:10, 127:18, 152:1, 217:11, 247:1, 345:23, 383:15, 384:19, 406:11 freely ^[1] - 302:21 fresh ^[2] - 137:4, 386:22 freshness ^[1] - 137:17 Fretters ^[2] - 312:10, 327:25 Friday ^[2] - 211:20, 211:23 Friend ^[1] - 115:14 friend ^[20] - 33:6, 33:10, 66:18, 66:19, 98:3, 104:21, 105:24, 106:6, 139:21, 254:11, 316:8, 317:3, 317:13, 317:16, 332:8, 332:12, 332:16, 332:20, 334:4, 363:8 friend's ^[4] - 33:7, 254:8, 294:11, 295:11 friends ^[11] - 98:1,	104:19, 105:14, 105:21, 114:6, 254:7, 268:7, 299:7, 303:8, 388:17 front ^[48] - 21:23, 42:24, 49:1, 49:23, 50:3, 50:4, 50:9, 70:12, 90:17, 132:9, 132:24, 140:14, 146:3, 147:14, 176:5, 178:4, 178:21, 183:13, 185:12, 187:23, 189:2, 189:20, 193:5, 193:15, 193:19, 195:20, 195:24, 196:1, 208:5, 220:9, 224:11, 235:3, 240:24, 263:16, 264:25, 265:6, 266:19, 271:4, 281:16, 281:22, 283:6, 296:9, 352:8, 356:24, 363:24, 363:25, 407:23 Front ^[1] - 106:7 fruits ^[1] - 62:4 frustrated ^[1] - 78:9 frustrating ^[1] - 10:10 Fryer ^[1] - 126:11 fulcrum ^[3] - 163:10, 164:17, 165:24 full ^[7] - 40:24, 192:7, 243:5, 280:8, 302:22, 353:24, 405:7 fully ^[8] - 20:20, 21:2, 86:2, 101:11, 312:18, 342:24, 405:24, 416:11 fumbling ^[1] - 226:25 function ^[1] - 23:4 further ^[1] - 326:17 future ^[1] - 424:8	gather ^[1] - 97:1 Gathers ^[1] - 160:7 gauge ^[1] - 159:15 gears ^[2] - 77:25, 196:3 GENERAL ^[1] - 1:1 general ^[7] - 177:13, 240:8, 251:9, 271:2, 274:23, 334:8, 384:25 generalities ^[1] - 96:10 generally ^[3] - 281:25, 350:5, 376:20 Generally ^[1] - 285:17 gentleman ^[12] - 24:21, 135:9, 144:15, 146:25, 178:2, 197:13, 220:15, 221:17, 222:11, 222:24, 223:5, 224:21 gentlemen ^[19] - 102:23, 103:17, 108:19, 115:20, 116:15, 127:20, 137:23, 141:20, 254:13, 317:24, 348:25, 367:4, 375:11, 395:7, 398:19, 401:18, 402:8, 406:5, 406:19 geographical ^[2] - 237:17, 237:21 Georgia ^[6] - 24:14, 109:9, 128:16, 143:10, 351:5, 352:13 gifted ^[2] - 422:7, 422:14 girlfriend ^[9] - 33:5, 77:13, 96:24, 96:25, 97:2, 97:19, 362:8, 362:19, 362:25 gist ^[3] - 58:7, 169:12, 170:23 Given ^[1] - 136:4 given ^[41] - 12:24, 23:2, 34:1, 74:14, 75:8, 77:17, 80:6, 85:1, 90:13, 90:14, 90:22, 104:14, 141:1, 169:25, 200:3, 206:13, 209:21, 213:11, 216:20, 217:5, 217:12, 247:3, 251:1, 251:2, 268:16, 271:24, 272:4, 301:21, 302:23, 307:6, 332:23, 343:22, 345:25, 373:24, 377:2,	384:18, 387:10, 387:23, 394:6, 397:2, 417:2 glad ^[1] - 255:2 glance ^[1] - 349:21 glanced ^[1] - 222:10 glass ^[7] - 180:15, 180:23, 223:15, 223:21, 223:25, 327:7, 353:17 Glass ^[2] - 198:15, 198:16 glasses ^[2] - 7:21, 8:1 glean ^[1] - 393:18 glossed ^[1] - 370:24 glove ^[10] - 42:9, 43:6, 52:14, 52:15, 52:16, 151:9, 151:12, 151:14, 227:1 gloves ^[8] - 149:18, 149:19, 202:18, 202:19, 235:7, 235:8, 372:20, 372:22 goals ^[1] - 233:25 God ^[3] - 137:25, 370:5, 417:1 gold ^[1] - 135:19 Golden ^[1] - 375:2 goods ^[22] - 69:18, 110:8, 142:8, 142:19, 325:22, 328:16, 328:25, 329:19, 331:11, 331:13, 332:10, 332:23, 333:9, 335:10, 337:3, 337:16, 367:15, 368:7, 369:22, 373:16, 392:18 Goucher ^[1] - 116:23 govern ^[1] - 302:7 grab ^[3] - 289:3, 364:4, 366:8 grabbed ^[2] - 220:12, 224:5 grabs ^[1] - 363:24 grade ^[1] - 190:20 grand ^[5] - 18:3, 403:2, 403:6, 404:12 grandmother ^[1] - 412:21 grandson ^[1] - 105:11 grant ^[1] - 392:16 Granted ^[1] - 208:21 granted ^[1] - 215:3 grass ^[2] - 195:19, 224:5 grassy ^[4] - 193:20, 193:22, 225:15,	230:16 grateful ^[2] - 417:11, 419:11 great ^[5] - 150:8, 205:1, 254:25, 358:25, 382:23 greater ^[1] - 301:9 green ^[2] - 265:9, 265:20 Greg ^[2] - 1:15, 103:4 Grimes ^[1] - 1:16 groceries ^[9] - 176:2, 177:11, 177:18, 177:21, 196:11, 201:18, 220:12, 222:6, 353:3 grocery ^[4] - 176:1, 220:2, 220:4, 353:1 groggy ^[5] - 17:2, 160:18, 210:12, 211:15, 267:10 ground ^[5] - 177:6, 190:16, 234:19, 277:10, 284:5 grounds ^[2] - 331:17, 363:22 group ^[2] - 14:22, 14:25 groups ^[1] - 416:16 growing ^[1] - 412:13 grown ^[4] - 411:22, 411:23, 411:24, 414:5 guarantee ^[1] - 170:14 guess ^[24] - 8:21, 8:23, 10:1, 14:5, 32:14, 48:9, 79:10, 84:19, 129:9, 132:10, 175:23, 180:9, 190:24, 198:6, 198:7, 198:8, 199:15, 212:5, 231:19, 233:9, 392:16, 394:10, 404:11 guessing ^[2] - 205:2, 292:1 guide ^[2] - 229:24, 387:23 guidelines ^[1] - 410:1 guilt ^[19] - 103:25, 113:21, 138:8, 339:17, 350:24, 376:14, 376:15, 377:6, 377:18, 378:6, 379:7, 379:12, 379:18, 379:23, 380:9, 384:25, 402:3 Guilty ^[1] - 339:5
G				
gain ^[1] - 381:17 Gamble ^[1] - 300:16 game ^[2] - 32:20, 141:25 games ^[3] - 141:24, 142:1, 367:11 gang ^[1] - 237:25 garage ^[1] - 224:13 garages ^[5] - 182:12, 224:14, 224:23 garbage ^[2] - 33:24, 199:7 gates ^[1] - 241:24				

guilty [69] - 19:16, 19:17, 20:16, 20:17, 55:20, 69:16, 71:15, 71:17, 71:25, 72:16, 74:12, 74:13, 90:17, 90:18, 103:22, 103:24, 106:14, 113:19, 113:22, 114:2, 138:6, 138:7, 141:17, 142:19, 142:22, 333:1, 336:6, 338:22, 338:25, 339:1, 339:6, 339:11, 339:16, 349:13, 366:20, 366:23, 374:1, 375:8, 377:11, 378:22, 378:24, 379:5, 379:24, 380:15, 380:17, 380:18, 381:4, 387:20, 390:8, 390:9, 390:10, 390:11, 390:21, 390:22, 390:23, 390:25, 398:6, 398:12, 398:18, 402:9, 416:1 gun [3] - 246:12, 336:18, 336:19 gunpoint [2] - 107:9, 113:6 guns [4] - 54:5, 54:8, 54:9, 420:5 gut [1] - 255:11 guy [31] - 32:12, 56:12, 74:19, 132:2, 134:8, 134:19, 134:22, 136:18, 147:5, 148:20, 149:15, 150:12, 152:10, 196:8, 201:24, 203:16, 208:6, 209:19, 231:16, 291:10, 300:2, 321:21, 321:24, 351:23, 353:8, 368:19, 369:14, 372:14, 373:2, 421:1 guys [6] - 32:19, 56:15, 211:25, 213:3, 314:20, 368:24	233:7, 234:6, 271:21 half [16] - 147:15, 163:7, 163:15, 163:25, 164:2, 167:7, 167:21, 167:22, 167:25, 205:6, 216:18, 280:4, 281:19, 357:24, 358:2, 358:3 Hall [1] - 89:19 hand [18] - 151:5, 151:8, 177:11, 182:2, 197:16, 199:8, 241:2, 284:22, 284:24, 376:4, 376:5, 380:16, 381:15, 391:9, 398:21, 415:6, 415:7, 416:12 handbag [1] - 364:10 handcuffed [2] - 135:1, 137:15 handcuffs [8] - 43:20, 45:10, 53:5, 53:6, 58:20, 61:14, 136:1, 247:14 handed [1] - 155:14 handing [1] - 322:19 handle [4] - 313:24, 392:7, 418:2, 418:4 handling [1] - 285:14 hands [11] - 7:17, 37:13, 42:7, 76:10, 149:17, 199:15, 250:7, 250:8, 391:7, 391:10, 395:21 handwriting [1] - 260:5 handwritten [1] - 410:18 hang [1] - 31:15 hanging [3] - 98:1, 99:9, 99:13 happy [5] - 23:19, 173:18, 189:18, 255:20, 301:8 Harassment [1] - 109:8 hard [16] - 9:13, 61:9, 72:15, 88:12, 98:14, 150:1, 155:23, 159:15, 260:7, 288:4, 290:16, 299:15, 324:1, 350:6, 373:2, 374:17 Hardwell [3] - 33:17, 37:5 harm [1] - 420:8 harms [1] - 18:24 hate [2] - 255:25, 343:23	Hauling [1] - 325:15 hauling [3] - 328:16, 335:10, 337:3 hawk [1] - 372:2 head [12] - 16:1, 50:19, 56:20, 58:5, 103:9, 153:5, 157:5, 179:24, 181:17, 183:24, 420:5, 420:22 headache [1] - 252:13 headed [4] - 63:5, 154:15, 183:25, 193:6 heading [2] - 306:15, 337:5 headlights [7] - 29:25, 30:6, 30:15, 226:6, 242:16, 243:12 headquarters [1] - 94:1 health [20] - 7:3, 13:2, 13:5, 13:23, 21:6, 21:7, 153:6, 154:18, 155:21, 157:7, 158:17, 158:20, 159:2, 159:6, 159:21, 160:12, 179:24, 421:10, 421:13 hear [43] - 8:22, 9:7, 12:16, 25:11, 25:22, 32:19, 41:23, 51:15, 85:2, 142:10, 149:9, 166:9, 170:24, 186:8, 186:11, 198:19, 231:2, 232:7, 232:15, 232:16, 232:18, 232:19, 255:12, 306:17, 315:25, 322:5, 337:2, 348:10, 349:2, 355:5, 355:6, 355:8, 355:12, 361:11, 361:12, 361:13, 394:24, 396:13, 396:21 heard [75] - 19:3, 62:6, 62:7, 66:17, 68:6, 69:13, 72:4, 85:4, 85:5, 92:12, 138:22, 138:24, 142:20, 161:21, 169:19, 180:22, 194:16, 198:17, 199:19, 203:8, 204:19, 206:14, 223:23, 230:9, 231:6, 231:23, 234:5, 234:15, 244:7, 254:24, 260:13, 268:18, 306:14,	307:2, 314:4, 315:7, 316:14, 317:1, 321:3, 324:11, 324:22, 324:23, 332:12, 348:22, 349:1, 350:13, 350:14, 350:15, 350:16, 351:1, 352:22, 352:24, 353:19, 353:20, 354:3, 355:2, 355:21, 356:14, 357:5, 358:20, 360:6, 361:5, 362:10, 365:6, 367:19, 371:24, 375:11, 388:10, 395:12, 405:12, 409:2, 411:21, 414:15, 419:8 hearing [20] - 9:16, 15:1, 22:11, 102:11, 128:3, 161:23, 169:14, 194:3, 195:8, 230:9, 234:21, 235:2, 253:17, 254:20, 255:8, 255:13, 255:19, 256:9, 307:12, 415:8 hearings [4] - 22:4, 158:6, 408:11, 423:3 hears [3] - 327:3, 327:7, 327:8 Hearsay [1] - 312:24 hearsay [3] - 253:17, 309:5, 313:6 heart [1] - 22:5 heat [1] - 249:8 heating [1] - 36:11 heavier [1] - 198:13 heavily [1] - 34:23 heavy [2] - 79:13, 353:24 hedge [4] - 179:7, 179:8, 180:8, 193:10 hedges [20] - 192:14, 192:19, 192:21, 192:25, 193:1, 193:4, 193:5, 193:8, 193:11, 193:13, 193:15, 193:19, 195:20, 195:23, 195:24, 196:2, 196:4, 331:21 height [1] - 177:4 heightened [2] - 347:12, 386:25 held [10] - 126:24, 135:24, 182:2, 199:16, 224:6, 230:17, 247:2, 267:9, 313:12, 318:9 Hello [1] - 210:5	hello [3] - 196:13, 201:19, 222:1 help [24] - 18:23, 40:6, 83:1, 137:25, 161:17, 204:10, 216:3, 216:6, 223:1, 229:24, 244:11, 244:24, 247:11, 355:20, 369:24, 387:23, 406:23, 409:17, 416:3, 416:18, 416:19, 416:20, 422:4 helpful [1] - 157:1 helping [1] - 245:10 helps [1] - 142:10 Hence [1] - 341:1 hence [1] - 386:4 hereby [1] - 425:3 hereto [1] - 425:10 herself [2] - 73:25, 423:24 hesitate [4] - 366:14, 380:3, 380:5, 389:1 hesitation [4] - 132:19, 366:13, 366:17, 369:11 Hesitation [1] - 366:14 hexagon [3] - 163:21, 164:21, 167:6 Hi [2] - 293:19, 318:22 hidden [1] - 276:22 hiding [1] - 364:19 high [4] - 79:10, 99:16, 136:8, 193:10 higher [4] - 95:14, 190:14, 190:15, 408:18 highlights [1] - 340:4 highly [3] - 62:13, 136:24, 200:2 himself [10] - 18:24, 24:6, 84:14, 301:25, 368:15, 379:1, 413:25, 420:24, 422:13, 423:24 historically [1] - 250:1 history [11] - 7:2, 7:4, 8:4, 11:6, 22:1, 22:13, 23:2, 211:17, 217:10, 405:14, 413:23 hit [6] - 31:21, 31:23, 140:15, 244:2, 244:3, 419:2 hits [2] - 233:8, 233:11
H				
habit [2] - 97:25, 98:9 habitually [1] - 31:22 Haffenden [2] - 1:20, 425:1 hair [1] - 131:17 hairs [4] - 232:23,				

Hoe ^[1] - 47:21 hold ^[3] - 98:22, 138:1, 332:5 Hold ^[1] - 215:17 holding ^[4] - 70:12, 224:21, 248:19, 373:12 Hollingsworth ^[1] - 121:15 home ^[27] - 37:14, 78:10, 78:20, 99:11, 126:1, 129:6, 129:13, 143:22, 237:11, 326:15, 351:9, 353:1, 364:24, 367:18, 368:5, 374:13, 374:14, 409:16, 411:10, 414:19, 414:21, 414:22, 419:9, 419:10, 419:17, 420:3 homes ^[3] - 366:1, 374:13, 420:5 Honda ^[2] - 76:16, 76:17 honest ^[2] - 380:2, 389:3 Honor ^[113] - 13:10, 15:9, 17:16, 17:17, 18:18, 20:8, 20:14, 21:18, 24:11, 62:6, 65:8, 72:4, 88:7, 91:11, 94:23, 102:22, 115:19, 127:3, 127:14, 139:8, 139:13, 147:20, 151:23, 158:3, 162:14, 168:20, 173:1, 180:5, 202:24, 203:5, 203:7, 210:3, 210:4, 215:12, 217:14, 218:3, 218:18, 225:7, 228:4, 228:12, 235:20, 239:24, 240:20, 249:1, 253:12, 255:5, 258:16, 258:24, 266:22, 266:24, 286:23, 290:6, 293:9, 301:12, 301:19, 303:12, 303:18, 304:11, 308:19, 310:22, 312:7, 312:24, 317:6, 317:9, 318:4, 318:6, 323:4, 323:19, 324:6, 325:16, 326:23, 329:6, 330:7, 330:10, 331:7, 333:6, 336:5, 338:18, 338:19,	339:19, 341:15, 343:23, 346:19, 347:17, 348:20, 375:2, 392:14, 397:22, 397:24, 401:15, 401:22, 402:2, 402:7, 402:14, 403:9, 403:22, 405:6, 405:21, 407:7, 407:12, 408:6, 408:8, 408:24, 412:11, 416:11, 417:20, 421:15, 422:3, 422:8, 422:16, 422:20, 422:23, 424:20 Honorable ^[3] - 1:12, 416:10, 417:3 hood ^[2] - 37:20, 38:6 hooded ^[1] - 187:12 hook ^[2] - 252:23, 381:16 hope ^[23] - 141:25, 207:22, 360:12, 373:24, 374:1, 374:21, 383:18, 409:20, 409:22, 411:11, 415:5, 415:6, 415:14, 415:15, 417:15, 417:25, 418:6, 421:9, 422:9, 422:10, 424:10 hoped ^[1] - 423:12 hopefully ^[2] - 343:11, 343:12 hoping ^[1] - 422:11 HORTON ^[1] - 318:16 Horton ^[7] - 2:13, 115:10, 318:15, 318:21, 327:14, 337:6, 360:23 Hot ^[1] - 367:11 hot ^[3] - 141:24, 367:14, 373:12 hotter ^[1] - 367:13 hour ^[4] - 205:6, 326:14, 327:20, 397:2 hours ^[47] - 140:13, 160:22, 161:15, 210:13, 211:5, 213:11, 214:7, 215:8, 216:18, 237:8, 251:7, 267:10, 294:19, 299:8, 299:17, 306:4, 306:24, 309:12, 309:13, 324:22, 324:25, 325:5, 326:2, 326:4, 326:19, 327:16, 327:20,	327:22, 328:8, 329:13, 329:19, 334:2, 334:6, 334:9, 334:11, 334:17, 334:24, 335:2, 335:5, 335:8, 337:21, 344:4, 344:7, 345:13, 350:4, 350:5, 355:3 house ^[52] - 10:15, 11:1, 19:18, 19:19, 106:25, 107:6, 110:14, 111:12, 111:20, 112:6, 112:18, 112:25, 113:13, 177:18, 290:19, 290:20, 294:11, 294:16, 294:17, 295:2, 295:11, 295:18, 295:23, 297:19, 298:17, 299:21, 299:23, 300:3, 320:2, 320:9, 320:16, 321:9, 321:22, 321:25, 322:1, 322:12, 323:10, 323:14, 323:22, 327:16, 337:8, 354:3, 354:4, 354:10, 361:2, 361:3, 362:5, 362:13, 362:15, 366:22 huge ^[1] - 205:4 Human ^[6] - 340:10, 340:16, 385:12, 385:13, 385:19 human ^[7] - 91:2, 142:11, 203:24, 206:10, 267:4, 342:7, 420:8 humbly ^[2] - 416:11, 417:9 hungry ^[1] - 392:7 hurry ^[1] - 55:24 hurt ^[3] - 204:10, 244:24, 345:16 husband ^[1] - 412:8 husband's ^[1] - 413:20 hushed ^[2] - 233:15, 355:14 hustle ^[1] - 28:3 HVAC ^[2] - 230:5, 363:23 hydraulic ^[3] - 164:19, 164:23, 370:9 hypothesizes ^[1] - 207:5 hysterical ^[1] - 38:19 hysterically ^[1] - 70:10	Hyundai ^[1] - 295:7 I ID ^[27] - 3:2, 4:2, 5:2, 64:22, 64:23, 65:7, 102:4, 136:2, 136:20, 188:4, 199:20, 201:5, 203:11, 203:18, 204:15, 204:16, 206:7, 206:13, 206:25, 207:19, 208:9, 209:1, 217:21, 224:15, 227:20, 311:18 ID'd ^[3] - 188:6, 209:6, 343:13 idea ^[14] - 87:20, 188:15, 212:19, 214:3, 223:16, 251:9, 289:13, 292:13, 332:3, 369:11, 373:7, 374:12, 417:15, 419:8 ideal ^[1] - 233:22 Ideal ^[1] - 233:24 ideas ^[1] - 371:14 identical ^[2] - 65:16, 174:5 Identification ^[1] - 385:8 identification ^[71] - 25:10, 37:24, 38:2, 38:7, 94:12, 95:4, 132:6, 136:25, 137:9, 137:17, 137:18, 147:10, 147:17, 147:24, 178:13, 182:20, 182:23, 186:14, 186:24, 187:23, 187:25, 191:5, 191:15, 205:7, 205:25, 206:3, 207:13, 207:23, 208:11, 209:9, 209:11, 209:15, 209:18, 209:20, 218:7, 225:10, 228:10, 261:5, 263:23, 265:16, 310:25, 312:5, 339:24, 339:25, 340:3, 340:5, 340:6, 340:9, 341:2, 341:3, 342:15, 342:23, 343:6, 343:20, 346:25, 347:2, 347:6, 347:13, 347:22, 352:1, 384:22, 385:10, 385:11, 386:5, 386:6, 386:21, 387:5, 387:6, 387:18,	395:4 identifications ^[6] - 135:23, 340:13, 340:15, 347:25, 385:16, 385:18 identified ^[13] - 132:14, 132:24, 141:6, 201:21, 205:23, 207:9, 207:10, 208:2, 210:2, 229:9, 297:19, 331:18, 386:16 identifies ^[1] - 337:6 identify ^[26] - 94:13, 102:6, 132:11, 133:15, 148:3, 148:11, 168:3, 178:17, 187:8, 191:7, 191:11, 191:17, 201:21, 207:16, 208:16, 222:18, 227:20, 229:3, 229:5, 271:22, 271:23, 296:8, 297:22, 340:12, 354:14, 385:14 identifying ^[3] - 196:16, 201:16, 205:22 identity ^[6] - 159:9, 342:10, 343:8, 354:15, 385:4, 387:15 IDs ^[2] - 135:25, 343:9 ignorance ^[1] - 15:23 ill ^[1] - 16:13 illegal ^[5] - 62:4, 63:22, 63:23, 69:24, 322:22 Illinois ^[1] - 75:1 ills ^[1] - 18:24 illuminated ^[4] - 177:8, 179:12, 180:9, 350:7 illumination ^[1] - 328:14 imagination ^[1] - 420:25 imagine ^[3] - 60:22, 375:5, 419:10 imagining ^[1] - 198:3 immediate ^[11] - 105:20, 105:24, 114:6, 335:3, 335:6, 335:16, 335:24, 336:9, 338:3, 365:20 Immediately ^[2] - 89:12, 89:17 immediately ^[19] - 30:22, 32:1, 38:21,

38:22, 74:2, 89:14, 136:25, 141:6, 159:19, 242:20, 257:12, 265:3, 294:15, 295:15, 295:17, 295:22, 306:21, 314:16, 364:21 Impact ^[1] - 417:7 impact ^[2] - 211:24, 217:7 impartial ^[19] - 107:13, 109:15, 109:17, 110:17, 110:24, 111:7, 111:16, 111:23, 112:3, 112:9, 112:15, 112:21, 113:2, 113:10, 113:15, 126:20, 388:6, 388:19, 388:23 impeach ^[2] - 171:10, 172:13 impeachment ^[1] - 170:10 implement ^[3] - 165:25, 166:24, 167:3 implicate ^[1] - 165:15 implicated ^[1] - 97:19 implied ^[1] - 257:6 important ^[27] - 45:25, 60:18, 88:3, 138:19, 138:25, 164:20, 165:9, 172:9, 196:20, 215:1, 244:10, 250:9, 350:18, 352:9, 358:22, 366:4, 367:22, 369:1, 369:11, 370:22, 371:19, 371:23, 379:3, 380:6, 408:3, 409:10, 410:6 importantly ^[1] - 325:4 imposed ^[2] - 407:25, 410:17 impossible ^[2] - 327:23, 328:5 impression ^[6] - 162:24, 163:2, 163:5, 163:25, 347:2, 385:9 imprisonment ^[3] - 20:1, 302:11, 402:11 improper ^[8] - 16:16, 24:3, 164:24, 165:6, 343:17, 388:16, 395:18, 395:20	Inability ^[1] - 209:23 inability ^[2] - 126:18, 209:21 inadmissible ^[1] - 24:2 incarcerated ^[2] - 404:6, 404:17 incarceration ^[1] - 409:13 inch ^[14] - 163:7, 163:15, 164:1, 164:2, 167:7, 167:21, 167:22, 167:25, 279:9, 280:4, 281:19, 357:24, 358:2, 358:3 inches ^[8] - 163:12, 163:16, 164:2, 164:3, 167:24, 280:10, 281:20, 358:4 incident ^[9] - 61:19, 61:25, 64:24, 72:21, 92:17, 98:10, 175:16, 219:20, 351:6 inclination ^[1] - 198:22 inclined ^[1] - 69:25 include ^[6] - 24:8, 88:15, 101:24, 102:1, 336:16, 338:16 included ^[3] - 101:22, 234:25, 329:25 includes ^[6] - 88:16, 335:5, 336:17, 346:11, 382:9, 387:14 including ^[3] - 18:1, 289:2, 384:5 incorrect ^[1] - 204:25 increasingly ^[1] - 136:1 incredible ^[1] - 356:18 incredibly ^[2] - 157:7, 371:6 indecent ^[3] - 17:24, 402:23, 403:17 indentation ^[2] - 280:21, 281:1 independent ^[1] - 209:18 indicate ^[8] - 19:3, 95:22, 133:15, 183:13, 183:24, 188:19, 221:9, 399:4 indicated ^[13] - 91:3, 94:18, 98:8, 99:24, 100:2, 100:3, 100:6, 162:20, 221:2, 359:1, 390:15, 393:20,	395:10 indicates ^[4] - 160:1, 162:25, 337:14, 393:16 Indicating ^[1] - 184:1 indicating ^[2] - 376:24, 388:3 indicating ^[3] - 192:3, 192:5, 229:25 indication ^[3] - 97:21, 250:10, 331:23 indicia ^[2] - 137:9, 137:16 indict ^[1] - 345:7 indicted ^[5] - 345:1, 345:18, 345:23, 376:12 Indictment ^[1] - 398:14 indictment ^[7] - 338:24, 379:6, 380:23, 380:24, 381:5, 390:16, 398:16 Indictments ^[2] - 376:15, 376:17 indictments ^[9] - 103:12, 103:23, 378:23, 380:19, 381:1, 381:3, 390:13, 390:18, 391:20 indirect ^[1] - 98:14 individual ^[47] - 130:19, 131:3, 132:6, 132:12, 132:14, 132:23, 133:2, 133:8, 137:10, 137:11, 145:1, 145:22, 147:7, 148:10, 177:14, 179:15, 179:17, 180:7, 181:19, 181:22, 182:8, 183:6, 184:22, 185:7, 185:15, 186:25, 187:2, 187:5, 188:14, 189:4, 195:18, 204:23, 205:10, 205:16, 207:11, 221:10, 221:23, 223:2, 223:8, 224:1, 327:13, 328:14, 331:18, 343:3, 351:16, 353:10, 398:23 individual's ^[1] - 130:23 individually ^[1] - 399:2 individuals ^[2] - 144:5, 207:9 induced ^[2] - 71:5,	91:5 indulgence ^[2] - 36:5, 229:13 industry ^[1] - 219:4 inevitable ^[1] - 169:24 infant ^[1] - 70:12 infer ^[2] - 381:22, 383:6 inference ^[1] - 376:15 inferences ^[1] - 91:2 influence ^[7] - 78:6, 79:12, 95:9, 98:5, 161:10, 312:14, 361:18 influenced ^[2] - 388:9, 423:11 inform ^[1] - 244:17 information ^[38] - 33:11, 33:21, 34:1, 34:18, 37:7, 37:16, 64:22, 65:21, 93:22, 98:14, 116:5, 127:19, 228:18, 234:3, 251:1, 251:3, 271:24, 272:5, 283:21, 307:8, 308:3, 308:5, 308:6, 309:14, 315:21, 340:23, 340:24, 342:1, 351:2, 355:19, 356:7, 356:22, 385:25, 386:2, 397:10, 405:9, 405:11, 405:12 informed ^[1] - 94:3 infringe ^[1] - 158:23 inherently ^[1] - 135:25 initial ^[6] - 94:17, 249:17, 255:11, 306:14, 308:2, 310:8 initialed ^[2] - 310:14, 311:21 initials ^[2] - 227:22, 311:21 initiate ^[2] - 244:5, 269:11 initiated ^[4] - 30:23, 31:18, 31:20, 243:16 injury ^[4] - 336:19, 338:5, 403:11, 403:12 innocence ^[7] - 74:16, 113:25, 377:19, 378:5, 379:9, 379:14, 379:19 innocent ^[4] - 67:16, 69:8, 370:2, 379:2 innocently ^[2] - 67:18, 67:19 inopportune ^[1] -	22:14 inquiry ^[2] - 22:20, 35:3 inside ^[44] - 7:12, 37:1, 48:10, 48:12, 49:8, 63:16, 63:17, 130:19, 140:2, 140:6, 140:9, 140:16, 141:12, 142:3, 142:6, 144:23, 192:21, 193:1, 200:24, 207:7, 226:23, 235:3, 243:15, 249:15, 249:20, 249:21, 252:9, 258:7, 264:2, 277:16, 284:12, 286:11, 292:8, 294:25, 295:5, 320:19, 325:3, 345:16, 352:8, 354:3, 354:4, 368:1, 420:5 Inside ^[1] - 371:1 insight ^[1] - 422:8 inspection ^[2] - 249:15, 250:5 instance ^[1] - 359:14 instances ^[1] - 259:13 instantly ^[1] - 396:12 Instead ^[1] - 62:25 instead ^[3] - 19:16, 73:12, 186:22 instinct ^[1] - 216:5 institution ^[3] - 13:22, 13:24, 155:21 institutions ^[2] - 13:12, 23:4 instruct ^[9] - 6:24, 203:1, 303:1, 349:21, 360:18, 377:15, 383:10, 387:2, 387:12 instructed ^[6] - 62:21, 139:20, 317:17, 339:3, 347:14, 388:1 instruction ^[7] - 108:24, 169:20, 339:25, 340:2, 347:10, 347:16, 363:15 instructions ^[9] - 128:5, 339:12, 387:10, 387:23, 387:25, 389:12, 389:14, 389:15, 389:16 instrument ^[6] - 140:5, 163:20, 166:25, 338:6, 381:15, 381:16

instruments [1] - 376:16 insurance [3] - 56:25, 81:18, 81:19 intelligence [1] - 384:1 intelligent [3] - 16:7, 420:23, 422:6 intelligently [1] - 302:22 intend [1] - 331:6 intended [1] - 381:19 intending [2] - 172:13, 383:2 intends [1] - 20:11 intent [7] - 141:10, 336:7, 350:3, 350:11, 381:22, 382:16, 383:6 Intent [3] - 381:20, 383:2, 383:4 interact [3] - 269:7, 269:15, 269:17 interaction [2] - 269:9, 408:9 interactions [1] - 255:17 interest [3] - 55:20, 204:22, 425:10 interested [1] - 24:25 interesting [6] - 279:16, 281:21, 352:12, 361:15, 362:4, 413:16 interfering [1] - 161:14 interior [6] - 34:22, 35:20, 35:22, 224:8, 252:6, 283:9 Internet [2] - 394:5, 394:7 interpret [1] - 159:25 interpretation [2] - 26:7, 336:23 interpreted [1] - 217:10 interrogation [3] - 78:2, 79:19, 100:11 interrupted [1] - 335:11 interview [16] - 92:2, 92:5, 95:24, 96:9, 97:1, 98:12, 99:6, 188:2, 188:8, 227:14, 309:21, 315:7, 315:8, 316:25, 317:8 interviewed [5] - 305:23, 309:21, 312:21, 315:10, 315:19 interviews [2] -	92:23, 92:25 intimately [1] - 270:17 intimidated [1] - 252:25 intimidation [1] - 383:18 introduce [1] - 302:14 introduced [2] - 92:20, 425:5 intruder [1] - 106:20 intruder's [1] - 320:25 invaded [2] - 366:1, 374:13 invading [1] - 409:16 invasion [2] - 419:10, 420:3 inventory [2] - 61:25, 354:14 investigate [1] - 291:5 investigated [1] - 305:23 investigation [11] - 27:17, 27:20, 92:3, 129:2, 166:15, 274:25, 282:19, 308:16, 309:9, 317:4, 317:20 investigations [3] - 26:5, 92:1, 313:21 investigator [6] - 25:19, 55:5, 55:16, 115:13, 308:14, 407:19 Investigator [1] - 115:12 investigators [1] - 54:7 involuntarily [1] - 383:3 involve [3] - 78:12, 218:13, 302:10 involved [12] - 25:24, 27:16, 67:2, 67:10, 68:12, 69:7, 96:24, 98:2, 137:4, 195:13, 241:19, 352:15 involvement [2] - 133:19, 215:10 involves [1] - 19:21 involving [3] - 109:15, 166:14, 219:20 IQ [1] - 384:1 iron [9] - 23:11, 161:21, 162:16, 163:13, 266:11,	281:9, 289:25, 357:14, 359:15 irons [3] - 84:1, 168:18, 370:12 irrelevant [3] - 24:3, 164:13, 286:25 ish [2] - 189:1, 194:9 Island [15] - 46:17, 66:21, 73:1, 80:22, 114:5, 114:12, 114:19, 175:7, 219:10, 219:12, 237:7, 237:13, 294:5, 319:9, 350:22 issue [28] - 17:9, 24:13, 43:25, 72:1, 76:2, 100:19, 155:25, 159:2, 159:22, 164:11, 166:11, 166:13, 169:15, 172:13, 203:4, 206:2, 216:11, 217:5, 217:10, 254:19, 302:8, 333:13, 333:16, 334:22, 345:3, 345:18, 384:22, 421:20 issued [3] - 22:12, 94:6, 379:6 issues [18] - 7:5, 7:7, 8:12, 22:14, 72:5, 136:16, 161:23, 203:19, 215:2, 215:9, 255:9, 304:16, 304:17, 324:15, 343:11, 367:20, 421:20, 423:1 item [15] - 94:13, 182:24, 207:19, 227:21, 263:3, 263:11, 281:6, 281:16, 281:22, 284:5, 285:1, 298:7, 353:22, 359:5, 359:24 itemize [1] - 37:17 itemized [1] - 262:22 items [79] - 23:22, 24:2, 33:21, 37:3, 37:9, 37:11, 37:12, 37:21, 37:22, 38:1, 63:16, 72:10, 72:12, 73:3, 73:5, 73:11, 73:21, 74:3, 113:8, 113:13, 133:7, 140:7, 140:17, 141:5, 145:8, 158:21, 165:22, 168:20, 170:11, 224:2, 231:14, 251:9, 259:20, 260:25, 261:23, 262:1, 263:4,	264:14, 264:17, 264:22, 265:2, 270:10, 272:18, 275:7, 278:19, 281:25, 282:5, 282:20, 284:20, 285:6, 285:7, 285:15, 285:18, 287:11, 289:1, 292:25, 296:8, 297:20, 297:24, 327:7, 327:9, 327:18, 328:2, 331:21, 341:20, 354:16, 356:24, 357:4, 357:11, 358:13, 360:5, 360:11, 360:24, 361:4, 364:10, 364:22, 404:17 itself [8] - 41:25, 76:7, 171:25, 265:5, 276:7, 277:2, 329:5, 333:2 ITT [2] - 83:2, 83:5	211:19, 213:22, 215:16, 404:1, 404:2, 411:3, 413:14, 421:9 Jail [1] - 13:25 James [15] - 46:17, 66:21, 72:25, 80:22, 114:5, 114:12, 114:19, 175:7, 219:10, 219:12, 237:7, 237:13, 294:5, 319:9, 350:21 January [2] - 8:12, 14:11 jeans [2] - 133:10, 135:11 Jeff [5] - 115:12, 357:19, 358:20, 360:3 Jefferson [3] - 90:18, 90:21, 118:5 JEFFREY [1] - 273:11 Jeffrey [1] - 2:11 Jenkins [4] - 46:14, 128:2, 351:4, 351:5 Jennifer [2] - 120:16, 124:16 Jeremiah [1] - 123:13 JEREMY [2] - 128:7, 143:1 Jeremy [13] - 2:8, 93:3, 115:9, 128:6, 142:25, 307:22, 327:12, 351:4, 351:5, 352:23, 361:9, 371:25, 372:3 jewelry [15] - 73:4, 83:14, 83:17, 140:8, 264:8, 277:17, 296:3, 296:11, 296:17, 297:10, 297:15, 297:17, 354:6, 354:7, 364:9 jingling [1] - 194:17 jittery [1] - 153:4 Joan [1] - 120:24 job [12] - 29:21, 31:22, 32:24, 79:16, 82:25, 98:9, 238:5, 241:15, 343:2, 349:11, 349:20, 371:5 JOE [2] - 26:16, 236:13 Joe [9] - 2:3, 26:15, 26:20, 115:10, 236:8, 236:17, 355:6, 355:21 Joe's [1] - 269:14 John [1] - 121:15 Johnson [51] - 2:9, 93:2, 115:9, 174:17,
J				
jack [12] - 164:14, 164:15, 164:19, 164:23, 266:2, 266:12, 266:13, 266:14, 281:11, 358:15, 358:16, 370:9 jacket [6] - 187:11, 187:12, 187:14, 187:15, 187:16, 207:18 jackhammer [3] - 290:1, 290:3, 290:11 Jackson [1] - 91:13 Jacob [1] - 125:8 Jacobs [20] - 2:8, 93:3, 115:10, 128:6, 128:12, 142:25, 143:6, 307:23, 327:12, 331:17, 335:8, 352:13, 352:23, 361:9, 361:12, 371:25, 372:3, 393:6, 394:24, 396:9 JACOBS [2] - 128:7, 143:1 jail [29] - 11:4, 11:21, 41:6, 44:9, 44:11, 45:1, 45:2, 53:22, 61:21, 70:21, 71:7, 79:22, 152:19, 157:13, 160:8, 160:9, 160:11, 160:13, 179:24, 210:16,				

174:23, 180:6, 182:22, 183:14, 189:12, 204:19, 206:4, 207:2, 207:5, 207:24, 208:15, 208:17, 218:19, 218:25, 225:12, 227:16, 228:17, 229:18, 235:16, 307:13, 307:14, 307:16, 307:22, 326:25, 328:9, 331:19, 335:8, 337:13, 352:22, 352:25, 353:1, 353:13, 355:5, 355:8, 356:11, 357:5, 361:9, 361:13, 364:17, 364:18, 371:25, 372:1, 373:5, 393:6, 393:16, 394:24, 396:9 JOHNSON [2] - 174:18, 218:20 Johnson's [4] - 207:8, 331:25, 393:19, 394:1 joined [2] - 315:23, 349:10 joke [1] - 420:1 Jones [1] - 121:23 Jordan [1] - 116:23 Joseph [1] - 119:17 Josh [1] - 55:16 Joshua [1] - 125:14 jotted [1] - 156:25 judge [22] - 17:6, 22:21, 63:4, 108:20, 138:16, 138:17, 159:15, 179:3, 215:1, 322:14, 342:8, 349:17, 349:19, 349:25, 350:1, 360:17, 363:13, 378:7, 378:14, 378:15, 411:14 Judge [94] - 1:12, 6:16, 7:12, 16:5, 16:15, 16:22, 17:5, 21:12, 22:19, 23:15, 25:21, 38:12, 41:10, 57:8, 59:22, 60:5, 61:18, 63:21, 64:1, 64:6, 68:10, 68:20, 69:21, 70:22, 71:11, 72:13, 74:15, 74:24, 75:19, 89:22, 90:18, 90:21, 101:6, 102:12, 125:20, 134:1, 135:21, 136:21, 151:17, 157:16, 161:25, 164:10, 165:12, 167:12, 167:20, 169:12, 174:13, 202:16, 202:21, 226:20, 235:6, 235:11, 236:9, 254:22, 261:1, 269:20, 273:5, 273:6, 298:23, 304:6, 309:6, 313:4, 316:17, 318:11, 325:14, 325:19, 325:24, 328:18, 330:13, 332:13, 333:11, 334:14, 335:20, 336:23, 337:10, 341:12, 343:8, 344:24, 349:8, 392:15, 392:22, 404:3, 404:4, 404:7, 404:23, 409:8, 410:10, 411:8, 416:4, 416:9, 416:10, 417:3, 417:22, 418:8 judges [4] - 349:10, 375:22, 389:7 judging [3] - 138:12, 163:4, 163:19 judgment [5] - 61:5, 91:2, 108:14, 108:16, 389:10 Judicial [2] - 103:1, 425:2 Julie [1] - 406:16 July [2] - 410:25, 425:11 jump [3] - 38:15, 42:22, 44:3 jumped [2] - 257:12, 372:10 Jumps [1] - 353:11 June [2] - 319:6, 404:14 juror [115] - 104:25, 107:13, 109:10, 109:18, 110:3, 110:17, 110:24, 115:23, 116:9, 116:24, 117:1, 117:3, 117:7, 117:9, 117:11, 117:12, 117:15, 117:17, 117:19, 117:23, 117:25, 118:2, 118:3, 118:6, 118:8, 118:12, 118:14, 118:18, 118:20, 118:22, 119:1, 119:3, 119:5, 119:7, 119:9, 119:12, 119:14, 119:18, 119:20, 119:22, 119:23, 120:1, 120:3, 120:5, 120:7, 120:9, 120:11, 120:13, 120:17, 120:19, 120:21, 120:25, 121:2, 121:4, 121:5, 121:8, 121:10, 121:12, 121:13, 121:16, 121:18, 121:20, 121:24, 122:1, 122:5, 122:7, 122:9, 122:15, 122:17, 122:19, 122:21, 122:23, 122:25, 123:2, 123:3, 123:6, 123:8, 123:10, 123:11, 123:14, 123:16, 123:18, 123:22, 123:24, 124:4, 124:5, 124:8, 124:10, 124:12, 124:14, 124:18, 124:20, 124:22, 124:23, 125:1, 125:3, 125:5, 125:6, 125:9, 125:11, 125:15, 126:10, 126:12, 126:14, 126:16, 126:20, 126:25, 127:5, 127:7, 127:9, 138:2, 157:22, 380:2, 389:10, 399:2 JUROR [89] - 105:2, 105:5, 105:8, 105:11, 106:3, 106:5, 106:9, 106:12, 106:16, 106:18, 106:22, 106:25, 107:3, 107:6, 107:8, 107:15, 107:22, 107:25, 108:3, 108:5, 108:8, 108:10, 109:4, 109:8, 109:11, 110:4, 110:13, 110:18, 110:20, 110:25, 111:3, 111:8, 111:10, 111:11, 111:12, 111:17, 111:19, 111:24, 111:25, 112:4, 112:6, 112:10, 112:12, 112:16, 112:18, 112:22, 112:24, 113:3, 113:5, 113:11, 113:12, 113:16, 114:8, 114:11, 114:16, 114:18, 114:22, 115:4, 116:6, 116:10, 124:3, 125:25, 126:22, 300:17, 304:19, 399:7, 399:9, 399:12, 399:14, 399:17, 399:19, 399:22, 399:24, 400:2, 400:4, 400:7, 400:9, 400:12, 400:14, 400:17, 400:19, 400:22, 400:24, 401:2, 401:4, 401:7, 401:9, 401:12, 401:14 Juror [53] - 105:5, 106:3, 106:9, 107:14, 110:5, 110:12, 111:10, 111:11, 112:6, 112:12, 113:12, 114:11, 114:18, 116:23, 117:6, 117:14, 117:22, 118:5, 118:11, 118:17, 118:25, 119:8, 119:17, 119:25, 120:8, 120:16, 120:24, 121:7, 121:15, 121:22, 122:4, 122:14, 122:22, 123:5, 123:13, 123:21, 124:7, 124:16, 124:25, 125:8, 125:14, 399:6, 399:10, 399:15, 399:20, 399:25, 400:5, 400:10, 400:15, 400:20, 400:25, 401:5, 401:10 jurors [15] - 108:20, 116:12, 139:4, 303:1, 324:13, 338:10, 375:19, 376:8, 378:16, 388:20, 388:24, 389:5, 391:5, 396:17, 406:18 Jurors [1] - 405:10 jury [137] - 9:18, 9:19, 19:15, 63:19, 71:13, 74:16, 101:13, 102:15, 102:16, 102:20, 103:25, 104:2, 104:5, 104:7, 104:8, 107:19, 107:20, 107:25, 108:19, 108:21, 108:23, 110:9, 114:1, 115:1, 115:21, 116:21, 117:13, 118:4, 119:7, 119:24, 120:7, 121:6, 121:14, 122:21, 123:4, 123:12, 124:6, 124:14, 126:9, 127:11, 127:13, 127:16, 127:22, 127:23, 128:5, 137:19, 137:21, 139:3, 152:9, 154:14, 156:7, 157:21, 158:19, 158:22, 171:15, 203:1, 208:5, 215:7, 216:18, 217:23, 218:8, 218:10, 219:2, 223:1, 228:15, 254:15, 254:16, 254:17, 254:18, 256:18, 256:19, 262:14, 300:19, 300:21, 300:22, 300:23, 301:2, 304:8, 304:10, 318:23, 324:16, 330:1, 331:8, 332:6, 333:1, 333:19, 333:23, 334:24, 337:24, 337:25, 338:1, 338:12, 338:13, 338:15, 338:20, 341:23, 341:24, 342:19, 344:3, 344:9, 344:13, 344:14, 345:20, 345:23, 347:10, 358:6, 375:18, 378:2, 379:22, 387:21, 389:14, 389:19, 390:19, 391:3, 391:12, 391:14, 391:15, 391:20, 392:9, 392:10, 392:23, 392:25, 393:1, 394:5, 395:2, 395:5, 395:11, 396:1, 397:11, 397:13, 397:19, 398:5, 398:11, 398:17, 402:5, 406:11, 416:2 Jury [3] - 5:4, 137:20, 407:1 justice [1] - 25:6 Justin [1] - 122:4				
K				
keep [27] - 7:18, 36:15, 41:22, 42:6, 65:1, 67:25, 68:5, 76:10, 168:17, 260:10, 262:25, 263:3, 290:3, 290:11, 295:1, 295:2, 295:4, 297:9, 304:23, 321:19, 323:9, 370:7,				

370:11, 370:12, 370:13, 373:15, 392:20 Keep [2] - 76:2, 361:16 keeping [1] - 417:15 keeps [2] - 315:25, 354:10 Kelly [4] - 122:22, 398:7, 398:12, 398:18 Kent [1] - 121:7 Kentucky [1] - 141:25 kept [3] - 72:7, 343:10, 408:6 key [23] - 35:20, 35:23, 56:20, 73:6, 73:9, 73:17, 73:19, 140:10, 140:15, 146:4, 182:5, 183:9, 184:21, 201:13, 202:17, 224:22, 226:1, 234:18, 252:7, 285:5, 354:2, 364:12 Key [2] - 73:14, 354:16 keyed [1] - 32:14 keys [15] - 59:1, 59:2, 59:5, 81:9, 81:10, 81:11, 81:14, 81:15, 110:22, 224:5, 251:17, 252:8, 252:10, 285:3, 297:2 Kicked [2] - 170:17, 171:7 kicked [3] - 172:6, 172:16, 363:5 kid [3] - 36:13, 36:15, 249:9 kidnapping [1] - 314:16 kids' [1] - 265:1 kill [1] - 414:25 killed [3] - 414:20, 415:1 kin [1] - 425:9 kind [74] - 8:16, 9:7, 11:6, 12:24, 30:20, 32:18, 32:20, 32:22, 34:20, 39:6, 39:8, 42:23, 57:20, 78:7, 79:13, 99:7, 99:10, 134:15, 134:18, 134:23, 136:10, 145:16, 145:18, 146:2, 156:19, 160:13, 160:19, 160:21, 171:25, 175:1, 189:22, 198:4, 202:11, 202:12,	212:16, 215:4, 233:9, 233:19, 238:1, 239:17, 247:11, 253:6, 258:9, 258:11, 261:12, 264:23, 264:24, 265:5, 268:5, 279:4, 280:25, 285:25, 287:11, 292:16, 295:6, 306:18, 324:22, 337:10, 346:16, 353:12, 368:19, 370:14, 383:19, 393:8, 394:23, 411:21, 413:16, 417:22, 420:3, 421:13, 421:18 Kind [1] - 351:12 Kinsey [1] - 124:17 knife [1] - 338:6 knifepoint [2] - 107:9, 113:7 knock [3] - 289:9, 390:16, 391:24 knowing [9] - 25:3, 25:13, 29:23, 95:12, 287:14, 300:2, 407:23, 408:15 Knowing [1] - 241:17 knowingly [1] - 361:20 knowledge [4] - 40:25, 272:15, 275:14, 302:22 known [2] - 342:19, 405:9 knows [8] - 115:4, 115:5, 309:7, 343:16, 355:18, 370:20, 410:8	Ladson [1] - 117:6 lady [3] - 71:14, 153:6, 155:7 laid [5] - 32:12, 79:16, 82:22, 83:2, 357:2 lamps [3] - 177:4, 190:11, 190:24 lands [1] - 388:19 landscaped [2] - 179:1, 224:11 landscaping [1] - 234:22 lane [3] - 29:10, 29:12 lanes [3] - 29:10, 29:11, 50:14 lapse [2] - 205:4, 251:5 Laptop [1] - 357:11 laptop [6] - 261:17, 393:8, 394:3, 394:6, 396:6 laptops [12] - 81:1, 81:3, 83:1, 83:9, 83:13, 83:16, 83:18, 83:20, 83:22, 83:24, 84:1, 84:3 larcenies [5] - 18:3, 403:2, 404:12, 404:13, 404:22 larceny [5] - 328:20, 329:2, 329:16, 403:2, 403:6 large [11] - 162:13, 162:20, 179:7, 182:1, 193:9, 258:7, 262:20, 265:7, 279:24, 281:3, 353:23 last [18] - 7:9, 7:10, 26:21, 55:13, 87:9, 111:20, 112:12, 171:21, 187:22, 217:21, 236:21, 316:14, 319:22, 323:20, 361:5, 370:18, 387:9, 421:19 Lastly [1] - 374:16 lastly [1] - 80:5 lasts [1] - 14:25 latch [1] - 252:6 late [5] - 177:15, 196:6, 204:4, 224:7, 392:5 latent [5] - 275:20, 275:22, 276:22, 278:21, 290:14 latents [1] - 278:15 law [55] - 24:1, 32:21, 63:6, 68:13,	72:15, 75:10, 77:14, 91:9, 102:18, 106:18, 108:21, 108:24, 109:1, 109:2, 109:20, 109:22, 127:12, 133:21, 137:24, 138:17, 138:18, 141:1, 166:13, 173:13, 253:15, 271:21, 324:18, 348:11, 349:16, 349:18, 349:19, 349:22, 349:24, 349:25, 363:17, 374:12, 375:13, 377:1, 378:14, 378:15, 378:17, 378:20, 378:21, 379:3, 380:1, 380:12, 380:25, 384:7, 387:22, 389:12, 403:16, 414:19, 414:24, 419:1 lawful [1] - 387:24 laws [2] - 77:15, 375:14 lawyer [22] - 15:18, 17:3, 19:7, 40:7, 55:9, 55:22, 55:23, 56:2, 60:22, 153:5, 153:20, 157:24, 211:11, 215:20, 215:23, 301:16, 384:7, 384:8, 414:9, 415:4, 423:18 lawyers [4] - 25:12, 127:21, 303:16, 395:23 lay [1] - 17:23 layers [1] - 266:4 laying [1] - 277:10 le [1] - 368:10 lead [2] - 171:15, 204:7 Leading [1] - 260:12 leading [1] - 284:12 leads [1] - 366:19 leaf [1] - 319:18 Leaf [1] - 417:7 Leahy [2] - 115:11, 282:18 lean [1] - 194:21 leaned [1] - 194:15 learn [3] - 6:16, 361:16, 408:8 learned [2] - 83:3, 249:6 lease [1] - 77:10 least [19] - 22:13, 39:12, 70:16, 86:9, 158:5, 166:10,	196:22, 241:16, 245:22, 251:9, 325:7, 345:4, 353:12, 360:2, 363:17, 394:13, 405:13, 418:1, 419:6 leave [16] - 15:17, 50:14, 127:25, 128:1, 166:2, 171:18, 171:22, 173:16, 185:8, 297:15, 320:11, 323:22, 326:15, 368:21, 369:6, 408:23 leaves [3] - 277:2, 366:13, 380:8 leaving [13] - 49:23, 67:19, 74:19, 185:25, 186:11, 254:10, 328:4, 331:25, 337:16, 347:20, 356:7, 405:16 led [1] - 167:10 LEE [1] - 41:17 Lee [69] - 2:4, 23:12, 25:24, 26:6, 26:9, 35:13, 35:14, 36:6, 36:17, 36:22, 38:18, 41:16, 45:25, 58:18, 62:8, 62:14, 64:6, 66:19, 71:15, 73:9, 73:11, 73:19, 73:21, 73:25, 74:5, 75:12, 79:20, 80:17, 86:1, 98:2, 100:8, 115:13, 139:16, 139:19, 140:17, 141:1, 248:10, 249:12, 250:11, 250:17, 252:5, 252:14, 252:15, 253:10, 253:16, 253:21, 257:1, 259:18, 308:1, 308:2, 312:21, 312:25, 313:2, 315:3, 317:8, 317:20, 334:4, 352:5, 361:10, 363:9, 363:19, 366:6, 368:10, 410:8, 423:7 Lee's [3] - 73:10, 73:20, 332:17 left [52] - 29:8, 30:9, 33:6, 37:18, 80:3, 131:7, 132:4, 140:3, 140:12, 140:20, 163:2, 177:22, 182:13, 183:10, 186:10, 190:3, 222:9, 239:19, 254:7, 276:8, 283:1, 283:21, 284:1, 286:6, 294:16,
	L			
	L-shape [1] - 164:21 L-u-o-n-g-o [1] - 119:25 label [2] - 260:15, 267:21 labelled [1] - 265:18 lack [7] - 22:23, 22:24, 209:8, 368:18, 370:23, 383:24, 384:4 ladies [9] - 102:23, 141:19, 317:24, 348:25, 367:4, 375:10, 395:7, 401:18, 406:5 Ladies [10] - 103:17, 108:19, 115:20, 116:15, 127:20, 137:23, 254:13, 398:19, 402:8, 406:19			

294:17, 294:20, 294:22, 294:23, 295:10, 297:11, 297:13, 299:10, 303:5, 319:25, 323:25, 327:15, 333:18, 337:7, 337:12, 351:24, 352:3, 354:3, 354:4, 359:6, 361:1, 361:3, 363:11, 365:24, 371:16, 406:3 legal [6] - 212:14, 323:5, 373:22, 379:20, 422:15 legalese [1] - 374:9 lending [1] - 205:20 length [2] - 192:15, 384:2 leniency [3] - 252:18, 383:18, 417:21 lenient [5] - 411:8, 411:12, 412:2, 414:7, 417:19 Less [1] - 239:9 less [3] - 147:15, 252:13, 299:9 lesser [4] - 329:24, 332:25, 334:25, 338:16 letter [4] - 22:9, 416:4, 416:11, 417:11 letters [1] - 416:7 level [4] - 63:5, 192:15, 347:7, 369:3 level-headed [1] - 63:5 levels [1] - 150:2 Lewis [46] - 10:3, 15:8, 21:21, 22:17, 24:5, 38:10, 38:11, 67:17, 74:19, 84:7, 84:13, 84:23, 98:25, 100:19, 103:6, 133:24, 148:15, 152:14, 155:24, 156:18, 165:17, 165:23, 169:21, 171:2, 171:13, 171:23, 173:3, 189:9, 205:25, 207:1, 212:4, 215:24, 229:14, 287:21, 298:22, 301:18, 313:20, 318:10, 321:15, 335:11, 338:2, 341:11, 343:2, 343:16, 367:2, 417:13 LEWIS [302] - 6:3,	6:16, 7:3, 7:25, 12:15, 15:9, 15:11, 16:5, 16:21, 17:5, 17:8, 17:16, 18:10, 19:9, 20:5, 21:12, 22:18, 23:8, 24:23, 25:15, 25:21, 26:10, 38:12, 38:14, 41:9, 41:16, 41:21, 45:21, 57:8, 57:11, 58:10, 59:22, 60:5, 60:16, 61:18, 63:21, 63:25, 64:13, 67:24, 68:7, 68:10, 68:12, 68:18, 69:5, 69:20, 70:3, 70:15, 71:2, 71:11, 72:13, 74:24, 75:4, 75:16, 75:18, 76:1, 80:13, 88:9, 88:11, 89:8, 89:12, 89:22, 91:11, 95:1, 99:3, 100:21, 101:1, 101:6, 101:8, 101:22, 102:12, 103:6, 117:3, 117:11, 117:19, 118:2, 118:22, 119:5, 119:14, 119:22, 120:5, 120:13, 120:21, 121:4, 121:12, 121:20, 122:9, 122:13, 122:19, 123:2, 123:10, 123:18, 124:1, 124:4, 124:12, 124:22, 125:5, 125:20, 126:7, 126:16, 126:25, 127:3, 127:9, 134:1, 134:3, 135:21, 141:19, 147:20, 148:18, 152:12, 152:15, 156:19, 157:15, 160:5, 160:10, 160:20, 161:5, 164:10, 166:4, 167:12, 168:6, 168:17, 169:12, 169:17, 170:4, 171:24, 173:24, 174:2, 174:7, 174:12, 174:15, 183:19, 189:11, 191:1, 191:6, 191:12, 191:16, 195:6, 202:20, 203:7, 204:11, 204:15, 206:4, 207:15, 208:19, 209:5, 210:3, 212:5, 212:16, 212:23, 213:6, 213:9, 215:12, 215:21, 215:25, 216:2,	217:14, 217:16, 218:3, 225:5, 226:20, 228:7, 229:17, 235:10, 235:22, 235:25, 236:4, 236:9, 240:18, 249:1, 250:18, 253:12, 253:14, 254:22, 255:2, 255:11, 255:16, 255:25, 256:5, 257:20, 258:24, 259:2, 260:12, 260:24, 263:20, 265:13, 267:1, 268:15, 268:20, 269:1, 269:5, 269:20, 269:22, 271:13, 273:5, 280:15, 286:23, 287:23, 290:8, 290:10, 293:7, 298:23, 298:25, 300:10, 301:19, 304:6, 308:19, 309:5, 310:9, 310:22, 312:2, 312:24, 313:4, 313:16, 313:18, 316:17, 317:6, 317:9, 318:6, 318:11, 321:18, 323:7, 323:8, 323:16, 323:20, 324:4, 324:19, 325:13, 325:16, 325:18, 325:24, 326:10, 326:17, 328:18, 329:12, 330:4, 330:7, 330:10, 331:7, 331:10, 331:14, 332:7, 332:13, 332:22, 333:6, 333:11, 333:15, 334:14, 335:13, 335:19, 336:5, 337:9, 338:18, 339:8, 339:19, 339:22, 341:12, 341:14, 343:7, 343:18, 344:24, 346:2, 346:8, 346:13, 346:19, 348:14, 348:24, 349:5, 349:8, 367:3, 375:5, 392:15, 392:22, 394:15, 397:17, 398:25, 401:22, 402:7, 402:20, 402:23, 403:5, 404:3, 404:23, 405:6, 409:2, 410:13, 410:22, 416:4, 416:9, 417:14, 417:20, 417:22, 418:20,	419:5, 419:15, 419:18, 420:20, 421:3, 421:8, 421:15, 421:18, 422:20, 424:20 liars [1] - 372:8 license [1] - 81:25 lie [8] - 56:1, 171:1, 171:11, 172:21, 173:11, 352:16, 352:18, 368:10 lied [6] - 55:5, 55:10, 55:14, 55:19, 55:24, 56:2 lies [2] - 70:4, 342:11 Life [2] - 101:25, 110:2 life [26] - 15:3, 20:1, 20:10, 60:21, 115:2, 189:5, 268:21, 338:15, 402:11, 409:22, 411:11, 413:19, 413:20, 414:16, 414:17, 415:3, 416:13, 416:14, 416:21, 418:1, 418:6, 418:9, 418:18, 419:13, 424:7 lifelong [1] - 409:4 lift [2] - 276:24, 281:11 lifting [1] - 201:13 light [21] - 130:9, 144:21, 146:3, 146:24, 149:22, 149:23, 150:4, 187:19, 226:14, 233:8, 233:10, 233:11, 243:14, 328:15, 350:7, 350:8, 351:15, 352:24, 382:3, 408:16, 424:8 lighting [5] - 129:17, 144:6, 341:9, 354:16, 386:12 lights [26] - 18:6, 28:3, 28:5, 29:19, 30:5, 31:18, 31:20, 42:4, 51:1, 51:2, 59:8, 129:19, 135:3, 135:5, 139:23, 140:16, 144:8, 146:22, 146:23, 176:11, 238:12, 239:12, 241:20, 351:19, 355:6, 403:10 likelihood [1] - 67:14 likely [5] - 59:22, 86:22, 170:6, 408:19, 408:21	likewise [1] - 418:13 limine [3] - 23:10, 25:2, 25:4 limit [1] - 66:13 limited [4] - 237:17, 237:20, 237:22, 384:5 limits [2] - 342:7 line [8] - 22:2, 30:19, 152:3, 196:20, 250:2, 271:3, 313:4, 409:23 lines [3] - 73:13, 347:18, 375:4 lineup [1] - 208:2 lip [1] - 135:19 list [4] - 6:12, 13:2, 14:5, 403:23 listen [13] - 173:16, 173:19, 184:19, 227:11, 227:16, 270:17, 311:9, 311:12, 354:21, 355:9, 355:10, 396:16 listened [4] - 227:13, 227:14, 227:25, 311:23 listening [5] - 64:12, 255:6, 361:16, 396:17, 396:21 lit [11] - 144:9, 149:20, 182:7, 182:8, 184:21, 204:21, 224:7, 224:8, 225:20, 226:1, 351:16 literally [1] - 178:4 live [10] - 114:5, 114:6, 114:11, 114:18, 143:11, 143:14, 319:8, 326:16, 352:14, 355:4 lived [18] - 33:10, 114:7, 114:8, 143:15, 175:3, 175:11, 175:13, 219:5, 253:10, 253:21, 254:2, 254:12, 282:20, 293:25, 319:5, 353:8, 369:15 lives [4] - 352:13, 369:16, 406:22, 419:23 living [19] - 46:11, 75:13, 77:5, 77:7, 90:25, 128:22, 175:7, 200:4, 219:9, 219:13, 219:16, 220:25, 229:20, 277:8, 278:1, 294:4, 297:5, 351:6, 351:7 locate [1] - 231:12 located [5] - 72:12,

266:6, 282:19, 393:3, 395:9 location [6] - 92:17, 96:10, 96:19, 98:4, 186:4, 307:5 locations [2] - 74:1, 278:16 lock [3] - 140:6, 162:9, 278:14 locked [8] - 12:9, 86:19, 146:14, 146:17, 151:2, 294:24, 383:1 locker [1] - 262:21 Lockwood [1] - 93:6 locus [1] - 96:7 logic [1] - 332:5 long-sleeved [1] - 202:14 long-term [1] - 23:2 look [73] - 35:7, 35:9, 40:8, 42:8, 42:19, 43:5, 44:1, 54:1, 54:15, 57:18, 59:10, 59:12, 67:20, 72:5, 94:12, 97:5, 130:22, 131:22, 139:5, 142:13, 144:25, 146:2, 150:8, 167:21, 167:22, 178:16, 179:14, 182:24, 194:15, 195:3, 198:23, 201:6, 201:17, 203:10, 211:11, 213:22, 215:15, 220:20, 222:17, 223:1, 224:16, 240:3, 242:23, 249:21, 251:23, 252:20, 258:19, 258:20, 262:6, 264:13, 276:2, 277:21, 280:4, 281:4, 281:5, 283:5, 288:9, 296:7, 308:4, 311:17, 311:18, 340:1, 351:20, 355:11, 358:7, 365:4, 368:17, 370:23, 374:18, 404:6, 411:3 looked [18] - 54:1, 54:15, 130:8, 130:10, 178:1, 178:8, 193:12, 194:18, 196:12, 203:23, 222:13, 224:1, 234:17, 277:17, 296:1, 351:12, 353:11, 353:19 looking [44] - 76:14,	132:2, 135:22, 140:17, 144:17, 145:8, 145:11, 146:25, 147:1, 147:4, 167:5, 181:14, 181:17, 193:14, 194:19, 196:17, 220:16, 221:6, 223:4, 225:13, 227:1, 233:12, 240:21, 242:18, 243:11, 246:6, 251:10, 266:5, 276:21, 279:15, 280:9, 280:13, 285:23, 285:25, 287:9, 351:20, 351:23, 363:21, 364:3, 365:16, 411:22 Looking [4] - 221:21, 280:2, 280:12, 281:16 looks [5] - 164:25, 258:12, 289:6, 296:11, 353:25 loose [2] - 168:19, 266:16 lost [1] - 79:16 loud [4] - 198:18, 199:4, 306:18, 416:8 love [5] - 68:21, 329:15, 411:6, 424:1, 424:2 low [1] - 369:3 Lowe's [10] - 28:24, 29:1, 132:9, 132:24, 147:15, 186:12, 186:18, 200:3, 241:2, 241:20 lower [1] - 374:3 lowercase [1] - 336:24 lowest [1] - 29:24 lucid [6] - 21:6, 156:1, 158:8, 211:2, 405:24 luck [1] - 424:19 Luckily [1] - 365:19 lunch [2] - 217:20, 254:14 lunchtime [1] - 71:9 Luongo [1] - 119:25 lying [6] - 69:12, 70:6, 70:8, 372:9, 408:14	111:18, 112:11, 114:10, 125:17, 213:6, 215:20, 300:10, 323:16 Madame [10] - 304:9, 375:10, 387:21, 389:18, 390:19, 395:6, 397:6, 397:20, 398:2, 399:1 mag [1] - 146:24 mail [2] - 72:14, 160:6 mailbox [1] - 262:21 mailed [1] - 64:1 maintained [1] - 66:9 major [5] - 25:7, 304:16, 305:22, 313:24 Major [1] - 160:7 male [32] - 30:7, 30:17, 116:24, 117:7, 118:12, 119:1, 119:9, 119:18, 121:8, 121:16, 121:24, 122:5, 123:14, 123:22, 125:9, 125:15, 126:12, 177:14, 177:15, 196:22, 204:8, 206:5, 206:24, 207:3, 207:7, 236:2, 242:21, 243:15, 315:3, 356:19, 372:15 males [8] - 197:1, 197:6, 206:17, 207:6, 232:20, 234:3, 373:5, 373:6 malinger [2] - 16:14, 423:1 mama [1] - 421:16 man [15] - 55:1, 57:22, 176:18, 180:16, 186:23, 200:21, 201:8, 201:10, 201:16, 209:19, 210:2, 223:16, 321:6, 322:12 mandatory [1] - 415:2 manipulative [1] - 423:14 manner [2] - 376:2, 377:21 manuals [1] - 61:3 March [1] - 404:24 mark [24] - 163:9, 164:17, 166:25, 167:6, 167:9, 167:15, 173:23, 182:18, 183:19, 190:23,	191:12, 191:13, 223:3, 230:7, 236:24, 260:23, 265:10, 279:25, 280:14, 357:23, 358:1, 358:11, 393:11, 393:24 Mark [1] - 94:9 marked [31] - 94:11, 95:3, 178:12, 178:15, 182:19, 182:23, 191:4, 191:14, 217:17, 218:7, 224:15, 225:9, 227:19, 228:9, 239:22, 243:7, 257:17, 258:3, 258:19, 261:4, 261:20, 263:22, 264:5, 264:12, 265:15, 280:7, 309:24, 310:24, 311:17, 312:4, 395:3 market [1] - 360:25 marking [1] - 217:25 marks [33] - 131:12, 162:10, 162:12, 162:23, 163:23, 164:7, 164:18, 165:3, 165:20, 166:5, 166:7, 167:2, 167:5, 167:19, 168:3, 277:15, 278:13, 278:23, 279:2, 279:19, 279:22, 280:2, 280:3, 280:6, 280:13, 289:8, 289:14, 292:2, 357:18, 360:2, 360:3, 370:9 married [1] - 413:19 marsh [1] - 241:9 Marshall [1] - 287:9 Martin [1] - 102:19 Mary [1] - 117:14 Mary's [2] - 128:16, 143:10 mask [1] - 149:3 match [2] - 204:6, 372:18 Matched [1] - 36:4 matched [2] - 307:6, 308:4 matches [1] - 360:2 matching [6] - 32:2, 37:12, 66:2, 137:6, 141:2, 248:1 matter [7] - 253:14, 256:1, 357:18, 367:20, 375:18, 379:4, 395:17	matters [7] - 23:7, 25:11, 25:17, 127:12, 218:13, 324:17, 367:21 Max [1] - 296:25 maximum [2] - 20:1, 72:18 Maximum [1] - 415:3 Mayes [1] - 123:5 McClendon [2] - 332:15, 334:8 McClendon's [1] - 332:1 McClenton [144] - 1:7, 2:5, 7:14, 7:16, 15:6, 18:16, 18:19, 18:23, 19:1, 25:25, 32:2, 32:11, 33:1, 33:25, 34:6, 36:22, 40:21, 49:3, 49:19, 50:15, 60:13, 62:21, 63:14, 66:18, 66:23, 67:6, 72:9, 72:24, 73:25, 74:5, 75:7, 75:18, 75:22, 80:17, 92:6, 92:9, 93:6, 93:25, 95:6, 97:7, 98:11, 102:6, 102:24, 103:19, 114:2, 115:14, 139:15, 139:20, 139:25, 141:1, 141:17, 142:22, 152:15, 153:1, 156:3, 158:5, 158:8, 158:11, 158:14, 158:15, 158:20, 158:23, 160:16, 165:15, 170:8, 170:13, 170:16, 173:9, 204:4, 208:16, 208:23, 210:11, 213:14, 216:21, 218:16, 246:1, 247:11, 247:14, 248:8, 251:15, 255:18, 261:25, 267:25, 298:13, 301:3, 307:11, 308:8, 309:17, 309:22, 310:3, 312:10, 316:23, 317:2, 321:1, 325:3, 327:13, 330:18, 331:18, 331:24, 334:1, 334:10, 337:14, 352:4, 356:21, 359:19, 360:12, 361:4, 361:15, 361:17, 361:23,
	M			
	Ma'am [6] - 58:12, 74:6, 118:23, 120:6, 120:22, 122:20 ma'am [12] - 49:10, 51:15, 74:12, 107:21,			

362:2, 363:6, 363:19, 363:21, 365:7, 365:16, 365:21, 366:7, 366:20, 373:16, 373:17, 374:1, 384:24, 398:5, 398:10, 398:16, 405:13, 405:24, 407:5, 407:6, 408:11, 408:13, 408:17, 409:3, 412:10, 415:8, 415:23, 417:12, 420:14, 422:19, 423:3, 423:11, 423:17 McClenton's [10] - 26:12, 66:20, 67:1, 91:5, 157:5, 157:17, 169:13, 394:20, 407:17, 422:25 mean [64] - 9:25, 13:24, 16:4, 27:10, 28:18, 33:25, 39:5, 40:13, 40:17, 40:20, 40:22, 47:7, 47:11, 48:23, 56:7, 58:1, 64:9, 77:4, 78:7, 78:12, 82:11, 84:15, 88:21, 90:4, 153:10, 157:15, 194:16, 199:15, 212:15, 222:2, 247:4, 247:10, 250:6, 262:11, 263:2, 267:15, 268:7, 269:9, 271:23, 272:20, 278:18, 299:15, 300:3, 314:15, 322:11, 322:15, 322:22, 330:2, 335:19, 337:6, 342:6, 343:12, 350:17, 356:16, 362:7, 363:12, 363:13, 366:3, 368:12, 368:13, 369:21, 369:22, 370:21 meaning [2] - 104:21, 243:1 meaningful [1] - 139:6 means [27] - 27:23, 28:2, 28:3, 95:18, 151:4, 168:14, 172:3, 172:4, 238:10, 238:20, 239:2, 241:3, 269:10, 276:22, 278:21, 302:1, 314:8, 349:1, 363:15, 373:23, 374:10, 382:22, 383:2, 383:16, 391:12,	395:14, 396:11 meant [2] - 146:17, 307:13 measure [1] - 18:20 measured [1] - 357:23 measurement [1] - 358:19 mechanic's [1] - 162:14 mechanism [1] - 162:9 mechanisms [2] - 60:19, 61:1 med [1] - 216:2 media [1] - 115:5 medical [17] - 7:2, 8:4, 13:21, 15:14, 21:21, 22:3, 22:13, 156:20, 158:6, 211:16, 211:17, 211:18, 212:11, 212:15, 213:21, 213:25, 215:15 medically [2] - 22:7, 213:24 medication [18] - 8:11, 87:19, 153:22, 154:3, 154:19, 155:2, 155:16, 159:8, 160:4, 160:14, 161:11, 161:16, 210:16, 211:21, 212:12, 420:14, 420:18, 421:21 medications [7] - 7:10, 16:15, 160:14, 212:25, 213:2, 213:25, 421:5 Medicine [1] - 14:21 medicine [43] - 6:10, 6:14, 8:14, 8:17, 8:20, 8:25, 9:8, 9:10, 9:14, 9:15, 14:13, 15:22, 21:5, 153:6, 153:8, 153:13, 153:23, 154:4, 154:6, 154:8, 154:10, 154:15, 154:18, 154:19, 154:24, 155:13, 155:16, 156:7, 156:12, 156:14, 157:13, 160:19, 160:21, 160:25, 212:8, 214:2, 214:7, 214:13, 214:14, 214:15, 216:6, 216:13, 216:21 medicines [3] - 14:15, 216:7, 216:9	meds [2] - 211:14, 421:10 meet [12] - 76:22, 92:8, 92:17, 93:5, 104:3, 138:10, 139:21, 228:22, 268:2, 307:20, 332:16, 332:20 meeting [4] - 7:9, 78:3, 78:23, 79:6 Meeting [1] - 152:15 meetings [1] - 162:14 Mekarski [1] - 123:21 Melbo [1] - 125:8 Melissa [1] - 120:8 member [11] - 63:6, 100:22, 104:18, 105:20, 105:24, 108:23, 109:19, 215:19, 415:22, 422:13, 424:6 members [5] - 104:21, 105:15, 303:7, 387:21, 409:7 memory [23] - 34:24, 39:3, 87:14, 87:16, 137:4, 150:7, 206:19, 207:8, 237:5, 244:5, 266:21, 267:2, 340:10, 340:14, 340:16, 340:25, 342:7, 347:24, 385:12, 385:16, 385:19, 386:3, 386:22 Memory [2] - 340:18, 385:21 mental [25] - 7:3, 8:4, 13:2, 13:4, 13:23, 22:24, 153:5, 154:18, 155:21, 157:6, 158:17, 158:20, 159:2, 159:6, 159:21, 160:12, 179:24, 383:25, 413:6, 420:15, 420:16, 421:9, 421:10, 421:13, 422:10 mention [3] - 97:21, 98:5, 98:7 mentioned [11] - 68:3, 85:8, 85:10, 85:12, 88:13, 97:25, 99:14, 271:4, 291:24, 423:18, 423:19 mentioning [2] - 75:5, 99:8 merchandise [4] - 224:2, 325:15, 325:22, 328:2	mercy [2] - 411:14, 417:3 Mere [1] - 331:10 mere [6] - 331:12, 331:17, 333:9, 379:20, 389:5, 392:17 merely [6] - 61:14, 62:21, 332:3, 344:10, 344:11, 377:8 mess [1] - 290:18 message [2] - 389:21, 390:3 messed [1] - 78:24 messes [2] - 153:24, 155:3 messing [1] - 153:4 met [11] - 15:16, 16:5, 17:1, 55:13, 66:3, 93:25, 162:18, 307:21, 307:22, 309:18, 421:1 metal [3] - 163:18, 265:7, 358:6 metallic [6] - 189:1, 194:9, 208:20, 225:24, 232:25, 233:4 meticulous [1] - 157:19 Michael [1] - 123:21 Michelle [2] - 107:4, 127:4 mid [1] - 215:1 mid-trial [1] - 215:1 middle [3] - 130:11, 256:22, 319:1 midnight [1] - 307:24 might [26] - 31:5, 53:16, 88:12, 157:12, 157:14, 159:8, 161:15, 196:19, 213:25, 216:3, 216:6, 257:6, 257:7, 269:10, 276:20, 281:11, 288:11, 301:10, 303:8, 345:24, 371:14, 375:17, 393:18, 394:5, 395:19, 415:8 mike [3] - 7:25, 52:1, 306:7 mile [1] - 147:15 military [3] - 169:6, 412:7, 412:8 MILLER [1] - 273:11 Miller [15] - 2:11, 107:4, 115:12, 127:4, 165:18, 166:10, 167:9, 168:2, 357:19, 358:9, 358:20, 358:21, 359:1, 359:8,	360:3 Miller's [1] - 168:24 mind [12] - 15:10, 40:18, 67:25, 80:9, 116:2, 136:18, 141:24, 153:7, 174:14, 304:4, 361:16, 376:7 mine [3] - 37:19, 101:24, 146:6 Mine [1] - 56:22 minimum [3] - 19:25, 24:21, 415:2 minute [7] - 33:15, 173:23, 205:8, 240:4, 324:12, 337:20, 414:12 minutes [33] - 31:7, 48:10, 59:15, 59:18, 71:10, 98:13, 127:21, 128:3, 148:12, 170:1, 170:3, 174:2, 174:3, 180:22, 185:13, 188:7, 188:10, 188:11, 205:5, 205:10, 223:23, 239:9, 247:18, 254:15, 271:5, 300:25, 301:5, 337:16, 348:9, 362:11 miracle [1] - 424:7 Miranda [12] - 4:21, 86:6, 94:5, 94:6, 94:14, 94:15, 101:12, 173:14, 217:5, 310:2, 310:3, 317:11 Mirandized [1] - 96:5 misidentification [2] - 347:7, 386:25 miss [1] - 29:2 Miss [1] - 406:17 missed [3] - 78:25, 79:1, 80:25 missing [12] - 37:15, 37:16, 257:7, 262:1, 295:21, 295:23, 320:16, 354:11, 354:15, 373:14, 419:9 mistake [9] - 75:4, 267:17, 346:25, 360:24, 361:4, 368:1, 369:18, 416:14, 417:2 mistaken [5] - 340:13, 347:22, 372:5, 372:8, 385:15 mistakes [7] - 267:4, 267:13, 369:9, 369:10, 369:20, 372:5, 373:7 Mitchell [16] - 2:12,

19:22, 115:10, 140:12, 162:3, 293:12, 293:18, 308:17, 309:1, 327:14, 337:6, 354:3, 354:9, 357:12, 357:13, 360:22 MITCHELL [1] - 293:13 Mitchell's [5] - 19:24, 357:4, 364:8, 365:1 mitigating [1] - 419:6 mitigation [2] - 409:25, 420:6 mixed [1] - 262:24 mobile [1] - 62:13 mode [1] - 256:13 model [4] - 131:14, 224:7, 225:25, 416:25 modern [1] - 367:22 modification [2] - 159:12, 336:1 modifies [1] - 335:24 moisture [2] - 276:8, 278:6 mom [2] - 8:6, 43:19 moment [17] - 64:1, 104:8, 113:19, 114:2, 119:11, 161:15, 169:10, 179:22, 215:16, 215:18, 216:1, 223:14, 266:22, 273:5, 358:22, 391:16, 402:14 moments [1] - 131:4 Monday [1] - 423:6 money [1] - 83:1 monitor [1] - 183:13 monitored [1] - 215:4 month [4] - 7:10, 74:1, 139:17, 305:19 months [6] - 47:23, 89:11, 248:17, 404:11, 404:14, 421:19 moonlight [2] - 350:8, 382:3 moped [1] - 112:7 moral [3] - 108:14, 108:17, 287:24 morning [34] - 9:2, 14:17, 26:24, 78:10, 104:5, 126:2, 152:2, 152:6, 152:10, 152:16, 152:17, 152:19, 153:11, 154:22, 155:14, 156:13, 157:7, 159:8,	160:17, 161:1, 174:23, 189:12, 189:13, 210:11, 210:19, 216:9, 216:22, 216:25, 218:12, 282:11, 282:12, 306:6, 320:7, 405:19 Most [4] - 262:19, 369:16, 404:18, 412:6 most [23] - 12:6, 22:9, 39:9, 48:2, 150:7, 158:25, 168:17, 203:8, 203:9, 250:6, 265:3, 268:7, 268:10, 287:15, 350:17, 364:5, 366:2, 408:10, 408:21, 411:5, 415:9, 418:14, 418:22 mostly [1] - 287:12 mother [11] - 26:11, 77:4, 139:15, 215:21, 215:22, 216:2, 249:12, 374:19, 406:3, 409:5, 417:18 mother's [1] - 411:15 motherly [1] - 216:5 Mothers [1] - 109:20 motion [11] - 23:9, 23:10, 63:18, 66:4, 69:15, 78:1, 91:9, 137:17, 161:20, 209:3, 330:5 Motion [1] - 401:23 motions [4] - 25:2, 324:17, 401:21, 402:6 motive [1] - 69:12 motor [24] - 6:5, 20:4, 96:18, 103:15, 103:20, 141:11, 141:18, 349:16, 350:9, 362:1, 362:3, 362:6, 362:9, 362:18, 362:22, 380:22, 382:13, 382:16, 390:10, 390:24, 398:17, 402:25, 403:3, 403:5 Motor [2] - 362:2, 362:3 motorcycle [1] - 243:4 Mouzon [1] - 121:7 move [14] - 18:23, 228:5, 241:25, 242:2, 265:11, 267:16, 269:20, 310:21, 311:25, 325:7, 359:25, 368:25,	373:2, 393:25 moved [5] - 166:1, 328:9, 357:1, 419:23, 420:2 movement [1] - 223:25 movements [2] - 199:4, 327:8 moves [1] - 324:20 moving [4] - 21:7, 67:5, 181:20, 369:3 MR [542] - 6:3, 6:16, 7:3, 7:25, 12:15, 15:9, 15:11, 16:5, 16:21, 17:5, 17:8, 17:16, 17:17, 18:10, 18:11, 19:9, 20:5, 20:8, 21:12, 21:18, 22:18, 23:8, 23:18, 24:23, 25:15, 25:18, 25:21, 26:10, 26:15, 26:23, 38:9, 38:12, 38:14, 41:9, 41:11, 41:14, 41:16, 41:21, 45:21, 45:24, 49:13, 51:17, 52:2, 57:7, 57:8, 57:11, 58:10, 58:17, 59:20, 59:22, 60:1, 60:5, 60:16, 61:18, 62:6, 63:21, 63:25, 64:13, 65:8, 66:9, 66:15, 67:12, 67:24, 68:7, 68:10, 68:12, 68:18, 69:5, 69:20, 70:3, 70:15, 71:2, 71:11, 71:16, 71:18, 71:21, 72:3, 72:13, 72:16, 72:21, 73:14, 73:16, 74:24, 75:4, 75:16, 75:18, 76:1, 80:13, 80:16, 88:7, 88:9, 88:11, 89:8, 89:12, 89:22, 89:23, 89:25, 90:7, 91:11, 91:14, 91:21, 94:7, 94:10, 94:23, 95:1, 95:5, 98:24, 99:3, 100:21, 101:1, 101:6, 101:8, 101:14, 101:18, 101:22, 102:4, 102:9, 102:12, 102:22, 103:6, 103:14, 114:15, 115:19, 117:1, 117:3, 117:9, 117:11, 117:17, 117:19, 117:25, 118:2, 118:8, 118:14, 118:20, 118:22, 119:3, 119:5, 119:11, 119:14,	119:20, 119:22, 120:3, 120:5, 120:11, 120:13, 120:19, 120:21, 121:2, 121:4, 121:10, 121:12, 121:18, 121:20, 122:1, 122:7, 122:9, 122:13, 122:17, 122:19, 122:25, 123:2, 123:8, 123:10, 123:16, 123:18, 123:24, 124:1, 124:4, 124:10, 124:12, 124:20, 124:22, 125:3, 125:5, 125:11, 125:17, 125:20, 126:7, 126:14, 126:16, 126:25, 127:3, 127:7, 127:9, 127:14, 128:2, 128:11, 133:23, 134:1, 134:3, 135:21, 139:8, 139:13, 141:19, 142:25, 143:5, 147:20, 147:23, 148:14, 148:18, 151:23, 152:12, 152:15, 156:19, 157:15, 158:3, 160:5, 160:10, 160:20, 161:5, 161:25, 164:10, 165:12, 166:4, 166:16, 167:12, 167:20, 168:6, 168:17, 168:19, 169:12, 169:17, 169:19, 170:4, 170:5, 171:2, 171:24, 173:1, 173:22, 173:24, 174:2, 174:7, 174:12, 174:13, 174:15, 174:17, 174:22, 178:10, 178:14, 180:4, 182:18, 182:21, 183:19, 183:23, 189:8, 189:11, 191:1, 191:6, 191:12, 191:16, 195:6, 202:20, 202:23, 203:1, 203:5, 203:7, 204:11, 204:15, 204:18, 206:4, 207:1, 207:15, 208:15, 208:19, 209:5, 210:3, 210:4, 212:5, 212:16, 212:23, 213:6, 213:9, 215:12, 215:21, 215:25, 216:2, 217:14, 217:15,	217:16, 217:20, 217:24, 218:3, 218:18, 218:24, 225:2, 225:5, 225:6, 225:11, 226:20, 226:22, 228:4, 228:7, 228:11, 228:16, 229:13, 229:17, 235:10, 235:13, 235:15, 235:19, 235:22, 235:25, 236:4, 236:8, 236:9, 236:19, 239:24, 240:1, 240:16, 240:18, 240:20, 240:25, 249:1, 249:11, 250:18, 250:23, 253:12, 253:14, 253:20, 253:25, 254:22, 255:2, 255:5, 255:11, 255:16, 255:25, 256:5, 256:10, 256:21, 257:20, 257:21, 258:15, 258:17, 258:24, 259:2, 259:6, 259:10, 260:12, 260:14, 260:22, 260:24, 261:6, 263:18, 263:20, 263:24, 265:10, 265:13, 265:17, 266:23, 267:1, 268:13, 268:15, 268:20, 269:1, 269:5, 269:18, 269:20, 269:22, 271:10, 271:13, 273:5, 273:7, 273:15, 280:15, 280:18, 286:23, 287:2, 287:20, 287:23, 290:6, 290:8, 290:10, 293:7, 293:9, 293:12, 293:17, 298:21, 298:23, 298:25, 300:10, 301:19, 304:6, 305:1, 305:7, 306:9, 308:19, 308:23, 309:1, 309:5, 309:10, 310:9, 310:15, 310:20, 310:22, 311:1, 311:25, 312:2, 312:6, 312:9, 312:24, 313:1, 313:4, 313:10, 313:14, 313:16, 313:18, 316:17, 316:21, 317:6, 317:9, 317:18, 318:4, 318:6, 318:11, 318:15,

318:20, 321:18, 323:4, 323:7, 323:8, 323:16, 323:19, 323:20, 324:4, 324:6, 324:10, 324:19, 325:13, 325:16, 325:18, 325:24, 326:10, 326:17, 326:23, 328:18, 328:20, 328:24, 329:4, 329:6, 329:9, 329:12, 330:4, 330:7, 330:10, 331:7, 331:10, 331:14, 331:16, 332:7, 332:13, 332:22, 333:6, 333:11, 333:15, 333:25, 334:14, 335:3, 335:13, 335:19, 336:5, 336:25, 337:9, 337:13, 338:18, 338:19, 338:25, 339:4, 339:7, 339:8, 339:19, 339:22, 341:12, 341:14, 341:15, 343:7, 343:16, 343:18, 343:23, 343:25, 344:24, 345:20, 346:2, 346:7, 346:8, 346:13, 346:19, 347:1, 347:17, 348:12, 348:14, 348:20, 348:24, 349:5, 349:8, 349:9, 367:3, 375:2, 375:5, 392:14, 392:15, 392:22, 393:8, 394:15, 397:16, 397:17, 398:25, 401:22, 402:2, 402:7, 402:14, 402:18, 402:20, 402:23, 403:4, 403:5, 403:8, 404:3, 404:4, 404:23, 405:6, 405:20, 407:12, 409:2, 410:13, 410:22, 416:4, 416:9, 417:14, 417:20, 417:22, 418:20, 419:5, 419:15, 419:18, 420:20, 421:3, 421:8, 421:15, 421:18, 422:20, 422:23, 424:20 MS [1] - 422:3 mugged [1] - 107:8 multiple [4] - 17:22, 18:17, 18:21, 344:6	murder [1] - 105:23 murdered [3] - 106:10, 116:7, 116:8 MUSC [1] - 318:25 muscle [1] - 244:4 music [4] - 142:17, 367:9, 369:4, 369:5 musical [2] - 142:1, 367:11 must [39] - 104:16, 138:18, 161:2, 269:15, 302:21, 325:18, 329:19, 339:15, 340:9, 341:2, 377:5, 377:20, 377:23, 379:24, 380:4, 380:15, 380:17, 380:24, 381:6, 381:18, 381:23, 382:14, 383:13, 383:23, 384:11, 384:17, 385:5, 385:9, 385:12, 386:6, 387:1, 387:20, 388:2, 388:9, 388:22, 389:9, 389:10, 390:5 MV [2] - 18:1, 18:2 mystery [1] - 159:7	413:8, 416:1, 420:10, 423:5, 423:14 near [11] - 47:6, 47:11, 49:22, 89:10, 129:2, 137:1, 175:17, 184:15, 200:15, 351:22, 359:15 nearby [2] - 228:22, 230:4 neat [2] - 294:25, 354:10 necessarily [8] - 136:6, 149:8, 150:8, 168:22, 169:8, 205:13, 357:21, 417:24 necessary [10] - 6:23, 22:21, 157:17, 159:10, 159:20, 288:23, 329:16, 382:23, 386:20 necessitate [1] - 256:9 necessitating [1] - 255:7 necessity [1] - 254:20 neck [1] - 248:19 need [43] - 7:24, 15:11, 23:23, 25:18, 41:22, 42:23, 57:13, 76:5, 78:1, 88:17, 116:12, 127:20, 152:1, 154:8, 154:14, 158:24, 167:25, 168:1, 184:19, 207:22, 208:9, 211:6, 253:17, 255:18, 272:6, 274:12, 281:17, 294:15, 301:18, 303:19, 314:7, 340:17, 353:5, 359:12, 363:1, 370:4, 371:18, 373:2, 382:22, 385:20, 415:5, 415:7, 416:20 needed [11] - 16:11, 27:23, 68:19, 93:23, 159:12, 295:14, 305:22, 305:23, 394:24, 396:11, 421:24 needs [7] - 74:9, 95:25, 160:24, 211:16, 211:18, 216:5, 333:18 nefarious [2] - 370:10, 372:8 negotiations [1] - 408:2	neighborhood [9] - 17:19, 42:3, 46:2, 46:22, 47:5, 79:25, 237:6, 237:7, 237:14 neighbors [1] - 146:15 Neil [2] - 115:11, 209:24 nervous [4] - 36:20, 246:22, 253:2, 253:7 never [28] - 7:4, 17:1, 30:18, 52:8, 60:20, 67:21, 68:22, 79:24, 85:8, 85:10, 100:10, 100:13, 167:14, 173:5, 173:6, 189:5, 197:4, 197:6, 198:17, 222:5, 234:13, 271:3, 272:23, 321:8, 341:25, 379:1, 417:1, 421:1 nevertheless [1] - 90:16 New [1] - 112:1 new [12] - 6:21, 14:8, 130:11, 146:14, 155:7, 248:18, 342:1, 401:24, 404:16, 415:13, 423:12 newborn [1] - 34:12 newer [1] - 230:2 Newman [4] - 1:12, 102:17, 416:10, 417:3 next [32] - 25:22, 31:19, 33:2, 47:10, 78:10, 95:21, 97:6, 126:2, 140:20, 144:16, 178:3, 179:20, 180:17, 184:8, 184:9, 184:17, 184:20, 187:17, 188:24, 190:18, 201:8, 218:16, 225:25, 236:7, 266:18, 277:12, 304:25, 326:1, 337:15, 348:7, 359:23, 416:12 Next [9] - 102:18, 110:19, 111:2, 190:18, 266:20, 293:10, 318:14, 352:22, 381:18 nice [5] - 134:4, 142:12, 291:12, 292:18, 419:18 night [66] - 9:2, 9:13, 14:18, 29:14, 39:9, 39:17, 56:14, 56:21, 68:8, 68:16, 68:18, 70:18, 70:19, 72:8, 78:8, 80:17, 85:23, 98:3, 141:10, 143:20, 150:2, 150:8, 151:20, 156:14, 171:3, 175:20, 175:22, 214:9, 214:12, 214:14, 214:15, 214:19, 214:22, 219:23, 248:21, 248:22, 267:8, 270:7, 271:15, 295:3, 305:20, 305:21, 306:2, 306:4, 306:5, 319:25, 323:23, 323:24, 325:18, 325:20, 325:23, 326:2, 326:3, 333:21, 334:20, 346:1, 346:3, 346:5, 348:18, 352:10, 366:22, 397:3, 404:2, 419:17 nights [1] - 267:10 Nighttime [2] - 350:4, 381:25 nighttime [50] - 140:13, 149:25, 153:15, 324:22, 326:4, 326:6, 327:20, 328:8, 329:8, 329:10, 329:13, 329:19, 330:2, 334:11, 334:17, 334:24, 335:2, 335:4, 335:7, 335:25, 336:2, 336:13, 336:15, 336:22, 337:6, 337:11, 337:21, 338:7, 344:4, 344:7, 344:12, 344:13, 344:15, 344:18, 344:21, 345:5, 345:10, 345:13, 346:12, 350:4, 350:5, 350:10, 355:3, 371:12, 371:19, 381:25, 382:12, 392:5, 414:19 nine [3] - 188:16, 205:23, 208:17 Ninth [2] - 103:1, 425:2 NO [3] - 3:2, 4:2, 5:2 Nobody [3] - 75:9, 271:15, 299:1 nobody [2] - 275:9, 284:11 noise [2] - 234:16, 353:19 noises [2] - 149:10,
N			
name [33] - 14:6, 14:7, 26:21, 33:9, 56:7, 56:8, 91:24, 93:22, 102:25, 103:6, 116:16, 155:5, 155:17, 155:19, 236:17, 236:21, 248:9, 254:11, 259:23, 259:25, 262:10, 264:19, 268:1, 269:8, 300:16, 307:11, 316:11, 321:3, 332:8, 399:3, 411:16 names [5] - 115:7, 268:6, 268:12, 268:16, 268:22 narcotics [1] - 64:21 narrating [1] - 354:21 natural [1] - 350:7 naturally [2] - 381:22, 383:5 nature [21] - 16:24, 21:3, 24:5, 32:5, 77:12, 78:14, 136:24, 247:3, 325:4, 340:14, 342:23, 347:23, 384:3, 385:16, 386:19, 409:15,			

353:20 non [1] - 345:13 none [7] - 25:10, 40:5, 72:3, 276:18, 284:8, 291:21, 293:3 None [8] - 29:16, 276:19, 284:7, 284:9, 292:25, 392:14, 397:16, 397:17 nonviolent [1] - 403:21 nonviolents [1] - 403:1 noon [1] - 216:19 normal [6] - 7:7, 27:11, 69:25, 156:11, 210:13, 351:10 normally [11] - 6:19, 8:1, 14:19, 16:10, 134:13, 134:14, 157:4, 167:14, 285:23, 343:20, 354:8 North [5] - 46:15, 66:20, 72:25, 80:20, 139:16 Nos [3] - 218:6, 261:4, 265:15 note [14] - 162:7, 163:16, 205:14, 212:18, 214:4, 214:25, 221:23, 281:21, 337:18, 352:12, 389:22, 393:1, 397:7, 418:16 Note [1] - 5:4 Noted [1] - 349:7 noted [5] - 38:18, 204:24, 204:25, 310:11, 333:12 nothing [23] - 34:23, 40:7, 66:1, 66:2, 129:25, 135:14, 135:16, 136:10, 136:12, 136:16, 201:4, 203:17, 204:7, 207:25, 208:24, 241:9, 316:24, 316:25, 318:5, 318:11, 322:6, 345:8, 364:1 Nothing [16] - 41:11, 58:10, 60:15, 101:8, 101:18, 131:13, 135:17, 135:21, 149:5, 149:12, 202:23, 204:6, 235:10, 235:19, 236:4, 316:24 notice [12] - 36:25, 60:21, 66:1, 131:12,	131:18, 144:5, 149:19, 181:22, 196:22, 221:24, 279:16, 355:9 noticed [10] - 15:21, 37:9, 59:8, 131:6, 146:23, 222:11, 295:24, 357:18, 360:3, 389:11 Noticing [1] - 206:21 notorious [1] - 415:9 November [1] - 71:16 nowhere [2] - 30:15, 290:24 Number [9] - 108:10, 111:19, 111:25, 112:24, 127:4, 240:10, 277:1, 395:8, 395:9 number [77] - 20:10, 53:12, 104:25, 106:3, 106:9, 107:3, 107:14, 108:7, 109:10, 110:3, 110:5, 110:12, 111:11, 116:9, 116:23, 117:6, 117:14, 117:22, 118:5, 118:11, 118:17, 118:25, 119:8, 119:17, 119:25, 120:8, 120:16, 120:24, 121:7, 121:15, 121:23, 122:4, 122:14, 122:22, 123:5, 123:13, 123:21, 124:1, 124:3, 124:7, 124:16, 124:25, 125:8, 125:14, 126:11, 128:24, 186:1, 218:15, 240:11, 245:11, 258:16, 263:3, 263:4, 263:5, 263:6, 263:9, 263:10, 275:19, 339:24, 396:8, 398:3, 398:14, 399:6, 399:10, 399:15, 399:20, 399:25, 400:5, 400:10, 400:15, 400:20, 400:25, 401:5, 401:10, 404:12, 410:24 numbers [3] - 160:6, 274:9, 410:17 numeric [1] - 188:15 numerical [1] - 390:4 numerous [1] -	276:25 nurse [4] - 154:12, 210:18, 210:20, 214:10 nursing [1] - 318:25 O o'clock [1] - 156:14 oath [14] - 55:4, 55:5, 55:10, 55:14, 104:5, 104:11, 116:3, 137:24, 138:1, 138:2, 153:2, 301:4, 377:24, 388:7 Object [2] - 268:13, 271:10 object [8] - 163:1, 208:11, 255:12, 255:21, 262:17, 265:7, 280:25, 346:20 objecting [1] - 259:3 Objection [24] - 147:20, 226:20, 226:21, 249:1, 249:3, 250:18, 253:12, 253:23, 258:24, 260:12, 269:18, 280:15, 280:17, 286:23, 290:6, 308:19, 312:24, 313:13, 317:6, 317:7, 317:9, 317:10, 323:4, 375:2 objection [38] - 23:22, 94:25, 95:1, 126:7, 147:21, 209:4, 218:1, 218:4, 225:4, 225:5, 228:6, 228:7, 240:18, 250:19, 253:13, 254:20, 254:24, 259:8, 260:24, 260:25, 261:1, 261:3, 265:13, 265:14, 268:19, 268:25, 271:12, 310:10, 310:22, 310:23, 312:2, 333:12, 338:22, 339:4, 339:7, 339:19, 339:22, 341:14 objectionable [1] - 170:6 objections [3] - 330:12, 330:14, 401:23 objects [3] - 180:23, 251:3, 266:18 obligation [1] - 104:10 observations [2] -	21:16, 21:20 observe [7] - 39:2, 130:19, 145:10, 246:3, 341:6, 386:9, 409:7 observed [7] - 33:24, 37:11, 92:18, 157:21, 183:6, 204:23, 238:3 observes [2] - 159:18, 159:19 observing [2] - 214:6, 396:17 obstruction [1] - 382:21 obvious [1] - 60:15 obviously [6] - 15:14, 45:25, 70:13, 190:14, 244:3, 307:3 Obviously [2] - 56:4, 60:13 OCA [5] - 27:18, 92:6, 263:3, 274:1 occasion [5] - 27:16, 92:5, 129:2, 238:9, 274:1 occasionally [1] - 16:8 occasions [3] - 17:22, 22:8, 423:5 occupant [3] - 75:1, 91:8, 243:15 occupants [1] - 307:8 occur [4] - 237:25, 325:18, 329:19, 374:11 occurred [30] - 26:1, 26:13, 28:1, 65:1, 72:21, 175:16, 202:4, 210:1, 238:25, 274:21, 324:23, 329:7, 329:10, 330:1, 333:18, 333:21, 334:21, 334:23, 335:1, 336:22, 338:11, 344:4, 346:3, 346:4, 346:12, 348:18, 371:18, 374:7, 382:11, 418:22 occurring [1] - 326:19 occurs [7] - 136:25, 325:19, 329:13, 335:25, 336:13, 350:4, 383:3 odd [1] - 353:12 odor [1] - 99:19 OF [5] - 1:1, 1:2, 1:5, 1:6 offender [3] - 254:3,	341:6, 386:9 offense [15] - 18:1, 19:21, 20:4, 137:1, 302:16, 338:16, 341:6, 345:22, 378:25, 380:23, 382:19, 386:9, 387:19, 411:5, 420:8 offenses [12] - 21:4, 71:17, 380:20, 385:3, 387:20, 417:8, 418:14, 418:18, 418:22, 420:17, 423:19, 423:21 offer [15] - 18:16, 18:17, 19:4, 19:9, 19:10, 94:24, 217:22, 240:17, 260:22, 263:19, 265:11, 408:5, 408:16, 423:23, 424:5 offered [3] - 378:9, 386:15, 417:4 offers [2] - 19:7, 21:1 offhand [1] - 251:1 office [19] - 6:8, 15:17, 54:8, 101:20, 103:5, 103:8, 103:9, 104:20, 104:23, 104:24, 105:17, 105:18, 227:17, 227:25, 237:15, 392:2, 394:18, 408:3 officer [40] - 26:3, 27:4, 27:8, 39:19, 51:7, 51:12, 52:8, 56:4, 56:9, 56:13, 56:14, 64:7, 65:18, 65:22, 68:21, 71:5, 97:4, 99:15, 133:15, 140:23, 146:24, 156:21, 168:10, 188:3, 200:18, 205:6, 205:17, 237:6, 241:13, 244:24, 249:23, 256:8, 258:14, 268:4, 268:10, 269:7, 275:1, 275:12, 294:14, 403:19 Officer [24] - 26:15, 26:20, 33:16, 38:15, 51:7, 62:7, 63:3, 65:9, 65:15, 65:23, 115:10, 115:11, 236:8, 244:23, 255:17, 256:14, 258:18, 282:18, 306:7, 332:14, 332:18, 356:14, 369:10

officer's [3] - 37:20, 56:7, 132:17 officers [40] - 29:17, 33:12, 36:5, 52:19, 56:5, 58:18, 58:19, 59:9, 65:20, 65:25, 70:8, 76:12, 92:19, 109:9, 133:13, 137:15, 140:23, 186:13, 217:8, 244:8, 244:17, 247:18, 247:21, 250:2, 251:13, 258:11, 275:6, 285:14, 291:6, 291:16, 295:17, 307:4, 307:5, 307:9, 308:24, 341:18, 342:2, 342:21, 352:10, 387:1 Officers [3] - 37:4, 63:10, 140:22 officers' [1] - 306:20 Official [1] - 425:2 often [2] - 268:23, 269:11 old [14] - 13:19, 47:20, 47:21, 74:1, 139:17, 171:25, 206:19, 248:16, 319:20, 374:12, 409:4, 410:7, 416:23 older [2] - 131:14, 225:25 on-call [1] - 92:11 once [22] - 22:6, 47:4, 75:21, 107:9, 140:6, 142:20, 153:13, 181:20, 184:7, 223:9, 243:23, 247:11, 258:14, 261:25, 275:16, 307:2, 330:19, 348:13, 362:11, 362:14, 415:1 Once [14] - 139:19, 140:2, 153:22, 236:11, 244:14, 247:10, 251:1, 257:15, 261:16, 305:19, 309:19, 387:11, 391:21, 391:22 One [22] - 28:17, 29:12, 56:4, 68:3, 89:23, 119:11, 151:17, 162:1, 182:7, 202:16, 216:1, 235:6, 241:5, 254:3, 266:22, 273:5, 316:17, 318:11, 323:20,	326:10, 343:10, 343:13 one [153] - 6:4, 17:25, 18:3, 24:13, 24:15, 24:24, 28:20, 28:21, 29:10, 29:12, 29:17, 36:15, 39:14, 40:19, 48:3, 56:6, 56:14, 61:6, 64:1, 64:22, 65:13, 65:15, 68:14, 74:1, 76:11, 77:16, 80:5, 87:18, 88:17, 99:17, 101:21, 101:24, 102:8, 103:10, 103:20, 110:10, 115:16, 118:5, 134:23, 136:9, 137:13, 138:2, 139:3, 139:10, 140:19, 140:21, 140:23, 146:6, 149:8, 163:5, 164:16, 164:17, 181:18, 186:9, 186:21, 188:13, 190:24, 191:12, 191:17, 191:19, 191:21, 197:14, 197:21, 197:22, 199:8, 199:24, 200:8, 212:5, 215:17, 222:1, 224:6, 235:22, 240:13, 241:8, 246:20, 254:6, 257:6, 258:22, 260:10, 261:25, 263:5, 264:11, 264:20, 267:10, 274:15, 277:1, 278:18, 279:1, 281:17, 290:19, 296:1, 300:9, 301:15, 302:3, 302:4, 302:11, 308:23, 313:6, 314:20, 315:8, 326:8, 327:1, 328:12, 331:19, 332:2, 334:5, 336:4, 337:10, 337:15, 337:24, 339:23, 342:25, 343:10, 349:15, 350:17, 351:7, 356:5, 356:15, 357:25, 360:13, 362:20, 363:7, 363:16, 364:2, 365:2, 366:6, 366:19, 368:2, 368:18, 371:11, 372:7, 376:4, 386:21, 388:8, 388:20, 390:5, 390:25, 392:3, 394:19, 395:8, 398:20, 406:13,	408:10, 411:25, 415:6, 415:8, 418:4, 422:11, 423:17 one's [2] - 60:10, 350:7 one-month-old [1] - 74:1 one-on-one [1] - 386:21 ones [5] - 56:15, 218:12, 310:17, 392:15, 403:25 open [58] - 17:19, 17:20, 24:15, 34:14, 36:25, 44:22, 44:23, 58:19, 62:18, 71:13, 102:16, 127:23, 130:9, 137:19, 140:1, 140:5, 140:6, 140:10, 144:19, 145:19, 149:10, 149:23, 152:9, 162:5, 164:6, 166:2, 170:9, 176:22, 177:1, 182:6, 198:18, 218:10, 224:6, 232:14, 251:25, 254:18, 256:19, 270:8, 270:15, 277:17, 283:2, 283:22, 284:2, 301:2, 304:8, 320:11, 324:16, 348:10, 353:22, 354:5, 358:8, 358:18, 363:22, 392:10, 392:25, 395:5, 397:19, 408:6 opened [16] - 44:5, 55:2, 58:25, 59:3, 71:21, 141:4, 162:8, 183:11, 184:3, 251:24, 257:15, 261:15, 265:4, 266:19, 283:20, 283:23 opener [1] - 182:5 Opening [1] - 348:11 opening [8] - 35:18, 35:20, 35:23, 36:7, 139:7, 371:2, 382:24, 383:1 openings [1] - 128:4 openly [2] - 104:14, 116:4 opens [1] - 356:24 operator [1] - 235:17 opinion [17] - 16:15, 163:22, 165:4, 167:17, 167:23, 167:24, 169:9, 187:2, 312:13, 357:24,	361:18, 375:17, 388:3, 388:9, 388:10, 389:2, 389:4 opinions [2] - 168:14, 395:18 opportunity [21] - 84:25, 104:14, 116:4, 134:7, 137:5, 161:20, 204:20, 206:12, 207:1, 227:11, 227:16, 324:13, 340:1, 341:5, 342:11, 342:22, 364:8, 372:13, 386:8, 405:8, 417:2 opposed [3] - 20:16, 36:22, 342:5 opposing [1] - 60:17 opted [1] - 19:15 optimal [1] - 21:10 option [4] - 154:17, 161:2, 173:6, 337:25 options [1] - 20:20 orally [1] - 390:1 orangey [1] - 296:14 order [18] - 23:14, 24:23, 43:23, 54:11, 54:16, 56:17, 56:19, 58:6, 67:25, 158:17, 166:2, 327:16, 381:11, 382:13, 391:2, 392:3, 393:9, 408:22 ordered [2] - 212:11, 392:5 ordering [2] - 22:25, 159:7 orders [1] - 210:16 ordinarily [1] - 381:10 ordinary [5] - 129:21, 129:25, 130:2, 130:3, 130:13 organization [4] - 109:19, 109:22, 109:23, 109:24 organized [1] - 297:16 orientations [1] - 108:18 oriented [1] - 240:5 origin [2] - 272:22 original [3] - 245:12, 340:20, 385:23 originally [1] - 294:2 otherwise [5] - 64:24, 214:16, 304:17, 348:2, 371:15 Otherwise [1] - 164:13	ought [1] - 378:20 ourselves [1] - 368:16 Outside [1] - 204:25 outside [29] - 48:11, 58:22, 62:15, 67:1, 126:2, 129:15, 144:12, 149:23, 158:22, 192:21, 193:5, 200:24, 207:8, 235:4, 258:7, 258:20, 260:1, 284:12, 292:5, 323:25, 324:24, 325:13, 361:2, 366:23, 371:1, 374:6, 374:11, 388:10 outstanding [1] - 407:17 outwards [2] - 129:24, 145:17 outweighs [2] - 302:13, 302:18 overbearing [1] - 65:1 overborne [1] - 64:7 overcome [1] - 91:9 overcomes [1] - 380:12 overhead [2] - 146:3, 183:12 overly [2] - 99:17, 136:4 overnight [1] - 394:13 Overrule [1] - 268:25 overruled [8] - 226:21, 249:3, 253:23, 280:17, 317:7, 317:10, 330:14, 330:16 Overruled [1] - 250:20 overwhelming [1] - 402:4 own [19] - 15:23, 16:8, 16:9, 57:5, 61:12, 63:14, 81:15, 84:17, 90:24, 134:9, 141:15, 267:16, 332:2, 380:7, 383:15, 389:1, 421:20, 424:3 owned [2] - 130:8, 351:12 owner [6] - 73:7, 73:17, 136:12, 252:11, 309:15, 309:16 owner's [1] - 65:1 ownership [1] - 18:19

owns [1] - 132:3	242:10, 242:20	97:22, 97:24	pending [12] - 17:23, 19:11, 105:15, 105:18, 402:15, 402:23, 403:9, 403:24, 404:8, 408:19, 408:20	153:20, 158:1
P	parking [26] - 29:24, 47:6, 144:1, 144:15, 145:17, 149:24, 162:2, 176:20, 177:3, 181:21, 182:11, 185:10, 186:18, 186:21, 189:1, 193:6, 194:6, 194:8, 199:25, 200:8, 221:21, 224:12, 224:22, 225:18, 226:5, 365:9	pass [7] - 28:19, 237:16, 249:18, 356:8, 375:16, 389:22, 397:25	Peninsula [15] - 28:10, 114:4, 114:14, 114:21, 175:9, 219:13, 238:9, 239:7, 239:16, 240:8, 241:4, 247:21, 253:10, 253:22, 294:5	performed [1] - 247:2
P-i-e-c-h [2] - 26:22, 236:21	PARNALL [1] - 422:3	passed [7] - 30:19	Pennington [1] - 103:10	performing [1] - 272:17
p.m [10] - 127:19, 175:24, 306:24, 319:24, 392:23, 395:5, 397:4, 397:8, 397:13, 397:19	Parnall [4] - 1:17, 6:7, 103:9, 422:1	passage [1] - 30:19	People [3] - 365:21, 368:2, 372:5	perhaps [11] - 158:18, 161:3, 169:9, 182:17, 185:13, 187:12, 227:1, 239:2, 342:19, 359:5, 408:12
packed [1] - 185:10	parole [3] - 12:20, 410:16, 418:19	passenger [23] - 30:16, 30:17, 31:22, 34:13, 34:21, 51:8, 69:7, 75:1, 75:3, 76:12, 91:8, 184:23, 226:6, 226:12, 243:18, 243:21, 244:1, 244:6, 246:1, 246:2, 248:12, 249:18, 251:22	people [54] - 13:2, 13:3, 15:17, 29:22, 31:16, 39:6, 78:14, 99:9, 99:14, 99:15, 126:5, 135:6, 136:9, 201:19, 205:2, 244:10, 245:17, 250:7, 254:1, 256:23, 268:5, 268:6, 268:7, 268:11, 268:16, 268:22, 269:7, 269:8, 269:16, 271:1, 314:25, 322:9, 340:11, 343:13, 347:8, 353:3, 358:23, 361:10, 362:25, 365:13, 368:15, 370:1, 371:16, 372:19, 373:7, 385:14, 409:18, 415:5, 415:19, 421:3	perimeter [1] - 31:13
packet [1] - 410:1	part [1] - 271:22	passes [4] - 149:24, 304:15, 340:21, 385:24	per [3] - 236:9, 335:17, 396:16	period [7] - 340:21, 382:1, 385:24, 386:24, 397:4, 412:5, 424:13
page [1] - 74:25	part [40] - 25:23, 44:3, 46:13, 48:2, 54:21, 79:18, 86:12, 88:17, 92:2, 152:23, 171:14, 172:8, 174:4, 203:9, 266:2, 273:20, 274:1, 291:4, 302:21, 325:17, 325:22, 328:16, 329:1, 329:2, 329:5, 335:10, 341:20, 358:22, 360:21, 363:16, 371:20, 372:12, 378:12, 381:14, 384:24, 412:15, 417:22, 419:19, 420:16, 420:18	passengers [2] - 40:22, 63:23	people's [5] - 264:24, 268:12, 268:16, 365:25, 420:5	permissible [1] - 206:3
paid [1] - 77:10	partially [1] - 189:17	passion [1] - 388:15	peppered [1] - 24:1	permission [15] - 44:1, 57:2, 57:17, 57:18, 60:12, 60:23, 69:1, 69:2, 81:14, 194:25, 250:21, 298:17, 299:23, 321:9, 321:11
Paige [1] - 406:17	participant [3] - 90:19, 158:7, 336:10	past [13] - 32:6, 205:10, 224:23, 241:24, 286:19, 340:11, 341:10, 351:11, 385:14, 386:14, 394:4, 404:15, 414:4	per [3] - 236:9, 335:17, 396:16	Permission [3] - 225:6, 228:11, 312:6
pain [1] - 87:2	particular [11] - 110:7, 115:2, 137:13, 157:14, 251:20, 263:7, 264:13, 266:6, 271:2, 306:5, 347:15	pat [2] - 170:22, 247:3	percent [15] - 150:19, 150:20, 150:22, 188:20, 211:4, 213:19, 266:10, 338:9, 338:11, 338:12, 344:9, 352:5, 352:7, 352:12, 410:16	Perpendicular [1] - 50:11
painless [1] - 321:20	particularly [3] - 136:8, 208:24, 340:6	patio [7] - 162:4, 181:7, 327:5, 353:18, 353:20, 353:21, 357:8	percentage [1] - 344:12	perpetrator [4] - 30:3, 204:3, 239:3, 387:9
paint [5] - 163:18, 281:23, 281:24, 281:25, 358:5	particulars [1] - 275:3	patrol [5] - 27:9, 27:11, 39:19, 92:18, 237:6	perception [2] - 340:20, 385:23	perpetrators [1] - 239:3
paintings [1] - 112:13	parties [6] - 68:12, 388:6, 388:14, 388:16, 388:18, 396:6	patrolling [1] - 238:4	perfect [2] - 21:13, 136:9	person [97] - 22:22, 90:5, 99:20, 113:23, 130:8, 130:25, 133:9, 134:20, 136:23, 137:6, 137:12, 148:1, 148:2, 151:19, 157:13, 159:9, 159:15, 159:21, 166:14, 167:15, 168:6, 168:9, 181:1, 185:18, 188:23, 192:10, 196:5, 196:18, 203:13, 203:20, 203:22, 204:2, 206:8, 206:12, 206:22, 207:10, 209:16, 226:17, 252:11, 268:2, 277:1, 282:20, 286:12, 301:24, 312:17, 313:6, 313:7, 321:4, 331:20, 331:21, 332:7, 332:9, 333:5, 336:6, 336:7, 336:19, 338:4, 340:23, 341:10, 343:14, 352:3, 352:6, 352:7,
pair [2] - 74:4, 298:3	party [3] - 21:25, 67:16, 425:10	passes [4] - 149:24, 304:15, 340:21, 385:24	perfect [1] - 292:20	perfectly [2] -
Pamela [1] - 124:7	Party [1] - 88:16	passing [5] - 196:13, 196:14, 201:20, 315:21, 375:25	Perfect [1] - 292:20	
panel [2] - 108:23, 114:1	party [6] - 78:9, 78:12, 88:14, 88:15,	passion [1] - 388:15		
panic [1] - 241:16		past [13] - 32:6, 205:10, 224:23, 241:24, 286:19, 340:11, 341:10, 351:11, 385:14, 386:14, 394:4, 404:15, 414:4		
panicky [1] - 32:23		pat [2] - 170:22, 247:3		
panoramic [2] - 34:22, 249:19		patio [7] - 162:4, 181:7, 327:5, 353:18, 353:20, 353:21, 357:8		
pants [1] - 187:13		patrol [5] - 27:9, 27:11, 39:19, 92:18, 237:6		
paperweight [1] - 357:16		patrolling [1] - 238:4		
paperwork [1] - 7:19		patrols [1] - 237:24		
Paperwork [1] - 7:20		patted [2] - 33:1, 251:15		
paragraph [2] - 340:6, 347:18		pattern [2] - 415:11, 424:2		
parallel [1] - 50:12		pauses [1] - 171:8		
paranoid [1] - 6:18		pavement [1] - 38:5		
paraphrasing [2] - 170:12, 170:21		pawn [1] - 326:1		
Pardon [1] - 124:1		pay [3] - 56:25, 83:1, 414:14		
parents [2] - 125:22, 298:4		peek [1] - 70:2		
parents' [1] - 110:14		peel [1] - 266:4		
park [5] - 47:10, 59:9, 176:4, 220:8, 317:13		pen [1] - 322:17		
Parked [1] - 363:20		pendency [2] - 422:24, 423:13		
parked [24] - 30:25, 50:2, 50:3, 50:4, 50:6, 50:8, 73:1, 129:22, 129:24, 139:19, 139:22, 140:13, 176:5, 176:13, 176:17, 184:9, 184:10, 184:15, 184:20, 185:13, 220:14, 221:17,				

352:8, 357:25, 367:16, 369:6, 370:15, 371:21, 371:22, 372:6, 372:17, 372:19, 373:11, 378:25, 380:5, 381:9, 384:23, 385:2, 386:1, 386:13, 386:18, 387:2, 387:3, 387:16, 387:19, 402:10, 406:15, 414:24, 414:25, 415:22, 419:8, 420:6, 422:6 person's [4] - 159:16, 203:10, 367:17, 382:2 personal [10] - 22:1, 104:19, 104:21, 105:21, 140:7, 296:2, 296:22, 302:4, 359:9, 416:7 personality [1] - 62:22 personally [3] - 7:4, 158:11, 253:1 perspective [3] - 22:3, 22:12, 22:13 pertain [1] - 104:10 Pertaining [1] - 254:17 petrified [1] - 363:1 petty [2] - 404:12, 404:21 philosophical [2] - 108:14, 108:17 phone [36] - 53:12, 53:13, 74:3, 78:25, 79:2, 134:4, 171:3, 177:22, 179:23, 181:24, 184:18, 185:5, 186:3, 186:7, 192:24, 202:6, 210:5, 222:9, 225:16, 227:5, 231:22, 272:5, 294:18, 304:23, 309:15, 324:14, 326:14, 353:3, 353:4, 353:5, 353:6, 353:11, 353:16, 354:20, 356:11 photo [6] - 70:11, 208:2, 279:18, 281:6, 283:6, 284:20 Photograph [35] - 3:3, 3:4, 3:5, 3:6, 3:7, 3:8, 3:9, 3:10, 3:11, 3:12, 3:13, 3:14, 3:15, 3:16, 3:17, 3:18, 3:19, 3:20, 3:21, 3:22, 3:23,	3:24, 3:25, 4:3, 4:4, 4:5, 4:6, 4:7, 4:8, 4:9, 4:10, 4:11, 4:12, 4:14, 5:3 photograph [10] - 191:8, 192:7, 220:21, 220:22, 224:24, 281:8, 284:22, 285:2, 297:14, 393:15 photographed [2] - 162:9, 162:18 photographic [1] - 23:20 photographs [9] - 167:18, 195:22, 273:23, 275:18, 277:21, 282:4, 284:15, 285:16, 365:6 photos [5] - 275:19, 277:23, 278:25, 279:1, 282:8 phrase [3] - 203:8, 346:22, 379:20 physical [9] - 23:20, 25:23, 82:25, 93:15, 204:7, 273:24, 336:19, 338:5, 382:20 physically [3] - 62:23, 64:8, 328:5 pick [18] - 33:8, 46:5, 47:8, 47:9, 47:10, 66:16, 66:23, 67:18, 98:4, 139:11, 179:25, 190:10, 206:9, 254:9, 347:22, 363:9, 405:22, 406:2 Pick [1] - 46:6 picked [9] - 114:25, 203:17, 206:4, 207:3, 207:24, 234:9, 391:4, 404:11, 404:21 picking [3] - 47:12, 347:21, 406:6 picture [10] - 191:9, 191:18, 230:2, 240:13, 243:11, 264:8, 266:16, 279:1, 280:1, 361:7 pictures [12] - 162:21, 163:4, 163:19, 218:4, 229:23, 266:4, 275:20, 292:12, 296:6, 319:16, 363:25, 370:7 piece [7] - 42:23, 62:13, 164:2, 340:22, 358:25, 385:25 pieces [2] - 89:5, 340:22	PIECH [2] - 26:16, 236:13 Piech [22] - 2:3, 26:15, 26:20, 26:24, 38:16, 51:7, 62:7, 63:3, 63:5, 65:9, 65:23, 115:11, 236:8, 236:17, 258:18, 332:14, 332:18, 355:6, 355:21, 356:14, 369:10 Piech's [2] - 65:15, 255:17 piqued [1] - 204:22 pitch [1] - 299:13 pizza [2] - 113:7, 392:5 place [37] - 44:23, 60:18, 60:20, 65:24, 66:7, 69:9, 89:14, 90:19, 108:20, 134:19, 134:23, 136:17, 142:15, 186:16, 186:17, 200:11, 202:5, 203:14, 247:14, 259:21, 261:11, 262:19, 295:18, 314:13, 334:18, 335:15, 360:10, 364:2, 365:9, 365:17, 367:8, 367:24, 369:24, 371:14, 374:5, 384:2, 418:25 placed [13] - 38:4, 45:7, 53:6, 73:10, 73:20, 231:13, 260:6, 260:18, 262:12, 262:21, 310:14, 354:17, 379:15 places [8] - 326:16, 326:25, 337:4, 337:5, 343:3, 364:3, 368:25, 378:23 placing [1] - 330:9 plain [1] - 60:8 plainly [1] - 70:6 plaintiff [1] - 339:17 plan [4] - 58:5, 60:1, 164:6, 234:22 planning [1] - 208:12 plastic [4] - 180:23, 223:25, 262:21, 356:23 plastics [1] - 198:16 platform [1] - 284:6 play [11] - 24:11, 32:20, 354:25, 361:13, 393:4, 394:20, 394:21,	396:5, 396:6, 396:22 played [2] - 150:9, 228:14 player [2] - 394:8, 397:12 playing [3] - 142:17, 356:14, 356:15 plays [1] - 394:22 plea [15] - 17:14, 17:15, 18:13, 19:4, 19:7, 19:10, 21:1, 55:9, 55:19, 55:24, 71:25, 72:6, 90:17, 378:23, 408:1 plead [4] - 19:4, 71:14, 72:16, 329:15 pleading [3] - 19:16, 20:16, 74:12 pleasant [1] - 57:25 pled [5] - 26:11, 71:17, 103:22, 138:5, 378:22 plenty [1] - 245:16 plug [2] - 410:21, 410:22 plus [2] - 20:10, 249:19 pocket [1] - 262:2 pockets [1] - 7:21 podium [1] - 116:17 point [102] - 6:25, 18:18, 28:19, 30:4, 34:9, 36:9, 36:23, 38:19, 39:1, 41:24, 44:13, 45:7, 48:3, 57:23, 60:6, 60:10, 61:23, 64:9, 64:25, 70:16, 70:19, 79:21, 86:17, 89:9, 93:17, 96:9, 96:25, 97:11, 99:6, 137:2, 160:23, 181:3, 181:24, 182:4, 182:9, 182:15, 182:16, 183:4, 184:19, 184:22, 185:14, 187:19, 190:10, 192:22, 192:23, 193:21, 194:14, 194:19, 196:23, 197:8, 197:13, 199:11, 199:14, 200:23, 202:18, 202:21, 203:19, 207:21, 223:4, 223:23, 241:13, 247:23, 247:24, 250:14, 253:3, 253:5, 255:13, 272:17, 275:6, 282:23, 301:20,	303:24, 315:8, 315:16, 325:8, 326:2, 326:5, 327:17, 329:23, 336:20, 339:23, 343:14, 353:21, 355:16, 355:23, 355:25, 360:12, 362:20, 363:16, 364:23, 372:21, 377:6, 408:3, 408:4, 409:23, 410:8, 410:10, 415:14, 417:4, 418:10 pointed [1] - 162:23 pointedly [1] - 362:16 points [6] - 31:6, 56:20, 57:13, 70:5, 337:19, 366:5 Police [8] - 26:21, 94:14, 236:18, 236:23, 262:24, 305:16, 309:20, 320:22 police [100] - 27:1, 27:4, 27:7, 36:15, 37:20, 38:6, 42:4, 44:15, 49:17, 50:18, 50:22, 50:25, 51:1, 51:22, 52:3, 52:21, 52:23, 53:17, 56:4, 60:19, 60:23, 61:24, 62:20, 62:23, 67:21, 67:22, 68:17, 88:20, 89:19, 91:1, 91:25, 131:18, 131:24, 132:5, 132:17, 133:8, 137:15, 146:19, 146:24, 147:9, 148:2, 148:10, 166:19, 181:4, 181:25, 184:18, 185:5, 186:4, 186:5, 186:6, 186:8, 189:3, 199:19, 199:22, 200:10, 200:14, 201:11, 202:6, 202:8, 219:20, 225:17, 227:5, 228:22, 229:9, 231:20, 231:24, 232:9, 241:13, 245:20, 249:9, 262:25, 268:4, 268:10, 269:6, 273:17, 294:14, 295:12, 297:20, 299:3, 305:12, 310:1, 320:6, 321:21, 350:16, 351:19, 351:20, 351:23,

352:4, 354:15, 356:8, 364:21, 365:19, 372:24, 386:20, 387:1, 403:19, 419:1 policeman [1] - 355:22 policies [1] - 236:9 policy [1] - 96:5 political [2] - 108:15, 108:17 poll [1] - 399:1 polled [1] - 401:16 polling [2] - 398:23 ponytail [1] - 131:17 pool [2] - 241:23 poor [1] - 411:10 Pop [6] - 41:2, 44:7, 44:25, 54:2, 64:15, 70:1 pop [16] - 41:2, 44:8, 44:10, 44:12, 44:25, 45:4, 49:6, 54:3, 54:25, 58:8, 64:15, 67:6, 73:11, 73:21, 317:17 popped [7] - 44:19, 44:24, 49:8, 49:11, 54:4, 64:17, 257:8 popping [1] - 45:19 porch [24] - 162:4, 180:19, 180:20, 181:2, 192:6, 192:8, 193:3, 193:15, 195:4, 195:7, 195:9, 195:12, 195:15, 195:24, 196:1, 198:21, 220:24, 223:15, 223:18, 223:21, 225:24, 227:4, 231:2, 277:14 portion [10] - 75:20, 164:22, 166:7, 254:25, 313:22, 318:1, 328:20, 346:24, 348:3, 381:9 portray [1] - 377:8 posed [1] - 173:4 position [20] - 27:3, 29:20, 31:13, 61:5, 62:8, 62:11, 65:23, 99:25, 100:5, 165:16, 170:8, 233:22, 237:2, 237:6, 244:15, 333:25, 337:19, 356:6, 411:6, 423:25 positioned [1] - 242:1 positive [2] - 416:22, 416:24 positives [1] -	287:13 positivity [1] - 417:5 possess [1] - 368:7 possessed [1] - 142:19 possesses [1] - 422:10 possession [21] - 17:25, 165:21, 167:4, 285:18, 285:19, 285:25, 286:5, 286:8, 286:13, 292:14, 322:16, 332:24, 359:10, 359:11, 359:12, 359:20, 359:25, 360:4, 402:24, 403:18 possibility [5] - 338:9, 380:16, 409:22, 418:18, 424:8 possible [18] - 15:15, 21:3, 54:18, 54:20, 54:22, 96:6, 139:6, 147:10, 165:25, 175:17, 200:5, 213:7, 252:8, 260:5, 340:5, 380:13, 389:13, 389:24 Possible [1] - 115:9 possibly [12] - 27:25, 30:7, 211:15, 213:23, 241:19, 242:14, 266:3, 279:23, 304:13, 326:2, 326:13, 367:21 Post [1] - 317:11 post [4] - 380:6, 393:24, 401:21, 402:6 Post-Miranda [1] - 317:11 post-trial [2] - 401:21, 402:6 potato [5] - 141:24, 367:11, 367:13, 367:14, 373:13 potential [6] - 31:4, 65:11, 126:18, 250:4, 360:21, 416:22 potentially [3] - 148:11, 162:20, 342:24 pounds [2] - 135:10, 205:19 poured [2] - 180:15, 223:14 powder [9] - 208:20, 233:10, 275:25, 276:2, 276:6, 276:7, 276:22, 290:18 power [1] - 237:1	practical [1] - 409:12 pre [2] - 64:22, 207:17 pre-ID [1] - 64:22 pre-wearing [1] - 207:17 precisely [1] - 242:19 preclude [2] - 21:7, 23:10 prefer [1] - 392:8 preference [1] - 174:8 pregnant [2] - 337:10, 337:11 prejudice [3] - 165:8, 303:3, 388:16 prejudiced [1] - 376:3 prejudicial [2] - 302:13, 302:19 prelim [1] - 40:7 preliminary [1] - 308:3 premarked [1] - 23:23 premises [1] - 334:11 prepare [1] - 416:4 prepared [4] - 166:21, 409:25, 414:20, 414:25 preparing [1] - 10:3 preponderance [1] - 90:10 prescribed [5] - 6:17, 8:14, 15:22, 153:6, 421:5 prescribes [1] - 160:3 presence [11] - 60:8, 137:15, 138:21, 158:22, 331:8, 331:10, 331:12, 331:17, 333:9, 392:17, 424:3 present [56] - 24:10, 25:19, 26:6, 63:5, 71:13, 71:22, 102:16, 117:1, 117:9, 117:17, 117:25, 118:20, 119:3, 119:11, 119:20, 120:3, 120:11, 120:19, 121:2, 121:10, 121:18, 122:7, 122:17, 122:25, 123:16, 123:24, 124:10, 124:20, 125:3, 126:14, 127:7,	127:23, 137:19, 152:9, 156:23, 164:24, 218:10, 254:18, 256:19, 301:2, 301:14, 303:8, 304:8, 324:16, 330:19, 332:3, 349:11, 360:16, 360:18, 384:7, 392:10, 392:25, 395:5, 397:19, 407:13, 416:20 presentation [4] - 72:7, 405:8, 423:6, 423:7 presented [18] - 17:21, 22:4, 63:9, 63:19, 72:19, 137:6, 138:14, 139:2, 340:7, 370:10, 375:21, 375:24, 376:20, 378:11, 385:1, 395:22, 419:22, 423:3 presenting [2] - 155:25, 342:11 presently [1] - 233:12 presents [4] - 17:3, 103:25, 138:7, 420:24 preserve [1] - 157:17 preserving [2] - 157:19, 157:20 preside [3] - 300:21, 378:8, 389:18 presiding [3] - 102:18, 138:16, 378:14 press [4] - 115:21, 161:13, 161:16, 210:10 pressing [2] - 156:7, 304:12 pressure [3] - 90:23, 280:20, 383:17 prestigious [1] - 421:4 presumably [1] - 67:16 presumed [6] - 60:9, 103:23, 113:19, 113:22, 138:6, 379:5 presumes [1] - 414:20 presumption [5] - 74:16, 376:14, 379:9, 379:14, 379:19 pretrial [5] - 24:15, 158:19, 408:10, 408:11, 423:8 Pretty [2] - 48:8,	101:18 pretty [26] - 16:25, 31:9, 32:12, 34:21, 35:19, 36:23, 40:16, 44:16, 45:6, 48:6, 78:20, 78:24, 79:17, 80:10, 97:25, 239:19, 240:10, 244:11, 244:19, 249:19, 253:4, 258:14, 291:19, 321:19, 351:10 prevent [17] - 23:5, 107:12, 109:14, 109:17, 110:16, 110:23, 111:6, 111:15, 111:22, 112:2, 112:8, 112:14, 112:20, 113:1, 113:9, 113:14, 277:4 previous [12] - 21:25, 169:14, 250:18, 310:9, 330:12, 334:14, 335:9, 346:9, 349:6, 401:23, 404:20, 416:19 Previous [1] - 312:2 Previously [1] - 407:16 previously [11] - 26:11, 66:17, 158:15, 172:3, 229:7, 258:2, 261:19, 265:24, 330:13, 346:6, 409:11 pried [8] - 140:6, 149:10, 162:5, 198:18, 270:8, 270:15, 289:13, 353:22 primarily [1] - 237:12 primary [1] - 257:12 prime [1] - 163:10 print [2] - 276:24, 277:2 prints [5] - 168:7, 290:16, 290:24, 291:1, 292:14 Prison [1] - 416:18 prison [18] - 11:10, 11:11, 12:4, 12:7, 12:8, 12:10, 12:23, 13:5, 19:6, 86:22, 347:8, 405:3, 415:5, 415:13, 416:13, 416:19, 418:5, 418:9 privacy [2] - 63:16, 75:14 privy [2] - 341:24, 341:25

pro ^[1] - 109:22 pro-law ^[1] - 109:22 probable ^[7] - 60:9, 63:11, 64:19, 64:23, 65:5, 309:19 probation ^[1] - 12:20 probative ^[2] - 302:12, 302:18 problem ^[19] - 17:3, 17:7, 98:8, 98:15, 155:25, 172:9, 203:15, 215:14, 268:8, 269:13, 315:24, 336:12, 337:23, 344:1, 394:19, 411:7, 420:16, 421:11, 421:13 problematic ^[4] - 171:22, 208:4, 371:8, 418:12 problems ^[6] - 23:5, 204:1, 347:6, 412:25, 413:6, 418:13 Procedurally ^[1] - 330:11 procedure ^[6] - 61:2, 209:23, 262:19, 386:19, 386:21, 387:7 proceed ^[8] - 6:25, 9:19, 116:21, 128:4, 139:7, 180:3, 256:20, 391:8 proceeding ^[2] - 23:5, 159:4 proceedings ^[9] - 22:23, 158:5, 158:15, 159:19, 169:23, 213:8, 423:7, 424:22, 425:5 process ^[18] - 102:14, 104:7, 104:9, 139:12, 157:25, 168:8, 173:12, 185:6, 201:16, 277:5, 277:11, 283:11, 284:3, 285:7, 340:18, 353:13, 385:21, 420:19 processed ^[8] - 162:1, 162:2, 162:6, 276:11, 277:10, 284:4, 285:9 processing ^[6] - 275:20, 275:22, 275:23, 278:23, 286:22, 290:14 producing ^[1] - 396:12 productive ^[1] -	424:6 productivity ^[1] - 416:23 professional ^[1] - 156:20 proffer ^[1] - 24:10 program ^[5] - 14:24, 287:9, 416:15, 416:17, 417:8 progress ^[14] - 27:25, 28:1, 31:4, 36:4, 65:11, 238:24, 238:25, 239:2, 241:11, 274:20, 306:19, 306:22, 314:9, 356:2 promise ^[4] - 252:18, 383:18, 417:1 promptly ^[3] - 22:6, 241:15, 389:24 prompts ^[1] - 373:24 prong ^[2] - 135:24, 136:4 proof ^[14] - 74:17, 104:4, 373:10, 374:17, 374:20, 376:23, 377:9, 378:3, 378:5, 380:4, 380:8, 380:12, 382:14, 387:12 Proof ^[2] - 380:3, 380:7 proper ^[3] - 90:11, 136:24, 384:17 property ^[17] - 18:7, 18:8, 65:2, 142:3, 142:5, 186:8, 187:16, 188:24, 195:23, 201:10, 286:21, 287:12, 403:11, 419:9, 420:7, 420:9 proposal ^[1] - 171:23 propose ^[1] - 17:4 proposed ^[2] - 18:11, 173:3 proposition ^[1] - 209:12 prosecuted ^[3] - 104:22, 105:16, 418:17 prosecuting ^[1] - 329:17 PROSPECTIVE ^[65] - 105:2, 105:5, 105:8, 105:11, 106:3, 106:5, 106:9, 106:12, 106:16, 106:18, 106:22, 106:25, 107:3, 107:6, 107:8, 107:15, 107:22,	107:25, 108:3, 108:5, 108:8, 108:10, 109:4, 109:8, 109:11, 110:4, 110:13, 110:18, 110:20, 110:25, 111:3, 111:8, 111:10, 111:11, 111:12, 111:17, 111:19, 111:24, 111:25, 112:4, 112:6, 112:10, 112:12, 112:16, 112:18, 112:22, 112:24, 113:3, 113:5, 113:11, 113:12, 113:16, 114:8, 114:11, 114:16, 114:18, 114:22, 115:4, 116:6, 116:10, 124:3, 125:25, 126:22, 300:17, 304:19 prospective ^[1] - 115:15 protect ^[7] - 100:21, 208:9, 368:14, 415:7, 415:15, 415:19, 417:16 protected ^[2] - 68:14, 68:19 protection ^[1] - 24:23 protections ^[2] - 301:21, 302:22 proud ^[1] - 79:14 prove ^[31] - 60:19, 113:24, 142:10, 326:3, 326:5, 326:7, 334:15, 334:22, 342:10, 343:8, 345:3, 345:4, 345:6, 348:17, 359:12, 360:15, 360:19, 374:25, 378:4, 378:6, 378:24, 379:1, 379:24, 381:7, 381:11, 381:17, 381:18, 381:23, 382:4, 382:11, 382:13 proved ^[1] - 382:6 proven ^[5] - 338:10, 339:14, 339:17, 376:25, 379:7 proves ^[2] - 113:21, 376:21 provide ^[11] - 45:14, 62:9, 84:11, 116:5, 234:2, 281:17, 341:18, 386:24, 402:20, 422:8, 422:13 provided ^[9] - 84:20, 311:12, 311:21,	325:10, 326:12, 342:3, 342:18, 416:18, 416:19 provides ^[4] - 13:22, 108:21, 347:5, 416:15 proving ^[5] - 359:10, 377:10, 384:14, 385:4, 387:14 proximity ^[5] - 202:2, 203:12, 205:9, 206:6, 328:8 pry ^[6] - 140:5, 162:12, 164:6, 166:2, 277:15, 358:8 prying ^[1] - 232:14 psychiatric ^[4] - 13:12, 213:24, 413:6, 420:18 psychiatrist ^[2] - 211:20, 211:23 public ^[11] - 6:8, 15:17, 18:7, 54:7, 103:7, 103:10, 104:23, 105:17, 115:13, 403:11, 417:23 publish ^[5] - 225:6, 228:11, 240:20, 312:6, 398:2 published ^[2] - 168:12, 407:16 pull ^[2] - 51:25, 184:25 Pulled ^[1] - 243:24 pulled ^[38] - 33:9, 40:23, 52:3, 52:5, 52:9, 54:8, 54:9, 54:10, 76:15, 80:4, 129:14, 135:7, 140:18, 145:17, 176:18, 184:8, 184:17, 184:20, 185:11, 186:20, 187:9, 187:17, 189:2, 194:9, 199:24, 202:8, 221:13, 225:25, 226:4, 226:6, 244:12, 244:14, 246:24, 248:1, 254:9, 307:5, 353:7 pullover ^[3] - 133:10, 187:10, 202:13 pulls ^[3] - 56:8, 68:21, 356:20 pump ^[1] - 164:19 punch ^[1] - 238:15 punish ^[2] - 9:8, 388:18 punishable ^[1] - 302:11	punished ^[1] - 161:3 punishment ^[1] - 21:3 purely ^[1] - 420:7 purpose ^[9] - 66:10, 66:11, 66:22, 137:10, 138:9, 171:11, 292:16, 389:5, 396:17 purposes ^[7] - 69:14, 94:12, 182:23, 192:18, 224:16, 227:20, 325:9 purse ^[4] - 140:3, 296:13, 321:11, 363:24 purses ^[1] - 83:22 pursuant ^[3] - 22:21, 101:12, 250:18 pursuit ^[1] - 419:1 purview ^[2] - 70:7, 355:12 push ^[1] - 306:8 pushed ^[2] - 264:24, 280:11 pushing ^[1] - 405:5 Put ^[2] - 208:5, 222:25 put ^[68] - 7:24, 8:11, 14:4, 14:14, 14:21, 28:2, 37:19, 43:20, 48:14, 49:14, 53:7, 59:9, 61:14, 72:10, 73:12, 73:22, 99:25, 100:4, 100:6, 100:8, 140:8, 140:9, 146:4, 155:11, 158:12, 164:11, 166:1, 166:8, 177:21, 186:22, 190:23, 221:1, 233:1, 238:11, 242:3, 242:20, 244:19, 245:6, 257:22, 258:7, 259:25, 267:6, 267:19, 279:2, 279:10, 279:19, 292:23, 293:4, 310:12, 325:2, 325:13, 333:22, 334:4, 337:1, 341:16, 348:14, 348:15, 353:2, 354:14, 357:17, 360:11, 361:7, 365:10, 369:18, 371:6, 413:13, 417:7, 418:9 puts ^[4] - 61:4, 324:24, 326:18, 327:20 putting ^[10] - 67:7, 87:1, 87:2, 141:15,

172:16, 201:7, 242:13, 243:12, 272:18, 334:1	R	reaction [5] - 6:22, 16:14, 17:13, 255:11, 423:10 reacts [1] - 154:7 read [15] - 72:18, 94:5, 94:15, 94:18, 110:2, 168:1, 168:2, 269:4, 310:3, 335:17, 343:6, 358:1, 389:11, 416:7, 417:11 reader [1] - 110:1 readers [1] - 101:25 reads [1] - 341:22 ready [9] - 9:18, 15:24, 16:17, 48:9, 102:15, 128:4, 217:23, 367:5 Ready [1] - 101:13 real [9] - 7:22, 18:8, 28:21, 78:11, 79:4, 155:3, 289:3, 380:16, 418:5 realized [4] - 177:21, 222:9, 262:1 Really [1] - 148:19 really [30] - 10:1, 10:9, 10:10, 24:18, 40:15, 46:18, 46:19, 52:23, 82:4, 87:16, 134:8, 134:11, 135:15, 136:11, 196:11, 196:12, 201:4, 201:6, 201:7, 212:24, 292:18, 299:15, 355:15, 355:16, 356:15, 393:10, 406:21, 416:21, 420:15, 423:22 rear [6] - 29:24, 34:12, 38:5, 140:1, 241:8, 283:6 reason [36] - 16:11, 18:17, 40:2, 61:17, 65:6, 68:7, 69:15, 70:23, 114:24, 114:25, 115:1, 115:3, 135:23, 137:13, 164:11, 164:18, 195:12, 196:7, 203:22, 206:8, 249:7, 279:18, 328:6, 332:24, 335:20, 347:12, 352:16, 352:18, 352:20, 365:2, 365:13, 374:12, 376:2, 414:6, 419:19 reasonable [45] - 63:15, 104:1, 113:21,	138:8, 211:22, 334:23, 339:14, 339:18, 342:10, 349:12, 356:4, 360:15, 360:20, 366:12, 367:18, 373:10, 374:17, 374:24, 375:6, 376:8, 377:7, 377:11, 378:6, 379:8, 379:13, 379:18, 379:23, 379:25, 380:1, 380:3, 380:5, 380:7, 381:7, 381:18, 381:24, 382:4, 382:6, 382:14, 384:14, 385:2, 385:5, 385:6, 387:15, 387:18 Reasonable [1] - 366:12 reasonably [2] - 381:22, 383:6 reasoning [1] - 166:6 reasons [7] - 62:2, 87:18, 136:19, 260:10, 325:7, 341:16, 345:4 rebuild [1] - 83:4 rebuilding [1] - 83:1 recanted [1] - 90:20 receive [8] - 33:11, 33:21, 391:19, 391:21, 391:25, 395:15, 424:17, 424:18 received [5] - 26:4, 71:22, 138:23, 326:14, 388:13 receiving [8] - 110:8, 142:8, 331:10, 331:13, 332:22, 333:9, 367:15, 392:18 recent [3] - 12:6, 22:9, 158:25 recently [5] - 6:16, 7:5, 65:12, 97:22, 404:18 Recess [6] - 152:7, 180:1, 256:16, 304:7, 348:21, 397:18 Recognize [3] - 297:1, 298:7, 299:19 recognize [26] - 77:15, 84:7, 84:8, 132:20, 133:11, 182:25, 222:2, 224:17, 240:2, 257:23, 258:21, 259:17, 262:7, 262:9, 263:6, 263:11, 263:12, 264:14,	277:21, 282:5, 311:19, 319:19, 321:6, 340:11, 382:2, 385:13 recognized [4] - 132:18, 133:9, 222:1, 347:5 recognizing [1] - 18:24 recollection [7] - 52:11, 52:12, 66:15, 72:3, 274:12, 340:22, 385:25 recommendations [1] - 407:24 RECORD [1] - 1:6 record [32] - 15:14, 17:22, 20:25, 53:21, 68:6, 70:20, 85:15, 95:18, 95:23, 95:25, 96:2, 96:4, 137:21, 147:21, 172:11, 179:21, 180:2, 216:17, 256:11, 302:15, 311:2, 333:12, 378:13, 392:20, 402:12, 402:13, 407:4, 408:7, 418:13, 425:5 recorded [6] - 84:17, 95:20, 96:5, 227:9, 307:17, 310:13 recorder [2] - 79:8, 95:21 recording [7] - 61:1, 227:12, 311:5, 311:7, 311:22, 340:16, 385:19 recordkeeping [2] - 217:16, 260:16 records [4] - 84:17, 214:25, 404:6, 409:8 recover [1] - 216:7 recovered [5] - 74:4, 126:4, 142:3, 279:3, 373:17 recovery [1] - 416:16 RECROSS [5] - 2:2, 58:16, 89:24, 235:24, 321:17 RECROSS- EXAMINATION [4] - 58:16, 89:24, 235:24, 321:17 rectangular [1] - 296:14 recycling [5] - 198:4, 198:12, 232:12, 327:11, 353:23 REDIRECT [5] - 2:2,
Q		raced [1] - 72:5 racial [2] - 109:13, 109:16 racist [1] - 7:6 radio [16] - 28:3, 30:6, 32:3, 33:17, 37:17, 238:20, 244:8, 244:10, 247:18, 247:20, 251:1, 251:3, 251:12, 257:13, 258:13, 270:16 radius [2] - 358:8, 360:2 rail [2] - 181:2, 181:6 railing [6] - 181:9, 181:11, 193:2, 195:15, 234:14, 357:8 raise [2] - 276:23, 391:9 raised [3] - 193:8, 199:8, 412:20 raising [3] - 63:7, 391:7, 398:21 Rakas [1] - 75:1 rambling [1] - 68:1 ran [3] - 168:9, 192:14, 271:15 randomly [1] - 77:11 range [2] - 208:22, 407:22 ransacked [1] - 140:6 rape [1] - 105:23 raped [2] - 106:6, 106:19 rare [2] - 285:19, 359:3 rate [1] - 132:22 rather [6] - 85:15, 93:16, 95:22, 102:10, 378:20, 388:11 rational [2] - 16:23, 101:3 rationally [1] - 101:2 rattled [2] - 32:13, 356:1 re [1] - 354:14 re-inventory [1] - 354:14 reach [5] - 157:6, 301:20, 378:18, 379:11, 390:5 reached [5] - 181:17, 330:18, 390:14, 391:23, 397:21 reaches [1] - 300:23 reaching [3] - 160:5, 388:22, 401:19		

57:10, 88:10, 235:14, 316:20 Redirect [4] - 202:22, 235:12, 316:19, 318:10 redirect [4] - 273:7, 293:8, 300:11, 323:18 reduce [1] - 389:21 reduced [1] - 26:11 reexamine [1] - 389:1 refer [3] - 279:23, 349:19, 389:15 reference [7] - 33:18, 198:13, 207:4, 342:17, 347:19, 359:6, 393:17 referenced [2] - 206:17, 359:2 references [3] - 170:6, 170:7, 348:6 referencing [2] - 348:3, 362:12 referred [2] - 222:22, 259:13 referring [5] - 225:16, 226:4, 266:15, 278:9, 281:7 refers [1] - 65:20 reflect [3] - 20:25, 137:21, 216:17 refresh [1] - 274:12 refuse [3] - 67:11, 67:14, 70:23 refused [1] - 332:8 refusing [1] - 9:9 regained [1] - 87:21 regard [11] - 21:5, 22:21, 25:2, 97:8, 137:3, 217:4, 339:24, 378:19, 390:2, 396:4, 424:11 Regarding [5] - 36:6, 62:19, 105:18, 254:19, 308:8 regarding [30] - 21:16, 22:3, 23:11, 23:25, 24:4, 24:12, 31:4, 34:15, 36:7, 62:19, 63:7, 92:6, 127:13, 128:3, 130:6, 133:19, 138:5, 161:21, 167:9, 175:17, 188:17, 207:2, 207:13, 340:4, 341:21, 347:13, 394:10, 407:24, 423:6, 423:14 regardless [3] - 22:15, 60:24, 377:12	regards [10] - 22:18, 64:19, 136:20, 255:14, 255:20, 291:23, 324:21, 332:22, 332:24, 341:19 registered [2] - 81:21, 81:23 Registered [1] - 56:23 rehabilitating [1] - 18:23 rein [1] - 422:12 reinstruct [1] - 349:17 reiterate [4] - 57:13, 64:13, 234:12, 330:20 reiterates [1] - 64:15 reiterating [1] - 372:21 rejected [3] - 18:16, 21:2, 408:7 relandscaped [1] - 224:4 related [2] - 251:12, 404:13 relates [2] - 254:14, 338:4 relation [2] - 192:20, 192:25 relationship [7] - 7:7, 68:3, 75:12, 77:13, 77:22, 79:20, 393:21 relative [1] - 425:6 relatively [1] - 283:17 release [2] - 18:22, 410:15 released [1] - 410:5 Relevance [1] - 249:2 relevant [3] - 164:14, 174:4, 302:8 reliability [9] - 137:9, 137:16, 204:1, 340:15, 341:21, 342:12, 342:24, 347:24, 385:17 reliable [5] - 64:21, 341:2, 385:1, 386:5, 387:7 relied [1] - 258:11 relies [2] - 377:4, 377:13 religious [2] - 108:15, 108:16 rely [6] - 206:9, 291:20, 369:23, 370:5, 373:8, 380:6	relying [3] - 208:1, 335:23, 372:11 remain [7] - 310:19, 330:21, 361:21, 377:22, 384:5, 391:13, 402:16 remained [5] - 36:23, 66:25, 327:18, 381:24, 404:5 remaining [15] - 318:1, 329:13, 329:18, 333:17, 334:16, 335:13, 335:14, 335:25, 336:2, 336:12, 336:22, 371:12, 373:22, 374:10, 423:8 remains [4] - 113:20, 165:19, 378:5, 379:16 remarried [1] - 413:18 Remember [2] - 352:22, 388:17 remember [93] - 37:19, 39:10, 39:12, 40:6, 42:2, 42:3, 42:24, 43:1, 43:12, 43:23, 44:4, 44:7, 44:18, 44:19, 44:21, 46:12, 47:7, 51:20, 52:10, 52:13, 52:16, 54:9, 54:10, 54:11, 54:14, 54:16, 54:21, 54:24, 56:7, 56:8, 56:17, 56:19, 56:20, 57:16, 57:22, 57:23, 58:1, 58:3, 58:4, 58:6, 58:7, 59:2, 85:12, 86:7, 86:16, 86:18, 86:19, 87:3, 87:4, 87:5, 87:6, 87:7, 87:9, 87:10, 87:12, 88:3, 88:5, 88:25, 89:5, 89:6, 99:8, 129:7, 175:11, 180:21, 184:5, 194:5, 194:8, 202:10, 203:12, 238:25, 241:17, 242:25, 245:6, 251:19, 253:4, 264:20, 266:12, 266:14, 270:7, 282:10, 282:16, 294:6, 319:22, 340:17, 385:20, 404:7, 412:3 remembering [4] - 260:7, 270:7, 340:19, 385:22 reminded [1] -	267:20 reminds [1] - 367:10 remodelling [1] - 195:22 remodify [1] - 83:4 remote [1] - 285:5 removal [1] - 327:9 removed [11] - 8:8, 22:6, 73:3, 113:13, 170:11, 200:10, 203:13, 261:16, 327:8, 382:22, 405:3 removes [1] - 363:23 removing [1] - 74:21 renew [5] - 147:21, 330:11, 330:13, 349:6, 401:22 Renewing [1] - 260:24 renewing [1] - 310:9 reopen [1] - 75:6 rep [2] - 293:24, 354:12 repair [2] - 83:9, 83:13 repairing [1] - 82:25 repeat [2] - 37:8, 377:24 repeated [1] - 418:11 repeatedly [4] - 15:16, 64:6, 64:14, 420:22 Rephrase [1] - 286:25 rephrase [1] - 323:7 replay [3] - 340:17, 385:20, 394:11 replayed [1] - 396:15 report [8] - 23:19, 39:25, 40:9, 162:10, 162:11, 279:23, 281:2, 357:20 reported [4] - 328:13, 357:21, 357:22, 365:20 Reporter [3] - 1:21, 425:2, 425:15 reporter [7] - 94:8, 178:11, 191:2, 236:20, 258:16, 394:22, 396:10 reports [3] - 39:13, 267:11, 274:11 represent [2] - 384:9, 389:9 representation [1] - 421:14 representations [1] - 71:25 representative [1] -	406:17 represented [3] - 15:18, 70:20, 101:21 represents [1] - 224:25 reprimand [1] - 154:19 reprimanded [1] - 99:10 request [11] - 24:18, 46:8, 46:9, 46:10, 67:20, 72:9, 333:12, 333:14, 333:16, 392:16, 396:16 requested [5] - 32:4, 67:11, 250:14, 398:24, 408:1 requesting [3] - 154:3, 331:12, 331:13 requests [3] - 40:19, 333:10, 407:22 require [2] - 376:22, 380:12 required [5] - 113:24, 326:20, 378:4, 379:1, 387:22 requirement [4] - 60:7, 61:24, 62:1, 343:5 requires [3] - 75:10, 116:3, 329:17 requiring [1] - 336:1 research [9] - 341:19, 346:21, 346:22, 346:23, 347:11, 347:19, 347:20, 347:23, 348:7 residence [22] - 33:20, 33:22, 49:22, 66:20, 72:24, 139:16, 140:4, 140:6, 140:9, 284:10, 319:19, 319:22, 327:6, 335:4, 335:7, 345:1, 345:2, 345:11, 345:12, 345:14, 346:14 residences [7] - 65:14, 67:2, 73:2, 328:11, 328:12, 345:15, 351:8 resident [5] - 33:18, 140:11, 283:25, 284:2, 409:4 residents [2] - 200:4, 351:7 residing [1] - 129:1 resist [1] - 64:18 resisting [1] - 403:20 resolution [2] - 17:23, 158:13

resolve [3] - 16:17, 18:13, 19:11 resolved [5] - 25:1, 304:18, 402:16, 403:1, 408:21 Resort [3] - 114:4, 114:14, 114:21 respect [1] - 25:16 respectfully [1] - 402:6 Respectfully [1] - 417:6 respective [1] - 390:16 respects [1] - 391:11 respond [10] - 104:14, 116:4, 186:4, 245:5, 273:22, 314:18, 314:24, 348:11, 389:24, 420:21 responded [10] - 27:23, 29:16, 92:10, 92:12, 92:13, 241:14, 274:20, 282:18, 307:3, 356:1 responding [4] - 153:20, 168:10, 238:22, 245:11 response [12] - 35:15, 65:11, 171:24, 173:8, 259:5, 313:5, 313:7, 395:10, 396:23, 396:24, 401:25, 422:22 responses [4] - 104:6, 104:11, 104:16, 160:1 responsibilities [4] - 27:5, 27:7, 273:21, 305:18 responsibility [10] - 18:19, 138:12, 300:21, 342:2, 343:5, 378:8, 420:17, 423:2, 423:15 responsible [3] - 305:21, 354:12, 422:13 responsive [1] - 318:2 rest [11] - 58:2, 144:3, 172:17, 174:5, 211:24, 214:8, 331:8, 369:18, 373:16, 417:16, 418:6 Restate [1] - 253:18 restate [1] - 287:1 restaurant [2] - 29:3, 186:19	restaurants [2] - 200:5, 392:3 rested [1] - 349:1 restrictions [1] - 213:1 restroom [1] - 129:16 rests [3] - 324:10, 348:24, 377:12 result [5] - 22:24, 142:16, 156:15, 383:2, 387:7 results [3] - 283:15, 287:7, 287:16 resume [2] - 397:5, 397:11 resumes [1] - 397:13 retention [2] - 340:20, 385:23 retired [1] - 392:23 retrieval [2] - 340:23, 386:1 return [22] - 73:18, 116:20, 117:5, 117:21, 118:16, 118:24, 120:15, 120:23, 121:22, 122:3, 122:11, 123:20, 124:24, 125:7, 125:13, 127:1, 175:21, 300:15, 327:23, 366:25, 389:16, 389:25 Return [1] - 109:21 returned [15] - 73:5, 73:16, 73:23, 175:21, 175:25, 184:8, 184:17, 219:24, 220:6, 297:24, 298:1, 298:11, 320:20, 327:21, 366:2 returning [3] - 73:8, 176:1, 389:5 reveal [1] - 370:15 revealed [3] - 346:21, 346:22, 346:23 review [4] - 350:25, 351:3, 393:6, 396:9 reviewed [2] - 90:17, 173:14 revisit [1] - 304:1 revocation [4] - 22:4, 404:19, 411:1, 423:3 revoking [1] - 404:19 reward [2] - 383:19, 388:17 rid [1] - 373:19 ridden [1] - 237:22 ride [1] - 294:12	ridge [1] - 276:23 riding [1] - 245:3 rifling [1] - 136:18 right-hand [1] - 241:2 righteousness [1] - 379:15 rights [22] - 60:25, 74:15, 94:5, 94:15, 94:16, 94:18, 95:6, 101:11, 109:23, 157:17, 157:19, 157:20, 158:23, 173:14, 217:5, 217:13, 301:7, 310:3, 310:7, 310:8, 310:16, 384:5 ring [1] - 135:19 rise [2] - 149:6, 398:1 risk [2] - 386:23, 386:25 risks [5] - 340:13, 346:23, 346:25, 347:22, 385:15 Rivers [3] - 275:3, 308:17, 308:23 Road [3] - 114:15, 114:21, 239:18 road [9] - 28:20, 28:21, 29:8, 29:10, 29:18, 114:14, 200:6, 244:4, 309:18 roadside [1] - 187:24 roadway [1] - 29:25 rob [1] - 365:9 Rob [2] - 91:16, 305:1 robbed [6] - 106:23, 107:7, 110:14, 113:5, 113:6, 336:17 robberies [3] - 273:23, 414:1, 414:4 robbery [12] - 11:9, 12:3, 105:6, 105:9, 105:12, 105:23, 106:1, 106:23, 112:25, 403:15, 403:16, 403:17 robe [1] - 379:14 ROBERT [2] - 91:17, 305:3 Robert [4] - 2:6, 91:24, 115:12, 118:11 Rock [1] - 417:8 Rode [1] - 199:22 role [4] - 27:20, 92:2, 274:4, 416:25 roll [5] - 31:25, 43:7, 51:11, 52:18, 62:21	rolled [5] - 42:20, 43:6, 51:8, 51:11, 76:13 rolling [2] - 116:2, 406:7 roofed [1] - 241:1 room [23] - 22:10, 98:12, 116:18, 127:22, 144:4, 254:16, 264:25, 277:8, 278:1, 295:24, 297:5, 358:6, 373:8, 378:3, 389:14, 390:19, 391:3, 391:12, 391:14, 391:15, 392:9, 396:1, 397:11 rough [2] - 188:5, 277:3 roughly [4] - 148:9, 163:4, 205:19, 280:7 round [5] - 163:21, 164:3, 167:2, 281:3, 358:8 rounded [1] - 167:6 row [1] - 106:7 RPR [2] - 1:20, 425:1 rub [1] - 282:1 rubbed [1] - 289:9 Ruby [2] - 29:5, 186:18 rude [1] - 369:9 rule [8] - 25:4, 25:12, 137:11, 375:3, 378:9, 379:2, 379:3, 412:17 ruled [2] - 209:13 ruler [3] - 168:3, 281:17, 358:1 rules [1] - 302:6 ruling [7] - 25:4, 25:11, 168:2, 344:1, 346:9, 392:19 rulings [1] - 25:8 rummaged [1] - 277:18 rummaging [1] - 351:11 run [13] - 31:15, 32:17, 99:15, 157:9, 242:12, 246:18, 270:19, 270:21, 271:9, 271:14, 271:17, 365:8, 424:17 running [5] - 30:1, 69:9, 148:21, 213:9, 336:18 rush [3] - 29:22, 31:16, 356:2 rushing [1] - 350:18 rustling [19] -	180:22, 194:17, 195:9, 198:2, 198:19, 198:21, 199:2, 223:23, 231:2, 231:14, 231:18, 232:8, 232:10, 232:16, 232:18, 234:16, 327:3, 327:8, 357:6
S				
sacrificing [2] - 368:15, 368:16 safer [2] - 418:10, 419:20 safety [3] - 244:23, 249:23, 275:12 sake [2] - 75:19, 217:16 sale [1] - 81:2 sales [1] - 293:24 saliva [2] - 287:18, 359:2 sample [2] - 284:19, 288:19 samples [2] - 167:18, 288:15 sanctity [2] - 409:16, 420:9 Sandra [1] - 119:25 sank [1] - 370:1 Sara [1] - 118:17 sarcastic [1] - 40:14 sat [8] - 29:24, 30:4, 30:10, 94:2, 139:23, 180:21, 190:20, 366:6 satisfaction [1] - 159:11 satisfied [2] - 379:22, 385:5 satisfying [3] - 379:7, 379:12, 379:17 Savage [3] - 106:22, 119:8, 157:22 save [1] - 348:7 savviness [1] - 62:19 savvy [2] - 61:12, 368:21 saw [95] - 17:9, 29:16, 29:22, 30:22, 31:14, 32:1, 34:23, 37:12, 53:8, 134:21, 140:15, 144:15, 145:18, 146:25, 147:5, 148:1, 148:10, 148:20, 150:4, 150:9, 150:12, 151:1, 151:8, 167:9, 177:14, 178:23, 179:17, 181:20, 185:25,				

186:23, 187:5, 187:22, 188:23, 190:5, 190:13, 191:20, 192:10, 192:20, 192:25, 195:15, 196:5, 196:25, 197:12, 197:18, 199:7, 200:21, 200:22, 202:17, 209:18, 220:15, 223:9, 224:1, 226:18, 228:18, 230:1, 230:13, 230:22, 230:24, 231:16, 234:13, 241:16, 243:8, 243:10, 243:11, 243:13, 243:14, 243:23, 257:15, 272:20, 273:3, 296:4, 307:5, 317:1, 328:13, 331:18, 334:6, 334:18, 337:14, 351:19, 351:22, 352:4, 354:23, 357:6, 358:16, 368:1, 368:2, 372:6, 372:13, 372:19, 373:5, 387:9, 409:4 Saw [1] - 353:6 SC [1] - 64:5 scale [16] - 132:22, 162:22, 163:4, 163:8, 167:21, 188:13, 279:2, 279:6, 279:8, 279:9, 279:19, 280:1, 280:2, 280:4, 280:5, 280:8 Scarlett [1] - 103:3 scars [1] - 135:15 scary [1] - 45:6 SCDC [1] - 404:14 scenario [3] - 21:14, 137:5, 419:10 scenarios [1] - 150:7 scene [58] - 28:4, 29:22, 37:6, 37:13, 39:5, 74:4, 74:20, 93:17, 102:5, 133:5, 133:13, 133:16, 137:1, 141:7, 162:2, 162:5, 162:6, 162:19, 165:18, 166:15, 167:13, 167:17, 168:2, 168:4, 168:5, 168:24, 209:10, 245:9, 270:14, 270:17, 272:23, 273:19, 273:20, 274:19, 274:23,	274:24, 275:16, 275:21, 276:11, 277:23, 282:14, 282:17, 283:11, 286:6, 286:11, 286:17, 288:9, 289:20, 308:24, 309:13, 314:24, 332:3, 332:15, 352:2, 357:19, 359:16, 373:1 scenes [2] - 162:1, 273:24 schedules [1] - 407:21 scheduling [1] - 324:14 schizophrenia [1] - 6:18 Schizophrenia [1] - 8:18 schizophrenic [1] - 421:2 school [2] - 413:11, 421:4 Schwartz [1] - 122:4 science [2] - 341:23, 370:5 scope [1] - 74:22 screeching [4] - 44:24, 54:24, 55:1, 242:12 screen [19] - 183:20, 221:1, 222:25, 223:3, 242:6, 257:22, 277:8, 277:25, 278:1, 279:20, 283:2, 283:5, 284:1, 284:3, 284:4, 284:6, 284:11, 363:23 screwdriver [20] - 162:13, 162:14, 162:21, 167:1, 259:4, 259:6, 259:11, 259:12, 259:14, 260:19, 260:23, 261:12, 269:25, 270:6, 279:24, 281:3, 359:15, 369:12 Screwdriver [1] - 4:17 screws [1] - 259:15 Scro [1] - 124:25 scrutinized [2] - 340:9, 385:12 search [38] - 26:4, 26:8, 38:24, 39:16, 42:25, 45:14, 52:13, 54:13, 54:23, 60:11, 60:12, 60:16, 60:23, 61:11, 61:24, 62:4, 62:9, 63:12, 64:18,	64:19, 64:24, 65:2, 67:11, 68:23, 70:24, 72:2, 74:22, 76:24, 77:1, 77:19, 90:14, 91:8, 141:4, 250:17, 250:22, 356:22, 380:2 searched [5] - 26:2, 32:6, 72:2, 72:12, 262:2 searching [5] - 65:3, 130:10, 137:11, 146:24, 276:3 searchs [1] - 63:23 seat [60] - 15:7, 20:24, 30:17, 34:13, 34:24, 47:24, 48:22, 48:23, 49:1, 70:12, 116:20, 117:5, 117:11, 117:13, 117:21, 118:2, 118:4, 118:10, 118:16, 118:24, 119:5, 119:7, 119:22, 119:24, 120:5, 120:7, 120:15, 120:23, 121:4, 121:6, 121:12, 121:14, 121:22, 122:3, 122:11, 122:19, 122:21, 123:2, 123:4, 123:10, 123:12, 123:20, 124:4, 124:6, 124:12, 124:14, 124:24, 125:7, 125:13, 127:1, 127:9, 127:11, 156:16, 190:8, 206:5, 248:12, 248:13, 248:14, 263:16, 300:20 seated [8] - 106:8, 116:21, 126:9, 181:7, 206:23, 207:3, 243:17, 398:1 Second [2] - 176:15, 382:9 second [68] - 12:3, 18:1, 18:3, 20:7, 24:7, 68:4, 78:1, 115:24, 126:10, 127:11, 151:17, 171:14, 171:21, 176:14, 176:19, 176:20, 176:23, 179:11, 190:15, 191:24, 192:4, 192:9, 202:1, 202:16, 222:22, 222:23, 235:6, 240:3, 254:22, 256:11, 274:15, 282:8, 300:9, 316:17, 318:12, 325:9, 329:24,	333:14, 333:16, 333:22, 335:21, 337:25, 338:21, 339:6, 339:15, 340:6, 344:1, 344:5, 344:8, 344:15, 344:17, 344:19, 344:22, 345:7, 345:9, 345:13, 346:10, 347:18, 348:15, 374:4, 382:7, 390:9, 390:22, 393:3, 396:4, 403:1, 403:21 Secondly [1] - 394:3 seconds [14] - 24:8, 24:10, 169:15, 170:20, 171:21, 173:21, 174:7, 202:9, 217:4, 217:24, 247:10, 249:25, 344:18, 364:21 secretary [1] - 160:5 section [1] - 340:4 secure [1] - 65:2 secured [3] - 237:8, 248:13, 250:14 security [2] - 320:19, 321:13 sedan [21] - 30:7, 30:12, 30:13, 30:15, 34:21, 38:5, 234:3, 234:7, 242:21, 242:24, 242:25, 243:1, 243:14, 271:4, 272:4, 272:7, 272:12, 356:13, 356:16, 369:14, 369:16 sedans [1] - 272:14 See [1] - 160:15 see [180] - 6:12, 6:24, 7:22, 8:14, 13:2, 14:2, 14:4, 14:5, 14:9, 21:7, 28:25, 30:13, 33:6, 34:16, 42:4, 42:7, 51:3, 51:5, 60:6, 66:18, 67:12, 68:24, 72:6, 76:11, 93:23, 94:13, 100:14, 115:7, 129:21, 130:1, 130:4, 136:6, 142:13, 144:11, 144:14, 144:23, 145:3, 145:22, 148:2, 149:15, 149:17, 149:18, 149:21, 151:10, 153:2, 154:3, 154:7, 155:1, 155:9, 155:10, 155:11, 155:12, 158:24, 159:1, 164:21, 166:17, 168:7,	176:16, 177:25, 178:16, 179:25, 180:19, 180:20, 181:11, 183:15, 185:15, 187:12, 192:2, 193:1, 193:2, 193:4, 193:5, 193:21, 193:24, 195:3, 195:4, 195:7, 197:2, 197:18, 198:1, 199:11, 201:24, 202:17, 206:12, 206:24, 209:25, 211:11, 213:22, 215:23, 220:14, 220:20, 220:23, 221:2, 222:18, 224:9, 225:15, 226:23, 229:2, 230:4, 230:10, 231:2, 231:4, 233:9, 235:17, 241:20, 242:1, 242:3, 242:17, 243:20, 248:22, 249:20, 249:23, 249:24, 254:6, 258:9, 258:12, 270:14, 271:5, 276:23, 278:6, 278:14, 278:25, 279:2, 279:19, 279:22, 280:20, 281:23, 282:5, 283:2, 284:5, 285:5, 288:9, 288:12, 288:15, 288:20, 292:22, 293:4, 295:21, 303:7, 308:4, 314:25, 317:12, 319:18, 322:6, 324:14, 335:18, 337:16, 337:17, 338:1, 338:15, 338:17, 341:10, 343:7, 351:15, 351:16, 351:17, 351:18, 351:25, 352:24, 353:18, 358:23, 363:25, 364:19, 371:6, 372:2, 373:25, 374:1, 386:13, 405:25, 408:8, 411:2, 424:5, 424:7 seeing [20] - 32:22, 151:4, 151:5, 152:25, 154:5, 162:10, 197:8, 199:12, 225:17, 227:5, 227:6, 230:21, 231:18, 233:23, 243:16, 249:19, 266:14, 354:9, 354:22, 356:19 seek [3] - 139:1,

343:25, 389:8 seem [22] - 17:2, 17:10, 17:11, 61:7, 95:6, 97:7, 97:10, 98:17, 99:22, 130:12, 134:8, 159:22, 165:14, 249:8, 252:25, 257:3, 331:23, 332:5, 355:16, 369:9, 421:12, 423:10 seemingly [6] - 62:22, 145:8, 161:10, 211:2, 213:18, 329:9 sees [7] - 61:20, 351:20, 353:11, 353:25, 354:1, 354:2, 356:17 seize [1] - 270:10 seized [5] - 259:18, 259:20, 262:23, 264:15, 264:17 seizures [2] - 60:11, 63:23 selected [19] - 116:19, 116:20, 117:12, 118:3, 119:6, 119:23, 120:6, 121:5, 121:13, 122:20, 123:3, 123:11, 124:5, 124:13, 126:8, 127:10, 127:15, 127:17, 391:6 selection [8] - 102:20, 104:2, 104:9, 107:17, 115:21, 127:13, 157:21, 402:5 self [2] - 174:25, 219:4 self-employed [1] - 174:25 send [5] - 157:12, 396:1, 396:6, 397:7, 397:12 sending [1] - 394:19 sense [14] - 91:2, 141:15, 190:17, 348:2, 356:9, 365:7, 365:12, 365:14, 365:15, 365:16, 366:17, 371:15 sent [4] - 102:19, 104:1, 238:10, 287:15 sentence [35] - 11:15, 18:14, 19:6, 19:25, 20:1, 73:15, 80:5, 347:21, 348:1, 348:4, 395:11, 402:9, 407:24, 407:25, 408:18, 408:20,	409:11, 409:12, 409:21, 410:2, 410:3, 410:4, 410:17, 410:21, 411:4, 411:8, 415:3, 415:10, 415:25, 416:3, 424:12, 424:14 sentenced [1] - 404:13 sentences [2] - 20:10, 410:23 Sentences [1] - 424:17 sentencing [5] - 405:8, 405:17, 407:22, 407:23, 408:23 separate [16] - 22:8, 176:6, 176:9, 263:1, 274:5, 274:10, 282:14, 327:9, 337:3, 339:9, 339:12, 344:17, 380:23, 381:4, 390:13, 423:21 separately [2] - 380:24, 418:17 September [6] - 11:5, 12:9, 12:11, 12:14, 12:18, 15:19 sequence [3] - 43:12, 90:12, 220:3 sequestration [2] - 24:12, 203:2 sergeant [1] - 307:9 Sergeant [4] - 115:5, 275:2, 308:17, 308:23 series [11] - 166:4, 182:12, 190:21, 192:13, 192:19, 222:13, 223:5, 224:12, 224:23, 234:25, 282:4 serious [12] - 16:14, 204:1, 306:19, 306:22, 314:9, 314:12, 409:15, 409:17, 411:5, 418:22, 419:2, 420:10 seriously [2] - 241:15, 408:15 seriousness [1] - 379:4 serve [4] - 110:9, 115:22, 300:22, 410:16 served [8] - 28:22, 107:19, 107:20, 107:22, 107:25, 108:5, 108:8, 137:10 service [4] - 32:8,	160:9, 406:11, 406:20 services [1] - 406:6 session [1] - 210:10 SESSIONS [1] - 1:1 set [18] - 6:5, 81:15, 90:24, 126:18, 129:8, 140:21, 178:6, 182:15, 193:19, 194:8, 199:3, 224:5, 239:16, 285:3, 300:4, 396:20, 401:23, 404:7 setting [1] - 294:21 settle [1] - 406:4 seven [4] - 236:24, 268:4, 355:23, 404:14 several [8] - 61:19, 109:8, 111:4, 126:3, 160:6, 205:10, 408:7, 423:4 shake [2] - 9:6, 216:21 shakes [1] - 9:6 shaking [3] - 160:18, 210:13, 211:1 shaky [1] - 210:12 shall [1] - 301:24 shape [7] - 163:20, 163:21, 164:21, 211:6, 214:24, 280:14, 358:17 share [2] - 104:15, 423:9 shares [1] - 423:13 Shawn [9] - 42:12, 46:5, 47:1, 48:14, 52:25, 53:15, 57:5, 70:20, 76:2 Shawndell [30] - 2:5, 47:3, 51:8, 52:18, 61:22, 72:24, 75:18, 92:6, 102:24, 103:18, 139:15, 208:2, 315:8, 321:1, 332:19, 343:21, 363:19, 366:20, 369:7, 374:21, 384:24, 398:5, 398:10, 398:16, 407:5, 409:14, 410:4, 417:11, 418:5, 420:12 SHAWNDELL [2] - 1:7, 75:22 sheet [1] - 259:23 sheets [1] - 260:11 Sheila [1] - 118:5 shift [11] - 77:25, 84:4, 196:3, 237:8, 245:15, 267:9, 274:16, 305:21, 306:2, 306:4	shifts [1] - 305:20 shine [1] - 200:20 shirt [18] - 30:8, 30:16, 187:10, 187:13, 187:20, 201:22, 202:10, 202:12, 202:13, 202:14, 204:9, 206:5, 207:17, 243:15, 321:7, 356:19 shocked [1] - 421:12 shoes [2] - 295:24, 296:12 shook [1] - 370:19 shooting [1] - 355:22 shop [1] - 326:1 shoplifting [1] - 369:2 shopping [2] - 28:24, 353:2 short [11] - 33:16, 146:19, 158:17, 210:2, 317:16, 321:19, 341:7, 351:2, 386:11, 404:10, 408:22 Shortly [2] - 80:4, 245:21 shortly [6] - 30:4, 92:22, 136:25, 207:11, 249:6, 309:12 shortness [1] - 22:5 shot [2] - 106:19, 249:25 shoulders [1] - 379:15 shout [1] - 246:14 show [65] - 38:8, 44:14, 94:11, 102:4, 134:18, 135:6, 135:25, 136:23, 137:13, 171:10, 178:15, 179:3, 182:22, 183:5, 191:10, 194:24, 199:20, 200:12, 200:24, 202:4, 203:14, 203:19, 204:15, 204:16, 206:8, 206:23, 209:22, 220:18, 222:16, 224:15, 227:19, 229:7, 239:22, 240:10, 243:7, 257:17, 258:2, 258:18, 261:19, 264:5, 264:11, 264:12, 277:19, 279:5, 279:12, 280:1, 282:4, 283:4, 292:5,	296:6, 298:6, 309:24, 319:16, 320:13, 336:21, 340:4, 342:23, 343:9, 375:6, 381:12, 386:17, 386:20, 386:23, 387:1, 387:11 Show [1] - 370:5 show-up [15] - 102:4, 135:25, 137:13, 200:12, 200:24, 202:4, 203:14, 203:19, 206:23, 342:23, 343:9, 386:17, 386:20, 387:1, 387:11 show-ups [4] - 136:23, 206:8, 340:4, 386:23 showed [4] - 162:23, 163:13, 199:20, 292:11 showing [2] - 277:24, 409:7 shown [10] - 90:10, 91:7, 220:23, 221:3, 347:19, 347:20, 381:20, 383:4, 386:18, 393:15 shows [3] - 142:14, 160:17, 372:23 shut [4] - 45:6, 62:22, 62:24, 297:18 shuts [1] - 354:8 shy [2] - 173:24, 404:16 sic [2] - 85:3, 88:24 side [32] - 6:11, 25:6, 31:22, 31:24, 34:21, 37:18, 43:1, 43:4, 43:7, 51:8, 52:13, 61:6, 76:12, 142:2, 164:17, 184:24, 191:19, 197:9, 200:6, 212:18, 217:4, 226:7, 226:12, 243:25, 244:1, 244:6, 246:2, 249:18, 309:18, 310:6, 351:13 sidebar [3] - 126:24, 313:12, 318:9 sides [7] - 26:2, 60:17, 70:5, 163:17, 164:18, 165:24, 358:5 sidewalk [1] - 130:18 sight [3] - 30:20, 60:8, 76:11 sign [1] - 391:1 signal [1] - 391:22 signature [3] -

267:21, 310:13, 310:14 signed [6] - 94:19, 310:13, 389:22, 398:12, 398:18 Signed [1] - 398:7 significant [2] - 58:2, 409:11 signifies [1] - 314:7 signing [2] - 86:6, 86:7 silent [5] - 310:19, 330:21, 361:21, 377:22, 384:6 silver [1] - 221:14 similar [8] - 22:10, 109:22, 109:24, 191:19, 201:18, 221:3, 221:7, 221:15 Simone [1] - 102:19 simple [6] - 70:3, 141:21, 271:8, 323:9, 344:20, 369:12 simply [15] - 15:24, 54:23, 61:5, 61:10, 166:23, 172:15, 172:23, 188:23, 331:7, 342:5, 346:22, 376:15, 410:18, 421:9 simultaneous [2] - 30:21, 65:16 simultaneously [3] - 136:3, 224:3, 356:10 sincere [1] - 380:2 single [2] - 136:23, 373:3 siren [1] - 28:6 sirens [8] - 29:19, 186:8, 199:19, 238:12, 239:10, 355:6, 355:7 sister [3] - 106:18, 126:17, 126:18 sister-in-law [1] - 106:18 sit [4] - 153:7, 156:9, 242:17, 394:23 Sit [1] - 156:16 site [6] - 6:19, 31:16, 33:12, 297:22, 331:25, 410:21 sits [2] - 29:1, 113:18 sitting [16] - 30:17, 65:22, 108:13, 108:16, 145:18, 190:8, 208:3, 218:11, 234:15, 263:16, 263:25, 266:18, 321:6, 359:23, 368:13, 409:5	situated [1] - 265:3 situation [11] - 6:13, 21:11, 21:16, 62:11, 71:6, 100:9, 253:2, 364:4, 417:25, 420:15, 424:9 situations [1] - 419:1 six [7] - 34:20, 111:14, 128:3, 135:10, 175:5, 205:19, 219:8 six-two [1] - 34:20 size [6] - 163:4, 163:25, 204:25, 205:20, 243:5, 358:17 sized [1] - 243:6 sky [2] - 208:20, 233:6 SLED [3] - 167:13, 168:9, 168:21 Sleep [1] - 89:2 sleep [8] - 8:22, 9:13, 9:15, 14:21, 88:23, 100:22, 214:17, 214:18 sleeping [2] - 44:6, 374:14 sleeps [1] - 381:10 sleepy [1] - 17:2 sleeved [1] - 202:14 slight [1] - 382:21 slightly [2] - 241:25, 315:7 sliver [1] - 338:8 slow [5] - 17:11, 25:14, 32:21, 32:23, 95:16 slowing [1] - 32:22 slowly [1] - 39:6 Slows [1] - 8:22 small [3] - 48:24, 270:23, 338:8 smaller [4] - 243:3, 243:6, 262:20, 356:17 smallest [1] - 381:14 smart [1] - 420:25 smarter [1] - 421:4 smash [1] - 364:4 smell [2] - 95:11, 312:16 smiled [1] - 420:1 Smith [1] - 160:7 smooth [2] - 95:17, 277:3 snack [1] - 216:13 Social [1] - 321:13 social [4] - 109:13, 109:16, 115:5, 320:19 society [6] - 23:4, 367:22, 415:7,	416:22, 422:14, 424:6 socket [2] - 166:7, 289:23 sold [1] - 361:1 sole [3] - 138:17, 375:22, 378:15 solely [2] - 375:18, 389:4 solicitor [12] - 18:12, 19:3, 103:1, 103:3, 103:5, 153:19, 210:8, 210:9, 215:7, 302:14, 345:7 Solicitor [8] - 1:14, 1:15, 21:17, 313:9, 326:22, 346:20, 402:1, 402:13 solicitor's [4] - 104:20, 104:23, 105:17, 318:3 solution [3] - 17:4, 158:16, 158:21 Someone [4] - 31:15, 61:12, 369:21 someone [30] - 29:25, 69:12, 148:11, 155:14, 167:12, 167:13, 169:2, 173:5, 177:2, 197:8, 197:11, 200:4, 200:18, 212:14, 230:1, 230:10, 232:14, 242:14, 246:6, 283:23, 333:4, 345:16, 367:23, 374:18, 374:25, 375:7, 402:9, 414:7, 417:15, 421:10 someplace [1] - 67:18 sometime [1] - 7:9 Sometimes [5] - 29:21, 88:22, 89:6, 234:11, 238:7 sometimes [19] - 6:19, 7:23, 31:16, 32:13, 32:20, 39:6, 88:21, 89:7, 159:17, 169:5, 242:13, 264:24, 266:7, 269:9, 270:15, 272:4, 361:10, 386:19, 418:25 somewhere [1] - 329:10 somnia [2] - 88:23, 89:2 son [6] - 81:7, 81:8, 106:23, 411:19, 413:17, 416:23	son's [1] - 77:4 Sonata [1] - 295:7 Soon [1] - 301:20 soon [1] - 152:18 sorry [28] - 27:6, 30:5, 47:2, 57:12, 58:14, 64:2, 87:1, 92:10, 98:8, 100:1, 100:3, 100:4, 100:6, 100:7, 100:9, 157:16, 194:2, 201:3, 237:11, 269:20, 280:23, 299:1, 323:20, 327:14, 362:23, 362:24, 363:1 Sorry [2] - 64:2, 232:3 sort [27] - 6:21, 16:8, 31:13, 37:23, 40:19, 65:7, 71:8, 135:25, 162:16, 163:1, 168:9, 172:21, 211:1, 215:10, 222:4, 242:22, 252:6, 252:18, 262:18, 262:19, 281:13, 357:1, 358:22, 365:8, 368:23, 374:23, 424:9 sorts [2] - 251:9, 369:20 sound [9] - 22:15, 80:7, 80:9, 172:17, 198:3, 198:22, 223:24, 232:11, 232:13 sounded [2] - 100:15, 242:14 sounds [11] - 211:14, 211:15, 211:17, 213:4, 228:21, 232:23, 254:25, 306:18, 337:2, 353:23 SOUTH [2] - 1:1, 1:5 South [15] - 1:8, 77:14, 102:24, 103:1, 113:24, 294:3, 347:5, 375:14, 379:1, 398:4, 398:9, 398:15, 416:17, 425:3, 425:7 Southern [2] - 293:22, 293:23 spaces [1] - 194:8 span [1] - 337:20 Spanish [1] - 56:11 spare [3] - 266:6, 297:2, 358:15 speaking [7] - 33:3, 40:22, 85:22, 233:15, 249:20, 310:4, 422:5	speaks [1] - 420:24 special [6] - 101:17, 136:6, 237:3, 237:6, 339:24, 340:4 specialized [1] - 237:24 specific [15] - 43:25, 56:19, 65:5, 76:5, 165:5, 172:13, 237:24, 243:1, 260:25, 291:24, 333:20, 392:15, 393:23, 396:14, 407:21 specifically [18] - 16:5, 43:6, 52:16, 64:20, 73:2, 74:25, 79:6, 99:5, 209:5, 230:10, 240:12, 324:21, 334:16, 374:9, 387:14, 396:23, 396:24, 408:9 specifics [4] - 23:11, 40:11, 57:15, 253:15 specified [1] - 237:14 specify [1] - 390:3 speculate [1] - 268:21 speculation [4] - 165:1, 268:14, 280:16, 308:20 speculative [2] - 324:23, 334:20 speeding [1] - 60:21 speedy [1] - 158:13 spell [1] - 236:20 spelled [1] - 236:21 spike [2] - 335:19, 338:2 Spirits [2] - 293:22, 293:23 spite [1] - 360:14 split [1] - 18:14 splitting [4] - 232:23, 233:7, 234:6, 271:20 spoken [1] - 416:2 spokesperson [1] - 300:22 spot [14] - 50:10, 130:17, 131:23, 144:16, 145:17, 185:11, 194:6, 194:7, 221:15, 226:2, 226:3, 226:4 spotlight [2] - 186:23, 200:20 spots [1] - 276:9 sprung [1] - 421:19 squad [1] - 237:2

square [3] - 162:24, 163:21, 167:6 St [2] - 128:16, 143:10 stabbed [1] - 106:19 staff [2] - 213:21, 215:15 stage [5] - 35:25, 301:13, 330:18, 340:23, 386:1 stages [4] - 340:19, 340:25, 385:22, 386:3 stairs [2] - 190:6, 220:12 stairway [1] - 176:24 stairwell [3] - 176:19, 176:21, 183:11 stance [2] - 156:19, 165:10 stand [42] - 13:9, 19:2, 21:23, 22:22, 104:24, 105:18, 106:1, 107:13, 107:20, 107:21, 108:18, 108:24, 109:3, 109:18, 109:25, 110:2, 110:10, 114:3, 114:7, 115:15, 115:16, 153:18, 159:3, 159:13, 161:8, 183:17, 183:18, 199:4, 334:14, 346:9, 352:11, 357:22, 360:23, 363:23, 378:11, 388:12, 391:18, 408:11, 408:14, 411:18, 414:9 standard [4] - 340:3, 374:17, 392:5, 392:17 standardly [1] - 244:16 Standing [1] - 181:8 standing [44] - 44:4, 44:19, 57:23, 60:14, 75:2, 105:1, 110:11, 115:16, 132:16, 176:18, 177:2, 178:6, 178:23, 179:1, 179:9, 181:7, 181:15, 181:16, 183:8, 190:25, 193:9, 193:10, 193:21, 195:2, 200:15, 201:9, 205:4, 220:15, 221:10, 221:18, 222:12, 223:2, 223:5, 223:16, 223:17, 224:3, 224:21,	225:24, 231:1, 233:20, 343:3, 352:7, 353:11, 355:17 stands [1] - 401:16 start [12] - 25:20, 38:16, 61:13, 95:17, 151:25, 216:20, 274:24, 275:16, 275:18, 275:19, 275:20, 405:18 started [16] - 8:5, 14:12, 33:3, 39:8, 154:3, 161:10, 180:16, 182:2, 238:16, 253:7, 273:2, 277:7, 277:13, 306:15, 353:13, 412:24 starting [1] - 351:3 Starting [1] - 106:2 starts [1] - 363:21 STATE [2] - 1:1, 1:5 state [8] - 9:21, 91:5, 112:1, 138:18, 161:11, 347:4, 378:17, 424:13 State [161] - 1:15, 18:18, 20:11, 20:25, 21:19, 23:10, 24:4, 24:8, 24:16, 24:20, 26:15, 41:11, 41:13, 41:14, 63:17, 64:5, 74:17, 90:10, 91:7, 91:14, 91:16, 94:24, 101:18, 102:20, 102:23, 103:17, 103:18, 103:24, 104:3, 113:21, 113:24, 115:17, 116:22, 116:25, 117:8, 117:16, 117:24, 118:7, 118:13, 118:19, 119:2, 119:10, 119:19, 120:2, 120:10, 120:18, 121:1, 121:3, 121:9, 121:11, 121:17, 121:25, 122:6, 122:16, 122:24, 123:7, 123:15, 123:23, 124:9, 124:19, 124:21, 125:2, 125:10, 125:16, 126:13, 127:6, 128:4, 128:6, 138:4, 138:7, 138:10, 141:13, 142:16, 142:25, 158:12, 173:1, 174:17,	202:23, 218:15, 218:19, 225:2, 228:5, 236:8, 240:16, 255:4, 263:18, 293:12, 301:15, 305:1, 310:20, 311:25, 318:15, 324:9, 324:10, 328:21, 331:15, 338:10, 338:14, 339:7, 339:14, 340:7, 341:17, 342:19, 343:4, 343:12, 348:10, 348:17, 349:3, 349:20, 360:14, 360:19, 360:21, 367:19, 375:12, 377:3, 377:10, 377:12, 378:4, 378:5, 378:24, 379:24, 381:6, 381:12, 381:16, 381:18, 381:23, 382:3, 382:6, 382:10, 382:14, 384:13, 384:25, 385:4, 386:15, 387:12, 392:12, 392:14, 394:16, 395:13, 397:16, 398:4, 398:9, 398:14, 407:5, 407:11, 407:16, 408:1, 408:4, 408:12, 408:14, 408:18, 408:21, 418:16, 422:22, 423:1, 423:5, 423:10, 423:13, 424:16, 425:3 State's [132] - 3:3, 3:4, 3:5, 3:6, 3:7, 3:8, 3:9, 3:10, 3:11, 3:12, 3:13, 3:14, 3:15, 3:16, 3:17, 3:18, 3:19, 3:20, 3:21, 3:22, 3:23, 3:24, 3:25, 4:3, 4:4, 4:5, 4:6, 4:7, 4:8, 4:9, 4:10, 4:11, 4:12, 4:13, 4:14, 4:15, 4:16, 4:17, 4:18, 4:19, 4:20, 4:21, 4:22, 4:23, 4:24, 4:25, 22:12, 62:8, 62:11, 165:16, 170:8, 217:4, 218:6, 218:16, 220:19, 222:17, 224:16, 225:3, 225:9, 225:13, 227:20, 228:5, 228:9, 229:8, 233:3, 239:23, 240:2, 240:7, 240:22, 243:7, 257:18, 257:23, 258:3, 258:19,	260:23, 261:4, 261:20, 261:23, 263:12, 263:19, 263:22, 263:25, 264:6, 264:12, 265:10, 265:11, 265:15, 265:18, 265:21, 265:23, 265:24, 266:15, 266:16, 277:20, 277:24, 278:2, 278:9, 278:11, 279:5, 279:12, 280:12, 281:5, 281:7, 281:8, 281:22, 282:4, 283:5, 283:9, 284:19, 284:20, 296:7, 296:16, 296:18, 296:20, 298:7, 309:24, 310:21, 310:24, 311:18, 312:1, 312:4, 319:17, 320:14, 324:12, 333:25, 334:15, 337:18, 342:2, 342:9, 348:23, 349:11 statement [61] - 4:13, 23:25, 24:1, 24:2, 49:17, 80:6, 80:10, 84:17, 85:19, 86:15, 87:23, 88:1, 88:4, 88:20, 91:15, 100:11, 101:4, 101:10, 167:23, 169:13, 169:25, 205:7, 217:6, 217:12, 228:25, 254:21, 255:7, 307:16, 307:17, 307:18, 311:2, 311:10, 311:15, 311:20, 311:22, 312:11, 313:10, 317:11, 343:17, 361:14, 361:16, 361:21, 383:7, 383:9, 383:12, 383:14, 383:16, 383:20, 384:6, 384:10, 384:13, 384:15, 384:16, 384:18, 384:19, 384:20, 384:21, 393:7, 394:20, 419:25 statements [20] - 84:14, 85:1, 85:2, 85:6, 139:7, 173:20, 174:1, 255:14, 255:20, 255:21, 256:8, 302:10, 355:10, 361:8, 361:9, 361:10, 361:11,	361:14, 393:5, 396:5 states [2] - 39:7, 349:24 States [3] - 69:1, 301:23, 301:24 stating [2] - 235:16, 339:13 station [1] - 89:19 statistics [2] - 286:25, 287:14 stature [5] - 201:25, 202:11, 204:24, 205:15, 205:21 status [1] - 81:25 statute [9] - 329:12, 335:5, 335:17, 335:20, 338:3, 344:5, 344:6, 344:15 statutes [2] - 344:2, 344:11 statutorily [1] - 335:3 stay [9] - 8:8, 88:22, 107:17, 189:22, 249:10, 264:21, 406:9, 412:16, 419:14 Stay [1] - 375:4 stayed [7] - 34:7, 47:16, 48:23, 140:24, 231:22, 352:19, 363:10 staying [1] - 99:10 steal [5] - 323:1, 364:16, 382:17, 415:16, 420:8 steer [1] - 142:15 stemming [1] - 6:5 step [17] - 18:24, 53:25, 59:21, 63:13, 76:18, 90:8, 97:6, 101:9, 116:17, 126:22, 151:25, 180:18, 223:18, 236:5, 273:8, 300:12, 324:7 stepped [1] - 222:24 stepping [3] - 218:9, 234:13 steps [6] - 34:16, 190:21, 224:22, 236:11, 274:24, 416:12 stick [2] - 136:18, 142:12 sticker [3] - 262:10, 264:19, 279:10 sticking [1] - 277:4 still [46] - 40:2, 44:5, 62:14, 70:13, 70:22, 78:6, 78:22, 78:24,

79:10, 79:12, 87:17, 94:2, 135:3, 136:24, 137:16, 142:18, 147:13, 153:2, 156:1, 173:4, 200:10, 211:2, 237:2, 239:3, 274:16, 294:12, 301:3, 327:20, 336:18, 337:19, 343:8, 373:14, 399:8, 399:13, 399:18, 399:23, 400:3, 400:8, 400:13, 400:18, 400:23, 401:3, 401:8, 401:13, 412:25 Still [2] - 213:15, 336:25 stipulated [1] - 388:14 stole [1] - 322:23 stolen [37] - 69:18, 69:22, 82:15, 82:16, 110:8, 110:14, 110:22, 111:5, 112:1, 112:7, 112:13, 126:1, 126:4, 142:7, 142:8, 142:19, 165:21, 168:19, 264:8, 331:11, 331:13, 332:10, 332:22, 333:9, 358:13, 360:5, 365:2, 365:3, 367:13, 367:15, 368:7, 368:20, 369:22, 370:13, 370:20, 373:18, 392:18 stonewall [1] - 62:23 stood [5] - 106:8, 131:13, 185:12, 202:12, 223:25 stop [48] - 9:15, 18:6, 22:1, 25:24, 26:1, 26:7, 26:13, 30:23, 36:2, 36:3, 38:16, 40:23, 41:25, 42:1, 49:21, 50:1, 50:15, 63:11, 64:25, 76:6, 79:4, 90:11, 151:25, 158:24, 159:19, 172:15, 172:23, 196:3, 210:2, 243:16, 244:2, 244:6, 244:13, 244:20, 245:5, 245:7, 250:9, 269:12, 272:17, 308:3, 309:9, 309:11, 309:12, 367:9, 369:5, 384:9, 403:10 stopped [37] - 31:18, 31:20, 32:1, 36:4,	40:25, 47:11, 49:23, 50:22, 50:25, 51:18, 51:20, 51:21, 54:19, 59:7, 59:8, 59:12, 61:9, 66:2, 72:1, 72:11, 76:9, 76:10, 92:18, 141:2, 142:17, 172:1, 172:4, 173:5, 208:23, 245:22, 246:10, 253:6, 267:25, 284:15, 307:7, 364:20, 369:5 stopping [2] - 40:24, 69:3 stops [9] - 8:21, 9:7, 34:19, 51:22, 69:8, 164:4, 249:25, 250:1, 269:11 store [4] - 176:1, 220:2, 220:4, 261:12 stored [2] - 340:24, 386:1 stories [1] - 372:17 story [1] - 287:24 straight [5] - 164:21, 279:23, 279:25, 307:12, 355:22 straight-shooting [1] - 355:22 straighten [1] - 153:12 straightforward [2] - 40:16, 101:19 strange [1] - 369:15 strategy [1] - 100:25 streamline [1] - 169:23 Street [1] - 19:23 street [2] - 200:1, 373:8 streets [1] - 65:20 strength [1] - 422:10 stress [1] - 90:23 stretch [1] - 420:25 stretches [1] - 333:8 strike [1] - 282:1 Strikes [1] - 116:22 strikes [1] - 122:12 striking [3] - 116:23, 126:10, 346:24 stripped [1] - 379:17 strong [9] - 11:9, 12:3, 90:15, 346:4, 403:15, 403:16, 403:17, 414:1, 414:3 Strong [1] - 416:17 strong-arm [7] - 11:9, 12:3, 403:15, 403:16, 403:17, 414:1, 414:3	struck [6] - 126:17, 157:24, 348:2, 348:3, 348:4, 348:5 struggle [1] - 70:10 struggling [1] - 212:17 stuck [8] - 134:8, 135:15, 135:16, 135:17, 136:11, 196:10, 201:4, 289:12 student [1] - 318:25 studies [2] - 341:24, 342:18 Studying [1] - 15:1 studying [2] - 83:5, 323:17 stuff [65] - 6:15, 8:10, 8:13, 13:7, 15:4, 45:1, 46:5, 46:6, 47:12, 56:20, 66:16, 66:23, 76:22, 78:9, 79:7, 79:16, 80:3, 82:11, 83:15, 134:18, 170:17, 171:7, 198:9, 198:10, 213:16, 230:19, 231:4, 231:11, 231:25, 232:1, 232:11, 232:16, 234:17, 257:7, 258:6, 258:9, 261:18, 264:24, 265:6, 270:15, 291:10, 292:12, 292:23, 326:1, 354:16, 362:15, 362:16, 365:3, 365:17, 365:18, 365:22, 365:24, 366:2, 366:3, 366:23, 367:14, 368:20, 369:19, 370:13, 370:16, 370:20, 371:9, 415:16 Sturkie [1] - 117:14 style [2] - 419:10, 420:2 subject [6] - 65:14, 302:6, 327:2, 327:3, 328:10, 334:11 subjective [1] - 421:6 subjects [1] - 388:2 submit [4] - 65:17, 173:2, 288:21, 338:12 submitted [1] - 329:24 submitting [1] - 267:11 subparts [1] - 344:6 subsection [3] -	335:24, 336:13, 336:16 Subsequent [1] - 332:7 substance [2] - 78:6, 402:24 substantial [3] - 78:19, 328:6, 379:21 succinct [1] - 349:16 sudden [1] - 30:14 suffer [2] - 87:17, 165:8 suffered [1] - 126:17 sufficient [6] - 209:20, 381:14, 382:24, 385:1, 408:20, 418:4 suggest [6] - 136:7, 164:12, 213:21, 217:9, 289:2, 344:25 suggested [1] - 343:18 suggestibility [3] - 135:24, 341:21, 391:2 suggesting [2] - 88:19, 289:12 suggestion [2] - 133:18, 386:23 suggestive [9] - 135:25, 136:5, 136:24, 203:21, 203:23, 209:22, 343:10, 386:19, 387:7 suggests [1] - 216:2 sum [1] - 80:5 summer [1] - 412:17 sun [1] - 129:8 Sunday [1] - 171:3 sunrise [1] - 382:1 sunset [1] - 382:1 support [3] - 325:10, 409:7, 411:9 supported [1] - 376:4 supports [1] - 109:20 supposed [7] - 6:11, 14:16, 32:24, 70:18, 135:22, 154:4, 330:11 supposedly [1] - 254:12 suppress [4] - 23:9, 74:21, 91:10, 137:18 suppressed [2] - 62:4, 332:18 suppression [1] - 25:10 Supreme [1] - 91:3 surface [5] - 277:2, 277:3, 286:7, 292:18	surfaces [4] - 142:12, 276:10, 287:8, 293:1 surrender [2] - 64:9, 389:3 surrounded [3] - 51:1, 245:19, 408:3 surrounding [6] - 31:17, 137:8, 206:7, 255:9, 384:12, 387:11 surroundings [1] - 134:15 Suspect [1] - 97:17 suspect [17] - 31:5, 31:19, 66:1, 67:9, 69:16, 92:5, 93:12, 97:15, 136:1, 136:12, 137:3, 137:14, 162:17, 188:6, 248:1, 290:21, 337:14 suspect's [1] - 151:18 suspected [4] - 66:7, 69:4, 90:12, 287:11 suspects [2] - 65:15, 92:2 suspended [1] - 82:1 suspension [1] - 82:6 suspicion [2] - 178:9, 223:18 suspicious [2] - 149:6, 193:7 suspiciously [4] - 35:4, 180:18, 231:20, 377:9 suspiciously [1] - 205:11 sustained [3] - 259:9, 271:12, 313:13 swab [8] - 285:17, 286:5, 286:7, 287:3, 288:21, 359:8, 359:16, 373:3 swabbed [1] - 286:18 swabbing [3] - 287:6, 288:13, 359:23 swabs [1] - 287:10 swarmed [2] - 42:5, 51:1 swayed [1] - 388:15 swear [1] - 7:13 sweater [4] - 30:16, 133:10, 242:22, 246:4 sweatshirt [3] - 30:8, 30:16, 242:22 swing [1] - 149:1 swipe [1] - 371:4 switch [2] - 6:11,

6:14 sworn [21] - 7:15, 26:17, 41:18, 75:23, 90:20, 91:18, 128:8, 137:20, 137:22, 143:2, 174:19, 218:21, 236:14, 273:12, 293:14, 301:4, 305:4, 318:17, 352:11, 388:5, 388:12 sympathy [2] - 388:16, 418:8 symptom [1] - 99:18 symptoms [6] - 22:5, 22:10, 99:17, 152:17, 212:18, 423:4 system [2] - 79:13, 262:22	148:5, 148:6, 148:8, 150:17, 150:18, 170:4, 174:2, 174:3, 177:6, 188:7, 188:13, 190:16, 190:18, 205:23, 205:24, 208:17, 345:14, 352:10, 352:11, 352:12, 409:11 Ten [8] - 133:1, 133:4, 148:5, 148:6, 148:8, 150:17, 150:18, 174:2 ten-year [2] - 11:14, 409:11 tend [2] - 169:21, 177:7 tender [1] - 266:23 term [3] - 18:14, 23:2, 373:22 terminology [1] - 281:10 terms [2] - 69:14, 243:2 terribly [1] - 148:12 terrifying [2] - 419:11, 419:16 test [1] - 292:22 testified [28] - 26:18, 41:19, 52:17, 63:8, 75:24, 82:20, 87:8, 91:19, 107:18, 128:9, 136:8, 143:3, 174:20, 180:7, 203:21, 218:22, 225:13, 230:1, 230:3, 236:15, 273:13, 293:15, 305:5, 318:18, 335:8, 361:17, 375:23, 393:21 testify [48] - 26:3, 26:7, 67:2, 67:3, 67:4, 67:5, 128:19, 138:13, 167:17, 170:8, 203:18, 208:12, 209:25, 210:1, 301:6, 302:2, 302:3, 302:5, 302:6, 302:20, 302:24, 302:25, 303:2, 303:4, 303:6, 303:10, 303:17, 303:21, 304:3, 304:5, 313:8, 330:9, 330:21, 330:22, 330:23, 330:25, 331:1, 332:14, 361:12, 361:13, 377:16, 378:1, 378:2 testifying [2] - 157:25, 376:2	testimonies [1] - 396:9 testimony [78] - 25:11, 50:20, 52:8, 62:7, 63:2, 63:6, 63:7, 65:9, 66:4, 66:11, 66:14, 66:24, 69:17, 69:19, 69:20, 87:20, 90:20, 90:22, 91:5, 141:14, 166:10, 170:10, 203:8, 209:11, 217:11, 254:23, 256:15, 317:25, 324:22, 324:24, 328:9, 330:8, 332:12, 332:17, 334:5, 340:8, 341:2, 344:25, 346:13, 347:2, 347:8, 350:14, 350:15, 350:16, 350:19, 351:1, 351:4, 358:16, 365:6, 371:24, 375:11, 376:3, 378:10, 385:8, 385:12, 386:5, 386:15, 387:17, 388:11, 393:6, 393:12, 393:13, 393:19, 394:2, 394:12, 394:24, 395:12, 395:14, 396:11, 396:13, 396:14, 396:18, 396:19, 396:20, 396:23 testing [1] - 288:21 tests [1] - 421:1 thankful [1] - 419:7 THE [745] - 6:2, 6:9, 6:10, 7:1, 7:13, 7:16, 7:18, 7:20, 7:22, 7:24, 8:1, 8:2, 8:3, 8:5, 8:16, 8:18, 8:19, 8:21, 8:24, 9:1, 9:3, 9:5, 9:10, 9:12, 9:17, 9:20, 9:23, 9:25, 10:2, 10:4, 10:6, 10:8, 10:12, 10:13, 10:14, 10:15, 10:16, 10:18, 10:20, 10:22, 10:23, 10:25, 11:1, 11:2, 11:3, 11:5, 11:6, 11:8, 11:11, 11:12, 11:13, 11:14, 11:16, 11:18, 11:20, 11:22, 11:23, 11:25, 12:1, 12:2, 12:4, 12:5, 12:6, 12:8, 12:10, 12:13, 12:17, 12:18, 12:20, 12:22, 12:23, 13:1, 13:4, 13:6, 13:8, 13:10, 13:11, 13:13, 13:15, 13:17, 13:19, 13:20, 13:21, 13:22, 13:24, 14:1, 14:2, 14:3, 14:6, 14:7, 14:9, 14:10, 14:12, 14:14, 14:16, 14:17, 14:19, 14:21, 14:23, 14:24, 15:1, 15:3, 15:6, 15:10, 16:3, 16:20, 16:23, 17:6, 17:14, 19:1, 19:12, 19:13, 19:14, 19:15, 19:17, 19:20, 20:2, 20:3, 20:6, 20:9, 20:14, 20:15, 20:17, 20:19, 20:22, 20:23, 21:15, 22:16, 22:20, 23:16, 25:2, 25:16, 26:9, 26:14, 26:20, 38:11, 41:12, 41:15, 49:10, 49:11, 51:15, 51:16, 51:25, 57:9, 58:12, 58:14, 59:17, 59:18, 59:21, 59:25, 60:3, 60:15, 61:16, 62:5, 63:20, 63:24, 64:12, 66:6, 66:13, 67:9, 67:17, 68:5, 68:9, 68:11, 68:16, 69:3, 69:6, 69:23, 70:14, 70:25, 71:3, 71:14, 71:17, 71:20, 71:24, 72:20, 73:13, 73:15, 74:18, 75:2, 75:15, 75:17, 88:8, 89:9, 89:13, 89:16, 89:17, 89:18, 89:21, 90:8, 91:12, 94:25, 95:2, 99:1, 100:19, 100:24, 101:5, 101:7, 101:9, 101:15, 102:2, 102:7, 102:10, 102:13, 102:17, 103:12, 103:17, 105:4, 105:7, 105:10, 105:13, 106:7, 106:11, 106:14, 106:17, 106:21, 106:24, 107:2, 107:5, 107:11, 107:16, 107:24, 108:2, 108:4, 108:7, 108:12, 109:6, 109:10, 109:12, 110:5, 110:16, 110:19, 110:23, 111:1, 111:6, 111:9, 111:15, 111:18, 111:22, 112:2, 112:5, 112:8, 112:11, 112:14, 112:17,	112:20, 112:23, 113:1, 113:4, 113:9, 113:14, 113:17, 114:10, 114:13, 114:17, 114:20, 114:23, 115:6, 115:20, 116:8, 116:11, 116:15, 117:2, 117:4, 117:10, 117:12, 117:18, 117:20, 118:1, 118:3, 118:9, 118:15, 118:21, 118:23, 119:4, 119:6, 119:13, 119:15, 119:21, 119:23, 120:4, 120:6, 120:12, 120:14, 120:20, 120:22, 121:3, 121:5, 121:11, 121:13, 121:19, 121:21, 122:2, 122:8, 122:10, 122:14, 122:18, 122:20, 123:1, 123:3, 123:9, 123:11, 123:17, 123:19, 123:25, 124:5, 124:11, 124:13, 124:15, 124:16, 124:21, 124:23, 125:4, 125:6, 125:12, 125:18, 125:23, 126:8, 126:15, 126:19, 126:23, 127:1, 127:4, 127:8, 127:10, 127:12, 127:15, 127:24, 133:25, 136:22, 137:21, 139:10, 142:24, 147:22, 148:16, 151:22, 151:24, 152:10, 152:14, 153:1, 153:4, 153:10, 153:13, 153:16, 153:22, 153:25, 154:2, 154:6, 154:7, 154:9, 154:11, 154:13, 154:17, 154:21, 154:23, 154:25, 155:1, 155:4, 155:6, 155:8, 155:10, 155:13, 155:15, 155:18, 155:20, 155:22, 156:4, 156:6, 156:8, 156:10, 156:12, 156:16, 157:11, 157:18, 159:1, 160:8, 160:15, 160:21, 161:24, 164:9, 165:11, 166:13, 168:4,
T			
table [1] - 321:7 tailored [1] - 342:20 talks [3] - 10:4, 356:21, 362:20 tall [1] - 135:10 taller [1] - 34:20 tap [1] - 242:7 tape [4] - 85:14, 95:21, 276:24, 354:21 taped [1] - 314:20 taping [1] - 420:4 tattoos [1] - 135:15 taught [1] - 168:12 teach [1] - 416:16 team [4] - 211:18, 212:11, 237:1, 270:25 tears [6] - 39:3, 39:4, 39:5, 39:8, 61:10, 253:8 tech [12] - 162:5, 165:18, 167:13, 167:17, 168:2, 168:4, 168:6, 168:24, 169:3, 216:3, 357:19, 373:1 technician [3] - 162:19, 273:19, 273:20 techniques [1] - 217:8 teens [3] - 177:16, 196:6, 204:4 telephone [4] - 210:7, 356:15, 356:16 television [1] - 310:17 ten [34] - 11:14, 20:4, 111:20, 116:22, 126:5, 132:22, 132:24, 136:14,			

168:15, 169:11, 169:16, 170:25, 172:25, 173:18, 174:1, 174:6, 174:10, 174:14, 174:16, 179:21, 183:21, 191:3, 195:1, 195:2, 202:22, 202:25, 203:3, 203:6, 204:10, 204:13, 204:17, 208:11, 209:2, 209:7, 210:5, 210:14, 210:15, 210:18, 210:20, 210:22, 210:24, 211:9, 211:10, 211:14, 212:1, 212:13, 212:21, 212:24, 213:7, 213:11, 213:15, 213:17, 213:20, 214:4, 214:10, 214:12, 214:17, 214:18, 214:20, 214:21, 215:13, 215:14, 215:17, 215:22, 216:1, 216:4, 216:8, 216:14, 216:16, 216:17, 216:24, 216:25, 217:2, 217:3, 217:19, 217:23, 218:2, 218:5, 218:8, 218:11, 225:4, 225:8, 226:21, 228:6, 228:8, 228:13, 229:15, 235:12, 235:21, 236:5, 236:11, 236:17, 239:25, 240:19, 240:21, 240:23, 249:3, 249:5, 250:20, 250:21, 253:13, 253:18, 253:23, 253:24, 254:13, 254:19, 255:1, 255:3, 255:6, 255:15, 255:23, 256:3, 256:7, 256:13, 256:18, 256:20, 259:1, 259:5, 259:8, 260:13, 261:2, 263:21, 265:14, 268:18, 268:25, 269:2, 269:4, 269:19, 271:12, 273:8, 273:10, 280:17, 286:24, 290:7, 293:8, 293:10, 300:11, 300:13, 300:14, 300:18, 301:3, 301:12, 301:13, 301:20, 303:12,	303:13, 303:15, 303:16, 303:18, 303:19, 303:22, 303:23, 303:25, 304:1, 304:9, 304:11, 304:12, 304:21, 306:7, 308:21, 308:25, 309:2, 309:3, 309:7, 309:8, 310:11, 310:12, 310:23, 312:3, 312:8, 313:9, 313:11, 313:13, 313:15, 316:19, 317:7, 317:8, 317:10, 317:11, 317:24, 318:8, 318:10, 318:14, 323:6, 323:18, 324:5, 324:7, 324:11, 324:17, 325:12, 325:15, 325:17, 325:21, 326:8, 326:15, 326:21, 328:16, 328:19, 328:23, 329:1, 329:5, 329:7, 329:20, 330:5, 330:8, 330:15, 330:25, 331:1, 331:2, 331:3, 331:9, 331:12, 331:15, 332:11, 332:21, 333:4, 333:7, 333:13, 334:13, 335:9, 335:14, 336:3, 337:22, 338:20, 339:2, 339:5, 339:10, 339:20, 339:23, 341:13, 343:24, 346:10, 346:15, 346:20, 347:4, 348:6, 348:15, 348:22, 348:25, 349:7, 367:2, 375:4, 375:10, 392:11, 392:21, 393:1, 395:1, 395:6, 397:14, 397:20, 397:22, 397:23, 397:24, 397:25, 398:3, 398:19, 399:1, 399:3, 399:7, 399:8, 399:9, 399:10, 399:12, 399:13, 399:14, 399:15, 399:17, 399:18, 399:19, 399:20, 399:22, 399:23, 399:24, 399:25, 400:2, 400:3, 400:4, 400:5, 400:7, 400:8, 400:9, 400:10, 400:12, 400:13, 400:14, 400:15,	400:17, 400:18, 400:19, 400:20, 400:22, 400:23, 400:24, 400:25, 401:2, 401:3, 401:4, 401:5, 401:7, 401:8, 401:9, 401:10, 401:12, 401:13, 401:14, 401:15, 401:17, 401:25, 402:3, 402:8, 402:17, 402:21, 403:7, 404:1, 405:4, 405:7, 405:22, 406:19, 407:4, 407:7, 407:8, 407:9, 407:10, 408:25, 410:12, 410:20, 411:15, 411:17, 411:18, 411:20, 412:3, 412:6, 412:9, 412:11, 412:12, 412:14, 412:20, 412:22, 412:24, 413:2, 413:5, 413:9, 413:14, 413:15, 413:16, 413:18, 413:23, 414:3, 414:6, 414:13, 414:18, 415:19, 415:21, 416:6, 416:10, 417:17, 417:21, 418:16, 419:4, 419:13, 419:17, 420:13, 420:23, 421:6, 421:12, 421:16, 422:1, 422:17, 422:21, 423:17 theft [2] - 105:2, 110:10 themselves [1] - 419:20 theorizes [1] - 207:5 theory [2] - 161:19, 379:20 thereafter [1] - 245:21 therefore [2] - 63:17, 380:4 therefrom [3] - 329:18, 335:17, 336:10 therein [4] - 141:11, 328:22, 350:3, 350:12 thereof [2] - 262:7, 384:4 they've [5] - 19:3, 101:19, 101:20, 394:5, 394:17 They've [3] - 215:8, 257:20, 392:4	thinking [11] - 58:1, 156:2, 156:5, 156:6, 156:18, 180:16, 195:12, 196:16, 270:23, 304:12, 372:12 thinks [1] - 10:5 third [7] - 15:17, 173:2, 176:20, 176:23, 335:21, 394:10, 411:4 Thirty [1] - 13:20 Thirty-five [1] - 13:20 Thomas [1] - 115:11 thoroughly [1] - 420:23 thoughts [1] - 130:6 threat [3] - 250:5, 250:11, 250:15 threaten [2] - 36:6, 252:15 threatening [1] - 338:5 threats [2] - 252:22, 383:17 three [35] - 18:7, 70:16, 74:25, 108:6, 108:8, 130:18, 163:6, 163:11, 163:16, 164:1, 164:3, 167:24, 171:21, 190:21, 197:14, 226:13, 237:1, 238:14, 244:25, 270:25, 280:10, 281:20, 294:1, 319:6, 340:19, 358:4, 380:20, 385:22, 390:18, 393:1, 393:5, 395:7, 396:8, 403:2, 403:11 threshold [6] - 367:17, 368:5, 371:11, 371:22, 374:10, 415:2 thrilled [1] - 354:9 Throughout [1] - 422:24 throughout [17] - 24:1, 66:9, 66:25, 100:10, 152:18, 156:21, 157:25, 159:4, 185:6, 314:4, 347:7, 348:7, 352:20, 379:11, 409:6, 411:11 throw [4] - 192:1, 265:1, 369:25, 373:19 throwing [1] - 17:6 Thug [2] - 101:25, 110:2 Thursday [1] - 24:25	tickets [2] - 12:22, 60:21 time's [1] - 75:19 timeline [1] - 45:25 timely [1] - 365:20 timing [1] - 333:17 Timmy [2] - 1:14, 102:25 tin [1] - 198:14 tint [1] - 276:5 tinted [2] - 34:23, 249:19 tip [4] - 211:6, 281:18, 281:20, 358:5 tire [19] - 23:11, 84:1, 161:21, 162:16, 163:13, 168:18, 265:1, 266:2, 266:8, 266:11, 281:9, 281:14, 289:25, 357:14, 358:15, 359:15, 359:22, 370:9, 370:12 tired [2] - 55:25, 367:5 title [3] - 157:14, 169:7, 357:15 today [44] - 7:11, 9:17, 15:13, 15:21, 16:4, 16:10, 17:9, 17:10, 21:24, 24:19, 24:20, 55:4, 59:24, 60:3, 63:9, 66:11, 66:19, 66:24, 70:20, 76:2, 80:8, 90:20, 102:7, 128:17, 141:22, 152:11, 153:3, 154:10, 161:10, 206:24, 208:5, 210:21, 210:24, 211:8, 213:22, 299:16, 304:13, 369:5, 370:10, 373:25, 403:25, 407:6, 418:7 together [18] - 75:13, 77:5, 77:7, 77:23, 141:15, 150:9, 150:10, 169:21, 180:23, 180:24, 198:9, 201:23, 262:25, 267:16, 315:24, 361:7, 377:6, 378:12 Tom's [1] - 269:14 tomorrow [10] - 142:21, 152:2, 152:5, 397:4, 397:9, 405:17, 405:18, 406:3, 406:4, 406:7

Tompkins [1] - 119:17 ton [2] - 244:3, 244:9 tone [17] - 32:10, 36:21, 63:8, 233:15, 238:19, 245:12, 306:20, 306:23, 307:2, 314:3, 314:17, 324:25, 328:1, 355:2, 369:2, 369:3 tone's [1] - 356:2 toned [12] - 27:22, 28:2, 28:8, 31:3, 65:10, 238:10, 238:23, 239:6, 241:11, 327:21, 327:24 tones [3] - 306:14, 306:17, 355:15 tonight [5] - 96:11, 212:8, 315:15, 363:1, 406:9 took [65] - 31:13, 46:5, 46:18, 49:15, 52:25, 55:9, 55:19, 60:18, 65:23, 72:10, 73:5, 73:17, 80:1, 89:13, 89:18, 90:19, 104:5, 134:17, 134:22, 140:3, 140:7, 140:10, 142:15, 146:18, 147:5, 162:7, 168:8, 186:17, 199:18, 199:20, 216:22, 222:6, 240:4, 263:13, 272:24, 277:23, 278:25, 279:1, 279:18, 283:6, 284:20, 287:17, 293:4, 307:17, 311:10, 336:17, 351:9, 352:2, 352:6, 354:13, 356:6, 360:7, 360:10, 361:8, 361:9, 361:14, 365:24, 367:8, 369:24, 371:6, 371:13, 374:5, 388:12, 408:11 took [2] - 48:13, 366:23 tool [35] - 162:10, 163:23, 164:4, 164:6, 164:12, 164:25, 165:3, 165:7, 165:20, 166:5, 166:8, 166:23, 167:7, 167:15, 167:18, 167:22, 258:25, 259:3, 259:4, 265:23, 270:5, 279:3, 280:21, 281:2, 286:4,	286:6, 357:16, 358:8, 358:10, 358:11, 358:18, 360:1, 369:13 Tools [1] - 364:22 tools [3] - 83:20, 258:23, 269:23 top [7] - 135:11, 211:6, 278:5, 279:9, 292:6, 297:10, 297:15 total [3] - 170:4, 279:8, 411:1 totality [1] - 91:1 totally [8] - 25:5, 160:23, 161:7, 213:12, 213:14, 338:7, 360:19 touch [12] - 183:15, 183:16, 242:6, 279:20, 286:18, 286:22, 287:3, 287:6, 359:3, 359:4, 359:5 touched [6] - 277:18, 278:18, 287:11, 288:11, 290:22 tough [4] - 212:13, 287:25, 288:4, 291:11 tow [1] - 61:25 toward [2] - 193:6, 388:21 towards [16] - 22:2, 132:10, 142:16, 176:19, 181:11, 181:17, 183:25, 190:6, 220:16, 220:17, 221:21, 224:13, 224:23, 225:19, 306:8 Towards [1] - 181:21 town [1] - 318:24 trace [1] - 368:22 track [2] - 260:10, 416:21 Tracy [1] - 124:25 traditional [1] - 29:11 traffic [29] - 25:23, 25:25, 26:7, 26:13, 29:14, 30:23, 34:19, 38:16, 41:25, 42:1, 51:22, 64:25, 76:6, 243:16, 244:2, 244:3, 244:4, 244:5, 244:13, 244:19, 245:5, 245:7, 249:25, 250:1, 269:11, 272:17, 308:3, 309:8, 309:11 Traffic [2] - 12:22, 309:12 trafficked [1] - 200:2 training [8] - 166:16,	166:24, 167:10, 168:23, 169:1, 169:6, 169:10, 249:23 transcribes [2] - 84:13, 396:10 transcript [7] - 71:20, 90:17, 393:5, 393:19, 394:12, 396:8, 425:4 TRANSCRIPT [1] - 1:6 transcribed [2] - 85:3, 85:5 transcripts [4] - 394:11, 394:14, 396:12, 396:25 transfer [1] - 329:19 transported [1] - 309:20 trash [15] - 34:3, 34:15, 34:17, 37:2, 73:3, 140:8, 198:6, 257:13, 257:16, 258:1, 258:22, 259:2, 353:24, 356:23 traumatic [2] - 57:24, 71:6 traumatized [1] - 419:25 travel [2] - 24:21, 50:14 tray [1] - 216:10 treat [3] - 6:19, 314:12, 314:21 treating [1] - 165:8 treatment [5] - 8:9, 12:24, 13:5, 13:7, 413:6 tree [1] - 314:21 trembling [2] - 156:2, 159:8 tremors [4] - 6:14, 9:6, 213:16, 213:17 trend [1] - 158:4 trial [83] - 9:18, 9:19, 10:3, 13:9, 15:24, 17:12, 19:16, 20:12, 20:16, 21:8, 21:13, 21:23, 22:22, 24:19, 74:16, 103:13, 103:18, 107:13, 108:19, 117:5, 117:21, 118:10, 118:16, 118:24, 119:16, 120:15, 120:23, 121:22, 122:3, 122:11, 123:20, 127:16, 128:19, 138:9, 141:13, 154:4, 154:6,	154:14, 156:21, 157:16, 158:19, 158:24, 159:3, 159:4, 159:13, 159:23, 160:17, 160:24, 161:8, 161:12, 161:13, 161:14, 161:17, 206:24, 212:7, 215:1, 215:4, 215:6, 301:14, 375:21, 375:24, 376:20, 378:7, 378:8, 378:10, 379:4, 379:11, 388:6, 388:19, 391:20, 393:25, 396:15, 401:21, 401:24, 402:5, 402:6, 407:14, 407:15, 409:3, 409:6, 423:11, 425:6 trick [2] - 217:6, 300:8 tried [8] - 55:22, 92:20, 112:19, 126:2, 157:6, 212:6, 361:7, 392:2 tries [2] - 168:11, 364:15 trouble [6] - 11:8, 53:15, 60:20, 171:14, 268:11, 269:10 truck [2] - 74:22, 243:4 true [3] - 138:1, 367:14, 425:4 truly [2] - 137:24, 169:20 trunk [81] - 35:1, 35:3, 35:5, 35:6, 35:8, 35:10, 35:17, 35:18, 36:25, 37:10, 37:17, 39:2, 39:19, 41:2, 44:8, 44:12, 44:22, 44:25, 45:4, 45:19, 49:6, 49:8, 49:12, 49:15, 54:2, 54:3, 54:16, 54:25, 55:2, 57:17, 57:19, 58:8, 58:19, 59:3, 59:10, 59:13, 61:11, 62:3, 64:15, 67:7, 67:8, 67:20, 69:18, 69:22, 69:24, 70:1, 73:11, 73:21, 73:22, 82:7, 82:9, 82:12, 141:4, 168:15, 250:17, 251:23, 251:25, 252:13, 252:20, 257:8, 257:15, 261:14, 261:15,	262:2, 264:15, 264:18, 264:22, 264:23, 265:4, 266:5, 266:9, 266:17, 273:3, 290:4, 290:11, 292:12, 317:17, 358:14 Trunk [1] - 356:24 trunks [4] - 264:24, 370:11, 370:12, 370:13 trust [2] - 52:23, 67:21 truth [6] - 55:4, 70:4, 375:20, 376:10, 380:3, 389:8 truthful [2] - 104:11, 104:16 Try [1] - 41:22 try [30] - 16:19, 24:4, 58:3, 58:4, 67:25, 95:14, 95:16, 95:17, 97:1, 102:20, 132:5, 134:16, 137:24, 157:19, 168:13, 169:21, 172:13, 213:4, 262:25, 287:24, 288:3, 288:7, 295:1, 345:19, 349:12, 359:4, 359:16, 367:6, 410:21 Trying [1] - 103:8 trying [35] - 6:13, 25:7, 30:21, 39:10, 40:13, 42:22, 68:5, 96:12, 100:15, 100:16, 100:17, 100:21, 152:3, 157:3, 161:11, 171:10, 198:17, 204:13, 212:2, 231:12, 250:4, 256:12, 267:23, 287:25, 289:2, 300:8, 304:13, 322:11, 368:14, 369:5, 369:6, 373:25, 405:2, 415:14, 420:13 Tuesday [2] - 391:8, 423:6 Tuesday's [2] - 29:5, 186:19 tumultuous [1] - 68:3 turn [10] - 19:13, 29:8, 29:17, 29:18, 135:3, 239:18, 240:6, 348:23, 356:12, 417:18 turned [7] - 29:19, 47:6, 79:9, 139:23,

173:10, 239:7, 253:8 turning [3] - 238:15, 245:8, 259:15 Turning [1] - 417:7 turns [2] - 153:8, 245:9 TV [2] - 146:23, 168:7 twice [2] - 70:17, 107:9 two [159] - 6:3, 12:2, 17:24, 18:2, 18:3, 18:7, 20:10, 22:8, 24:7, 25:22, 26:1, 29:5, 29:10, 29:11, 31:6, 31:7, 34:20, 35:24, 39:10, 39:12, 47:23, 58:3, 60:17, 67:2, 69:12, 70:5, 73:1, 73:12, 73:22, 76:5, 78:25, 79:1, 80:25, 81:1, 83:16, 86:8, 86:13, 86:16, 87:17, 99:7, 102:5, 102:8, 103:19, 116:6, 130:18, 139:17, 140:23, 141:24, 142:1, 160:10, 160:11, 162:1, 163:5, 173:17, 173:19, 175:6, 177:4, 189:22, 190:11, 196:20, 196:25, 197:6, 197:14, 199:15, 199:25, 201:9, 201:19, 204:21, 206:17, 206:19, 207:5, 207:9, 208:25, 211:5, 212:5, 213:11, 215:8, 216:18, 218:15, 221:15, 230:4, 231:19, 232:20, 234:3, 234:22, 238:14, 239:9, 241:16, 242:11, 242:23, 244:25, 245:22, 272:2, 272:9, 272:13, 274:5, 279:9, 294:19, 299:8, 299:16, 301:15, 314:25, 326:11, 326:14, 327:5, 327:15, 327:19, 327:22, 328:10, 328:11, 336:14, 337:4, 337:5, 337:22, 338:9, 339:24, 343:13, 344:11, 344:17, 345:17, 349:14,	360:7, 367:10, 368:19, 371:24, 372:17, 373:5, 373:6, 373:24, 376:19, 377:14, 380:21, 381:5, 390:12, 391:5, 391:13, 392:15, 393:21, 399:4, 402:23, 403:1, 403:12, 410:7, 411:21, 416:23, 418:21, 418:22, 419:7, 421:14, 423:9 Two [9] - 18:10, 65:25, 110:13, 116:8, 124:15, 219:17, 234:10, 238:14, 289:1 two-door [3] - 242:23, 272:2, 272:13 two-hour [1] - 326:14 two-inch [1] - 279:9 two-month-old [1] - 139:17 two-year-old [1] - 410:7 type [14] - 25:10, 30:8, 154:8, 172:6, 209:17, 211:17, 238:11, 256:9, 287:8, 288:8, 291:24, 306:23, 312:16, 412:25 types [3] - 84:16, 376:19, 424:4 Typically [2] - 127:24, 359:1 typically [5] - 17:3, 25:3, 52:5, 302:15, 405:10	45:11, 45:12, 55:5, 55:10, 55:14, 61:12, 69:25, 71:4, 78:6, 79:12, 82:6, 90:23, 94:3, 95:9, 96:4, 97:13, 98:5, 104:11, 150:4, 153:2, 161:10, 210:15, 247:17, 256:14, 301:3, 312:14, 325:5, 326:19, 335:24, 344:15, 361:18, 377:24 underneath [4] - 149:22, 266:8, 311:21, 357:11 undersigned [1] - 425:1 understood [9] - 21:24, 94:16, 94:17, 96:11, 98:20, 173:15, 356:16, 361:19, 407:22 undisturbed [1] - 337:8 undue [1] - 386:23 unduly [1] - 387:7 unfamiliar [1] - 25:5 Unfortunately [3] - 61:18, 152:12, 314:3 unfortunately [4] - 61:21, 68:2, 99:15, 420:3 uniform [1] - 168:10 uninfluenced [1] - 380:25 union [1] - 347:4 unit [31] - 27:11, 92:1, 140:2, 140:4, 140:7, 140:11, 140:14, 140:24, 143:16, 162:2, 175:11, 176:5, 178:5, 181:18, 185:12, 186:1, 186:2, 187:9, 187:23, 189:2, 196:18, 220:10, 220:13, 221:16, 222:14, 223:7, 223:12, 237:3, 283:7, 294:7, 363:23 unit's [1] - 220:23 United [3] - 68:25, 301:22, 301:24 units [7] - 31:8, 176:6, 176:7, 179:5, 182:13, 184:10, 230:5 universal [1] - 141:25 University [1] -	287:10 unknown [2] - 98:3, 169:9 unlawful [2] - 18:8, 18:9 Unless [1] - 244:10 unless [9] - 103:24, 113:20, 138:7, 164:15, 288:18, 339:16, 372:7, 379:6, 379:22 unlocked [3] - 58:24, 140:1, 140:16 unnecessarily [1] - 345:24 unpleasant [4] - 108:25, 109:2, 109:5, 109:6 unreasonable [1] - 60:11 up [197] - 7:5, 12:9, 20:6, 32:14, 33:8, 33:12, 36:1, 41:22, 42:10, 42:20, 42:24, 43:2, 43:7, 44:14, 44:22, 46:5, 46:6, 47:13, 48:2, 51:7, 52:18, 54:10, 55:24, 60:19, 62:21, 65:23, 66:16, 66:23, 67:13, 67:18, 68:7, 73:3, 74:16, 76:3, 78:24, 79:1, 80:5, 80:25, 86:8, 86:13, 86:16, 86:18, 86:20, 88:24, 98:4, 99:7, 101:16, 102:4, 102:19, 126:22, 128:17, 131:5, 134:18, 135:25, 137:13, 138:14, 140:18, 144:5, 144:16, 145:23, 146:1, 146:16, 149:6, 149:9, 151:15, 153:12, 153:24, 155:3, 158:21, 160:17, 164:19, 164:22, 166:7, 171:22, 176:18, 178:21, 179:25, 182:2, 182:7, 182:8, 183:17, 183:18, 184:3, 184:21, 184:25, 185:10, 185:11, 187:9, 189:17, 190:20, 192:1, 194:10, 194:11, 199:4, 199:8, 199:20, 200:12, 200:19,	200:24, 201:13, 201:18, 202:4, 203:14, 203:19, 203:23, 206:23, 213:9, 215:20, 220:12, 221:1, 221:13, 221:25, 222:12, 222:15, 222:25, 223:17, 223:25, 224:6, 224:7, 224:8, 224:21, 225:20, 225:25, 226:1, 228:21, 230:17, 232:8, 233:1, 238:13, 239:16, 254:9, 257:22, 265:4, 266:19, 268:5, 268:12, 268:16, 271:1, 271:6, 274:22, 276:23, 281:11, 282:1, 283:3, 283:5, 300:4, 303:5, 303:9, 308:4, 315:21, 316:22, 324:14, 326:7, 333:1, 342:23, 343:9, 345:4, 347:21, 347:22, 351:5, 352:19, 353:6, 354:16, 355:17, 356:6, 358:11, 360:11, 363:9, 363:22, 368:3, 368:11, 371:9, 371:23, 372:18, 386:17, 386:20, 387:1, 387:11, 393:24, 395:24, 397:25, 404:12, 404:14, 404:21, 405:22, 406:2, 406:10, 411:1, 411:18, 412:13, 414:9, 415:3 Up [1] - 221:19 upgraded [1] - 418:25 upper [1] - 241:2 upright [1] - 248:19 ups [4] - 136:23, 206:8, 340:4, 386:23 upset [3] - 96:23, 99:24, 99:25 upstairs [8] - 129:15, 144:2, 223:7, 351:9, 351:19, 353:2, 353:16, 364:2 urgent [2] - 27:23, 238:11 useful [1] - 359:16 usual [1] - 353:10
	U			
	U-turns [1] - 245:9 U.S [1] - 64:4 ultimate [1] - 383:10 ultimately [3] - 106:19, 137:9, 316:2 unable [1] - 33:9 unanimous [5] - 389:11, 390:5, 390:14, 397:23, 401:17 unanimously [3] - 398:6, 398:11, 398:18 unaware [1] - 79:11 uncle [1] - 105:2 unconsciously [1] - 89:2 Under [1] - 375:14 under [33] - 45:8,			

V				
Valentine's ^[1] - 111:3 valuable ^[2] - 355:19, 364:6 valuables ^[2] - 110:15, 366:8 value ^[5] - 302:12, 302:18, 375:20, 377:2, 382:17 van ^[1] - 243:4 vantage ^[2] - 194:19, 223:4 variety ^[4] - 15:20, 73:3, 341:1, 386:4 various ^[9] - 19:4, 25:4, 73:4, 113:8, 217:8, 218:11, 388:2, 391:11, 409:6 vehemently ^[1] - 211:12 vehicle ^[195] - 6:5, 20:4, 23:12, 25:24, 25:25, 26:2, 26:13, 28:18, 29:20, 30:2, 30:19, 31:19, 31:21, 31:24, 34:4, 34:16, 35:1, 36:7, 50:21, 54:13, 58:22, 60:17, 60:24, 62:3, 62:9, 62:10, 62:15, 62:16, 62:17, 63:11, 63:12, 63:13, 63:14, 63:15, 63:16, 63:17, 64:19, 65:10, 65:14, 66:25, 67:1, 67:5, 68:23, 73:1, 73:5, 73:16, 73:22, 73:24, 75:14, 76:24, 77:1, 77:3, 77:4, 77:20, 90:13, 90:14, 90:16, 96:19, 96:21, 103:15, 103:21, 112:1, 129:22, 129:23, 130:4, 130:7, 130:8, 130:14, 130:20, 131:15, 131:16, 132:17, 133:2, 135:7, 136:2, 136:12, 141:4, 141:12, 141:18, 142:4, 144:23, 145:20, 148:7, 148:21, 162:17, 164:14, 184:7, 184:9, 184:14, 184:15, 184:16, 184:17, 184:20, 186:7, 186:20, 186:23, 187:18, 188:6, 188:17, 188:25,	189:1, 189:6, 194:4, 197:1, 197:3, 200:10, 200:22, 201:14, 202:8, 203:13, 205:14, 206:16, 207:7, 207:8, 207:23, 208:23, 220:17, 221:14, 221:15, 224:7, 224:11, 226:4, 226:10, 226:11, 226:12, 226:24, 227:1, 229:5, 229:8, 232:21, 243:20, 243:23, 244:15, 244:18, 245:20, 246:10, 246:16, 247:25, 248:7, 249:16, 249:22, 250:22, 251:17, 251:21, 252:11, 263:13, 263:15, 264:15, 264:18, 272:2, 272:7, 285:7, 292:13, 307:5, 307:8, 317:14, 317:15, 318:1, 328:3, 328:12, 331:19, 349:16, 350:9, 350:11, 352:5, 352:6, 354:2, 356:7, 356:17, 356:18, 356:22, 360:4, 362:1, 362:2, 362:3, 362:6, 362:9, 362:18, 362:22, 380:22, 382:13, 382:16, 382:17, 382:18, 390:11, 390:24, 398:17, 402:25 vehicles ^[6] - 66:1, 245:5, 245:11, 271:22, 403:3, 403:5 verbal ^[1] - 26:4 verbatim ^[1] - 310:5 verdict ^[66] - 108:22, 138:3, 300:23, 300:24, 324:21, 325:9, 329:21, 329:22, 330:3, 330:6, 333:22, 338:23, 339:3, 339:11, 339:20, 378:18, 379:11, 381:4, 387:24, 388:4, 388:8, 388:11, 389:6, 389:9, 389:10, 390:4, 390:14, 390:15, 390:17, 390:19, 391:1, 391:24, 392:1, 397:21, 398:2, 398:20, 399:6, 399:8, 399:11, 399:13,	399:16, 399:18, 399:21, 399:23, 400:1, 400:3, 400:6, 400:8, 400:11, 400:13, 400:16, 400:18, 400:21, 400:23, 401:1, 401:3, 401:6, 401:8, 401:11, 401:13, 401:15, 401:16, 401:17, 401:18, 401:19, 401:23 verdicts ^[1] - 366:25 verify ^[1] - 247:4 version ^[6] - 24:9, 217:18, 311:15, 311:16, 315:7, 362:10 versions ^[5] - 24:7, 69:13, 173:17, 173:19, 372:18 versus ^[10] - 102:24, 103:18, 168:4, 218:15, 330:2, 398:5, 398:10, 398:15, 407:5, 417:15 via ^[6] - 65:22, 98:14, 160:6, 210:6, 226:1, 251:12 vicinity ^[1] - 239:3 victim ^[15] - 37:14, 38:8, 68:8, 100:8, 101:19, 105:22, 105:25, 106:4, 209:16, 251:4, 251:6, 264:3, 308:24, 309:1, 362:25 victim's ^[1] - 262:3 victims ^[9] - 18:21, 87:1, 101:23, 133:21, 251:13, 350:15, 360:6, 407:19, 419:7 video ^[4] - 61:1, 322:6, 340:16, 385:19 videos ^[1] - 249:24 view ^[9] - 131:2, 134:7, 204:20, 250:8, 336:20, 342:11, 387:3, 388:21, 408:4 viewed ^[1] - 223:2 views ^[2] - 109:14, 389:1 vigorously ^[2] - 165:17, 208:8 violated ^[1] - 366:1 violence ^[3] - 126:17, 238:1, 413:25 violent ^[9] - 105:22, 105:25, 106:1, 106:13, 250:6, 345:14, 417:8, 418:14	Violent ^[1] - 105:22 visible ^[5] - 133:7, 163:6, 261:16, 288:16, 288:17 vision ^[1] - 150:2 visit ^[2] - 333:4, 333:5 visiting ^[1] - 268:7 visual ^[3] - 95:18, 249:15, 250:5 voice ^[8] - 32:10, 36:21, 41:22, 63:7, 76:3, 95:14, 355:8, 355:12 voices ^[4] - 8:21, 9:7, 9:14, 9:15 voided ^[1] - 170:10 Voigt ^[5] - 1:15, 80:14, 103:4, 210:9, 332:14 VOIGT ^[32] - 236:19, 239:24, 240:1, 240:20, 240:25, 249:11, 250:23, 253:20, 253:25, 255:5, 256:10, 256:21, 257:21, 258:15, 258:17, 259:6, 259:10, 260:14, 260:22, 261:6, 263:24, 265:10, 265:17, 266:23, 268:13, 269:18, 271:10, 273:7, 343:23, 343:25, 345:20, 346:7 voir ^[3] - 101:17, 125:21, 167:16 voluntarily ^[5] - 53:3, 62:17, 246:16, 302:21, 383:14 voluntariness ^[4] - 91:15, 100:20, 100:25, 255:8 voluntary ^[6] - 101:10, 217:6, 217:12, 383:21, 384:15, 384:20 volunteer ^[1] - 414:8 vs ^[1] - 1:6 W waist ^[1] - 193:10 wait ^[7] - 161:15, 161:20, 213:7, 241:20, 242:15, 270:23, 271:5 waited ^[5] - 30:13, 72:9, 188:7, 216:17, 366:6	waiting ^[6] - 6:12, 13:2, 140:23, 179:23, 210:8, 215:8 waive ^[2] - 61:14, 302:5 waived ^[1] - 361:20 waiver ^[2] - 57:20, 60:10 waiving ^[1] - 255:13 wake ^[1] - 88:24 Waldrep ^[1] - 123:13 walk ^[15] - 34:20, 41:25, 116:21, 129:16, 129:20, 130:1, 143:25, 182:13, 190:20, 220:2, 225:12, 231:3, 342:2, 363:18, 368:20 Walked ^[1] - 129:14 walked ^[13] - 130:16, 144:3, 144:11, 178:3, 179:10, 183:10, 221:25, 224:12, 225:18, 225:22, 351:11, 351:14 walking ^[7] - 131:6, 178:4, 196:17, 197:23, 223:7, 372:3, 372:14 walkway ^[3] - 144:16, 149:24, 184:12 wall ^[2] - 181:16, 194:22 wallet ^[4] - 113:6, 296:12, 320:17, 322:15 wants ^[6] - 24:17, 28:18, 28:19, 68:14, 142:16, 207:4 wardrobe ^[2] - 201:25, 202:11 warm ^[3] - 36:16, 248:21, 249:10 warning ^[1] - 94:14 warrant ^[6] - 22:11, 45:14, 60:7, 62:1, 94:20, 404:19 warrants ^[4] - 12:19, 17:19, 17:20, 305:15 Warren ^[22] - 2:9, 93:2, 115:9, 174:17, 218:19, 307:13, 326:25, 352:22, 352:25, 353:1, 353:13, 355:5, 355:7, 356:11, 357:5, 361:9, 364:17, 364:18, 371:25, 373:5, 393:16 WARREN ^[2] -

174:18, 218:20 waste [4] - 286:1, 286:2, 359:4, 359:13 wasting [1] - 288:13 watch [6] - 32:24, 262:3, 262:4, 264:3, 296:19 watches [2] - 38:7, 73:4 watching [3] - 146:22, 364:18, 372:1 water [3] - 276:9, 332:5, 370:1 ways [4] - 39:11, 40:5, 364:4, 422:14 weapon [2] - 32:8, 345:15 weapons [1] - 63:7 wear [3] - 8:1, 214:8, 281:25 wearing [20] - 30:8, 130:25, 145:5, 187:10, 187:19, 202:15, 204:8, 205:15, 207:17, 207:18, 235:8, 242:21, 243:15, 246:3, 247:8, 351:18, 372:20, 372:22 wears [4] - 153:14, 153:22, 161:16, 168:10 weather [1] - 283:18 web [1] - 410:21 Wednesday [1] - 24:24 week [5] - 55:13, 154:2, 211:25, 422:4, 422:5 weekends [1] - 295:3 weeks [3] - 175:15, 219:17, 248:17 Weigh [1] - 366:11 weigh [4] - 209:22, 209:24, 350:23, 365:5 weights [1] - 209:10 weight [9] - 165:17, 206:2, 207:12, 231:6, 375:20, 377:2, 384:12, 384:17, 389:3 weird [1] - 61:5 Welcome [1] - 218:15 welfare [1] - 249:6 well-lit [1] - 204:21 Westchester [1] - 237:7 wet [1] - 290:17 whatsoever [9] - 113:25, 114:24,	303:2, 334:7, 337:23, 344:25, 369:11, 377:21, 377:25 wheel [3] - 100:15, 265:6, 281:13 Whereabouts [1] - 219:12 whichever [3] - 23:14, 390:25, 392:8 whispering [1] - 215:22 White [3] - 37:2, 295:9, 315:6 white [99] - 27:11, 30:8, 30:16, 34:2, 34:15, 34:16, 56:10, 56:12, 56:15, 116:24, 117:15, 117:23, 118:18, 119:9, 119:18, 120:1, 120:9, 120:17, 120:25, 121:8, 121:16, 122:5, 122:15, 122:23, 123:6, 123:14, 123:22, 124:8, 124:18, 125:1, 125:9, 125:15, 126:12, 130:4, 130:6, 131:16, 131:23, 133:9, 135:11, 177:14, 182:1, 183:11, 184:2, 184:4, 184:16, 184:21, 184:24, 185:3, 187:10, 187:12, 187:18, 187:19, 188:25, 194:4, 194:6, 194:8, 197:16, 197:18, 198:6, 199:7, 201:14, 201:22, 202:13, 204:8, 206:5, 207:17, 224:7, 225:20, 225:25, 226:5, 226:8, 242:22, 243:15, 246:4, 257:13, 257:16, 258:1, 258:22, 259:2, 260:18, 261:15, 295:25, 297:16, 315:5, 321:7, 353:24, 354:2, 354:18, 354:19, 356:19, 356:23, 357:2, 372:14, 372:20 whites [1] - 29:18 whole [20] - 44:17, 46:20, 56:14, 58:5, 84:22, 87:22, 89:9, 135:23, 192:15, 206:7, 207:25, 224:4,	230:15, 292:11, 313:4, 316:24, 348:12, 372:1, 413:23 wholly [1] - 165:13 wide [3] - 29:10, 208:22, 358:3 width [2] - 280:8, 281:17 wife [11] - 77:13, 77:14, 87:1, 96:16, 172:1, 172:4, 172:5, 173:4, 173:5, 173:6, 173:7 willful [3] - 64:10, 80:7, 101:3 willingly [2] - 332:23, 361:20 Wilson [1] - 103:3 wind [1] - 232:12 window [29] - 31:25, 42:20, 43:2, 43:7, 51:8, 52:19, 62:22, 62:24, 76:13, 140:2, 270:23, 277:7, 282:25, 283:1, 283:2, 283:3, 283:9, 283:20, 283:21, 284:1, 284:8, 284:11, 320:11, 320:12, 320:14, 326:14, 351:20, 363:22 windows [2] - 34:22, 249:18 Windows [1] - 270:14 Wine [5] - 83:12, 258:5, 293:22, 293:23, 295:25 wine [18] - 38:3, 38:4, 73:4, 83:9, 83:13, 180:15, 223:15, 223:21, 258:1, 292:17, 293:24, 295:2, 353:17, 354:11, 354:12, 357:3, 364:9, 371:5 wines [4] - 295:4, 295:25, 296:9, 296:10 winter [2] - 187:11, 187:12 wipe [1] - 368:21 wipes [1] - 48:8 wise [1] - 232:24 wish [5] - 70:3, 104:13, 157:3, 397:3, 424:18 witches [1] - 370:2 withdraw [2] - 127:2, 254:24	WITNESS [45] - 2:2, 26:20, 49:11, 51:16, 58:14, 59:18, 99:1, 183:21, 195:2, 210:14, 211:9, 211:14, 212:13, 212:21, 212:24, 213:7, 213:20, 215:14, 216:8, 216:16, 229:15, 236:17, 240:23, 249:5, 250:21, 253:24, 269:4, 273:10, 300:13, 309:3, 309:8, 310:12, 317:8, 317:11, 411:20, 412:6, 412:14, 412:22, 413:2, 413:9, 413:15, 413:18, 414:3, 414:13, 415:19 witness [61] - 24:13, 24:15, 41:10, 102:7, 102:14, 107:18, 107:21, 107:23, 136:5, 136:9, 136:20, 142:24, 153:18, 166:21, 206:14, 209:9, 217:21, 218:17, 232:7, 233:23, 236:7, 236:11, 266:23, 293:10, 301:25, 304:25, 307:14, 318:14, 322:5, 326:8, 326:10, 326:12, 326:13, 334:18, 340:17, 341:3, 341:4, 341:5, 341:8, 341:9, 341:21, 342:3, 342:12, 342:13, 342:14, 347:3, 376:2, 376:4, 378:11, 385:9, 385:20, 386:7, 386:8, 386:12, 386:13, 386:16, 386:18, 387:9, 387:10, 407:14 witness's [4] - 137:2, 137:4, 318:2, 385:10 witnessed [2] - 15:12, 343:15 witnesses [31] - 24:12, 25:19, 41:13, 63:4, 91:7, 92:17, 92:22, 93:2, 93:23, 102:5, 115:6, 115:7, 115:9, 115:15, 138:13, 141:7, 203:4, 217:9, 301:16, 302:7, 304:14, 305:23,	307:20, 314:12, 331:5, 342:9, 371:25, 375:23, 387:2, 388:12, 409:6 woke [3] - 48:2, 79:1, 80:25 women [1] - 360:7 wonder [1] - 361:10 wondering [2] - 71:24, 161:17 wood [3] - 163:2, 271:3, 280:10 woods [6] - 182:15, 182:17, 183:25, 224:13, 224:23, 225:19 word [4] - 84:16, 243:1, 346:21, 347:15 words [13] - 49:10, 51:25, 61:12, 65:16, 84:16, 90:15, 267:25, 272:9, 332:2, 344:8, 344:10, 386:17, 389:10 workers [1] - 205:1 world [7] - 114:25, 115:1, 212:6, 212:14, 314:22, 380:10, 417:5 worn [3] - 163:18, 281:24, 358:5 worried [3] - 316:4, 316:5, 392:6 worrisome [1] - 418:12 worry [2] - 212:8, 406:8 worrying [1] - 370:19 Worse [1] - 9:12 worse [1] - 161:6 worthwhile [1] - 423:23 wrapped [1] - 228:21 wrench [1] - 164:22 write [11] - 16:8, 339:2, 339:20, 381:3, 390:20, 390:21, 390:22, 390:23, 390:25, 416:11 writing [6] - 156:22, 338:22, 338:25, 339:13, 389:22, 389:24 written [2] - 338:3, 376:16
Y				
y'all [13] - 17:14, 23:16, 46:11, 77:8, 101:23, 215:2, 313:24, 314:17,				

339:25, 367:7, 371:17, 391:12, 415:15 y'all's ^[1] - 77:23 yards ^[1] - 31:2 year ^[10] - 11:14, 111:21, 112:13, 206:19, 236:24, 302:11, 404:15, 404:16, 409:11, 410:7 year-old ^[1] - 206:19 Years ^[1] - 353:5 years ^[60] - 11:18, 11:19, 18:14, 18:15, 19:6, 19:10, 20:1, 20:4, 20:5, 20:6, 20:11, 35:24, 39:11, 58:3, 72:18, 87:17, 108:1, 108:6, 108:9, 110:13, 111:13, 111:14, 111:20, 114:9, 126:6, 158:14, 166:20, 175:5, 175:6, 177:1, 181:1, 195:16, 196:20, 219:8, 229:10, 234:23, 268:4, 270:25, 271:1, 286:15, 286:16, 286:17, 294:1, 314:4, 319:6, 338:15, 355:23, 355:25, 402:11, 408:16, 408:18, 409:3, 409:12, 414:17, 415:3, 416:23, 421:14, 424:14, 424:16 yell ^[1] - 246:14 yelled ^[1] - 58:8 yelling ^[4] - 56:3, 56:5, 57:22 Yesterday ^[3] - 153:16, 157:20, 349:9 yesterday ^[16] - 17:10, 152:17, 153:2, 153:17, 156:20, 156:21, 158:4, 158:8, 161:9, 203:20, 206:15, 212:7, 351:3, 419:8 York ^[1] - 112:1 young ^[6] - 71:14, 176:18, 248:12, 248:18, 315:1, 360:7 younger ^[1] - 8:6 youngest ^[1] - 106:10 yourself ^[6] - 14:4, 100:7, 190:16, 245:1, 362:24, 388:23	Z zero ^[3] - 20:5, 190:18, 345:14 zones ^[1] - 214:13 Zyprexa ^[3] - 6:17, 214:18 Zyprexin ^[1] - 160:20

WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

1203165

ARREST WARRANT NUMBER

M996943

DATE OF ARREST

March 14, 2012

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

JUN 14 2012

VERDICT

Guilty Burglary 1st Degree

Foreperson of Petit Jury
Date:

4/22/14

INDICT

DOCKET NO. 2012GS1003189

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

June Term 2012

THE STATE

vs.

SHAWNDELL Q MCCLINTON a/k/a
SHAWNDELL MCCLINTON

DOB: [REDACTED]
B/M

Indictment for

Burglary - 1st Degree

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

INDICTMENT

At a Court of General Sessions, convened on June 11, 2012 the Grand Jurors of Charleston County present upon their oath:

Burglary - 1st Degree

That in Charleston County, South Carolina, on or about February 25, 2012, the Defendant SHAWNDELL Q MCCLENTON a/k/a SHAWNDELL MCCLENTON, did enter the dwelling of Caitlyn Horton, located at [REDACTED] Daniel Ellis Drive, Apt XX106, without consent and with the intent to commit a crime therein. That, in addition, the defendant entered the dwelling at night time; in violation of Section 16-11-311 of the South Carolina Code of Laws (1976) as amended.

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


TIMMY FINCH
ASSISTANT SOLICITOR

WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

1203151

ARREST WARRANT NUMBER

M996607

DATE OF ARREST

February 25, 2012

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury

Date:

MAY 07 2012

VERDICT

Guilty

Betty M. Bramble
Foreperson of Petit Jury

4/22/14
Date:

INDICT

DOCKET NO. 2012GS1002893

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

May Term 2012

THE STATE

vs.

SHAWNDELL Q MCCLINTON

DOB: [REDACTED]

B/M

Indictment for

Breaking and Entering a Motor Vehicle

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.C.
By *[Signature]*
DEPUTY CLERK

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

INDICTMENT

At a Court of General Sessions, convened on May 7, 2012 the Grand Jurors of Charleston County present upon their oath:

Breaking and Entering a Motor Vehicle

That in Charleston County, South Carolina, on or about February 25, 2012, the Defendant, SHAWNDELL Q MCCLENTON, did break or attempt to break into a motor vehicle belonging to Amanda Mitchell, at [REDACTED] Daniel Ellis Drive, South Carolina, with intent to steal the same or anything of value there from: in violation of Section 16-13-160 of the South Carolina Code of Laws (1976) as amended.

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


TIMMY FINCH
ASSISTANT SOLICITOR

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.C.
By  DEPUTY CLERK

WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

1203151

ARREST WARRANT NUMBER

M996600

DATE OF ARREST

February 25, 2012

ACTION OF GRAND JURY

TRUE BILL
TRUE BILL

[Signature]
Foreperson of Grand Jury
Date:

MAY 07 2012

VERDICT

Guilty of Burglary 1st Degree

Kelly M. Bramble
Foreperson of Petit Jury

4/22/14
Date:

INDICT

DOCKET NO. 2012GS1002892

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

May Term 2012

THE STATE

vs.

SHAWNDELL Q MCCLINTON

DOB: [REDACTED]
B/M

Indictment for

Burglary - 1st Degree

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.C.
By *[Signature]*
DEPUTY CLERK

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)

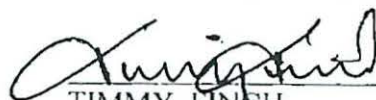
INDICTMENT

At a Court of General Sessions, convened on May 7, 2012 the Grand Jurors of Charleston County present upon their oath:

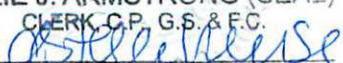
Burglary - 1st Degree

That in Charleston County, South Carolina, on or about February 25, 2012, the Defendant SHAWNDELL Q MCCLINTON, did enter the dwelling of Amanda Mitchell, located at [REDACTED] Daniel Ellis, Apt 14103, without consent and with the intent to commit a crime therein. That, in addition, the defendant entered the dwelling at night time: in violation of Section 16-11-311 of the South Carolina Code of Laws (1976) as amended.

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



TIMMY FINCH
 ASSISTANT SOLICITOR

ATTEST: A TRUE COPY
 JULIE J. ARMSTRONG (SEAL)
 CLERK, C.P., G.S. & F.C.
 By 
 DEPUTY CLERK

COUNTY OF Charleston
STATE VS.
Shawndell Q McClenton

AKA: _____
Race: BLACK Sex: M Age: 35
DOB: [REDACTED] SS#: [REDACTED]
Address: [REDACTED]
City, State, Zip: [REDACTED]
DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
In disposition of the said indictment comes now the Defendant who was
TO: Burglary, 1st degree

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted. ☐ Lesser Included Offense. ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: [Signature] 78223
Finch, Nimmy SC Bar# _____ Defendant Attorney for Defendant SC Bar# _____

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 24 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. (654 days credit)
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
☐ Set by SCDPPPS _____

Recipient: _____
*Fine: \$ _____
§ 14-1-206 (Assessments 107.5 %) \$ _____
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____
§ 56-5-2995 (DUI Assessment) \$12 \$ _____
§ 56-1-286 (DUI Breath Test) \$25 \$ _____
Proviso 47.9 (Public Def/Prob) \$500 \$ _____
§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____
§ 50-21-114 (DUI Breath Test Fee) \$50 \$ _____
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00
3% to County (if paid in installments) \$ 3.90
TOTAL \$ 133.90

_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk
Court Reporter: Amanda Haffender
SCCA/217 (03/2011)

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
By [Signature]
DEPUTY CLERK

[Signature]
2127
April 23, 2014

INDICTMENT/CASE#: 2012GS1002892
A/W#: M996600
Date of Offense: 2/25/2012
S.C. Code § : 16-11-0311
CDR Code #: 0079

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Charleston
 STATE VS.
Shawndell Q McClenton

AKA: _____
 Race: BLACK Sex: M Age: 35
 DOB: [REDACTED] SS#: [REDACTED]
 Address: [REDACTED]
 City, State, Zip: [REDACTED]
 DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Breaking & Entering a Motor Vehicle

INDICTMENT/CASE#: 2012GS1002893A/W#: M996607Date of Offense: 2/25/2012S.C. Code §: 16-13-0160(1)(2), (B)CDR Code #: 0258

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-13-0160(1)(2), (B) of the S.C. Code of Laws, bearing CDR Code # 0258

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted. ☐ Lesser Included Offense. ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation. ☐ Negotiated Sentence. ☐ Recommendation by the State.

ATTEST:

Finch, Timmy 78223 SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections. (654 dzys credit)

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
 Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$133.90

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Clerk of Court/ Deputy Clerk

Court Reporter: Amanda Haffenden

SCCA/217 (03/2011)

Presiding Judge

ATTEST: JULIE J. ARMSTRONG
 CLERK, C.P., G.S. & F.C.
 By [Signature]
 DEPUTY CLERK

[Signature]
3/27
4/11/23, 2014

486
STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

CHARLESTON COUNTY

Plaintiff(s)

vs.

SHAWNDELL Q. MCCLENTION

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2014-CP-10-3253

(Please Print)

Submitted By: SHAWNDELL Q. MCCLENTION

Address: Kirkland Rd E F3-201A
4344 Broad River Rd.
Columbia, SC 29210

SC Bar #:

Telephone #:

Fax #:

Other:

E-mail:

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

**If Action is Judgment/Settlement do not complete*

- ☐ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

Contracts	Torts - Professional Malpractice	Torts - Personal Injury	Real Property
☐ Constructions (100)	☐ Dental Malpractice (200)	☐ Assault/Slander/Libel (300)	☐ Claim & Delivery (400)
☐ Debt Collection (110)	☐ Legal Malpractice (210)	☐ Conversion (310)	☐ Condemnation (410)
☐ Employment (120)	☐ Medical Malpractice (220)	☐ Motor Vehicle Accident (320)	☐ Foreclosure (420)
☐ General (130)	Previous Notice of Intent Case #	☐ Premises Liability (330)	☐ Mechanic's Lien (430)
☐ Breach of Contract (140)	20__-CP-__-__	☐ Products Liability (340)	☐ Partition (440)
☐ Other (199)	☐ Notice/ File Med Mal (230)	☐ Personal Injury (350)	☐ Possession (450)
	☐ Other (299)	☐ Wrongful Death (360)	☐ Building Code Violation (460)
		☐ Other (399)	☐ Other (499)
-
Inmate Petitions	Judgments/Settlements	Administrative Law/Relief	Appeals
☒ PCR (500)	☐ Death Settlement (700)	☐ Reinstate Driver's License (800)	☐ Arbitration (900)
☐ Mandamus (520)	☐ Foreign Judgment (710)	☐ Judicial Review (810)	☐ Magistrate-Civil (910)
☐ Habeas Corpus (530)	☐ Magistrate's Judgment (720)	☐ Relief (820)	☐ Magistrate-Criminal (920)
☐ Other (599)	☐ Minor Settlement (730)	☐ Permanent Injunction (830)	☐ Municipal (930)
	☐ Transcript Judgment (740)	☐ Forfeiture-Petition (840)	☐ Probate Court (940)
	☐ Lis Pendens (750)	☐ Forfeiture-Consent Order (850)	☐ SCDOT (950)
	☐ Transfer of Structured Settlement Payment Rights Application (760)	☐ Other (899)	☐ Worker's Comp (960)
	☐ Other (799)		☐ Zoning Board (970)
-
Special/Complex /Other			
☐ Environmental (600)	☐ Pharmaceuticals (630)		☐ Administrative Law Judge (980)
☐ Automobile Arb. (610)	☐ Unfair Trade Practices (640)		☐ Public Service Commission (990)
☐ Medical (620)	☐ Out-of State Depositions (650)		☐ Employment Security Comm (991)
☐ Other (699)	☐ Sexual Predator (510)		☐ Other (999)

Submitting Party Signature: Shawnndell McClention

Date:

FORM 5

STATE OF SOUTH CAROLINA)

County of CHARLESTON)

2014-CP-10-3253

IN THE COURT OF COMMON PLEAS

SHAWNDELL D. MCCLENTON 255562)

Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

APPLICATION FOR

POST-CONVICTION RELIEF

FILED
JULIE J. ARMSTRONG
CLERK OF COURT
MAY 21 PM 12:16INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Sheriff ALCANON DETENTION CENTER
present detention
2. Name and location of Court which imposed sentence NINTH JUDICIAL CIRCUIT
CHARLESTON COUNTY, CHARLESTON, SOUTH CAROLINA
3. Name(s) of co-defendant(s) (if any) DAWN M. LEE
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
(a) Indictment NOS : 2012 GSI 002892

- (b) Indictment No. : 2012 GS1602893
- (c) Burglary 1st, B&E Auto
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) April 23, 2014, Wednesday, Non-Violent 5 yrs. B&E Auto
- (b) dept. of corrections Concurrent, Credit 654 days.
- (c) April 23, 2014, 24 yrs. Violent, Concurrent w/ 654 days Credit. Burg. 1st.
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty JURY TRIAL
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
YES.
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. STATE OF SOUTH CAROLINA IN THE COURT OF APPEALS
- ii. Appeal from CHARLESTON COUNTY COURT of General Sessions
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Still pending or open
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. Still open or pending Action
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. NONE
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____

- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Lack of subject matter Jurisdiction
- (b) INEFFECTIVE ASSISTANCE OF COUNSEL
- (c) ~~Coercion from the state through my~~ Defense Attorney
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) _____
- (b) _____
- (c) ~~the state through my Defense Attorney~~
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? YES
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NONE
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NONE
- (d) any other petitions, motions or applications in this or any other Court? YES
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. Appealing Conviction
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. SOUTH CAROLINA COURT OF APPEAL
- ii. _____
- iii. _____

iv. _____

(c) the disposition thereof:

i. N/A

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. N/A

ii. _____

iii. _____

iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. N/A

ii. _____

iii. _____

iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

N/A

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. N/A

ii. _____

iii. _____

(b) the proceedings in which each ground was raised:

i. N/A

ii. _____

iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) N/A
 (b) _____
 (c) _____

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? ALL
 (b) your trial, if any? ALL
 (c) your sentencing? ALL
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? ~~ALL~~ N/A
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? N/A

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

i. Benjamin C. Lewis, O.T. Wallace County Office Bldg
101 Meeting STREET, 5th FLOOR Charleston, S.C. 29401

ii. _____
 iii. _____

(b) the proceedings at which each such attorney represented you:

i. Jury Trial
 ii. _____
 iii. _____

19. State clearly the relief you seek in filing this application:

Sentence Reduction and/or Sentence Vacated
And New Trial after sentence vacated

20. Are you now under sentence from any other court that you have not challenged?

NO

Revised 3/2003

STATE OF SOUTH CAROLINA)

County of CHARLESTON)

VERIFICATION

I, SHAWDELL MCCLENTON, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

X Shawdell McClenton 5/16/14

SWORN to and subscribed before me this 16TH
 day of MAY, 2014.

Laencia Allen - Dizon (L.S.)
 Notary Public

My Commission Expires: April 12, 2023

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, SHAWNDELL MCCLENTON, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Shandell McClenton 5/16/14
Applicant

SWORN or affirmed to and subscribed before me this

16th day of May, 2014.

Shandell Rhea - Dyer
Notary Public

My Commission Expires: April 12, 2023

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	)	FOR THE NINTH JUDICIAL CIRCUIT
	)	
Shawndell Q. McClenton, SCDC #255563	)	Case No.: 2014-CP-10-3253
Applicant,	)	
	)	
v.	)	RETURN
	)	
State of South Carolina	)	
	)	
Respondent,	)	
	)	

2017 SEP 20 AM 10:51
 JULIE J. ADAMS
 CLERK OF COURT
 FILED

Respondent, making its Return to the application for post-conviction relief filed on May 21, 2014, would respectfully show this Court:

I. Procedural Posture

Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Charleston County Clerk of Court's orders of commitment.

During its May 2012 Term, the Charleston County Grand Jury indicted Applicant for one count of Burglary, First Degree, on Indictment 2012-GS-10-02892, and one count of Breaking and Entering a Motor Vehicle, on Indictment 2012-GS-10-02892. During its June, 2012 Term, the Charleston County Grand Jury indicted Applicant on another count of Burglary, First Degree, on Indictment 2012-GS-100-3189.

The Applicant proceeded to a jury trial before the Honorable Clifton Newman on April 21, 2014. The Applicant was represented by Andrew Grimes, Esquire and Christine Parnall, Esquire. The State was represented by Assistant Solicitor Timmy Finch and Assistant Solicitor Greg Voigt. The Jury returned a verdict of guilty on all three counts on April 22nd. On April 23, Judge Newman sentenced Applicant to a term of twenty four years imprisonment on each

Burglary charge and a term of five years imprisonment on the Breaking and Entering a Motor Vehicle charge, all of which are to be served concurrently.

The Applicant appealed his conviction. The Applicant was represented by Joshua Brent Raffini, Esquire and Chief Appellate Defender Robert Michael Dudek. The State was represented by Assistant Attorney General Mark Reynolds Farthing, Esquire. The Court of Appeals affirmed Applicant's conviction. State v. Shawndell McClenton, 2016-UP-306 (S.C. Ct. App. June 22, 2016).

The Applicant filed his Application for Post-Conviction Relief on May 21, 2014. The Applicant filed a second Application for Post-Conviction Relief on November 4, 2016. The Honorable Deadra L. Jefferson, Chief Administrative Judge for the Ninth Circuit, by Order dated May 11, 2017 and filed May 12, 2017, consolidated the two cases together. The Order of Consolidation requires that the second case be merged into the first case. The Order also required that the Application from the first (surviving case) be considered the Application for Post-Conviction Relief and the Application from the second (ended case) be considered an Amendment to the original Application.

Attached to this Return and incorporated by reference are the records of the Charleston County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the plea transcript, and the application. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II. Facts of the Case from the Trial

Two apartments were burglarized in the Peninsula Condominiums on James Island the night of February 25, 2012. (Tr. p. 238; pp. 273-274.) A complex resident, Jeremy Jacobs ("Jacobs"), returned home that evening then took his dog outside. (Tr. pp. 128-129; pp. 143-

144.) He saw a man in a white car who appeared to be looking for something in the console. (Tr. p. 144.) The vehicle's dome light illuminated the man so that Jacobs got a good look at him. (Tr. pp. 144-145.) Jacobs also noted a blue Chevy Cavalier parked nearby. (Tr. p. 145.) He also observed the man walk up to the apartment below Jacobs' and approach the door as if to check that it was locked. (Tr. p. 146.) Again, the area near the door was well-lit, so Jacobs had a good view of the man. (Tr. p. 146.) Jacobs then observed Applicant get into the older model blue Chevrolet Cavalier parked nearby and leave. (Tr. p. 131.) He was able to observe that a white female with brown hair in a ponytail was driving the Cavalier. (Tr. p. 131.)

Another complex resident, Warren Johnson ("Johnson"), also observed the man's actions at the white car. Johnson returned to his apartment that night after a trip to the grocery store. (Tr. pp. 219-220.) He noticed an individual in the breezeway as he walked in with his groceries. (Tr. p. 220.) The two exchanged a brief greeting. (Tr. pp. 221-222.) Johnson realized he left his cell phone in his car, and he went outside to retrieve it. (Tr. p. 222.) The man he had passed in the breezeway earlier was "now on the first floor behind a series of bushes here, and when [Johnson] looked over,... [the man] backed...into the breezeway, just backed up [into a different breezeway]." (Tr. p. 222.) Johnson found the man's behavior to be suspicious. (Tr. p. 223.) Johnson returned to his apartment, poured himself a glass of wine and went out onto his porch. (Tr. p. 223.) After about five minutes, Johnson heard some rustling, "an awkward sound of glass and plastic and awkward movement." (Tr. p. 223.) Looking down from the porch, Johnson observed the man with bags in a grassy area near an apartment. (Tr. p. 224; p. 231.) The man held a key fob in the air and clicked it a few times. (Tr. p. 224.) Johnson then watched as the man went to a white vehicle which lit up. (Tr. p. 224.) A blue car pulled up next to the white car. (Tr. p. 225.) Johnson then observed the man make several trips between the white car and the blue

car. (Tr. p. 226.) Johnson narrated his observations to a 911 dispatcher. (Tr. p. 227.) The call ended with the police nearby. (Tr. p. 228.)

Officer Joe Teich (“Teich”) received a dispatch at 10:25 pm to respond to the Peninsula Condos as a result of Johnson’s phone call. (Tr. p. 238; p. 306.) Teich arrived less than two minutes after receiving the dispatch. (Tr. p. 239.) Access to the Peninsula Condos could be had only by way of Daniel Ellis Drive, a road off Folly Road. (Tr. p. 239.) Daniel Ellis Drive proceeds past some businesses, including a Lowe’s hardware store, and dead-ends in the Peninsula Condos. (Tr. p. 239; p. 241.) Teich parked in the Lowe’s parking lot with his headlights on to see anyone leaving the complex. (Tr. p. 242.) He received a description of a blue sedan with a black male wearing a white sweatshirt or sweater. (Tr. p. 242.) A blue sedan with a black male occupant wearing a white shirt “passed through [his] light beam” as it exited the Peninsula Condos. (Tr. p. 243.) Teich initiated a traffic stop. (Tr. p. 243.)

Applicant was the passenger in the vehicle, wearing a white shirt. (Tr. p. 246.) The driver was a female, Dawn Lee (“Lee”), and there was a young infant in the car. (Tr. p. 248.) Applicant informed Teich that Lee had dropped him off at the complex to see a friend, but he had been unable to find the friend’s apartment so she picked him up. (Tr. p. 254.) Within five minutes of initiating the stop, Teich received information a forced entry was involved, and he received additional information regarding the items missing from the burglarized apartments. (Tr. p. 247; p. 251.)

Teich was given Lee’s consent to look in the trunk of the car. (Tr. pp. 251-253.) He immediately noticed a white trash bag as described by Johnson. (Tr. p. 257.) The bags contained wine bottles and electronic items which were reported missing from the burglarized apartments. (Tr. p. 258; p. 261.) A tire tool was in the trunk alongside the items. (Tr. p. 266.) A screwdriver,

a crowbar, and a flashlight were also in the car. (Tr. p. 259; p. 261; pp. 264-265.) A watch, jewelry, and cameras taken from the apartments were found in the pockets of a coat Applicant was sitting on in the car. (Tr. pp. 262-264.)

Meanwhile, back in his apartment, Jacobs saw blue lights outside. (Tr. p. 146.) Jacobs saw police officers with flashlights near the white car. (Tr. p. 131, pp. 146-147.) Jacobs informed the officers that he had seen the man who he believed owned the car earlier, but the man had left with someone else. (Tr. p. 132, p. 147.) Officers asked Jacobs to accompany them to see if Applicant was the man Jacobs saw at the white car. (Tr. p. 132.) Jacobs was brought to the Lowe's parking lot. (Tr. p. 132, p. 147.) Jacobs identified Applicant without hesitation as the man he had seen in the white car earlier. (Tr. pp. 132-133, p. 148.) Jacobs was very certain of his identification, rating his certainty on a scale of one to ten, a "ten out of ten." (Tr. pp. 132-133, p. 148, p. 150.) Jacobs recognized Applicant not only by his facial features but also by his clothing, a "white sweater pullover and dark jeans." (Tr. p. 133.) Applicant was in handcuffs when Jacobs observed him. (Tr. p. 135.) Johnson was able to identify the blue vehicle stopped by police just outside the complex as the blue vehicle he observed as he spoke to dispatch. (Tr. p. 229.)

One of the victims, Amanda Mitchell ("Mitchell"), reported she went over to a friend's house on the evening of February 25, 2012. Around 9:30, after she had been away from home for about 2 hours, she received a phone call from police asking her to return home immediately. (Tr. p. 294.) Mitchell testified it was dark out, the sun just setting, when she left for her friend's house. (Tr. p. 294; p. 299.) Mitchell worked as a sales representative for a wine and spirits company, and she kept several bottles of wine in her home. (Tr. p. 295.) She owned a white Hyundai Sonata which she left at the apartment complex that night. (Tr. pp. 294-295.) Mitchell kept a spare key in her dresser. (Tr. p. 297.) Upon returning home, she noted several missing

items: shoes, wine, personal computer, work computer, a digital camera, and jewelry. (Tr. pp. 295-296.) Her missing items were among those found in Applicant's car. (Tr. p. 296.) Marks on her apartment door seemed to indicate that some sort of straight edged implement had been used to gain entry. (Tr. pp. 278-279.)

The other victim, Caitlyn Horton ("Horton"), left her apartment the night of February 25, 2012, around 6:30 or 7:00 pm. (Tr. p. 319.) She left a window open with the screen in place. (Tr. pp. 282-284; p. 320.) When police arrived, the screen was removed outside, and that was the presumed point of entry. (Tr. p. 283.) A wallet containing her social security card was taken but returned to her after it was recovered in Applicant's car. (Tr. p. 320.)

In a statement to police, Applicant claimed he was dropped off at the apartments by a friend but would not say who the friend was. (Tr. p. 316; State's Exhibit 34, video statement.)

III. Allegations Presented

The Applicant alleges, as a result of his Application and subsequent amendment, that he is being held unlawfully on the following grounds:

1. That the Court lacked Subject Matter Jurisdiction over the Trial; and
2. That the Applicant received Ineffective Assistance of Counsel due to:
 - a. The Applicant's Lawyer failed in that there was coercion from the State through the Applicant's Defense Attorney;
 - b. The Applicant's Lawyer failed to have his client properly evaluated by Medical personnel based on the Applicant's behavior; and
 - c. The Applicant's Lawyer failed to object to the Prosecution misleading the Jury during closing arguments.

IV. State's Position as to Applicant's Claims

A. State's Position as to the Claim of Ineffective Assistance of Counsel

Applicant alleges he received ineffective assistance of counsel. Nevertheless, Respondent contends Applicant's counsel rendered adequate assistance and provided representation within the range of competence required by attorneys in criminal cases. See Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

In a post-conviction relief proceeding, the applicant bears the burden of proving the allegations in his or her application. See Butler, 286 S.C. at 442, 334 S.E.2d at 814. Where ineffective assistance of counsel is alleged as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 686 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. See Strickland, 466 U.S. at 669. Applicant must overcome this presumption in order to receive relief. See Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, (citing Strickland, 466 U.S. at 688). Second, counsel's deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but