

Roger Poole - Direct examination
By Ms. Flores

1555

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1 this afternoon before the Court.

2 THE COURT: Certainly he can be excused. S.C. SUPREME COURT

3 No objection from the applicant?

4 MS. ROSS: No objection.

5 THE COURT: Okay. He's excused.

6 MS. FLORES: At this time, the State calls Mr. J.

7 Roger Poole.

8 THE COURT: Okay. Mr. Poole, would you raise your
9 right-hand for me?

10 ROGER POOLE, being first duly
11 sworn, testified as follows:

12 THE COURT: All right.

13 DIRECT EXAMINATION

14 BY MS. FLORES:

15 Q. Good morning, Mr. Poole.

16 A. Good morning.

17 Q. So, about how long have you been practicing law?

18 A. Forty-five years.

19 Q. Okay. And about how much of that has been in
20 criminal law?

21 A. A great proportion of it during the entire 45 years.

22 Q. And what is your relation to this case today?

23 A. I represented Mr. Cathcart at trial.

24 Q. And were you appointed or retained?

25 A. I think it was 2010 I think.

1 Q. And do you recall about how long before his trial you
2 were retained by Mr. Cathcart?

3 A. A few months. A few months it was.

4 So, I -- when the great recession came in 2008, 2009,
5 I closed down my private practice and came on board with
6 the Public Defender's Office. So, that was my move in
7 that regard. So I was just still relatively new in the
8 Public Defender's Office at that time.

9 Q. And do you recall anything about how you came to
10 represent Mr. Cathcart?

11 I know Mr. Turnipseed was before you.

12 A. Before me, I didn't know anything about Mr. Cathcart
13 until we get the file.

14 Q. And did you have any opportunity to see
15 Mr. Turnipseed's file?

16 A. No.

17 Q. And did Mr. Cathcart ever tell you about anything
18 with any meetings between him and the solicitor and
19 Mr. Williams?

20 A. There was some discussion of that and I, I didn't
21 really know the nature of it to the best of my
22 recollection. You know, this has been 14 years ago and --
23 but my impression was that it didn't go, go too good for
24 Mr. Cathcart because the cases had not changed in -- from
25 their original charge. Nothing had been dismissed or any

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

IN THE COURT OF GENERAL SESSIONS

THE STATE,)
)
)
v)
)
)

DEFENDANT'S
LIST OF POTENTIAL WITNESSES

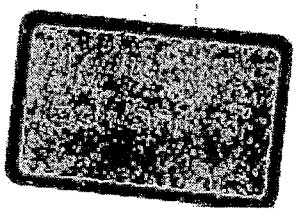
DARIUS CATHCART, Defendant)

- 1. Taneisha Cathcart
- 2. Tiorra Keenan
- 3. Tanese Shaw
- 4. Chastity Booker
- 5. Simone Winn
- 6. Christian Nash
- 7. Monique Brown
- 8. Keith Meadows

- 9. Edward Robinson *He identified the shooter and wrote a statement*
- 10. Antwan Mack *actual shooter*
- 11. Taryn Morris
- ✓ 12. Dangelo Miller *Drove from the other car*
- 13. Patricia Cathcart
- ✓ 14. Braylon Morris *Diant subpoena*

J. Roger Poole

J. Roger Poole
Seventh Circuit Public Defender's Office



1 Q. Now, as far as instruction of -- jury instructions,
2 did, did he request a duress instruction?

3 A. No, ma'am.

4 Q. Did he take exception to any of the jury's
5 instruction?

6 Did he object to them?

7 Do you recall?

8 A. No, ma'am.

9 Q. And -- now, as far as closing, did your attorney
10 object to any during the State's closing argument?

11 A. No, ma'am.

12 Q. You talked about the arson.

13 what was -- what did you think was the problem with
14 referring to the arson of the car?

15 A. I mean I guess it was in gest because you giving --
16 it was given to the jury as if I was actually in concert,
17 concert with the whole situation because it's like, in
18 closing, the State said that I burnt my car to get rid of
19 evidence in which, prior to trial, my trial attorney said
20 that my car wasn't even gonna be mentioned, the burning of
21 the car. So, no, he did not object to it in closing.

22 Q. And I'm gonna just briefly reference you to Page 424,
23 Line 10. This is Mr. Gray's closing.

24 what does he say about the car?

25 A. They tried their best to get rid of the evidence and

1 they did.

2 Q. And that was referenced to burning the car?

3 A. Yeah, it say -- well, actually the car use to be
4 green. But, mysteriously, the car they were driving burnt
5 up. But Mr. Williams there still did a job to ID.

6 Q. And taking you down to Line 16 --

7 A. Uh-huh. (Affirmative).

8 Q. -- in the closing, what does he say about who he
9 believes -- why is the hand of all and who believes the
10 shooter was?

11 A. Cause it, cause it was plain Mr. Cathcart was the
12 driver and Reeder was the shooter.

13 Q. And then he said why is this hand of one, hand of all
14 because---

15 A. Uh-huh. (Affirmative).

16 Q. ---it was plain and that's Line 16?

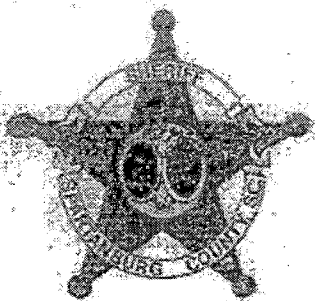
17 A. Yes, ma'am.

18 Q. Do you recall him making reference to why the
19 defendants didn't call Lorin Williams in his closing, and,
20 if not, that's okay.

21 It's just --?

22 A. No, ma'am.

23 Q. And I believe in this case, just real quick, that
24 were you charged with -- I've got two cases this morning.
25 I'm getting this mixed up.



Spartanburg County Sheriff's Office

CHUCK WRIGHT, SHERIFF

AFFIDAVIT OF PHOTOGRAPH IDENTIFICATION

Case Number: 2009030662

Date: 11-11-09

Time: 1530

Location: SOCTD

I, Edward Lee Robinson, have viewed a group of 6 photographs this 11 day of Nov, 2009, from which I have positively identified photograph number 1554245 displayed to me by L. Williams of the Spartanburg County Sheriff's Office as the person who I know as Antwan Mack

on the 11 day of Nov, 2009.

Signature: [Handwritten Signature]

Print Name: Edward Robinson

Address: 138 Oxford Rd

Spartanburg SC 29303

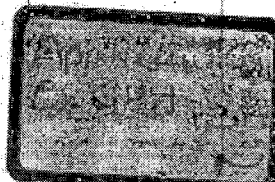
Phone: 864 583 5045

SWORN to before me this 11 day of Nov, 2009.

[Handwritten Signature]
Notary Public for South Carolina

My commission expires; 04-07-2015

COPY



CASE# 2009030662	VOLUNTARY STATEMENT		PAGE / of /
STATEMENT OF: Edward Robinson	AGE: 21	DATE: 11-11-09	
ADDRESS: 138 Oxford Blvd			
PHONE # 804 583-5045	DOB: 7-1-88	SSN: 218-75-5688	

Andrew Mack told me Edward Robinson that he did kill AT and he set fire to Jim's carport car. How I found this info out is Andrew Mac and I got into a physical altercation. Andrew Mac told me I was nothing to get mad at and he will do me the same way he did the lil nigger from Lake view morning (CAJ). 2 days after our altercation he wanted to squish beef with me, he says that he has a lot on his mind and its not worth it then we started to converse about what happened the night AT was murdered he says that he put all kinds of bullets into the car he was shooting at, then Andrew mac told me he had to burn Darius car up to get rid of evidence. He told me that at his girl friends house (Big Nick) she lives in crosscut hills apt B building 100 ——— end of statement ———

I have read this statement consisting of 1 pages(s), and I swear that the statement that I have just given is the truth, the whole truth, and nothing but the truth, so help me God. I also swear this statement was given freely and voluntarily and I have received a copy of my statement.

This statement was completed at 1450 P.M. on the 11 day of November 2009

WITNESS [Signature]

[Signature]
Signature of person giving voluntary statement

SWORN to before me this 11th day of NOV, 2009

(Seal)
Notary Public of South Carolina
My Commission expires: 6-9-17

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Race

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Sex

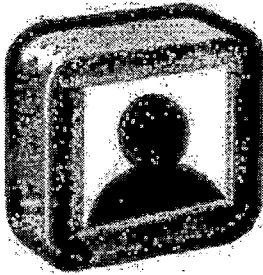
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mack

1 Result for search antwaun mack

Clear Form

Search



ANTWAUN LAMAR MACK

Register Number: 22278-171

Age: 38
Race: Black
Sex: Male

Located at: Bennettsville FCI
Release Date: 08/11/2026

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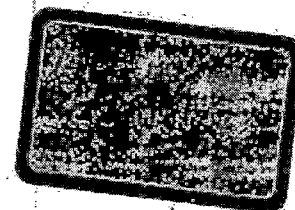
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8/24/09
D.C.



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1554283



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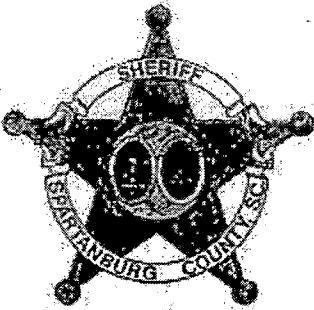


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Spartanburg County Sheriff's Office

CHUCK WRIGHT, SHERIFF

AFFIDAVIT OF PHOTOGRAPH IDENTIFICATION

Case Number: 2009030662
Date: 8-24-09
Time: 10:51 am
Location: SO CID

I, Darius Cathcart, have viewed a group of 6
photographs this 24 day of August, 2009, from which I have positively
identified photograph number 1554283 displayed to me by
L. Williams of the Spartanburg County Sheriff's Office
as the person who shot the Gitter boy and who sat my car
on fire

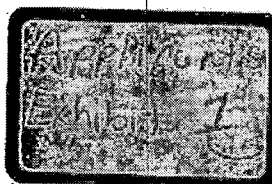
on the 24 day of August, 2009

Signature: Darius Cathcart
Print Name: Darius Cathcart
Address: 336 Crestview Dr
Spartanburg, SC 29306
Phone: (864) 804-1609

SWORN to before me this 24 day of
August, 2009.

[Signature]
Notary Public for South Carolina
My commission expires; 8-22-10.

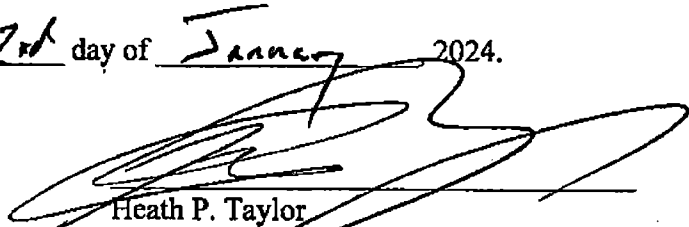
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this magnitude is unquestionably deficient under the Strickland standard. Additionally, this Court finds and concludes that there is a reasonable probability that but for trial counsel's error, the result of Applicant's trial would have been different. In addition to the conflict issue set forth above, the Court finds and concludes that Applicant is entitled to relief pursuant to Strickland.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the post-conviction relief application is hereby granted, Applicant's case is hereby remanded to the Court of General Sessions.

AND IT IS SO ORDERED this 7th day of January 2024.



Heath P. Taylor
Presiding Judge
Seventh Judicial Circuit

Orangeburg, South Carolina.

FILED
2025 JAN 14 PM 4:16
CLERK OF COURT
SPARTANBURG COUNTY
AND W. CO.