

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

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APPEAL FROM GREENWOOD COUNTY

Thomas L. Hughston, Jr., Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DANIEL DEMOND GRIFFIN,

APPELLANT

APPELLATE CASE NO. 2012-213602

RECORD ON APPEAL

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**THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:
STATE'S EXHIBIT #1 (PHOTOGRAPH)**

State of South Carolina)	In the Court of General Sessions
County of Greenwood)	Eighth Judicial Circuit
	2011-GS-24-793
	2011-GS-24-794
	2011-GS-24-795

State of South Carolina,	)	
Plaintiff,	)	
vs.	)	Transcript of Record
Daniel Griffin,	)	
Defendant.	)	

May 8, 2012
Greenwood, South Carolina

B e f o r e:

The Honorable Thomas L. Hughston, Jr., Judge

A p p e a r a n c e s:

Andrew M. Hodges, Esquire
Attorney for the Plaintiff

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Attorney for the Defendant

Maryann S. Nevers, CVR-M-CM
Circuit Court Reporter

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EXHIBITS

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1 (Whereupon, State's Exhibits 1 through 13 were
2 premarked for identification.)

3 (Whereupon, the proceeding was commenced at 9:41 a.m.)

4 THE COURT: All right. The state is ready to go on
5 the case of the *State v. Daniel Demond Griffin*; is that
6 right?

7 MR. HODGES: That's correct, Your Honor.

8 THE COURT: Charged with assault and battery -- are
9 you -- are you Daniel Demond Griffin?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: All right. You can be seated. And I
12 understand, Mr. Henderson, that your client has agreed to
13 have this charge of assault and battery -- is it just one?
14 -- and also armed robbery -- excuse me; oh, I see -- armed
15 robbery and assault and battery and violation of Section
16 16-23-490; that is, committing armed robbery while armed
17 with a firearm -- to have those charged tried nonjury
18 before me?

19 MR. HENDERSON: That is correct, Your Honor.

20 THE COURT: All right.

21 MR. HENDERSON: We have discussed that extensively.
22 And -- and there -- there would be some redaction issues,
23 testifying codefendants, nontestifying codefendants. And
24 Mr. Hodges and I have discussed, too, that if this went
25 before a jury, this could turn into a circus that would

1 create a mistrial, and that's something that we do not
2 want. Because ---

3 THE COURT: All right.

4 MR. HENDERSON: --- we know His Honor can ignore the
5 relevant nonadmissible evidence that may ---

6 THE COURT: All right.

7 MR. HENDERSON: --- slip out in this.

8 THE COURT: I'll do my best to fulfill that. All
9 right. The state can -- agrees and consents to a nonjury
10 trial on these charges?

11 MR. HODGES: The state would agree to that, Your
12 Honor.

13 THE COURT: Call your first witness.

14 MR. HODGES: And -- and, Your Honor, I would -- I
15 would point out that the assault and battery charge is
16 assault and battery first-degree ---

17 THE COURT: All right.

18 MR. HODGES: --- under the ---

19 THE COURT: I'd ---

20 MR. HODGES: --- new omnibus crime -- the ---

21 THE COURT: All right. First-degree. All right.

22 MR. HODGES: And, Your Honor, the state would call
23 Quentin Carter. (To the bailiff) Quentin Carter.

24 THE BAILIFF: What's the name?

25 MR. HODGES: Quentin Carter. And, Your Honor, just so

1 the record's complete, Mr. Henderson had asked that the
2 witnesses be sequestered. We have sequestered all the
3 witnesses, except ---

4 THE COURT: All right.

5 MR. HODGES: --- for the lead investigator, Ray
6 Watson.

7 MR. HENDERSON: That's my understanding, Your Honor.

8 QUENTIN CARTER, having been first duly sworn,
9 testified as follows:

10 THE COURT: Tell me your name.

11 THE WITNESS: Quentin Carter.

12 THE COURT: All right. Quentin -- you don't really
13 need to really worry about that microphone, but just talk
14 loud. Quentin Carter?

15 THE WITNESS: Yes, sir.

16 THE COURT: All right. Keep your voice up. You maybe
17 -- you -- maybe you do need to slide up and get close to
18 that microphone -- little closer, anyway.

19 THE WITNESS: (Complied.)

20 THE COURT: Pull it toward you -- you can if you want
21 to.

22 THE WITNESS: (Complied.)

23 THE COURT: Now try it out. Say your name again.

24 THE WITNESS: Quentin Carter.

25 THE COURT: Okay. That's good.

1 MR. HODGES: Thank you, Your Honor.

2 DIRECT EXAMINATION.

3 BY MR. HODGES:

4 Q Mr. Carter, where do you live?

5 A Apartments.

6 Q All right. Is that here in Greenwood?

7 A Yes, sir.

8 Q How long have you lived in Greenwood?

9 A All my life.

10 Q All right. Were you living here back in November of
11 2010?

12 A Yes, sir.

13 Q Okay. I'm going to take you back to November the 30th
14 of 2010. And starting when you went to Kmart, if you
15 could, just tell us: Who -- who were you with, and why'd
16 you go to Kmart that day?

17 A I was with my daughter, taking her to Kmart to get
18 some batteries for some toys she had.

19 Q All right. How -- how old's your daughter -- or how
20 old was she at the time?

21 A She had just turned 2.

22 Q Okay. And where is that Kmart?

23 A On the bypass, close by the mall -- close by the
24 Greenwood Mall on the bypass.

25 Q Okay. But it -- so the Kmart we're talking about is

DIRECT EXAMINATION BY MR. HODGES - QUENTIN CARTER 11

1 the Kmart here in Greenwood?

2 A Yes, sir.

3 Q All right. Do you know what county that's in?

4 A Greenwood County.

5 Q Now, how did you -- how did you get to the Kmart?

6 A I drove.

7 Q All right. What were you driving?

8 A Burgundy Crown Vic.

9 Q Okay. And where was your daughter in the vehicle?

10 A In the backseat in her car seat..

11 Q Where did you go after you left the Kmart?

12 A To Zaxby's.

13 Q Okay. And what -- about what time of day was this,
14 you think?

15 A It was early in the morning, about 10/11 -- eleven
16 o'clock area.

17 Q Okay. What -- what caused you to go to the Zaxby's?

18 A Just get her something to eat.

19 Q Okay. What is the -- what -- what route did you take
20 to get from Kmart to go to Zaxby's? How do you -- how do
21 you get from Kmart to Zaxby's?

22 A I left out of Kmart and went -- took a left and went
23 all the way back up the bypass.

24 Q So you took a left onto the bypass?

25 A Yes.

DIRECT EXAMINATION BY MR. HODGES - QUENTIN CARTER 12

1 Q Okay. While you were driving from Kmart to Zaxby's,
2 did you notice anything that caught your attention?

3 A Not immediately.

4 Q Okay. Well, what, if anything, did you notice during
5 that drive?

6 A I -- I noticed a car pass me and turn around and get
7 right behind me.

8 Q All right. When -- when you say that you saw a car
9 pass you, where did you see it pass you?

10 A We was on the -- we was up the bypass a little bit,
11 probably closer by, say, Enterprise right at that end, the
12 rental company ---

13 Q Okay.

14 A --- probably right in that area.

15 Q And when you say the vehicle passed you, are you
16 saying that it -- was it going the same direction ---

17 A No.

18 Q --- as you or the opposite direction?

19 A Opposite direction.

20 Q Okay. So it was headed ---

21 A --- back towards -- up towards the Kmart the way I was
22 going, the opposite the way.

23 Q Okay. Did you see the vehicle turn around to get
24 behind you?

25 A No. But I noticed it afterwards, once I got in the

DIRECT EXAMINATION BY MR. HODGES - QUENTIN CARTER 13

1 drive-through at Zaxby's.

2 Q Okay. What -- what caused you to notice that that
3 particular car was one that you had passed and then it ---

4 A Because I had seen the tags on the front of it.,

5 Q All right. What -- what was it about the tag that
6 caught ---

7 A It said ---

8 Q --- your attention?

9 A --- "Lander Girl" in pink.

10 Q "Lander Girl" in pink?

11 Okay. I'm going to ---

12 THE COURT: Lander Girl ---

13 Q --- hand you ---

14 THE COURT: --- what?

15 THE WITNESS: It said "Lander Girl" and it was in pink
16 writing.

17 Q All right. I want to hand you a photograph that's
18 been marked as State's Exhibit No. 1 for identification;
19 ask if you recognize what's depicted in that photograph.

20 A The Lander Girl tag.

21 Q All right. Is that the -- the vehicle that you saw
22 that was following you?

23 A Yes, sir.

24 Q All right. And is that the tag that you described,
25 the pink Lander Girl tag?

DIRECT EXAMINATION BY MR. HODGES - QUENTIN CARTER 14

1 A Yes, sir.

2 MR. HODGES: Okay. All right. Your Honor, I would
3 offer State's Exhibit 1 into evidence.

4 THE COURT: Any objection?

5 MR. HENDERSON: No objection ---

6 THE COURT: All right.

7 MR. HENDERSON: --- Your Honor.

8 (Whereupon, State's Exhibit 1 was entered into
9 evidence.)

10 Q All right. Now, you -- you mentioned that you saw the
11 -- this vehicle get behind you at Zaxby's?

12 A Yes, sir.

13 Q All right. Did you go inside to order, or did you go
14 through the drive-through?

15 A Through the drive-through.

16 Q And was the car directly behind you, or were there
17 cars in between? Do you recall that?

18 A I don't recall.

19 Q Okay. But you noticed it was in the line behind you?

20 A Yeah.

21 Q Got you. Where did you go -- well, tell me: Where is
22 Zaxby's on the bypass? If you could kind of orient ---

23 A Across ---

24 Q --- us.

25 A --- from Taco Bell and Red Lobster.

DIRECT EXAMINATION BY MR. HODGES - QUENTIN CARTER 15

1 Q All right.. So kind of right there about Laurel in the

2 ---

3 A Yeah.

4 Q --- bypass; is that right?

5 A (Nods head up and down.)

6 Q All right. Where did you go after you left out from
7 Zaxby's?

8 A I headed to my mother's house at Windtree Apartments.

9 Q Okay. Tell us, if you would, how you get from the
10 Zaxby's out to Windtree Apartments.

11 A Take a right out of Zaxby's. You get to the red
12 light; take a left. Keep straight up.

13 Q Do -- do you know what that -- that road is you take a
14 left on?

15 A I'm not sure the name of the road.

16 Q All right. What -- what's at that intersection, what
17 businesses?

18 A Taco Bell on one side, a Citgo; across the street is
19 the Chrysler place.

20 Q Okay. So you took a left there off the bypass?

21 A Yeah.

22 Q Okay. Headed out, I guess, towards the airport, that
23 direction?

24 A Yeah. Headed out toward that ways.

25 Q Okay. All right. Where do you go from there?

1 A Keep straight on up, and then bear off on -- I think
2 that road Haltiwanger or something like that.

3 Q Okay. All right. And -- and where do you go, then,
4 from Haltiwanger?

5 A Keep straight all the way up to the stop sign by the
6 Nu-Way; then take a right. And then you'll see apartments
7 right there; you'll take a left into the apartments.

8 Q All right. Do you know what those apartments are that
9 are immediately there on the left?

10 A I think it's Georgetown right there.

11 Q Okay.

12 A And then, it's Windtree and all that right beside it.

13 Q And -- and Windtree is kind of back in behind
14 Georgetown ---

15 A Yeah.

16 Q --- is that right?

17 A (Nods head up and down.)

18 Q Okay. Describe for us, if you would -- you know, you
19 -- you'd take that left there and go past Georgetown.

20 Where are the actual Windtree Apartments when you get back
21 in there?

22 A Once you take that left, you got to go all -- you got
23 to go all the way to the back ---

24 Q Okay.

25 A --- and then take another left.

DIRECT EXAMINATION BY MR. HODGES - QUENTIN CARTER 17

1 Q So ---

2 A And then ---

3 Q --- the -- as ---

4 A --- you'll be ---

5 Q --- as you ---

6 A -- in Windtree.

7 Q --- go back in there, the Windtree Apartments is on
8 the left?

9 A Yeah.

10 Q Okay. Once you take that left into Windtree, where
11 was your mother's apartment?

12 A It was in the back -- in the back of the complex.

13 Q All right. So if you -- if you come in past
14 Georgetown, turn left into Windtree, from there ---

15 A You'll ---

16 Q --- from there, how do you get back to your mother's
17 apartment?

18 A You'll keep straight, and then it's another left turn
19 to take. Take that left; keep straight on a little bit,
20 and then hang a right on around the corner. It was right
21 there.

22 Q Okay. When you went back to your mother's apartment,
23 where did you park in relation to it?

24 A Really, almost directly in front of her apartment.

25 Q Okay. And are there parking spots ---

DIRECT EXAMINATION BY MR. HODGES - QUENTIN CARTER 18

1 A Yeah.

2 Q --- basically right there at the apartment?

3 A Uh-huh.

4 Q All right. I'm going to hand you a couple of
5 photographs.

6 (Whereupon, Mr. Hodges and Mr. Henderson conferred.)

7 Q I'm going to first hand you State's Exhibit No. 5 and
8 ask you if you recognize what's depicted in that
9 photograph.

10 A Yeah. Where I parked at, my car.

11 Q All right. Did ---

12 A That's my sister car, and I don't know who drive the
13 Jeep.

14 MR. HODGES: All right. Your Honor, I would offer
15 State's 5 into evidence.

16 MR. HENDERSON: Without objection, Your Honor.

17 (Whereupon, State's Exhibit 5 was entered into
18 evidence.)

19 Q All right. If you would hold that up so the judge can
20 see it.

21 A (Complied.)

22 Q And if you would, point out your car to the judge.

23 A There the car.

24 Q All right. And which one did you say is your sister's
25 car?

DIRECT EXAMINATION BY MR. HODGES - QUENTIN CARTER 19

1 A That one right there.

2 Q All right. And is the -- is your mother's apartment
3 in that photograph?

4 A Right here.

5 Q Okay. That's good. Just -- just lay it up here.

6 A (Complied.)

7 Q I'm also going to hand you State's Exhibits 2, 3, and
8 4, and ask if you recognize what's in those photos.

9 A My vehicle, my sister vehicle, and the Jeep that's
10 right beside it.

11 Q All right. Is that -- is that basically the same
12 view, but from different angles?

13 A Yes, sir.

14 Q All right.

15 MR. HODGES: Your Honor, I would offer State's 2, 3,
16 and 4 as evidence.

17 MR. HENDERSON: Without objection.

18 (Whereupon, State's Exhibits 2, 3, and 4 were entered
19 into evidence.)

20 Q Now, you -- you've described for us this path that you
21 took to get from Zaxby's to Windtree. This -- this white
22 with a pink tag on the front that was behind you at
23 Zaxby's, did it continue to follow you as you went out to
24 Windtree?

25 A Yeah. Followed me from Zaxby's all the way to -- to -

1 - to my mother's ---

2 THE COURT: (To the witness) Keep your ---

3 A --- apartment.

4 THE COURT: --- voice up, now.

5 Q Okay. Speak up so he -- so everyone ---

6 A Followed me from Zaxby's all the way to Windtree, to
7 my mother's apartment.

8 Q Okay. And what was going through -- through your mind
9 about what you thought about the car?

10 A I thought it was a girl car; I ain't think nothing of
11 it.

12 Q I mean, why'd you think it was a girl's car?

13 A Because it had the Lander Girl tag on the front.

14 Q Okay.

15 A They went through the drive-through at Zaxby. I'm --
16 they got food and they going home too.

17 Q Okay. So you weren't -- you weren't particularly
18 suspicious of it at that ---

19 A No.

20 Q --- point, because it was -- you thought it was a
21 girl's car?

22 A Yeah.

23 Q Okay. After you pulled up there at Windtree, tell us
24 what happened.

25 A Soon as I pulled up, I probably got one good foot out

DIRECT EXAMINATION BY MR. HODGES - QUENTIN CARTER 21

1 the car. Car pulled up behind me.

2 Q So you opened the car door?

3 A Yeah, I opened the car door. Car ---

4 Q Okay:

5 A --- pull up behind me. And I see a guy be running out
6 with the gun, like, "Give it up," so I gave the money up
7 off the top.

8 MR. HENDERSON: Could I get him to speak up, Your
9 Honor?

10 THE COURT: Yes. (To the witness) Talk -- say that
11 again louder.

12 A When I pulled up, I stepped one foot out the car. And
13 by the time I did that, the -- the car was pulling up
14 behind me and the guy was jumping out with the gun, telling
15 me to give it up.

16 Q All right. Now, was this person coming out of this --
17 this white ---

18 A Yeah.

19 Q --- Camry ---

20 A Coming ---

21 Q --- with the ---

22 A --- out the ---

23 Q --- Lander ---

24 A --- white ---

25 Q --- Girl ---

1 A --- Camry.

2 Q --- car that you described?

3 A Yeah.

4 Q All right. Was this a black male or a black female?

5 A Black male.

6 Q All right. What could you tell, if anything, about
7 the gun?

8 A It was a -- was a automatic. Wasn't a revolver or
9 nothing like that, just regular handgun.

10 Q All right. And did you know this person?

11 A Nah. I ain't never seen him before.

12 Q Okay. All right. What -- what, if anything, did he
13 say to you?

14 A Just, like, "Give it up," you know. I had my little
15 girl with me, so it wasn't no struggle. I gave him the
16 money off the top.

17 Q All right. What did it -- what did it mean to you
18 when he said, "Give it up"?

19 A That this a robbery.

20 Q Was he pointing a firearm at you when ---

21 A Yeah.

22 Q --- when he ---

23 A Yeah.

24 Q --- said that?

25 A Yes, sir.

DIRECT EXAMINATION BY MR. HODGES -- QUENTIN CARTER 23

1 Q Okay. Where'd you have your money at, if you recall?

2 A In my right pocket.

3 Q Okay. And do you know about how much you had, you
4 think?

5 A Probably close to \$600.

6 Q All right. When -- when he pointed the gun at you and
7 said, "Give it up," what'd you do?

8 A Threw the money on the ground.

9 Q All right. Then what happened?

10 A Then I got hit with the pistol.

11 Q Okay. Where did you get hit with the pistol?

12 A Back of my head right here.

13 Q I want to hand you a couple more photographs.

14 (Whereupon, Mr. Hodges and Mr. Henderson conferred.)

15 Q All right. I'm going to hand you State's Exhibits 6
16 and 7; ask if you recognize what's in those photographs.

17 A Yeah. That's me, my head cut open right when I was
18 getting hit.

19 Q All right. Are -- are those the injuries that you
20 received ---

21 A Yes, sir.

22 Q --- as you're getting hit in the head with the gun?

23 A Yes, sir.

24 Q All right.

25 MR. HODGES: Your Honor, I would offer State's 6 and 7

1 into evidence.

2 MR. HENDERSON: Without objection, Your Honor.

3 (Whereupon, State's Exhibits 6 and 7 were entered into
4 evidence.)

5 Q Show those to the judge.

6 A (Complied.)

7 Q I'm also going to hand you State's Exhibits 8 and 9;
8 ask if you recognize what's in those photos.

9 A Yeah. This my vehicle, and there's a blood spot right
10 beside it.

11 Q All right.

12 MR. HODGES: Your Honor, I would offer State's
13 Exhibits 8 and 9 into evidence.

14 MR. HENDERSON: Without objection, Your Honor.

15 THE COURT: All right.

16 (Whereupon, State's Exhibits 8 and 9 were entered into
17 evidence.)

18 Q All right. Now, looking at those photographs, that --
19 that pool of blood is kind of between your vehicle and the
20 one next to you. Was that basically where this was going
21 on, was right there ---

22 A Yes, sir.

23 Q --- right there at your driver door?

24 A Yes, sir.

25 Q All right. And you -- your door was open ---

DIRECT EXAMINATION BY MR. HODGES - QUENTIN CARTER 25

1 A Yes, sir.

2 Q --- is that right?

3 So you really couldn't go back, could you? I mean,
4 were you ---

5 A No.

6 Q --- kind of -- you kind of trapped in that little ---

7 A Yes, sir.

8 Q --- area between the cars?

9 What -- what sort of treatment did you have to get for
10 your -- for your head?

11 A Had to get some staples.

12 Q Staples put in your head?

13 A Yes, sir..

14 Q Okay. How many people -- how many people did you
15 actually see robbing you?

16 A I actually seen one.

17 Q Okay. Using any of your other senses, were you able
18 to tell whether there was more than one person there?

19 A Yeah. I could hear other people talking.

20 Q So you could hear at least -- at least one other
21 person?

22 A Yeah.

23 Q All right. And was that right there in the proximity
24 where you ---

25 A Yeah.

1 Q --- were getting robbed?

2 A Right -- yeah. Right beside me.

3 Q Okay. When you started getting hit in the head, what
4 did you do?

5 A I balled up. ---

6 Q And ---

7 A --- trying to protect myself a little bit.

8 Q Just demonstrate for the judge what -- what -- what
9 you mean when you say you "balled up."

10 A (Demonstrates.)

11 Q Just kind of put your -- put your head down ---

12 A Yeah.

13 Q --- between your arms? lowered your head?

14 A Put my hands on top of my head.

15 Q Is that why you were getting hit kind of in the -- the
16 top-back of your head: because you were balled up like
17 that?

18 A Yeah.

19 Q Okay.

20 THE COURT: Let me -- let me ask you something.

21 EXAMINATION

22 BY THE COURT:

23 Q Did you see the person with the gun, the one that
24 robbed you, did you see him get out of the car?

25 A Yes, sir.

DIRECT EXAMINATION BY MR. HODGES - QUENTIN CARTER 27

1 Q Where did he get out, the passenger's side or the
2 driver's side?

3 A The passenger's side.

4 Q What?

5 A Passenger's side.

6 Q Passenger's side?

7 So he didn't get out the driver's side?

8 A No, sir.

9 THE COURT: All right.

10 DIRECT EXAMINATION

11 BY MR. HODGES:

12 Q Do you believe there was -- there was more than one
13 person involved in -- in the -- physically robbing you?

14 A Yeah. Because like I say, I could hear somebody else
15 right around.

16 Q Okay. Could you tell who all was hitting you?

17 A Nah, I couldn't tell who all was hitting me.

18 Q Okay. After you threw the money down and they started
19 hitting you, could -- could you tell why you were getting
20 hit? I mean, were they saying anything about ---

21 A Just like, you know, like, "Give it up," like I'm --
22 like they know I had some more money or something.

23 Q Okay. Did you have any more money?

24 A Nah, I ain't had no more money.

25 Q All right. Did you have anything else you were able

1 to give them?

2 A Yeah. I had two sacks of marijuana on me.

3 Q Okay. And did you throw those out as well?

4 A Yes, sir.

5 Q All right. What happened after you tossed the
6 marijuana?

7 A Well, they got what they -- they got the money and the
8 marijuana, and they jumped in the car and left.

9 Q Okay. Where was your daughter during all this?

10 A In the backseat of my car.

11 Q Right -- basically, right there?

12 A Yeah.

13 Q So what did you do after they jumped in the car and
14 left?

15 A Grabbed her and ran in my mother house.

16 Q Okay. Was there anybody inside?

17 A My sister.

18 Q All right. What's your sister's name?

19 A Maranda Ethridge.

20 Q All right. And -- and what was she doing when you ran
21 inside?

22 A She was on the phone with the police.

23 Q Okay. Did the -- did the police actually arrive?

24 A Yeah.

25 Q Okay. And when they arrived, they -- did you show

DIRECT EXAMINATION BY MR. HODGES - QUENTIN CARTER 29

1 them where all this happened?

2 A Yes, sir.

3 Q All right. And did you tell them about the -- the
4 white car and the pink tag? Did you ---

5 A Yes, sir.

6 Q --- give them that information?

7 A (Nods head up and down.)

8 Q Okay. So they -- they knew what the car looked like?

9 A Yeah. I gave them a description of the car.

10 Q Okay. After -- after the people were taken into
11 custody, did you recognize the names of any of the people
12 involved?

13 A Yes, sir.

14 Q All right. And which names did you recognize as
15 people who you -- you -- that you knew?

16 A Daniel Griffin and Sergio Quarles.

17 Q Okay. And do you see Daniel Griffin sitting in the
18 courtroom?

19 A Yeah. Right there.

20 Q All right.

21 MR. HODGES: And, Your Honor, I would point out that
22 he's identified the defendant.

23 Q But now you ---

24 THE COURT: You say you recognize the name. Did you
25 know -- how did you -- did you know him, other than just a

1 name?

2 THE WITNESS: Yes, sir. I'd seen him around.

3 THE COURT: Daniel Griffin, and who was the other
4 person?

5 THE WITNESS: Sergio Quarles.

6 THE COURT: (Gestures.)

7 THE WITNESS: Sergio Quarles.

8 THE COURT: Sergio -- how you spell that?

9 MR. HODGES: Quarles -- Sergio is S-e-r-g-i-o; last
10 name Quarles, Q-u-a-r-l-e-s.

11 Q So you -- you knew who those two guys were?

12 A Yes, sir.

13 Q All right. What about the third person who was
14 arrested, Markus Allen? Did you know him?

15 A I ain't never seen him before.

16 Q Okay.

17 THE COURT: What -- what was his name?

18 MR. HODGES: Markus Allen.

19 THE COURT: Markus Allen?

20 MR. HODGES: Correct.

21 THE COURT: All right.

22 MR. HODGES: All right. Please answer any questions
23 that Mr. Henderson may have.

24 CROSS-EXAMINATION

25 BY MR. HENDERSON:

CROSS-EXAMINATION BY MR. HENDERSON - QUENTIN CARTER 31

1 Q Mr. Carter, how are you?

2 A All right.

3 Q Now, when the police showed up at your house that day,
4 you didn't mention anything about dropping two bags of
5 marijuana, did you?

6 A Nah. Because they -- they asked me what happened --
7 what -- what happened. I told them I got robbed of \$600.

8 Q You -- you -- you told them about the money, but you
9 conveniently left out the marijuana, didn't you?

10 A Yes, sir.

11 Q Okay. And you are Quentin Detaris Carter?

12 A Yes, sir.

13 Q Is that correct?

14 I want to show you a document; see if you recognize
15 this.

16 MR. HODGES: Your Honor, I'm not sure what the
17 relevance of this is.

18 THE COURT: All right. Well, what -- what -- you go
19 ahead -- what is it?

20 A Yeah.

21 THE COURT: Why don't you tell us what it is.

22 A Yeah. I -- I know what this is.

23 Q You know what it is?

24 Tell -- tell His Honor what it is.

25 A It's a paper where I signed some money over.

1 Q You signed some -- is this your signature on this
2 document?

3 A Yes, sir.

4 Q And -- and you would agree that this document is
5 sealed -- it's got the clerk's seal on it, doesn't it?

6 A Yes, sir.

7 Q And it shows that back in 2008, you forfeited some
8 money to the sheriff's department -- drug money, didn't
9 you?

10 A It wasn't drug money. I didn't get caught with any
11 drugs, sir.

12 Q But you forfeited money to them?

13 A Yes, sir.

14 Q And you would agree ---

15 A I didn't know what I was signing at the time.

16 Q Okay. But you would agree that you signed this under
17 Title 44, Chapter 53, didn't you? Is that what the
18 document says?

19 A That's what it says.

20 Q I'm -- I'm not putting those words into your mouth, am
21 I?

22 A Nah. That's ---

23 Q Okay.

24 A --- not what I said.

25 Q Okay.

CROSS-EXAMINATION BY MR. HENDERSON - QUENTIN CARTER 33

1 MR. HENDERSON: Your Honor, I'd move to introduce this
2 into evidence.

3 MR. HODGES: And I would -- I would just object to
4 improper impeachment, Your Honor. I mean, it's not a prior
5 conviction. It's a civil forfeiture. I'm just not sure
6 it's relevant or ---

7 MR. HENDERSON: Your Honor ---

8 MR. HODGES: --- proper ---

9 MR. HENDERSON: --- I'm not ---

10 MR. HODGES: --- impeachment.

11 MR. HENDERSON: --- necessarily trying to impeach him.
12 I'm trying to give an alternate explanation of what -- how
13 we got there and what actually went on there.

14 THE COURT: All right. I'll let it in, for what it's
15 worth.

16 MR. HENDERSON: Okay.

17 (Whereupon, Defendant's Exhibit 1 was marked and
18 entered into evidence.)

19 THE COURT: (To the witness) How much was it that you
20 forfeited? Do you remember?

21 MR. HENDERSON: Your Honor, according to the document,
22 it was \$1,670.

23 THE COURT: All right.

24 Q And again, you are Quentin Detaris Carter?

25 A Yes, sir.

1 Q And it looks like here -- show me if I'm reading this
2 document right. Looks like you pled guilty to possession
3 of -- with intent to distribute marijuana; it looks like
4 August 23rd of 2001; is that correct?

5 A Yeah, that's correct.

6 THE COURT: When was that forfeiture? When did you
7 say it was?

8 MR. HENDERSON: 2008, Your Honor.

9 THE COURT: Okay. And possession with intent to
10 distribute marijuana in 2011?

11 MR. HENDERSON: Right.

12 Q And -- and you would agree, this document is certified
13 as a true copy, isn't it?

14 A Yes, sir.

15 Q Looks like Mr. Townes Jones represented you?

16 A That's correct.

17 Q And it looks like you appeared in front of His Honor,
18 Judge Hughston; is that correct?

19 A Yes, sir.

20 Q And you stood up before him and admitted that you were
21 selling marijuana; is that right?

22 A Pled guilty.

23 THE COURT: Oh ---

24 Q Okay.

25 THE COURT: --- possession with intent to distribute,

CROSS-EXAMINATION BY MR. HENDERSON - QUENTIN CARTER 35

1 not selling?

2 MR. HENDERSON: Well, correct. PWID, yeah. Your
3 Honor, I'd move to introduce this.

4 THE COURT: All right.

5 MR. HODGES: Without objection.

6 THE COURT: I -- I'll let it in.

7 (Whereupon, Defendant's Exhibit 2 was marked and
8 entered into evidence.)

9 Q And again, you are Quentin Detaris Carter, 212 Manning
10 Road?

11 A Yeah, that's correct. That address ---

12 Q Okay..

13 A --- ain't where I reside no more.

14 Q Okay. But -- but that's -- that's how the sheriff's
15 department's got you ---

16 A Okay.

17 Q --- in their system, isn't it? Is that correct to
18 say?

19 A That's correct.

20 Q Looks like you were arrested on April 5th of this
21 year, again for possession with intent to distribute
22 marijuana; is that fair to say?

23 A Yeah. That's what ---

24 MR. HODGES: I would ---

25 A --- I was ---

1 MR. HODGES: --- object ---

2 A --- arrested for.

3 MR. HODGES: --- that that's not a conviction.

4 MR. HENDERSON: Oh, I understand it's not a
5 conviction. I'm not using it for conviction purposes.

6 Q But you would agree that you were arrested -- you've
7 got two pending warrants; is that correct?

8 A Yeah. I was arrested for that.

9 Q I understand you hadn't been to court.

10 A Yeah. I ain't been convicted, and I'm not on trial
11 now.

12 Q I understand. But you agree that you have two -- one
13 charge for possession with intent to distribute marijuana
14 and one pending charge of possession with intent to
15 distribute marijuana within the proximity of a school or
16 playground. You would agree with me, wouldn't you?

17 A I got a possession with intent. I don't know about
18 the playground and all that.

19 Q Okay. Let me show you this document. I'm sorry. You
20 were absolutely right. It's just the possession. But you
21 agree that you've got a pending possession-with-intent-to-
22 distribute charge?

23 A Yeah, I'm charged ---

24 THE COURT: It's amazing ---

25 A --- with that.

CROSS-EXAMINATION BY MR. HENDERSON - QUENTIN CARTER 37

1 THE COURT: --- it's not within a half-mile.

2 MR. HENDERSON: I agree. That's what I thought -- I
3 thought it was, Your Honor, but that -- that's my bad.
4 And, Your Honor, I'd move to introduce this into evidence.

5 THE COURT: I'll let it in, for what it's worth.

6 MR. HENDERSON: Well -- yes, sir.

7 THE COURT: Three.

8 (Whereupon, Defendant's Exhibit 3 was marked and
9 entered into evidence.)

10 Q And, Mr. Carter, you gave a written statement in this
11 matter, didn't you?

12 A Yes, sir.

13 Q And I just want to -- well, let me ask you this before
14 I get into your written statement: So it's your testimony
15 under oath today that you've never seen Markus Allen before
16 this day?

17 A Never.

18 THE COURT: (To the witness) Never seen Markus Allen
19 that ---

20 MR. HENDERSON: Markus Allen.

21 THE COURT: --- that -- that you know of?

22 THE WITNESS: That I know of. I don't know him.

23 Q So you're telling me that you've never sold Markus
24 Allen marijuana?

25 A That's correct.

1 Q You never have?

2 A Never.

3 Q Okay. And -- and you're telling me that -- that the
4 reason Markus Allen came over to your house this morning,
5 the morning of November 30th, 2010 -- he came over there to
6 buy marijuana, didn't he?

7 A I never seen him before in my life, sir.

8 Q Okay. So you're telling this jury -- or no. You're
9 telling this -- His Honor again that you don't know how
10 they came to get ---

11 A Under oath I never seen Markus Allen a day in my life
12 until he pulled up and jumped out on me with a handgun.

13 Q So you're telling me that Markus Allen didn't call you
14 on the cell phone ---

15 A No, sir, he ---

16 Q --- that morning ---

17 A --- did not.

18 Q --- to arrange a drug buy?

19 A No, sir, he did not.

20 Q Okay. And -- and you're telling me -- or telling His
21 Honor that Markus Allen did not follow you over to Zaxby's
22 at your arrangement to follow you over to your mother's
23 apartment?

24 A He did not.

25 Q Okay. So you're saying that you're denying any

1 involvement in selling Mr. Allen marijuana -- or arranging
2 a deal to sell ---

3 A I ain't never ---

4 Q --- him marijuana?

5 A --- talked to those -- Mr. Allen or anybody else with
6 him none that day. I had never seen Mr. Allen none that
7 day or didn't know of him none that day until he pulled a
8 gun out on me.

9 Q Well, you identified Markus Allen in a police lineup,
10 didn't you?

11 A Because I had just seen him come up on me with a gun
12 in his hand. Of course I'm going to remember his face.

13 Q Okay. So that's the first time you ever seen Markus
14 Allen in your life?

15 A Yes, sir.

16 Q And you didn't see Mr. Griffin there that day, did
17 you?

18 A Nah, I ain't seen him.

19 Q And you didn't see Mr. Quarles, who's sitting out in
20 the audience ---

21 A Nah.

22 Q --- you didn't see him there that day ---

23 A Nah.

24 Q --- did you?

25 A I ain't seen neither one of those faces.

1 Q Thinking about it, Mr. Carter, that \$600, where do you
2 work at?

3 A I work at a car wash.

4 Q What car wash is that?

5 A Unique Touch -- Unique Touch Car Wash ---

6 Q Let me ---

7 A --- and Detail.

8 Q --- get you to speak into the microphone a little bit.

9 A Unique Touch Car Wash and Detail.

10 Q Okay. Because the air is going, it -- it makes it
11 difficult for people to hear. Now, that -- that's the same
12 place you just got arrested at for allegedly possession
13 marijuana; is that correct?

14 A That's correct.

15 Q Okay. So -- so all that \$600 in your pocket came from
16 washing cars?

17 A Yeah.

18 Q Okay.

19 MR. HENDERSON: Nothing further, Your Honor.

20 THE COURT: Any redirect?

21 MR. HODGES: No redirect, Your Honor.

22 THE COURT: All right.

23 EXAMINATION

24 BY THE COURT:

25 Q Let me ask you now -- okay. So at the scene where the

DIRECT EXAMINATION BY MR. HODGES - MARANDA ETHRIDGE 48

1 Maranda Ethridge.

2 MARANDA ETHRIDGE, having been first duly sworn,
3 testified as follows:

4 DIRECT EXAMINATION

5 BY MR. HODGES:

6 Q Could you please -- please tell the judge your name.

7 A Maranda Ethridge.

8 Q And -- and slide that microphone a little closer to
9 you so we can all hear you.

10 A (Complied.)

11 Q All right. We'll ---

12 A Maranda Ethridge.

13 Q And who is your brother?

14 A Quentin Carter.

15 Q All right. I'm going to take you back to November the
16 30th of 2010, the day that your brother got robbed. Where
17 were -- where were you that morning?

18 A In my bed, like, in my bedroom.

19 THE COURT: (To the witness) Where?

20 THE WITNESS: In my bedroom.

21 Q All right. And what were you doing in your bedroom?

22 A Sleeping.

23 Q Okay. Where -- where was your bedroom located?

24 A Right outside at, like, right where the cars were at.

25 Q Well, I mean, more generally, where is -- what -- is

1 it a -- a house? apartment? Where?

2 A Apartment.

3 Q All right. What apartment?

4 A Windtree.

5 Q And ---

6 MR. HODGES: May I approach, Your Honor?

7 Q Looking at State's Exhibit No. 4, do you see the
8 window to your bedroom in this picture?

9 A Yes, sir.

10 Q All right. Can you point it out for the judge so he
11 can see which window is your bedroom window?

12 A (Indicates.)

13 Q All right. So your bedroom window, basically, your --
14 your brother's car was parked right in front of it?

15 A Yes, sir.

16 Q All right. So your asleep in the bed, and then --
17 then what happens? What comes to your attention?

18 A Well, I heard a lot of noise, so I just got up and
19 looked out the window.

20 THE COURT: (To the witness) You know, that -- you --
21 your voice -- need to back off and talk louder or
22 something. That microphone really distorts your voice, so
23 just try to back off and talk a little louder. All right.
24 What -- what'd you hear? What -- what -- what ---

25 THE WITNESS: It was ---

DIRECT EXAMINATION BY MR. HODGES - MARANDA ETHRIDGE , 50

1 THE COURT: --- woke you up?

2 A It was just a lot of fuss -- fuss outside, so I just
3 went to the window to see what it was.

4 Q You say you heard a fuss outside?

5 A Yes, sir.

6 Q All right. And -- and you looked out that window that
7 you just pointed out?

8 A Yes, sir.

9 Q All right. When you looked out the window, what could
10 you see outside?

11 A I seen my brother kneeling down and dudes just hitting
12 him.

13 THE COURT: (To the witness) What?

14 THE WITNESS: I seen my brother kneeling down, and it
15 was just two dudes hitting him.

16 Q You said you saw your brother kneeling down and ---

17 A Yeah.

18 Q --- two dudes ---

19 A Like ---

20 Q --- hitting him?

21 A --- balled up.

22 Q All right. When you say "balled up," what do you mean
23 by that?

24 A Like -- like, this. He's ---

25 Q Was he on the ground or ---

1 A Yes.

2 Q --- in his car?

3 A He was on the ground.

4 Q On the ground?

5 A (Nods head up and down.)

6 Q All right. And ---

7 THE COURT: Now, wait. Let me -- let me ask -- you --
8 you say "two dudes hitting him." Did you actually see two
9 people striking blows ---

10 THE WITNESS: I just seen ---

11 THE COURT: --- with his hand or with whatever ---

12 THE WITNESS: I just seen ---

13 THE COURT: --- or just ---

14 THE WITNESS: --- two ---

15 THE COURT: --- one or what?

16 THE WITNESS: I just seen two dudes just ---

17 THE COURT: Both of them were hitting him?

18 THE WITNESS: Yes.

19 Q All right. Could you see if they had anything in
20 their hands while they were hitting him?

21 A No, sir.

22 Q Couldn't see?

23 A No, sir.

24 Q All right. Could you see any other cars around your
25 brother's car?

DIRECT EXAMINATION BY MR. HODGES - MARANDA ETHRIDGE 52

1 A I -- I seen my car and my neighbor's car, and I seen
2 the white car parked right behind my brother's car.

3 Q Parked behind your brother's car?

4 A Yes.

5 Q Like, kind of blocking it in?

6 A Yes.

7 Q All right. Could you see anybody else in that car?

8 A No, sir.

9 Q Couldn't tell?

10 A No, sir.

11 Q All right. When you saw these two dudes hitting your
12 brother on the ground, what did you do?

13 A I jumped up and put on my clothes and ran to get the
14 phone to call the police.

15 Q Okay. And did you call the police?

16 A Yes, sir.

17 Q All right. What happened next?

18 A That's when my brother was coming through the door,
19 telling me what happened.

20 Q Okay.

21 A So I was on the phone with the police while he's
22 explaining to me what happened so I'm explaining it to
23 them.

24 Q All right. And did you share whatever information
25 with the police that he was passing on to you?

CROSS-EXAMINATION BY MR. HENDERSON - MARANDA ETHRIDGE 53

1 A Yes.

2 Q Okay.

3 MR. HODGES: All right. Please answer any questions
4 that Mr. Henderson may have.

5 CROSS-EXAMINATION

6 BY MR. HENDERSON:

7 Q Ms. Ethridge, how are you today?

8 A I'm good. And you?

9 Q You -- you -- you're the one that actually called 911,
10 didn't you?

11 A Yes, sir.

12 Q And -- and have you listened to that recording?

13 A No, sir.

14 Q Recently?

15 A No, sir.

16 THE COURT: (To the witness) Have you ever listened
17 to it?

18 THE WITNESS: No, sir.

19 Q Would you dispute that in that recording, you don't
20 say anything about seeing two dudes hitting your brother?

21 A No, sir.

22 Q I mean, if -- if -- if -- if I made that
23 representation to you, that you didn't say anything about
24 two dudes hitting your brother, would you dispute that?

25 A No, I wouldn't.

CROSS-EXAMINATION BY MR. HENDERSON - MARANDA ETHRIDGE 58

1 MR. HENDERSON: I don't have anything further, Your
2 Honor.

3 THE COURT: Anything on redirect?

4 MR. HODGES: Nothing further on redirect ---

5 THE COURT: Thank you ---

6 MR. HODGES: --- Your Honor.

7 THE COURT: --- very much. You can step down.

8 MR. HODGES: Your Honor, I would ask that she be
9 excused; she's got a doctor's appointment ---

10 THE COURT: That's fine.

11 MR. HODGES: --- she needs to get to.

12 THE COURT: (To the witness) Just let him know where
13 you're going to be if -- in case they need to get in touch
14 with you.

15 THE WITNESS: Okay.

16 MR. HODGES: The state would call ---

17 THE COURT: But you're ---

18 MR. HODGES: --- Markus Allen.

19 THE COURT: --- to go.

20 THE WITNESS: All right.

21 THE COURT: Y'all know how to get in touch with her if
22 you need her? Next?

23 MR. HODGES: The state calls Markus Allen.

24 THE COURT: Who?

25 MR. HODGES: Markus Allen.

1 THE COURT: Markus Allen.

2 (Whereupon, Mr. Hodges and Mr. Henderson conferred.)

3 MR. HODGES: May we approach, Your Honor?

4 THE COURT: (To the clerk of court) Wait a minute.

5 (Whereupon, a bench conference was held off the
6 record.)

7 THE COURT: Okay. (To the clerk of court) Swear Mr.
8 Allen.

9 MARKUS ALLEN, having been first duly sworn,
10 testified as follows:

11 MR. HENDERSON: And, Your Honor, before Mr. Allen
12 testifies, I'd like to go on record, letting the Court that
13 -- that I object to any testimony that may be elicited that
14 has to do with other alleged bad acts by my client. My
15 client, Mr. Allen, and Mr. Quarles have all been arrested
16 on about three different sets of charges, some burglary-
17 related, robbery-related, theft-related, that type of
18 stuff.

19 Your Honor, the government has opted not to try my
20 client today on those issues and where they would have to
21 prove his guilt beyond all and any reasonable doubt. And,
22 in fact, they're trying to prove my client's guilt now by
23 clear and convincing evidence, trying to lower the standard
24 of proof. And -- and -- and -- and -- and again, what they
25 may or may not have done on different days has nothing to

DIRECT EXAMINATION BY MR. HODGES - MARKUS ALLEN

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1 do with this day. And -- and I would just ask the Court
2 that if any of that comes out, to preserve my objections
3 and also to -- to -- to not consider that testimony.

4 THE COURT: All right. I'll -- I'll -- I'm -- I'm
5 going to -- I'm going to let him -- if you intend to ask
6 him questions about some things that happened before these
7 alleged events that would be crimes -- is that right,
8 Solicitor?

9 MR. HODGES: That's right, Your Honor. And that the
10 reason is I think it's part of the *res gestae*. It goes to
11 explain kind of how they ended up together and where they
12 were going. And if the Court decides that it's not
13 admissible, you can ignore it ---

14 THE COURT: All right.

15 MR. HODGES: --- or strike it ---

16 THE COURT: All right. I -- I'm going to allow it.
17 Over your objection, I'm going to allow that testimony and
18 all, and we'll -- we'll see how it does. But it -- and if
19 it's something that I think is admissible, I'll consider
20 it; if it's not admissible, I won't consider it. All
21 right. Go ahead.

22 MR. HODGES: Thank you, Your Honor.

23 DIRECT EXAMINATION

24 BY MR. HODGES:

25 Q Mr. Allen, if you would please state your name.

1 A Markus Allen.

2 Q All right. And, Mr. Allen, you're charged with the
3 same crimes that Mr. Griffin are charged with; is that
4 correct?

5 A Yes, sir.

6 Q And your attorney, Mr. Sheek, is present here in the
7 courtroom?

8 A Yes, sir.

9 Q Okay. All right. I'm going to take you back --
10 you're not from Greenwood, are you, originally?

11 A No, sir.

12 Q All right. Where are you from?

13 A Columbia.

14 Q Columbia?

15 A (Nods head up and down.)

16 Q All right. How -- and how did you end up here in
17 Greenwood? How'd you end up living here in Greenwood?

18 A My girlfriend go to Lander. And we end up -- I moved
19 down here with her.

20 Q All right. Where -- where'd you -- where'd you meet
21 your girlfriend?

22 A In Edgefield.

23 Q And -- and was that before she was going to Lander or

24 ---

25 A Yes.

DIRECT EXAMINATION BY MR. HODGES - MARKUS ALLEN

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1 Q --- before ---

2 A She was in high school.

3 Q Okay.

4 MR. HENDERSON: Could we get him to speak up, Your
5 Honor?

6 THE COURT: (To the witness) Try -- try to -- yeah.
7 Don't worry about that microphone. Just kind of -- back
8 off, actually. You know, that microphone distorts things
9 to me, so just kind of talk -- talk like I'm talking ---

10 THE WITNESS: Okay.

11 THE COURT: --- louder. Okay?

12 THE WITNESS: Yes, sir.

13 Q And if you talk loud enough I can hear you, everybody
14 ought to be able to hear you, okay?

15 A Okay.

16 Q So she was in high school when you met her?

17 A Yes, sir.

18 Q And then she was coming up here to go to school at
19 Lander?

20 A Yes. Her first year she could -- she had to stay on
21 campus, so I moved up -- after her second year, I moved
22 down; got an apartment together.

23 Q I got you. So she was a sophomore when you actually
24 moved up here?

25 A Yes, sir.

1 Q Okay. And around when would that have been when you
2 moved to Greenwood? Do you remember what year that was?

3 A Probably about 2010.

4 Q Okay. And where did y'all get an apartment at?

5 A The Villas Apartments.

6 Q All right. Where ---

7 THE COURT: (To the witness) Where?

8 Q --- is the ---

9 THE WITNESS: The Villas.

10 THE COURT: Villa?

11 THE WITNESS: Yes, sir.

12 Q Is -- is that the apartment complex that's over there
13 at Grace and Laurel?

14 A Right.

15 Q I don't think it's called "The Villas" anymore, is it?

16 THE COURT: University Commons ---

17 A University ---

18 THE COURT: --- or something ---

19 A --- Commons.

20 Q University Commons now. That's right. Okay.

21 But when you were living there, it was The Villas?

22 A Right.

23 Q All right.

24 A No. It was University Commons then.

25 Q It was called "University Commons"?

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1 A I just -- from everybody telling me, though, it was
2 The Villas, so I just called it "The Villas."

3 Q People still call it "The Villa" a lot?

4 A Right.

5 Q Yeah. All right. Do you remember where in that
6 complex you lived?

7 A

8 Q ?

9 A (Nods head up and down.)

10 Q All right. And did you get to know anybody else that
11 were -- were your neighbors there at that apartment
12 complex?

13 A Yeah.

14 Q I see your nod your head. Who -- who are you nodding
15 your head at?

16 A Daniel Griffin.

17 Q Daniel Griffin?

18 A (Nods head up and down.)

19 Q All right. And would you point him out in the
20 courtroom?

21 A (Indicates.)

22 MR. HODGES: Your Honor, I'd -- let the record reflect
23 he's identified the defendant.

24 Q Where did Mr. Griffin live there at the apartment
25 complex?

1 A I believe it was or -- it was about two doors down
2 from me.

3 Q Okay. So he was a -- a neighbor right by you in the
4 apartment complex?

5 A Right.

6 Q And how -- how soon after you moved to Greenwood did
7 you meet him?

8 A Probably -- I probably stayed there about two months
9 after I -- I met Brandon and them. We knew the other
10 people down there, and he up staying right by me.

11 Q So are you saying that you -- you didn't meet him as a
12 neighbor, but you met him somewhere else and then realized
13 he was a neighbor; is that ---

14 A Right.

15 Q --- what you're saying?

16 Okay. What about the other person that's -- that
17 you're charged with, Sergio Quarles? How'd you get to know
18 him?

19 A Through his family -- cool with -- friends.

20 Q Okay. And do you know whether or not Daniel Griffin
21 and Sergio Quarles knew each other?

22 A They, to my knowledge, wasn't -- wasn't hanging
23 together, but they knew each other.

24 Q Okay. So you sort of met each one of them
25 independently from the other one?

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1 A Yes, sir.

2 Q Okay. All right. And how did -- how did you meet
3 Quarles -- Sergio Quarles? Like, who'd you meet him
4 through?

5 A Oh, I had a friend -- well, friend Lee Terrence and
6 Lee knew all them people from over in those apartments like
7 E-bo and all them and then they cousins and stuff.

8 Q Okay. What's E-bo's real name? Do you know?

9 A Ervin.

10 Q Ervin?

11 A (Nods head up and down.)

12 Q All right. So he was somebody you met that you knew
13 that Sergio through him?

14 A I met them all through each other.

15 Q Okay. All right. What sort of stuff would you do
16 together when you were getting to know each other?

17 A Playing game and just chilling.

18 Q Like, what kind of games?

19 A I had a Xbox. We would just play game at my house.

20 Q So, like, video games?

21 A (Nods head up and down.)

22 Q I got you. Okay. The night before these events
23 happened, did anybody stay with you at your apartment?

24 A Sergio.

25 Q So Sergio Quarles, who's the -- one of the

1 codefendants?

2 A (Nods head up and down.)

3 Q All right. Why was it that he was staying with you
4 that night?

5 A Because we had planned to do something the next
6 morning.

7 Q All right.

8 THE COURT: (To the witness) I'm sorry. I couldn't
9 understand you.

10 THE WITNESS: We had planned to do something the next
11 morning.

12 Q Okay. And what was the -- what were you planning to
13 do the next morning?

14 A Break into a house.

15 Q All right. And ---

16 MR. HENDERSON: And just note my objections, Your
17 Honor.

18 THE COURT: All right. Well, I'll let it continue;
19 run throughout. (To the witness) Planning to break into a
20 house?

21 THE WITNESS: Right.

22 Q All right. And -- and had y'all done anything
23 together that night that he came and spent the night?

24 A Broke into a car.

25 Q Okay. Who all was together when that happened, when

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1 y'all broke into the car?

2 A All three of us were together.

3 Q And when y'all say "all three," who -- who is the
4 three?

5 A Me, Sergio, and Daniel.

6 Q Okay. And so ---

7 THE COURT: (To the witness) You, Sergio, and -- you
8 talking about Defendant Griffin?

9 THE WITNESS: Yes, sir.

10 THE COURT: The three of y'all broke into a car?

11 THE WITNESS: Yes, sir.

12 THE COURT: Where?

13 THE WITNESS: In Days -- it was the Days Inn or
14 Holiday Inn motel off of the 72 bypass.

15 Q All right. Was it a -- a -- a random car, or did you
16 have some particular reason to pick that car?

17 A It was told to us by other people that it was supposed
18 to be some drugs in the car.

19 Q Okay. So you thought it looked like a drug dealer's
20 car or something?

21 A Right.

22 Q Okay. All right. So y'all were to -- all together,
23 and then Sergio spends the night because he's out with you
24 or whatever?

25 A (Nods head up and down.)

1 Q Okay. Now, did Daniel stay there with you?

2 A No.

3 Q Okay. And -- and why was that?

4 A He had his own house.

5 Q Which is two doors down?

6 A Right.

7 Q Okay. So this next morning when y'all are planning on
8 going and breaking into this house, what led you to that
9 particular house? I mean, was there anything specific
10 about that house?

11 A Daniel knew who they were and supposedly have drugs.
12 I dropped my girlfriend off at Lander, and we came back and
13 we went over there and broke in.

14 Q All right. So the -- again, this was a -- supposedly,
15 like, a drug dealer's house?

16 A Right.

17 Q Okay. So the car was a drug dealer thing, and the --
18 the house was a drug dealer thing?

19 A Right.

20 Q Okay. All right. So after all that happens, where --
21 -

22 THE COURT: (To the witness) Well, did you go and
23 break in the house?

24 THE WITNESS: Yes.

25 Q And again, it's the three of y'all together?

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1 A Right.

2 Q Now that you've done this car thing the night before
3 and the -- the house that morning, what ---

4 THE COURT: (To the witness) Well, did -- was there
5 anybody -- excuse me. Wait. Was anybody there?

6 THE WITNESS: No.

7 THE COURT: Did you get drugs?

8 THE WITNESS: Yes.

9 THE COURT: All right. Go ahead.

10 Q So y'all have done all this stuff. Where are y'all
11 headed at that point?

12 A McCormick.

13 Q Okay. And -- and why are you -- why are you going to
14 go to McCormick?

15 A To let things cool down and get out of Greenwood for a
16 while.

17 Q Okay. And -- and ---

18 THE COURT: Well, where -- where -- excuse me. Where
19 was the drug dealer's house? You remember?

20 THE WITNESS: By Lander -- I know it's right by
21 Lander.

22 THE COURT: What?

23 THE WITNESS: It was right by Lander.

24 THE COURT: Right by Lander?

25 THE WITNESS: (Nods head up and down.)

1 THE COURT: Where right by Lander? What do you mean
2 by that?

3 THE WITNESS: It was the house -- Lander's right here,
4 and the house was right across the street from it.

5 THE COURT: Well, what part -- Lander's a pretty big
6 place, now. What part of -- what part of Lander are you
7 talking about?

8 THE WITNESS: It was close by the backside over where
9 the library parking lot was. That's all I know.

10 THE COURT: Back in that area -- where the --
11 library's parking lot; is that what you said?

12 THE WITNESS: Yes, sir.

13 THE COURT: Near there?

14 THE WITNESS: Yes, sir.

15 THE COURT: And -- and you -- that was where the drug
16 dealer's house was that you broke in and got drugs; is that
17 right?

18 THE WITNESS: Right.

19 THE COURT: And then where did you go after you broke
20 in the drug dealer's house?

21 THE WITNESS: We were going up the 72 bypass --

22 THE COURT: What?

23 THE WITNESS: --- going to McCormick ---

24 THE COURT: You were going to go ---

25 THE WITNESS: --- by the ---

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1 THE COURT: --- McCormick?

2 THE WITNESS: --- Walgreens ---

3 THE COURT: But you went ---

4 THE WITNESS: --- by the ---

5 THE COURT: --- from the -- you remember from -- you
6 went -- went from the house out to the bypass?

7 THE WITNESS: Right.

8 THE COURT: How'd you -- you remember what street you
9 went on?

10 THE WITNESS: No, sir.

11 THE COURT: You don't remember which street it was you
12 went on?

13 THE WITNESS: No, sir. Well -- no. We stopped by my
14 house first.

15 THE COURT: What?

16 THE WITNESS: We stopped by my house first; then we
17 left.

18 MR. HODGES: He said he stopped by his house first at
19 -- at The Villas.

20 THE COURT: Okay. That's on the way, kind of. But
21 you -- you would've come out on the bypass. You go down
22 Laurel -- you know, it's Laurel, the street that's ---

23 THE WITNESS: Yeah. You come out The Villas where I
24 stay and make a right.

25 THE COURT: What?

1 THE WITNESS: You come out The Villas where I stay;
2 you make a right at that light. And then you go down
3 Laurel; come to the light and hit -- left on 72 Bypass.

4 THE COURT: Food Lion's on your left; Chrysler's on
5 your right; is that correct?

6 THE WITNESS: No. Grace -- we went Grace. Went ---

7 THE COURT: What?

8 THE WITNESS: --- down Grace.

9 MR. HODGES: He said that they went down Grace --
10 Grace Street.

11 THE COURT: Oh, you went -- you went the other way?

12 THE WITNESS: Right.

13 MR. HODGES: Which makes sense if they're going to
14 McCormick.

15 THE COURT: Grace -- so you got to that intersection.
16 Well, that's what I'm trying to think about. Okay. I'm
17 just trying to figure out -- all right. Go ahead. You
18 went down Grace to the bypass and turned left? Is that
19 right? Correct?

20 THE WITNESS: Right.

21 THE COURT: Okay. All right. Trying to make it sound
22 -- makes sense -- to me, anyway. (To Mr. Hodges) Go
23 ahead.

24 Q All right. So tell me again: Why are you headed to
25 McCormick?

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1 A To meet up with E-bo and all them down there.

2 Q All right. And, I mean, is there some particular
3 reason you feel like you need to get out of town?

4 A Just in case they try and find out who did it; they
5 might try to -- just get out of town and left stuff cool
6 down; don't want nobody to know it was us.

7 Q Worried about -- worried these drug dealers might be
8 pissed off at you for stealing their stuff?

9 A Right.

10 Q Okay. All right. So you -- after you leave Lander,
11 you go to The Villas; you go down Grace. And which way do
12 you turn when you hit the bypass?

13 A Well, the light you make a left ---

14 Q So you ---

15 A --- left at that light.

16 Q Like you're headed to -- towards Abbeville?

17 A Right.

18 Q Okay.

19 A And then ---

20 Q Right.

21 A Yeah.

22 Q As y'all turn left there, what happens next?

23 A We go past ---

24 THE COURT: By -- why -- by the way, what -- whose car
25 were you in?

1 THE WITNESS: My girlfriend car.

2 THE COURT: What kind of car?

3 THE WITNESS: A white Camry.

4 THE COURT: What?

5 THE WITNESS: A white Camry.

6 THE COURT: Camry?

7 Q Did -- anything unique about the white Camry?

8 A It had a Lander Girl sticker on the back?

9 Q What'd it look like?

10 A Pink Lander Girl sticker.

11 Q Like, I mean, it says "Lander Girl"?

12 A Right.

13 Q In pink?

14 A Right.

15 Q Okay. What about -- do you remember there being any
16 kind of a -- a tag on it or anything -- like a Lander Girl
17 tag ---

18 A I mean ---

19 Q --- anything like that?

20 A --- I don't remember.

21 Q Let me show you a picture here and see if you can
22 recognize the car. I'm going to show you State's Exhibit
23 No. 1. Is that your girlfriend's car?

24 A Right. That's it.

25 Q And, of course, it wasn't in this kind of condition at

1 that point when you were driving, was it?

2 A No, sir.

3 Q This all happened later?

4 A Yes, sir.

5 Q Okay. All right. So you're in your girlfriend's car
6 and you turn, you said, left on the bypass there, correct?

7 A Yes, sir.

8 Q All right. What do you see next -- or what happens
9 next?

10 A We going -- we drove to the light by Walgreen's and
11 Kmart, and we see the victim come out with a burgundy Crown
12 Vic.

13 Q Okay. Let me show you another picture and see if you
14 recognize that. Show you State's Exhibit No. 3. Is that
15 the car you're talking about?

16 A Yeah.

17 Q That's the burgundy Crown Vic?

18 All right. Now, when y'all are driving on the bypass,
19 who's actually -- who's actually driving the car?

20 A Me.

21 Q All right. Who else is in the car?

22 A Both of the codefendant.

23 Q And that's Daniel Griffin and Sergio ---

24 THE COURT: I'm sorry.

25 Q --- Quarles?

1 THE COURT: What?

2 THE WITNESS: Both of my codefendants.

3 THE COURT: You talking about ---

4 THE WITNESS: --- Daniel Griffin and Sergio Quarles,
5 sir.

6 THE COURT: Griffin and Quarles?

7 THE WITNESS: (Nods head up and down.)

8 THE COURT: Is that right?

9 THE WITNESS: Yes, sir.

10 Q All right. And -- and who's sitting where in the car?

11 A Sergio's sitting in the passenger seat next to me, and
12 Griffin behind me.

13 Q Okay. All right. When you see this burgundy Crown
14 Vic that you just pointed out in the picture, where was it?

15 A Coming out of Kmart parking lot, turning left to the
16 -- on the bypass, going away from Abbeville.

17 Q All right. And you're -- yeah. And you're going
18 towards it?

19 A Right.

20 Q So it's going the opposite way you are?

21 A Yes, sir.

22 Q All right. And what happens when y'all see that car?

23 A Daniel say he probably got some -- at least \$5,000 on
24 him, something like that. He was, like ---

25 THE COURT: Who said ---

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1 A --- "We should follow" ---

2 THE COURT: --- that?

3 A --- "him" ---

4 THE COURT: Wait. Wait. Who said that?

5 THE WITNESS: Daniel Griffin.

6 THE COURT: Griffin?

7 THE WITNESS: Right.

8 Q And -- and he said he thinks he has \$5,000 on him?

9 A Yeah. He had some money on him; he said follow him.
10 So I turned the car around.

11 Q Why -- why would he think that that person had \$5,000
12 on him?

13 A He had told me -- he said it was a drug dealer.

14 Q Okay. Did he know who he was?

15 A Yes.

16 Q All right. Did he call a name?

17 A "Spunk."

18 Q Okay. So he said ---

19 THE COURT: (To the witness) What?

20 Q --- "That's Spunk"?

21 A Yeah. He said Spunk.

22 THE COURT: Spunk?

23 THE WITNESS: Uh-huh.

24 MR. HODGES: Spunk.

25 Q He says, "That's Spunk; he's a drug dealer; he's

1 probably got a bunch of money on him"?

2 A Right.

3 Q All right. And tells you to follow him?

4 A Right.

5 Q All right. So what did -- what'd you do then?

6 A I turned the car around in the Walgreen's parking lot
7 and then went behind him and started following him.

8 Q Okay. And where did he -- where'd he go?

9 A First he went to Zaxby's. We went behind him at
10 Zaxby's. And ---

11 Q Where -- where was -- where is Zaxby's at?

12 A On the 72 bypass right by the Food Lion.

13 Q Okay. So where -- where does he go in -- at Zaxby's?

14 A He comes out of Zaxby's.

15 Q Was he -- he -- does he go inside or go through the
16 drive-through.

17 A Drive-through.

18 Q Goes to the drive-through?

19 All right. You notice him doing anything while he's
20 driving?

21 A He kept -- we were wondering why he kept looking at
22 his back.

23 THE COURT: (To the witness) I'm sorry?

24 THE WITNESS: We were wondering why he kept looking in
25 his backseat.

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1 Q All right. Now, do you know this guy?

2 A No.

3 Q You followed him basically because Griffin said, "This
4 is a guy we -- we can rob"?

5 A Right.

6 Q Okay. All right. So did you get anything out of the
7 drive-through?

8 A A water.

9 Q Okay. And then what'd you do?

10 A We got out of Zaxby's; we made a right; went down the
11 bypass to the next light by Food Lion; made a left.

12 Q Okay. You -- you know what that road is?

13 A I don't know the name of that road.

14 Q All right.

15 A And it might've been Laurel.

16 Q Okay. What -- tell us what businesses are at that
17 intersection, if you remember.

18 A Food Lion, the car -- a Dodge dealership, a gas
19 station right there, and -- and the Taco Bell.

20 Q Okay. All right. So you're on the bypass at that
21 intersection. Which way do you go?

22 A Left.

23 Q All right. Like you're going out of town?

24 A Right.

25 Q Okay. Where do you go from there?

1 A We make a left on Haltiwanger; go down to the stop
2 sign; make a right by Georgetown and go on Windtree Road;
3 go in Windtree Apartments.

4 Q Okay. And -- and how far -- how far back were you
5 from this burgundy Crown Vic?

6 A Not far.

7 Q I mean, were you, like, the next car back, or was
8 there cars in between you?

9 A Next car back.

10 Q Next -- so you're just following right behind him?

11 A Right. Yes, sir..

12 Q Okay. Where does he go when he gets into the
13 apartment complex, at Windtree?

14 A He goes all the way to the back and kind of curves to
15 the right. It wasn't really a turn, more like just a
16 curve.

17 Q Okay. And -- and where did he go from there?

18 A He parks in a parking spot. There's a truck between
19 him and us.

20 Q Okay. I'm going to show you State's Exhibit No. 5.
21 You -- do you see his car?

22 A Right.

23 Q Which one's his car?

24 A (Indicates.)

25 Q Crown Vic?

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1 All right. Now, what's the truck you're talking
2 about?

3 A It could've been this one right here.

4 Q You think it's the red one?

5 A I'm not sure. It was an SVU; I know that.

6 Q All right. Now, where did you go?

7 A Where the truck parked, that's where we were. And we
8 just parked about right here, and the truck was right here.

9 Q Well, if he's parked there ---

10 A Basically, kind of switched position. We were here,
11 the truck was here, and he was here.

12 Q Were you ---

13 THE COURT: (To the witness) Well, were you behind
14 the truck?

15 THE WITNESS: On the other side of the truck.

16 THE COURT: On the other side of the truck?

17 THE WITNESS: Right. He was on the left side of the
18 truck; we were on the right side of the truck.

19 Q Well, could you ---

20 MR. HENDERSON: (To the witness) So if I'm clear,
21 everybody was in a parking space?

22 THE WITNESS: Right.

23 MR. HENDERSON: Okay.

24 Q Could you have been in that empty spot right there
25 with that red truck between you and his car?

1 A Possibly.

2 Q All right.

3 A Yes, sir. I don't remember exactly. I remember we
4 were separate.

5 Q But you -- you -- you remember pulling into a spot
6 with another car between yours and his?

7 A Right.

8 Q Okay. What, if anything, did -- did -- did you hear
9 when then y'all pulled up?

10 A When we were getting ready to get out, I heard a gun
11 cock.

12 Q You heard a gun cock?

13 A Right.

14 Q All right. And where did you hear that from?

15 A Behind me.

16 Q All right. From the backseat?

17 A Yes, sir.

18 Q Okay. And who was behind you?

19 A Daniel Griffin.

20 Q All right. Did you know that he had a gun?

21 A Yes, sir.

22 Q All right. And how did you know he had a gun?

23 A I seen it before he got in the car.

24 Q Okay. Had -- had y'all had guns from this stuff you
25 were doing before?

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1 A Yes, sir.

2 Q Okay. And why was that necessary?

3 A Just in case we -- protect ourselves.

4 THE COURT: (To the witness) All of you had guns?

5 THE WITNESS: No, sir.

6 THE COURT: Beg pardon?

7 THE WITNESS: No, sir.

8 Q All right.

9 THE COURT: Who did?

10 Q Who -- who -- who did and who did not have a gun?

11 A Me and Daniel Griffin.

12 THE COURT: (To the witness) You -- you had a gun,
13 and he had a gun?

14 THE WITNESS: Yes, sir.

15 Q All right. Did Sergio Quarles have a gun?

16 A No.

17 Q All right. What kind of guns did you have?

18 A A .45.

19 (Whereupon, Mr. Hodges and Mr. Henderson conferred.)

20 MR. HODGES: (To the court reporter) Can I get
21 whatever the next sticker is?

22 (Whereupon, State's Exhibit No. 14 was marked for
23 identification.)

24 THE COURT: (To the witness) You know what kind of
25 gun Mr. Griffin had?

1 THE WITNESS: A Glock 40.

2 THE COURT: What?

3 THE WITNESS: A Glock 40.

4 THE COURT: A Glock 40?

5 THE WITNESS: Yes, sir.

6 Q Forty-caliber?

7 A Right.

8 Q I'm going to show you what's been marked as State's
9 Exhibit No. 14. Do you recognize that?

10 A Yes, sir.

11 Q Okay. And what's that?

12 A That's my gun.

13 Q That's the gun you had?

14 A Right.

15 Q Okay. And are these the bullets that were in it?

16 A Yes, sir.

17 Q All right.

18 MR. HODGES: Your Honor, I would offer State's 14 into
19 evidence.

20 MR. HENDERSON: Without objection.

21 (Whereupon, State's Exhibit No. 14 was entered into
22 evidence.)

23 Q All right. So you said you heard a -- Griffin's gun
24 cock in the back?

25 A Right.

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1 Q And was there anything said at that point? I mean,
2 did anybody say anything, or did y'all just kind of go?

3 A We just got out the car.

4 Q Okay. So where --

5 THE COURT: (To the witness) Who got ---

6 Q --- were you ---

7 THE COURT: --- out of the car?

8 THE WITNESS: I was the first one out the car.

9 Q Okay. So you got out from the driver's seat?

10 A Right.

11 Q All right. And which one of y'all made it to the guy
12 first?

13 A Me.

14 Q Okay. Tell us what -- what path did you take to get
15 from where you were to where his car was?

16 A I went behind the truck -- the back -- the trunk of
17 it. I came around the trunk of his car.

18 Q Okay. And went where from there?

19 A To him.

20 Q Okay. And where was he?

21 A He was -- had his feet hanging out of the driver-side
22 door of his car.

23 Q Okay. So he was still kind of in the car but getting
24 out?

25 A Yes, sir.

1 Q Okay. So I guess his driver door was open?

2 A Yes, sir.

3 Q Okay. And did you have the gun when you ---

4 A Yes, sir.

5 Q --- approached him?

6 All right. And tell me what you did.

7 A I -- I never said anything. I just came around the
8 car. He seen the gun. And he pulled the money out of his
9 pocket and threw it on the ground.

10 Q All right. Were you pointing the gun at him?

11 A Yes, sir.

12 Q Would it -- would it have been fairly obvious to him
13 what was happening?

14 A Yes, sir.

15 Q Okay. So what'd you do when he threw the money on the
16 ground?

17 A I went down to pick it up. And then that's when I
18 heard Mr. Griffin come behind me.

19 Q Okay. Now, you said you actually beat him there
20 first, right ---

21 A Yes, sir.

22 Q --- or gotten there first?

23 All right. Did you see Mr. Griffin?

24 A Did I see him?

25 Q Yeah. Did you see Mr. Griffin when he came around?

1 A I didn't see him until he -- I heard his footsteps,
2 but I didn't actually turn around and see him until he got
3 in front of me.

4 Q So he -- so you heard him come up from behind?

5 A Yes, sir.

6 Q Okay. What happened next?

7 A While I was picking up the money, he just started
8 hitting him with the gun.

9 Q All right. Now, how -- how was -- like, when -- when
10 the guy threw the money down, what did he do?

11 A As soon as he threw the money down, he put his head
12 down into his lap like this.

13 Q Let the judge see how -- how you did it.

14 A Like that.

15 Q So he threw the money down and just kind of covered
16 up?

17 A Yes, sir.

18 Q Okay. Now, you said that Mr. Griffin started hitting
19 him?

20 A Right.

21 Q All right. Describe for us, if you would, how that --
22 how that happened.

23 A He walked up and he hit him with the butt of the gun
24 -- the barrel about six or seven times and then seen the
25 blood. And then I went -- turned around and started

1 walking to the car.

2 Q Now, how did he get around you to do that?

3 A I was picking up the money off the ground when he came
4 up.

5 Q So were you kind of stooped down?

6 A Yes, sir.

7 Q Okay. And so how was he able to reach the guy?

8 A It was a wide space. He -- he had enough room to come
9 around me.

10 Q So he came around you and started hitting him?

11 A Yes, sir.

12 Q All right. Did you see what was happening to him as
13 he was getting hit?

14 A Did I see him getting hit?

15 Q Yeah.

16 A Yes, sir.

17 Q What was -- what was happening to the guy that was
18 getting hit?

19 A Oh, blood was coming out his head, basically.

20 Q Okay.

21 A And he still was curled down, trying to put his hand
22 in front of him where he was putting the gun at.

23 Q All right. Did you notice the child at any point?

24 A When I first came around the car, I looked back and
25 that's when I realized it was a little girl in the backseat

1 of the car.

2 Q Okay. All right. What happens after Griffin starts
3 hitting him with the gun?

4 A Sergio backs the car up. He gets in the driver's seat
5 and back the car up. And I go to the car. And he's still
6 there hitting him.

7 Q All right. Where -- where does he pull the car up to
8 -- Sergio?

9 A He really didn't -- he just backed out of the parking
10 spot, and then we -- I ran to the car. When I -- I was
11 just standing there at first just looking at him getting
12 hit. And when we backed the car out, I ran to the car.

13 Q Okay.

14 A And then when I ran to the car was when we were
15 telling him -- telling Daniel, "Come on."

16 Q All right. And where did you get into the car?

17 A The passenger seat.

18 Q All right. So now, basically, you and Sergio switched
19 places in the car: Sergio ---

20 A Right.

21 Q --- is driving now?

22 A Right.

23 Q All right. And -- and what about Mr. Griffin? Did he
24 get back in the car?

25 A Yeah. In the same spot, behind the driver.

1 Q Behind the driver?

2 Okay. What did -- what, if anything, did you get -- I
3 mean, you said you picked up the money?

4 A Right.

5 Q Describe that for us, if you would.

6 A It was about \$630.

7 Q All right. And how was it -- I mean, was it in a
8 wallet, or how was ---

9 A It had ---

10 Q --- it contained?

11 A --- a little money clip over it.

12 Q Okay. So about \$630 in a money clip?

13 A Right.

14 Q All right. What'd you do with the money?

15 A The money?

16 Q Uh-huh.

17 A We got the money and pulled off and split the money up
18 ---

19 Q Okay.

20 A --- 200, 200, and 200. And then he was, like, he
21 should get the \$30 because he hit him in the head.

22 Q Who -- who said he should get \$30 since he hit him in
23 the head?

24 A Daniel Griffin.

25 Q Okay. So you got 200 and Sergio got 200 and Griffin

1 got 230?

2 A Right.

3 Q All right. Where'd y'all go from there? Oh, well,
4 did -- did Griffin get anything else off of him?

5 A He came with a couple bags of weed.

6 Q Okay. While this was going on, did you notice whether
7 Griffin was wearing anything?

8 A Yeah. He had a clear mask on.

9 THE COURT: (To the witness) What?

10 THE WITNESS: A clear mask ---

11 MR. HODGES: Clear mask.

12 THE WITNESS: --- like a Halloween mask, something
13 like that.

14 Q Had -- had you seen that mask before?

15 A Not until I got out the car and he came behind me, and
16 then I seen he had one on.

17 Q Okay. Describe it for us, if you would.

18 A It had, like, lipstick and eyelashes on it; it was
19 clear.

20 Q All right.

21 (Whereupon, Mr. Hodges and Mr. Henderson conferred.)

22 MR. HODGES: (To the court reporter) Have that marked
23 as whatever the next . . .

24 (Whereupon, State's Exhibit No. 15 was marked for
25 identification.)

1 THE COURT: This will be State's Exhibit what: 15?

2 THE COURT REPORTER: Yes, Your Honor.

3 Q I'm going to hand you State's Exhibit No. 15. Do you
4 recognize that?

5 A Yes, sir.

6 Q All right. And what is that?

7 A The mask that he had on.

8 Q That who had on?

9 A Daniel Griffin.

10 MR. HODGES: Your Honor, I would offer State's 15 into
11 evidence.

12 MR. HENDERSON: Your Honor, I think they've laid the
13 proper foundation ---

14 THE COURT: All right.

15 MR. HENDERSON: --- to get it in.

16 THE COURT: Without objection -- and without
17 objection.

18 (Whereupon, State's Exhibit No. 15 was entered into
19 evidence.)

20 Q All right. I'm kind of jumping ahead a little bit,
21 but where did that mask come from? Where -- where was that
22 discovered?

23 A In my car up underneath the driver's seat. My -- my
24 girlfriend found it about maybe two/three weeks after I was
25 out of jail. When ---

1 Q Okay.

2 A --- she went to the -- she got her car back, and said
3 -- because I was on the phone with her at the time -- and
4 she said that she found the mask underneath the seat. And
5 she was, like, mad at me.

6 Q Okay. And so when you found out that your girlfriend
7 had found the mask under the -- your driver's seat, what'd
8 you do with it?

9 A The -- I had her take it up to the police station.

10 THE COURT: (To the witness) What?

11 MR. HODGES: Turned it in -- turned it in.

12 THE WITNESS: Right.

13 Q All right. All right. So y'all got back in the car,
14 divvied up the money, and where are you headed then?

15 A McCormick again.

16 Q So you're kind of back on the same plan to -- to get
17 to McCormick?

18 A Yes, sir.

19 Q All right. What -- what way were you going to get to
20 McCormick?

21 A We went down to Greenwood -- we came out of Windtree
22 Road; turned right; went past Greenwood High School; kept
23 straight down all the way till we got to the Sunco, where
24 you turn right to go to McCormick. We were stopping at the
25 gas station to get gas.

1 Q All right. Where -- and where is this Sunco?

2 A It's right up the road from Emerald School.

3 Q Like by Emerald High School?

4 A Right.

5 Q Okay. All right. So y'all are stopping there to get
6 gas?

7 A Right.

8 Q And then, Sergio is still driving?

9 A Right.

10 Q Okay. So then, what happens then?

11 A We turned around -- I turned around and looked, and I
12 was getting ready to get out the car, and we see a police
13 car behind us. And that's when we ---

14 Q How ---

15 A --- we ---

16 Q --- did -- how -- how'd you know it was a police car?

17 A Because I seen -- it was -- it was a silver -- it
18 wasn't a regular car. It was silver. But I seen the guy
19 shaking his head, like, don't do it, like, I can't -- don't
20 try to run, I guess.

21 Q How -- was there some way that you knew he was a
22 police officer?

23 A His lights was blinking?

24 Q License plate?

25 A Lights blinking.

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1 Q Oh, he had lights on?

2 A Yeah. He -- he didn't have a sound, but he had lights
3 on.

4 Q Okay. So he pulled up at y'all at the gas station and
5 turned on his blue lights?

6 A Right.

7 Q All right. Now, had y'all gotten out of the car yet,
8 or were y'all still in the car?

9 A No, sir. We still in the car.

10 Q Okay. So y'all had just gotten to the gas station?

11 A Yes, sir.

12 Q All right.

13 THE COURT: (To the witness) Well, wait. You --
14 where were you?

15 THE WITNESS: Turning where we -- I know you go down
16 past Emerald. On the left there's a gas station, a Sunco,
17 I believe.

18 THE COURT: Past what?

19 THE WITNESS: Emerald.

20 THE COURT: Emerald High School?

21 THE WITNESS: Yes, sir.

22 MR. HODGES: Okay.

23 THE WITNESS: And you can turn right to go to
24 McCormick right there ---

25 THE COURT: Go ---

1 THE WITNESS: --- at the ---

2 THE COURT: Okay.

3 THE WITNESS: --- next light.

4 THE COURT: Right. Okay. Connie Maxwell Children's
5 Home to your left? Do you -- is that where you talking
6 about? You know that?

7 THE WITNESS: No, sir, I don't.

8 THE COURT: You don't? Okay. But anyway, you go past
9 Emerald on the bypass -- the Weston bypass; the next
10 intersection you're going to turn right to go to McCormick.

11 THE WITNESS: Yes, sir.

12 THE COURT: And you pulled in that gas station?

13 THE WITNESS: Yes, sir.

14 Q All right. So what happens when this officer pulls up
15 next to y'all and turns on his blue lights?

16 A Well, Sergio was setting ready to stop the car. But
17 then Daniel said, "Nah, go ahead," like get rid of the
18 guns. So we -- the chased started from there.

19 Q All right.

20 THE COURT: (To the witness) What?

21 THE WITNESS: Sergio Quarles was getting ready to stop
22 the car, and we were going to basically give up. But he
23 said, "No, keep going till we get rid of the guns."

24 Q Who said that y'all needed to keep going and get rid
25 of the guns?

1 A Daniel Griffin.

2 Q Okay. And so did Sergio take off?

3 A Yes.

4 Q All right. What -- what way did he go?

5 A We came -- we basically turned around in the gas
6 station and got right on the road. We were trying to make
7 that right, but the lanes were covered, so we kept straight
8 at that light. And we turned right to McCormick; we kept
9 straight.

10 Q So you -- you weren't headed -- you didn't take the
11 road towards McCormick right then?

12 A No. We -- we couldn't. It was blocked off ---

13 Q Okay.

14 A --- by cars.

15 Q So which -- which way did you go?

16 A Straight. Instead of turning right at that same light
17 we ---

18 Q Are you talking about going back towards Emerald High
19 School or going down south?

20 A Going down like we're going towards 25.

21 Q Okay. All right. And did the -- the police officer
22 start chasing you?

23 A Right.

24 Q All right. How fast do you think you were going?

25 A Anywhere from about 80 to 100.

1 Q Did y'all turn off on the bypass at some point?

2 A We made a right somewhere and ended up in the country
3 back roads.

4 Q Okay. And what was going on while y'all were riding
5 down this country road?

6 A They were just trying to figure out where we were
7 going -- like, make a right; keep straight; just trying to
8 figure out which way to do.

9 Q Okay.

10 A Because a couple time we looked back and we didn't see
11 the cop no more; looked back again; he there.

12 Q All right. Now, you mentioned that part of the reason
13 y'all were running was to try get rid of the guns?

14 A Yes, sir.

15 Q And did -- did y'all attempt to do that?

16 A Yeah. We were riding -- I wasn't thinking about it at
17 the time getting, but I heard the back window go down.

18 Q I know ---

19 A And ---

20 Q --- you -- and again, who was the backseat?

21 A Daniel Griffin.

22 Q Okay. So you heard his window roll down?

23 A Right.

24 Q Okay. And -- and what'd he do?

25 A Tossed his gun out the window on the left side of the

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1 road. And I tossed mine out the right side of the road.

2 Q All right. Did you -- did you actually see him toss
3 his gun?

4 A Yes, sir.

5 Q Okay. So his went out the driver's side -- out the
6 left ---

7 A Right.

8 Q --- because he was on -- he was behind the driver?

9 A Right.

10 Q And then, you were in the front passenger seat, so
11 yours went out the right window?

12 A Yes, sir.

13 Q All right. And was that all on this country road that
14 you were driving down?

15 A Yes, sir.

16 Q Okay. Y'all still going 80/100 miles an hour?

17 A Yes, sir. We get to a stop sign and make and left,
18 and then that's when the crash happened.

19 Q All right. Well, tell me about the crash.

20 A It had been raining a little bit either the day of or
21 the day before, so the roads were wet. And when Sergio
22 seen the cop car, he slammed on brakes, but we still
23 skidded into the cop car.

24 Q Okay. And where was the cop car at?

25 A It was a -- at Promised Land at -- it's a made -- it's

1 a gas station right there. He had made a left -- he went
2 right into us, like he blocked us off -- like, turned
3 sideways and blocked us off. But he didn't turn all the
4 way sideways, because we still hit him in the front.

5 Q Okay. Now, you said that -- that Promised Land -- do
6 -- is this country road that you were on, did it end up
7 dumping you out at Promised Land?

8 A Yes, sir.

9 Q Right -- I mean, right there in the middle of Promised
10 Land?

11 A Yes, sir.

12 Q All right.

13 (Whereupon, Mr. Hodges and Mr. Henderson conferred.)

14 Q I'm going to show you State's 11 and 12; see if you
15 recognize those pictures -- or what's in those pictures.

16 A Yes, sir.

17 Q All right. What's that a picture of?

18 A The car hitting the police car.

19 Q All right. Is that -- is that your girlfriend's car?

20 A Yes, sir.

21 Q The white Camry?

22 A Yes, sir.

23 Q And then, the other car, is that the police car y'all
24 ran into?

25 A Yes, sir.

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1 Q All right.

2 MR. HODGES: And, Your Honor, I would offer that as
3 State's 11 and 12.

4 MR. HENDERSON: Without objection, Your Honor..

5 (Whereupon, State's Exhibits 11 and 12 were entered
6 into evidence.)

7 Q At some point did you text to your girlfriend?

8 A Well, when we -- the cop car came to us, I called her
9 when we were -- we went straight through the light instead
10 of turning right. At that point when the chase first
11 started, I called her and told her to report the car
12 stolen.

13 Q All right. I'm going ---

14 THE COURT: (To the witness) You called ---

15 Q --- to show you ---

16 THE COURT: --- her and told her what?

17 THE WITNESS: To report the car stolen.

18 Q I'm going to show you a ---

19 THE COURT: I still couldn't understand you.

20 THE WITNESS: Report the ---

21 THE COURT: Called her ---

22 THE WITNESS: --- car stolen.

23 THE COURT: --- and told her what?

24 THE WITNESS: To report the car stolen.

25 THE COURT: To report the car stolen?

1 THE WITNESS: Right.

2 Okay.

3 Q I'm going to hand you State's Exhibit No. 10. What's
4 that a picture of?

5 A My phone ---

6 Q All right.

7 A --- saying report the car stolen.

8 Q All right.

9 MR. HODGES: Your Honor, I would offer State's 10 into
10 evidence.

11 MR. HENDERSON: Without objection.

12 (Whereupon, State's Exhibit 10 was entered into
13 evidence.)

14 THE COURT: What is that a picture of?

15 Q Explain to the judge what that's a picture of.

16 A That's a picture of me texting my girlfriend, saying
17 to report the car stolen.

18 THE COURT: (To Mr. Hodges) How did you get this
19 picture?

20 MR. HODGES: We got his phone and ---.

21 THE COURT: Oh.

22 MR. HODGES: --- took a ---

23 THE COURT: Oh.

24 MR. HODGES: --- picture of it.

25 THE COURT: Okay.

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1 MR. HODGES: It's a picture of where he texted his
2 girlfriend ---

3 THE COURT: Okay.

4 MR. HODGES: --- that day to -- to ---

5 THE COURT: (To the witness) That -- that's your
6 phone with that message on there?

7 THE WITNESS: Yes, sir.

8 THE COURT: The -- the picture was taken sometime
9 later by police or somebody?

10 THE WITNESS: Yes, sir.

11 THE COURT: Okay.

12 Q All right. Now ---

13 THE COURT: I don't understand all that.

14 Q And why were you -- why were you texting your
15 girlfriend to tell her to report the car stolen?

16 A Just in case we got away it would be in there.

17 Q I got you. Okay. All right. So y'all go on this
18 chase, throw the guns out, and crashed into the cop car.

19 Then -- then what happens? What do y'all do then?

20 A We go to the jail. Well, they -- they come get me out
21 of the woods.

22 Q Okay. So ---

23 A Everybody

24 Q --- so -- so ---

25 A --- runs.

1 Q -- y'all -- so y'all crash the car, and then -- and so
2 everybody runs?

3 A Yes, sir.

4 Q All right. What -- what direction did people go?

5 A I know they went to the left. I don't know where they
6 went, you know. I went to the right, and I never looked
7 back.

8 Q Okay. So Sergio and Daniel are on the driver's side,
9 so they run left?

10 A Yes, sir.

11 Q And you're on the passenger's side, so you run right?

12 A Right.

13 Q Okay. What -- where did you go?

14 A I went into the woods. And the officer caught me
15 coming out of the woods.

16 Q Okay.

17 THE COURT: (To the witness) You went -- you ran in
18 the woods and what?

19 THE WITNESS: The officer came in the woods and caught
20 me.

21 Q Did -- did you cooperate with the police?

22 A Yes, sir. I wrote a statement ---

23 Q Okay.

24 A --- and took then to go get my gun.

25 Q All right. And is that how they got the gun back?

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1 A Yes, sir.

2 Q You actually took them back out and showed them where
3 you threw it?

4 A Yes, sir.

5 Q All right. Now, you've already said you turned in --
6 turned in the mask a couple weeks later when your
7 girlfriend found it in the car?

8 A Yes, sir.

9 Q All right.

10 THE COURT: (To the witness) How about the money?
11 What happened to the money?

12 THE WITNESS: We gave -- I gave them my ---

13 THE COURT: What?

14 THE WITNESS: I gave them my half or whatever.

15 THE COURT: You gave it to the police?

16 THE WITNESS: Yes, sir.

17 THE COURT: They still have it, as far as you know?

18 THE WITNESS: Yes, sir.

19 MR. HODGES: Beg the Court's indulgence just one
20 minute, Judge.

21 THE COURT: (To the witness) Who'd you give it to?
22 You remember?

23 THE WITNESS: Uh-huh. John Long.

24 THE COURT: Who?

25 THE WITNESS: John Long.

1 THE COURT: John ---

2 THE WITNESS: --- Long. I think that was his name,
3 John ---

4 THE COURT: Long?

5 THE WITNESS: Yes, sir. That's what it said on the
6 disk. I don't know if that was him.

7 THE COURT: What?

8 THE WITNESS: That's what it said on the disk. I
9 don't know if that was actually him.

10 MR. HODGES: That's all the questions I have, Your
11 Honor.

12 THE COURT: Cross-examination.

13 MR. HENDERSON: Yes, sir.

14 CROSS-EXAMINATION

15 BY MR. HENDERSON:

16 Q Out of -- out of curiosity, Mr. Allen, just --
17 something just pops into my mind: Law enforcement took
18 possession of this wrecked car, didn't they?

19 A Yes.

20 Q And -- and -- and you would assume, wouldn't you, when
21 law enforcement takes possession of a wrecked car that's
22 been involved in an alleged crime, they would search this
23 car, wouldn't you?

24 A Yes, sir.

25 Q And -- and you're telling His Honor that they searched

1 Q Why'd y'all do it?

2 A Why did we rob him?

3 Q Yeah. Why were y'all doing this stuff?

4 A I came down here; I was living my girlfriend; I didn't
5 have any money. And they came to me with a plan to rob,
6 and I was just -- thought maybe where I'd get away with it
7 and just did something stupid; made a stupid mistake.

8 MR. HODGES: That's all I have, Your Honor.

9 THE COURT: All right.

10 MR. HENDERSON: Can we take a little break? Judge,
11 can we ---

12 THE COURT: We'll take ---

13 MR. HENDERSON: --- take a ---

14 THE COURT: --- a short break.

15 MR. HENDERSON: That might be good.

16 THE COURT: All right. About a 15-minute recess.

17 (Whereupon, the Court was in recess from 11:42 a.m.
18 until 11:59 a.m.)

19 THE COURT: All right. We're going to have to stop at
20 12:30, but just go ahead. We'll go ahead -- we'll do as
21 much as we can. Call your next witness.

22 MR. HODGES: The state calls Ray Watson.

23 MR. HENDERSON: Your Honor, before we do any of this
24 testimony, I've got a matter for the Court to take ---

25 THE COURT: What's ---

1 MR. HENDERSON: --- up.

2 THE COURT: --- that?

3 MR. HENDERSON: Your Honor, I -- I'd like to present a
4 motion.

5 THE COURT: All right.

6 MR. HENDERSON: And I'd like to get it marked as a
7 Court's exhibit.

8 (Whereupon, Court's Exhibit 1 was marked for
9 identification.)

10 THE COURT: You got a copy so I can start reading?

11 MR. HENDERSON: I do, Your Honor. And, Your Honor, it
12 all goes toward the lawfulness of the stop and the
13 detention and the arrest of my client, Your Honor. And if
14 -- and if His Honor looks through that, I'd like to call --
15 when the Court gives me the floor, I'd like to call Ms.
16 Ingram Moon as my witness.

17 THE COURT: Well, why -- why are you presenting it at
18 this time?

19 MR. HENDERSON: Your Honor, because they're fixing to
20 go into stopping my client, interrogating my client,
21 arresting my client. None of that's been testified to.
22 Now they're trying to put up some law enforcement.

23 THE COURT: Okay. Well -- but okay. Then, the next
24 question I have is: You want me to read all this before I
25 make -- decide the motion?

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1 MR. HENDERSON: Well, Your Honor, you can take it
2 under advisement. That'll be fine. I just want to -- I
3 want to preserve my record.

4 THE COURT: Okay.

5 MR. HENDERSON: And I'd to elicit some testimony from
6 Ms. Moon as well, Your Honor.

7 THE COURT: So you want to call her at this point?

8 MR. HENDERSON: Yes, ma'am -- yes, sir.

9 THE COURT: Any objection?

10 MR. HODGES: I mean, I -- I just got this like you
11 did, Judge.

12 THE COURT: All right. Well, bring her around.

13 MR. HENDERSON: I'd call Ms. Ingram Moon as my
14 witness.

15 THE COURT: Yeah. This is good. You want me to swear
16 her?

17 CLERK OF COURT: No.

18 INGRAM MOON, having been first duly sworn,
19 testified as follows:

20 DIRECT EXAMINATION

21 BY MR. HENDERSON:

22 Q Ms. Moon, how are you today?

23 A I'm just fine.

24 Q And -- and -- and at my request and subpoena, you
25 brought a file folder with you, didn't you?

1 A I did.

2 Q And is that a document and -- a set of files that you
3 keep down in your office of public record?

4 A It is.

5 Q Could you tell the Court what's contained in that
6 file?

7 A It is a number of oaths that are taken from the
8 sheriff's department with -- for the deputies.

9 Q And -- and -- and what else is contained in that file?

10 A There is an order from Judge Addy, requesting that
11 these be recorded in the clerk of court's office.

12 Q And -- and what was Judge Addy's letter date?

13 A Are you ---

14 Q Or what ---

15 A --- talking ---

16 Q --- was the date ---

17 A --- about ---

18 Q --- of his letter?

19 A --- handwritten date ---

20 Q Yes.

21 A --- or -- okay. It is 9/29/11.

22 Q So September 29th of last year?

23 A Yes.

24 Q And -- and did -- was an order accompanying that
25 letter?

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1 A It is.

2 Q And what is the date of that order?

3 A Okay. The general order -- I recorded into the office
4 on September 30 of 2011.

5 Q And all these documents entitled "Oaths," were those
6 attached with the order -- or do you get it all at the same
7 time?

8 A I did.

9 Q Okay. And that -- and what you brought with you is a
10 true and accurate and complete file that you keep?

11 A It is.

12 MR. HENDERSON: Your Honor, I'd ask that -- to make --
13 the court reporter to make a copy of that file and to enter
14 it into a -- into the record as an -- as a motion exhibit.

15 THE COURT: All right. I'll allow that ---

16 Q Prior to ---

17 THE COURT: --- at the appropriate time. Okay.

18 Q Prior ---

19 THE COURT: So that'll be -- so that'll be Defendant's
20 Exhibit 11, I guess.

21 MR. HENDERSON: I guess it might as well -- I don't
22 know if it's necessarily a trial exhibit, Your Honor. It's
23 a ---

24 THE COURT: Well ---

25 MR. HENDERSON: I don't ---

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1 THE COURT: --- it's ---

2 MR. HENDERSON: --- I don't -- I'm not really sure how
3 you ---

4 THE COURT: Well, we ---

5 MR. HENDERSON: --- want to ---

6 THE COURT: Yeah. We're going to do it that way:
7 Exhibit 11 for the trial.

8 MR. HENDERSON: Okay.

9 THE COURT: All right.

10 Q And, Ms. Moon, prior to September 30th -- let me ask
11 you: How long have you been working at the clerk's office?

12 A Since 1985.

13 Q And how long have you been the clerk of the court?

14 A Since 2004.

15 Q Is there any other office in this county that's know
16 as the "Greenwood County Clerk of Court"?

17 A No.

18 Q No. You -- you are the boss of that office?

19 A I am.

20 Q And -- and -- and you are the keeper of the records in
21 that office?

22 A I am.

23 Q Prior to September 30th of last year, have you ever
24 seen any type of order, document, anything else coming from
25 a circuit judge, approving or okaying anybody to be a

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1 deputy over at the sheriff's department?

2 A I have not.

3 Q And -- and -- and if you had seen that, would you know
4 about it?

5 A I would.

6 Q And -- and -- and those -- you would keep those
7 records actually in your office, don't you?

8 A I do.

9 Q Prior to you getting these documents on September 30th
10 of last year, had you ever seen any other type of document
11 called an "oath" or anything similar signed by anybody who
12 worked for the sheriff's department?

13 A I have not.

14 Q And you've been there a long time?

15 A I have.

16 Q And -- and actually, at my request, you've searched
17 the office high and low, haven't you?

18 A I have.

19 Q And -- and at -- and to the best of your knowledge,
20 this -- had any of these documents ever been filed of
21 public record prior to September 30th of last year?

22 A No.

23 Q And I also asked you, didn't I, to look for any bonds
24 that have been filed by anybody that works for the
25 sheriff's department, didn't I?

1 A You did.

2 Q And have you searched your office?

3 A I have.

4 Q And have you searched the -- your -- all your offices?

5 A I have.

6 Q Have you found any bonds in your office and under your
7 control that have been signed by anybody who works for the
8 sheriff's department?

9 A I have not.

10 Q Have you seen any type of blanket bond that would
11 cover anybody who works for the sheriff's department?

12 A No, I have not.

13 Q And -- and -- and if they were there, you'd know about
14 it?

15 A I would.

16 Q And, in fact, when Judge Addy brought this issue to
17 your attention September 30th, give or take, of last year,
18 was this the first time you'd ever heard about these
19 issues?

20 A It is.

21 Q And -- and I guess the next person who discussed those
22 issues with you was me?

23 A Yes.

24 Q Is that fair to say?

25 And -- and -- and again, you have looked high and you

CROSS-EXAMINATION BY MR. HODGES - INGRAM MOON 150

1 have looked low, and you're comfortable that prior to
2 September 30th, no oaths were ever filed?

3 A That is correct.

4 Q That -- that no -- nothing by a circuit judge
5 approving anybody who works for the sheriff's department
6 had ever been filed?

7 A They have not.

8 Q And -- and you're pretty sure that no bond material
9 has been filed affecting the sheriff's department one way
10 or the other?

11 A That is correct.

12 Q Okay.

13 MR. HENDERSON: And, Your Honor, I'd have no further
14 questions of Ms. Moon.

15 THE COURT: All right. Anything you want to ask her,
16 Solicitor?

17 MR. HODGES: Just one second, if I could, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. HODGES:

20 Q Madam Clerk, do you have a copy of Judge Addy's order
21 in front of you?

22 A I do. I have the general order.

23 Q That's a four-page order, dated September 29th, 2011?

24 A That's right.

25 Q Could you read the last paragraph of that order?

REDIRECT EXAMINATION BY MR. HENDERSON - INGRAM MOON 151

1 THE COURT: Well, let me read it. You want me to read
2 it?

3 MR. HODGES: That'd be fine, Your Honor.

4 THE COURT: All right.

5 MR. HODGES: And I'm pointing specifically to the
6 first sentence.

7 THE COURT: Yeah. That's -- I've read it. All right.

8 MR. HODGES: That's the only question I'd have for
9 this witness.

10 THE COURT: All right. (To the witness) So you're
11 going to make a copy of that downstairs in your office and
12 bring it back and give it to the clerk of -- to the court
13 reporter, okay?

14 THE WITNESS: I can do that. Yes, sir.

15 THE COURT: All right. Good. I thought ---

16 MR. HENDERSON: I've got ---

17 THE COURT: --- you could.

18 MR. HENDERSON: --- one follow-up question ---

19 THE COURT: Sure.

20 MR. HENDERSON: --- just for ---

21 REDIRECT EXAMINATION

22 BY MR. HENDERSON:

23 Q I want you to take a look at those documents entitled
24 "Oaths." There's a hundred ---

25 THE COURT: You're ---

REDIRECT EXAMINATION BY MR. HENDERSON - INGRAM MOON 152

1 Q --- and some ---

2 THE COURT: --- I assume you'd really want me to look
3 at it.

4 MR. HENDERSON: Correct. But -- but ---

5 THE COURT: So ---

6 MR. HENDERSON: --- actually, Ms. -- Ms. Moon as well
7 in her job as keeper of the records.

8 THE COURT: Which one you want me to look at?

9 MR. HENDERSON: Any of them.

10 THE COURT: Which one -- of what?

11 MR. HENDERSON: Any of the documents entitled "Oath."

12 THE COURT: Oath? Where are those?

13 MR. HENDERSON: Judge, there would be some exhibits to
14 my motion -- Exhibit E, F, G, H -- there's three or four of
15 them there.

16 THE COURT: All right. Just a minute and I'll tell
17 you when I've found one. I got it. I'm looking for the
18 first one. All right. What about it -- what about it?

19 Q And -- and -- and, Madam Clerk, you're familiar that
20 when somebody takes an oath or an affirmation, "I swear or
21 affirm"; is that fair to say?

22 A Yes.

23 Q That you raise your hand to swear or affirm?

24 And that could be notarized, can't it?

25 A I'm sorry?

REDIRECT EXAMINATION BY MR. HENDERSON - INGRAM MOON 153

1 Q I mean, that would be notarized, wouldn't it, somebody

2 ---

3 A Yes.

4 Q --- acknowledging the affirmation or the oath?

5 A That's correct.

6 Q Look at any of the oaths -- pick one out of that file.

7 None of them are notarized, are they?

8 A No, they're not.

9 Q None -- none of them are. So, I mean, it wouldn't be
10 -- it wouldn't be an oath in the first place, would it?

11 A The only thing that I have here is that the sheriff,
12 Tony Davis, has signed. And it says "Sworn to before" him.

13 Q But it doesn't say he's a notary or ---

14 A No, it ---

15 Q --- that it ---

16 A --- does ---

17 Q --- expires ---

18 A --- not.

19 Q --- that day, does it?

20 And that's ---

21 A No.

22 Q --- typical when somebody notarizes something, isn't
23 it?

24 A It is.

25 Q Okay.

1 MR. HENDERSON: I don't have anything further, Your
2 Honor.

3 THE COURT: Okay. Thank you very much. All right.
4 So I'm going to have to consider all this to decide what to
5 do with it. But we'll proceed with the trial.

6 MR. HENDERSON: Absolutely, Your Honor. I'd just ask
7 ---

8 THE COURT: All right.

9 MR. HENDERSON: --- that you take that under
10 advisement ---

11 THE COURT: All right.

12 MR. HENDERSON: --- because it's the defense's
13 position that none of the employees of the sheriff's
14 department involved in this matter with my client or with
15 Mr. Quarles or Mr. Allen are duly qualified deputy
16 sheriffs, meaning they don't have the power of arrest.
17 And, Your Honor, I don't believe there's going to be any
18 testimony that they were trying to do this under a
19 citizen's-arrest theory. I just want the Court to keep
20 that in mind as this trial progresses.

21 THE COURT: All right. We'll see where that goes.
22 All right. Who else -- who do you want to call now? You
23 want to call Mr. Watson?

24 MR. HODGES: That's correct, Your Honor.

25 THE COURT: Come on up. We'll get started with him.

DIRECT EXAMINATION BY MR. HODGES - MARVIN RAY WATSON, II 155

1 MARVIN RAY WATSON, II, having been first duly
2 sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. HODGES:

5 Q Can you please state your name for the record?

6 A Marvin Ray Watson, II.

7 Q Where are you employed?

8 A Greenwood County Sheriff's Office.

9 Q And how long have you been employed at the sheriff's
10 office?

11 A It'll be 20 years in August.

12 Q All right. Who was the first sheriff to hire you?

13 A Sam Riley.

14 Q All right. Did you take an oath under Sam Riley when
15 you were hired?

16 A Yes, sir.

17 Q And who was the next sheriff that you worked for?

18 A Dan Wideman.

19 Q All right. Did you take an oath under Dan Wideman?

20 A Yes, sir.

21 Q All right. And what about the next sheriff that you
22 worked for?

23 A Yes, sir.

24 Q And who was that?

25 A Tony Davis.

DIRECT EXAMINATION BY MR. HODGES - MARVIN RAY WATSON, II 156

1 Q You take an oath when you began working for Sheriff
2 Davis?

3 A Yes, sir.

4 Q All right. Are you bonded?

5 A They -- yes, sir.

6 Q Where -- where are y'all bonded through? Do you ---

7 A I'm not sure.

8 Q But you know you are bonded?

9 A Yes, sir.

10 Q All right. Were you working in your capacity as
11 deputy sheriff back on November 30th of 2010?

12 A Yes, sir.

13 Q And did you have an occasion to meet the defendant in
14 this case, Mr. Griffin, over at the Greenwood County
15 Detention Center?

16 A I don't know that we carried on any conversation or
17 anything. But I walked back to the detention center where
18 he was.

19 Q And this was after he was taken into custody,
20 obviously?

21 A Yes.

22 Q All right. And did you have occasion to get some cash
23 monies off of his person?

24 A I don't know if I got it off his person or if I got it
25 where he had had it up on the counter when he was being

DIRECT EXAMINATION BY MR. HODGES - MARVIN RAY WATSON, II 157

1 booked in.

2 Q But it was his property?

3 A Right.

4 THE COURT: (To the witness) And that's ---

5 Q All right.

6 THE COURT: --- who you talking about?

7 THE WITNESS: Mr. Griffin.

8 THE COURT: Griffin.

9 Q And can you point him out in the courtroom for us?

10 A The defendant, sitting by Mr. Henderson.

11 MR. HODGES: Your Honor, just let the record reflect
12 he's identified the defendant.

13 Q I'm going to hand you -- hand you up a copy ---

14 (Whereupon, Mr. Hodges and Mr. Henderson conferred.)

15 Q --- just to hand you a copy of -- well, tell me what
16 that -- what that document is.

17 A That's a chain of custody.

18 Q All right. And is that related to the money that was
19 seized from the defendant, Mr. Griffin?

20 A Yes, sir.

21 Q All right. And were you the one that seized that and
22 put it into evidence?

23 A Yes, sir.

24 Q All right. And tell us, if you would, the amount of
25 money that was taken from his person.

CROSS-EXAMINATION BY MR. HENDERSON - MARVIN RAY WATSON, II 158

1 A It says: "Ray Watson, employed with Greenwood
2 Sheriff's Office, on 11/30/2010 seized from Daniel Griffin,
3 pursuant to arrest at the county jail, 238.55."

4 Q \$238.55?

5 A Yes, sir.

6 Q All right. Please answer any questions that Mr.
7 Henderson may have.

8 CROSS-EXAMINATION

9 BY MR. HENDERSON:

10 Q And -- and you're aware that -- that some of your
11 colleagues have took some money from these other fellas,
12 aren't you -- or -- or did you know?

13 A Yes, sir.

14 Q I'm -- I'm going to show you a -- see if you can
15 identify what this document is and who's doing what to
16 whom.

17 A That's an actual same chain of -- it's not the same
18 chain -- same form.

19 THE COURT: I'm sorry. I couldn't understand the last
20 -- what?

21 THE WITNESS: Excuse me, Judge.

22 A It's the same-type form that I used for Mr. Griffin.
23 John Long used it for Mr. Allen. And it's got \$100 that he
24 took from him on the same date.

25 Q Okay. And I want to show you another document. And

CROSS-EXAMINATION BY MR. HENDERSON - MARVIN RAY WATSON, II 159

1 if you look at this document right there, can you tell the
2 Court again who's doing what to whom with money?

3 A This is Sergio Quarles, same-type document. I took
4 money from him, \$36.72, on the same date.

5 Q 36.72?

6 A Yes, sir.

7 Q And then, I think Mr. Allen said he had a hundred
8 dollars?

9 A Yes, sir.

10 Q And -- and what was Mr. Griffin? It was 2 -- I think
11 he's in that packet as well. Just want to add up those
12 numbers.

13 A 238.55.

14 Q And you would agree the appropriate numbers would be
15 36.72, \$100, and 238.55?

16 A That's what's on the paper.

17 Q You don't have any reason to dispute that, do you?

18 A No, sir.

19 THE COURT: While we're on this point, you -- I heard
20 -- and I assume you did -- Mr. Allen testified that he
21 actually had \$200 and he claimed a hundred of it was his
22 and surrendered a hundred dollars, saying that that was the
23 -- what was stolen from the other guy that -- is there any
24 way to do that?

25 THE WITNESS: I wasn't back there at that time.

CROSS-EXAMINATION BY MR. HENDERSON - MARVIN RAY WATSON, II 160

1 Normally ---

2 THE COURT: So you weren't involved with that?

3 THE WITNESS: Not in with Mr. -- when Mr. Long was
4 back there.

5 THE COURT: Okay.

6 MR. HENDERSON: That just seemed like an odd
7 accounting mechanism, Your Honor.

8 THE COURT: Well, I'm -- I'm -- you -- obviously, I
9 asked the question.

10 MR. HENDERSON: Right.

11 Q But -- but if -- if my math is right -- if I'm adding
12 those numbers up, it looks like y'all seized from these
13 three men \$375.27.

14 A I'm not adding it up. I'll take your word for it.

15 Q I -- I -- I think that's right, and somebody else with
16 a calculator might want to ---

17 CLERK OF COURT: What?

18 Q --- be checking behind me. But I believe that's
19 actually right, just kind of eyeballing it. 36.72 ---

20 THE COURT: You -- I -- we got it. Go ahead.

21 MR. HENDERSON: Okay.

22 Q And -- and again, you don't have any reasons ---

23 A No.

24 Q --- doubt the accuracy of these documents, do you?

25 A No, sir.

CROSS-EXAMINATION BY MR. HENDERSON - MARVIN RAY WATSON, II 161

1 Q Okay.

2 MR. HENDERSON: I don't have anything further, Your
3 Honor.

4 THE COURT: But, I mean, let me ask him: He -- is
5 there -- because -- is that -- does the jail maintain an
6 account for -- for -- or something like that, so to speak,
7 for prisoners? I mean, they ---

8 THE WITNESS: They have a canteen account that they
9 can put money into. And it -- and -- and actually, I --
10 I've never worked in the jail. But I think, when they take
11 money, just on a normal-type situation, if somebody came in
12 with \$300, I think they give them a -- a -- a check, maybe
13 a money order, when they get out.

14 THE COURT: Okay.

15 Q Well, let me ask you this, Mr. Watson: If -- if -- if
16 -- if the victim is claiming that \$630 was stolen from him,
17 and -- and the money that comes in is less than that, I
18 mean, it doesn't sound right that the jail would be giving
19 back one of the alleged perpetrators money. I mean, that -
20 - that just seems kind of odd to me.

21 A Okay.

22 Q I mean, I -- I -- I don't -- that's more of an
23 observation than a question. I just ---

24 A Right. I understand.

25 Q I'm -- I'm -- does -- that just doesn't make any sense.

REDIRECT EXAMINATION BY MR. HODGES - MARVIN RAY WATSON, II 162

1 to me. And again, I know that's not your job, but ---

2 A Right.

3 THE COURT: All right.

4 MR. HODGES: Just one ---

5 THE COURT: Any other questions?

6 REDIRECT EXAMINATION

7 BY MR. HODGES:

8 Q Of the -- of the three codefendants who were caught,
9 who had the largest sum of cash on their person?

10 A By the records in the jail, Mr. Griffin.

11 MR. HODGES: That's all I have.

12 THE COURT: (To the witness) All right. Thank you
13 very much. You can step down.

14 (Whereupon, the witness exited the witness stand.)

15 THE COURT: (To Mr. Hodges) You got another one we
16 can get at least the name and address of?

17 MR. HODGES: The state would call Marc Cromer.

18 THE COURT: Who?

19 MR. HODGES: Marc Cromer.

20 MARC CROMER, having been first duly sworn,
21 testified as follows:

22 DIRECT EXAMINATION

23 BY MR. HODGES:

24 Q If you would, please, state your name for the record.

25 A My name is Marcus Todd Cromer.

1 Q And where are you employed?

2 A I'm employed with the Greenwood County Sheriff's
3 Office.

4 Q How long have you been employed there?

5 A Since June of 1995.

6 Q All right. Who was the -- the first sheriff that you
7 worked under?

8 A Sheriff Sam Riley.

9 Q All right. Did you take the oath of office when you were
10 employed by Sheriff Riley?

11 A Yes, sir, I did.

12 Q All right. Did you work for Sheriff Wideman?

13 A Yes, sir.

14 Q And did you take an oath of office under Sheriff
15 Wideman?

16 A Yes, sir, I did.

17 Q And you currently work for Sheriff Davis?

18 A Yes, sir.

19 Q And have you taken an oath of office under Sheriff
20 Davis?

21 A Yes, sir.

22 Q All right. Are you bonded?

23 A Yeah.

24 Q All right. Were you working in your capacity as a
25 deputy sheriff back on November the 30th of 2010?

DIRECT EXAMINATION BY MR. HODGES - MARC CROMER 164

1 A Yes, sir, I was.

2 Q All right. Tell us, if you would: What is a "BOLO"?

3 A BOLO is a -- it stands for "be on the lookout."

4 Q All right. And -- and why is that used or how is that
5 used?

6 A In law enforcement, whenever there's a -- a crime
7 committed or something and -- and if a suspect or a vehicle
8 that we're looking for is -- has fled the scene or if
9 they're looking for somebody in particular, then they'll
10 give information -- a description of the suspect, a
11 description of the vehicle -- and that's what they call --
12 they give a BOLO out on the description of the vehicle ---

13 Q All right.

14 A --- or the suspect.

15 Q Did you receive or -- or -- or hear a BOLO put out on
16 this date, on November the 30th, 2010?

17 A I did.

18 Q All right. And -- and what were you and the other
19 deputy sheriffs to be on the lookout for?

20 A We received the -- a BOLO, or be on the lookout, for a
21 white Camry and it's -- this -- the particulars was that
22 there was a pink sticker in the back window, occupied by
23 possibly three black males.

24 Q And so were you on the lookout for that?

25 A Yes, sir, I was.

1 Q All right. And did you encounter a vehicle that fit
2 that description of the -- a white Camry with a pink
3 sticker, occupied by three black males?

4 A I did.

5 Q And -- and where were you when you encountered that
6 vehicle?

7 A I was traveling north on Highway 225, right in the
8 area of Emerald High School, right in front of there, when
9 I noticed a white Camry, occupied by what I -- looked to be
10 at least two black males, possibly a third in the backseat,
11 traveling south. I looked over and seen a pink sticker in
12 the back window.

13 Q All right. So you actually passed them going the
14 opposite direction on 225?

15 A Yes, sir.

16 Q And that was on up by the high school ---

17 A It was ---

18 Q --- Emerald ---

19 A --- in front ---

20 Q --- High School?

21 A --- of Emerald High School.

22 Q Okay. What did you do when you noticed this vehicle?

23 A I turned around on the vehicle. At that time I was
24 driving a silver, unmarked Crown Vic. I turned around on
25 the vehicle, followed it, and it was -- it was turning left

DIRECT EXAMINATION BY MR. HODGES - MARC CROMER 166

1 into the convenience store at Highway 10 and 225
2 intersection. At that time I initiated by blue light,
3 which was basically a visor light. So I had to drop the
4 visor down so that they could see it and pulled in the
5 parking lot behind it -- or beside them, actually.

6 Q Where in the -- where in the convenience store did
7 they pull in?

8 A They pulled in at the -- in the parking lot closest to
9 Maxwell Avenue, kind of in front of the gas pumps.

10 Q All right.

11 A Then I pulled alongside of them, rolled my window
12 down, and identified myself to -- and told them to stop the
13 vehicle. Because at that time my siren was not working in
14 the vehicle, so all I had was the little blue light. So I
15 was in uniform, identified myself as a deputy, and -- and
16 advised them to stop.

17 Q All right. When you pulled up beside, were you able
18 to better ascertain how many occupants there were?

19 A Yes, sir. There were three.

20 Q All right. And where were ---

21 THE COURT: (To the witness) Well, let me -- let me
22 ask you -- I'm trying to picture it. Okay. So you're
23 driving. Were you on the passenger side of their car or
24 the driver side of their car? Which side were you on?

25 THE WITNESS: When I pulled up beside them?

1 THE COURT: Right.

2 THE WITNESS: When they pulled in the parking lot,
3 they basically did a U-turn and -- as I was pulling in. So
4 I was ---

5 THE COURT: Were you ---

6 THE WITNESS: --- on their passenger side. We were
7 basically face to face.

8 THE COURT: Got -- I understand now.

9 Q So what direction were you facing?

10 A I -- at that time I was facing east and they were
11 facing west.

12 Q Give me a landmark.

13 A They were facing towards Highway 10 and the -- the old
14 Gables Corner, and I was facing toward the city --
15 Greenwood City, facing the opposite direction.

16 Q Okay. So you would've been on the passenger side of
17 their vehicle?

18 A Yes, sir.

19 Q Okay. What -- what, if anything, did you say or do to
20 try to stop them?

21 A Like I said, I -- I had my blue light on. I rolled my
22 window down so that they could see who I was. I announced
23 myself as a deputy with the sheriff's office and that they
24 needed to stop.

25 Q And ---

DIRECT EXAMINATION BY MR. HODGES - MARC CROMER

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1 A At that time ---

2 Q --- what happened ---

3 A --- they took off.

4 Q Okay. So what direction did they head?

5 A They come back out on the -- 225, traveling north
6 towards Emerald High School.

7 Q All right. And what'd you do?

8 A I followed behind them with my blue lights initiated.

9 Q And yet you didn't have a working siren ---

10 A No working siren.

11 Q --- only blue lights?

12 Did you use your -- I -- did your car have a radio?

13 A Yes, sir, it did.

14 Q All right. And did you communicate with any of your
15 other officers about what you were engaged in?

16 A I communicated to dispatch that I had located the
17 vehicle that fit that description and that I attempted a
18 traffic stop and that they were fleeing and that I was
19 following them and give the direction of travel.

20 THE COURT: (To the witness) Which way did you say
21 they went?

22 THE WITNESS: North. They went north on 225, going
23 back towards Emerald ---

24 THE COURT: Back ---

25 THE WITNESS: --- High School.

1 THE COURT: --- toward Emerald. Huh.

2 Q All right. And what was the purpose of communicating
3 that to dispatch?

4 A Well, so that I could notify the other officers that
5 were listening: (1) that I had possible located the
6 suspects involved in the crime; and -- and (2) so that I
7 could get assistance there, with an audible siren, to take
8 up the pursuit.

9 Q Okay. All right. Where did they -- they're going
10 north towards Emerald High School. Where they go from
11 there?

12 A They did a U-turn in front of Emerald High School and
13 headed back south on 225 ---.

14 Q Okay.

15 A --- which, in turn, I did a U-turn and -- and followed
16 them south.

17 Q And what sort of speeds were y'all going at this
18 point?

19 A On the -- on the 225 bypass, it was maybe not even
20 roughly over the speed limit.

21 Q Okay.

22 A We went through the intersection of Highway 10 and
23 225.

24 Q Green light? Red light?

25 A Green light.

DIRECT EXAMINATION BY MR. HODGES - MARC CROMER 170

1 Q Green light.

2 A Continued onto -- on further south to West Alexander
3 -- to the intersection of West Alexander and 225.

4 Q And what -- what's -- give me a landmark there.

5 A That would be where the CPW ---

6 Q Okay.

7 A --- is located.

8 Q Okay.

9 A At that point he took a right ---

10 Q Took a right?

11 A --- onto West Alexander.

12 Q All right. You continued to follow?

13 A I continued to follow. Once we passed through -- once
14 we passed through Westview Middle School ---

15 Q Okay.

16 A --- the speed started picking up. By my speedometer I
17 know I was going approximately 80 miles an hour, following
18 them at a pretty safe distance because we -- in the BOLO we
19 received that they were possibly armed -- armed with a gun.
20 So I did not want to be too close; I just wanted to keep
21 them in eyesight.

22 Q And ---

23 A We ---

24 Q --- you -- are you -- are you still alone at this
25 point?

1 A Yes, sir. Still calling in my location and the
2 direction of travel. We continued down West Alexander all
3 the way to the stop sign where Briarwood Road is -- where
4 it comes to Briarwood Road -- stop sign at Briarwood Road.

5 Q Did you -- at any point while you were traversing West
6 Alexander, did you see anything thrown out of the vehicle?

7 A Yeah. I observed what appeared to be a blue item
8 coming from the right side of the vehicle, being thrown
9 from the right side of the vehicle, approximately 100 yards
10 from the stop sign at Briarwood Road. I radioed that in on
11 -- in to dispatch that I observed something coming out of
12 the window at that location. And then we continued -- I
13 continue the pursuit.

14 Q Okay. Did you continue to follow -- on what road, did
15 you say, after the -- after ---

16 A When we ---

17 Q --- you started ---

18 A --- got to Briarwood Road, they ran. They did not
19 come to a complete stop. And they took a left onto
20 Briarwood Road.

21 Q All right. And where does that -- what direction does
22 that go?

23 A That would be west. So basically, you're taking a
24 left, traveling west on Briarwood Road towards Promised
25 Land.

DIRECT EXAMINATION BY MR. HODGES - MARC CROMER 172

1 Q Does that sort of parallel Highway 10?

2 A It -- it turns perpendicular off Highway 10, but
3 eventually curves around parallel further west you go down.

4 Q Okay. All right.

5 A I was ---

6 Q So you -- so you're following them on ---

7 A We're -- we're --

8 Q --- Briarwood?

9 A At a high rate of speed or -- or, you know, faster
10 than the posted speed limit. We come to the four-way stop
11 sign, or four-way intersection, at Salak Road and
12 Briarwood. They drive straight through without stopping,
13 continuing on Briarwood Road. I safely cleared the
14 intersection and followed them down to -- continued down
15 Briarwood Road all the way to Whitehall Road.

16 Q Would it be -- would it be fair to say that there are
17 points where they're getting farther out ahead of you as
18 you're safely clearing intersections and they're just ---

19 A Yes, sir.

20 Q --- blowing through them?

21 A Like I said, I -- I was not -- I just kept them in
22 eyesight ---

23 Q Right.

24 A --- due to the fact that: (1) I was alone; and (2)
25 that they were supposed to have guns or we were given the

1 BOLO that they had guns.

2 Q All right.

3 A So ---.

4 Q All right. So where -- where'd y'all go from there?

5 A At Whitehall Road, they took a right, which would take
6 them back towards Highway 10. I approached the
7 intersection; took a right at the time that I was able to
8 get them back in -- or we continued on. They hit the
9 railroad tracks almost right there -- is it Morton Road? --
10 and Whitehall Road. And when I come up on the railroad
11 tracks, that's when I observed the vehicle hit the brakes
12 and basically stop at the end of Highway 10. And I saw
13 three black males running in three different directions, as
14 well as one of our deputies chasing one of them. And
15 that's when I realized that they had wrecked in the front
16 of Jimmy Boggs' vehicle.

17 Q Okay. And there are a number of photographs here.
18 Let me show just, for instance, State's Exhibit No. 12.

19 A Yes, sir.

20 Q Is that an example of -- or -- or, I mean, a picture
21 of how the chase terminated?

22 A Yes, sir, it is.

23 Q All right. Did you -- were you engaged at all in the
24 foot chase?

25 A By the time I got my vehicle stopped and got out,

DIRECT EXAMINATION BY MR. HODGES - MARC CROMER 174

1 basically, all three individuals were out of sight. Jimmy
2 had -- Captain Boggs basically had returned back and was
3 able to keep view of one of them that went straight down
4 Highway 10 West.

5 Q Were -- were you able, as you were coming up on it, to
6 see directions of which way they got -- which way they
7 went?

8 A I saw one individual go west down Highway 10. I saw
9 another individual, which, if I'm getting out of my patrol
10 vehicle, west would be to my left ---

11 Q Okay.

12 A --- okay? And then, the second individual went
13 diagonally back to my left up through a wooded area. And
14 then, the third one went right, which would be east, back
15 towards Greenwood up Highway 10 ---

16 Q Okay.

17 A --- on foot. And that's ---

18 Q So ---

19 A --- when ---

20 Q --- so ---

21 A --- I lost sight of ---

22 Q --- you ---

23 A --- all three of them.

24 Q --- from your perspective behind the car, two went
25 left and one went right?

1 A Yes, sir.

2 Q All right. And ---

3 THE COURT: (To the witness) So one west on Highway
4 10, one east on Highway 10, and one into the woods?

5 THE WITNESS: Into the woods, kind of into my left. ---

6 Q Let -- let me just make sure I'm clear. The -- there
7 -- are there woods on both the east and west sides?

8 A There is -- no, sir. There's a yard on the east side.
9 There's a -- there's a house.

10 Q Okay.

11 A It's a residence and a yard.

12 Q All right. So one went east in -- into that yard
13 area. Is there ---

14 A That ---

15 Q --- woods beyond that or ---

16 A I'm not certain. There ---

17 Q Okay.

18 A --- possibly is a small patch, but nothing major. But
19 they basically went up towards 10.

20 Q And -- and what is to the left, to the west?

21 A You have a -- the grocery store. Further down you
22 have that bus line. And then ---

23 Q But that's on the north side of Highway 10, the
24 grocery and all that?

25 A Yes, sir.

CROSS-EXAMINATION BY MR. HENDERSON - MARC CROMER 176

1 Q What's on the south side -- the southwest corner?

2 A Woods.

3 Q Okay. All right.

4 A That's where the third -- or that second individual
5 from that side went.

6 Q Immediately to the left of the wreck is this wooded
7 area?

8 A Wooded area, yeah.

9 Q And across you've got businesses and that ---

10 A Uh-huh.

11 Q --- sort of thing?

12 All right. Please answer any questions that Mr.
13 Henderson may have.

14 CROSS-EXAMINATION

15 BY MR. HENDERSON:

16 Q Marc, how are you today?

17 A I'm well. How are you?

18 Q Good, good, good. Let me show you this document and
19 see if you recognize it.

20 THE COURT: (To Mr. Henderson) How long do you think
21 you're going to be?

22 MR. HENDERSON: Ten minutes/fifteen minutes, not --
23 not long.

24 THE COURT: Okay.

25 MR. HENDERSON: Probably -- maybe not even that long,

1 Your Honor.

2 THE COURT: Go ahead. Don't worry about. Go ahead.

3 A Yes, sir, I recognize it.

4 Q Is that your signature on it?

5 A Yes, sir.

6 Q And -- and -- and -- and what's the title of that
7 document?

8 A "Oath for Peace Officers."

9 Q And it's my understanding that sometime last
10 September, those documents showed up in all the boxes over
11 at the sheriff's department; is that correct? Am I -- am I
12 right about that?

13 A I am -- to be honest with you, I'm not for certain.

14 Q Okay. But that is your signature?

15 A Yes, sir, that's ---

16 Q I mean ---

17 A --- my signature.

18 Q All right. How did you come -- you didn't write that
19 document, did you?

20 A No, sir.

21 Q And how'd you come about signing it?

22 A Well, it was presented to me, and I read it and
23 obviously signed it.

24 Q And you gave it back in to somebody?

25 A Yes, sir.

CROSS-EXAMINATION BY MR. HENDERSON - MARC CROMER 178

1 Q Okay. Do you recall who you -- did you raise your
2 right hand to swear or affirm?

3 A Possibly. I'm not sure.

4 Q You just don't recollect?

5 A Right.

6 Q Okay. And -- and -- and -- and -- and if it turned
7 out that these were just placed in y'all's boxes one day
8 with instructions to sign them and hand them back in to the
9 sheriff, you wouldn't dispute that, would you?

10 A Would I dispute it? No.

11 Q Okay. You're -- you just don't recollect?

12 A No.

13 Q Okay. Got a couple questions. When you first caught
14 up with this car at the Sunoco station right there, I
15 guess, at Highway 10 and 225 ---

16 A Uh-huh.

17 Q --- would be a fair ---

18 A Uh-huh.

19 Q --- place, isn't it?

20 A Yes.

21 Q That's where it happened?

22 A Yes, sir.

23 Q When this car took off -- when it took off, went down
24 toward Emerald, did a U-turn, came back up, went through a
25 green light, hooked a right on -- right -- right -- hooked

1 a right on West Alexander -- is that -- am -- am I going
2 right?

3 A Uh-huh.

4 Q Am -- am -- am I -- am --

5 A Yeah.

6 Q --- I going ---

7 A You're right.

8 Q --- the right way?

9 Is -- is it fair to say, up to that time, that the car
10 hadn't ever stopped?

11 A Hadn't ever stopped?

12 Q Right. Went -- once you started following it.

13 A Yeah. That's fair to say. It -- it did not stop.

14 Q I mean, it would've been suicidal for somebody not
15 driving that car to try to get out of that car, wouldn't
16 it?

17 A No one stopped. It did not stop.

18 Q Right. I mean, but if -- it would've been suicidal
19 for somebody to open the door to try to jump out?

20 A I didn't see anybody come out of the vehicle.

21 Q Right. Right. It would've been too dangerous.
22 Wouldn't you agree with me?

23 A I've seen people get -- get away with better things.
24 But nobody come out of that vehicle.

25 Q Nobody tried to jump out of the car, did they? And

CROSS-EXAMINATION BY MR. HENDERSON - MARC CROMER 180

1 you said, at one time, you think you were going upwards of
2 80 miles an hour?

3 A Yes, sir.

4 Q And I think your testimony was that somewhere close to
5 the stop sign at Briarwood Road, you saw something getting
6 thrown out of the car?

7 A I seen something come from the right side of the
8 vehicle.

9 Q And you thought it was blue?

10 A Yes, sir.

11 Q And, in fact, after all these gentlemen were in
12 custody, I believe you and Mr. Brad Ware went back there,
13 looking, didn't you?

14 A We did.

15 Q And -- and what did you find?

16 A We were unable to find anything.

17 Q Didn't find anything, did you?

18 A Unh-unh.

19 Q And -- and is it your understanding -- and I don't
20 know how much you know about this case otherwise -- is that
21 Mr. Markus Allen, who's a codefendant, actually took some
22 of your colleagues on a -- on a search for guns. Did you
23 know that?

24 A No, sir.

25 Q And you might not -- oh, okay. But -- but on the

1 search that you did, you would agree that you didn't find
2 any gun?

3 A In that area where I was, no. I did not see anything.

4 Q And you feel comfortable you were searching the right
5 area?

6 A Yes, sir.

7 Q Okay. Did you find any marijuana where you were
8 searching at?

9 A No, sir. I didn't ---

10 Q Find ---

11 A --- find anything.

12 Q Didn't find anything? I -- I -- I guess some litter
13 or something, but nothing attributable to this case?

14 A No, sir.

15 Q Okay. And I think you and Mr. Ware took -- Brad Ware
16 took out the K-9, didn't you?

17 A Yes, sir, we ---

18 Q Can ---

19 A --- did.

20 Q --- can the K-9 sense guns? I mean, is that the
21 purpose for that?

22 A I'm not familiar with what they can and can't scent.
23 I know it was used as an article dog.

24 Q As a what type of ---

25 A As ---

REDIRECT EXAMINATION BY MR. HODGES - MARC CROMER 182

1 Q --- dog?

2 A --- an article.

3 Q Okay. So -- so ---

4 A But that was the purpose of getting them out there ---

5 Q But he ---

6 A --- at that time.

7 Q --- didn't hit on anything?

8 A No, sir.

9 Q Okay.

10 MR. HENDERSON: I don't have anything further, Your
11 Honor.

12 THE COURT: All right. Thank you very much. Anything
13 on redirect?

14 MR. HODGES: Just one question.

15 REDIRECT EXAMINATION

16 BY MR. HODGES:

17 Q Is that -- that document Mr. Henderson showed you,
18 that oath of office, would it be fair to say that's not the
19 first time you've taken an office?

20 A No, that is not the first time I've taken an oath of
21 office.

22 MR. HODGES: That's all I have.

23 THE COURT: Thank you very much.

24 (Whereupon, the witness exited the witness stand.)

25 THE COURT: All right. We'll break for lunch and be

1 back at two o'clock.

2 (Whereupon, the Court was in recess from 12:37 p.m.
3 until 2:04 p.m.)

4 (Whereupon, State's Exhibit 16 was marked for
5 identification during the recess.)

6 THE COURT: Let's go ahead and call your next witness.

7 MR. HODGES: The state would call Jimmy Boggs.

8 JIMMY BOGGS, having been first duly sworn,
9 testified as follows:

10 DIRECT EXAMINATION

11 BY MR. HODGES:

12 Q If you would, state your name for the record, please.

13 A James Boggs.

14 Q And where are you employed.

15 A Greenwood Sheriff's Department.

16 Q And how long have you worked at the sheriff's
17 department?

18 A Twenty-eight years now ---

19 Q And ---

20 A --- twenty-eight years.

21 Q --- who was the first sheriff that you began working
22 under?

23 A I worked for Sheriff Daniels.

24 Q All right. Did you take an oath of office under
25 Sheriff Daniels?

DIRECT EXAMINATION BY MR. HODGES - JIMMY BOGGS 184

- 1 A Yes, sir, I did.
- 2 Q All right. And was Sheriff Riley the next sheriff?
- 3 A Yes, sir, Sheriff Riley.
- 4 Q And you worked for Sheriff Riley?
- 5 A Yes, sir, I did.
- 6 Q Did you take an oath of office under Sheriff Riley?
- 7 A Yes, sir, affirmative.
- 8 Q Did you work for Sheriff Wideman?
- 9 A Yes, sir, I did.
- 10 Q Did you take an oath of office under Sheriff Wideman?
- 11 A I did.
- 12 Q And you currently work for Sheriff Davis?
- 13 A Yes, sir.
- 14 Q Did you take an oath of office under Sheriff Davis?
- 15 A Yes, sir, I did.
- 16 Q All right. And are you bonded?
- 17 A Yes, sir.
- 18 Q All right. Were you working in your capacity as a
- 19 deputy sheriff back on November the 30th of 2010?
- 20 A Yes, sir ---
- 21 Q All right.
- 22 A --- I was.
- 23 Q And tell us, if you would, how the incidents involved
- 24 in this case first came to your attention.
- 25 A Well, I'm the shift captain; that means I'm a

1 supervisor over the -- the road crew this particular day.

2 Any -- any serious crimes or most calls are -- are -- I'm
3 made aware of details. I direct and get advice on it --
4 you know, the way I want it to be handled. On this
5 particular date, a BOLO was given out for a particular call

6 ---

7 Q Well, now, at that ---

8 A --- in the road.

9 Q Let -- let me stop you there real quick. The -- the
10 officer who actually responded out to the scene was Shawn
11 Williams. Was ---

12 A Shawn ---

13 Q --- was -- was he ---

14 A --- was -- yes, sir. He's ---

15 Q -- some -- was he somebody that was on your shift?

16 A Yes, sir. He -- I'm his supervisor at this time.

17 Q Okay. So were you aware of what he was doing out
18 there at kind of the beginnings of this ---

19 A Yes, sir.

20 Q --- investigation, as far as the -- the robbery goes?

21 A They had called me by phone to let me know the details
22 behind the call, to come out of the -- as a 1074, which is
23 armed robbery.

24 Q Okay. And so obviously, you were aware, then, of the
25 BOLO as well?

DIRECT EXAMINATION, BY MR. HODGES - JIMMY BOGGS 186

1 A Yes, sir. I -- and instruct to make sure they had a
2 BOLO out for the vehicle.

3 Q Okay. All right. And did it come to your attention
4 that someone had actually located a suspect vehicle?

5 A Yes, sir. I heard radio traffic; Captain Cromer was
6 out near the 225/Emerald Road area; had passed a car looks
7 -- fitting the description; had the decal on the back glass
8 that was supposed to be, you know, highly visible. Turned
9 around the car and ---

10 Q And -- and where -- where were you when you started
11 picking up this traffic that he had located this vehicle?

12 A I'm -- I'm pretty sure I'm on the north-central end of
13 Greenwood, which would put me up toward Northside Drive --
14 I think somewhere near the high school, if I'm -- if I'm
15 not mistaken; that I was over in that area when it just
16 begun. And I started from there, going down Calhoun Road,
17 all the way out to the red light on the 255, passing
18 Emerald High School, monitoring the chase on which Captain
19 Cromer was involved in it. It looked like they were
20 heading back toward the Promised Land area.

21 So I then turned onto Highway 10, McCormick Highway,
22 to try to get in front of the chase. As I was entering the
23 Promised Land area, I was told that they were coming up on
24 Whitehall Road and McCormick Highway there near the
25 Promised Land Grocery.

1 Q So would it be fair to say you were trying to head
2 them off at the pass?

3 A Yes, sir. Yes, sir. Trying to get in front of it;
4 trying to maybe cut the chase off.

5 Q Okay.

6 A So when I -- last traffic heard was they're fixing to
7 come out on Highway 10 at Whitehall Road. Just as I got to
8 the intersection of Whitehall Road and 10, I turned onto
9 Whitehall Road. As soon as I turned onto Whitehall Road, I
10 could see the -- the -- the car coming straight at me. I
11 just put both feet on the brake; held my position.

12 The car was traveling at a high rate of speed and
13 immediately hit his brakes. The front end went down. He
14 -- he couldn't maneuver right or left because of his speed.
15 And we impacted there near the intersection of Whitehall
16 Road and Highway 10.

17 Q And where was the actual impact?

18 A It was in the right-hand lane, which was my lane. I
19 was -- I was properly positioned in my lane. It appeared
20 to me he was trying to take the turn out onto Highway 10.
21 At such a high rate of speed, he was going to try to cut
22 the corner, I would say, meaning he was trying to get as
23 far left as he could before he entered that intersection to
24 try to effectively make that turn.

25 And as soon as I turned onto Whitehall Road, it was

DIRECT EXAMINATION BY MR. HODGES - JIMMY BOGGS 188

1 just a -- a -- an impact situation. I mean, he couldn't
2 stop, and it was too late for me to -- to maneuver off the
3 road or go anywhere. I just braced for the impact.

4 Q Okay. I'm going to hand you one additional
5 photograph, State's Exhibit No. 13.

6 MR. HENDERSON: Without objection.

7 Q You recognize what's depicted in that photograph?

8 A Yes, sir. This is my patrol car, the one that I was
9 driving this day. This is the result of the damage from
10 the impact.

11 MR. HODGES: Your Honor, I would offer State's 13 into
12 evidence.

13 THE COURT: In evidence without objection.

14 MR. HENDERSON: Yes, sir.

15 (Whereupon, State's Exhibit 13 was entered into
16 evidence.)

17 Q All right. Tell us, if you would, what happened after
18 the impact.

19 A Well, it was a -- it took me just a second to -- you
20 know, to get -- from getting hit, I immediately jumped out
21 of the car and I -- I went to take cover behind the car.
22 But as soon as I -- I exited the car, all three doors --
23 two on the driver's side; one on the passenger's side, the
24 one on the passenger's side being the front door -- both
25 doors on the driver's side opened up, and three suspects

1 exited from the vehicle, all three traveling in different
2 directions.

3 Q All right. Why you -- you said you started to take
4 cover behind your vehicle. Why did you do that?

5 A Well, the BOLO, which was given out in the -- the
6 facts to the incident that had been worked, it was -- there
7 was a gun involved. And there was supposed to have been a
8 gun in the vehicle.

9 Q Okay. So that obviously made you somewhat nervous, I
10 guess.

11 A Well, it -- it ---

12 Q Or at least ---

13 A Your -- your ears perk up, you know, when there's a
14 gun, you know, and especially when -- when these subjects
15 are fleeing, they could -- they're going try to -- anything
16 could happen. They could be desperate not to get caught,
17 or it could be -- if there's a gun in the car, it may very
18 well be used against you.

19 Q All right. Did you see what direction these three
20 subjects went?

21 A Yes, sir. One traveled to the left into the yard and
22 into the wood line.

23 Q Now, when you say "left," you talking about from --
24 from what you're facing or from -- from their direction?

25 A Toward Morton Road. It would be toward -- like, if --

DIRECT EXAMINATION BY MR. HODGES - JIMMY BOGGS 190

1 if -- if I turn onto Highway 10 ---

2 Q Let -- let's ---

3 A --- I mean, if I ---

4 Q --- let ---

5 A --- turn onto Whitehall Road off of Highway 10, it
6 would be to my left.

7 Q As you -- as -- as you turned on and you're facing
8 their vehicle ---

9 A Yes, sir.

10 Q --- you said one came out so -- would be to your left,
11 right?

12 A Yes, sir. The passenger ---

13 Q And ---

14 A --- had come ---

15 Q --- and ---

16 A --- out.

17 Q And two to your right?

18 A Yes, sir.

19 Q Okay. Where did the one that went -- came to your
20 left, what way did he go?

21 A To my left. He ran in -- there's a yard right there
22 on the corner. He ran into that yard and then into the
23 wood line right beside the -- beside the house.

24 Q Okay.

25 A The -- the -- the driver exited; went straight toward

1 the store, cutting corner of the shoulder of the road.
2 That's the one I ended up pursuing for a short distance.
3 The -- the subject in the back -- on the back driver's side
4 exited; went straight into the woods, straight toward the
5 -- angling toward the railroad tracks.

6 Q All right. Now, the one that you said was going
7 towards the store, what store are you talking about?

8 A Promised Land ---

9 Q All right.

10 A --- Grocery.

11 Q All right. Where is it in relation to the -- the
12 accident?

13 A Not -- not even a hundred yards from where we
14 impacted.

15 Q And that's -- is that across Highway 10?

16 A It's across Highway 10 off the side of the road from
17 where we were.

18 Q All right. And the subject who was in the back on the
19 driver's side, you indicated he went into that -- this
20 wooded area?

21 A Yes, sir.

22 Q And what ---

23 A He ---

24 Q --- what's ---

25 A --- he ---

DIRECT EXAMINATION BY MR. HODGES - JIMMY BOGGS 192

1 Q --- what's in there? Do you know?

2 A Up through there, just from being familiar with the
3 area, there's -- there -- there's some old, abandoned
4 houses that continue on. There's other structures all up
5 through -- up through there is -- also leads to a railroad
6 track.

7 Q Okay. Now, you took off after the driver?

8 A I did.

9 Q All right. And where did you follow him to?

10 A I chased him -- he ran across the road, through the
11 parking lot of Promised Land Grocery. He went to the --
12 facing the store, went down beside the left-hand side of
13 the store; then jumped a fence into the backyard to the
14 house beside the store; continued paralleling McCormick
15 Highway, going the opposite way. I stopped chasing once I
16 got to the back of Promised Land Grocery. We started
17 jumping fences. I went back to the car.

18 Q Okay. The -- the three people who jumped out of the
19 vehicle, were there -- were they male or female?

20 A They were all males.

21 Q Okay. And what about race?

22 A Black.

23 Q All right. Please answer any questions that Mr.
24 Henderson may have.

25 A Yes, sir.

1 DIRECT EXAMINATION

2 BY MR. HENDERSON:

3 Q Hey, Jimmy. How are you doing?

4 A Fine, sir. Thank you.

5 Q When -- when you gave up the chase, did you come back
6 to the car?

7 A Yeah. Well, I ---

8 Q I guess, the cars -- the plural cars.

9 A Yes, sir, I did. I come back to my car and sit down
10 in the car to -- to make some calls on the -- for
11 assistance. And I think I called the investigations. I
12 was also winded and kind of shook up from the impact. I
13 just -- you know, I needed to sit down.

14 Q Did you look in the car that the gentlemen looked --
15 got out of?

16 A I did not do a search of the vehicle. I -- I did look
17 in the car, walking around from the outside, just doing a
18 visual, plain-view look at -- at the car. I think the only
19 thing that stood out to me was some blowers or weed-eaters
20 that was in -- in the back of it.

21 Q In -- in the backseat or in the trunk?

22 A Might've been in the trunk.

23 Q How did you get into the trunk?

24 A The -- there's -- the trunk latch was in -- was right
25 there at the -- was at -- right there at the seat. I hit

CROSS-EXAMINATION BY MR. HENDERSON - JIMMY BOGGS 194

1 the switch on the -- to open the ---

2 Q I -- I got you. So -- so you were looking -- I mean,
3 you were looking, basically, for guns?

4 A Well, just anything. You know, you don't know if, you
5 know, there -- there -- I -- there might be a victim in the
6 trunk.

7 Q Right. You didn't -- you didn't put your fingers on
8 this, did you?

9 A No, sir, I didn't.

10 Q Okay.

11 MR. HENDERSON: And let the record reflect I'm holding
12 up a mask.

13 THE WITNESS: Yes, sir.

14 Q Who was -- when -- when you made some calls, who was
15 the next person down -- or persons down there that would've
16 looked in the -- in these -- in this car? You're there
17 with your car, and so I guess you're monitoring what's
18 going on.

19 A I -- it would've probably been some of the
20 investigators that had been called to the scene.

21 Q And -- and you were there the whole time, I assume?

22 A Yes, sir, I was.

23 Q I mean, your car is immobile, so I guess that's one
24 reason you're there. Did anybody ---

25 A Yes, sir.

1 Q --- mention to you there on scene that they found a
2 mask in this car -- in this Camry vehicle?

3 A No, sir. I wasn't made aware of that.

4 Q Okay. I mean, it's something that -- nobody mentioned
5 finding a gun in the car, did they?

6 A No, sir.

7 Q Or any marijuana in the car?

8 A No, sir.

9 Q Okay.

10 MR. HENDERSON: I have nothing further, Your Honor.

11 MR. HODGES: No redirect, Your Honor.

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

13 MR. HODGES: Your Honor, could Deputy Boggs be
14 excused?

15 MR. HENDERSON: Without objection, Your Honor.

16 THE COURT: All right. Next witness.

17 THE WITNESS: Thank you.

18 MR. HODGES: The state calls Jeff Graham.

19 JEFF GRAHAM, having been first duly sworn, testified
20 as follows:

21 THE COURT: All right.

22 DIRECT EXAMINATION:

23 BY MR. HODGES:

24 Q If you would, state your name for the record.

25 A Jeff Graham.

DIRECT EXAMINATION BY MR. HODGES - JEFF GRAHAM 196

1 Q And, Jeff, where do you work?

2 A The Greenwood sheriff's office.

3 Q How long have you worked there?

4 A Little over 15 years.

5 Q All right. Who was the first sheriff that you worked
6 for?

7 A Sam Riley.

8 Q All right. Did you take an oath of office when you
9 went to work for Sheriff Riley?

10 A Yes, sir.

11 Q All right. Did you take an oath of office when you
12 worked for Sheriff Wideman?

13 A Yes, sir.

14 Q Do you currently work for Sheriff Davis?

15 A Yes, sir.

16 Q Did you take an oath of office when you worked -- went
17 to work for Sheriff Davis?

18 A Yes, sir.

19 Q And are you bonded?

20 A Yes, sir.

21 Q All right. Were you working as a deputy sheriff back
22 on November 30th of 2010?

23 A Yes, sir.

24 Q All right. And do you have some specialized duties
25 and training as it -- as it relates to your job?

1 A Yes, sir. I'm over the bloodhound-tracking team.

2 Q You're what?

3 A I'm the commander of the bloodhound tracking team.

4 Q All right. And were you called out to this incident
5 location out on Highway 10 and Whitehall Road in your
6 capacity as the commander of the bloodhound team?

7 A Yes, sir.

8 Q All right. Tell us, if you would, about -- about that
9 and what you did.

10 A Well, we were called out to the scene in reference to
11 a subject that had fled and had a car accident involving
12 another deputy's patrol car. And when we arrived on the
13 scene, we were told that when the individuals in the white
14 car struck the patrol car, that they -- they ran from the
15 vehicle, what we commonly call "bush-bonded." And there
16 was actually three doors open on the vehicle: the back-
17 left door, the front-passenger, and front-driver. And they
18 advised that they had went in several different directions,
19 all of -- two running south- and one running northbound.

20 Q All right. And -- and did you have your bloodhound
21 with you?

22 A Yes, sir. We have two.

23 Q Two bloodhounds?

24 A Yes, sir.

25 Q All right. How do you go about -- I guess that -- you

1 -- you know that as your starting point there at the car?

2 A Yes, sir.

3 Q How do you go about the -- following a trail?

4 A Our bloodhounds are trained to track skin cells. And
5 everybody loses skin cells, and everybody's skin cells have
6 a specific smell to the hound as a -- as -- as each
7 individual has a specific fingerprint. And there's two
8 ways you can obtain a drop scent, which is when the dogs
9 smell the area where the person that you're tracking was;
10 or either by scent article, which is taking a 4-by-4 piece
11 of gauze and laying it, in this case, on the seat or
12 headrest.

13 Q And -- and what did you do at this particular
14 instance?

15 A For the driver of the vehicle, we did a 4-by-4 gauze
16 pad. On the other two individuals, because it better
17 suited the dog we were using, we did drop scents.

18 Q Okay. And did you follow a -- a track off into the
19 woods?

20 A Yes, sir.

21 Q Okay.

22 A The ---

23 Q Where did that trail lead?

24 A The individual track that I was on was involving, I
25 was using our bloodhound -- "Red" was his name. And it

1 went from the left of the vehicle. It was -- would be
2 parallel southbound beside Highway 10. So if the white car
3 was coming in and the Promised Land Grocery is adjacent,
4 we're going to the left, southbound. And ---

5 Q So ---

6 A --- went ---

7 Q --- you're -- you're -- you're -- you're going from
8 the driver's side of the vehicle?

9 A Yes, sir.

10 Q Okay.

11 A And we went -- we actually went across a muddy
12 driveway area and located fresh boot track and looked like
13 a heavy lug boot. The bloodhound was dead on a -- a trail;
14 ran with the boot print. And then we approached a vacant
15 -- vacant house that was obviously dilapidated residence.

16 Q All right. Let's -- let me -- let me stop you there
17 for a second. What was the -- what was the weather like
18 that day?

19 A It was fairly warm, but just mild weather ---

20 Q You ---

21 A --- no ---

22 Q --- you ---

23 A --- inclement ---

24 Q --- mentioned ---

25 A --- weather.

DIRECT EXAMINATION BY MR. HODGES - JEFF GRAHAM 200

1 Q --- that there -- you saw some mud or something. Had
2 it rained at some point?

3 A It -- it had -- I think it had rained the previous
4 night.

5 Q Okay.

6 A Because it was -- we -- it was -- was a pretty day,
7 but the ground was still moist in that area.

8 Q Okay. And you indicated you found a boot print?

9 A Yes, sir.

10 Q All right. Where -- describe for us, if you would,
11 where that was located.

12 A If the -- if you're at the stop sign where Whitehall
13 Road comes into Highway 10 and driver's side of -- of the
14 -- the vehicle -- suspect vehicle was facing the stop sign,
15 if you go directly to your left, in between the suspect
16 vehicle and the dilapidated house was where the boot print
17 was found.

18 Q And this dilapidated house is up in these woods?

19 A Yes, sir. To the left of Whitehall Road.

20 Q I'm going to show you what's been marked as State's
21 Exhibit 16 and ask if you recognize what's depicted in that
22 photograph.

23 A Yes, sir. That's the boot print we located.

24 MR. HODGES: Your Honor, I would offer State's 16 into
25 evidence.

1 MR. HENDERSON: Without objection, Your Honor.

2 (Whereupon, State's Exhibit 16 was entered into
3 evidence.)

4 Q What, if anything -- all right. You -- you indicated
5 that this trail went where the boot print was?

6 A Yes, sir.

7 Q And -- and then, did you say that the trail continued
8 on to this dilapidated house?

9 A Yes, sir.

10 Q Did you notice anything in particular about the
11 dilapidated house?

12 A When we approached the house, the bloodhound Red paid
13 particular interest to a open, unsecure crawl space
14 underneath the house. And in my past experience in
15 training this dog and working with him, that -- he was
16 telling me that there was something in this area; that
17 smell that he was looking for was concentrated under this
18 house. And he -- he did not want to leave the area because
19 he's telling me that the scent was going up underneath the
20 house and there was no other trail past that point.

21 Q Okay. Did you look up under the house?

22 A Best we could. At that point we were advised that he
23 was armed, because of the incident, that -- or possibly
24 armed, because the incident had already occurred. And at
25 that point we consider it a barricaded individual. And we

CROSS-EXAMINATION BY MR. HENDERSON - JEFF GRAHAM 202

1 back off, set up a tight perimeter, and called for SWAT.

2 Q So you weren't -- weren't just going to stick your
3 head up under there?

4 A No, sir. We're not the -- we don't have the same body
5 armor that the SWAT team have.

6 Q I understand. Could you -- did you get any view up
7 underneath at all?

8 A Well, I mean, we looked -- I did initial look, and you
9 could obviously tell where somebody had freshly crawled up
10 under the house. But other than probably 10 foot/12 foot
11 in, you couldn't see.

12 Q All right. What -- what was -- how were you able to
13 tell that somebody had crawled under there?

14 A The ground was disturbed, and no -- no intact spider
15 webs and stuff like that we look for, as -- also, same
16 thing we look for when travel through the woods.

17 Q Okay. All right. Please answer any questions that
18 Mr. Henderson may have.

19 A Yes, sir.

CROSS-EXAMINATION

20
21 BY MR. HENDERSON:

22 Q Jeff, how are you doing today?

23 A Fine, Mr. Henderson. How are you?

24 Q Good. Is it fair to say that while y'all are over
25 here -- if -- if I'm going toward McCormick and you're on

1 the left over here at the dilapidated house, Daniel's found
2 over here to the right at the Wright Plaza; is that
3 correct?

4 A Yes, sir.

5 Q And I think, from reviewing the file, while y'all are
6 over there looking under this house, Daniel is found over
7 across the road at the Wright Plaza; is that fair to say?

8 A Yes, sir.

9 Q And --- and ---

10 THE COURT: Where ---

11 Q --- I don't ---

12 THE COURT: --- found ---

13 Q --- think anybody ---

14 THE COURT: --- where? Where -- what did you say?

15 MR. HENDERSON: The Wright -- W-r-i-g-h-t -- Plaza,
16 right -- kind of, if you're looking at the Promised Land
17 store, to the left of it.

18 Q And I -- I think that's where ---

19 A Well -- yeah. If you -- if you're going down Highway
20 10, Whitehall's on the left; dilapidated house, on the
21 right; Promised Land Grocery's on the right. And he was
22 found at the plaza on the right, below.

23 Q Right. Right. Right. While y'all were at the house,
24 he's -- he's over here at the store?

25 A Right.

CROSS-EXAMINATION BY MR. HENDERSON - JEFF GRAHAM 204

1 Q And I guess somebody radioed you or CB'ed you that --
2 that ---

3 A Well, we actually had the -- the other dog working the
4 other trail. And the other dog -- they encountered him
5 while they were on the track.

6 Q Okay.

7 A The dog did not alert that that was the person he was
8 tracking because he was obviously on another trail from one
9 of the other suspects.

10 Q Right. So, I mean, you're -- you're not -- so you
11 never followed any trail from this dilapidated house to
12 where my client ---

13 A The ---

14 Q --- was found?

15 A --- dilapidated house was the ending point with the
16 bloodhound.

17 Q Okay. And you didn't go any farther than that?

18 A No, sir.

19 Q Okay.

20 THE COURT: (To the witness) Well, was there anybody
21 under the house?

22 THE WITNESS: No, sir. The -- our -- we cleared the
23 -- when SWAT team arrived, they cleared the residence and
24 it was cleared. The other half of the dog team obviously
25 encountered Mr. Griffin, and they -- on -- they -- my

1 understanding was that was when they called me and said,
2 "We're going to check boot print," and they said that he
3 had spider webs on him, which was consistent with crawling
4 up under a house.

5 MR. HENDERSON: I don't have anything further, Your
6 Honor.

7 MR. HODGES: No redirect.

8 THE COURT: All right.

9 THE WITNESS: Thank you, Your Honor.

10 MR. HODGES: May Deputy Graham be excused?

11 MR. HODGES: Oh, absolutely, Your Honor.

12 THE COURT: Next.

13 MR. HODGES: The state calls Derrick Smith. (To the
14 court reporter) Can you give me a sticker for some boots?

15 THE COURT REPORTER: Two boots?

16 MR. HODGES: Two boots.

17 THE COURT REPORTER: You want them marked separately?

18 MR. HODGES: No. Just one is fine.

19 (Whereupon, State's Exhibit 17 was marked for
20 identification.)

21 (Off the record from 2:29 p.m. until 2:30 p.m.)

22 DERRICK SMITH, having been first duly sworn, testified
23 as follows:

24 DIRECT EXAMINATION

25 BY MR. HODGES:

DIRECT EXAMINATION BY MR. HODGES - DERRICK SMITH 206

1 Q Please state your name for the record?

2 A Lieutenant Derrick Smith.

3 Q And where do you work?

4 A Greenwood County Sheriff's Office.

5 Q How long have you worked at the sheriff's office?

6 A Approximately 17 years.

7 Q All right. Who was the first sheriff that you worked
8 for?

9 A Samuel P. Riley.

10 Q All right. And when you went to work for Sheriff
11 Riley, did you take an oath of office?

12 A I did, sir.

13 Q And did you work for Sheriff Wideman?

14 A I did.

15 Q And when you went to work for Sheriff Wideman, did you
16 take an oath for ---

17 A I did.

18 Q --- of office?

19 Do you work for Sheriff Davis now?

20 A Yes, sir.

21 Q Did you take a oath of office when you went to work
22 for him?

23 A I did.

24 Q And are you bonded?

25 A I'm bonded.

1 Q All right. Were you working as a deputy sheriff back
2 on November the 30th of 2010?

3 A I was.

4 Q And did you have occasion to come in contact with the
5 defendant in this case, Mr. Griffin?

6 A I did.

7 Q All right. Tell if it's -- tell us, if you would,
8 where it was that you encountered Mr. Griffin.

9 A Repeat that again.

10 Q Tell us, if you would, where it was that you
11 encountered ---

12 A Okay.

13 Q --- the defendant.

14 A I was working uniform patrol, and Captain Boggs had
15 come on the radio -- my understanding, Captain Cromer was
16 in pursuit and the collision occurred on Highway 10. Three
17 subjects had jumped out of a vehicle at the collision. Two
18 of them apprehended; we were still looking for a third one.
19 I set up perimeter on Highway 10 and New -- New Zion Road
20 -- Road.

21 Q All right. Where -- where is New Zion Road?

22 A New Zion Road is right beside -- what's the name of
23 that -- Promised Land Grocery.

24 Q Okay. Where ---

25 A Well ---

DIRECT EXAMINATION BY MR. HODGES - DERRICK SMITH 208

1 Q --- and where is that in relation to Whitehall Road?

2 A Whitehall -- if you're coming down 10 from Greenwood,
3 Whitehall would be on your left. New Zion is right across
4 the road on the right. So basically, I was right past
5 where the collision was, in front of the Promised Land
6 Grocery.

7 Q Is -- is that a -- I mean, is that a -- are they
8 straight across from each other? I mean, is it -- or is it
9 -- are they -- are they ---

10 A Almost straight across. Yeah..

11 Q Not -- not -- a little offset?

12 A A little offset, maybe, not much.

13 Q Okay. Almost directly across from ---

14 A Right.

15 Q --- Whitehall?

16 Okay. And you were set up on New Zion?

17 A I set up on Highway 10 near there ---

18 Q All right. You ---

19 A --- looking down Highway 10.

20 Q Okay. Toward McCormick?

21 A Toward McCormick.

22 Q All right. Tell us what you did next.

23 A We got a word of possibility that the third subject
24 may be up under a house, which was -- if you're facing --
25 it would be to the left where I was.

DIRECT EXAMINATION BY MR. HODGES - DERRICK SMITH 209

1 Q And is this where the dog team is, up by ---

2 A Yeah. Right. The -- the dog team was contacted, and
3 they sort of set up a perimeter around the house also. I
4 mean, I -- I was near my car. But I did walk away -- walk
5 away toward the home.

6 And then we felt -- felt like he was up under the
7 home, up -- went up under the crawl space. When I was
8 there, one of the dog-team members -- I don't remember who
9 it was -- pointed out a boot impression leading toward the
10 house, which made us feel like he was up under the house.
11 I think the SWAT team was -- responded too, maybe.

12 And we got out there and -- and while we was waiting
13 to -- for everybody to get there, somebody down the road
14 from Wright's Body Shop had contacted us and let us know
15 that this individual had walked up there that didn't belong
16 there. They didn't know who he was and anything of that
17 nature.

18 Well, I go down there with another vehicle. I
19 observed an individual that had cobwebs on his head, like,
20 and he was dirty all over his arm -- his legs, rather. It
21 looked like dirt up -- from up under a house. I noticed he
22 was breathing a little heavy. And this being Mr. Griffin
23 here, I did lift his ---

24 MR. HODGES: Just let the record reflect, Your Honor,
25 he's pointed out the defendant.

DIRECT EXAMINATION BY MR. HODGES - DERRICK SMITH 210

1 A I did lift his -- pull his foot up and looked at his
2 boot, and it was positively identical to the boot
3 impression over there.

4 Q All right. Let me hand you what's been marked as
5 State's Exhibit No. 17; see -- ask if you recognize them.

6 A I recognize them boots.

7 Q All right.

8 A Yes, sir.

9 Q And -- and what are these?

10 A They are boots that belonged to Mr. Griffin there. I
11 can't read them -- Timberland boots.

12 MR. HODGES: Your Honor, I would offer State's 17 into
13 evidence.

14 MR. HENDERSON: Without objection, Your Honor.

15 (Whereupon, State's Exhibit 17 was entered into
16 evidence.)

17 Q And was -- were the lugs of this boot consistent with
18 the boot print up ---

19 A Yes, sir.

20 Q --- by the ---

21 A They were.

22 Q -- dilapidated house?

23 A They were.

24 Q All right. And -- and was the cobwebs and the dirt
25 consistent with him having been up ---

CROSS-EXAMINATION BY MR. HENDERSON - DERRICK SMITH 211

1 A Crawl ---

2 Q --- up under ---

3 A --- up under ---

4 Q --- a house?

5 A --- a crawl space.

6 Q All right. Please answer any questions that Mr.
7 Henderson may have.

8 CROSS-EXAMINATION

9 BY MR. HENDERSON:

10 Q Derrick, how are you doing today?

11 A Good, sir. Yourself?

12 Q Let me ask you: Anytime during this -- during your
13 being down in the Promised Land, did you ever go look in
14 the wrecked Camry vehicle?

15 A In the who?

16 Q In -- in the wrecked Camry vehicle, this white Camry?

17 A I did.

18 Q And -- and again, it's your understanding that that's
19 the car that Mr. Griffin, Mr. Allen, and Mr. Quarles was --
20 were in?

21 A That was the vehicle that collided with Captain Boggs.

22 Q Right. And -- and I guess you went and looked in the
23 car? Did you find a gun interest Exhibit car?

24 A I didn't really see anything, far as a gun. No, sir,
25 I didn't.

CROSS-EXAMINATION BY MR. HENDERSON - DERRICK SMITH 212

1 Q Did -- did you find any marijuana in the car?

2 THE COURT: (To the witness). Did you -- did you
3 search the car?

4 THE WITNESS: I assisted Investigator Talbert in
5 looking in the car at ---

6 THE COURT: What do you mean, "assisted in looking at
7 it"? What do you -- what do you mean?

8 THE WITNESS: Well, we looked -- we looked in there
9 just for identification purposes, who it may have belonged
10 to, things of that nature.

11 THE COURT: Looked through the glove compartment?

12 THE WITNESS: I can't remember if I looked through the
13 glove box or not. But I did look in the trunk, because I
14 recall there was some weed-eaters or something in the
15 trunk.

16 THE COURT: So you remember looking anywhere else in
17 the car, other than just looking in, so to speak?

18 THE WITNESS: I -- I can't recall, Judge, to be
19 honest.

20 Q Let me ask you: Did you find this mask in the car?
21 Did you see this in the car?

22 A It wasn't in plain view if that's what I was looking
23 for. No, sir.

24 Q I mean, did -- has anybody else ever told you that
25 they found a mask in the car?

CROSS-EXAMINATION BY MR. HENDERSON - DERRICK SMITH 213

1 A I don't recall.

2 Q I mean, it -- the -- the -- wouldn't that kind of
3 stand out to you?

4 A Yeah.

5 Q I mean ---

6 A If I ---

7 Q --- I mean ---

8 A --- seen a mask, it would.

9 Q Right. And -- and -- and again, if y'all were -- I
10 suppose, if y'all had belief that people might be armed, if
11 you're looking for guns, you'd be -- you'd be wanting to
12 look in places where you could hide a gun?

13 A Right.

14 Q Is that fair to say?

15 A That's fair to say.

16 Q And y'all didn't find any guns hidden in your search
17 or -- or looking into the vehicle; is that fair to say?

18 A Not in the vehicle. I didn't see any.

19 Q Okay.

20 THE COURT: (To the witness) I mean, he didn't ask
21 you directly, but did you look under the seat?

22 Q Yeah. Did you look under it?

23 A I -- I can't recall if I did or not. I'll be honest
24 with you.

25 Q Did anybody ever tell you that they looked under the

CROSS-EXAMINATION BY MR. HENDERSON - DERRICK SMITH 214

1 seat?

2 A I don't recall that.

3 Q If -- if it's -- is it fair to say that if y'all are
4 looking for guns -- I mean, keep in mind, there were some
5 allegations that people were armed. If y'all were looking
6 for guns, wouldn't it be fair to say that you'd look under
7 the seat?

8 A If somebody was in the vehicle, it'd be a good thing
9 to do. Wasn't nobody in the vehicle that would be armed

10 ---

11 Q Right.

12 A --- but -- for ---

13 Q But ---

14 A --- the police officers.

15 Q But -- but keep in mind, if anybody had left a gun
16 there.

17 A Or left a gun. Right.

18 Q Right. And -- and y'all didn't find anything -- any
19 gun?

20 A Well, if they found anything after I left, I can't
21 answer that, okay, because I don't know.

22 Q Okay. I mean, I'm just curious. Is there ---

23 A Right.

24 Q --- rumor around the department that anybody ever
25 found a mask in the car?

CROSS-EXAMINATION BY MR. HENDERSON - DERRICK SMITH 215

1 A I don't recall being told anything about it.

2 Q Okay.

3 A No.

4 Q Derrick, I want to show you this document. Is that
5 your signature on this document?

6 A It is, sir.

7 Q And -- and it looks like you signed it on September 12
8 of last year?

9 A According to that, is it.

10 Q It's my understanding that that document appeared one
11 day in your box over at the sheriff's department?

12 A I don't know how it got there. We get so many
13 documents in the boxes or -- or we have to go to -- to the
14 sheriff or what have -- so I'm not -- I can't remember
15 where I got this from.

16 Q Okay. I mean, is it uncommon for you guys to receive
17 mail in your box from the sheriff or whoever your
18 commanding officer may be?

19 A Yeah. I mean, we -- we get stuff from him. Yeah.
20 From everybody -- I mean, it's ---

21 Q And -- and the -- and with -- with instructions to
22 sign it and return it to him?

23 A On -- on certain things.

24 Q Okay. Let me ask: On this document, to your
25 recollection, who did you swear or affirm this in front of?

CROSS-EXAMINATION BY MR. HENDERSON - DERRICK SMITH 216

1 A This was in front of Tommy Davis.

2 Q I mean, you swore -- I mean, you ---

3 A Swore right -- right hand.

4 Q Okay. Raised your right hand and affirmed in front of
5 this?

6 A That's right.

7 Q And -- and -- and -- and he didn't notarize it,
8 though?

9 A Well, I ---

10 Q Okay. I mean, I'm just curious.

11 A Right.

12 Q Okay.

13 A Yeah.

14 Q But -- but it's your testimony that you swore or
15 affirmed this in front of the sheriff?

16 A That's right.

17 Q Okay.

18 A It -- you know, I -- I say it is. It's -- we -- we
19 sign so many forms, so I don't know.

20 Q Okay. I mean, I'm -- I just want to know. Is that

21 ---

22 A Right.

23 Q --- your testimony?

24 A Yeah, it's my testimony.

25 Q Okay.

DIRECT EXAMINATION BY MR. HODGES - AMY TYLER 217

1 MR. HENDERSON: I don't have anything further, Your
2 Honor.

3 THE COURT: Thank you very much.

4 MR. HODGES: No redirect. May he be excused, Your
5 Honor?

6 MR. HENDERSON: Oh, absolutely. I -- I -- I have no
7 objection.

8 THE COURT: Sure.

9 MR. HODGES: The state would call Amy Tyler.

10 THE COURT: Who?

11 MR. HODGES: Amy Tyler. (To the court reporter) I
12 need a couple of stickers. That one -- that the next one?

13 THE COURT REPORTER: This one?

14 (Whereupon, State's Exhibits 18 and 19 were marked for
15 identification.)

16 AMY TYLER, having been first duly sworn, testified as
17 follows:

18 DIRECT EXAMINATION

19 BY MR. HODGES:

20 Q If you would, please, state your name for the record.

21 A I'm Investigator Amy Tyler with the Greenwood County
22 Sheriff's Office.

23 Q How long have you worked for the sheriff's office?

24 A Twelve years.

25 Q All right. Who was the first sheriff that you started

DIRECT EXAMINATION BY MR. HODGES - AMY TYLER

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1 working for?

2 A Sheriff Sam Riley.

3 Q All right. When you went to work for Sheriff Riley,
4 did you take an oath of office?

5 A Yes, sir, I did.

6 Q All right. Did you work for Sheriff Wideman?

7 A Yes, sir.

8 Q And when you worked -- went to work for Sheriff
9 Wideman, did you take an oath of office?

10 A Yes, sir.

11 Q And do you currently work for Sheriff Davis?

12 A Yes, sir.

13 Q And when you went to work for Sheriff Davis, did you
14 take an oath of office?

15 A Yes, sir.

16 Q All right. And are you bonded?

17 A Yes, sir.

18 Q Were you working in your capacity as a deputy sheriff
19 back in November of 2010?

20 A I was actually an investigator during that time.

21 Q Investigator?

22 A Uh-huh.

23 Q Okay. How long have you been an investigator?

24 A Be three years -- going on four years in January.

25 Q All right. Did you have occasion to interview the

1 defendant in this case, Mr. Griffin?

2 A Yes, sir, I did.

3 Q All right. And was there anyone with you during this
4 interview?

5 A Investigator Natalie Talbert.

6 Q Where did you and Investigator Talbert conduct this
7 interview?

8 A It was in our CID division office, being the fact that
9 we had other people in our interview room during the time
10 that Mr. Griffin was being interviewed.

11 Q Okay. So you have a -- you have a dedicated interview
12 room?

13 A Yes, sir.

14 Q And where is that in the sheriff's office?

15 A It's down in our conference room in the basement of
16 the sheriff's department.

17 Q So -- but it was occupied at the time?

18 A Yes, sir.

19 Q All right. Where is this -- you said it was a CID
20 what?

21 A In the office, as you walk into our office, it's,
22 like, a round table in there. And we were sitting at that
23 round table.

24 Q And is this -- is this where the -- like, the
25 detectives' cubicles are?

DIRECT EXAMINATION BY MR. HODGES - AMY TYLER

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1 A Yes, sir.

2 Q Okay. And it's just a -- like, a conference table,
3 basically?

4 A Yes, sir.

5 Q All right. Describe the room for us, if you would.

6 A It has -- as you walk in, there's a glass door. And
7 you'll come in through, kind of, a hallway. Up to your
8 left would be our major's office. And then, you'll go
9 through another doorway that's in the hallway. And as you
10 come, there's a copier. And then, there's three desks on
11 this side of the room and four on this side and a round
12 table in the middle of the room.

13 Q So the cubicles are sort of around the edge?

14 A Yes, sir.

15 Q And that big table is out in the middle?

16 A Yes, sir.

17 Q Okay. I want to hand you what's been marked as
18 State's 18 for identification; ask if you recognize what
19 this is.

20 A Yes, sir. This is the advisement of rights that we
21 read to anyone that we're questioning before we question
22 them about a matter.

23 Q All right. And is that the -- the particular form
24 that you used before you questioned Mr. Griffin?

25 A Yes, sir.

1 MR. HODGES: All right. Your Honor, I would offer
2 State's -- I believe it's 18 -- into evidence.

3 MR. HENDERSON: Without objection, Your Honor.
4 (Whereupon, State's Exhibit 18 was entered into
5 evidence.)

6 Q I notice on that particular form, is there a -- a date
7 and time at the top?

8 A Yes, sir, it is.

9 Q And what's the date and time?

10 A 11/30/2010, and the time was 1839.

11 Q Is that military time for 6 ---

12 A Military time, that's right.

13 Q --- 6:30 p.m.?

14 A That's correct.

15 Q Okay. What are the -- I notice that there are five
16 rights that are delineated there. And then, there's some
17 writing to the -- to the next -- next to each one of those.
18 What -- what is that written to the left of each one of
19 those?

20 A That is the defendant's initials, showing that he
21 understood each one of those rights. As we explained them,
22 he initialed that he understood them.

23 Q Okay. Did -- tell us how it was that you went through
24 that form with him.

25 A We would start at the top of it. It says: "Before we

DIRECT EXAMINATION BY MR. HODGES - AMY TYLER 222

1 ask you any questions, you must understand your rights.

2 And then, you have a No. 1 through 5. And as we read them,
3 you have the right to remain silent." Then he would put
4 his initials beside them, and we would go through each five
5 of those.

6 Q Okay. And then, what's the part down there at the
7 bottom of the form?

8 A Where you have that they understood their rights and
9 that they are willing to make the statement and answer
10 questions and that they do not want a lawyer at that time
11 and that they understand and know what they're doing. "No
12 promises or threats have been made to me, and no pressure
13 or coercion of any kind has been used." And then, you have
14 a place for the defendant to sign, yourself, and a witness,
15 and date it as well.

16 Q Okay. So did he actually sign in the wrong spot?

17 A Yes, sir, he did.

18 Q Okay. And how was that noted on there?

19 A There was an error showed where he didn't sign on
20 there, but he signed one of the witness's place and we drew
21 a arrow to show what was supposed to meant, where his
22 signature was supposed to be.

23 Q Okay. So the -- the defendant initialed all these
24 rights and then signed at the bottom that he was willing to
25 talk with y'all?

1 A That's correct.

2 Q Okay. And who -- who has signed as witnesses?

3 A Well, he signed for himself, Daniel Griffin, Jr., on
4 the 30th of November, 2010. Natalie Talbert signed as the
5 first witness, 11/30/2010. And then, I signed under there:
6 "Amy Tyler, 11/30/2010."

7 Q Okay. Did y'all threaten Mr. Griffin to get him to
8 make a statement?

9 A No, sir.

10 Q Make any promises to him?

11 A No, sir.

12 Q Did he appear willing to -- to talk to you and make a
13 statement?

14 A Yes, sir, he did.

15 Q All right. Did he appear to understand the rights
16 that you explained to him before he made that statement?

17 A Yes, sir.

18 Q All right. I'm going to hand you what's been marked
19 as State's Exhibit 19 for identification. Is this a
20 written statement that the defendant made as a result of
21 this interview?

22 A Yes, sir, it is.

23 Q All right. And -- and whose handwriting is that in?

24 A It is Daniel R. Griffin, Jr.

25 Q So he -- he actually wrote that out himself?

DIRECT EXAMINATION BY MR. HODGES - AMY TYLER

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1 A Yes, sir.

2 MR. HODGES: Your Honor, I would offer State's Exhibit
3 19 into evidence.

4 MR. HENDERSON: Without objection, Your Honor.
5 (Whereupon, State's Exhibit 19 was entered into
6 evidence.)

7 Q Take us through that statement, if you would.

8 THE COURT: (To Mr. Hodges) You have a copy?

9 MR. HODGES: I'll give you mine, Judge. Would it --
10 would it be easier for you just to read it, as opposed to

11 ---

12 MR. HENDERSON: I've got ---

13 MR. HODGES: --- having her ---

14 MR. HENDERSON: --- a copy.

15 MR. HODGES: --- read it to you? I mean, I ---

16 THE COURT: Can -- I mean, that I can use?

17 MR. HENDERSON: Yes, sir.

18 THE COURT: Thank you.

19 MR. HENDERSON: Your Honor, I -- I will object to her
20 trying to translate what my client's ---

21 THE COURT: Well, let me -- let me -- let me read it
22 first.

23 MR. HENDERSON: Okay.

24 THE COURT: All right. I've read it.

25 MR. HODGES: All right. And, Your Honor, I -- you

1 know, I don't see any reason to have her read it to you.

2 You're ---

3 THE COURT: All right.

4 MR. HODGES: --- obviously ---

5 THE COURT: In ---

6 MR. HODGES: --- capable of ---

7 THE COURT: --- evidence ---

8 MR. HODGES: --- reading it yourself.

9 THE COURT: --- is Defendant's 19.

10 Q So please answer any questions ---

11 THE COURT: I mean, State's 19.

12 MR. HODGES: Yeah, State's 19.

13 Q Please answer any questions Mr. Henderson may have for
14 you.

15 CROSS-EXAMINATION

16 BY MR. HENDERSON:

17 Q Hey, Amy. How are you doing today?

18 A I'm fine.

19 Q I've noticed in this case, like, some of the
20 statements were tape-recorded. This statement with Daniel
21 wasn't tape-recorded, was it?

22 A No, sir, it was not.

23 Q And -- and it wasn't video-recorded?

24 A No, sir.

25 Q And -- and I believe this is the only statement that

REDIRECT EXAMINATION BY MR. HODGES - AMY TYLER 226

1 Daniel gave to law enforcement; is that your understanding?

2 A That's correct.

3 Q Or at least the only written statement?

4 A That's correct.

5 Q Okay.

6 MR. HENDERSON: I have nothing further, Your Honor.

7 MR. HODGES: Just one quick follow-up question.

8 REDIRECT EXAMINATION

9 BY MR. HODGES:

10 Q You mentioned that the -- the interview room down in
11 the basement was occupied. Is that the -- is that the
12 place where y'all have it set up for recording purposes?

13 A Yes, sir, that's correct.

14 Q Okay. So ---

15 A We do.

16 Q --- the fact that you were having to do this off in
17 the detectives' ---

18 A Yes.

19 Q --- offices, that's why we've only got a -- a written
20 statement?

21 A Yes, sir.

22 Q Okay.

23 MR. HODGES: That's all I have, Your Honor.

24 THE COURT: Thank you very much.

25 MR. HODGES: I'd ask that she be excused as well, Your

DIRECT EXAMINATION BY MR. HODGES - JOHN LONG 227

1 Honor.

2 MR. HENDERSON: Without objection, Your Honor.

3 MR. HODGES: The state calls John Long.

4 THE COURT: (To the court reporter) By the way, did
5 -- did you get the -- what you need from the clerk of
6 court? I'm talking to you.

7 THE COURT REPORTER: Yes, Your Honor.

8 THE COURT: You did?

9 THE COURT REPORTER: Yes, Your Honor.

10 THE COURT: Okay. (To the clerk of court) By the
11 way, you can e-mail the clerk and tell her I'm going to
12 need a copy of that file that she made for the clerk -- I
13 mean, for the court reporter.

14 THE CLERK OF COURT: You need a copy of the ---

15 THE COURT: I need ---

16 THE CLERK OF COURT: : --- whole thing?

17 THE COURT: --- a copy of that also.

18 THE CLERK OF COURT: Okay. Okay.

19 THE COURT: Yeah.

20 JOHN LONG, having been first duly sworn, testified as
21 follows:

22 DIRECT EXAMINATION

23 BY MR. HODGES:

24 Q Please state your name for the record.

25 A John Long.

DIRECT EXAMINATION BY MR. HODGES - JOHN LONG

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1 Q Where do you work?

2 A Greenville County Sheriff's Office.

3 Q And how long have you worked at the sheriff's office?

4 A September will be nine years.

5 Q All right. Who was the first sheriff that you went to
6 work for?

7 A Sheriff Sam Riley.

8 Q All right. And ---

9 THE COURT: (To the witness) How many years, did you
10 say?

11 THE WITNESS: Nine -- will be nine in September.

12 Q When you went to work for Sheriff Riley, did you take
13 an oath of office?

14 A Yes, sir.

15 Q All right. Did you work for Sheriff Wideman?

16 A Yes, sir.

17 Q And when you went to work for Sheriff Wideman, did you
18 take an oath of office?

19 A Yes, sir.

20 Q And do you currently work for Sheriff Davis?

21 A Yes, sir.

22 Q When you went to work for him, did you take an oath of
23 office?

24 A Right here in this courtroom one time.

25 Q And are you currently bonded?

1 A Yes, sir.

2 Q Were you working as a deputy sheriff back in November
3 of 2010?

4 A Yes, sir.

5 Q All right. And as an investigator; is that correct?

6 A Yes. At that time I was an investigator.

7 Q All right. Did you have occasion to be involved in a
8 search for a firearm involved in this case?

9 A Yes, sir, I did.

10 Q All right. Tell us about that, if you would, how you
11 got involved in that search.

12 A Somewhere around November 20th, 2010, while
13 interviewing Markus Allen, he revealed to us that there was
14 a firearm involved.

15 Q All right. So while Investigator Talbert and Tyler
16 were interviewing Mr. Griffin, were you involved in
17 interviewing Mr. Allen?

18 A Yes, sir.

19 Q All right. And where were you doing that interview,
20 if you recall?

21 A I'm not exactly sure where it was at. But I -- I read
22 my report that I wrote, and I know one time I did interview
23 him at the hospital.

24 Q Okay. If -- if there are recorded interviews with
25 him, would those have been in the interview room at the

DIRECT EXAMINATION BY MR. HODGES - JOHN LONG 230

1 sheriff's office?

2 A Yes, sir.

3 Q Okay.

4 A If there are recorded ---

5 Q And -- and there ---

6 A --- there are ---

7 Q --- are a couple of those in evidence.

8 A Interviews.

9 Q Okay. So you were the one that's actually
10 interviewing him?

11 A I vaguely remember interviewing him in the interview
12 room, but I did not look at that before I came in here
13 today.

14 Q Okay. Did -- did he, at some point during those
15 interviews, give you information about the firearm in the
16 case?

17 A Yes, sir, he did.

18 Q All right. And did he actually agree to accompany you
19 to try to locate the firearms?

20 A Yes, sir, he did.

21 Q Okay. Tell us, if you would, where you went, what you
22 tried to do to find these guns.

23 A Mr. Allen and myself and a couple city detectives went
24 out -- it looks like we went out on December the 1st, 2010.
25 And we searched for a gun on the side of the road --

1 Briarwood Road. And I found a gun lodged in the --
2 there's, like, an embankment. And it was laying there on
3 the embankment.

4 Q Okay. And I'm going to hand you what has been
5 previously introduced as State's 14. Is that the firearm
6 that you located?

7 A Yes, sir, it is.

8 Q All right. And what condition was it in?

9 A I mean, it's similar to what it looks like right now.

10 Q I mean, was it loaded? I see there's bullets.

11 A Yes, sir. There was a clip in it; it was loaded.

12 Q Where was this location where you found the gun in
13 relation to the accident scene at Whitehall Road and
14 Highway 10? Just kind of tell us how -- on that route
15 where -- where you found it.

16 A With -- with people who are familiar with the case,
17 from my recollection, it probably about three-fourths of
18 the way through the chase. It's probably, you know -- it's
19 in between the start of the chase and the end of the chase,
20 but it's about three-fourths the way to the end of the
21 chase.

22 Q Okay. Well, as -- as you're -- if you go West
23 Alexander and then Briarwood ---

24 A You go West Alexander; then you go across Mt. Moriah
25 Road. And then you would proceed down Briarwood to

DIRECT EXAMINATION BY MR. HODGES - JOHN LONG 232

1 Whitehall Road. And it was before you got to Whitehall
2 Road.

3 Q On Briarwood?

4 A On Briarwood.

5 Q Okay. Do you recall which side of the road it was on?

6 A If you were leaving town and going towards Whitehall
7 Road, it would've been on the right side of the road.

8 Q Okay. So it would've -- as -- as you're driving out
9 of town, it's on the passenger side?

10 A Yes. If you were on the right-hand side of Briarwood
11 Road, going towards Promised Land, it would've -- I would
12 assume it'd come out on the right-hand side of the -- the
13 car.

14 Q Did -- did y'all search the entire length of the chase
15 for a firearm?

16 A We did not. There were several deputies that were
17 searching. Some searched the Alexander area. When we went
18 back out on the -- December the 1st, the city detectives
19 and us, we did to a lengthy search of the area that Mr.
20 Allen put us in.

21 Q All right. How -- how -- what kind of distance is
22 that, would you say, from, like, Highway 225 and West
23 Alexander down to where Whitehall Road comes out at Highway
24 10? How far do you think that is?

25 A Probably seven to ten miles, maybe.

1 Q All right.

2 A I mean, it's a long area. It's probably close to 15
3 miles if, you know, I have to guess.

4 Q All right. So it's a fairly long way to try to search
5 for a gun?

6 A Yes, sir. It would be impossible.

7 Q All right. Please answer any questions that Mr.
8 Henderson may have.

9 CROSS-EXAMINATION

10 BY MR. HENDERSON:

11 Q John, how are you?

12 A I'm doing good.

13 Q Good. You -- you know that chase route pretty well,
14 don't you? You -- you know which way they went?

15 A Do what, now?

16 Q You know the chase route that happened that day, don't
17 you?

18 A Yes, sir.

19 Q That's kind of your neck of the woods?

20 A I lived on Briarwood Road.

21 Q That's -- so you're -- you're -- you're close over
22 there. First of all, Markus Allen told you that two guns
23 were thrown out of that car, didn't he? Or he ultimately
24 told you -- at one point in time, he told you two guns got
25 thrown?

CROSS-EXAMINATION BY MR. HENDERSON - JOHN LONG

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1 A Yes, sir, he did.

2 Q And -- and -- and one of them, he -- you found, this
3 gun that's in evidence over here; is that correct?

4 A Yes, sir.

5 Q And Markus Allen admitted using that in the robbery;
6 is that correct?

7 A I -- I couldn't hear you.

8 Q Markus Allen admitted using that firearm in the
9 robbery; is that not correct?

10 A Yes, sir, it is.

11 Q And -- and -- but he's still adamant that my client,
12 Mr. Griffin, threw out a firearm; is that correct?

13 A That's what he told us.

14 Q And -- and one's never been found?

15 A Not to my knowledge.

16 Q Are you -- are you aware that -- that Mr. Cromer --
17 Mark Cromer and Brad Ware actually went out and did their
18 own search and brought out the K-9s out on West Alexander?

19 A I'm not aware of that.

20 Q Okay. And I will represent to you that they did that,
21 but no gun was located.

22 A Okay.

23 Q And -- and I will represent to you, that's the place
24 that Mr. Cromer thought something got thrown out.

25 A Okay.

1 Q Those gentlemen are competent to go out searching for
2 guns and contraband, aren't they?

3 A I -- I didn't hear you again.

4 Q I mean -- I mean, they're competent to go out looking
5 for contraband, guns and whatnot on the side ---

6 A Yes, sir.

7 Q --- on the side of the road?

8 A They are.

9 Q And -- and -- and is it safe to say that there's a
10 good chance that if ---

11 THE COURT: (To Mr. Henderson) Go ahead.

12 MR. HENDERSON: Okay.

13 Q Is it fair to say that if they did not find a gun on
14 the side of the road -- or another gun, there probably
15 wasn't another gun?

16 A Well, I can't answer that. I got somebody telling me
17 there was a ---

18 Q People tell you stuff all the time, didn't -- don't
19 they?

20 A Yeah. But I can't answer whether there were two guns
21 or one gun.

22 Q But you've only found one gun?

23 A That's what I testified to.

24 Q Right. And you can't put your hand under oath and say
25 that there's two guns?

CROSS-EXAMINATION BY MR. HENDERSON - JOHN LONG 236

1 A No, sir.

2 Q Okay. And is it fair to say that Markus Allen was
3 somewhat deceitful and untruthful to you?

4 A Mr. Allen did give us several statements. Finally, he
5 -- I think he told me the truth.

6 Q Or he -- he -- getting closer to the truth at the end;
7 is that fair to say?

8 A Yes, sir.

9 Q And started off way -- way -- way, way a long way from
10 the truth; is that ---

11 A Uh-huh.

12 Q --- fair to say?

13 A That's fair to say. It's not uncommon, though.

14 Q Right. And -- and -- and he gave you some written
15 statements -- several written statements?

16 A Yes, sir.

17 Q At least two recorded statements?

18 A Yes, sir.

19 Q And -- and his story kept changing during the whole
20 time?

21 A Yes, sir.

22 Q Were you -- did -- did you ever go down to the
23 incident scene, down to Whitehall Road? Were you involved
24 in that?

25 A It all happened so fast. I ---

REDIRECT EXAMINATION BY MR. HODGES - JOHN LONG

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1 Q Okay.

2 A --- didn't have ---

3 Q So you ---

4 A --- time.

5 Q --- weren't involved with that?

6 A (Shakes head from side to side.)

7 Q And -- and you were one of the investigators on this
8 case?

9 A Not originally. No, sir.

10 Q Okay. Did you ever have any dealings with this mask?

11 A No, sir.

12 Q Where did this mask come from?

13 A I have no idea.

14 Q Okay. You -- you didn't bring it here with you, did
15 you?

16 A No, sir.

17 Q Okay.

18 MR. HENDERSON: I don't have anything further, Your
19 Honor.

20 THE COURT: Thank you very much. You can step down.

21 MR. HODGES: Just a couple more follow-up questions.

22 THE COURT: Oh, you got something?

23 MR. HODGES: Just a couple.

24 REDIRECT EXAMINATION

25 BY MR. HODGES:

REDIRECT EXAMINATION BY MR. HODGES - JOHN LONG 238

1 Q You -- you said you used to live on Briarwood?

2 A Yes, sir.

3 Q What kind of road is that? I mean, describe the road
4 for us.

5 A It's -- it's, like, a rural area. I mean, nice
6 community; houses are spread out. When you get on past Mt.
7 Moriah Road, it's pretty much a wooded area, pastures; you
8 know, not any people around.

9 Q Two-lane blacktop?

10 A It's two-lane blacktop.

11 Q What -- what's the -- the -- the areas that you were
12 searching for this gun? What -- what's it like? Is ---

13 A The area we were searching is pretty rugged.

14 Q What -- what do you mean by "rugged"?

15 A I think -- well, anyone that's familiar with Briarwood
16 Road, once you pass Mt. Moriah Road, there's really never
17 been any kind of development or anything out there. It's
18 got embankments, deep hills, wooded areas. Once you get on
19 down to Whitehall Road, there starts to become some more
20 houses.

21 Q Is it -- looking for a gun out there, is that sort of
22 a needle-in-a-haystack kind of search?

23 A If you ask me, it's a needle in a haystack. And right
24 where were searching, there is also a bridge with water.
25 So you can make your own assumption.

RE CROSS-EXAMINATION BY MR. HENDERSON - JOHN LONG 239

1 Q Does it -- is it kept bush-hogged, or is it deep grass
2 and that sort of thing where you were looking?

3 A It was deep grass where we were at. But like I say, I
4 -- I can't explain it to you. But you got the road here
5 and an embankment. And then, it comes back up to another
6 area with trees and ---

7 Q Did this gun that you -- you found, did it happen to
8 be in kind of visible area?

9 A The gun was found where the road was. And then, you
10 had the embankment. The gun, I guess, when it was thrown
11 out of the window, was right there on the embankment.

12 Q Okay. So it was fairly apparent where you found it?

13 A Yeah. It took us a little while to find it. But ---

14 Q All right. I ---

15 A --- he was adamant that it was out there, so we didn't
16 stop.

17 MR. HODGES: That's all I have, Your Honor.

18 THE COURT: All right. You can step down.

19 MR. HENDERSON: One question, Your Honor.

20 RE CROSS-EXAMINATION

21 BY MR. HENDERSON:

22 Q In the last ---

23 THE COURT: Okay.

24 Q --- and a half ---

25 THE COURT: Go ---

RECROSS-EXAMINATION BY MR. HENDERSON - JOHN LONG 240

1 Q --- has anybody else come to you guys, saying they
2 found a gun out on this chase route?

3 A No, sir.

4 Q Okay.

5 MR. HENDERSON: I don't have anything further, Your
6 Honor.

7 THE COURT: All right. We're going to take a short
8 break now so I can handle this other matter. I've got
9 probation here and all, so we're going to interrupt this
10 trial while -- it won't take just a few minutes.

11 (Whereupon, the Court was in recess from 3:01 p.m.
12 until 3:30 p.m.)

13 THE COURT: All right. We're back now with the case
14 -- we're back on the case State against Griffin. Mr.
15 Solicitor, call you next witness.

16 MR. HODGES: Your Honor, the state rests.

17 THE COURT: All right.

18 MR. HENDERSON: Your Honor, for the record, I -- I
19 would like to preserve a directed-verdict motion on my
20 motion -- you know, on the lawfulness of the arrest. I'd
21 just like for you to take that ---

22 THE COURT: All right.

23 MR. HENDERSON: --- under advisement. I think ---

24 THE COURT: All right.

25 MR. HENDERSON: --- the Court's already indicated ---

1 THE COURT: Well, may -- your motion to dismiss
2 because of all the stuff that's contained in the motion?

3 MR. HENDERSON: That's correct, Your Honor. And --
4 and -- and I think, as it relates to -- to the rest of a
5 directed-verdict motion, I think ---

6 THE COURT: And then you would -- then you -- if -- if
7 I -- you're successful on that, you'd be making a motion to
8 -- to direct a verdict at this point?

9 MR. HENDERSON: That's correct, Your Honor.

10 THE COURT: All right.

11 MR. HENDERSON: But I think over and beyond the
12 elements, I think the government's put up elements to
13 satisfy every element of the three charges against my
14 client.

15 THE COURT: All right. Do you intend to call any
16 client ---

17 MR. HENDERSON: Absolutely.

18 THE COURT: --- I mean ---

19 MR. HENDERSON: I want to call ---

20 THE COURT: --- call any witnesses?

21 MR. HENDERSON: I call Daniel Griffin to the stand.

22 MR. HODGES: Your Honor, before that happens, I --
23 would it not be prudent to go over his rights to testify or
24 not testify, just to make sure that's covered?

25 MR. HENDERSON: Well ---

DIRECT EXAMINATION BY MR. HENDERSON - DANIEL GRIFFIN 242

1 MR. HODGES: I just don't -- I don't want there ---

2 THE COURT: I don't ---

3 MR. HODGES: --- to be any ---

4 THE COURT: --- really think I have to do that.

5 MR. HODGES: Okay. I just didn't want there to be any
6 PCR ---

7 THE COURT: All right.

8 MR. HODGES: --- issue later if -- if that ---

9 THE COURT: Come on. I think I would if he chose not
10 to testify. But as long as he didn't -- is going to
11 testify, I don't think I need to do that.

12 MR. HODGES: Okay. Fair enough.

13 THE COURT: Go ahead.

14 DANIEL GRIFFIN, having been first duly sworn,
15 testified as follows:

16 DIRECT EXAMINATION

17 BY MR. HENDERSON:

18 Q And, Daniel, please state your name for the record.

19 A Daniel Demond Griffin.

20 Q Daniel, I'm going to have you pull that mic a little
21 bit closer to you. I just -- I'm trying to gauge the
22 sound. Say your name again.

23 A Daniel Demond Griffin.

24 Q And that sounds good. Daniel, how old are you?

25 A Twenty years old.

DIRECT EXAMINATION BY MR. HENDERSON - DANIEL GRIFFIN 243

1 Q And -- and are you here from Greenwood?

2 A Yes, sir.

3 Q And -- and can you tell the judge where you live at?

4 A Street.

5 Q ?

6 A (Nods head up and down.)

7 Q Are you married, Daniel?

8 A No, sir.

9 Q Do you have any children?

10 A Yes, sir.

11 Q And how many children do you have?

12 A One little boy.

13 Q And how old is he?

14 A Fixing to be 5 in -- October the 6th.

15 THE COURT: (To the witness) I'm sorry. What?

16 THE WITNESS: Five -- 5 October the -- he'll be ---

17 MR. HENDERSON: You -- you'll have ---

18 THE WITNESS: --- 5 October the 6th.

19 MR. HENDERSON: Don't yell. You just speak normal
20 tone at that distance from the mic.

21 Q And -- and again, tell His Honor how old the child is?

22 A He'll be 5 October the 6th.

23 Q Okay. And I think some other family members have come
24 here with you today; is that correct?

25 A Yes, sir.

DIRECT EXAMINATION BY MR. HENDERSON - DANIEL GRIFFIN 244

1 Q Daniel, I want to turn your attention back to November
2 the 30th of 2010. Do you remember that day?

3 A Yes, sir.

4 Q About what time did you wake up that morning?

5 A About nine o'clock.

6 Q And on November the 30th of 2010, where were you
7 living at?

8 A In the Villas.

9 Q And -- and that's also known as "University Commons"?

10 A Yes, sir.

11 Q And who were you living there with?

12 A My girlfriend.

13 Q And what unit did y'all live in? What apartment
14 number? Do you remember?

15 A I really don't remember the apartment number.

16 Q Okay. At that point in time, anytime that morning,
17 were you contacted by Sergio Quarles?

18 A Yes, sir.

19 Q And how did he contact you?

20 A Through my phone.

21 Q So he called you?

22 A Yes, sir.

23 Q What did he ask you when he called you?

24 A Asked me about some marijuana -- did I have some
25 marijuana.

DIRECT EXAMINATION BY MR. HENDERSON - DANIEL GRIFFIN 245

1 Q So he asked you did you have any marijuana?

2 A Yes, sir.

3 Q Did you have any marijuana that morning?

4 A No, sir.

5 Q Did y'all discuss going to get marijuana?

6 A Yes, sir.

7 Q Okay. Do you know where Sergio Quarles -- where --
8 where did he call you from? Where was he located at when
9 he called you on the telephone?

10 A Over -- from his door, over -- over Markus Allen
11 house.

12 Q So Markus Allen also lived over at the Villas, or
13 University Commons?

14 A Yes, sir.

15 Q How close did y'all live to one another?

16 A About apartment -- apartment or two down from ---

17 Q So ---

18 A --- each other.

19 Q So pretty close?

20 A Yes, sir.

21 Q And -- and -- and -- and did you know Markus Allen
22 well?

23 A I don't see him -- I don't seen him but a couple
24 times, you know, or whatever.

25 Q Had you ---

DIRECT EXAMINATION BY MR. HENDERSON - DANIEL GRIFFIN 246

1 A Really, he live right beside me.

2 Q Had you spoken to him?

3 A Yes, sir.

4 Q I mean, you knew him -- you were friendly with him?

5 A Yes, sir.

6 Q Did you know Sergio Quarles better than you knew
7 Markus Allen?

8 A Yes, sir.

9 Q Okay. And where was Sergio at, you said, when he
10 called you?

11 A Over at Markus Allen house.

12 Q Do you know -- had -- had he spent the night with
13 Markus that night?

14 A Yes, sir.

15 Q Okay. Did there come a point in time -- that morning
16 after Sergio called you, did there come a point where you
17 and Markus and Sergio left the Villas premises, or the
18 University Commons premises?

19 A Yes, sir.

20 Q And -- and how did y'all leave? Were y'all in a car?

21 A Yes, sir.

22 Q Do you know what type of car it was?

23 A Camry.

24 Q A Toyota Camry?

25 A Yes, sir.

DIRECT EXAMINATION BY MR. HENDERSON - DANIEL GRIFFIN 247

1 Q And who owned that car?

2 A Markus old lady.

3 Q Markus Allen's girlfriend?

4 A Yes, sir.

5 Q Do you know her name?

6 A I think, from the report, Lacy Anderson or something
7 like that.

8 Q So it's your understanding that she owned the car?

9 A Yes, sir.

10 Q When -- when y'all left, did all three of you leave in
11 the car?

12 A Yes, sir.

13 Q Tell me: Who was driving the car?

14 A Sergio.

15 Q Sergio Quarles?

16 A Yes, sir.

17 Q Who was in the right-front passenger seat?

18 A Markus Allen.

19 Q And where were you sitting at?

20 A In the backseat.

21 Q Where at in the backseat?

22 A On the right side of the backseat.

23 Q So you're sitting behind Markus Allen?

24 A Yes, sir.

25 Q So y'all left the premises; is that correct?

DIRECT EXAMINATION BY MR. HENDERSON - DANIEL GRIFFIN 248

1 A Yes, sir.

2 Q And -- and had -- where did y'all -- did y'all make a
3 stop?

4 A Yes, sir.

5 Q And -- and tell His Honor where you stopped at.

6 A At the store.

7 Q What store is that, now?

8 A The -- it's a -- it's a Fast Mart right on the
9 Cokesbury Road.

10 Q The one at Cokesbury Road and Reynolds there?

11 A Yes, sir.

12 Q And a little Quick Way?

13 A Yes, sir.

14 Q And did -- did y'all buy anything?

15 A Yes, sir. I went in and bought a soda and a soft pack
16 of Newport shorts.

17 Q Did -- did anybody else buy anything, besides you?

18 A No, sir.

19 THE COURT: Wait a minute. I'm trying to think.

20 Where -- where you stopped -- talking about stopping?

21 THE WITNESS: On Cokesbury Road, sir, right there by
22 Reynolds, like you coming on Cokesbury ---

23 THE COURT: Okay.

24 THE WITNESS: --- Road as ---

25 THE COURT: Yeah. Okay.

DIRECT EXAMINATION BY MR. HENDERSON - DANIEL GRIFFIN 249

1 MR. HENDERSON: Next to Hugh Worthy's -- the senators
2 club there, Your Honor.

3 THE COURT: I know where we're talking about. I ---

4 MR. HENDERSON: Okay.

5 THE COURT: --- just -- yeah.

6 Q And -- and -- and did y'all -- I guess y'all left the
7 convenience store?

8 A Yes, sir.

9 Q Were y'all still trying to make some arrangements to
10 buy some marijuana?

11 A Yes, sir.

12 Q Can you tell me: What arrangements to buy marijuana
13 were made?

14 A Markus Allen had got on the phone.

15 Q What was that?

16 A Markus Allen had got on the phone and ---

17 Q Got on a -- on a cell phone?

18 A --- made a call, trying to get some marijuana.

19 Q So -- so is your testimony that Markus was calling to
20 get some marijuana?

21 A Yes, sir.

22 Q Do you know who he called?

23 A Yes, sir.

24 Q And -- and can you tell us who he called?

25 A Spunk. He said -- he said, "Spunk."

DIRECT EXAMINATION BY MR. HENDERSON - DANIEL GRIFFIN 250

1 Q So Markus Allen told you he was calling Spunk?

2 A Yes, sir.

3 Q And you've come to learn that that's Quentin Carter?

4 A Yes, sir.

5 Q And that's Mr. Carter sitting out here in the
6 audience; is that correct?

7 A Yes, sir.

8 Q To the best of your knowledge, they -- did they -- did
9 Markus and Mr. Carter have a conversation?

10 A Yes, sir. But I -- I heard Markus conversation, but I
11 couldn't really heard what Mr. Carter was saying.

12 Q So -- so this phone -- so the phone wasn't on
13 speakerphone?

14 A No, sir.

15 Q So you're hearing one side of the conversation?

16 A Yes, sir.

17 Q And -- and -- and -- but -- but it was your opinion
18 that they were making a deal to go buy some marijuana?

19 A Yes, sir.

20 Q Did you have any money on you to buy marijuana?

21 A Yes, sir.

22 Q About how much money were you carrying around with
23 you?

24 A About 200-some dollars.

25 Q Let me ask you: To the best of your knowledge, did

DIRECT EXAMINATION BY MR. HENDERSON - DANIEL GRIFFIN 251

1 Sergio Quarles have any money on him to buy marijuana?

2 A Not that I know of.

3 Q Okay.

4 A He probably ---

5 Q How ---

6 A --- had a little something on him.

7 Q I mean, everybody was planning on chipping in, weren't
8 they?

9 A Yes, sir.

10 Q To the best of your knowledge, did Markus have any
11 money to buy marijuana?

12 A Yes, sir.

13 Q So did y'all -- you've heard some testimony about
14 going through Zaxby's. Did you go through Zaxby's ---

15 A Yes.

16 Q --- on November 30th?

17 A Yes, sir.

18 Q And -- and -- and why did you go in Zaxby's?

19 A To get something to eat or something to drink.

20 Q And -- and didn't you know also that Mr. Carter was
21 going through before you?

22 A Yes, sir.

23 Q Okay. Where were y'all making arrangements to go meet
24 Mr. Carter, or where did Mr. Allen make arrangements to
25 meet Mr. Carter?

DIRECT EXAMINATION BY MR. HENDERSON - DANIEL GRIFFIN 252

1 A Meet Mr. Allen there at Greenwood Mills and Windtree
2 Apartments.

3 Q Okay. And that's what Markus told you?

4 A Yes, sir.

5 Q Okay.

6 A That's what he told me.

7 Q And when y'all left Zaxby's, did y'all follow Mr.
8 Carter over to Windtree Apartments?

9 A Yes, sir.

10 Q And again, who's driving?

11 A Sergio.

12 Q Any doubt in your mind that Sergio's driving?

13 A No, sir.

14 Q Any -- let me ask you: Anytime that day was anybody
15 other than Sergio ever driving?

16 A No, sir.

17 Q Okay. So there came a time where y'all went over to
18 Windtree and you arrived there, didn't you?

19 A Yes, sir.

20 Q Did Sergio park the car?

21 A Yes, sir.

22 Q Okay. And -- and it's my understanding that after he
23 parked the car to the left of you, there's some sort of
24 green SUV; is that right?

25 A Yes, sir.

DIRECT EXAMINATION BY MR. HENDERSON - DANIEL GRIFFIN 253

1 Q And then, to the left of that is where Mr. Carter
2 parked his car; is that correct?

3 A Yes, sir.

4 Q Did anybody get out of this Camry?

5 A Yes, sir.

6 Q And can you tell His Honor who it was that got out of
7 the Camry?

8 A Markus Allen.

9 Q And -- and he was sitting in the right-front passenger
10 seat?

11 A Yes, sir.

12 Q At this point in time, when Mr. Allen got out of the
13 car, could you see Quentin Carter? I mean, were y'all
14 parked at such a position where you could see him?

15 A No, sir.

16 Q Okay. Because there was another vehicle between you;
17 is that fair to say?

18 A Yes, sir.

19 Q Can you tell the Court: When Mr. Allen left the car,
20 what's the next thing that you saw or heard?

21 A I just heard somebody did, like, "Get out, B. Stop."

22 Q I mean, some sort of commotion?

23 A Yes, sir.

24 Q I mean, what happened after -- did Sergio hear that,
25 to the best of your knowledge?

DIRECT EXAMINATION BY MR. HENDERSON - DANIEL GRIFFIN 254

1 A Yes, sir.

2 Q Okay. As a result of hearing that, what did you --
3 you and Sergio do?

4 A Backed -- Sergio backed the car up, and he -- he got
5 out the car. He was telling Markus Allen, "Stop. Get --
6 leave that man alone. Come on. Come on, G." He been
7 calling, like, "Come on. Get in the car."

8 Q So it's ---

9 A And ---

10 Q --- your testimony that Sergio Quarles got out of the
11 car, went ---

12 A Yes, sir.

13 Q --- and could see what was going on and -- and got
14 Markus Allen off of Mr. Carter?

15 A Yeah. He was telling him, "Get off. You know, come
16 on." He still was swinging a gun or whatever. And then he
17 got back in the car. Sergio drove.

18 Q And -- and -- following your testimony, I think you're
19 saying that Sergio was calling Mr. Allen "G"?

20 A Yes, sir.

21 Q Is that Mr. Allen's nickname?

22 A Yes, sir.

23 Q Is that what you know him by?

24 A Yes, sir.

25 Q Okay. And -- and -- and I suppose that they -- those

DIRECT EXAMINATION BY MR. HENDERSON - DANIEL GRIFFIN 255

1 two ultimately got back in the car?

2 A Yes, sir.

3 Q Okay. Who was driving?

4 A Sergio.

5 Q Okay. Let me ask you: Any point did you ever get out
6 of the Camry over at Windtree Apartments?

7 A No, sir.

8 Q Anytime over at Windtree Apartments, did you ever have
9 possession of a firearm? gun? pistol? you name it?

10 A No, sir.

11 Q Okay. Over there at Windtree, did you ever have
12 possession of a mask? You see this masks that's been
13 introduced into evidence. Well, did ---

14 A No ---

15 Q --- you have this?

16 A No, sir.

17 Q Okay. So is it fair to say that y'all left Windtree
18 Apartments?

19 A Yes, sir.

20 Q Did -- did you get any money at ---

21 A No ---

22 Q --- Windtree Apartments?

23 A No, sir.

24 Q Okay. Let me ask you: Where is the next place that
25 this Camry stopped?

DIRECT EXAMINATION BY MR. HENDERSON - DANIEL GRIFFIN 256

1 A At a gas station.

2 Q Okay. And let me ask you -- let me back you up again.

3 Did -- did -- from what you've heard today and what you've
4 learned, is it pretty apparent to you that Markus Allen
5 robbed Quentin Carter?

6 A Yes, sir.

7 Q Did you have any idea he was going to rob Quentin
8 Carter?

9 A No, sir.

10 Q Were you actively involved in him robbing Quentin
11 Carter?

12 A No, sir.

13 Q Did you make any type of agreement with Markus Allen
14 to rob Quentin Carter?

15 A No, sir.

16 Q Okay.

17 A I didn't even -- I don't rob nobody.

18 Q Okay. So -- so -- so it came as a surprise to you?

19 A Yes, sir.

20 Q So when y'all left Windtree, when's the next time this
21 car stopped?

22 A At a gas station.

23 Q And -- and do you know where that gas station is or
24 what it's called?

25 A Succones (phonetic) or something ---

DIRECT EXAMINATION BY MR. HENDERSON - DANIEL GRIFFIN 257

1 Q Like ---

2 A --- right ---

3 Q --- Sunoco is what you're ---

4 A Yes ---

5 Q --- saying?

6 A --- sir.

7 Q And -- and is that the one over there by Connie

8 Maxwell or ---

9 A Yes, sir.

10 Q Okay. And -- and who was driving the vehicle?

11 A Sergio.

12 Q Sergio Quarles?

13 A Yes, sir.

14 Q And why did Sergio stop the vehicle?

15 A To get some gas.

16 Q Okay. When y'all were stopped, what's the next thing
17 you realized?

18 A That a patrol car was coming up.

19 Q And -- and what happened after the patrol came up?

20 A Sergio just punched the gas.

21 Q Did he tell you he was going punch the gas?

22 A No, sir.

23 Q Were you encouraging him to punch the gas?

24 A No, sir.

25 Q Was Markus Allen encouraging him to punch the gas?

DIRECT EXAMINATION BY MR. HENDERSON - DANIEL GRIFFIN 258

1 A No, sir.

2 Q Let me ask you: Is it fair to say that you were
3 scared?

4 A I was scared of my life, sir.

5 Q Okay. From the point in time that he took off from
6 the gasoline tanks till the time this car crashed in -- in
7 -- down there at Whitehall Road, did you ever have an
8 opportunity to get out of the car?

9 A No, sir.

10 Q Did -- did Markus Allen ever have the opportunity to
11 get out of the car?

12 A No, sir.

13 Q Do you -- do -- do you -- were you scared, you say?

14 A Yes, sir.

15 Q Do you think Markus Allen was scared?

16 A Yes, sir. Running a hundred miles per hour, I was
17 scared, sir.

18 Q Okay. Let me ask you: On this route -- you -- you've
19 heard testimony about going down West Alexander, Briarwood,
20 Whitehall Road. Did you ever throw anything out the
21 window?

22 A No, sir.

23 Q You -- did you ever throw a firearm out the window?

24 A No, sir.

25 Q You ever throw any marijuana out the window?

DIRECT EXAMINATION BY MR. HENDERSON - DANIEL GRIFFIN 259

1 A No, sir.

2 Q You -- you ever throw a --

3 THE COURT: I think ---

4 Q --- anything ---

5 THE COURT: --- you asked him did he ever throw
6 anything ---

7 MR. HENDERSON: Yeah.

8 THE COURT: --- out. I think that covers everything.

9 MR. HENDERSON: Okay.

10 Q So you didn't throw anything out the window?

11 A No, sir.

12 Q Okay.

13 THE COURT: Anything would include all those items.

14 MR. HENDERSON: Absolutely, Your Honor.

15 Q So is it fair to say that when y'all saw the police
16 officer, that Sergio hit the brakes?

17 A Yes, sir.

18 Q And how fast was he going then? Do you know?

19 A No, sir.

20 Q Okay. What happened when y'all hit the car?

21 A Hit the police car?

22 Q Yeah. What happened?

23 A The door was open. I seen everybody running, so I was
24 scared; I ran too.

25 Q So -- so, I mean, were -- were you -- had -- had you

DIRECT EXAMINATION BY MR. HENDERSON - DANIEL GRIFFIN 260

1 ever experienced anything like that before?

2 A No, sir.

3 Q And -- and -- and -- and -- and you recognize now you
4 probably shouldn't have run?

5 A Yes, sir.

6 Q But -- but you said your -- that -- that you did get
7 out and run?

8 A Yes, sir.

9 Q And you were caught over across the street ---

10 A Yes, sir.

11 Q --- at -- at the Wright Plaza; is that fair to say?

12 A Yes, sir.

13 Q Okay.

14 THE COURT: At the where?

15 MR. HENDERSON: At the Wright Plaza. Next to the
16 Promised -- I guess, looking at the Promised Land store, to
17 the left.

18 Q Is that -- is that where you were ---

19 A Yes, sir.

20 Q That -- that's where you were detained and arrested
21 at?

22 A Yes, sir.

23 Q Okay. Now, Daniel, you've heard some other testimony
24 in the courtroom today. Were you involved in robbing any
25 type of house over around Lander?

1 A No, sir.

2 Q Were you involved in breaking into any type of cars
3 over at the Days Inn or the Holiday Inn?

4 A No, sir.

5 Q And you deny any involvement in this robbery?

6 A Yes, sir, I ---

7 Q And ---

8 A --- deny it.

9 Q And -- and you say you never got out of the car?

10 A No, sir.

11 Q Okay.

12 MR. HENDERSON: I don't have anything further at this
13 time, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. HODGES:

16 Q Mr. Griffin, as I understand your testimony, you were
17 living at the Villas Apartments, right?

18 A Yes, sir.

19 Q University ---

20 THE COURT: (To the witness) Why did ---

21 Q --- Commons?

22 THE COURT: --- why -- let me ask: Why'd you give 102
23 Baptist Street as your address?

24 THE WITNESS: That where I was living at the time.

25 THE COURT: You just told us you were living at the

1 Villas.

2 THE WITNESS: Yeah. I was living at the Villa, but I
3 had a address at Baptist Street to -- that where my grandma
4 live. But I live with my grandma at the same time too.

5 THE COURT: All right. Just -- go ahead.

6 Q Now, do I understand your testimony right that Sergio
7 Quarles called you from a couple of doors down at Markus
8 Allen's house and asked for you to go with him to buy some
9 marijuana? Is that ---

10 A Yes, sir.

11 Q --- your -- that's your testimony?

12 I'm going to hand you, number one, State's Exhibit No.
13 18. Would you agree that that's your signature?

14 A Yes, sir.

15 Q And that's where the officer went over your rights
16 with you and asked you about giving a statement about what
17 happened; is that right?

18 A Yes, sir.

19 Q All right. And I'm going to hand you State's Exhibit
20 19. Would you agree that that's the statement that you
21 wrote?

22 A Yes, sir.

23 Q All right. And is that in your handwriting?

24 A Yes, sir.

25 Q All right. I want to go through that with you. In

REDIRECT EXAMINATION BY MR. HENDERSON - DANIEL GRIFFIN 279

1 MR. HODGES: I don't have any other questions, Judge.

2 REDIRECT EXAMINATION

3 BY MR. HENDERSON:

4 Q Daniel, you -- you don't read or write real well, do
5 you?

6 A No, sir.

7 Q And -- and -- and I think -- is it -- is it fair to
8 say that your statement here is pretty primitive -- pretty
9 primitive writing?

10 A Yes, sir.

11 Q I mean, is -- is -- is -- how far did you go in
12 school?

13 A About the ninth grade -- eighth grade.

14 Q And -- and -- and -- and it's your testimony you tried
15 your best to write as best you could?

16 A Yes, sir.

17 MR. HENDERSON: I don't have anything further.

18 THE COURT: Thank you very much. You can return to
19 your place in the courtroom.

20 (Whereupon, the witness exited the witness stand.)

21 THE COURT: Do you have another witness?

22 MR. HENDERSON: No, sir, Your Honor. That would be
23 the defense case.

24 THE COURT: Anything in reply?

25 MR. HODGES: No, Your Honor.

1 THE COURT: Where is -- where is Quarles?

2 MR. HENDERSON: Your Honor, he's been sitting in the
3 courtroom all day. And -- and he is no longer with us.

4 MR. HODGES: You might recall Mr. Quarles made a
5 motion for Ms. Flannery to be relieved on Monday, which you
6 denied.

7 THE COURT: I didn't know that.

8 MR. HODGES: That -- that's Mr. Quarles. He -- he's
9 also on the trial docket. He made a motion to ---

10 THE COURT: But he's ---

11 MR. HODGES: --- be relieved ---

12 THE COURT: --- out on bond?

13 MR. HODGES: He is.

14 MR. HENDERSON: And, Your Honor, my client was out on
15 bond. But he's been picked up on something else.

16 THE COURT: Okay. I ---

17 MR. HENDERSON: But ---

18 THE COURT: --- didn't ---

19 MR. HENDERSON: --- then he ---

20 THE COURT: --- know that. But anyway, okay. So
21 that's it. So I'll take the case under advisement, then,
22 and deliberate and issue a written decision.

23 MR. HENDERSON: Thank you. Your Honor, just for the
24 record, I'd renew my motions posttrial.

25 THE COURT: Yeah. I -- I tell you what I'd like for

1 you to do, is I'd like for you to do -- well, in a -- you
2 know, what -- give me a memorandum -- rather, I want -- I
3 call it a "memorandum," rather than a brief -- on -- on --
4 on what -- what you think I should do about this, why I
5 should grant this or whatever.

6 MR. HENDERSON: I'll -- I'll be glad to, Your Honor.

7 THE COURT: All right. So get that to me within ten
8 days, certainly.

9 MR. HODGES: Would you like one from ---

10 THE COURT: And I'd ---

11 MR. HODGES: --- the state ---

12 THE COURT: --- like your ---

13 MR. HODGES: --- Your Honor?

14 THE COURT: --- yours also.

15 MR. HODGES: Thank you, Your Honor.

16 THE COURT: Okay?

17 MR. HODGES: Yes, sir.

18 THE COURT: And let's see. I've got the stuff -- a
19 copy of the stuff from the solicitor's office. I think I
20 have copy of most of the -- practically all the exhibits
21 here. I need y'all to make a copy of these indictments for
22 me.

23 MR. HENDERSON: Your Honor, would you prefer stuff e-
24 mailed to you? mailed to you?

25 THE COURT: You can -- you e-mail it if you want to.

1 MR. HENDERSON: Can -- can we get your -- make sure I
2 got your right ---

3 THE COURT: Yeah. It's in the -- it's in the book.

4 MR. HENDERSON: It's in the bar book? Okay.

5 THE COURT: Yeah. If you remember how to spell my
6 name.

7 MR. HENDERSON: Yes, sir.

8 THE COURT: Okay.

9 MR. HODGES: I would assume, Judge, you're going need
10 some period of time to ---

11 THE COURT: I'm going to deliberate. Yeah.

12 MR. HODGES: Well ---

13 THE COURT: I'm going ---

14 MR. HODGES: --- but -- but also, to consider the
15 motion and ---

16 THE COURT: Oh, yeah.

17 MR. HODGES: --- and what ---

18 THE COURT: Yeah.

19 MR. HODGES: --- I -- what I -- what I ---

20 THE COURT: Right. Yeah. Right. I'm going to --
21 yeah. Anything you want to send me, relative to the
22 motion, anything you want to send me -- as far as a memo,
23 as far as how you think I should decide the case and why --
24 be fine with me.

25 MR. HODGES: I have -- I mean, I -- logistically, I

1 guess, is what I'm thinking. We -- we've got him on loan
2 from Greenville.

3 THE COURT: Uh-huh.

4 MR. HODGES: I mean, if it's going be ---

5 THE COURT: It's going to be several weeks.

6 MR. HODGES: Several weeks? We can send him ---

7 THE COURT: Yeah.

8 MR. HODGES: --- back then ---

9 THE COURT: Yeah.

10 MR. HODGES: Okay.

11 THE COURT: Correct.

12 MR. HODGES: All right. Very good.

13 THE COURT: Yeah. It'll be -- it'll be several weeks.

14 And I've forgotten when I'm up here the next term of court.

15 I think I'm -- can you look at ---

16 MR. HODGES: I think it's mid-June, maybe.

17 THE COURT: I think so too.

18 MR. HENDERSON: What is that, six weeks?

19 THE COURT: So what I'll probably do is -- is make a
20 decision ---

21 THE CLERK OF COURT: June ---

22 THE COURT: --- and ---

23 THE CLERK OF COURT: -- 11th -- June 11th.

24 THE COURT: When?

25 THE CLERK OF COURT: June 11th.

1 THE COURT: June 11th? So I'll probably make a
2 decision and send y'all a written copy and schedule -- if I
3 need him back here. I don't know whether I will or not.
4 If I need him back here, I'll schedule it for June 11th.

5 MR. HODGES: Thank you ---

6 THE COURT: I don't ---

7 MR. HODGES: --- Your Honor.

8 THE COURT: --- know whether I need him or not. I
9 might not.

10 MR. HENDERSON: Thank you, Your Honor.

11 THE COURT: But you get me something in -- in ten
12 days. And then you have ten days to respond. But try to
13 do it sooner than that.

14 MR. HENDERSON: I -- I will, Your Honor. We'll --
15 we'll work on that immediately.

16 THE COURT: Good.

17 MR. HODGES: Thank you, Your Honor.

18 (Whereupon, the proceeding was concluded at 4:03 p.m.)

19 --- END OF TRANSCRIPT OF RECORD ---
20
21
22
23
24
25

1 STATE OF SOUTH CAROLINA
2 COUNTY OF GREENWOOD

CIRCUIT COURT
2012-GS-24-00798-00796

3
4 STATE OF SOUTH CAROLINA,

5 -vs-

TRANSCRIPT OF RECORD

6 DANIEL DEMON GRIFFIN,
7 Defendant.

8
9 HEARD ON DECEMBER 12, 2012

10
11 BEFORE:

12 THE HONORABLE THOMAS L. HUGHSTON, JR.
13
14

15 APPEARANCES:

16 Counsel on behalf of the State:
17 Andrew Michael Hodges, Esq.

18 Counsel on behalf of the Defendant:
19 Henderson McCurry Carson, Esq.
20
21

22 Cheri L. Young, RPR
23 Official Court Reporter
24 P O Box 3252
25 Aiken, SC 29803-3252

EXHIBIT INDEX

(NO EXHIBITS IDENTIFIED/INTRODUCED.)

1 ON WEDNESDAY, DECEMBER 12, 2012 AT 12:15 P.M.:

2 MR. HODGES: Daniel Griffin.

3 THE COURT: Let's see. Are you Daniel Demon Griffin?

4 THE DEFENDANT: Yes, sir, Your Honor.

5 THE COURT: All right. I have here three

6 indictments. Is this the case that we did the non-jury
7 trial on?

8 MR. HODGES: This is, Your Honor.

9 THE COURT: Okay. I want to make sure.

10 MR. HODGES: Yes, sir.

11 THE COURT: I thought that was right.

12 All right. So, Mr. Griffin, we have these three
13 charges here that you went to trial on before me back
14 sometime ago. I don't remember the date, but it's in the
15 record.

16 MR. HODGES: I believe it was May, May of 2012.

17 MR. CARSON: It was May the 8th, Your Honor.

18 THE COURT: Anyway, I want to look at my -- this was a
19 non-jury trial before me. And I did considerable thinking
20 about it and issued my order of October 12, 2012 -- my
21 verdict of October 12, 2012, finding you guilty of three
22 charges; armed robbery, assault and battery in the first
23 degree, and possession of a weapon during the commission
24 of a violent crime. And so you're before me now for
25 sentencing.

1 So, anything else from the State?

2 MR. HODGES: Your Honor, just a couple of things.
3 Number one, I also passed forward a pro se document.
4 Apparently Mr. Griffin mailed that to the clerk's office.
5 Somehow that found its way to our office.

6 THE COURT: I haven't had a chance to read that. Do
7 you want me to read what you wrote here? That's dated,
8 whatever it is, October 29, 2012.

9 THE DEFENDANT: You can go ahead, Your Honor.

10 THE COURT: Do you want me to read it? I will read
11 it. Hold on just a minute.

12 (Pause.)

13 THE COURT: All right. I've read this and I'll give
14 it to the clerk, make it part of the record in this case,
15 whatever, we'll put it in the file of the case.

16 Most of what you said in there relates to, what I
17 would say -- what I would tell you are issues that you can
18 appeal to a higher court. But that's what, at least
19 that's my reading of it. Most of the things you mentioned
20 in there would relate to an appeal.

21 So at this time you stand convicted, as I said, of
22 these three charges. So I'll be glad to hear anything
23 else from the State --

24 MR. HODGES: Thank you, Your Honor.

25 THE COURT: -- as far as sentence is concerned. Any

1 record?

2 MR. HODGES: Yes, Your Honor. He's got a -- looking
3 at his criminal history, it looks like a juvenile
4 adjudication in 2006 for either a PWID or distribution,
5 drug-type offense showing up on his criminal history, I
6 would assume, because his supervision crept over into when
7 he was an adult.

8 I would just point out the sentencing ranges. The A&B
9 first carries up to ten, the armed robbery a minimum
10 mandatory of ten up to 30 and the possession of a firearm
11 during the commission of a violent crime is an additional
12 five.

13 Obviously Your Honor heard much more about this case
14 than most cases. So I would just leave it up to the Court
15 to fashion an appropriate sentence.

16 THE COURT: All right. But there's a minimum
17 mandatory of ten on the armed robbery. The assault and
18 battery first degree carries up to, what?

19 MR. HODGES: It's zero to ten.

20 THE COURT: Ten. That's what I thought.

21 MR. HODGES: And then the firearm, zero to five.

22 THE COURT: And then the possession is five?

23 MR. HODGES: Correct.

24 THE COURT: We'll switch now to the other side.

25 Mr. Henderson, anything that you'd like to say on behalf

1 of your client?

2 MR. CARSON: Yes, sir, Your Honor. If it pleases the
3 Court.

4 We went to trial here on May the 8th of this year.
5 For the record, Your Honor, Daniel is 21 years old. The
6 date of the arrest for these offenses, Your Honor, was
7 November the 30th of 2010.

8 THE COURT: Right.

9 MR. CARSON: He served 91 days prior to bonding out
10 and since then he has served an additional 416 days.

11 THE COURT: So how much is that, total?

12 MR. CARSON: Your Honor, this is 507 days.

13 THE COURT: All right.

14 MR. HODGES: Now, Your Honor, I'm not certain that he
15 would be entitled to that 416 days because I think that he
16 was arrested on new charges in another county. He was
17 actually out on bond on these. So I'm not certain he
18 would necessarily be entitled to credit on this case when
19 he was in jail on something new in a different county.

20 MR. CARSON: That's not quite correct, Your Honor. If
21 I may?

22 THE COURT: Go ahead.

23 MR. CARSON: Mr. Griffin bonded out on February the
24 28th of 2011, on these charges after 91 days. On October
25 24th of 2011, he was arrested again and has never made

1 bond. He was arrested here in Greenwood and subsequently
2 Greenville served warrants on him for an older related
3 charge. So he has been incarcerated now for the last 416
4 days.

5 After making bond on this, I think he would be
6 entitled --

7 THE COURT: Well, what I'm going to do is I'm going to
8 mark on the sentence sheet where it says the Defendant is
9 to be given credit for time served pursuant to the Code of
10 Laws that governs that, would be calculated and applied by
11 the State Department of Corrections. So I'm going to
12 leave it at that as far as any jail credit is concerned.
13 He'll certainly get credit for whatever jail time he has
14 accumulated under the laws of this state. All right.

15 MR. CARSON: And, Your Honor, Mr. Griffin has no prior
16 adult record. He was adjudicated in Family Court on a
17 drug charge in September of '06 when he was 15 years old.

18 Your Honor, Daniel has one child. He's got great
19 family support. And he's got his mother, his grandmother
20 and two sisters here with him today. And I can honestly
21 say, Your Honor, Daniel is one of the most extremely
22 polite and well-mannered clients I've ever dealt with. If
23 anything, he's stayed in too much contact with me.

24 And as I've told him, I always appreciated him coming
25 by the office, calling me. He's done everything that I've

1 ever asked him to do, Your Honor.

2 He respects the Court's verdict -- accepts the
3 Court's verdict and, Your Honor, we would ask that
4 considering the lack of a prior record at all, we would
5 ask for the mandatory minimum, Your Honor, of ten years on
6 the armed robbery and ask that the assault and battery run
7 concurrent with that and that the weapons charge run
8 concurrent with that. Your Honor has the authority to
9 make the weapons charge run concurrent pursuant to
10 16-23-490. And we would ask for the minimum sentence,
11 Your Honor.

12 THE COURT: All right. Anything else you'd like to
13 say, Mr. Griffin, on the issue of sentence? Not as far as
14 the verdict is concerned. As I said earlier, you can
15 certainly appeal that. All right. Anything else that you
16 want to say?

17 THE DEFENDANT: I want to address the Court. How are
18 you doing today, Your Honor? Sir, I don't really know
19 much to say but I accept the Court verdict or whatever you
20 had came up with, sir, and I ask for the minimum on the
21 sentence.

22 THE COURT: All right. And I'm going to give you a
23 sentence of ten years on both the assault and battery and
24 on the armed robbery, and five years concurrent on the
25 possession charge. So it's -- you have ten years to

1 serve.

2 Good luck to you, Mr. Griffin

3 MR. HODGES: Thank you, Your Honor.

4 THE DEFENDANT: Appreciate that, sir.

5 MR. CARSON: And, Your Honor, before we leave while
6 we're still on the record for any appeals that Mr. Griffin
7 may want to do, I would like to renew all my trial motions
8 in the form of a motion for a new trial. And I expect His
9 Honor to deny that.

10 THE COURT: All right.

11 MR. CARSON: And I just wanted the record to be
12 preserved, especially on the issue as it related to the
13 deputies, Your Honor.

14 THE COURT: I appreciate your position. I deny your
15 motion.

16 MR. CARSON: Thank you, Your Honor.

17 THE COURT: Good luck to you.

18 END OF PROCEEDINGS: 12:26 P.M.

19 ***

20 CERTIFICATE OF REPORTER

21 STATE OF SOUTH CAROLINA)

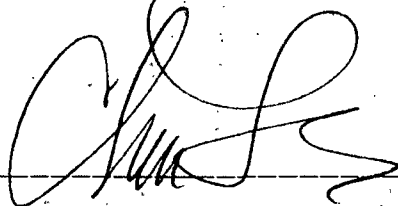
22 COUNTY OF AIKEN.)

23 I, Cheri L. Young, Registered Professional Reporter
24 and Official Court Reporter for the State of South
25 Carolina, Second Circuit-At Large, do hereby certify that

1 the foregoing is a true, accurate and complete transcript
2 of record of the proceedings had and evidence introduced
3 in the hearing of the captioned case, relative to appeal,
4 in the Court of General Sessions for Greenwood County, on
5 the 12th day of December, 2012.

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

8 I have hereunder set my hand this 28th day of January,
9 2013.

10
11 

12 Cheri L. Young, RPR
13 Official Court Reporter
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17
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STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF GREENWOOD	)	EIGHTH JUDICIAL CIRCUIT
	)	
STATE OF SOUTH CAROLINA	)	Case No. 2011-GS-24-793 (A&B)
	)	Case No. 2011-GS-24-794 (armed robbery)
v.	)	Case No. 2011-GS-24-795 (possession of weapon)
	)	
DANIEL DEMOND GRIFFIN,	)	DEFENDANT'S MOTION TO DISMISS
	)	BECAUSE OF UNLAWFUL STOP,
Defendant.	)	SEIZURE, DETENTION, AND/OR ARREST

The Defendant, by and through his attorney of record, hereby makes this Motion to Dismiss because multiple Greenwood County Sheriff's Office ("GCSO") employees chased, stopped, seized, detained, handcuffed, and/or arrested the Defendant prior to being duly qualified to serve as deputy sheriffs.

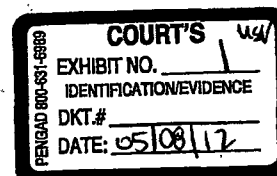
BACKGROUND

On November 30, 2010, GCSO employee Marcus Todd Cromer ("Cromer") turned on his vehicle blue lights and siren and chased the vehicle containing the Defendant and his two (2) co-defendants (Markus Allen and Sergio Quarles).

On November 30, 2010, upon information and belief, GCSO employees Derrick Benjamin Smith ("Smith") and Christopher A. Starling ("Starling") detained, handcuffed, and/or arrested the Defendant.

On November 30, 2010, GCSO employees Natalie Lewis Talbert ("Talbert") and Amy Ruth Tyler ("Tyler") obtained a written statement from the Defendant.

On December 1, 2010, GCSO employee W. Mark Bratcher ("Bratcher") sought and obtained an arrest warrant for the Defendant.



There may be other GCSO employees who were involved in the chase, stop, seizure, detention, handcuffing, and/or arrest of the Defendant, but their names have not been disclosed in the State's discovery responses.

This Motion is based upon the following authority:

1. Code Section 23-13-10 provides that "[t]he sheriff may appoint one or more deputies to be approved by the judge of the circuit or any circuit judge presiding therein" and "[s]uch appointment shall be evidenced by a certificate thereof, signed by the sheriff." See EXHIBIT A attached.

2. Circuit Judge Frank R. Addy Jr. signed a General Order on September 29, 2011, and which was filed by the Greenwood County Clerk of Court on September 30, 2011. See EXHIBIT B attached. This Order approves the appointment of GCSO employees Cromer, Smith, Starling, Talbert, and Tyler as GCSO deputies. This Order doesn't approve the appointment of GCSO employee Bratcher as a GCSO deputy.

3. Code Section 23-13-20 provides that "[e]ach deputy sheriff shall, before entering upon the discharge of his duty,":

- A. "enter into bond in the sum of one thousand dollars, with sufficient surety" (or "A blanket bond may be used in any county to fulfill the bond requirement of this section upon approval of the County Council and the County Attorney.);
- B. take "the oath of office now prescribed by Section 26, of Article III, of the Constitution"; and
- C. "take the following oath (or affirmation) to wit: 'I further solemnly swear (or

#2

affirm) that during my term of office as county deputy, I will study the act prescribing my duties, will be alert and vigilant to enforce the criminal laws of the State and to detect and bring to punishment every violator of them, will conduct myself at all times with due consideration to all persons and will not be influenced in any matter on account of personal bias or prejudice. So help me, God.”

See EXHIBITS C and D attached.

4. Code Section 23-13-20 requires the bond and two (2) oaths described in paragraph 3, supra, to “be filed and kept by the clerk of court for the county.”

5. Upon information and belief, GCSO employees Cromer, Smith, Starling, Talbert, Tyler, and Bratcher haven’t filed a \$1,000.00 bond with sufficient surety with the Greenwood County Clerk of Court.

6. Upon information and belief, GCSO employees Cromer, Smith, Starling, Talbert, Tyler, and Bratcher aren’t covered by a blanket bond approved by the Greenwood County Council and the Greenwood County attorney and then subsequently filed with the Greenwood County Clerk of Court.

7. GCSO employee Cromer signed a document entitled “Oath for Peace Officers” on September 14, 2011, and which was filed by the Greenwood County Clerk of Court on September 30, 2011. See EXHIBIT E attached. The face of this document indicates that Cromer’s signature wasn’t notarized and/or acknowledged by a person authorized to administer oaths and affirmations.

8. GCSO employee Smith signed a document entitled “Oath for Peace Officers” on September 12, 2011, and which was filed by the Greenwood County Clerk of Court on September

30, 2011. See EXHIBIT F attached. The face of this document indicates that Smith's signature wasn't notarized and/or acknowledged by a person authorized to administer oaths and affirmations.

9. GCSO employee Starling signed a document entitled "Oath for Peace Officers" on September 12, 2011, and which was filed by the Greenwood County Clerk of Court on September 30, 2011. See EXHIBIT G attached. The face of this document indicates that Starling's signature wasn't notarized and/or acknowledged by a person authorized to administer oaths and affirmations.

10. GCSO employee Talbert signed a document entitled "Oath for Peace Officers" on September 12, 2011, and which was filed by the Greenwood County Clerk of Court on September 30, 2011. See EXHIBIT H attached. The face of this document indicates that Talbert's signature wasn't notarized and/or acknowledged by a person authorized to administer oaths and affirmations.

11. GCSO employee Tyler signed a document entitled "Oath for Peace Officers" on September 12, 2011, and which was filed by the Greenwood County Clerk of Court on September 30, 2011. See EXHIBIT I attached. The face of this document indicates that Tyler's signature wasn't notarized and/or acknowledged by a person authorized to administer oaths and affirmations.

12. GCSO employee Bratcher hasn't signed a document entitled "Oath for Peace Officers" which has been filed with the Greenwood County Clerk of Court.

13. Code Section 23-13-50 provides that "[w]hen duly qualified a deputy sheriff may perform any and all duties appertaining to the office of his principal." See EXHIBIT J attached.

14. Code Section 23-13-60 provides that "deputy sheriffs may for any suspected freshly committed crime, whether upon view or upon prompt information or complaint, arrest without warrant." See EXHIBIT K attached.

15. Code Section 17-13-30 provides that "deputy sheriffs of this State may arrest without

warrant any and all persons who, within their view, violate any of the criminal laws of this State if such arrest be made at the time of such violation of law or immediately thereafter." See EXHIBIT L attached.

16. Upon information and belief, GCSO employees Cromer, Smith, Starling, Talbert, Tyler, and Bratcher have never been "duly qualified" to serve as GCSO deputy sheriffs.

17. In Willis v. Aiken County, 26 S.E.2d 313, 315-316 (S.C. 1943), our Supreme Court stated as follows:

... [Willis'] appointment having been made by the sheriff and confirmed by a Circuit Judge ...

Section 3488 provides that every such deputy sheriff shall, previous to entering on the duties of his appointment, take the oath prescribed by the Constitution, and when so qualified he may perform any and all of the duties pertaining to the office of his principal. It is provided in Section 3494 that a deputy sheriff before entering upon the discharge of his duties, shall enter into bond, with sufficient sureties to be approved by the sheriff, and shall in addition to the oath of office prescribed by the Constitution, take the following oath, to wit: "I further solemnly swear (or affirm) that during my *term of office* as county deputy ***" etc. (emphasis added).

Many criteria may be considered, although not regarded as controlling, in determining whether one is a public officer – such as the taking of an oath, giving of a bond, and tenure and duration. The law in this State, already quoted, relating to deputy sheriffs includes all of these requirements. They are required to take the oath of office, give an official bond, and after appointment and qualification they may perform any and all of the duties appertaining to the office of sheriff. The right, authority and duty of a deputy sheriff are thus created by statute.

See EXHIBIT M attached.

18. The statutes set forth in Willis are still the law and prior versions have been the law since the Reconstruction period.

19. Pursuant to Code Section 17-13-10, in the light most favorable to the State, GCSO employees Cromer, Smith, and/or Starling had "certain information that a felony has been committed" which would make the Defendant eligible to be arrested pursuant to a citizen's arrest. See EXHIBIT N attached. It should be noted that all events alleged by the State occurred during daytime hours and that co-defendant Sergio Quarles' charge for failure to stop for a blue light is a misdemeanor.

20. In State v. Nall, 404 S.E.2d 202, 207-208 (S.C. Ct. App. 1991), our Court of Appeals held as follows:

Except when made upon view of the felony, a private person making an arrest must give reasonable notice of his purpose to arrest and the cause for the arrest, together with a demand that the suspect submit to arrest. No particular form of words must be used. What constitutes a reasonable notice depends on the circumstances of each case. . . . [I]f the person making the arrest fails to make known his purpose, he may be treated as a trespasser.

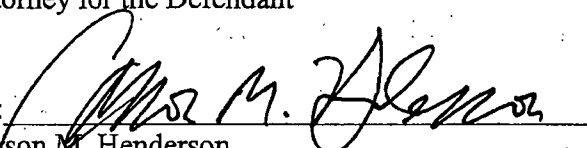
In this case, the State's evidence failed to establish a lawful citizen's arrest for two reasons. . . . Second, Mr. Moore effected the arrest by grabbing Nall without any prior warning. In other words, he failed to give notice that he was making a citizen's arrest. As a result, the arrest was not lawful.

See EXHIBIT O attached.

21. Upon information and belief, Cromer, Smith, and/or Starling (or for that matter any other GCSO employee) never informed the Defendant that he, she, and/or they were making a citizen's arrest.

22. The Defendant asks this Court to dismiss this matter with prejudice because the Defendant wasn't lawfully chased, stopped, seized, detained, handcuffed, and/or arrested.

THE HENDERSON LAW FIRM, P.C.
Attorney for the Defendant

By: 

Carson M. Henderson

109-B Oak Avenue

Greenwood, S.C. 29646

Phone: (864) 229-8000

Fax: (864) 229-8001

Greenwood, South Carolina

May 8, 2012

EXHIBIT A

C

Code of Laws of South Carolina 1976 Annotated Currentness

Title 23. Law Enforcement and Public Safety

Chapter 13. Deputy Sheriffs Generally

Article 1. General Provisions

→→ § 23-13-10. Appointment; approval by court; responsibility of sheriff for acts of deputy.

The sheriff may appoint one or more deputies to be approved by the judge of the circuit court or any circuit judge presiding therein. Such appointment shall be evidenced by a certificate thereof, signed by the sheriff, and shall continue during his pleasure. The sheriff shall in all cases be answerable for neglect of duty or misconduct in office of any deputy.

CREDIT(S)

HISTORY: 1962 Code § 53-71; 1952 Code § 53-71; 1942 Code § 3486; 1932 Code §§ 3486, 3487; Civ. C. '22 § 2032; Civ. C. '12 § 1146; Civ. C. '02 § 830; G. S. 652, 653; R. S. 713; 1870 (14) 332; 1880 (17) 4; 1927 (35) 44; 1936 (39) 1390; 1937 (40) 86.

LIBRARY REFERENCES

Sheriffs and Constables ¶16.

Westlaw Topic No. 353.

C.J.S. Sheriffs and Constables §§ 32 to 46.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Public Officers and Public Employees § 57, Home Rule Act.

ATTORNEY GENERAL'S OPINIONS

While a sheriff has absolute authority as to the hiring and discharge of a deputy sheriff, he must successfully complete the minimum basic training requirements established by such provision to have law enforcement authority. 1986 Op. Atty Gen, No. 86-58, p 182.

Sheriff has absolute authority regarding employment and discharge of personnel within his department; such personnel are subject to "general personnel system policies and procedures" of county; county anti-nepotism ordinance would be inapplicable to any employment decisions made by sheriff; applications for employment should be handled by county and not sheriff. 1985 Op. Atty Gen, No. 85-7, p 40.

Hiring and discharge of deputy sheriff are matters solely within prerogative of sheriff, and it is extremely doubtful whether action could be taken by county council to withdraw appropriation for particular deputy sheriff's position so

EXHIBIT B

Ingram,

I have no idea where the
oaths need to be filed, but § 23-13-20
seems to require that you file
them somewhere.

Frank

9-29-11

Ingram Moore

SEP 30 REC'D
2011

STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

THE HON. TONY DAVIS, IN HIS
OFFICIAL CAPACITY AS SHERIFF
OF GREENWOOD COUNTY,
PETITIONER

GENERAL ORDER

THIS MATTER COMES BEFORE ME at the request of Sheriff, Tony Davis, the duly elected Sheriff of Greenwood County. Petitioner requests that the court acknowledge and/or approve the appointments of the following deputies currently employed with the Greenwood Sheriff's Office:

James Alfred Boggs, Jr.
Mickey J. Boland
Dale A. Boyer
Edward Whitfield Brooks
Joseph Franklin Brooks, Jr.
Coke Manley Brown
Michael L. Bufford
Clinton Adam Burden
John R. Coker
Chadwick Wayne Cox
Roy Eugene Cox, Jr.
Travis Cox
Marcus Todd Cromer
Garrette Douglas
Kenneth Ray Dawning
Jonathan Matthew Emery
Wallace E. Enlow, Jr.
Ralph Evans
Becky Ferguson
Richard Wayne Findley
Richard Jeffry Gossett
Jeffrey Samuel Graham
Robert (Bobby) Allen Grogan

Ingram Moon

SEP 30 2011

2011

DHita Thalassa Donchell Hill
Sammie Hill, Jr.
Josh Hood
Eric Duane Inks
Richard Leon Jones
William Curtis Kinney
Pressley Dale Kittles
Donald Ray Lee
John O'Brian Long
Bryan Michael Louis
Wesley Michael Love
Mitchell Edward Mathis, Jr.
Sharon A. Middleton
Randall Clark Miles
Gary Eston Moore
Matthew C. Murphy
John Howard Murray
Steven Bishop Owings
Brian Joseph Penn
Ronny Elliott Powell
James William Quarles
Jarvis Kendell Reeder
Charles F. Rhodes
Joseph Scott Russ
Jeffrey Eugene Scott
Richard Shore
Javoris Bernard Smiley
Courtney Jermaine Smith
David Lawrence Smith
Dawn McGuire Smith
Derrick Benjamin Smith
Eddie Smith
Everett Kandell Smith
Christopher A. Starling
Jonathan Alexander Stephenson
Brandon Strickland
William Allen Stroup
Timothy H. Stumbo
Natalie Lewis Talbert
Dominic Blane Tarleton
Amy Ruth Tyler
Bradley Keith Ware
Marvin Ray Watson II
Sam Watts
Phillip Carey Wells
Marvin Wendell Williams

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Ingram Moon

SEP 30 RECD
2011

Sean Thomas Williams
Angela M. Woodhurst
Jeffrey Scott Woodhurst
Joseph Michael Young

Petitioner makes this request pursuant to the requirements of Section 23-13-10 of the South Carolina Code of Laws. This section states, "The sheriff may appoint one or more deputies *to be approved by the judge of the circuit court* or any circuit judge presiding therein." (*emphasis supplied*).

Initially, I note the separation of powers issue with the above section of law. Under the constitutional framework of our state, the office of sheriff belongs to the executive branch of government, and the office of circuit judge belongs to the judicial branch of government. See generally S.C. Const. art. V, Sec. 1, 24; Sloan v. Sanford, 357 S.C. 431, 593 S.E.2d 470 (2004). Furthermore, a circuit court judge has absolutely no disciplinary authority over or responsibility for the actions of any deputy so appointed. This obligation belongs solely to the sheriff, and any deputy so appointed serves exclusively at the pleasure of the sheriff, not this or any other judge. Botchie v. O'Dowd, 315 S.C. 126, 432 S.E.2d 458 (1993); State v. Goldsmith, 96 S.C. 484, 81 S.E. 147 (1914); Allen v. Fidelity and Deposit Co. of Maryland, 515 F.Supp. 1185 (D.C.S.C. 1981), *aff'd* 694 F.2d 716. Therefore, I conclude that this court has no authority over hiring, discharge or other personnel decisions of the sheriff's office; as the cases cited above clearly explain, these matters fall exclusively within the providence of the duly elected sheriff.

Putting aside the patent unconstitutionality of this provision of law, and in an effort to comply with what an unconstitutional law clearly requires,¹ the court first finds that use of the infinitive verb "to be" in the above referenced section connotes the same meaning as the obligatory verb "shall" does in other sections of law. In other words, by stating that the sheriff may appoint deputies "*to be approved*" by the judge of the circuit court, I find that this use of words merely requires the court's mandatory acknowledgement of an otherwise valid appointment by the sheriff pursuant to his sole employment prerogatives. Furthermore, I interpret use of the word "approve" to be synonymous with either passively signifying acceptance of the appointment or certifying or accrediting the appointment, as opposed to this

¹ Because laws passed by the General Assembly are presumptively constitutional, this judge feels the preferred course of action, when faced with a law of extremely questionable validity, would be to permit the Judges of the Court of Appeals and the Justices of the Supreme Court to perform their duty to pass upon the constitutionality of any suspect provision.

AM

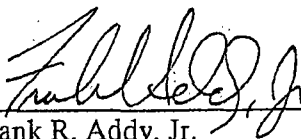
Ingraham

court offering its imprimatur or sanction of said appointment. See *The American Heritage Dictionary, New Coll. Ed.* 64-65 (1975). Interpreting the section in this way prevents any problems with separation of powers questions and also acknowledges the traditional, ceremonial role of the judiciary in administering oaths to elected or appointed officials, much in the same way that the Chief Justice of South Carolina has historically and traditionally administered the oath of office to the Governor and other duly elected executive officers.

In this vein and with the understanding that Section 23-13-10 merely requires this judge to note passive acceptance, as explained above, to an executive decision within the exclusive discretion of the sheriff, I acknowledge the oaths and approve the above listed individuals as Deputy Sheriffs for Greenwood County. To the extent permitted by law, his order shall be applied *nunc pro tunc* back to the date the above named were first sworn as deputies.

In an effort to prevent this court from having to reissue this order every time the Greenwood Sheriff elects to discharge or hire any deputy, I hereby find that any deputy who is, has been, or ever shall be duly hired by the sheriff and who otherwise meets all other qualifications and legal requirements for the office of deputy sheriff shall automatically be covered by this order.² Therefore, upon giving their oath and meeting any other requirements imposed by law or by the sheriff, any deputy hired subsequent to this order shall automatically be considered approved by this court under this order. The inverse is also true in the event a deputy should leave the sheriff's employ for whatever reason.

IT IS SO ORDERED.


Frank R. Addy, Jr.
Circuit Court Judge
Eighth Judicial Circuit

September 29, 2011
Greenwood, South Carolina

² This includes any deputy whose name may have been misspelled or inadvertently omitted from the list above, as well as any past, present, or future duly appointed deputies.

EXHIBIT C

C

Code of Laws of South Carolina 1976 Annotated Currentness

Title 23. Law Enforcement and Public Safety

Chapter 13. Deputy Sheriffs Generally

Article 1. General Provisions

→→ § 23-13-20. Bond and oath.

Each deputy sheriff shall, before entering upon the discharge of his duty, enter into bond in the sum of one thousand dollars, with sufficient surety, to be approved by the sheriff of the county, conditioned for the faithful performance of his duties and for the payment to the county and to any person of all such damages as they or any of them may sustain by reason of his malfeasance in office or abuse of his discretion. He shall, in addition to the oath of office now prescribed by Section 26, of Article III, of the Constitution, take the following oath (or affirmation) to wit: "I further solemnly swear (or affirm) that during my term of office as county deputy, I will study the act prescribing my duties, will be alert and vigilant to enforce the criminal laws of the State and to detect and bring to punishment every violator of them, will conduct myself at all times with due consideration to all persons and will not be influenced in any matter on account of personal bias or prejudice. So help me, God." The form of such bond shall be approved by the county attorney and, with the oaths, shall be filed with and kept by the clerk of court for the county.

A blanket bond may be used in any county to fulfill the bond requirement of this section upon approval of the County Council and the County Attorney.

CREDIT(S)

HISTORY: 1962 Code § 53-77; 1952 Code § 53-77; 1942 Code §§ 3488, 3494; 1932 Code §§ 3488, 3494; Civ. C. '22 §§ 2033, 2039; Civ. C. '12 § 1147; Civ. C. '02 § 831; G. S. 654; R. S. 714; 1870 (14) 332; 1880 (17) 4; 1912 (27) 865; 1981 Act No. 105, § 1.

LIBRARY REFERENCES

Sheriffs and Constables  19.

Westlaw Topic No. 353.

C.J.S. Sheriffs and Constables §§ 37 to 38.

LAW REVIEW AND JOURNAL COMMENTARIES

Coverage for Cops: Should Injuries Sustained by Off-Duty Sheriff's Deputies in Their Patrol Cars Be Compensable Under the Worker's Compensation Act? 55 SC Law Rev 695 (Spring 2004).

NOTES OF DECISIONS

In general 1

1. In general

EXHIBIT D

C

Code of Laws of South Carolina 1976 Annotated Currentness

The Constitution of the State of South Carolina 1895

Article III, Legislative Department

→ → § 26. Oath of office.

Members of the General Assembly, and all officers, before they enter upon the duties of their respective offices, and all members of the bar, before they enter upon the practice of their profession, shall take and subscribe the following oath: "I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected, (or appointed), and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States. So help me God." (1954 (48) 1852; 1955 (49) 23.)

EDITOR'S NOTE

The present provisions of this section are identical to § 5 of Article VI. For similar provisions in Constitution of 1868, see Const 1868, Art II, § 30.

CROSS REFERENCES

Legislative provisions concerning oath of office of members elected to General Assembly, see § 2-3-10.

Oath prescribed by South Carolina Constitution, Art III, § 26, to be endorsed upon back of bond of State Superintendent of Education, see § 59-3-10.

LIBRARY REFERENCES

States  28(1).

Westlaw Topic No. 360.

C.J.S. States §§ 81, 90 to 93.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Constitutional Law § 13, The Composition and Qualifications of the General Assembly.

S.C. Jur. Elections § 50, Oath.

S.C. Jur. General Assembly § 4, Oath of Members of General Assembly.

ATTORNEY GENERAL'S OPINIONS

Holding of the offices of magistrate and member of the House of Representatives constitutes dual officeholding within

EXHIBIT E



Greenwood County Sheriff's Office
Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-943-8057 Fax 864-942-8589

MARCUS TODD CROMER

512 SADDLE HILL RD.

GREENWOOD, SC 29646

Angela Moon

SEP 30 REC'D

2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

First, I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected (or appointed), and that I will, to the best of my ability, discharge the duties thereof, and preserve and protect and defend the Constitution of this State and of the United States.

I swear that I am under no promise, in honor or law, to share the profits of the office to which I have been elected or appointed, and that I will not directly or indirectly, sell or dispose of said office or the profits thereof, but will assign, or continue to discharge the duties thereof during the period fixed by law.

I further solemnly swear (or affirm) that during my term of office as county deputy, I will study the act prescribing my duties, will be alert and vigilant to enforce the criminal laws of the State and to detect and bring to punishment every violator of them, will conduct myself at all times with due consideration to all persons and will not be influenced in any matter on account of personal bias or prejudice. So help me God.

Sworn to and subscribed before me this

14th day of Sept., 2011

SIGNATURE OF APPOINTEE

Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniform Patrol

Captain Sonny Cox
Commander, Community Services

Captain Marc Cromer
Commander, Internal Affairs

Sandi McAllister-Owens
Administrator

EXHIBIT F



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

DERRICK BENJAMIN SMITH

214 ISLAND FORD RD.

NINETY SIX, SC 29666

Ingru Moon

SEP 30 REC'D

2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

First, I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected (or appointed), and that I will, to the best of my ability, discharge the duties thereof, and preserve and protect and defend the Constitution of this State and of the United States.

I swear that I am under no promise, in honor or law, to share the profits of the office to which I have been elected or appointed, and that I will not directly or indirectly, sell or dispose of said office or the profits thereof, but will assign, or continue to discharge the duties thereof during the period fixed by law.

I further solemnly swear (or affirm) that during my term of office as county deputy, I will study the act prescribing my duties, will be alert and vigilant to enforce the criminal laws of the State and to detect and bring to punishment every violator of them, will conduct myself at all times with due consideration to all persons and will not be influenced in any matter on account of personal bias or prejudice. So help me God.

Sworn to and subscribed before me this

12th day of Sept. 2011

Derrick Benjamin Smith
SIGNATURE OF APPOINTEE

Tony Davis
Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Patrol

Captain Sonny Cox
Commander, Community Services

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8031

EXHIBIT G



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

CHRISTOPHER A STARLIN

308 GAINES STONE RD

BRADLEY SC 29819

Ingram Moon

SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp Here

First, I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected (or appointed), and that I will, to the best of my ability, discharge the duties thereof, and preserve and protect and defend the Constitution of this State and of the United States.

I swear that I am under no promise, in honor or law, to share the profits of the office to which I have been elected or appointed, and that I will not directly or indirectly, sell or dispose of said office or the profits thereof, but will assign, or continue to discharge the duties thereof during the period fixed by law.

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Sworn to and subscribed before me this
12th day of Sept., 2011

Christopher A. Starlin

SIGNATURE OF APPOINTEE

Tony Davis

Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol

Captain Sonny Cox
Commander, Community Services

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8031

EXHIBIT H



Greenwood County Sheriff's Office
Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-943-8057 Fax 864-942-8589

Natalie Kwistalbert
6726 Kinard Road
Moneta, S.C. 29666

Ingram Moon

Oath for Peace Officers

SEP 30 REC'D
2011

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

First, I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected (or appointed), and that I will, to the best of my ability, discharge the duties thereof, and preserve and protect and defend the Constitution of this State and of the United States.

I swear that I am under no promise, in honor or law, to share the profits of the office to which I have been elected or appointed, and that I will not directly or indirectly, sell or dispose of said office or the profits thereof, but will assign, or continue to discharge the duties thereof during the period fixed by law.

I further solemnly swear (or affirm) that during my term of office as county deputy, I will study the act prescribing my duties, will be alert and vigilant to enforce the criminal laws of the State and to detect and bring to punishment every violator of them, will conduct myself at all times with due consideration to all persons and will not be influenced in any matter on account of personal bias or prejudice. So help me God.

Sworn to and subscribed before me this
12th day of Sept. 2011

Natalie Kwistalbert
SIGNATURE OF APPOINTEE

Tony Davis
Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol

Captain Sonny Cox
Commander, Community Services

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8033

EXHIBIT I



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

Amy Ruth Tyler
107 Young Street
Greenwood SC 29646

Ingram Moon

Oath for Peace Officers

SEP 30 REC'D
2011

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

First, I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected (or appointed), and that I will, to the best of my ability, discharge the duties thereof, and preserve and protect and defend the Constitution of this State and of the United States.

I swear that I am under no promise, in honor or law, to share the profits of the office to which I have been elected or appointed, and that I will not directly or indirectly, sell or dispose of said office or the profits thereof, but will assign, or continue to discharge the duties thereof during the period fixed by law.

I further solemnly swear (or affirm) that during my term of office as county deputy, I will study the act prescribing my duties, will be alert and vigilant to enforce the criminal laws of the State and to detect and bring to punishment every violator of them, will conduct myself at all times with due consideration to all persons and will not be influenced in any matter on account of personal bias or prejudice. So help me God.

Sworn to and subscribed before me this
12th day of Sept., 2011

Amy R Tyler
SIGNATURE OF APPOINTEE

Tony Davis
Tony Davis, Sheriff

Sheriff Tony Davis
864-942-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol

Captain Sonny Cox
Commander, Community Services
864-943-8087

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8031

EXHIBIT J

C

Code of Laws of South Carolina 1976 Annotated Currentness

Title 23. Law Enforcement and Public Safety

Chapter 13. Deputy Sheriffs Generally

Article 1. General Provisions

→ → § 23-13-50. Authority to perform duties of office.

When duly qualified a deputy sheriff may perform any and all of the duties appertaining to the office of his principal.

CREDIT(S)

HISTORY: 1962 Code § 53-84; 1952 Code § 53-84; 1942 Code § 3488; 1932 Code § 3488; Civ. C. '22 § 2033; Civ. C. '12 § 1147; Civ. C. '02 § 831; G. S. 654; R. S. 714; 1870 (14) 332; 1880 (17) 4.

LIBRARY REFERENCES

Sheriffs and Constables 79.

Westlaw Topic No. 353.

C.J.S. Sheriffs and Constables §§ 57 to 60.

NOTES OF DECISIONS

In general 1

1. In general

A deputy acts as his sheriff's agent under South Carolina law. Heath v. Aiken County (S.C. 1988) 295 S.C. 416, 368 S.E.2d 904. Sheriffs And Constables 17

Stated in Willis v. Aiken County (S.C. 1943) 203 S.C. 96, 26 S.E.2d 313.

Code 1976 § 23-13-50, SC ST § 23-13-50

Current through End of 2011 Reg. Sess.

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END OF DOCUMENT

EXHIBIT K

C

Code of Laws of South Carolina 1976 Annotated Currentness

Title 23. Law Enforcement and Public Safety

Chapter 13. Deputy Sheriffs Generally

Article 1. General Provisions

→→ § 23-13-60. Power of arrest.

The deputy sheriffs may for any suspected freshly committed crime, whether upon view or upon prompt information or complaint, arrest without warrant and, in pursuit of the criminal or suspected criminal, enter houses or break and enter them, whether in their own county or in an adjoining county.

CREDIT(S)

HISTORY: 1962 Code § 53-85; 1952 Code § 53-85; 1942 Code § 3493; 1932 Code § 3493; Civ. C. '22 § 2038; Cr. C. '22 § 328; 1912 (27) 865.

LIBRARY REFERENCES

Arrest  63.2.

Westlaw Topic No. 35.

C.J.S. Arrest § 15.

LAW REVIEW AND JOURNAL COMMENTARIES

Annual Survey of South Carolina Law: Criminal Law: Warrantless Arrest for Misdemeanor. 33 S.C. L. Rev. 69, August 1981.

ATTORNEY GENERAL'S OPINIONS

A sheriff and his deputies have full law enforcement authority in any area of their county, including an area which is under the protection of a property licensed private security guard. 1988 Op. Atty Gen, No. 88-90, p 249.

NOTES OF DECISIONS

In general 1

1. In general

In a prosecution for resisting arrest, the arrest was based on probable cause and the defendant's resistance was therefore unlawful where the police, who arrived at the scene within minutes after receiving a call for help, found the defendant intoxicated and armed, with an expended shotgun shell on the ground nearby, a gathering crowd, and were told by defendant's mother that he had a gun, was making threats, was acting funny, and had fired the gun into the air shortly before the police arrived. State v. Clark (S.C. 1982) 277 S.C. 333, 287 S.E.2d 143. Arrest  63.4(15)

EXHIBIT L

C

Code of Laws of South Carolina 1976 Annotated Currentness

Title 17. Criminal Procedures.

Chapter 13. Arrest, Process, Searches and Seizures

→→ § 17-13-30. Officers may arrest without warrant for offenses committed in view.

The sheriffs and deputy sheriffs of this State may arrest without warrant any and all persons who, within their view, violate any of the criminal laws of this State if such arrest be made at the time of such violation of law or immediately thereafter.

CREDIT(S)

HISTORY: 1962 Code § 17-253; 1952 Code § 17-253; 1942 Code § 909; 1932 Code § 909; Cr. P. '22 § 3; Cr. C. '12 § 3; Cr. C. '02 § 3; 1898 (22) 808.

CROSS REFERENCES

Arrests by magistrates to preserve the peace, see § 22-5-140.

Military personnel not being subject to certain arrests, see § 25-3-120.

LIBRARY REFERENCES

Arrest 63.4(13).

WESTLAW Topic No. 35.

C.J.S. Arrest § 27.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Arrest § 14, Misdemeanor Rule Generally.

S.C. Jur. Arrest § 16, When a Warrantless Misdemeanor Arrest May be Made.

S.C. Jur. False Imprisonment § 3, False Arrest.

LAW REVIEW AND JOURNAL COMMENTARIES

Annual Survey of South Carolina Law: Criminal Law: Warrantless Arrest for Misdemeanor. 33 S.C. L. Rev. 69, August 1981.

UNITED STATES SUPREME COURT ANNOTATIONS

EXHIBIT M

Westlaw.

26 S.E.2d 313

203 S.C. 96, 26 S.E.2d 313

(Cite as: 203 S.C. 96, 26 S.E.2d 313)

Page 1

C

Supreme Court of South Carolina.

WILLIS et al.

v.

AIKEN COUNTY.

No. 15558.

July 7, 1943.

Appeal from Common Pleas Circuit Court of
Aiken County; Wm. H. Grimbail, Judge.

Proceeding under the Workmen's Compensation
Act by Mrs. E. L. Willis, widow, and others to recover
compensation for the death of E. L. Willis, employee,
opposed by Aiken County, as self-insurer. From a
judgment affirming an award of the South Carolina
Industrial Commission in favor of claimant, Aiken
County, as self-insurer, appeals.

Judgment affirmed.

MILDRED WELLS

West Headnotes

[1] Workers' Compensation 413 ⚡383**413 Workers' Compensation****413V Employees Within Acts****413V(I) Public Officers and Employees**

413k383 k. Sheriffs and constables and their
assistants. Most Cited Cases

In workman's compensation proceedings, deputy
sheriff appointed by sheriff of county was officer of
county, within Workmen's Compensation Act
providing that term "employee" included all officers
and employees of municipal corporation, so that death
of deputy sheriff was compensable thereunder. Code
1942, § 7035-2(b).

[2] Officers and Public Employees 283 ⚡1**283 Officers and Public Employees**

283I Appointment, Qualification, and Tenure
283I(A) Officers and Employments, and
Power to Appoint and Remove

283k1 k. Nature of public office or em-
ployment in general. Most Cited Cases

Generally, a position is a "public office" when it
is created by law, with duties cast upon the incumbent
which involve an exercise of some portion of the
sovereign power, and in the performance of which the
public is concerned, and which also are continuing in
their nature, and not occasional or intermittent, while a
"public employment" is a position which lacks one or
more of the foregoing elements.

[3] Officers and Public Employees 283 ⚡1**283 Officers and Public Employees****283I Appointment, Qualification, and Tenure**

283I(A) Officers and Employments, and
Power to Appoint and Remove

283k1 k. Nature of public office or em-
ployment in general. Most Cited Cases

Fact that a position is a subordinate one, and that
its holder may be accountable to a superior, does not
prevent it from being a "public office", or the in-
cumbent an officer, as distinguished from a mere
employee, and a subordinate or inferior officer is
nonetheless an officer.

[4] Sheriffs and Constables 353 ⚡79**353 Sheriffs and Constables****353III Powers, Duties, and Liabilities**

353k79 k. Authority of deputies and assistants.
Most Cited Cases

Where the right, authority, and duty of a deputy
sheriff are created by statute, and he is invested with
some portion of the sovereign functions of the gov-
ernment to be exercised in behalf of the public, he is a
"public officer", and it can make no difference that the
appointment is made by the sheriff.

[5] Workers' Compensation 413 ⚡383

26 S.E.2d 313
 203 S.C. 96, 26 S.E.2d 313
 (Cite as: 203 S.C. 96, 26 S.E.2d 313)

Page 2

413 Workers' Compensation

413V Employees Within Acts

413V(I) Public Officers and Employees

413k383 k. Sheriffs and constables and their assistants. Most Cited Cases

Generally, as respects the public and third persons, the sheriff and not his deputy is responsible for the official defaults of the latter, but this doctrine cannot be carried to the extent of holding that a deputy sheriff is not a public officer within Workmen's Compensation Act providing that term "employee" includes all officers of municipal corporation. Code 1942, § 7035-2(b).

[6] Workers' Compensation 413 ⚡234

413 Workers' Compensation

413V Employees Within Acts

413V(A) In General

413k234 k. Creation and existence of relation in general. Most Cited Cases

One of the fundamental tests of the right to compensation is not the title of the injured person, but the nature and quality of the act he is performing at the time of the injury.--Code 1942, § 7035-2(b).

[7] Workers' Compensation 413 ⚡515

413 Workers' Compensation

413VIII Injuries for Which Compensation May Be Had

413VIII(A) Nature and Character of Physical Harm

413VIII(A)1 In General

413k515 k. What are accidental injuries in general. Most Cited Cases

When injury or death follows or results from a voluntary act of the worker, and the act is one which is not manifestly dangerous, but which is ordinarily done or performed without serious consequences to the doer, such result is caused by "accidental means". Code 1942, § 7035-2(b).

[8] Workers' Compensation 413 ⚡1444

413 Workers' Compensation

413XVI Proceedings to Secure Compensation

413XVI(N) Weight and Sufficiency of Evidence

413XVI(N)4 Employees Within Acts

413k1444 k. Public employees. Most Cited Cases

Workers' Compensation 413 ⚡1531.3

413 Workers' Compensation

413XVI Proceedings to Secure Compensation

413XVI(N)1 Weight and Sufficiency of Evidence

413XVI(N)7 Accident or Injury and Consequences Thereof

413k1531.1 Particular Injuries and Consequences

413k1531.3 k. Consequences of exertion in general. Most Cited Cases (Formerly 413k1532)

Where deputy sheriff died as result of overexertion in smashing barrels in raid on liquor still, and it could be inferred that deputy sheriff habitually did work of ordinary workman in smashing liquor paraphernalia in raids, evidence sustained finding that deputy sheriff was an employee under Workmen's Compensation Act, and that he sustained an "accidental injury" arising out of and within the scope of his employment, so as to make his death compensable. Code 1942, § 7035-2(b).

*314 Hendersons & Salley, of Aiken, for appellant.

Williams & Busbee, of Aiken, for repondents.

FISHBURNE, Justice.

This is an appeal from the judgment of the lower Court affirming an award of the South Carolina Industrial Commission in favor of the claimants, the widow and children of E. L. Willis, deceased, against the County of Aiken, as self-insurer.

The record discloses the following facts:

E. L. Willis was a deputy sheriff for Aiken County, having been appointed and commissioned as such by J. P. Howard, sheriff, as provided by law. He had served in this capacity for about five years prior to his death. On December 12, 1941, Sheriff Howard,

accompanied by Deputy Willis, went to a certain point in the Eastern portion of Aiken County to destroy a liquor still. They found the still in a somewhat inaccessible place, in a branch, and not being dressed for the occasion, they decided to return to the still that afternoon for the purpose of destroying it. The sheriff did not return, but sent his deputy, Willis, who was accompanied by two county policemen, Olin Redd and Chester Holley. Upon arriving at the scene they found eight sixty-gallon barrels of mash. Mr. Willis turned over two of them and broke them up with an axe. Immediately afterwards he complained of shortness of breath, whereupon Redd and Holley destroyed the other six barrels. When this work of destruction was completed, they knocked a hole in the 25-pound copper still, stuck a hoe handle through it, and Redd and Willis carried the still out to the automobile, about a quarter of a mile away.

Along this route, Willis again complained of being out of breath, and was forced to stop and rest four times. After getting into the automobile, and en route to Aiken, he complained of a burning sensation in the eyes and weak pulse; and, as described by the witness, he finally "passed out." The car was stopped and Willis was revived. Upon reaching Aiken he requested to be taken to his home, where he was attended by his physician, Dr. H. T. Hall. The doctor placed him in an Aiken hospital, where he remained under medical treatment until December 21, 1941, when he was returned to his home. Dr. Hall called at his home about eight o'clock the same night to see how he was getting along, and while he was there talking with him Willis suddenly died.

Dr. Hall testified that Mr. Willis died of coronary thrombosis, and it was his unqualified opinion that this condition was precipitated by Mr. Willis' exertion at the liquor still. He definitely expressed the opinion that Willis' death must be attributed to this exertion. The doctor stated that he had never treated him prior to December 12th, but that Willis told him that he had had a pain in his chest the day before raiding the still.

The first question for the determination of this Court is: Was E. L. Willis an officer of the County of Aiken at the time of his death, or an employee, engaged in compensable work within the meaning of the Workmen's Compensation Act.

Upon the facts stated, the Industrial Commission

concluded as a matter of fact and of law that the deceased deputy sheriff not only came within the terms of the Act, but that he sustained an accidental injury arising out of and within the scope of his employment, resulting in his death.

In Paragraph (b) of Section 7035-2 of the Compensation Act, Code 1942, an employee is thus defined: "The term 'employee' means every person engaged in an employment under any appointment or contract of hire or apprenticeship, express or implied, oral or written, including aliens, and also including minors, whether lawfully or unlawfully employed, but excluding persons whose employment is both casual and not in the course of the trade, business, profession or occupation of his employer, and as relating to those so employed by the State, the term 'employee' shall include all officers and employees of the State, except only such as are elected by the people, or by the General Assembly, or appointed by the Governor, either with or without the confirmation of the Senate; as relating to municipal corporations and political subdivisions of the State, the term 'employee' shall include all officers and employees thereof, except such as are *315 elected by the people or elected by the council or other governing body of said municipal corporation or political subdivision, who act in purely administrative capacities, and to serve for a definite term of office. Any reference to an employee who has been injured shall, when the employee is dead, include also his legal representative, dependents, and other persons to whom compensation may be payable."

It will be noted that in the latter portion of the paragraph quoted, the Act provides that "as relating to municipal corporations and political subdivisions of the State, the term 'employee' shall include all officers and employees thereof," and excepts such as may be elected by the people or by the council or other governing body, who act in purely administrative capacities and serve for a definite term of office.

It is the contention of the claimants that deputy sheriff Willis was an officer of the county; that his appointment having been made by the sheriff and confirmed by a Circuit Judge, he came within the term "employee," inasmuch as the exception "such as are elected by the people," etc., has no application to a deputy sheriff who is not so elected but who derives his office from the appointment of the sheriff.

26 S.E.2d 313
 203 S.C. 96, 26 S.E.2d 313
 (Cite as: 203 S.C. 96, 26 S.E.2d 313)

The appellant contends in effect that a deputy sheriff is not an officer at all; that a deputy can come into being only by virtue of his appointment by a sheriff, in consequence of which he is the sheriff's alter ego. That a sheriff and a deputy sheriff in contemplation of law constitute one entity. In other words, that the position of a deputy sheriff in the sight of the law is merged in that of the sheriff, and there can be no dual entity.

[1] We are unable to agree with the appellant's position in its application to the Workmen's Compensation Law of this State.

The appointment, duties, etc., of a deputy sheriff in Aiken County are set out as follows in Section 3552-1, 1942 Code: "The duties heretofore performed by the said county policeman shall hereafter be performed by one deputy, appointed and commissioned by the sheriff of Aiken County, who shall be under his immediate direction and control. In the performance of his duties the said deputy shall pay particular attention to the enforcement of the laws prohibiting the sale and unlawful use of intoxicating liquors. The said deputy shall be appointed for the term of one (1) year and shall receive for his services the sum of one thousand (\$1,000.00) dollars per annum, to be paid in monthly installments by the said county, as other salaries are now paid. The said deputy may be removed by the sheriff, at any time for cause, by giving ten days' notice thereof to the deputy so sought to be removed." (The salaries, including the expenses, of the deputy sheriffs of Aiken County were later raised to \$2,700 per year.)

The general statutory law dealing with deputy sheriffs provides, among other things, that the sheriff "shall in all cases be answerable for neglect of duty or misconduct in office of such deputy." Section 3486, 1942 Code.

Section 3488 provides that every such deputy sheriff shall, previous to entering on the duties of his appointment, take the oath prescribed by the Constitution, and when so qualified he may perform any and all of the duties pertaining to the office of his principal. It is provided in Section 3494 that a deputy sheriff before entering upon the discharge of his duties, shall enter into bond, with sufficient sureties to be approved by the sheriff, and shall in addition to the oath of office prescribed by the Constitution, take the following

oath, to wit: "I further solemnly swear (or affirm) that during my *term of office* as county deputy ***" etc. (emphasis added) Other sections dealing with the duties and the authority of deputy sheriffs are 3491-3494, inclusive.

The office of under or deputy sheriff is one of the oldest offices known to the law; it had its origin in the common law.

[2] It may be stated as a general rule, fairly deducible from the many cases discussing the question, that a position is a public office when it is created by law, with duties cast upon the incumbent which involve an exercise of some portion of the sovereign power, and in the performance of which the public is concerned, and which also are continuing in their nature, and not occasional or intermittent; while a public employment, on the other hand, is a position which lacks one or more of the foregoing elements. Annotations, 93 A.L.R. 333, 140 A.L.R. 1076.

[3] It is generally held that "the fact that the position is a subordinate one, and *316 that its holder may be accountable to a superior does not prevent it from being an office, or the incumbent an officer as distinguished from a mere employee. A subordinate or inferior officer is none the less an officer." 42 Am.Jur., Sec. 43, Page 891. To the same effect is 57 C.J., Sec. 4, page 731. "Where the office of deputy sheriff is recognized by the statute, and the deputy is endowed with authority to do any act which his principal may do, it has been held that his acts may be certified in his own name, and not in that of the sheriff. Where so clothed with power, a deputy sheriff is a public officer ***." 24 R.C.L., Sec. 73, page 890.

[4] Many criteria may be considered, although not regarded as controlling, in determining whether one is a public officer-such as the taking of an oath, giving of a bond, and tenure and duration. The law in this State, already quoted, relating to deputy sheriffs includes all of these requirements. They are required to take the oath of office, give an official bond, and after appointment and qualification they may perform any and all of the duties appertaining to the office of sheriff. The right, authority and duty of a deputy sheriff are thus created by statute. He is invested with some portion of the sovereign functions of the government, to be exercised in behalf of the public, and is, consequently, a public officer within any definition given by

the Courts or text writers. It can make no difference that the appointment is made by the sheriff. The power of appointment comes from the state, the authority is derived from the law, and the duties are exercised for the benefit of the public.

[5] A sheriff and his deputy are, for certain purposes, regarded as one officer in law. This rule, however, is founded upon the general principle that as respects the public and third persons, a sheriff and not his deputy is responsible for the official defaults of the latter. In construing the general law in connection with the Workmen's Compensation Act, this doctrine cannot be carried to the extent of holding that a deputy sheriff, such as Mr. Willis, was not a public officer. In a majority of jurisdictions the view prevails that a deputy is a public officer. Annotation, Ann.Cas.1913C, Page 88.

While Mr. Willis was appointed for a definite term of office, subject to be removed for cause by the sheriff, he did not act in a purely administrative capacity.

[6] We have adopted the "dual capacity" doctrine in determining the rights of the parties in compensation cases. Green v. City of Bennettsville, 197 S.C. 313, 15 S.E.2d 334. This doctrine is well expressed and approved in Nissen v. City of Winston Salem, 206 N.C. 888, 175 S.E. 310, 313, where the Court said: "The 'dual capacity' doctrine has been adopted in determining the rights of the parties in compensation cases; that is to say, that executive officers of a corporation will not be denied compensation merely because they are executive officers if, as a matter of fact, at the time of the injury they are engaged in performing manual labor or the ordinary duties of a workman. Hence one of the fundamental tests of the right to compensation is not the title of the injured person, but the nature and quality of the act he is performing at the time of the injury." Hodges v. Mortgage Co., 201 N.C. 701, 161 S.E. 220, 223. Of course, all of these principles must be construed and considered in the light of reason and common sense. Obviously the mayor of a city would not become an employee merely because he occasionally picked up a piece of hose or occasionally used a shovel or mattock when in the presence of a street force. Desultory, disconnected, infrequent acts of manual labor performed by an administrative officer and not reasonably required by the exigencies of the situation, would

not classify such officer as a workman."

It may be inferred from the testimony in this case, as found by the Commission, that deputy sheriff Willis, when raiding liquor stills, habitually performed the work of an ordinary workman or laborer in destroying barrels of mash or paraphernalia connected with the illicit distillery of liquor.

The last question presented is, did the deceased, E. L. Willis, come to his death as the result of an accident arising out of and within the scope of his employment, or was his death due to disease and not compensable under the Act?

[7] We stated the following rule in Goethe v. New York Life Insurance Co., 183 S.C. 199, 190 S.E. 451, 458: "The rule clearly deducible from the overwhelming weight of authority is that, when injury or death follows or results from a voluntary act of the insured, and the act is one *317 which is not manifestly dangerous, but which is ordinarily done or performed without serious consequences to the doer, such result is caused by accidental means. This is nowhere better stated than by Sanborn, J., in Western Commercial Travelers' Association v. Smith, [8 Cir.] 85 F. 401, 405, 29 C.C.A. 223, 56 U.S.App. 393, 40 L.R.A. 653, where he says: 'An effect which does not ordinarily follow and cannot be reasonably anticipated from the use of those means, an effect which the actor did not intend to produce and *** cannot be charged with the design of producing, *** is produced by accidental means.'"

[8] In our opinion, the testimony which we have already reviewed, clearly authorized the Industrial Commission to make the finding that deputy sheriff Willis was a public officer of Aiken County, and that he sustained an accidental injury arising out of and within the scope of his employment. It cannot be said under the rule announced in the Goethe case, and applying it to the facts in this case, that there was no testimony appearing in the record to sustain the finding of the Commission on this point.

Judgment affirmed.

BAKER and STUKES, JJ., and T. S. SEASE and E. H. HENDERSON, A. A. JJ., concur.

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END OF DOCUMENT

EXHIBIT N

CCode of Laws of South Carolina 1976 Annotated Currentness

Title 17. Criminal Procedures

Chapter 13. Arrest, Process, Searches and Seizures**→→ § 17-13-10. Circumstances where any person may arrest a felon or thief.**

Upon (a) view of a felony committed, (b) certain information that a felony has been committed or (c) view of a larceny committed, any person may arrest the felon or thief and take him to a judge or magistrate, to be dealt with according to law.

CREDIT(S)

HISTORY: 1962 Code § 17-251; 1952 Code § 17-251; 1942 Code § 907; 1932 Code § 907; Cr. P. '22 § 1; Cr. C. '12 § 1; Cr. C. '02 § 1; G. S. 2616; R. S. 1; 1866 (13) 406; 1898 (22) 809.

CROSS REFERENCES

Arrests by inspectors of law enforcement department of public service commission, see § 58-3-370.

Arrests by magistrates, see §§ 22-5-110 et seq.

Military personnel not being subject to certain arrests, see § 25-3-120.

Unlawful searches and seizures, see SC Const. Art 1, § 10.

LIBRARY REFERENCES

Arrest  63.2, 64.

WESTLAW Topic No. 35.

C.J.S. Arrest §§ 12 to 15, 17.

RESEARCH REFERENCES**Encyclopedias**

S.C. Jur. Arrest § 11, Felony Arrest Upon "Certain Information".

S.C. Jur. Arrest § 17, Relationship of Misdemeanor Rule to the Common Law.

S.C. Jur. False Imprisonment § 3, False Arrest.

S.C. Jur. Private Detectives & Security Businesses § 29, Violation of Statutes.

Treatises and Practice Aids

Drinking/Driving Litigation: Criminal and Civil 2d § 5:9, Citizen's Arrest.

EXHIBIT O

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C

Court of Appeals of South Carolina.
 The STATE, Respondent,
 v.
 Emmett Ray NALL, Appellant.
 The STATE, Respondent,
 v.
 Anthony Wayne NALL, Appellant.

No. 1613.
 Heard Oct. 18, 1990.
 Decided Feb. 25, 1991.

Defendants were convicted in the General Sessions Court, Cherokee County, Jonathan Z. McKown, J., of two counts of breaking into motor vehicle, grand larceny, malicious destruction of personal property and assault and battery, and they appealed. The Court of Appeals, Bell, J., held that: (1) except on assault charge, State's evidence was sufficient to create questions of fact for jury, and (2) citizen had no lawful authority to arrest defendant on information from his daughter that convertible top of her car had been cut.

Affirmed in part and reversed in part.

West Headnotes

[1] Criminal Law 110 ⚡ 753.2(8)

110 Criminal Law
 110XX Trial
 110XX(F) Province of Court and Jury in General
 110k753 Direction of Verdict
 110k753.2 Of Acquittal
 110k753.2(8) k. Hearing and Determination. Most Cited Cases

Upon motion for directed verdict of acquittal, trial judge must view evidence in light most favorable to State.

[2] Criminal Law 110 ⚡ 753.2(5)

110 Criminal Law
 110XX Trial
 110XX(F) Province of Court and Jury in General
 110k753 Direction of Verdict
 110k753.2 Of Acquittal
 110k753.2(3) Insufficiency of Evidence
 110k753.2(5) k. Sufficiency to Warrant Conviction or to Present Jury Question. Most Cited Cases

Judge must submit case to jury if there is any evidence, direct or circumstantial, which reasonably tends to prove guilt of accused or from which his guilt may be fairly and logically deduced.

[3] Criminal Law 110 ⚡ 552(3)

110 Criminal Law
 110XVII Evidence
 110XVII(V) Weight and Sufficiency
 110k552 Circumstantial Evidence
 110k552(3) k. Degree of Proof. Most Cited Cases

State need not produce evidence that excludes every hypothesis other than guilt of accused.

[4] Criminal Law 110 ⚡ 753.2(6)

110 Criminal Law
 110XX Trial
 110XX(F) Province of Court and Jury in General
 110k753 Direction of Verdict
 110k753.2 Of Acquittal
 110k753.2(3) Insufficiency of Evidence
 110k753.2(6) k. Suspicion or Conjecture; Reasonable Doubt. Most Cited Cases

Criminal Law 110 ⚡ 753.2(8)

110 Criminal Law
 110XX Trial
 110XX(F) Province of Court and Jury in

General

110k753 Direction of Verdict

110k753.2 Of Acquittal

110k753.2(8) k. Hearing and Determination. Most Cited Cases

Evidence is sufficient to go to the jury if, viewed in light most favorable to State, rational trier of fact could find essential elements of crime beyond reasonable doubt.

[5] Criminal Law 110 753.2(8)

110 Criminal Law

110XX Trial

110XX(F) Province of Court and Jury in

General

110k753 Direction of Verdict

110k753.2 Of Acquittal

110k753.2(8) k. Hearing and Determination. Most Cited Cases

When ruling on motion for directed verdict of acquittal, trial court considers only existence of evidence, not its weight.

[6] Criminal Law 110 753.2(6)

110 Criminal Law

110XX Trial

110XX(F) Province of Court and Jury in

General

110k753 Direction of Verdict

110k753.2 Of Acquittal

110k753.2(3) Insufficiency of Evidence

110k753.2(6) k. Suspicion or Conjecture; Reasonable Doubt. Most Cited Cases

Evidence that raises no more than a suspicion of guilt is inadequate to go to the jury and requires court to direct verdict of acquittal.

[7] Burglary 67 45

67 Burglary

67II Prosecution

67k44 Trial

67k45 k. Questions for Jury. Most Cited Cases

Larceny 234 68(1)

234 Larceny

234II Prosecution and Punishment

234II(C) Trial and Review

234k68 Questions for Jury

234k68(1) k. In General. Most Cited Cases

Malicious Mischief 248 10

248 Malicious Mischief

248k10 k. Trial. Most Cited Cases

Evidence supporting charges of breaking into motor vehicle, grand larceny and malicious destruction of property was sufficient to go to the jury; defendants were present in strange neighborhood in middle of night, series of vehicles had been entered and number of items stolen near time and place they were apprehended, and one of the stolen items was in defendants' possession.

[8] Arrest 35 64

35 Arrest

35II On Criminal Charges

35k64 k. Private Persons, Arrest Without Warrant. Most Cited Cases

Private person may arrest for felony not committed in his presence if felony was actually committed and private person has reasonable cause to believe that one he is arresting committed the felony for which arrest is made.

[9] Arrest 35 63.4(4)

35 Arrest

35II On Criminal Charges

35k63 Officers and Assistants, Arrest Without Warrant

35k63.4 Probable or Reasonable Cause

35k63.4(4) k. Time of Existence; After-Acquired Information. Most Cited Cases

If felony was committed, but it later appears person did not commit it, arrest is lawful if there was

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reasonable cause to suspect him.

[10] Arrest 35 ⚡64

35 Arrest

35II On Criminal Charges

35k64 k. Private Persons, Arrest Without Warrant. Most Cited Cases

Private person may arrest for misdemeanor committed in his presence, if it constitutes breach of the peace.

[11] Arrest 35 ⚡64

35 Arrest

35II On Criminal Charges

35k64 k. Private Persons, Arrest Without Warrant. Most Cited Cases

Private person has no lawful authority to arrest for misdemeanors not committed in his presence.

[12] Arrest 35 ⚡64

35 Arrest

35II On Criminal Charges

35k64 k. Private Persons, Arrest Without Warrant. Most Cited Cases

Except when arrest is made upon view of the felony, private person making arrest must give reasonable notice of his purpose to arrest and cause for arrest, together with demand that suspect submit to arrest; no particular form of words need be used.

[13] Arrest 35 ⚡64

35 Arrest

35II On Criminal Charges

35k64 k. Private Persons, Arrest Without Warrant. Most Cited Cases

Once private person making arrest has given reasonable notice of his purpose to arrest and cause for arrest, suspect must submit peaceably to arrest without resistance or disturbance of the peace, and if, after notice of arrest, suspect attempts to flee or forcibly resist arrest, person making arrest may use reasonable

means to effect it.

[14] Arrest 35 ⚡64

35 Arrest

35II On Criminal Charges

35k64 k. Private Persons, Arrest Without Warrant. Most Cited Cases

If person making arrest fails to make known his purpose, he may be treated as a trespasser.

[15] Common Law 85 ⚡16

85 Common Law

85k16 k. Presumptions. Most Cited Cases

Common law of England ordinarily is presumed to govern if there is no state authority to the contrary.

[16] Arrest 35 ⚡64

35 Arrest

35II On Criminal Charges

35k64 k. Private Persons, Arrest Without Warrant. Most Cited Cases

Private person is authorized to arrest upon certain information that felony has been committed, even though no felony has actually been committed; certain information is that which is positive, credible, reliable and trustworthy. Code 1976, § 17-13-10.

[17] Arrest 35 ⚡64

35 Arrest

35II On Criminal Charges

35k64 k. Private Persons, Arrest Without Warrant. Most Cited Cases

Citizen had no lawful authority to arrest defendant on information from his daughter that convertible top of her car had been cut; the misdemeanor was not committed in his presence, and citizen failed to give notice that he was making citizen's arrest. Code 1976, § 17-13-10.

****203 *333 Assistant Appellate Defender Tara Dawn Shurling for appellant Emmett Ray Nall, and Assistant**

Appellate Defender Daniel T. Stacey for appellant Anthony Wayne Nall, both of the South Carolina Office of Appellate Defense, Columbia.

Attorney General T. Travis Medlock, Asst. Atty. Gen., Harold M. Coombs, Jr., Columbia, and Sol. Holman C. Gossett, Jr., Spartanburg, for respondent.

BELL, Judge:

At the January, 1989, term of General Sessions for Cherokee County, Emmett Ray Nall was indicted with his brother, *334 Anthony Wayne Nall, on ten counts of breaking into a motor vehicle, one count of grand larceny, one count of malicious destruction of personal property, and one count of assault and battery with intent to kill. The Nalls were tried together before a jury. At the close of the State's case, the trial judge granted the Nalls a directed verdict of acquittal on eight counts of breaking into a motor vehicle. The judge also reduced the charge of assault and battery with intent to kill to assault and battery of a high and aggravated nature. The jury ultimately found the Nalls guilty **204 of two counts of breaking into a motor vehicle, grand larceny, malicious destruction of personal property, and assault and battery of a high and aggravated nature. From their convictions on these charges they appeal. We affirm in part and reverse in part.

Viewed in the light most favorable to the State, the evidence establishes the following facts.

On the night of October 25-26, 1988, a series of automobile break-ins took place in the vicinity of Trenton Road in the York Hills subdivision of Gaffney, South Carolina. Among other incidents, the front door window of Tony Miller's car was smashed and his \$370 Olympia camera was stolen. Miller lived one block from Trenton Road. A truck owned by Gary Lovelace also was entered and an inexpensive sheath knife was taken from the glove compartment. Lovelace lived on Trenton Road. Finally, the convertible top of Lee Ann Moore's car was cut and some of her insurance papers were strewn across her back yard leading toward Trenton Road. Lee Ann discovered what had happened at about 1:20 a.m. She immediately woke her father and reported the matter to him. He dressed, told his wife to call the police, and ran out the door.

Mr. Moore followed the trail of his daughter's

papers across the back yard to Trenton Road. The street was well lighted. As he entered it, Moore saw no one in either direction. After running several hundred feet he slowed to a walk. About the same time, he saw the Nall brothers suddenly emerge from the right onto Trenton Road some distance ahead of him. He could not tell whether they had come from the adjacent yard or from a car or a truck parked on the street near the yard. When Mr. Moore came within seventy-five feet of the two, he crossed the street and approached them. Seeing they were strangers in the neighborhood and suspecting they were the *335 culprits he was seeking, he asked them first for a light and then for the time in an effort to delay them. After that, Moore said nothing.

Sensing the two were about to leave the scene, Moore grabbed Emmett Nall to detain him until the police arrived. The two of them fell to the street. Wayne Nall, who had run away, came back and began kicking and beating Moore until he let Emmett go. The Nalls then fled through a yard and over a fence. When Moore got up, he discovered a Harley-Davidson cap, a flashlight, and Gary Lovelace's knife in the street. In the struggle with the Nalls, Moore suffered minor kidney damage, bruises on his arm and shoulder, and pain in his back and side. He was temporarily hospitalized for these injuries.

Soon after the struggle, the police arrived at the scene. They discovered that several cars in the general vicinity had been broken into. They also discovered a cache of stolen goods, including Tony Miller's Olympia camera, hidden in some bushes at the end of a dirt road leading to a neighborhood street. The police estimated from the size of the cache that it equaled as many as four loads carried by each of two people. They discovered a car, later identified as registered to the Nalls' mother, parked near the cache on the same dirt road.

The appeals present three questions for our review: (1) Were the Nalls entitled to a directed verdict of acquittal on all charges because the State's evidence was not substantial enough to raise more than a "mere suspicion" of guilt? (2) Did the trial judge err in denying the Nalls' request for a jury charge that notice is an essential element of a lawful citizen's arrest? (3) Did the trial judge err in denying the Nalls' request for a jury charge on simple assault and battery?

I.

At the close of the State's evidence, the Nalls moved for a directed verdict of acquittal on the ground that there was no substantial evidence to prove each element of the crimes charged beyond a reasonable doubt. See *Jackson v. Virginia*, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979). The court denied the motion.

****205** [1][2][3][4][5] Upon a motion for a directed verdict of acquittal, the trial judge must view the evidence in the light most favorable to the State. ***336** *Kimbrell v. Bi-Lo, Inc.*, 248 S.C. 365, 150 S.E.2d 79 (1966). The judge must submit the case to the jury if there is any evidence, direct or circumstantial, which reasonably tends to prove the guilt of the accused or from which his guilt may be fairly and logically deduced. *State v. Williams*, 400 S.E.2d 131 (S.C.1991) (Davis Adv.Sh. No. 1 at 3); *State v. Peake*, 302 S.C. 378, 396 S.E.2d 362 (1990); *State v. Stokes*, 299 S.C. 483, 386 S.E.2d 241 (1989); *State v. Edwards*, 298 S.C. 272, 379 S.E.2d 888, cert. denied, 493 U.S. 895, 110 S.Ct. 246, 107 L.Ed.2d 196 (1989); *State v. Littlejohn*, 228 S.C. 324, 89 S.E.2d 924 (1955). The State need not produce evidence that excludes every hypothesis other than the guilt of the accused. *Jackson v. Virginia*, 443 U.S. at 319, 99 S.Ct. at 2789; *State v. Stokes*, 299 S.C. at 484, 386 S.E.2d at 241. The evidence is sufficient to go to the jury if, viewed in the light most favorable to the State, a rational trier of fact could find the essential elements of the crime beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. at 319, 99 S.Ct. at 2789. When ruling on the motion, the trial court considers only the existence of evidence, not its weight. *State v. Williams*, supra; *State v. Mathis*, 287 S.C. 589, 340 S.E.2d 538 (1986).

[6] On the other hand, evidence that raises no more than a suspicion of guilt is inadequate to go to the jury and requires the court to direct a verdict of acquittal. *State v. Woods*, 273 S.C. 266, 255 S.E.2d 680 (1979); *State v. Hyder*, 242 S.C. 372, 131 S.E.2d 96 (1963).

[7] Except on the assault charge, we conclude the State's evidence was sufficient to create questions of fact for the jury. The Nalls were present in a strange neighborhood in the middle of the night. A series of vehicles had been entered and a number of items stolen near the time and place they were apprehended by Mr. Moore. One of the stolen items, Lovelace's knife,

was in the Nalls' possession when Moore detained them. The knife strongly linked both Nalls to the thefts. It also created a reasonable inference that the Nalls used it to slash the convertible top of the Moore automobile. The jury could also reasonably infer that the Nalls used the flashlight Moore found with the knife to aid in committing the nighttime break-ins and thefts. A car traced to the Nalls' mother was parked near a cache of stolen goods, including the stolen camera. The car had been backed down a dirt side road where it was not readily visible from the street. The Nalls' explanation³³⁷ for its presence near the cache was that the car had broken down and the brothers were going for help. However, one month later when their mother went to claim the car from the wrecker service that towed it, the car started and she drove it away.

These facts were sufficient to permit a fair minded jury to infer the Nalls' guilt beyond a reasonable doubt. They were not such that the only inference to be drawn was that the State's evidence raised a "mere suspicion" against them. Accordingly, we affirm the trial judge's refusal to grant the Nalls' motion for a directed verdict of acquittal on the charges of breaking into a motor vehicle, grand larceny, and malicious destruction of property.

II.

In prosecuting the charge of assault and battery of a high and aggravated nature, the State proceeded on the theory that Mr. Moore made a valid citizen's arrest which the Nalls forcibly resisted. The Nalls argued that Moore, far from making a lawful arrest, attacked Emmett without provocation. They contend they defended themselves against Moore using only the force necessary to free Emmett, then immediately retreated to avoid any further altercation.

At trial the Nalls moved for a directed verdict of acquittal on the assault charge on the ground that the State's evidence did not prove the elements of a lawful citizen's arrest. They also requested the court to charge the jury that notice to the suspect is an essential element of a lawful citizen's arrest. The court denied both motions.

****206 A.**

From the earliest times, the English common law placed a duty on every person who encountered another in the commission of a felony to apprehend him

or to make outcry calling the community to pursue and take him.^{FN1} This duty has remained*338 an important feature of Anglo-American law into modern times. Under the modern common law, any person who views a felony being committed has a duty to endeavor to arrest the felon either personally or by calling others to his aid or by seeking out an officer of the peace.^{FN2}

^{FN1}. See, e.g., *Dooms of Canute*, c. 29 (1020): "And if anyone encounters a thief and wilfully lets him go without making outcry, he shall pay the thief's wergeld as compensation, or shall clear himself by a full oath, that he did not know [whom he let go] to be guilty of anything. And if any one hears the outcry and neglects it, he shall pay the king's *oferhyrnesse* or clear himself by a full oath." C. Stephenson and F. Marcham, *SOURCES OF ENGLISH CONSTITUTIONAL HISTORY*, 23-24 (1937). (The *oferhyrnesse* was a special fine of 120 shillings for violation of a royal command.) *Id.*, 10, n. 4. At the time of Canute, the institution of private arrest was already centuries old in England. See *Laws of Ine*, 36 (circa 690 A.D.), in W. Stubbs, *SELECT CHARTERS AND OTHER ILLUSTRATIONS OF ENGLISH CONSTITUTIONAL HISTORY*, 68 (9th ed.1913); *Ordinance of the Hundred*, c. 2, (959 A.D.) *Id.*, 81. Private arrest is also a feature of other ancient legal systems. For example, the Code of Hammurabi (circa 2150 B.C.) made citizens of the locality where a homicide or theft was committed liable for compensation if they failed to apprehend the offender. See C. Edwards, *THE HAMMURABI CODE*, secs. 23-24, at 31, and comment, at 94 (1971).

^{FN2}. See *Regina v. Price* (1838) 8 Car. & P. 282, 173 Eng.Rep. 496; *Barth v. Heider* (1868) 6 D.C. 312, 314; *Kindred v. Stitt*, 51 Ill. 401 (1869); *State v. Sutter*, 71 W.Va. 371, 76 S.E. 811 (1912) (dictum); 1 M. Hale, *HISTORIA PLACITORUM CORONAE*, 587-88 (1736); 4 Bl.Comm., Ch. 21, 289-91 (1769); 1 C. Alexander, *THE LAW OF ARREST IN CRIMINAL AND OTHER PROCEEDINGS*, 438 (1949); Wilgus, *Arrest Without Warrant*, 22 MICH.L.REV.

541, 560 (1922).

[8][9] The law also permits a private person to arrest for a felony not committed in his presence if (1) the felony was actually committed and (2) the private person has reasonable cause to believe the one he is arresting committed the felony for which the arrest is made.^{FN3} Both requirements must be met. If it later appears that the felony for which arrest has been made was not in fact committed, the arrest is unlawful.^{FN4} Likewise, if there was no reason in fact to believe*339 the person arrested committed the felony, the arrest is unlawful.^{FN5} On the other hand, if the felony was committed, but it later appears the person arrested did not commit it, the arrest is still lawful if there was reasonable cause to suspect him.^{FN6}

^{FN3}. See *Beckwith v. Philby* (1827) 6 Barn. & C. 635, 108 Eng.Rep. 230; *Walters v. W.H. Smith & Son, Ltd.* (1914) 1 K.B. 595; *State v. Anderson*, 19 S.C.L. (1 Hill) 327 (1833); *State v. Griffin*, 74 S.C. 412, 54 S.E. 603 (1906); *Barth v. Heider*, *supra*, 315; *Brooks v. Commonwealth*, 61 Pa. 352, 358 (1869).

^{FN4}. *Samuel v. Payne* (1780) 1 Dougl.K.B. 359, 99 Eng.Rep. 230; *Barth v. Heider*, *supra*, 315; *Brooks v. Commonwealth*, *supra*, 358. The common law is different for peace officers. They are authorized to arrest upon probable cause that a felony has been committed, even if it has not. See *Samuel v. Payne*, *supra*; *Beckwith v. Philby*, *supra*; *Bushardt v. United Investment Co.*, 121 S.C. 324, 113 S.E. 637, 35 A.L.R. 637 (1922). Arrest by a private person following the hue and cry was likewise valid even though no felony had been committed. This exception flowed from the premise that the hue and cry created probable cause that a felony had been committed. Thus, any person under a duty to follow the hue and cry could make the arrest without personally knowing whether a felony had in fact taken place. See M. Dalton, *THE COUNTRY JUSTICE*, 308 (1622); M. Hale, *PLEAS OF THE CROWN: A METHODICAL SUMMARY*, 91 (1678).

^{FN5}. *Ashley's Case* (1611) 12 Rep. * 90, 77 Eng.Rep. 1366; *Ledwith v. Catchpole*, (1783) Cald. 291 (per Buller, J.); *Barth v. Heider*,

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supra, 315; *Brooks v. Commonwealth*, supra, 358; 2 Hale, P.C., supra, 78, 81; Hall, Legal and Social Aspects of Arrest Without Warrant, 49 HARV.L.REV. 566, 569 (1936).

FN6. Hale, SUMMARY, supra, 91: "If a Felony in fact be committed, and a private person suspect another upon probable cause, he may be arrested, though in truth innocent."

[10][11] Finally, the law permits a private person to arrest for a misdemeanor committed in his presence, if it constitutes a breach of the peace.^{FN7} A private person **207 has no lawful authority to arrest for misdemeanors not committed in his presence.^{FN8}

FN7. See *Price v. Seely* (1843) 10 Cl. & Fin. 28, 8 Eng.Rep. 651; *Timothy v. Simpson* (1835) 1 Cr.M. & R. 757, 149 Eng.Rep. 1285; 2 Hawk.P.C., c. 12, s. 20, at 120 (8th ed. 1824).

FN8. See *Fox v. Gaunt* (1832) 3 B. & Ad. 798, 110 Eng.Rep. 293; *Barth v. Heider*, supra, 314.

[12] Except when made upon view of the felony, a private person making an arrest must give reasonable notice of his purpose to arrest and the cause for the arrest, together with a demand that the suspect submit to arrest.^{FN9} No particular form of words must be used. What constitutes a reasonable notice depends on the circumstances of each case.

FN9. *Brooks v. Commonwealth*, supra, 359; *State v. Bryant*, 65 N.C. 327 (1871); 2 Hale, P.C., supra, 82; Alexander, LAW OF ARREST, supra, sec. 93, at 479; Wilgus, *Arrest*, supra, 557.

[13][14] Once notice is given, it is the duty of the suspect to submit peaceably to the arrest without resistance or disturbance of the peace.^{FN10} If after notice of arrest, the suspect attempts to flee or forcibly to resist arrest, the person making the arrest may use reasonable means to effect it.^{FN11} On the other hand, if the person making the arrest fails to make known his purpose, he may be treated as a trespasser.^{FN12}

FN10. *State v. Griffin*, supra; Alexander, LAW OF ARREST, supra, 480.

FN11. Alexander, LAW OF ARREST, supra, 481; see also *State v. Griffin*, supra; *State v. Bryant*, supra.

FN12. *State v. Bryant*, supra.

*340 B.

[15][16] The English common law of private arrest was received as the common law of South Carolina in 1712 and remained essentially unchanged until 1865.^{FN13} In that year, the General Assembly passed a statute that is now codified as Section 17-13-10, Code of Laws of South Carolina, 1976.^{FN14} The statute provides:

FN13. In 1712 the General Assembly enacted a reception statute declaring the common law of England to be the law of South Carolina. See 2 Stat. at Large of South Carolina 401, 413-14 (Cooper ed. 1837). The common law of England ordinarily is presumed to govern if there is no South Carolina authority to the contrary. *State ex rel. McLeod v. Sloan Construction Co.*, 284 S.C. 491, 328 S.E.2d 84 (Ct.App.1985).

FN14. See *An Act to Amend the Criminal Law*, sec. XXXI, 13 Stat. at Large of South Carolina 253 (1865).

Upon (a) view of a felony committed, (b) certain information that a felony has been committed or (c) view of a larceny committed, any person may arrest the felon or thief and take him to a judge or magistrate, to be dealt with according to law.^{FN15}

FN15. Subsection (c) was added in 1898. See *An Act to Amend Section 1 of the Criminal Statutes of South Carolina*, 22 Stat. at Large of South Carolina 809 (1898). It is declaratory of the common law, since at common law grand larceny is a felony and petty larceny is a breach of the peace.

Subsection (b) changed the common law rule that a citizen's arrest was unlawful if no felony had been committed. *State v. Griffin*, supra. Under this provi-

sion a private person is authorized to arrest upon information that a felony has been committed. *Id.*^{FN16} An arrest upon "certain information," is lawful even though no felony has been committed. *Burton v. McNeill*, 196 S.C. 250, 13 S.E.2d 10 (1941). "Certain information" is that which is positive, credible, reliable, and trustworthy. *Id.* The statute does not change the common law requirement that the person making the arrest must have reasonable cause to believe the person he is arresting is the culprit.

FN16. The statutory rule is similar to the common law rule that an arrest made upon the hue and cry was valid even if no felony had been committed. The hue and cry constituted probable cause *per se* and those responding to it were protected from the rigor of the normal rule that the felony must actually have been committed for the arrest to be lawful. See Dalton, COUNTRY JUSTICE, *supra*, 308-09; 2 Hale, P.C., *supra*, 81.

*341 C.

[17] In this case, the State's evidence failed to establish a lawful citizen's arrest for two reasons. First, Mr. Moore arrested Emmett Nall on information from his **208 daughter, not upon viewing the crime being committed. In order, therefore, for his arrest to be lawful the crime had to be a felony. As it was, the crime for which he arrested Nall-cutting the canvas top of his daughter's automobile-was a misdemeanor. See S.C.Code Ann. §§ 16-1-10 to -20 (1976 & Supp.1990). Mr. Moore had no lawful authority to arrest for a misdemeanor not committed in his presence. He is supposed to have acted with a knowledge of the law on this point. See *State v. Griffin*, *supra*.^{FN17} Second, Mr. Moore effected the arrest by grabbing Nall without any prior warning. In other words, he failed to give notice that he was making a citizen's arrest. As a result, the arrest was not lawful.^{FN18}

FN17. Mr. Moore may well agree with Mr. Bumble: "If the law supposes that, the law is a ass, a idiot." C. Dickens, THE ADVENTURES OF OLIVER TWIST, 197 (1837-38 ed.). The State's attorney, however, should have known better when it charged the Nalls with assault and battery with intent to kill on the theory that Moore made a lawful arrest.

FN18. Our holding that the arrest was un-

lawful does not imply any moral criticism of Mr. Moore. One might easily conclude that a citizen who arose in the middle of the night and left the safety of his home, unarmed, to apprehend a criminal who could reasonably be presumed to be armed with a deadly weapon acted with unusual courage and civic spirit.

Accordingly, the trial judge committed error when he refused to direct a verdict for the Nalls on the charge of assault and battery of a high and aggravated nature. We reverse the judgment on this charge.

D.

In light of our reversal on the charge of assault and battery of a high and aggravated nature, we need not reach the question of the requested jury charges.

AFFIRMED IN PART, REVERSED IN PART.

SHAW and CURETON, JJ., concur.

S.C.App., 1991.
 State v. Nall
 304 S.C. 332, 404 S.E.2d 202

END OF DOCUMENT

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF GREENWOOD	)	EIGHTH JUDICIAL CIRCUIT
	)	
STATE OF SOUTH CAROLINA	)	Case No. 2011-GS-24-793 (A&B)
	)	Case No. 2011-GS-24-794 (armed robbery)
v.	)	Case No. 2011-GS-24-795 (possession of weapon)
	)	
DANIEL DEMOND GRIFFIN,	)	DEFENDANT'S MEMORANDUM
	)	IN SUPPORT OF MOTION TO DISMISS
Defendant.	)	

The Defendant, by and through his attorney of record, hereby submits this Memorandum in Support of Motion to Dismiss as instructed by the Court on Tuesday, May 8, 2012.

A. CURRENT LAW

1. Code Section 23-13-10 (in effect on November 30, 2010, when the Defendant was arrested) provides that "[t]he sheriff may appoint one or more deputies to be approved by the judge of the circuit or any circuit judge presiding therein" and "[s]uch appointment shall be evidenced by a certificate thereof, signed by the sheriff."

2. Code Section 23-13-20 (in effect on November 30, 2010, when the Defendant was arrested) provides that "[e]ach deputy sheriff shall, before entering upon the discharge of his duty,":

- A. "enter into bond in the sum of one thousand dollars, with sufficient surety" (or "A blanket bond may be used in any county to fulfill the bond requirement of this section upon approval of the County Council and the County Attorney.);
- B. take "the oath of office now prescribed by Section 26, of Article III, of the

Constitution”; and

- C. “take the following oath (or affirmation) to wit: ‘I further solemnly swear (or affirm) that during my term of office as county deputy, I will study the act prescribing my duties, will be alert and vigilant to enforce the criminal laws of the State and to detect and bring to punishment every violator of them, will conduct myself at all times with due consideration to all persons and will not be influenced in any matter on account of personal bias or prejudice. So help me, God.’”

3. Code Section 23-13-20 (in effect on November 30, 2010, when the Defendant was arrested) requires the bond and two (2) oaths described in paragraph 2, supra, to “be filed and kept by the clerk of court for the county.”

4. Code Section 23-13-50 (in effect on November 30, 2010, when the Defendant was arrested) provides that “[w]hen duly qualified a deputy sheriff may perform any and all duties appertaining to the office of his principal.”

5. Code Section 23-13-60 (in effect on November 30, 2010, when the Defendant was arrested) provides that “deputy sheriffs may for any suspected freshly committed crime, whether upon view or upon prompt information or complaint, arrest without warrant.”

B. PRIOR VERSIONS OF THESE LAWS ENACTED IN 1893

6. Section 713 provided in relevant part: “The Sheriff may appoint one or more deputies, to be approved by the Judge of the Circuit Court or any Circuit Judge presiding therein; and such appointment shall be evidenced by a certificate thereof, signed by the Sheriff, and shall continue during his pleasure. He may take such bond and security from his deputy as he shall

deem necessary to secure the faithful discharge of the duties of appointment[.]”

7. Section 714 provided in relevant part: “Every such deputy shall, previous to entering on the duties of his appointment, take an oath or affirmation, as prescribed by the Constitution of the State, faithfully to perform all the duties of his appointment, . . . and when so qualified he may perform any and all of the duties appertaining to the office of his principal.”

8. In 1893, the Legislature required deputy sheriffs to take only the oath found in the State Constitution, didn’t require deputy sheriffs to post any specific amount of bond, and didn’t require the oaths and bonds to be filed with the county clerk of court.

C. PRIOR VERSIONS OF THESE LAWS ENACTED IN 1902

9. Section 830 provided in relevant part: “The Sheriff may appoint one or more deputies, to be approved by the Judge of the Circuit Court or any Circuit Judge presiding therein; and such appointment shall be evidenced by a certificate thereof, signed by the Sheriff, and shall continue during his pleasure. He may take such bond and security from his deputy as he shall deem necessary to secure the faithful discharge of the duties of appointment[.]”

10. Section 831 provided in relevant part: “Every such deputy shall, previous to entering on the duties of his appointment, take an oath or affirmation, as prescribed by the Constitution of the State, faithfully to perform all the duties of his appointment, . . . and when so qualified he may perform any and all of the duties appertaining to the office of his principal.”

11. In 1902 (as in 1893), the Legislature required deputy sheriffs to take only the oath found in the State Constitution, didn’t require deputy sheriffs to post any specific amount of bond, and didn’t require the oaths and bonds to be filed with the county clerk of court.

D. PRIOR VERSIONS OF THESE LAWS ENACTED IN 1912

12. Section 1146 provided in relevant part: "The Sheriff may appoint one or more deputies, to be approved by the Judge of the Circuit Court or any Circuit Judge presiding therein; and such appointment shall be evidenced by a certificate thereof, signed by the Sheriff, and shall continue during his pleasure. He may take such bond and security from his deputy as he shall deem necessary to secure the faithful discharge of the duties of appointment[.]"

13. Section 1147 provided in relevant part: "Every such deputy shall, previous to entering on the duties of his appointment, take an oath or affirmation, as prescribed by the Constitution of the State, faithfully to perform all the duties of his appointment, . . . and when so qualified he may perform any and all of the duties appertaining to the office of his principal."

14. In 1912 (as in 1893 and 1902), the Legislature required deputy sheriffs to take only the oath found in the State Constitution, didn't require deputy sheriffs to post any specific amount of bond, and didn't require the oaths and bonds to be filed with the county clerk of court.

E. PRIOR VERSIONS OF THESE LAWS ENACTED IN 1922

15. Section 2032 provided in relevant part: "The Sheriff may appoint one or more deputies, to be approved by the Judge of the Circuit Court or any Circuit Judge presiding therein; and such appointment shall be evidenced by a certificate thereof, signed by the Sheriff, and shall continue during his pleasure. He may take such bond and security from his deputy as he shall deem necessary to secure the faithful discharge of the duties of appointment[.]"

16. Section 2033 provided in relevant part: "Every such deputy shall, previous to entering on the duties of his appointment, take an oath or affirmation, as prescribed by the Constitution of the State, faithfully to perform all the duties of his appointment, . . . and when so qualified he may perform any and all of the duties appertaining to the office of his principal."

17. Section 2039 provided in relevant part “[t]hat each of said Deputies shall, before entering upon the discharge of his duty,”:

- A. “enter into bond in the sum of one thousand dollars, with sufficient surety, to be approved by the Sheriff”;
- B. take “the oath of office now prescribed by Section 26, of Article III, of the Constitution”; and
- C. “take and prescribe the following oath (or affirmative), to wit: ‘I further solemnly swear (or affirm) that during my term of office as County Deputy, I will study the Act prescribing my duties, and will be alert and vigilant to enforce the criminal laws of the State and to detect and bring to punishment every violation of the same, and will conduct myself at all times, with due consideration to all persons, and will not be influenced in any matter on account of personal bias, or prejudice. So help me, God.’”

18. Section 2039 required the bond and two (2) oaths described in paragraphs 16 and 17, *supra*, to “be filed and kept by the Clerk of the Court for said county.” Upon information and belief, 1922 is when the Legislature first required the bond and two (2) oaths to be filed of public record in the clerk’s office.

F. PRIOR VERSIONS OF THESE LAWS ENACTED IN 1942

19. Section 3486 provided in relevant part: “The sheriff may appoint one or more deputies to be approved by the judge of the circuit court or any circuit judge presiding therein; and such appointment shall be evidenced by a certificate thereof, signed by the sheriff, and shall continue during his pleasure. . . . He may take such bond and security from his deputy as he shall

deem necessary to secure the faithful discharge of the duties of appointment[.]”

20. Section 3488 provided in relevant part: “Every such deputy shall, previous to entering on the duties of his appointment, take an oath or affirmation, as prescribed by the Constitution of the State, faithfully to perform all the duties of his appointment, . . . and when so qualified he may perform any and all of the duties appertaining to the office of his principal.”

21. Section 3494 provided in relevant part “[e]ach of said deputies shall, before entering upon the discharge of his duty,”:

- A. “enter into bond in the sum of one thousand dollars, with sufficient surety, to be approved by the sheriff of said county”;
- B. take “the oath of office now prescribed by Section 26, of Article III, of the Constitution”; and
- C. “take and prescribe the following oath (or affirmative), to wit: ‘I further solemnly swear (or affirm) that during my term of office as county deputy, I will study the act prescribing my duties, and will be alert and vigilant to enforce the criminal laws of the State and to detect and bring to punishment every violation of the same, and will conduct myself at all times, with due consideration to all persons, and will not be influenced in any matter on account of personal bias, or prejudice. So help me, God.’”

22. Section 2039 required the bond and two (2) oaths described in paragraphs 20 and 21, supra, to “be filed with and kept by the clerk of the court for said county.”

G. 1981 AMENDMENT TO CODE SECTION 23-13-20

23. On June 12, 1981, Code Section 23-13-20 was amended to add the following

language: "A blanket bond may be used in any county to fulfill the bond requirement of this section upon approval of the county council and the county attorney."

H. CASE DISCUSSING THE ABOVE-REFERENCED CODE SECTIONS

24. In Willis v. Aiken County, 26 S.E.2d 313, 315-316 (S.C. 1943), our Supreme

Court stated as follows:

... [Willis'] appointment having been made by the sheriff and confirmed by a Circuit Judge ...

Section 3488 provides that every such deputy sheriff shall, previous to entering on the duties of his appointment, take the oath prescribed by the Constitution, and when so qualified he may perform any and all of the duties pertaining to the office of his principal. It is provided in Section 3494 that a deputy sheriff before entering upon the discharge of his duties, shall enter into bond, with sufficient sureties to be approved by the sheriff, and shall in addition to the oath of office prescribed by the Constitution, take the following oath, to wit: "I further solemnly swear (or affirm) that during my *term of office* as county deputy ***" etc. (emphasis added).

Many criteria may be considered, although not regarded as controlling, in determining whether one is a public officer — such as the taking of an oath, giving of a bond, and tenure and duration. The law in this State, already quoted, relating to deputy sheriffs includes all of these requirements. They are required to take the oath of office, give an official bond, and after appointment and qualification they may perform any and all of the duties appertaining to the office of sheriff. The right, authority and duty of a deputy sheriff are thus created by statute.

I. JUDGE ADDY'S ORDER

25. Circuit Judge Frank R. Addy Jr. signed a General Order on September 29, 2011, which was filed by the Greenwood County Clerk of Court on September 30, 2011. The Order acknowledged and/or approved Sheriff Tony Davis' appointment of deputies then working for

the Greenwood County Sheriff's Office ("GCSO").

26. In his Order, Judge Addy acknowledges the oaths signed by the deputies then working for Sheriff Davis at the GCSO. The oaths were signed beginning September 13, 2011. Although not relevant to the case at hand, it doesn't appear that the deputies swore or affirmed the oaths in front of Judge Addy or anyone else.

27. Judge Addy's handwritten note to Clerk of Court Ingram Moon, which accompanied the Order, indicates that the oaths need to be filed pursuant to Code Section 23-13-20.

28. Judge Addy's attempt to apply the doctrine of *nunc pro tunc* to the Order and the oaths is misplaced, because the Order doesn't address judicial action taken by Judge Addy or any other Circuit Judge prior to September 29, 2011. As our Supreme Court held in Ex Parte Strom, 539 S.E.2d 699, 702-703 (S.C. 2000):

"*Nunc pro tunc* is a phrase applied to acts allowed to be done after the time when they should have been, with a retroactive effect. *Nunc pro tunc* orders can only be used to place in the record evidence of judicial action that has actually taken place. 'A prerequisite for a *nunc pro tunc* order . . . is some previous action by the court that is not adequately reflected in its record.'" (internal citations omitted).

J. CLERK OF COURT INGRAM MOON'S TESTIMONY

29. On Tuesday, May 8, 2012, Clerk of Court Ingram Moon testified as follows:

- A. That she has worked for the Greenwood County Clerk of Court for almost thirty (30) years, is the current clerk of court, and is aware of the documents filed in the clerk's office;
- B. That the file she brought with her to Court, and which was introduced into evidence, is the only file in the clerk's office containing

oaths signed by deputies;

- C. That prior to receiving Judge Addy's Order and the oaths on September 30, 2011, she was not aware of an Order approving deputies or oaths signed by deputies previously being filed with the clerk of court; and
- D. That she was not aware of any bonds (either individual or blanket) covering deputies being filed with the clerk's office at any time.

K. GCSO EMPLOYEE TESTIMONY

30. All GCSO employees who testified at trial on Tuesday, May 8, 2012, testified that they had taken an oath and were bonded. These employees didn't testify as to which oath or oaths they had taken or the amounts of their bonds or whether any of these documents had been filed of public record in the clerk's office.

31. None of these GCSO employees testified that they had ever been approved by a Circuit Court judge prior to September 29, 2011.

32. None of these GCSO employees testified that they had sworn or affirmed to both a statutory oath and a constitutional oath as required by statute.

33. None of these GCSO employees testified that any oaths they had signed were filed with the clerk of court prior to September 30, 2011.

34. None of these GCSO employees testified that their bonds were filed with the clerk of court at any time.

35. The State didn't produce any documents to contradict the assertions set forth in paragraphs 31-34, supra.

L. ANALYSIS

36. Although the GCSO employees testified that they had taken oaths and were bonded, this doesn't fully comply with Code Section 23-13-20. This statute requires each deputy's two (2) oaths and bond be filed of public record in the clerk's office before the deputy is duly qualified to perform the duties of the sheriff, primarily the power of arrest.

37. Furthermore, prior to September 29, 2011, no evidence was presented that any GCSO deputy had been approved by a Circuit Court judge.

38. As our Supreme Court just held in an election law case where close wasn't good enough:

"We fully appreciate the consequences of our decision, as lives have been disrupted and political aspirations put on hold. However, the conduct of the political parties in their failure to follow the clear and unmistakable directives of the General Assembly has brought us to this point. Sidestepping the issue now would only delay the inevitable." Anderson v. S.C. Election Commission, S.C. Sup. Ct. Order dated May 2, 2012 (Opinion No. 27120).

M. CITIZEN'S ARREST

39. Pursuant to Code Section 17-13-10, in the light most favorable to the State, GCSO employees had "certain information that a felony has been committed" which would make the Defendant eligible to be arrested pursuant to a citizen's arrest. It should be noted that all events alleged by the State occurred during daytime hours and that co-defendant Sergio Quarles' charge for failure to stop for a blue light is a misdemeanor.

40. In State v. Nall, 404 S.E.2d 202, 207-208 (S.C. Ct. App. 1991), our Court of Appeals held as follows:

Except when made upon view of the felony, a private person making an arrest must give reasonable notice of his purpose to arrest and the cause for the arrest, together with a demand that the suspect submit to arrest. No particular form of words must be used. What constitutes a reasonable notice depends on the circumstances of each case. . . . [I]f the person making the arrest fails to make

known his purpose, he may be treated as a trespasser.

....

In this case, the State's evidence failed to establish a lawful citizen's arrest for two reasons: . . . Second, Mr. Moore effected the arrest by grabbing Nall without any prior warning. In other words, he failed to give notice that he was making a citizen's arrest. As a result, the arrest was not lawful.

41. Upon information and belief, Cromer (or for that matter any other GCSO employee) never informed the Defendant that he, she, and/or they were making a citizen's arrest.

N. CONCLUSION

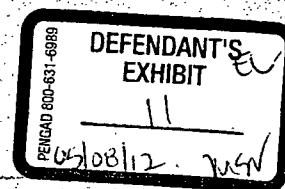
42. The Defendant respectfully asks this Court to dismiss this matter with prejudice because the Defendant wasn't lawfully chased, stopped, seized, detained, handcuffed, and/or arrested by GCSO employees.

THE HENDERSON LAW FIRM, P.C.
Attorney for the Defendant

By: _____
Carson M. Henderson
109-B Oak Avenue
Greenwood, S.C. 29646
Phone: (864) 229-8000
Fax: (864) 229-8001

Greenwood, South Carolina

May 18, 2012



Ingram,

I have no idea where the
oaths need to be filed, but § 23-13-20
seems to require that you file
them somewhere.

— Inuh —

9-29-11

ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON
CCOP AND GS
GREENWOOD COUNTY
S. C.

SEP 30 RECD
2011

GENERAL ORDER

James Alfred Boggs, Jr.
Mickey J. Boland
Dale A. Boyer
Edward Whitfield Brooks
Joseph Franklin Brooks, Jr.
Coke Manley Brown
Michael L. Bufford
Clinton Adam Burden
John R. Coker
Chadwick Wayne Cox
Roy Eugene Cox, Jr.
Travis Cox
Marcus Todd Cromer
Garrette Douglas
Kenneth Ray Dawning
Jonathan Matthew Emery
Wallace E. Enlow, Jr
Ralph Evans
Becky Ferguson
Richard Wayne Findley
Richard Jeffry Gossett
Jeffrey Samuel Graham
Robert (Bobby) Allen Grogan

Ingram Moon
 INGRAM MOON
 CCCP AND GS
 GREENWOOD COUNTY
 S. C.

Ingram Moore 301

SEP 30 2011

DHita Thalassa Donchell Hill
Sammie Hill, Jr.
Josh Hood
Eric Duane Inks
Richard Leon Jones
William Curtis Kinney
Pressley Dale Kittles
Donald Ray Lee
John O'Brian Long
Bryan Michael Louis
Wesley Michael Love
Mitchell Edward Mathis, Jr.
Sharon A. Middleton
Randall Clark Miles
Gary Eston Moore
Matthew C. Murphy
John Howard Murray
Steven Bishop Owings
Brian Joseph Penn
Ronny Elliott Powell
James William Quarles
Jarvis Kendell Reeder
Charles F. Rhodes
Joseph Scott Russ
Jeffrey Eugene Scott
Richard Shore
Javoris Bernard Smiley
Courtney Jermaine Smith
David Lawrence Smith
Dawn McGuire Smith
Derrick Benjamin Smith
Eddie Smith
Everett Kandell Smith
Christopher A. Starling
Jonathan Alexander Stephenson
Brandon Strickland
William Allen Stroup
Timothy H. Stumbo
Natalie Lewis Talbert
Dominic Blane Tarleton
Amy Ruth Tyler
Bradley Keith Ware
Marvin Ray Watson II
Sam Watts
Phillip Carey Wells
Marvin Wendell Williams

Sean Thomas Williams
 Angela M. Woodhurst
 Jeffrey Scott Woodhurst
 Joseph Michael Young

Ingraham Moon
 SEP 30 REC'D
 2011

Petitioner makes this request pursuant to the requirements of Section 23-13-10 of the South Carolina Code of Laws. This section states, "The sheriff may appoint one or more deputies *to be approved by the judge of the circuit court* or any circuit judge presiding therein." (*emphasis supplied*).

Initially, I note the separation of powers issue with the above section of law. Under the constitutional framework of our state, the office of sheriff belongs to the executive branch of government, and the office of circuit judge belongs to the judicial branch of government. See generally S.C. Const. art. V, Sec. 1, 24; Sloan v. Sanford, 357 S.C. 431, 593 S.E.2d 470 (2004). Furthermore, a circuit court judge has absolutely no disciplinary authority over or responsibility for the actions of any deputy so appointed. This obligation belongs solely to the sheriff, and any deputy so appointed serves exclusively at the pleasure of the sheriff, not this or any other judge. Botchie v. O'Dowd, 315 S.C. 126, 432 S.E.2d 458 (1993); State v. Goldsmith, 96 S.C. 484, 81 S.E. 147 (1914); Allen v. Fidelity and Deposit Co. of Maryland, 515 F.Supp. 1185 (D.C.S.C. 1981), *aff'd* 694 F.2d 716. Therefore, I conclude that this court has no authority over hiring, discharge or other personnel decisions of the sheriff's office; as the cases cited above clearly explain, these matters fall exclusively within the providence of the duly elected sheriff.

Putting aside the patent unconstitutionality of this provision of law, and in an effort to comply with what an unconstitutional law clearly requires,¹ the court first finds that use of the infinitive verb "to be" in the above referenced section connotes the same meaning as the obligatory verb "shall" does in other sections of law. In other words, by stating that the sheriff may appoint deputies "to be approved" by the judge of the circuit court, I find that this use of words merely requires the court's mandatory acknowledgement of an otherwise valid appointment by the sheriff pursuant to his sole employment prerogatives. Furthermore, I interpret use of the word "approve" to be synonymous with either passively signifying acceptance of the appointment or certifying or accrediting the appointment, as opposed to this

¹ Because laws passed by the General Assembly are presumptively constitutional, this judge feels the preferred course of action, when faced with a law of extremely questionable validity, would be to permit the Judges of the Court of Appeals and the Justices of the Supreme Court to perform their duty to pass upon the constitutionality of any suspect provision.

am

303
Ingraham

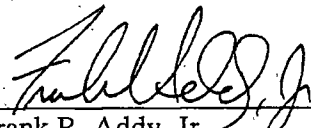
SEP 30 2011

court offering its imprimatur or sanction of said appointment. See *The American Heritage Dictionary, New Coll. Ed.* 64-65 (1975). Interpreting the section in this way prevents any problems with separation of powers questions and also acknowledges the traditional, ceremonial role of the judiciary in administering oaths to elected or appointed officials, much in the same way that the Chief Justice of South Carolina has historically and traditionally administered the oath of office to the Governor and other duly elected executive officers.

In this vein and with the understanding that Section 23-13-10 merely requires this judge to note passive acceptance, as explained above, to an executive decision within the exclusive discretion of the sheriff, I acknowledge the oaths and approve the above listed individuals as Deputy Sheriffs for Greenwood County. To the extent permitted by law, his order shall be applied *nunc pro tunc* back to the date the above named were first sworn as deputies.

In an effort to prevent this court from having to reissue this order every time the Greenwood Sheriff elects to discharge or hire any deputy, I hereby find that any deputy who is, has been, or ever shall be duly hired by the sheriff and who otherwise meets all other qualifications and legal requirements for the office of deputy sheriff shall automatically be covered by this order.² Therefore, upon giving their oath and meeting any other requirements imposed by law or by the sheriff, any deputy hired subsequent to this order shall automatically be considered approved by this court under this order. The inverse is also true in the event a deputy should leave the sheriff's employ for whatever reason.

IT IS SO ORDERED.



Frank R. Addy, Jr.
Circuit Court Judge
Eighth Judicial Circuit

September 29, 2011
Greenwood, South Carolina

² This includes any deputy whose name may have been misspelled or inadvertently omitted from the list above, as well as any past, present, or future duly appointed deputies.



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

Wallace E. Enlow Jr
1421 Hwy 246 N
GREENWOOD SC 29649

Ingram Moon

SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

First, I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected (or appointed), and that I will, to the best of my ability, discharge the duties thereof, and preserve and protect and defend the Constitution of this State and of the United States.

I swear that I am under no promise, in honor or law, to share the profits of the office to which I have been elected or appointed, and that I will not directly or indirectly, sell or dispose of said office or the profits thereof, but will assign, or continue to discharge the duties thereof during the period fixed by law.

I further solemnly swear (or affirm) that during my term of office as county deputy, I will study the act prescribing my duties, will be alert and vigilant to enforce the criminal laws of the State and to detect and bring to punishment every violator of them, will conduct myself at all times with due consideration to all persons and will not be influenced in any matter on account of personal bias or prejudice. So help me God.

Sworn to and subscribed before me this
13th day of Sept., 2011

Wallace Enlow Jr

SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON
CCOF AND GS
GREENWOOD COUNTY

Tony Davis
Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8049

Sandi McAllister-Owens
Administrator
864-943-8034



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

James Alfred Bays, Jr.
2831 Sam Hodge Rd.
Donalds SC 29638

Ingram Moon
SEP 30 DEPT
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

First, I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected (or appointed), and that I will, to the best of my ability, discharge the duties thereof, and preserve and protect and defend the Constitution of this State and of the United States.

I swear that I am under no promise, in honor or law, to share the profits of the office to which I have been elected or appointed, and that I will not directly or indirectly, sell or dispose of said office or the profits thereof, but will assign, or continue to discharge the duties thereof during the period fixed by law.

I further solemnly swear (or affirm) that during my term of office as county deputy, I will study the act prescribing my duties, will be alert and vigilant to enforce the criminal laws of the State and to detect and bring to punishment every violator of them, will conduct myself at all times with due consideration to all persons and will not be influenced in any matter on account of personal bias or prejudice. So help me God.

Sworn to and subscribed before me this
13th day of Sept. 2011

James A. Bays, Jr.
SIGNATURE OF APPOINTEE

Tony Davis
Tony Davis, Sheriff

ATTEST A TRUE COPY

Ingram Moon
INGRAM MOON
COOP AND GS
GREENWOOD COUNTY

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8087

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8044



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

Mickey J. Boland
231 Freebridge Rd.
Ware Shoals, SC 29692

Ingram Moon
SEP 30 PM 01
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
12th day of Sept., 2011

Mickey Boland
SIGNATURE OF APPOINTEE

Tony Davis
Tony Davis, Sheriff

ATTEST A TRUE COPY
Ingram Moon
INGRAM MOON
CCOP AND GS
GREENWOOD COUNTY

S. C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8049

Sandi McAllister-Owens
Administrator
864-943-8034



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

Dale A. Boyer
229 Circle Dr
Greenwood SC 29646

Ingram Moon
SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp Here

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Sworn to and subscribed before me this
12th day of Sept., 2011

Tony Davis

Tony Davis, Sheriff

Dale A. Boyer
SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon
INGRAM MOON
CCCP AND GS
GREENWOOD COUNTY
S.C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

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Commander, Investigations
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Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Crömer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8031



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-943-8057 Fax 864-942-8589

Edward Whitfield Brooks
103 Country Village Ct.
Greenwood, SC 29649

Ingram Moon

SEP 30 REC'D

2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
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Sworn to and subscribed before me this
13th day of Sept., 2011

Tony Davis
Tony Davis, Sheriff

[Signature]
SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon
INGRAM MOON
COOP AND GS
GREENWOOD COUNTY
S. C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8024



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

Joseph Franklin Brooks Jr.

1708 Nation Rd

Hodges SC 29653

Ingram Moon

SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
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Sworn to and subscribed before me this

12th day of Sept., 2011

Tony Davis

Tony Davis, Sheriff

SIGNATURE OF APPOINTEE

INGRAM MOON

INGRAM MOON
CCCP AND GS
GREENWOOD COUNTY
S. C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
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864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8040

Sandi McAllister-Owens
Administrator
864-943-8041



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-943-8057 Fax 864-942-8589

COKE MANLEY BROWN
219 EDMUNDS STREET
MCORMICK, SOUTH CAROLINA 29835

Ingram Moon

SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
12th day of Sept., 2011

Coke M. Brown

SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON
CCCP AND GS
GREENWOOD COUNTY

Tony Davis

Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8067

Captain Marc Cromer
Commander, Internal Affairs
864-943-8049

Sandi McAllister-Owens
Administrator
864-943-8034



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-943-8057 Fax 864-942-8589

Michael L. Bufford
2923 Ninety Six Hwy.
Ninety Six, S.C. 29666

Ingram Moon
SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,)

County of Greenwood)

When Commissioned
Stamp here

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Sworn to and subscribed before me this
14th day of Sept., 2011

Michael L. Bufford
SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon
INGRAM MOON
CCOP AND GS
GREENWOOD COUNTY
S.C.

Tony Davis
Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
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Commander, Investigations
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Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8031



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

Clinton Adem Burden
128 Country Village Ct.
GREENWOOD SC 29649

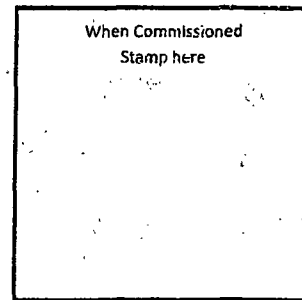
Ingram Moon

SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood



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Sworn to and subscribed before me this
12th day of Sept, 2011

Clinton Adem Burden
SIGNATURE OF APPOINTEE

Tony Davis
Tony Davis, Sheriff

ATTEST A TRUE COPY

Ingram Moon
INGRAM MOON
CCCP AND GS
GREENWOOD COUNTY

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8049



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

John R. Cohen

114 Dunns Creek RD

Donalds S.C. 29638

Ingram Moon

SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this

12th day of Sept., 2011

John R. Cohen
SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon
INGRAM MOON
CCOP AND GS
GREENWOOD COUNTY
S. C.

Tony Davis
Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8042

Sandi McAllister-Owens
Administrator
864-943-8047



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street

Greenwood, South Carolina 29646

Telephone 864-942-8600 Fax 864-942-8589

Herbick Wayne Co

4611 Hwy 25N

Holgers S.C. 29653

Ingram Moon

SEP 30 REC'D

2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
12th day of *Sept.*, 2011

Tony Davis

Tony Davis, Sheriff

[Signature]
SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON
CCOP AND GS
GREENWOOD COUNTY

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

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Commander, Detention Center
864-943-8058

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864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8052

Sandi McAllister-Owens
Administrator
864-943-8052



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

ROY EUGENE COX JR
110 CABOT COURT WEST
GREENWOOD, SC 29649

Ingram Moon

SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
12th day of Sept., 2011

R. E. Cox Jr.
SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon
INGRAM MOON
CCCP AND GS
GREENWOOD COUNTY
S. C.

Tony Davis
Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8010

Sandi McAllister-Owens
Administrator
864-943-8034



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street

Greenwood, South Carolina 29646

Telephone 864-943-8057 Fax 864-942-8589

Travis Cox

144 Country Village Ct

Greenwood, S.C. 29649

Ingram Moon

SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

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Sworn to and subscribed before me this
14th day of Sept., 2011

Tony Davis

Tony Davis, Sheriff

Travis Cox
SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON
CCCP AND CO
GREENWOOD COUNTY
S.C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8037

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8040

Sandi McAllister-Owens
Administrator
864-943-8034



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-943-8057 Fax 864-942-8589

MARCUS TODD CROMER
512 SADDLE HILL RD.
GREENWOOD, SC 29646

Ingram Moon
SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

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Sworn to and subscribed before me this

14th day of Sept., 2011

M. J. Davis
SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon
INGRAM MOON
COOP AND
GREENWOOD COUNTY
S. C.

Tony Davis
Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8040

Sandi McAllister-Owens
Administrator
864-943-8024



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

Laurette Douglas
1054 Stagecoach Rd
Laurens SC 29360

Ingram Moon

SEP 30 REC'D

2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
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Sworn to and subscribed before me this
12th day of Sept. 2011

Tony Davis

Tony Davis, Sheriff

Laurette Douglas

SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON
CCCP AND GS
GREENWOOD COUNTY
S.C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
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Major John Murray
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Major William Kinney
Commander, Uniformed Patrol
864-943-8037

Captain Sonny Cox
Commander, Community Services
864-943-8037

Captain Marc Cromer
Commander, Internal Affairs
864-943-8037

Sandi McAllister-Owens
Administrator
864-943-8037



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street

Greenwood, South Carolina 29646

Telephone 864-943-8057 Fax 864-942-8589

Kenneth Ray Dawning

320 Hunter Road

Greenwood, SC 29646

Ingram Moon

SEP 30 REC'D

2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

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Stamp here

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Sworn to and subscribed before me this
12th day of Sept., 2011

Tony Davis

Tony Davis, Sheriff

[Signature]
SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON
CCOP AND GS
GREENWOOD COUNTY
S. C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8057

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8057

Sandi McAllister-Owens
Administrator
864-943-8057



Greenwood County Sheriff's Office
Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-943-8057 Fax 864-942-8589

Jonathan Matthew Emery
207 Kingston Road
Greenwood, S.C., 29649

Ingram Moon

SEP 30 REC'D

2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,
County of Greenwood

When Commissioned
Stamp here

First, I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected (or appointed), and that I will, to the best of my ability, discharge the duties thereof, and preserve and protect and defend the Constitution of this State and of the United States.

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Sworn to and subscribed before me this
14th day of Sept., 2011

SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON
CCCP AND GS
GREENWOOD COUNTY
S.C.

Tony Davis
Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8054



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

RALPH EVANS
3820 Hwy 246 N
Hodges, SC 29653

Ingram Moon

SEP 30 REC'D

2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
12th day of Sept., 2011

Tony Davis
Tony Davis, Sheriff

Ralph Evans
SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon
INGRAM MOON
CCCP AND GS
GREENWOOD COUNTY
S.C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8040

Sandi McAllister-Owens
Administrator
864-943-8041



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

Becky Ferguson

424 Bond Ave

Greenwood SC 29646

Ingram Moon

SEP 30 REC'D

2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
13th day of Sept. 2011

Becky Ferguson
SIGNATURE OF APPOINTEE

Tony Davis

Tony Davis, Sheriff

ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON
CCCP AND GS
GREENWOOD COUNTY

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

S. C.
Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8049

Sandi McAllister-Owens
Administrator
864-943-8024



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

Richard Wayne Findley
513 Saddle Hill Rd.
Greenwood, SC 29646

Ingram Moon

SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
13th day of Sept., 2011

SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON
CCOP AND GS
GREENWOOD COUNTY

Tony Davis

Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
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864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandl McAllister-Owens
Administrator
864-943-8049



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

Richard Jeffrey Gossett
107 Clark Avenue
Greenwood, SC 29649

Ingram Moon

SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
12th day of Sept., 2011

Richard J. Gossett

SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON
CCOP AND GS
GREENWOOD COUNTY
S.C.

Tony Davis

Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8042

Sandi McAllister-Owens
Administrator
864-943-8044



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528-Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-943-8057 Fax 864-942-8589

Jeffrey Samuel Graham
813 Johnson Road
Ninety Six SC 29666

Ingram Moore

SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
12th day of Sept., 2011

Tony Davis
Tony Davis, Sheriff

[Signature]
SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moore
INGRAM MOORE
CCCP AND CC
GREENWOOD COUNTY
S.C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8034



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

Robert (Bobby) Allen Grogan

103 Baldwin Rd.

Ninety Six, SC 29660

Ingram Moon

SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this

12th day of Sept., 2011

Bobby Grogan
SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON
CCOP AND GS
GREENWOOD COUNTY
S. C.

Tony Davis
Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8040

Sandi McAllister-Owens
Administrator
864-943-8041



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

D.W. La Thalassa Dorrell Hill
115 Pleasant Rock ch Rd
Ninety S.W SC 29666

Ingram Moon

SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
12th day of Sept., 2011

SIGNATURE OF APPOINTEE

Tony Davis, Sheriff

ATTEST A TRUE COPY

INGRAM MOON
CCCF AND GS
GREENWOOD COUNTY
S. C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8037

Captain Sonny Cox
Commander, Community Services
864-943-8037

Captain Marc Cromer
Commander, Internal Affairs
864-943-8037

Sandi McAllister-Owens
Administrator
864-943-8037



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

Sammie Hill Jr.
608 Magnolia Drive
Greenwood, S. C.

Ingram Moon

SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
12 day of *Sept.*, 2011

Dep. Sammie Hill
SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon
INGRAM MOON
COOP AND CS
GREENWOOD COUNTY
S. C.

Tony Davis
Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
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Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8053



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

Josh Hood

115 Montclair Dr H

Greenwood SC 29649

Ingram Moon

SEP 30 REC'D

2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this

12th day of Sept. 2011

SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON

CCCP AND GS.

GREENWOOD COUNTY

S. C.

Tony Davis

Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8034



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

ERIC DUANE INKS
801 ROCKHOUSE RD.
GREENWOOD, SC 29646

Ingram Moon
SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
12th day of Sept., 2011

Eric D. Inks

SIGNATURE OF APPOINTEE

Tony Davis
Tony Davis, Sheriff

ATTEST A TRUE COPY
Ingram Moon
INGRAM MOON
CLERK

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

S. C.
Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8037

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8040

Sandi McAllister-Owens
Administrator
864-943-8041



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

RICHARD LEON JONES
114 HITT ST
GREENWOOD SC 29649

Ingram Moon

Oath for Peace Officers

SEP 30 RECD
2011

STATE OF SOUTH CAROLINA,)

County of Greenwood)

When Commissioned
Stamp here

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Sworn to and subscribed before me this
12th day of Sept., 2011

Richard L. Jones

SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON
CCOP AND GS
GREENWOOD COUNTY
S. C.

Tony Davis
Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
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864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8054



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

William Curtis Kinney

5222 Hwy 185

Holmes S.C. 29653

Ingram Moon

SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this

12th day of Sept., 2011

William C. Kinney

SIGNATURE OF APPOINTEE

Ingram Moon

INGRAM MOON
CCOP AND GS
GREENWOOD COUNTY
S. C.

Tony Davis

Tony Davis, Sheriff

Sheriff Tony Davis,
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney,
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8056



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

Pressley Dale Kittles

106 melanie ct

Greenwood SC 29649

Ingram Moon

SEP 30 RECD
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

First, I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected (or appointed), and that I will, to the best of my ability, discharge the duties thereof, and preserve and protect and defend the Constitution of this State and of the United States.

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Sworn to and subscribed before me this
12th day of Sept, 2011

Pressley D. Kittles

SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON
CCOP AND GS
GREENWOOD COUNTY
S. C.

Tony Davis
Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8040

Sandi McAllister-Owens
Administrator
864-943-8004



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

DONALD Ray Lee
P.O. BOX 219
Bluff Branch SC 29845

Ingram Moon

Oath for Peace Officers

SEP 30 REC'D
2011

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

First, I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected (or appointed), and that I will, to the best of my ability, discharge the duties thereof, and preserve and protect and defend the Constitution of this State and of the United States.

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Sworn to and subscribed before me this
27th day of Sept, 2011

Donald R. Lee

SIGNATURE OF APPOINTEE

Ingram Moon

INGRAM MOON
CCCP AND GS
GREENWOOD COUNTY
S. C.

Tony Davis

Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8049



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

John O'Brian Long
410 Bolt Ave
Greenwood SC 29646

Ingram Moon

Oath for Peace Officers

SEP 30 REC'D
2011

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this

12th day of Sept., 2011

Tony Davis

Tony Davis, Sheriff

SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON
CCOP AND GS
GREENWOOD COUNTY
S.C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8034



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

Bryan Michael Louis
157 KATHWOOD DR.
Greenwood SC 29649

Ingram Moon

Oath for Peace Officers

SEP 30 REC'D

2011

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
12th day of Sept., 2011

[Signature]
SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon
INGRAM MOON
COOP AND GS
GREENWOOD COUNTY
S. C.

Tony Davis
Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8051



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street

Greenwood, South Carolina 29646

Telephone 864-943-8057 Fax 864-942-8589

Wesley Michael Love
130 Hazelwood Court
Greenwood, SC 29649

Ingram Moon

SEP 30 REC'D

2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
14th day of Sept., 2011

Wesley M Love
SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON
COOP AND GS
GREENWOOD COUNTY
S. C.

Tony Davis
Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864 943 8047

Captain Sonny Cox
Commander, Community Services
864 943 8057

Captain Marc Cromer
Commander, Internal Affairs
864 943 8040

Sandi McAllister-Owens
Administrator
864 943 8024



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

Mitchell Edward Mathis Jr.
6323 Hwy 25 North
Hodges SC 29653

Ingram Moon

SEP 30 REC'D

2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
12th day of Sept., 2011

Tony Davis
Tony Davis, Sheriff

Mitchell E. Mathis Jr.
SIGNATURE OF APPOINTEE
ATTEST A TRUE COPY

Ingram Moon
INGRAM MOON
CCCP AND GS
GREENWOOD COUNTY
S. C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8044



Greenwood County Sheriff's Office
Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-943-8057 Fax 864-942-8589

Sharon A. Middleton
122 Derby Rd
Hodges, SC 29653

Ingram Moon

SEP 30 REC'D

2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
12th day of Sept. 2011

Sharon A. Middleton

SIGNATURE OF APPOINTEE

Tony Davis

Tony Davis, Sheriff

ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON
CCOP AND QS
GREENWOOD COUNTY
S.C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith -
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol

Captain Sonny Cox
Commander, Community Services

Captain Marc Cromer
Commander, Internal Affairs

Sandi McAllister-Owens
Administrator



Greenwood County Sheriff's Office
Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-943-8057 Fax 864-942-8589

Randall CLARK Miles
310 1314th AVE
Greenwood S.C. 29649

Ingram Moon

Oath for Peace Officers

SEP 30 REC'D
2011

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
14th day of Sept., 2011

Randy C. Miles
SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon
INGRAM MOON
CCCP AND CS
GREENWOOD COUNTY
S. C.

Tony Davis
Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8054



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646

Telephone 864-942-8600 Fax 864-942-8589

Gary Eston Moore
222 Saint Augustine Dr.
Greenwood, SC 29649

Ingram Moon

Oath for Peace Officers

SEP 30 REC'D
2011

STATE OF SOUTH CAROLINA,

County of Greenwood

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Sworn to and subscribed before me this
12th day of Sept., 2011

Tony Davis

Tony Davis, Sheriff

Gary Eston Moore
SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY
Ingram Moon
INGRAM MOON
CCCF AND GS
GREENWOOD COUNTY
S. C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-942-8617

Captain Sonny Cox
Commander, Community Services
864-942-8617

Captain Marc Cromer
Commander, Internal Affairs
864-942-8617

Sandi McAllister-Owens
Administrator
864-942-8617



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

MATTHEW C. MURPHY

100 KATE FOWLER RD

NINETY SIX SC 29666

Ingram Moon

SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
12th day of Sept., 2011

Tony Davis
Tony Davis, Sheriff

Matthew C. Murphy
SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon
INGRAM MOON
CCCP AND CS
GREENWOOD COUNTY
S. C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8037

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8010

Sandi McAllister-Owens
Administrator
864-943-8037



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

John Howard Murray
234 West Main St
Ninety Six, S.C.

Oath for Peace Officers

Ingram Moon
SEP 30 REC'D
2011

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
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Sworn to and subscribed before me this
12th day of Sept., 2011

Tony Davis

Tony Davis, Sheriff

SIGNATURE OF APPOINTEE
ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON
CCCP AND GS
GREENWOOD COUNTY
S.C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
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Major William Kinney
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864-943-8037

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8058

Sandi McAllister-Owens
Administrator
864-943-8052



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

Steven Bishop Owings
109 Century Farm Rd
Saluda, SC 29138

Ingram Moon

Oath for Peace Officers

SEP 30 REC'D
2011

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
12th day of Sept., 2011

Tony Davis
Tony Davis, Sheriff

Steven B. Owings
SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon
INGRAM MOON
CCOP AND CL
GREENWOOD COUNTY
S. C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8049



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

Brian Joseph Penn

1705 Bucklevel Rd

Greenwood, SC 29649

Ingram Moon
SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this

12th day of Sept., 2011

Brian Joseph Penn

SIGNATURE OF APPOINTEE

TRUE COPY
Ingram Moon

INGRAM MOON
CCCP AND GS
GREENWOOD COUNTY
S.C.

Tony Davis

Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8054



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

RONNY ELLIOTT POWELL

250 CHAPPELLE HWY

SALUDA, SC 29138

Ingram Moon

Oath for Peace Officers

SEP 30 REC'D

2011

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

First, I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected (or appointed), and that I will, to the best of my ability, discharge the duties thereof, and preserve and protect and defend the Constitution of this State and of the United States.

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Sworn to and subscribed before me this
13th day of Sept., 2011

Ronny E. Powell
SIGNATURE OF APPOINTEE

Tony Davis
Tony Davis, Sheriff

ATTEST A TRUE COPY
Ingram Moon
INGRAM MOON
COOP / 2011
GREENWOOD COUNTY
S.C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8057

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8057

Sandi McAllister-Owens
Administrator
864-943-8057



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

James William Quarles
556 Turtleback Trail
Waterloo, S.C. 29384

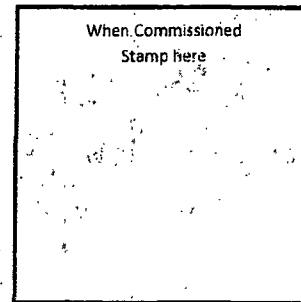
Ingram Moon

Oath for Peace Officers

SEP 30 REC'D
2011

STATE OF SOUTH CAROLINA,

County of Greenwood



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Sworn to and subscribed before me this
12th day of Sept., 2011

Tony Davis
Tony Davis, Sheriff

James William Quarles
SIGNATURE OF APPOINTEE
ATTEST: TRUE COPY

Ingram Moon
INGRAM MOON
COOPERATIVE
GREENWOOD COUNTY
S.C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
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Major William Kinney
Commander, Uniformed Patrol

Captain Sonny Cox
Commander, Community Services

Captain Marc Cromer
Commander, Internal Affairs

Sandi McAllister-Owens
Administrator



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

JARVIS KENDELL REEDER

203 WINDSOR DRIVE

LAURENS, SC 29360

Ingram Moon

SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
12th day of Sept., 2011

SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON
CCOF AND GS
GREENWOOD COUNTY
S. C.

Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8040

Sandi McAllister-Owens
Administrator
864-943-8034



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

Charles F. Rhodes
1101 Calhoun RD EAST
GREENWOOD S.C. 29646

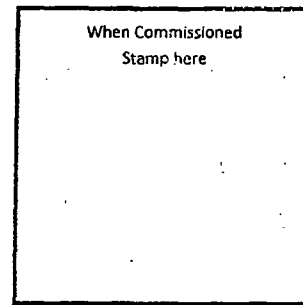
Ingram Moon

Oath for Peace Officers

SEP 30 REC'D
2011

STATE OF SOUTH CAROLINA,

County of Greenwood



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Sworn to and subscribed before me this
12th day of Sept., 2011

Charles F. Rhodes
SIGNATURE OF APPOINTEE
ATTEST A TRUE COPY
Ingram Moon
INGRAM
COOK
GREENWOOD COUNTY

Tony Davis
Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8037

Captain Sonny Cox
Commander, Community Services
864-943-8037

Captain Marc Cromer
Commander, Internal Affairs
864-943-8037

Sandi McAllister-Owens
Administrator
864-943-8037



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

Joseph Scott Russ

1416 Brooker Rd.

Troy, SC 29848

Ingram Moon

Oath for Peace Officers

SEP 30 REC'D
2011

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
12th day of Sept., 2011

Tony Davis
Tony Davis, Sheriff

SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon
INGRAM MOON
COOP AND CO.
GREENWOOD COUNTY

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

S. O. Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8049



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

Jeffrey Eugene Scott
124 Boreitta Dr
Greenwood, S.C. 29649

Ingram Moon

Oath for Peace Officers

SEP 30 REC'D

2011

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
12th day of Sept. 2011

Tony Davis

Tony Davis, Sheriff

Jeffrey E. Scott
SIGNATURE OF APPOINTEE COPY

Ingram Moon
INGRAM MOON
CCCP AND GS
GREENWOOD COUNTY
S. C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8037

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8038

Sandi McAllister-Owens
Administrator
864-943-8038



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

RICHARD SHORE

521 OWING ABOUT

GREENWOOD, S.C. 29649

Ingram Moon

SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
27th day of Sept., 2011

Richard L. Shore
SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY
Ingram Moon
INGRAM MOON
OCCP AND GS
GREENWOOD COUNTY
S. C.

Tony Davis
Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8037

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8058

Sandi McAllister-Owens
Administrator
864-943-8059



Greenwood County Sheriff's Office
Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-943-8057 Fax 864-942-8589

JAVORIS BERNARD SMILEY

106 STEVENS COURT

WILLIAMSTON SC 29697

Ingram Moon

SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
14th day of Sept., 2011

Tony Davis

Tony Davis, Sheriff

SIGNATURE OF APPOINTEE

INGRAM MOON
CCCP AND CS
GREENWOOD COUNTY
S. C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8049

Sandi McAllister-Owens
Administrator
864-943-8004



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

COURTNEY JELMAINE SMITH
103 MISTLETOE WAY
GREENWOOD, SC 29649

Ingram Moon

Oath for Peace Officers

SEP 30 REC'D
2011

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
12th day of Sept. 2011

Tony Davis

Tony Davis, Sheriff

SIGNATURE OF APPOINTEE

WITNESS A TRUE COPY

INGRAM MOON
CCOP AND GS
GREENWOOD COUNTY
S. C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8053



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

DAVID LAWRENCE SMITH
316 MORGAN Rd
Hodges, SC 29653

Ingram Moon

Oath for Peace Officers

SEP 30 REC'D

2011

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
12th day of Sept., 2011

Tony Davis

Tony Davis, Sheriff

David L. Smith

SIGNATURE OF APPOINTEE TRUE COPY

Ingram Moon

INGRAM MOON
CCCP AND GS
GREENWOOD COUNTY
S. C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8034



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

DAWN McGUIRE SMITH

104 GLENN FOREST DR

HODGES SC 29653

Ingram Moon

Oath for Peace Officers

SEP 30 REC'D

2011

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
12th day of Sept., 2011

Dawn Smith
SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON
CCOP AND GS
GREENWOOD COUNTY
S. C.

Tony Davis
Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
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864-943-8058

Major John Murray
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864-943-8052

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864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8044



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

DERRICK BENJAMIN SMITH

214 ISLAND FORD RD

NW 1/4 STX, SC 29666

Ingram Moon

SEP 30 REC'D

2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this

12th day of Sept., 2011

Derrick Benjamin Smith

SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON
CCCP AND GS
GREENWOOD COUNTY
S. C.

Tony Davis
Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
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Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8058

Sandi McAllister-Owens
Administrator
864-943-8052



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

Eddie Smith
118 OXFORD Rd.
GREENWOOD, SC 29649

Ingram Moon

SEP 30 REC'D

2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
12th day of *Sept.* 2011

Eddie Smith
SIGNATURE OF APPOINTEE

Tony Davis
Tony Davis, Sheriff

ATTEST A TRUE COPY
Ingram Moon
INGRAM MOON
CCOP AND CO
GREENWOOD COUNTY
S.C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8017

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8018

Sandi McAllister-Owens
Administrator
864-943-8019



Greenwood County Sheriff's Office
Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-943-8057 Fax 864-942-8589

Everett Kandell Smith

P.O. Box 3474

Greenwood, SC 29648

Ingram Moon

SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

First, I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected (or appointed), and that I will, to the best of my ability, discharge the duties thereof, and preserve and protect and defend the Constitution of this State and of the United States.

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Sworn to and subscribed before me this
14th day of Sept., 2011

Everett K. Smith
SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY
Ingram Moon
INGRAM MOON
CCOP AND CS
GREENWOOD COUNTY
S. C.

Tony Davis

Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8049

Sandi McAllister-Owens
Administrator
864-943-8044



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

CHRISTOPHER A STARLING

308 GAINES STONE RD

BRADLEY SC 29819

Ingram Moon

SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this

12th day of Sept., 2011

Tony Davis

Tony Davis, Sheriff

Christopher A. Starling

SIGNATURE OF APPOINTEE COPY

Ingram Moon

INGRAM MOON
CCCP AND GS
GREENWOOD COUNTY
S. C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
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Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8053



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

Jonathan Alexander Stephenson

1710 Island Ford Rd

Ninety-Six, SC 29666

Ingram Moon

SEP 30 REC'D

2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this

14th day of Sept., 2011

SIGNATURE OF APPOINTEE

Ingram Moon
INGRAM MOON
CCOP AND C.
GREENWOOD COUNTY
S. C.

Tony Davis
Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8051



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street

Greenwood, South Carolina 29646

Telephone 864-942-8600 Fax 864-942-8589

Brandon Strickland

1120 Cornelia Circle

Greenwood, SC, 29646

Ingram Moon

SEP 30 REC'D

2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
12th day of Sept., 2011

Tony Davis

Tony Davis, Sheriff

Brandon Strickland

SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON
CCCP AND GS
GREENWOOD COUNTY
S.C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

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864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8049



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

William Allen Stroup
1113 Northlake Dr.
Greenwood, SC 29649

Ingram Moon

SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
12th day of Sept., 2011

SIGNATURE OF APPOINTEE

Tony Davis, Sheriff

ATTEST A TRUE COPY
Ingram Moon
INGRAM MOON
CCOP AND GS
GREENWOOD COUNTY
S. C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8034



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-943-8057 Fax 864-942-8589

Timothy H Stumbo
417 Henrietta Ave E
Greenwood SC 29649

Ingram Moon

SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
15th day of Sept, 2011

SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon
INGRAM MOON
CCCP AND GS
GREENWOOD COUNTY
S.C.

Tony Davis
Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8024



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street

Greenwood, South Carolina 29646

Telephone 864-943-8057 Fax 864-942-8589

Natalie Lewis Talbert

6726 Kinard Road

Ninety Six SC 29666

Ingram Moon

Oath for Peace Officers

SEP 30 REC'D
2011

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this

12th day of Sept, 2011

SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON
CCCP AND GS
GREENWOOD COUNTY
S. C.

Tony Davis

Tony Davis, Sheriff

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8037

Captain Sonny Cox
Commander, Community Services
864-943-8037

Captain Marc Cromer
Commander, Internal Affairs
864-943-8037

Sandi McAllister-Owens
Administrator
864-943-8037



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

DOMINIC BLANE TARTUETON
219 TEDARDS STORE ROAD
GREENWOOD SC 29646

Ingram Moon

Oath for Peace Officers

SEP 30 REC'D

2011

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
12th day of Sept., 2011

Tony Davis

Tony Davis, Sheriff

Ingram Moon

SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON
CCCP AND GS
GREENWOOD COUNTY
S.C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8037

Captain Sonny Cox
Commander, Community Services
864-943-8037

Captain Marc Cromer
Commander, Internal Affairs
864-943-8037

Sandi McAllister-Owens
Administrator
864-943-8037



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

Amy Ruth Tyler
107 Young Street
Greenwood SC 29646

Ingram Moon

Oath for Peace Officers

SEP 30 REC'D

2011

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
12th day of Sept., 2011

Amy R Tyler
SIGNATURE OF APPOINTEE

Tony Davis
Tony Davis, Sheriff

ATTEST A TRUE COPY
Ingram Moon
INGRAM MOON
CCCP AND GS
GREENWOOD COUNTY
S. C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8040

Sandi McAllister-Owens
Administrator
864-943-8040



Greenwood County Sheriff's Office
Tony Davis, Sheriff

528-Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-943-8057 Fax 864-942-8589

Bradley Keith Ware
484 Haddon Rd
Danals SC 29638

Ingram Moon

Oath for Peace Officers

SEP 30 REC'D

2011

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
13th day of Sept., 2011

[Signature]
SIGNATURE OF APPOINTEE

Tony Davis
Tony Davis, Sheriff

ATTEST A TRUE COPY
Ingram Moon
INGRAM MOON
CCCP AND C
GREENWOOD COUNTY
S. C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
864-943-8058

Major John Murray
Commander, Investigations
864-943-8052

Major William Kinney
Commander, Uniformed Patrol
864-943-8047

Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8040

Sandi McAllister-Owens
Administrator
864-943-8054



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600, Fax 864-942-8589

MARVIN RAY WATSON
184 Austin Road
Donalds S.C. 29638

Ingram Moon

Oath for Peace Officers

SEP 30 REC'D
2011

STATE OF SOUTH CAROLINA,

County of Greenwood

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Sworn to and subscribed before me this
12th day of Sept., 2011

Tony Davis

Tony Davis, Sheriff

SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON
CCCP AND GS
GREENWOOD COUNTY
S.C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
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Major John Murray
Commander, Investigations
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Captain Sonny Cox
Commander, Community Services
864-943-8057

Captain Marc Cromer
Commander, Internal Affairs
864-943-8049

Sandi McAllister-Owens
Administrator
864-943-8034



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

SAM WATTS

908 BROWNSTOWN RD

TROY, S.C. 29848

Ingram Moon

SEP 30 REC'D

2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this
12th day of Sept., 2011

Tony Davis

Tony Davis, Sheriff

SIGNATURE OF APPOINTEE COPY

Ingram Moon
INGRAM MOON
COOP AND GS
GREENWOOD COUNTY
S.C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
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Major John Murray
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864-943-8037

Captain Sonny Cox
Commander, Community Services
864-943-8087

Captain Marc Cromer
Commander, Internal Affairs

Sandi McAllister-Owens
Administrator



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street

Greenwood, South Carolina 29646

Telephone 864-942-8600 Fax 864-942-8589

PHILLIP CARRI WELLS

225 CHARLES DR.

GREENWOOD SC 29649

Ingram Moon

Oath for Peace Officers

SEP 30 REC'D

2011

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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Sworn to and subscribed before me this

12th day of Sept., 2011

Tony Davis

Tony Davis, Sheriff

Phillip Carr Wells
SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON
CCCP AND GS
GREENWOOD COUNTY
S.C.

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
Commander, Operations
864-943-8087

Major Phillip Anderson
Commander, Detention Center
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Major John Murray
Commander, Investigations
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Commander, Community Services
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Captain Marc Cromer
Commander, Internal Affairs
864-943-8042

Sandi McAllister-Owens
Administrator
864-943-8051



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street
Greenwood, South Carolina 29646
Telephone 864-942-8600 Fax 864-942-8589

Marvin Wendell Williams
217 Frances St
Greenwood, SC 29646

Ingram Moon
SEP 30 REC'D
2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

First, I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected (or appointed), and that I will, to the best of my ability, discharge the duties thereof, and preserve and protect and defend the Constitution of this State and of the United States.

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Sworn to and subscribed before me this
12th day of *Sept.*, 2011

Tony Davis

Tony Davis, Sheriff

Marvin W Williams
SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON
CCCF AND CS
GREENWOOD COUNTY
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SEAN THOMAS WELLS

1101 EPHORTH CAMP RD E

NINETY SIX, SC 29666

Ingram Moon

Oath for Peace Officers

SEP 30 REC'D 2011

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

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GREENWOOD COUNTY
S.C.

Tony Davis
Tony Davis, Sheriff

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864-943-8048

Sandi McAllister-Owens
Administrator
864-943-8044



Greenwood County Sheriff's Office

Tony Davis, Sheriff

528 Edgefield Street

Greenwood, South Carolina 29646

Telephone 864-942-8600 Fax 864-942-8589

ANGELA M. WOODHURST

107 HODGES CIRCLE

HODGES SC 29653

Ingram Moore

SEP 30 REC'D

2011

Oath for Peace Officers

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
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12th day of Sept., 2011

Tony Davis

Tony Davis, Sheriff

Angela M Woodhurst

SIGNATURE OF APPOINTEE

ATTEST A TRUE COPY

Ingram Moore

INGRAM MOORE
CCCP AND GS

GREENWOOD COUNTY

Sheriff Tony Davis
864-943-8037

Major Lonnie Smith
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Jeffrey Scott Woodhewer

107 Hodges Ln

Hodges SC 29653

Ingram Moon

Oath for Peace Officers

SEP 30 REC'D

2011

STATE OF SOUTH CAROLINA,

County of Greenwood

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12th day of Sept., 2011

SIGNATURE OF APPOINTEE

Tony Davis

Tony Davis, Sheriff

ATTEST A TRUE COPY

Ingram Moon

INGRAM MOON
COOP AND
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Telephone 864-942-8600 Fax 864-942-8589

JOSEPH MICHAEL YOUNG

116 Windtree Ct (Apt. H.)

Greenwood SC 29649

Ingram Moon

Oath for Peace Officers

SEP 30 REC'D

2011

STATE OF SOUTH CAROLINA,

County of Greenwood

When Commissioned
Stamp here

First, I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected (or appointed), and that I will, to the best of my ability, discharge the duties thereof, and preserve and protect and defend the Constitution of this State and of the United States.

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12th day of Sept., 2011

Tony Davis

Tony Davis, Sheriff

SIGNATURE OF APPOINTEE
ATTEST A TRUE COPY

Ingram Moon
INGRAM MOON
COCL AND CO
GREENWOOD COUNTY
S.C.

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Commander, Community Services

Captain Marc Cromer
Commander, Internal Affairs
864-943-8040

Sandi McAllister-Owens
Administrator
864-943-8031

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GREENWOOD	)	CASE NO. 2011-GS-24-0793
	)	2011-GS-24-0794
STATE OF SOUTH CAROLINA,	)	2011-GS-24-0795
	)	
	)	
vs.	)	VERDICT
	)	
DANIEL DEMOND GRIFFIN,	)	
	)	
Defendant.	)	
	)	
	)	

This case was tried before me Non-Jury on May 8, 2012. First, I want to apologize for taking so long to reach a Verdict, but much has happened to me since this trial. Also, I had to wait on a transcript since I wanted to review the testimony and compare it to the notes that I took during the trial. I might observe that I am now much more sympathetic to juries' requests during deliberations for transcripts than previously.

This is what I know and find beyond a reasonable doubt. The Defendant, Daniel Demond Griffin, along with Markus Allen and Sergio Quarles, were together in Allen's girlfriend's white Camry with pink Lander Girl sticker on it proceeding west on the Greenwood By-pass. Allen was driving and they met the victim, Quentin Carter, in his car proceeding east. A plan was hatched to turn around and follow Carter who was known as a drug dealer and rob him. Carter noticed this car follow him through Zaxby's where he got some food for his two year old daughter who was with him in the backseat. They followed him to his mother's apartment a few miles away and when he parked two of them got out and Carter identifies Allen as having a gun and hitting him while telling him to "give it up". Carter is not able to identify who the other person was that got out of the car with Allen, but definitely says two people were out of the car and talking was going on during the robbery and assault on him. His head was hit several times drawing blood and requiring medical attention.

He "gave up" approximately \$600 and two bags of "weed". The two men who were out of the car then returned to the car at which point Quarles had moved to the driver's seat and drove off. I conclude beyond any reasonable doubt that Allen and the Defendant were the two people who got out of the car, robbed and assaulted Carter.

Law enforcement was notified of what had happened and a "Be On The Lookout" was broadcast and shortly thereafter a Deputy Sheriff saw the car at a convenience store. He tried to stop them for questioning, but they fled at a high rate of speed. Allen threw his gun out the left side of the car and it was recovered. Allen says the Defendant had a gun that he used during the robbery and assault and that Allen threw it out the right side of the car during this chase, but it was never found. The chase proceeded for several miles along rural roads eventually ending in the Promised Land community when the vehicle struck a law enforcement vehicle blocking the road. The three occupants of the Camry fled the scene, but were eventually arrested nearby.

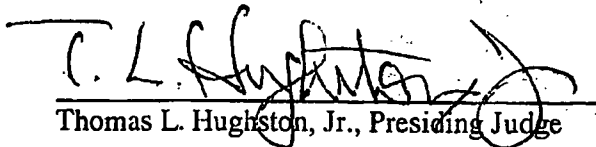
As I have indicated above, I find beyond any reasonable doubt that the Defendant was one of the two people who got out of the Camry and actively participated in the armed robbery and assault and battery on Carter. If the Defendant did not have a firearm in his actual possession during these events, the fact that Allen had a firearm that he used during these events is enough to convict the Defendant on this charge. The hand of one is the hand of all.

The Defendant has properly moved to dismiss these charges because of an unlawful stop, seizure, detention and or arrest. This motion is based on an alleged failure of the Sheriff of Greenwood County to comply with certain statutory requirements relative to appointment of deputies. I do not decide the issue of the appointment of his deputies. Even if the deputies were not properly appointed under the statutes, the remedy would not be to dismiss these charges, or suppress any evidence entered at trial.

Now, therefore, I find beyond a reasonable doubt that the Defendant, Daniel Demond Griffin, is guilty of Armed Robbery (Violation of Sect. 16-11-330); guilty of Assault and Battery, 1st Degree (Violation of Sect. 16-3-600); and guilty of Possessing a Firearm during the commission of the Armed Robbery (Violation of Sect. 16-23-490).

The Defendant, Daniel Demond Griffin, shall be held in custody in a proper jail until Monday, December 10, 2012, when I am next holding General Sessions Court in Greenwood, at which time he shall be brought before me for sentencing.

Oct. 12, 2012
Charleston, South Carolina


Thomas L. Hughston, Jr., Presiding Judge

State of South Carolina



THOMAS L. HUGHSTON, JR.
CIRCUIT JUDGE, RETIRED

100 BROAD STREET, SUITE 368
CHARLESTON, SC 29401-2285
TELEPHONE: (843) 958-5100
FAX: (843) 958-5108
E-MAIL: thughston@sccourts.org

October 16, 2012

Mr. Andrew Hodges, Asst. Solicitor
8th Circuit Solicitor's Office
P.O. Box 516
Greenwood, SC 29648-0516

Mr. Carson Henderson
Attorney at Law
109-B Oak Ave.
Greenwood, SC 29646

Re: State vs. Daniel Demond Griffin

Dear Attorneys:

I realize that I made a factual mistake on line 9 of page 2 of my written Verdict in the abovementioned case. I said, "Allen threw it out the right side of the car," when it should have said, "the Defendant threw it out the right side of the car." This letter will serve as my Order making this Amendment to my Verdict.

Very truly yours,

A handwritten signature in dark ink, appearing to read "T.L. Hughston, Jr.", written over a horizontal line.

Thomas L. Hughston, Jr.

cc: Greenwood County Clerk of Court

2012 OCT 16 PM 11 18
GREENWOOD

WITNESSES

M Bratcher
Greenwood County Sheriff

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

WARRANT NUMBER

M077518

True Bill

Phoebe R. Nickle

Foreman of the Grand Jury

Date: 3/25/11

VERDICT

Foreman

COURT OF GENERAL SESSIONS

March Term, 2011

Indictment # 11GS24-

793

THE STATE

vs.

Daniel Demond Griffin

INDICTMENT FOR

ASSAULT AND BATTERY 1st

16-03-0600

Dejane

THE STATE OF SOUTH CAROLINA

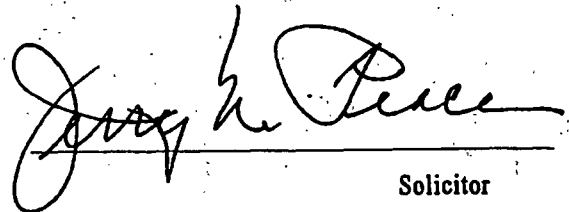
COUNTY OF GREENWOOD

INDICTMENT FOR**ASSAULT AND BATTERY****16-03-0600**

At a Court of General Sessions, convened on the 25th day of March, 2011 the Grand Jurors of Greenwood County present upon their oath:

That Daniel Demond Griffin, did in Greenwood County, state aforesaid, on or about the 30th day of November, 2010 willfully and unlawfully injure another person, Quinton Carter, and the act involved nonconsensual touching of the private parts of an adult, either under or above the clothing, with lewd and lascivious intent, or occurred during the commission of a robbery, burglary, kidnapping, or theft, to wit; Armed Robbery, in violation of the provisions of Section 16-3-600 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 cases made and provided.

A handwritten signature in cursive script, reading "Joseph H. Peace", written over a horizontal line.**Solicitor**

WITNESSES

M Bratcher
Greenwood County Sheriff

WARRANT NUMBER

M077519

True Bill

Philip R. Minn

Foreman of the Grand Jury

Date: 3/25/11

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

March Term, 2011

Indictment # 11GS24-

794

THE STATE

vs.

Daniel Demond Griffin

INDICTMENT FOR

ARMED ROBBERY

16-11-0330

THE STATE OF SOUTH CAROLINA

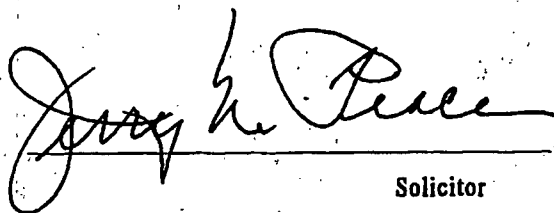
COUNTY OF GREENWOOD

INDICTMENT FOR**ARMED ROBBERY****16-11-0330**

At a Court of General Sessions, convened on the 25th day of March, 2011 the Grand Jurors of Greenwood County present upon their oath:

That Daniel Demond Griffin, did in Greenwood County, state aforesaid; on or about the 30th day of November, 2010 willfully and unlawfully while armed with a deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon, or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, feloniously take from the person or presence of Quinton Carter by means of force or intimidation, goods or monies described as follows: United States currency, with intent to deprive the owner permanently of such property, in violation of Section 16-11-330 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 cases made and provided.


A handwritten signature in cursive script, reading "Jerry H. Peace", is written over a horizontal line.**Solicitor**

WITNESSES

M Bratcher
Greenwood County Sheriff

WARRANT NUMBER

M077520

True Bill

Philip R. Minick

Foreman of the Grand Jury

Date: 3/25/11

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

March Term, 2011

Indictment # 11GS24-795

THE STATE

vs.

Daniel Demond Griffin

INDICTMENT FOR

VIOLATION SECTION
16-23-0490

THE STATE OF SOUTH CAROLINA

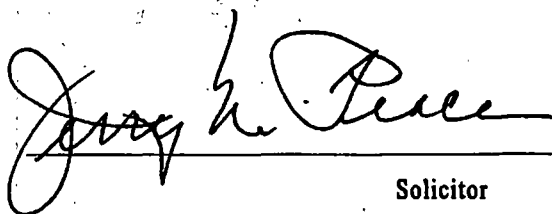
COUNTY OF GREENWOOD

INDICTMENT FOR**VIOLATION SECTION
16-23-0490**

At a Court of General Sessions, convened on the 25th day of March, 2011 the Grand Jurors of Greenwood County present upon their oath:

That Daniel Demond Griffin, did in Greenwood County, state aforesaid, on or about the 30th day of November, 2010 possess a firearm or visibly displayed what appeared to be a firearm, or visibly displayed a knife during the commission of a violent offense, to wit: Armed Robbery, or any lesser included violent offense, in violation of Section 16-23-490 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 cases made and provided.

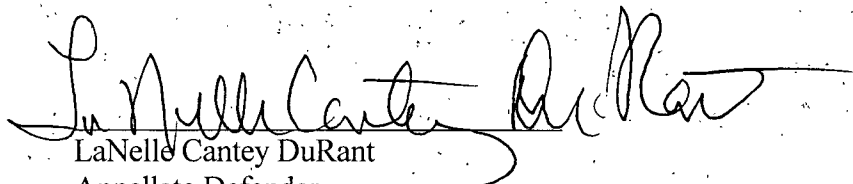
A handwritten signature in cursive script, appearing to read "J. H. Peace", written over a horizontal line.

Solicitor

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

March 11th, 2014



LaNelle Cantey DuRant
Appellate Defender

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

ATTORNEY FOR APPELLANT

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenwood County

Thomas L. Hughston, Jr., Circuit Court Judge

RECEIVED

MAR 11 2014

THE STATE,

SC Court of Appeals

RESPONDENT,

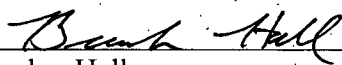
V.

DANIEL DEMOND GRIFFIN,

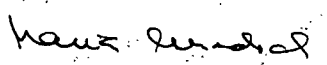
APPELLANT

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon J. Benjamin Aplin, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 11th day of March, 2014.


Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 11th day of March, 2014.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: July 3, 2023.