

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Kristi Lea Harrington, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MARVIN BOWENS GREEN,

APPELLANT

APPELLATE CASE NO. 2012-212739

S U P P L E M E N T A L R E C O R D O N A P P E A L

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- 1 regular customers at your store?
- 2 A. Yes.
- 3 Q. I want to take you back to December 24th, 2010. Do
- 4 you recall going to the store that morning?
- 5 A. Yes. After my husband had called I had gone there.
- 6 Q. Why did you go to the store that morning?
- 7 A. My husband had called to tell us about a robbery
- 8 taking place at the store, so me and my older son went to
- 9 the store.
- 10 Q. Is that Dhruval?
- 11 A. Yes.
- 12 Q. Did you go to the store?
- 13 A. Yes.
- 14 Q. Is your store equipped with video surveillance?
- 15 A. Yes.
- 16 Q. Was there a video of the incident that your husband
- 17 told you about?
- 18 A. Yes.
- 19 Q. Did you view the video?
- 20 A. Yes.
- 21 Q. Who were you with when you viewed the video?
- 22 A. My son and the police.
- 23 Q. Did you recognize the man in the video?
- 24 A. Yes.
- 25 Q. How did you recognize the man in the video?

1 A. He used to come regularly at my store. That's why
2 I recognized him.

3 Q. Before this date, December 24th, how regularly did
4 he come to the store?

5 A. About a month ago I had seen him.

6 Q. About a month ago before this incident was the last
7 time you saw him?

8 A. Something like that.

9 Q. How long before this incident had he been coming to
10 the store?

11 A. At least once a day.

12 Q. For how long, months or years?

13 A. I don't remember very clearly but around six months
14 or so.

15 Q. So just to be clear, do you remember the man as
16 having come to your store for approximately six months
17 before December 24th, 2010?

18 A. Yes.

19 Q. And during that six months approximately how many
20 times a week would he come to the store?

21 A. Almost on a daily basis. I don't remember very
22 clearly but he would be very regular.

23 Q. Do you recall if he would purchase anything at the
24 store?

25 A. Newport cigarettes, ten-dollar tickets, and gas.

- 1 A. Yes.
- 2 Q. Did your husband tell you to tell the Court that
- 3 this was y'all's regular customer?
- 4 A. He didn't tell me anything like that.
- 5 Q. Did your husband influence you in any way to make
- 6 you think that this was your regular customer?
- 7 A. I know this on my own.
- 8 Q. And that is even though you watched the video with
- 9 your husband?
- 10 A. Me and my husband both knew that he was a regular
- 11 customer.
- 12 Q. Did you and your husband both know that he was a
- 13 regular customer independently of each other?
- 14 A. When we saw the video we talked and we finally
- 15 realized that this is that same regular customer.
- 16 Q. So did it take you any length of time to come to
- 17 that understanding?
- 18 A. As soon as I saw the video I knew it.
- 19 Q. Do you see the man who was your regular customer in
- 20 this courtroom today?
- 21 A. Yes.
- 22 Q. Do you see the same man who was your regular
- 23 customer and who you recognized on the video in this
- 24 courtroom today?
- 25 A. Yes.

1 Q. If you would, point to him and describe what he is
2 wearing.

3 A. (Indicated) a white shirt and tie.

4 MR. RUTLEDGE DURANT: Let the record reflect that
5 the witness has identified the defendant.

6 THE COURT: It will for the purposes of this
7 hearing.

8 MR. RUTLEDGE DURANT: Thank you, Your Honor.

9 BY MR. RUTLEDGE DURANT:

10 (Through the interpreter.)

11 Q. Is there any doubt in your mind that this man
12 sitting right-here was your regular customer?

13 A. He is the man.

14 Q. Is there any doubt in your mind that this is the
15 man that you saw on the video?

16 A. He the man.

17 Q. Are you certain?

18 A. Yes.

19 MR. RUTLEDGE DURANT: Thank you.

20 THE COURT: Mr. Groeber?

21 MR. GROEBER: Thank you, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. GROEBER:

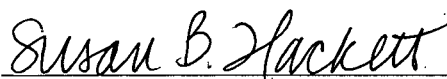
24 (Through the interpreter.)

25 Q. Morning, Mrs. Patel.

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 25, 2014



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CERTIFICATE OF SERVICE

I certify that a true copy of the Supplemental Record on Appeal in the above referenced case has been served upon Jennifer Ellis Roberts, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 25th day of March, 2014.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 25th day of March, 2014.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: October 30, 2022 .

RECEIVED

MAR 25 2014

Supreme Court of Appeals