

**PETITION FOR A WRIT OF CERTIORARI
IN POST-CONVICTION RELIEF ACTIONS**

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

APR 18 2014 Kristi Lea Harrington, Circuit Court Judge

S.C. SUPREME COURT

Appellate Case No. 2012-212672

Norris Earl White,

Petitioner,

v.

State of South Carolina,

Respondent.

SUPPLEMENTAL APPENDIX

ALAN WILSON
Attorney General

Ashleigh R. Wilson
Assistant Attorney General
PO Box 11549
Columbia, SC 29211-1589

ATTORNEYS FOR RESPONDENT

MILTON D. STRATOS

Stratos Law, LLC
1041 Johnnie Dodds Blvd.
Site 14A
Charleston, SC 29464

ATTORNEY FOR PETITION

INDEX

Transcript of Magistrate Trial..... 1

[The remaining portion of the Appendix is comprised of a copy of the documents listed in the Index.]

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Kristi Lea Harrington, Circuit Court Judge

Appellate Case No. 2012-212672

NORRIS EARL WHITE,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

PROOF OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing **Supplemental Appendix** has been served upon the following parties by delivery or by placing the same in the United States mail, first class postage prepaid, addressed to the following as shown below this 15th day of April 2014.

The Honorable Daniel E. Shearouse
Clerk of the Supreme Court of South Carolina
PO Box 11330
Columbia, SC 29211

Ashleigh R. Wilson
Assistant Attorney General
Post Office Box 11549
Columbia, S.C. 29211-1549
Attorney for Respondent

STRATOS LAW, LLC

BY: _____


Malena Dinwoodie

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

State of South Carolina vs. Norris White

Ray Swartz & Associates
1-800-822-8711
Professional Court Reporters

1 THE COURT: Mr. White, how do you plead to
2 disorderly conduct?

3 MR. WHITE: Not guilty.

4 THE COURT: All right. Ready to go forward?

5 MR. WHITE: Yes, sir.

6 (Speaker 1, having been duly sworn, testifies
7 as follows:)

8 SPEAKER 1: Your Honor (inaudible) I was working
9 inside the Waffle House (inaudible). As I was leaving the
10 business Mr. White stood up (inaudible). The subject asked
11 in a loud manner (ph) he was the police. (Inaudible) was
12 dressed in full uniform (inaudible) police. No, I'm not the
13 police, and he continued to talk in a loud manner. Due to
14 the fact that I was about to leave the restaurant and finish
15 up for the night I wanted to talk to him outside and make
16 sure everything would be okay.

17 I asked him if he would be, if he would come to talk to
18 me. He stated, no. I asked (inaudible) time to step
19 outside and he loudly refused and he was creating a
20 disturbance in the restaurant. At this point I determined
21 that he was (inaudible) by his right wrist and attempt to
22 walk him out the restrurant. He passively resisted. At
23 that time I (inaudible) and attempted to (inaudible) but he
24 still refused to move out the booth and still shouting
25 verbally no, I'm not going anywhere.

Ray Swartz & Associates
1-800-822-8711
Professional Court Reporters

1 I then presented (inaudible) attempt to (inaudible). I
2 sent my (inaudible) my taser. I then re-holstered my taser.
3 And I did remove the subject from the booth. At that time
4 Officer Hill was in the restaurant. I contained him. He
5 was still acting a little boisterous. We walked him outside
6 facing my car. At that time my car (inaudible). I was
7 talking (inaudible). And at that time I decided to place
8 him under arrest and (inaudible).

9 THE COURT: Mr. White?

10 MR. WHITE: (Inaudible) at each other. No one
11 else was in the area. No one even knew anything was going
12 on at the Waffle House (inaudible) I ain't do nothing wrong.
13 When you was walking out the door I asked -- my exact words
14 was, Excuse me, Officer. Excuse me, Officer. Is that young
15 lady sitting by (inaudible). I asked him then, are you. I
16 said, no (inaudible) well, sit your A down. I'm like -- and
17 I'm sure I did. I'm like go ahead with that (inaudible).
18 That's what I did. I sat down. He did pull out his taser.
19 No, I thought he asked me for my (inaudible) go outside with
20 you. And then it's me and you, and I ain't got no kind of
21 witnesses.

22 So I said, no, I ain't going with you. I was
23 like, anything you need to say you can say right here
24 (inaudible). He said, get up. I got my hands up like this.
25 I said, Officer, I don't know what I did but I ain't going

1 to get up until you tell me what I did wrong. And then he
2 said, oh, you going to (inaudible) like that. I said, I
3 ain't saying like nothing.

4 He then put his holster (inaudible) back up like he
5 said. He (inaudible) jacket off, walked down to the cash
6 register in front of the Waffle House, came back to
7 (inaudible), told me get up one more time. I said, Officer,
8 I ain't going to get up until I know what I did wrong. I'm
9 not going to (inaudible) grabbed me, threw me up on the side
10 (inaudible) the Waffle House, put me in handcuffs. No other
11 officers came up inside the Waffle House. No other officer
12 came out.

13 Like I said, he done threw me on top of his hood on the
14 outside of the car (inaudible) badge number. That's the
15 only person he asked. He was like, excuse me, Officer, can
16 I have your badge number. He was like, you F-ers want some
17 too? He grabbed him, threw him up on the car, put him in
18 handcuffs. Now he got (inaudible).

19 And I tried to get the video tape to the Waffle House,
20 but they said -- when I talked to the people at that
21 corporation I couldn't get the tape. They said if I have a
22 lawyer (inaudible) get it. And ain't no point in me going
23 to get a lawyer for a \$500 bond, lawyer going to charge me a
24 whole lot more than that. But I try to file a complaint
25 report and they say I can't do nothing because I have to

1 (inaudible) Officer Jergens or Jorgens assigned to this
2 case.

3 THE COURT: Well, the only thing that's before me
4 is this disorderly conduct.

5 MR. WHITE: He say I was resisting arrest, Your
6 Honor. How come I don't have that charge also?

7 THE COURT: The charge is disorderly conduct and
8 that's the charge I have to decide on.

9 MR. WHITE: And I got the scar (inaudible) got
10 pictures of that and --

11 THE COURT: Well, let me ask you this, Mr. White.
12 Why did, when he asked you to leave why didn't you leave?

13 MR. WHITE: He never asked me to leave. He asked
14 me to come step outside and talk to him.

15 THE COURT: Okay. Well, when he asked you to --

16 MR. WHITE: Because he already cursed me out
17 twice. You see what I'm saying? Like I asked him -- the
18 only question I did ask him was, excuse me, officer, is that
19 young lady sitting beside you a cop. (Inaudible) my exact
20 words. He said, no, I (inaudible) are you? I said, no. He
21 said, well, sit your A down. And I said, Man, go ahead with
22 that BS because (inaudible).

23 THE COURT: Why did you ask him if the girl that's
24 sitting beside him was a cop?

25 MR. WHITE: Because she was cute. And if she was

1 on duty (inaudible) come at her like that if she was on
2 duty. So I just thought I'd ask him if she's a cop or not.
3 And if he said, yeah, then (inaudible). And then come to
4 find out she wasn't even a cop, to my knowledge.

5 SPEAKER 2: Can I add a couple things to that?

6 THE COURT: Yes, sir.

7 SPEAKER 2: (Inaudible) but he doesn't have any
8 witnesses. He was with another male and female --

9 SPEAKER 1: (Inaudible) --

10 THE COURT: Hold on. One at a time.

11 SPEAKER 1: (Inaudible) had clear view of the
12 (inaudible) step outside. And secondly, when a (inaudible)
13 I got one (inaudible). And Officer Hill did come beside
14 (inaudible) hold his left hand (inaudible) outside together.

15 THE COURT: Any responses to that?

16 MR. WHITE: The only reason I said I don't want to
17 go outside is because I wouldn't have no witnesses
18 (inaudible). They can see through the glass, yes. But they
19 can't hear what's being said. (Inaudible) and listen to him
20 curse me out twice over one little question, him getting
21 smart. You was the one getting smart (inaudible) getting
22 smart and loud, cursing me out. And that's what (inaudible)
23 same time. I was like, hey, don't even (inaudible). So if
24 (inaudible) the witnesses. And the witnesses I do have here
25 she's (inaudible).

1 THE COURT: Is she going to testify?

2 MR. WHITE: Yes, sir.

3 THE COURT: Your name, ma'am?

4 SPEAKER 3: (Inaudible).

5 (Speaker 3, having been duly sworn, testifies as
6 follows:)

7 SPEAKER 3: (Inaudible) he actually had to walk
8 away from him actually (inaudible) cursing at me too,
9 telling me to back up (inaudible). But I just wanted to
10 know what was going on. I don't know why he was
11 (inaudible).

12 THE COURT: How far away were you sitting from
13 Officer (inaudible)?

14 SPEAKER 3: We were sitting on the actual
15 (inaudible).

16 THE COURT: Other side of the room?

17 SPEAKER 3: The other side of the room. But he
18 didn't (inaudible) actually walked over there and walked
19 (inaudible).

20 THE COURT: What drew his attention to y'all on
21 the other side of the restaurant?

22 SPEAKER 3: (Inaudible). And they were just
23 wondering because the female had his jacket on, I think.
24 They were asked -- they were betting, because we do it all
25 the time. (Inaudible) and just a couple nights before that

Ray Swartz & Associates
1-800-822-8711
Professional Court Reporters

1 we were asking (inaudible) so whenever he saw him he was
2 going to ask (inaudible).

3 SPEAKER 1: Your Honor, I had been there since
4 midnight. I was about to leave that shift. I had no
5 problem (inaudible) work there every (inaudible) no problem
6 that whole night with nobody. Only time, only thing draw my
7 attention was he was yelling across the restaurant at a
8 female being loud and (inaudible). And as far as she had my
9 jacket on when I approach him like he (inaudible) I took my
10 jacket off and came back to him, so I had it on.

11 SPEAKER 3: (Inaudible).

12 THE COURT: (Inaudible) find Mr. White guilty as
13 charged. Mr. White, are you still on probation?

14 MR. WHITE: Yes, sir.

15 THE COURT: Fine is \$470, alternative studies for
16 five days, incarceration. Mr. White, are you prepared to
17 pay the fine?

18 MR. WHITE: No, sir.

19 THE COURT: How much do you have towards it? You
20 don't get paid till Friday?

21 MR. WHITE: (Inaudible).

22 THE COURT: And you can pay it on Friday?

23 MR. WHITE: Yes, sir.

24 THE COURT: Fine is to be paid by November 30th or
25 five days in jail. Thank you.

Ray Swartz & Associates
1-800-822-8711
Professional Court Reporters

1 STATE OF SOUTH CAROLINA)

2 : C-E-R-T-I-F-I-C-A-T-E

3 COUNTY OF DORCHESTER)

4 I, Stacey L. Scoggan, Court Reporter and Notary Public,
5 certify that the pages constitute a true and accurate
6 transcript of the testimony given at that time and place.

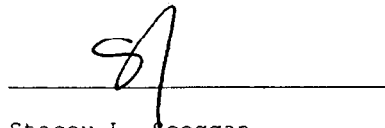
7 I further certify that I am not of counsel or kin to
8 any of the parties to this cause of action, nor am I
9 interested in any manner in its outcome.

10 IN WITNESS WHEREOF, I have hereunto set my hand and
11 seal this the 8th day of April, 2014.

12

13

14



15

Stacey L. Scoggan

16

Notary Public for South Carolina

17

My Commission Expires: February 23, 2021

18

19

20

21

22

23

24

25

Ray Swartz & Associates
1-800-822-8711
Professional Court Reporters

STRATOS LAW LLC

Milton D. Stratos

1041 Johnnie Dodds Blvd., 14-A
Mt. Pleasant, SC 29464
843.216.7739
(f) 843.216.0804
www.stratoslaw.com

April 15, 2014

The Honorable Daniel E. Shearouse
Clerk of the Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

RECEIVED

APR 18 2014

S.C. SUPREME COURT

RE: Norris Earl White v. The State of South Carolina
Appellate Case No.: 2012-212672

Dear Mr. Shearouse:

Enclosed please find two (2) copies of Petitioner's Supplemental Appendix (trial transcript, Petitioner's magistrate court conviction) for filing in the above-captioned matter. By copy of this letter I am serving opposing counsel with Petitioner's Supplemental Appendix today.

With kindest regards, I am

Sincerely,

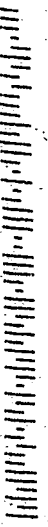


Milton D. Stratos
Attorney for Petitioner

MDS/amd
Enclosures

cc: Office of Attorney General
Attn: Ashleigh Wilson
Post Office Box 11549
Columbia, South Carolina 29211
(803)734-3737
Attorney for Respondent

Milton D. S
Stratos Law
1041 Johnnie Dodds Blvd, STE 14A
Charleston, SC 29464



The Honorable Daniel E. Shearouse
Clerk of the Supreme Court of S.C.
Post Office Box 11330
Columbia, South Carolina 29211

CHARLESTON SC 294
TUE 15 APR 2014 PM

