

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Darlington County

R. Ferrell Cothran, Jr., Circuit Court Judge

RECEIVED

MAY 19 2014

S.C. Supreme Court

RONALD FRANCIS CAMERON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-002761

APPENDIX

LARA M. CAUDY
Appellate Defender

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

JOSHUA L. THOMAS
Assistant Attorney General
P. O. Box 11549
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
<u>SCHMERBER</u> HEARING TRANSCRIPT (SEPTEMBER 1, 2009)	1
TRIAL TRANSCRIPT (SEPTEMBER 21, 2009)	13
TRIAL TRANSCRIPT (SEPTEMBER 23, 2009)	35
APPLICATION FOR POST-CONVICTION RELIEF	238
RETURN	245
POST-CONVICTION RELIEF HEARING TRANSCRIPT (JULY 16, 2013)	250
ORDER OF DISMISSAL	267
INDICTMENTS	273

THE STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF DARLINGTON	)	
	)	
THE STATE OF SOUTH CAROLINA	)	
	)	SEPTEMBER 1, 2009
PLAINTIFF;	)	
	)	
VERSUS	)	
	)	2008-GS-16-1314
RONALD FRANCIS CAMERON	)	2008-GS-16-1315
	)	
DEFENDANT.	)	

BEFORE

THE HONORABLE J. MICHAEL BAXLEY

APPEARANCES

Sherrie Baugh, Esquire
Attorney for the State

Tonya Copeland-Little, Esquire
Attorney for the Defendant

Pamela Ozment-Cartee
Circuit Court Reporter

Schmerber Hearing	Page 03
Presentation of facts	Page 05
Presentation of prior record	Page 07
Statement by Mr. Cameron	Page 09
Ruling of The Court	Page 10
Certificate of Reporter	Page 12

INDEX

No Exhibits Offered

THE STATE V RONALD FRANCIS CAMERON

3

1 (Whereupon, Court came to order at 10:29 a.m. on
2 Tuesday, September 1, 2009.)

3 **THE COURT:** All right. Please call your case.

4 **MS. BAUGH:** Thank you, Your Honor. We are here in the
5 matter of Ronald Francis Cameron, also known as Ronnie F.
6 Cameron, 08-GS-16-1314 and 1315. He is charged with burglary
7 first and petty larceny.

8 This is a case where we are here to seek a Schmerber
9 Order for the collection of suspect standards. We would like
10 either blood and/or a swab from his cheek taken. I have
11 filed a Motion of Motion for Collection of Suspect's
12 Standards, along with an Affidavit from Captain Daniel Watson
13 that is signed. I gave Ms. Little a copy yesterday, I
14 emailed her an unsigned copy, I think earlier yesterday
15 morning. However, we are here. I don't know what Your
16 Honor's procedure is. Do you want to take some testimony as
17 well as the Affidavit? But, we are asking for a sample. I
18 can let Captain Watson give you the facts on this case to
19 substantiate why we are asking for it.

20 **THE COURT:** All right. Let's do this. Let's place
21 the Captain under oath please, then we will go forward.

22 **CAPTAIN DANIEL WATSON**

23 **FIRST BEING DULY SWORN TESTIFIES AS FOLLOWS**

24 **CAPTAIN WATSON:** I do.

25 **THE COURT:** All right. Captain, before I hear from

THE STATE V RONALD FRANCIS CAMERON

4

1 you, let me speak a moment to Mr. Cameron. Mr. Cameron, I am
2 Judge Baxley. The reason you are here today is not for guilt
3 or innocence decision on your case. But as I am sure your
4 lawyer has described with you, you have --- the state has
5 asked for the right to take a DNA swab from you so that they
6 can compare it with DNA evidence that was found at the scene
7 of a crime for which they have charged you. Do you
8 understand that sir?

9 MR. CAMERON: Yes, sir.

10 THE COURT: All right, sir. Now what I am going to do
11 is I am going to hear from the state first to see why they
12 want to do what they want to do. Then I am going to give
13 your side an opportunity to respond. I am going to allow you
14 to speak if you wish. Although I want you to understand that
15 there is a record being made here. You would be under oath
16 if you spoke. Anything you say may be used against you in a
17 court of law at a later proceeding.

18 Now, are you ready to go Ms. Little?

19 MS. LITTLE: Yes, Your Honor.

20 THE COURT: All right. Go ahead, Captain.

21 CAPTAIN WATSON: Sir, I was one of the first responding
22 officers to a crime scheme at [REDACTED] in the City
23 of Darlington, which is located in the jurisdiction of the
24 City Limits of Darlington. At that time I did note spots of
25 blood inside the residence, as well as on the refrigerator.

THE STATE V RONALD FRANCIS CAMERON

5

1 There was blood --- spots of blood that were on the floor up
2 to the kitchen to the tile floor area. At that time I
3 recovered a swab of blood from the residence, and placed them
4 into evidence. Once I secured the crime scene, it has been
5 photographed, and the evidence has been processed. I say
6 processed, processed as much as I can. I at that point went
7 to the Pawn Shop located on South Main Street in the City of
8 Darlington, to see if any items had been recently pawned.
9 Most specifically I was looking for something that was very
10 easily identifiable, and I was able to obtain something that
11 was easily identifiable, which was a class ring that belonged
12 to Jordan Cox, who was a resident of [REDACTED].

13 At that time I obtained a pawn receipt from that
14 location. This pawn receipt was for 1307 1:07 in the
15 afternoon which was the same day as the burglary for a class
16 ring. And it was signed by one Larry Gainey. At that time I
17 contacted my fellow investigators. I let them know that Mr.
18 Gainey was a suspect in this burglary, because of the fact
19 that he had pawned this ring, and it had been pawned in such
20 a short period of time from the time the burglary had taken
21 place. I contacted other officers to make diligent search
22 for this individual. And during that time period Mr. Gainey
23 was interviewed, and placed into custody at James Paul Drive
24 on Gainey's Trailer Park, and he was not bleeding from his
25 hands. So, I realized at that particular time that you know

1 it wasn't probably wasn't him, that he had obtained the ring,
2 but I wasn't sure how, and I couldn't put him inside of the
3 residence other than to say that he had a piece of stolen
4 property. During that time period Mr. Gainey identified the
5 defendant one Ronnie Cameron as the person who had given him
6 the ring, and that he was bleeding from his hands. Mr.
7 Gainey at that time presented us with a written receipt
8 stating that he had been sold the ring by Mr. Cameron. And
9 since that time period we have spoken with Mr. Gainey again,
10 we discovered that this receipt is not valid. However, upon
11 speaking with the subject through the information that I had
12 from that individual placed the ring in his hand, and he was
13 still bleeding. He still had fresh cuts on him. When I
14 talked to him we subsequently charged him with this, and the
15 County also subsequently charged him with some other charges
16 not related to this specific burglary.

17 After the defendant was arrested, I also found another
18 individual, Mr. Dacia Gainey who lives in North Main Trailer
19 Park where the defendant had been staying some. He is
20 actually the brother of Ms. Gainey's husband. And she gave
21 us a written statement stating the defendant had come by
22 there on the day of the incident. She stated that she saw a
23 class ring with the name Jordan on it. And she also stated
24 that he was bleeding from his hand, and further told officers
25 that among the items that he had were some pay stubs with the

THE STATE V RONALD FRANCIS CAMERON

7

1 name Jerry A. Cox on them.

2 THE COURT: All right. Let me ask our Solicitor, tell
3 me what other charges are pending against Mr. Cameron?

4 MS. BAUGH: Your Honor, there are some other burglary
5 charges pending against him. Of course this is a DNA case,
6 and so we are planning to go forward with this one first.
7 That's all I can tell you. I have a stack of files in my
8 office. I have not really looked at any of them, because I
9 have been concentrating on this one.

10 THE COURT: All right. And what type of criminal
11 history do you have for Mr. Cameron?

12 MS. BAUGH: Actually, Your Honor, this defendant has a
13 warrant on him for failure to appear, and that is out of
14 Horry County Sheriff's Department from the Warrants Division.
15 I spoke to Diane there, and she told me that there is a hold
16 on him now from that county as a result.

17 His record starts back in 86 with a public drunk,
18 unlawful use of telephone, public drunk again. He has got a
19 burglary first conviction for which he received a YOA in
20 1986.

21 THE COURT: All right. And let me just ask you, are
22 there any other burglary charges other than the one?

23 MS. BAUGH: He has another burglary in 1988, that is a
24 burglary second. He has a burglary in 1990.

25 THE COURT: All right. That's sufficient thank you.

THE STATE V RONALD FRANCIS CAMERON

8

1 You have answered my question.

2 What say ye for your client, Ms. Little?

3 **MS. LITTLE:** Your Honor, if we may clarify, I am not
4 sure. Are they actually seeking a swab of the defendant's
5 cheek, or are they actually seeking blood from the defendant?

6 **MS. BAUGH:** Well, I put and/or --- and/or in the
7 Motion, whatever SLED tells me either blood/cheek either one.
8 But Ms. McKenzie tells me the swab would be okay. And we
9 have spoken to SLED, and they can have the DNA if you grant
10 the order we can have the swab analyzed and be ready to try
11 him in September.

12 **THE COURT:** And what say ye?

13 **MS. LITTLE:** Thank you, Your Honor. Your Honor, we
14 would argue that this would be intrusive in nature. It would
15 be physically intrusive. It would require a foreign object
16 to be placed into the defendant's mouth, in violation of his
17 right to privacy. His other constitutional rights, his right
18 not to be forced to incriminate himself, and we would argue
19 Your Honor, that it is just physically intrusive and
20 unconstitutional.

21 **THE COURT:** All right. Does Mr. Cameron have anything
22 he wishes to say?

23 **MR. CAMERON:** Yes, sir. When I --

24 **THE COURT:** We will place you under oath. Follow our
25 clerk's instructions.

THE STATE V RONALD FRANCIS CAMERON

9

RONALD FRANCIS CAMERON

BEING DULY SWORN TESTIFIES AS FOLLOWS

MR. CAMERON: Yes.

THE COURT: And, Mr. Cameron, I say to you again. Go ahead counsel, if you want to speak with your client?

MS. LITTLE: Your Honor, may I counsel him for just a moment?

THE COURT: Go ahead.

(Whereupon, Counsel for Mr. Cameron Ms. Little and Mr. Cameron have a private conversation off the record.)

MS. LITTLE: Your Honor, I have advised him not to speak, and he wants to go forward.

THE COURT: All right. Mr. Cameron, we are not here about innocence or guilt. We are here about whether the state should be allowed to take a saliva swab from you to compare it to DNA evidence from the scene. That is the issue. Please understand you are under oath. There is a record being made here. Anything you say may be used against you in a later term of court. Go ahead.

MR. CAMERON: Yes, sir. I got locked up 4/25/08. On 4/26/08n Danny Watson come got me from Darlington Detention Center and took me down there to City Jail. And when he done a swab test on me. And, ah, now they realized that they did that without my consent, and now they want another swab test.

THE STATE V RONALD FRANCIS CAMERON

10

1 And, I don't feel like they should give him none. I mean he
2 done the first one without my consent, knowing he should have
3 consent or a judge like you to order for one. But, he just
4 took it upon himself to do it without --- I mean, that ain't
5 right.

6 **THE COURT:** All right. I am not aware of that. There
7 is certainly no evidence to that to that effect. I am not
8 disputing what you say, Mr. Cameron. But, whatever happened
9 to that swab, it is not in evidence in the court's file.

10 I am going to grant your request for a Schmerber here,
11 because the plaintiff --- the state has shown a substantial
12 probable cause to tie you to the crime scene. And thus,
13 although I realize that this is an invasion of the
14 defendant's rights, or at least the defendant's physical
15 person, the court will permit it under the prevailing law.

16 And, thus, your Motion is granted.

17 **MS. BAUGH:** Thank you, Your Honor.

18 **THE COURT:** Anything further now from the defense?

19 **MS. LITTLE:** No, Your Honor.

20 **THE COURT:** I am going to return you to the Detention
21 Center, Mr. Cameron. Good luck to you, sir.

22 **MS. BAUGH:** Just a minute. There is one thing that I
23 need to put on the record about a new indictment coming.

24 He is indicted for petty larceny, that was based on the
25 warrants that were originally served. We have now discovered

THE STATE V RONALD FRANCIS CAMERON

11

1 that the grand larceny from one to five based on the items
2 that were taken from the house. So, we will be re-indicting
3 him for grand larceny one to five, and I will give you a copy
4 of that as soon as I can.

5 **THE COURT:** Very good, thank you.

6 **MS. LITTLE:** Thank you, Your Honor.

7 **THE COURT:** Thank you.

8 (Whereupon, this hearing was concluded at 10:28
9 a.m. on September 1, 2009.)

10 -- END OF TRANSCRIPT --

CERTIFICATE OF REPORTER

12

I, the undersigned, Pamela Ozment-Cartee, official court reporter for the Fourth Judicial Circuit of South Carolina, do hereby certify, that the foregoing is a true, accurate and partial Transcript of Record in the trial of the above captioned case, relative to appeal, in The Court of General Sessions in Darlington County, South Carolina, on the 1st day of September 2009.

I do further certify that am neither, of kin, counsel, nor interest of any party hereto.

June 22, 2010



Pamela Ozment-Cartee
Circuit Court Reporter

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEASE
	)	
COUNTY OF DARLINGTON	)	FOURTH JUDICIAL CIRCUIT
	)	
THE STATE OF SOUTH CAROLINA	)	
	)	
PLAINTIFF	)	2008-GS-16-1315
	)	2008-GS-16-1314
VERSUS	)	
	)	September 21, 2009
RONALD FRANCES CAMERON	)	
DEFENDANT	)	
	)	

BEFORE

THE HONORABLE HOWARD P. KING

Sherrie Baugh, Esquire
Kinard Redmond, Esquire
John Holt, Esquire
Patti McKenzie, Esquire
Attorney for The State

Richard Jones, Esquire
Tonya Copeland-Little, Esquire
Attorney for the Defendant

Pamela Ozment-Cartee
Circuit Court Reporter

INDEX

Voir Dire Sheet	Page 03
Jury Selection	Page 09
Certificate of Reporter	Page 25

THE STATE V RONALD F. CAMERON

4

1 (Whereupon, Court comes to order at 11:59 a.m. on
2 Monday September 21, 2009.)

3 **THE COURT:** All right. Ms. Baugh, Ms. McKenzie what
4 is the next matter?

5 **MS. MCKENZIE:** Your Honor, at this time the State
6 calls the State versus Ronald Frances Cameron. Those are
7 Indictment Numbers 08-GS-16-1315 charged with burglary in
8 the first degree. And 08-GS-16-1314 larceny less than one
9 thousand.

10 **THE COURT:** All right. Ladies and gentlemen you have
11 heard the State calls the cases against Ronald Frances
12 Cameron. What I am going to tell you now is not evidence in
13 this case, they are simply the allegations of the
14 Indictment, but I tell you this so you can determine if you
15 know anything about the case or anything that would prevent
16 you from serving as a juror in this case.

17 But in these Indictments the State charges in number
18 08-1314 that the Defendant Ronnie Frances Cameron did in
19 Darlington County on or about April 25, 2008, feloniously
20 take and carry away the personal goods of Angela Cox of a
21 value of less than one thousand dollars, money and jewelry
22 valued at approximately seven hundred dollars with intent to
23 deprive the owner. That is the charge of larceny.

24 Indictment Number 1315 charges that Mr. Ronald Frances
25 Cameron did on or about April 25, 2008, enter the dwelling

THE STATE V RONALD F. CAMERON

5

1 of Angela Cox without consent with intent to commit a crime,
2 and that he is charged with the crime of burglary.

3 The defendant Mr. Cameron is in the courtroom with his
4 counsel Mr. Jones and Ms. Little. Mr. Jones would you and
5 Ms. Little stand and introduce yourselves, and introduce
6 your client to the jury please.

7 **MS. LITTLE:** My name is Tonya Copeland-Little. I am
8 a lawyer from Hartsville, and I am an Assistant Public
9 Defender, and with me is Mr. Rich Jones. He's also an
10 Assistant Public Defender. And, this is our client Mr.
11 Ronnie Cameron.

12 **THE COURT:** Thank you. You may be seated. Ms.
13 McKenzie, would you stand and introduce yourself to the
14 jury, and the names of any other Solicitors in the Fourth
15 Circuit Solicitor's Office who will be working with you in
16 this matter?

17 **MS. MCKENZIE:** Yes, Your Honor. I am Patti McKenzie,
18 I work for the Solicitor's Office in Darlington County. I
19 work for our elected Solicitor Will Rogers. He is the
20 elected solicitor of the Fourth Judicial Circuit. Assisting
21 me with this case we will have John Holt, he is sitting
22 second chair, he is an Assistant Solicitor. Deputy
23 Solicitor Sherrie Baugh may also be assisting with the
24 prosecution of this case, and also Deputy Solicitor Kinard
25 Redmond who is not present in the courtroom, but maybe here

THE STATE V RONALD F. CAMERON

6

1 later on in the trial.

2 **THE COURT:** All right, thank you. All right, ladies
3 and gentlemen before we select a jury, again I need to ask
4 you some questions to make sure that you are qualified to
5 serve on jury in this case. Please give your attention to
6 these questions, and if any of them apply to you then
7 respond accordingly.

8 Is any member of the jury panel related by blood or
9 connected by marriage to the defendant Ronald Cameron, if
10 so, please stand?

11 The following individuals may appear as witnesses in
12 this case. Danny Watson of the Darlington Police
13 Department. Angela Cox, Darlington Police Department.
14 Lilly Golman, SLED. Dacia D-A-C-I-A Gainey of --- not the
15 Police Department, but of Darlington. Ms. Cox I don't
16 believe is an officer, she just lives --

17 **MS. MCKENZIE:** -- No, sir. She is just a resident
18 of Darlington.

19 **THE COURT:** Larry Gainey, Jr. of Darlington. Odell
20 Griggs (phonetic) of Darlington. Todd Hanson (phonetic) of
21 Darlington. Jonna Carter of the Clerk's Office. Dwayne
22 Martin Darlington Police Department. Gary August of the
23 Darlington County Sheriff's Office. Danny Laramour of
24 Darlington. Gail O'Neal of Darlington. Marine Balazack
25 B-A-L-A-Z-A-C-K, of the Darlington Police Department.

THE STATE V RONALD F. CAMERON

7

1 Michael August of the Darlington Police Department. Kelly
2 Kobia (phonetic) of SLED. Russ Harrold of Darlington County
3 Sheriff's Office. Eric Hodges of the Darlington County
4 Sheriff's Office. Jay Cox of the Darlington Police
5 Department. And Larry Gainey if I haven't already --- I
6 believe I have already given his name, but Larry Gainey. Is
7 there any member of the jury panel related by blood,
8 connected by marriage to any of the proposed witnesses, if
9 so, please stand?

10 All right. Yes, ma'am, your name?

11 **JUROR:** Tina Coker.

12 **THE COURT:** And, do you recall your juror number?

13 **MS. COKER:** Twenty-four.

14 **THE COURT:** All right. Ms Coker, who are you related
15 to?

16 **MS. COKER:** Jonna Cater.

17 **THE COURT:** To you? Okay. The fact that you are
18 related to the deputy clerk in this case, would that prevent
19 you from giving both sides a fair and impartial trial based
20 on the evidence?

21 **MS. COKER:** No, sir.

22 **THE COURT:** Would you be able to put that aside and
23 decide and decide this case based on the evidence you hear
24 in this courtroom?

25 **MS. COKER:** Yes, sir.

THE STATE V RONALD F. CAMERON

8

1 **THE COURT:** And could you do that?

2 **MS. COKER:** Uh'huh.

3 **THE COURT:** Okay. What is the relationship, ma'am?

4 **MS. COKER:** Cousins.

5 **THE COURT:** Okay. First or further?

6 **MS. COKER:** Further.

7 **THE COURT:** Okay. Thank you. Is there any member of
8 the jury panel represented now or been represented in the
9 last five-years by any member of the Fourth Circuit
10 Solicitor's Office, consisting of Mr. Rogers, Ms. Baugh, Ms
11 Little or any other lawyers in the Fourth Circuit
12 Solicitor's Office, or by any member of the Fourth Circuit
13 Public Defender's Office, Ms. Little, Mr. Jones, or anyone
14 in the Fourth Circuit Public Defender's Office. If so,
15 please stand. All right. Let me have your names please.

16 **JUROR:** Thomas Hunter.

17 **THE COURT:** What's your number?

18 **MR. HUNTER:** Forty-eight.

19 **THE COURT:** Mr. Hunter. Mr. Hunter is it a current
20 representation or is in the past?

21 **MR. HUNTER:** I believe it is current.

22 **THE COURT:** Which office is it. Solicitor's or
23 Public Defenders?

24 **MR. HUNTER:** Public Defenders.

25 **THE COURT:** And they are representing you now? Come

THE STATE V RONALD F. CAMERON

9

1 up please. Counsel.

2 (Whereupon, Mr. Hunter comes forward.)

3 **THE COURT:** You have current charges pending?

4 **MR. HUNTER:** Uh'huh.

5 **THE COURT:** And you are represented by the Public
6 Defender's Office?

7 **MR. HUNTER:** Yes.

8 **THE COURT:** I think with your current charges you are
9 disqualified. Thank you.

10 Yes, ma'am. Come forward.

11 (Whereupon, Ms Lashiel McNeal, juror number 86 comes
12 forward.)

13 **THE COURT:** What is your first name?

14 **JUROR:** Ms. McNeal.

15 **CLERK OF COURT:** Juror number 86.

16 **THE COURT:** Does the Public Defender's Office
17 represent you on a current charge?

18 **MS. MCNEAL:** Uh'huh.

19 **THE COURT:** Okay. Thank you. You are disqualified.

20 **CLERK OF COURT:** Just have a seat back in the
21 audience right now, ma'am. You are just excused from this
22 one case. Good try though.

23 **THE COURT:** Does any member of the jury panel know
24 anything about the facts of this case as I have briefly
25 recited them to you, if so, please stand?

THE STATE V RONALD F. CAMERON

10

1 Has any member of the jury panel or a member of your
2 immediately family, and I define immediately family as
3 parent, spouse, brother, sister, or child. You or a member
4 of your immediately family been the victim of a violent
5 crime, if so, please stand?

6 Has any member of the jury panel or a member of your
7 immediately family as I have defined that term currently a
8 member of, or been a member of a law enforcement agency
9 within the last ten years, if so, please stand?

10 All right, yes, sir.

11 **JUROR:** I retired from the Florence Police Department
12 in 2000.

13 **THE COURT:** Give me your name again, please sir.

14 **JUROR:** Charles Sarrio, juror number 105.

15 **THE COURT:** All right. Would that fact prevent you
16 from giving to the State and the defendant a fair and
17 impartial trial based on the evidence?

18 **MR. SARRIO:** No, sir.

19 **THE COURT:** Would you be able to put that aside, and
20 decide this case based on the evidence you hear in this
21 courtroom?

22 **MR. SARRIO:** Yes, sir.

23 **THE COURT:** Would you do that?

24 **MR. SARRIO:** Yes, sir.

25 **THE COURT:** Okay, thank you. I think I have probably

THE STATE V RONALD F. CAMERON

11

1 asked this question in connection to the witnesses, but just
2 out of an over abundance of caution. Is anyone on the jury
3 have a close business, family, or personal relationship with
4 either Jay Cox or Angela Cox, if so, please stand?

5 Has any member of this jury panel either formed or
6 expressed an opinion as to the guilt or innocence of the
7 defendant Ronald Cameron, if so, please stand?

8 Is any member of the jury panel aware of any interest,
9 any bias or any prejudice for or against the Defendant
10 Ronald Cameron, if so, please stand?

11 Other than what has been disclosed to me, can each
12 member of the jury panel give to the State and the Defendant
13 Ronald Cameron a fair and impartial trial; if not, please
14 stand?

15 Other than what has been disclosed to me does any
16 member of the jury panel know of any reason whatsoever why
17 he or she should not serve as a juror in this case, if so,
18 please stand?

19 Are there additional questions on behalf of the State?

20 **MS. MCKENZIE:** None, Your Honor.

21 **THE COURT:** On behalf of the Defendant, Ms Little?

22 **MS. LITTLE:** No, Your Honor.

23 **THE COURT:** All right. Counsel come up for just a
24 moment, please.

25 (Whereupon, a bench conference was held in the

THE STATE V RONALD F. CAMERON

12

1 presence of the jury, but out of the hearing of the jury.)

2 THE COURT: All right. Mr. Clerk if you would give
3 us a jury please.

4 CLERK OF COURT: Juror number 122, Joy Terry. What
5 saith the State?

6 MS. MCKENZIE: Please present Ms Terry.

7 CLERK OF COURT: What say the Defense?

8 MS. LITTLE: Please seat the juror.

9 CLERK OF COURT: Please have a seat in the jury box
10 for me, Ms Terry.

11 Juror Number 135, Lawrence Wilkes. What saith the
12 State?

13 MS. MCKENZIE: Please seat the juror.

14 CLERK OF COURT: What saith the Defense?

15 MS. LITTLE: Please seat Mr. Wilkes.

16 CLERK OF COURT: Please have a seat, in the jury box
17 Mr. Wilkes.

18 Juror Number 144, Morgan Morrison. What saith the
19 State?

20 MS. MCKENZIE: Please present Ms. Morrison.

21 CLERK OF COURT: What saith the Defense?

22 MS. LITTLE: Please excuse Ms Morrison.

23 CLERK OF COURT: You have been excused from this case
24 Ms Morrison, thank you.

25 Juror Number 104, Lyrae Rogers. What saith the State?

THE STATE V RONALD F. CAMERON

13

1 MS. MCKENZIE: Please present Ms. Rogers.

2 CLERK OF COURT: What saith Defense?

3 MS. LITTLE: Please excuse Ms Rogers.

4 CLERK OF COURT: You have been excused from this case,
5 thank you.

6 Juror Number 61, Norma Johnson. What saith the State?

7 MS. MCKENZIE: Please present Ms Johnson.

8 CLERK OF COURT: What saith the Defense?

9 MS. LITTLE: Please seat Ms Johnson.

10 CLERK OF COURT: Please have a seat in the jury box
11 for me please.

12 Juror Number 94, Deidra Odom. What saith the State?

13 MS. MCKENZIE: Please present Ms Odom.

14 CLERK OF COURT: What saith the Defense?

15 MS. LITTLE: Please seat Ms Odom.

16 CLERK OF COURT: Please have a seat in the jury box.

17 Juror Number 137, Jason Windham. What saith the State?

18 MS. MCKENZIE: Please excuse Mr. Windham from the
19 trial of this case.

20 CLERK OF COURT: You have been excused from the trial
21 of this case Mr. Windham.

22 Juror Number 150, Joey Black. What saith the State?

23 MS. BAUGH: Beg the Court's indulgence.

24 (PAUSE)

25 MS. MCKENZIE: Please present Mr. Black.

THE STATE V RONALD F. CAMERON

14

1 **CLERK OF COURT:** What saith the Defense?

2 **MS. LITTLE:** Please seat Ms Black.

3 **CLERK OF COURT:** Please have a seat, in the jury box
4 for me, Ms. Black.

5 Juror Number 103, Donald Robinson. What saith the
6 State?

7 **MS. MCKENZIE:** Please seat Mr. Robinson.

8 **CLERK OF COURT:** What saith the Defense?

9 **MS. LITTLE:** Please excuse the juror.

10 **CLERK OF COURT:** You have been excused from this case
11 Mr. Robinson.

12 Juror Number 41, Roosevelt Goodson. What saith the
13 State?

14 **MS. MCKENZIE:** Please present Mr. Goodson.

15 **CLERK OF COURT:** What saith the Defense?

16 **MS. LITTLE:** Please excuse Mr. Goodson.

17 **CLERK OF COURT:** You have been excused from this case
18 Mr. Goodson.

19 Juror Number 12, Sandra Blackmon. What saith the
20 State?

21 **MS. MCKENZIE:** Please seat Ms Blackmon.

22 **CLERK OF COURT:** What saith the Defense?

23 **MS. LITTLE:** Please seat Ms Blackmon.

24 **CLERK OF COURT:** Juror Number 45, Thomas Harrell.

25 What saith the State?

THE STATE V RONALD F. CAMERON

15

1 MS. MCKENZIE: Please present Mr. Harrell.

2 CLERK OF COURT: What saith the Defense?

3 MS. LITTLE: Please seat Mr. Harrell.

4 CLERK OF COURT: Please have a seat in the jury box for
5 me, Mr. Harrell.

6 Juror number 105, Charles Sarrio. What saith the
7 State?

8 MS. MCKENZIE: Please present Mr. Sarrio.

9 CLERK OF COURT: What saith the Defense?

10 MS. LITTLE: Please excuse the juror.

11 CLERK OF COURT: You have been excused from this
12 particular case Mr. Sarrio, thank you.

13 Juror Number 140, Julie Woodard. What saith the State?

14 MS. MCKENZIE: Please seat Ms Woodard.

15 CLERK OF COURT: What saith the Defense?

16 MS. LITTLE: Please excuse Ms Woodard.

17 CLERK OF COURT: Juror Number 113, Heather Smith.
18 What saith the State?

19 MS. MCKENZIE: Please seat Ms Smith.

20 CLERK OF COURT: What saith the Defense?

21 MS. LITTLE: Please seat Ms Smith.

22 CLERK OF COURT: Please have a seat in the jury box for
23 me, Ms Smith.

24 Juror Number 84, Calvin McCoy. What saith the State?

25 MS. MCKENZIE: Please excuse Mr. McCoy from the trial

1 of this case.

2 **CLERK OF COURT:** You are excused from this case, Mr.
3 McCoy, thank you.

4 Juror Number 33, Judy Flowers. What saith the State?

5 **MS. MCKENZIE:** Please seat Ms Flowers.

6 **CLERK OF COURT:** What saith the Defense?

7 **MS. LITTLE:** Please seat Ms Flowers.

8 **CLERK OF COURT:** Please have a seat in the jury box
9 for me please, Ms Flowers.

10 Juror Number 32, Lynn Faircloth. What saith the State?

11 **MS. MCKENZIE:** Please seat Ms Faircloth.

12 **CLERK OF COURT:** What saith the Defense?

13 **MS. LITTLE:** Please seat Ms Faircloth.

14 **CLERK OF COURT:** Please have a seat in the jury box Ms
15 Faircloth, thank you.

16 Juror Number 24, Tena Coker. What saith the State?

17 **MS. MCKENZIE:** Please seat Ms Coker.

18 **CLERK OF COURT:** What saith the Defense?

19 **MS. LITTLE:** Please excuse Ms Coker.

20 **CLERK OF COURT:** You have been excused from this case,
21 Ms Coker.

22 Juror Number 6, Stacey Bannister. What saith the
23 State?

24 **MS. MCKENZIE:** Please seat Ms Bannister.

25 **CLERK OF COURT:** What saith the Defense?

THE STATE V RONALD F. CAMERON

17

1 MS. LITTLE: Please seat Ms Bannister.

2 CLERK OF COURT: Please have a seat in the jury box
3 for me, Ms Bannister.

4 Juror Number 58, Mindy James. What saith the State?

5 MS. MCKENZIE: Please present Ms James.

6 CLERK OF COURT: What saith the Defense?

7 MS. LITTLE: Please excuse the juror.

8 CLERK OF COURT: You have been excused from this case,
9 Ms James, thank you.

10 Juror number 98, Linda Pooler. What saith the State?

11 MS. MCKENZIE: Please present Ms Pooler.

12 CLERK OF COURT: What saith the Defense?

13 MS. LITTLE: Please seat Ms Pooler.

14 CLERK OF COURT: Have a seat in the jury box for me,
15 Ms. Pooler.

16 THE COURT: One alternate please counsel, one and
17 two.

18 CLERK OF COURT: Juror Number 1, Shirley Abraham.
19 What saith the State?

20 MS. MCKENZIE: Please present Ms Abraham.

21 CLERK OF COURT: What saith the Defense?

22 MS. LITTLE: Please seat Ms Abraham.

23 CLERK OF COURT: Please have a seat in the first seat
24 outside of the jury box for me, please, ma'am.

25 THE COURT: All right. Is there anything with regard

1 to the selection of the jury on behalf of the State, Ms.
2 McKenzie?

3 MS. MCKENZIE: No Motion, Your Honor.

4 THE COURT: All right. Anything on behalf of the
5 defendant?

6 MS. LITTLE: None, Your Honor.

7 THE COURT: All right. Ladies and gentlemen selected
8 in the trial of this case, you know, of course, that we have
9 already selected one jury ahead of you, so I don't think
10 technically we are going to get to your case. But, I am
11 going to excuse you for the rest of the day. And, I am
12 going to ask you also as jury panel number two to call that
13 number that you have after six o'clock tonight, any time all
14 evening long, and get your recording instructions for
15 tomorrow. There will be two messages on there, one for jury
16 panel number one and one for jury panel number two, and you
17 will be jury panel number two.

18 There is probably a good chance that you won't be
19 brought back tomorrow, but I just don't know that at this
20 time. So, I am going to ask you to call that number that
21 you have. And, if you don't have that number the bailiff
22 will give it to you.

23 I will also tell you that now that you have been
24 selected as the jury in this case it would be improper for
25 you to discuss the case with anyone. Now I know that you

THE STATE V RONALD F. CAMERON

19

1 don't know anything about it except what I told you the
2 allegations of the Indictment are, but nevertheless it would
3 be improper for you to discuss it with your family, your
4 friends, or anyone else. You have got to, make your
5 decision based upon what you hear in the courtroom, and not
6 on what anyone else may have said. It is also improper for
7 anyone to talk to you about the case. If anyone should try
8 to approach you or try to talk to you about the case get
9 their name and their description and report it to the
10 bailiffs and they will report it to me, I will deal with
11 them.

12 Do not read any news reports, listen to any news
13 reporters, listen to any channel news or any radio
14 broadcasts. If you hear any news stories or hear anything
15 about this case put that paper down, or turn that tv set
16 off, because again you have to decide this case based upon
17 what you hear in this courtroom, and not on the basis of
18 anything else. So, do not do any research of the law or of
19 the facts. Do not look anything up on the internet or do
20 not try to find out anything about this case on your own.
21 Individual research would be improper.

22 Later on in this case I will name upon the twelve of
23 you the principal jury a foreperson of the jury. When I do
24 that the foreperson should sit there in that front seat
25 there on the front row. The alternate will always seat in

1 the seat where she is seated on the second row. The rests
2 of the seats of the jury box are not reserved. It does not
3 matter in what from you come and go from the courtroom. I
4 will just simply ask that you go all the way down so we
5 don't have a situation where you are crawling over one
6 another. The foreperson, I will either name that foreperson
7 or allow you to appoint that person, and seated on that
8 side.

9 Now I am going to ask the bailiffs when you are excused
10 to show you where the jury room is, assuming we don't have a
11 jury in there that is where you will report to, but you will
12 be given that information when you are to report back. But
13 do not come back to the courtroom. You will come back ---
14 make sure you come back in the back, back here. But, you
15 are jury panel number two. And if you would call that
16 number after six o'clock tonight, and listen to the
17 instructions for tomorrow.

18 But you are through for the rest of the day. Have a
19 pleasant afternoon. I may or may not see you tomorrow.

20 (Whereupon, the jury is excused at 12:30 p.m. on
21 Monday, September 21, 2009.)

22 **THE COURT:** All right, Ms. Baugh is there anything
23 --- First all. Ms. McKenzie is there anything else you can
24 think of on this case before we recess this matter?

25 **MS. MCKENZIE:** No, Your Honor.

THE STATE V RONALD F. CAMERON

21

1 **THE COURT:** Do you have anything, Ms. Little?

2 **MS. LITTLE:** No, sir.

3 **THE COURT:** All right. Are there any motions or
4 anything that need to be addressed this afternoon?

5 **MS. MCKENZIE:** No, Your Honor.

6 **THE COURT:** Okay. We will be in recess until we see
7 what happens with regards to the other case, as far as this
8 matter is concerned.

9 All right. We will be in recess until 2:00.

10 **-- END OF REQUESTED TRANSCRIPT --**

11 (Whereupon, this hearing was concluded at 12:32 p.m. on
12 Monday, September 21, 2009.)

CERTIFICATE OF REPORTER

22

I, the undersigned, Pamela Ozment-Cartee, official Court Reporter for the Fourth Judicial Circuit of the State of South Carolina, do hereby certify, that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions, Darlington County, South Carolina, on the 21st day of September 2009.

I do further certify that am neither, of kin, counsel, nor interest to any party hereto.

November 25, 2009



Pamela Ozment-Cartee
Circuit Court Reporter

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSION
COUNTY OF DARLINGTON	)	2008-GS-16-1314
	)	2008-GS-16-1315

State of South Carolina	)	
PLAINTIFF	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
Ronald F. Cameron	)	
DEFENDANT	)	

September 23, 2009
Darlington, South Carolina

B E F O R E:

THE HONORABLE HOWARD P. KING, JUDGE, AND A JURY.

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

PATRICIA MCKENZIE, ASSISTANT SOLICITOR
Attorney for the State

JOHN HOLT, ASSISTANT SOLICITOR
Attorney for the State

TONYA LITTLE, PUBLIC DEFENDER
Attorney for the Defendant

ANGELA COX,
LARRY GAINES,

DAÇIA GAINNEY,
MAUREEN VALAZACK, DARL. CTY POLICE DEPARTMENT
DANNY WATSON, DARL. CTY POLICE DEPARTMENT
MICHAEL AUGUST, DARL. CTY POLICE DEPARTMENT
KAWAN MARTIN, DARL. CTY POLICE DEPARTMENT
LILLY GALLMAN, S.C. LAW ENFORCEMENT DIVISION
JONNA CARTER, DARL. CTY CLERK'S OFFICE

HATTIE O. GORDON
Circuit Court Reporter

I N D E X

1		
2	Colloquy	9
3	Opening Statement by Ms. McKenzie	21
4	Opening Statement by Ms. Little	27
5	ANGELA COX	
6	Direct By Ms. McKenzie	28
7	Cross By Ms. Little	34
8	Redirect Ms. McKenzie	35
9	MAUREEN VALAZACK	
10	Direct By Mr. Holt	36
11	LARRY GAINEY	
12	Direct By Ms. McKenzie	41
13	Cross By Ms. Little	53
14	DACIA GAINEY	
15	Direct By Ms. McKenzie	60
16	Cross By Ms. Little	66
17	Colloquy	66
18	DANNY WATSON	
19	Direct By Ms. McKenzie	68
20	Cross By Ms. Little	94
21	MICHAEL AUGUST	
22	Direct By Ms. McKenzie	99
23	KAWAN MARTIN	
24	Direct By Ms. McKenzie	107
25	Colloquy	109

1	LILLY GALLMAN	
2	Direct By Ms. Little	116
3	Cross By Ms. Little	130
4	JONNA CARTER	
5	Direct By Mr. Holt	131
6	Colloquy	133
7	RONALD CAMERON	
8	Direct By Ms. Little	148
9	Cross By Ms. McKenzie	156
10	Colloquy	160
11	Closing Statement by Ms. Little	163
12	Closing Statement by Ms. McKenzie	166
13	Charge of the Court	174
14	Verdict of the Jury	192
15	Colloquy	193
16	Sentence of the Court	197
17	Certificate of Reporter	204
18		
19		
20		
21		
22		
23		
24		
25		

STATE'S EXHIBITS				
	<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
1				
2				
3	1	Written Statement	9	10
4	2	Pawn Shop Ticket	9	10
5	3	Photo	9	10
6	4	Photo	9	10
7	5	Photo	9	10
8	6	Photo	9	10
9	7	Photo	9	10
10	8	Photo	9	10
11	9	Photo	9	10
12	10	Photo	9	10
13	11	Photo	9	10
14	12	Photo	9	10
15	13	Photo	9	10
16	14	Photo	9	10
17	15	Photo	9	
18	16	Photo	9	10
19	17	Photo	9	
20	18	Photo	9	
21	19	Photo	9	10
22	20	Photo	9	
23	21	Photo	9	10
24	22	Photo	9	10
25	23	Photo	9	10

1	24	Photo	9	10
2	25	Photo	9	10
3	26	Photo	9	10
4	27	Photo	9	10
5	28	Photo	9	10
6	29	Photo	9	10
7	30	Photo	9	10
8	31	Photo	9	10
9	32	Photo	9	10
10	33	Photo	9	10
11	34	Photo	9	10
12	35	Photo	9	10
13	36	Photo	9	
14	37	Photo	9	
15	38	Photo	9	91
16	39	Photo	9	10
17	40	Photo	9	10
18	41	Photo	9	10
19	42	Photo	9	
20	43	Blood Swabs	67	
21	44	Buccal Swabs	67	
22	45	DNA Identifier Blowup	115	125
23	46	DNA Analysis Report Blowup	115	125
24	47	Sentence Sheet from 1990	115	
25	48	Sentence Sheet from 1999	115	

1 49 DNA Analysis Report

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

115

1 (WHEREUPON, State's Exhibit Nos. 1 THROUGH 42 were
2 marked for identification only.)

3 COLLOQUY

4 THE COURT: All right. Back on the record with
5 regard to the Matter of the State v. Ronald Francis
6 Cameron. Mr. Cameron is present with his counsel,
7 Miss Little. The State is present and represented by
8 Ms. McKenzie and Mr. Holt. I've been informed that the --
9 all the jurors are here and there may be a few pretrial
10 matters that we need to take up. I've asked the lawyers
11 to mark the exhibits that they can agree on and go ahead
12 and have those admitted into evidence. Miss Little -- I
13 mean Miss McKenzie, which exhibits have you agreed on and
14 which are in evidence?

15 MS. MCKENZIE: Your Honor, we have agreed, and will
16 ask that these exhibits be moved in evidence. At this
17 time we would ask that State's Exhibit Number One, State's
18 Exhibit Number Two, State's Exhibit Number Three, Four,
19 Five, Six, Seven, Eight, Nine, Ten, 11, 12, 13, 14, 16,
20 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33,
21 34, 35, 39, 41, and 40.

22 THE COURT: All right. These exhibits then are
23 admitted into evidence by agreement. Is that right,
24 Ms. Little?

25 MS. LITTLE: Yes, Your Honor.

1 THE COURT: All right. And further authentication
2 would not be necessary and they can be referred to
3 throughout the trial of this case without further proof of
4 authenticity.

5 (WHEREUPON, State's Exhibit Nos. 1 through 14, 16,
6 19, 20 through 35, 39, 40 and 41 were admitted into
7 evidence.

8 THE COURT: Are there some exhibits that the State
9 will likely offer that have not been agreed to?

10 MS. MCKENZIE: Yes, Your Honor.

11 THE COURT: All right. What are these numbers.

12 MS. MCKENZIE: Those numbers are 37, 38, 42 and 36.

13 THE COURT: All right. If you would have the court
14 reporter put an I.D. marker on each one of those to
15 distinguish those from those that been admitted in
16 evidence.

17 COURT REPORTER: They're already marked.

18 THE COURT: And what I would ask, Ms. McKenzie, is
19 that the time that you plan to offer those advise me so
20 that I can take care of it before the jury either -- we'll
21 either do it at the bench or I'll send the jury out, but
22 just so you have a matter in evidence that you wish to
23 take up with the Court. And I'll have you come up. We'll
24 take care of it that way.

25 MS. MCKENZIE: Okay.

1 THE COURT: All right.

2 MS. McKENZIE: All right. Thank you, Your Honor.

3 THE COURT: All right. Are there any other -- are
4 there any pretrial motions on behalf of the State, Ms.
5 McKenzie?

6 MS. McKENZIE: None, Your Honor.

7 THE COURT: On behalf of the Defense, Ms. Little?

8 MS. LITTLE: Your Honor, Defense moves to have the
9 witnesses sequestered during the trial.

10 MS. McKENZIE: Your Honor ---

11 THE COURT: All right. Of course, the State has the
12 right to -- you wish to be heard on that matter,
13 Ms. McKenzie.

14 MS. McKENZIE: Your Honor, we would ask that you make
15 a showing of prejudice or how she would -- the Defendant
16 would be prejudiced if they were not sequestered.

17 THE COURT: All right. Tell me why you think it is
18 necessary for them to be sequestered, Ms. Little.

19 MS. LITTLE: Well, Your Honor, some of the witness'
20 statements that I -- they intend to offer, the witnesses
21 are related. There maybe some chance that they discuss
22 their testimony ahead of time. And we just don't want
23 anybody up there mirroring the testimony of another.

24 THE COURT: Well, my general -- I'll hear from you,
25 Ms. McKenzie.

1 MS. McKENZIE: Your Honor, two of the witnesses,
2 Dacia Gainey and Larry Gainey, are related by marriage.
3 They're -- that's her brother in law. They're related by
4 marriage.

5 THE COURT: Well, it's my policy to sequester
6 witnesses when requested to do so by one side or the
7 other. In fact the new rules of criminal procedure which
8 will probably be in effect next year, hopefully or be
9 completed and finished by then, as a result of a task
10 force which I chair will provide in the rules that there
11 be automatic sequestration without the necessity of
12 showing a need.

13 And I generally do sequester the witnesses except for
14 the primary case officer, who I think the State is
15 permitted to keep in the courtroom and the victim or
16 victim's of the crime. Other than that I would require
17 the remaining witnesses be sequestered.

18 MS. McKENZIE: Thank you, Your Honor.

19 MS. LITTLE: Thank you, Your Honor.

20 THE COURT: All right. Ms. McKenzie, who is your
21 primary case officer that you're keeping in the courtroom?

22 MS. McKENZIE: Captain Danny Watson.

23 THE COURT: All right. The victims are?

24 MS. McKENZIE: Angela Cox and Jay Cox. I don't
25 intend on calling Mr. Jay Cox. I'm calling his wife.

1 THE COURT: Okay, well, I mean I know they're both
2 entitled to that. I think that there can be more than one
3 victim and I think you're entitle to keep the victims in
4 the courtroom.

5 MS. McKENZIE: Thank you.

6 THE COURT: All right. Anything else,
7 Ms. McKenzie -- I mean, Ms. Little?

8 MS. LITTLE: No, Your Honor.

9 THE COURT: All right. Anything before we bring the
10 jury in and have the jury sworn? On behalf of the State,
11 anything before the jury the brought in?

12 MS. McKENZIE: No, Your Honor.

13 THE COURT: Anything before the jury is brought in?

14 MS. LITTLE: No, sir.

15 THE COURT: All right. Bring the jury in, please.

16 (WHEREUPON, the jury panel enters the courtroom at
17 9:46 a.m.)

18 THE COURT: All right. Good morning, ladies and
19 gentlemen of the jury, and thank you for your promptness
20 in being back here. We are now ready to begin the case of
21 the State v. Cameron which is the jury that you were drawn
22 on Monday. Mr. Clerk, you may swear the jury.

23 (WHEREUPON, the jury panel was sworn in at
24 9:47 a.m.)

25 THE COURT: Thank you. All right, ladies and

1 gentlemen of the jury, before we begin the actual trial of
2 this case I thought it might be helpful if I explain to
3 you basically how a trial proceeds. I know all of you
4 have seen trials on television, but I think you will find
5 that it is a great deal of difference in real life.

6 First of all, the State will make an opening
7 statement. An opening statement is not evidence. It is
8 simply and outline to help you understand what the State
9 expects the evidence will show. The Defendant may, if he
10 wishes to, present an opening statement, but through his
11 counsel he doesn't have to for reasons that I will explain
12 to you later.

13 Following the opening statements you will hear the
14 testimony and the evidence in this case. This will
15 consist of testimony from the State's witnesses as well as
16 any physical exhibits which may be introduced into
17 evidence. And I will tell you that I know that there are
18 going to be some physical exhibits introduced into this
19 case.

20 And the lawyers may ask for permission to publish
21 those exhibits while you are here in the courtroom.
22 That's simply means that the lawyers are asking permission
23 of the Court to show you, the jury, these exhibits and I
24 will generally grant that request. And they will be
25 allowed to publish or to pass those exhibits around to you

1 while you're sitting in the jury box.

2 Do not be concerned if you do not have as long to
3 like at an exhibit while it is being passed around in the
4 jury box as you might like to. Anything that is admitted
5 into evidence will go with you to the jury room when you
6 retire to deliberate your verdict in this case. And you
7 will have ample opportunity to study it for as long as you
8 would like.

9 Following the completion of the testimony the
10 attorneys will again have an opportunity to make what's
11 called a closing statement or summation to you. This is
12 an opportunity for the attorneys to summarize the case
13 from their respective points of view. Again, these
14 arguments are not evidence.

15 Following the closing statements by the attorneys I
16 will instruct you on the law of South Carolina as it
17 pertains to the issues that have arisen in this case. And
18 when I have completed my instructions to you you will be
19 permitted to begin your deliberations in order to reach a
20 verdict.

21 Now, ladies and gentlemen, you're now the jury in
22 this case, and I want to take just a few minutes to tell
23 you something about your duty as jurors and to give you
24 some preliminary instructions. At the end of this case I
25 will give you more detailed instructions and those will

1 control your deliberations. It will be your duty to
2 decide from the evidence what the facts are. You and you
3 alone are the judges of the facts.

4 You will hear the evidence and decide what the facts
5 are and then apply those facts to the law that the Court
6 will give to you. That's how you reach a verdict. And in
7 doing so you must follow in law whether you agree it or
8 not. The evidence will consist of testimony of witnesses,
9 documents and other things receive into evidence as
10 exhibits and any facts which I may instruct you to accept.

11 Now, you should not take anything that I may say or
12 do during this trial as indicating what I think of the
13 evidence or what your verdict should be. The same law
14 that makes you the judge of facts makes me the judge of
15 the law. You must take the law as I give it to you
16 regardless of what you think the law is or ought to be.

17 If I'm wrong on the law there is another time and
18 place for that error to be corrected, but for this case
19 you must accept the law as I instruct it to you. Now,
20 this is a criminal case brought by the State of South
21 Carolina. The State charges the Defendant, Ronald Francis
22 Cameron, with two offenses: Burglary in the first degree
23 and grand larceny.

24 The charges against the Defendant are contained in
25 the indictments which I hold in my hand. The indictments

1 are not evidence of anything. They are simply the
2 description of the charges made by the State against the
3 Defendant. The Defendant has pled not guilty to these
4 charges and is presumed innocent unless and until proven
5 guilty beyond a reasonable doubt.

6 A reasonable doubt is a kind of doubt that would
7 cause a reasonable person to hesitate to act. A Defendant
8 has the right not to testify and never had to prove
9 innocence or present any evidence. The burden of proof is
10 always on the State of South Carolina.

11 Now, there are certain things that are not evidence,
12 and you must not consider them as evidence in deciding the
13 facts of this case. Statements and arguments of the
14 attorneys are not evidence. Questions and objections of
15 the attorneys are not evidence, and testimony that I
16 instruct you to disregard is not evidence.

17 Evidence maybe direct or circumstantial. Direct
18 evidence is testimony by a witness about what that witness
19 personally saw or heard or did. Substantial evidence is
20 indirect evidence. The law permits you to give equal
21 weight to both, but it is for you to decide how much
22 weight to give to any of the evidence. There are rules of
23 evidence which control what can be received in Court.

24 When the lawyer asks a question or offers an exhibit
25 into evidence and a lawyer on the other side thinks it's

1 not permitted by the rules that lawyer may object. If I
2 overrule the objection the question may be answered or the
3 exhibit may be received. If I sustain the objection the
4 question cannot be answered and the exhibit cannot be
5 received.

6 Whenever I sustain an objection to a question or deny
7 a motion to admit an exhibit into evidence you must ignore
8 the question or the existence of the exhibit and must not
9 guess what the answer would have been or what the exhibit
10 would have shown. Sometimes it may be necessary for me to
11 request that you leave the courtroom while I discuss with
12 the attorneys legal questions that come up during the
13 trial.

14 If this occurs you should not speculate about our
15 discussions or the reasons that you were asked to leave
16 the room. This is simply a procedure that the law
17 requires when certain legal issues arise. There may
18 also -- there also may be occasions when I ask the
19 attorneys to approach the bench so that I can discuss a
20 legal question with them in private.

21 I will do this as often as possible so that it will
22 not be necessary for you to leave the room more than is
23 absolutely necessary. Again, if I ask the attorneys to
24 step up to the bench or if I ask you to leave the
25 courtroom please don't think that anybody is trying to

1 hide anything from you or keep any evidence from you.
2 This is simply a procedure that all lawyers -- used by all
3 lawyers and all courts to determine and decide legal
4 questions. Now, in deciding the facts of this case you may
5 have to decide which witnesses to believe and which
6 witnesses not to believe.

7 You may believe everything a witness says or only
8 part of it or none of it. And in deciding what to believe
9 you may consider a number of factors including the
10 witness' ability to see or hear or know the things the
11 witness testified to. The quality of the witness' memory,
12 the witness' manner or demeanor while testifying. Whether
13 the witness has an interest in the outcome of the case or
14 motive, bias, prejudice.

15 Whether the witness was contradicted by anything the
16 witness said or wrote before the trial or by any other
17 evidence. And how reasonable was the witness' testimony
18 when considered in the light of other evidence which you
19 do believe. Now, just a few words to you about your
20 conduct as jurors.

21 First of all do not talk to each other about this
22 case until the end of the case when you go to your jury
23 room and to deliberate your verdict. You will be
24 instructed when to begin your deliberations by me. Do not
25 talk with anyone else about the case until the trial is

1 ended following your verdict and you have been excused as
2 jurors. This means that if we take a recess, and we
3 obviously will for lunch or other things, that you may see
4 members of your family or your friends or anyone else,
5 don't discuss the case with them.

6 You may tell them that you are a juror but don't tell
7 them anything about the case until you have been
8 discharged by me as a juror. The reasons for this are
9 pretty apparent. You've got to decide this case based
10 upon the evidence that you hear in this courtroom not on
11 the basis of what anyone might say.

12 Do not let anyone talk to you about the case. Anyone
13 should approach you or try to talk to you about the case
14 get their name or their description and report it to me
15 immediately. Do not read any news stories or articles or
16 listen to any television or radio reports about the case.

17 And as I have said you are not to consider as
18 evidence anything that you may see or hear when Court is
19 not in session. And you should not do any research such
20 as consulting dictionaries or other reference materials.
21 You should not do anything on the internet, either
22 Facebook or Twitter, or anything else with regard to this
23 matter, whatsoever, or do any research on the computer
24 because you've got to decide this case based upon what
25 this Court tells you to do and not on the basis of what

1 you might be able to find out through personal research
2 or investigation.

3 As I said do not do any investigation about this
4 matter on your own. And, finally, do not make up your
5 mind as to what your verdict should be until you have
6 heard all of the evidence in this case and the
7 instructions on the law, the arguments of counsel and the
8 instructions on the law by the Court.

9 You will be told when to begin your deliberations by
10 either me or the bailiff after we have finished all of
11 those matters. Are there any objections or exceptions to
12 my initial instructions to the jury, Ms. McKenzie?

13 MS. MCKENZIE: No, Your Honor.

14 THE COURT: Ms. Little?

15 MS. LITTLE: No, sir.

16 THE COURT: All right. The first matter that we do
17 in any trial, of course, is the matter of opening
18 statements, and for that purpose I will recognize the
19 Assistant Solicitor, Ms. McKenzie.

20 MS. MCKENZIE: Thank you, Your Honor. May it please
21 the Court.

22 THE COURT: Yes, ma'am.

23 OPENING STATEMENT BY MS. MCKENZIE

24 MS. MCKENZIE: Ladies and gentlemen of the jury, my
25 name is Patty McKenzie. I work here for the Darlington

1 County Solicitor's Office. I work for our elected
2 Solicitor, Will Rogers. He's the Solicitor in Darlington
3 County, Marlboro County, Dillon County, and Chesterfield
4 County. I work for our Deputy Solicitor placed here in
5 Darlington County along with John Holt who is also the
6 Assistant Solicitor, and he's going to assist me with this
7 case and another Deputy Solicitor, Kernard Redmond, he's
8 going to be sitting with us. May or may not actually be
9 doing anything in the trial of this case.

10 Ladies and gentlemen, we are here this morning for a
11 very important matter, and I will first of all like to
12 thank you for your service and thank you for your attention
13 in advance because this is because of you that we can
14 gather here today. And you play the most important role
15 in this courtroom here today. We will put up testimony
16 and we will put up evidence, and as the Judge has already
17 said, and as he will charge you at the conclusion of this
18 trial, you are the fact finders.

19 What that means is that it is up to you to decide
20 what happened, and we're going to talk about what happened
21 on April 25th 2008. And the Defendant, Ronnie Cameron,
22 sits over there. What the State intends to show is that
23 on April 25th 2008 Ronnie Cameron broke the law and he
24 committed the offense of burglary in the first degree here
25 in Darlington County.

1 You will hear from Angela Cox, who is the victim on
2 this case along with her husband. They lived off of
3 [REDACTED] here in the City of Darlington. Angela
4 works, has a husband, has two children that were living
5 with her in the house at the time. And she gets up on the
6 morning of April 25th just like any other ordinary morning
7 and gets ready to go to work. Angela works for one of our
8 public schools here in Darlington County.

9 And she got up and did her normal routine that
10 morning and got ready and went to work. And everyone had
11 left the house by 8:30. House was locked up and secured
12 as usual and everybody went off to work and about their
13 normal day. Now, this particular day Angela was going to
14 work. She had a doctor's appointment latter on, earlier
15 in the afternoon, so around midday, around lunchtime,
16 approximately noon, she was coming back through Darlington
17 on her way to Florence and thought she'd stop by the house
18 to use the bathroom.

19 She goes by her home and stops and at first don't
20 notice what's out of the ordinary. She gets out of her
21 car and approaches her home, and at that time notices that
22 the door to her -- the side door which is the door to the
23 kitchen, the glass is broken. And immediately she doesn't
24 know what's going on. She still doesn't know what's going
25 on and what happened. She sees that door has been opened.

1 It's no longer locked. She goes inside. There is glass
2 on the kitchen floor.

3 And at first Angela still doesn't know exactly what's
4 happened. It hasn't quite registered yet. She goes
5 through her home and sees that things have been rummaged
6 through, drawers opened, drawers dumped out, children's
7 bedroom, night stands, things of that nature has been gone
8 through in the house and she sees evidence of that. And
9 she panicks and she calls the police department here in
10 the City of Darlington and they come out to the house.

11 Now, we're going to talk in this trial about some of
12 the things that were taken, and all of us have property
13 and things in our homes. Some stuff can't be replaced.
14 You locks of hair from your children; that first lock of
15 hair that was cut or a tooth -- teeth and things like that
16 that mothers often keep from their children.

17 Jewelry and some things -- that mother's ring that
18 can't be replaced. One particular item that Ronnie
19 Cameron did take went he went in that house that day was a
20 class ring. Belonged to her son who is in high school.
21 Had his name, Jordan, written across the front of it.
22 It's gold with red stones, and you will hear some
23 testimony about the ring. That was one of the items that
24 was taken that day. And after the police were called and
25 came out they noticed that whoever it was at the time,

1 they didn't know who had broken in the house, but when
2 entry was made through the glass there was a cut made and
3 whoever the suspect was bled inside the house.

4 You will hear testimony about the blood. It was in
5 the kitchen. Blood was on the floor, drops of blood.
6 Even blood that was starting to run down the wall, and
7 blood into the interior of the home. Law enforcement was
8 able to collect blood, and that blood was sent off. It
9 was analyzed, and you will hear testimony about how that
10 blood matches the D.N.A. of the Defendant, Ronnie Cameron.

11 You will also hear testimony from some witnesses that
12 are involved in this case that saw Ronnie Cameron that day
13 with the ring that I described to your a few moments ago,
14 gold ring, red stone, Jordan written across the front.
15 Two different individuals that saw him with the ring; that
16 saw that he had the ring. He presented the ring to one
17 individual, a Larry Gainey, that wanted to sell the ring.

18 Larry Gainey purchased the ring off of him for a very
19 small amount and went and pawned it, and it was and you
20 will hear testimony from law enforcement, also from Larry
21 Gainey, that that ring was recovered from the pawn shop
22 here in Darlington, was recognized by the victims as the
23 ring that belonged to their son and that it was from her
24 house. So you will also hear about the eye witnesses that
25 saw Ronnie Cameron with some of the property.

1 We would just like to go ahead and thank you for your
2 attention through this trial. We believe that although
3 you're going to hear from some witnesses today I'd like to
4 go ahead and let you know that as a prosecutor and as part
5 of doing my job I don't always pick my witnesses. I don't
6 always get to cherry pick and hand select who I want to
7 bring in front of you.

8 Sometimes people play a role in a story or in an
9 event and I can't choose who those people are. And some
10 of those people are going to come before you, and they're
11 not necessarily upstanding citizens who have never had any
12 type of record or troubles with the law. And that's just
13 the truth. We're going to be honest with you about that
14 here today.

15 So if, you know, some of my witnesses have been in
16 trouble before. They're going to be here today to tell
17 you that they saw Ronnie Cameron with the ring and that he
18 had it in his possession on that day, on April 25th, and
19 we just ask that you keep an open mind and listen to their
20 testimony throughout the course of this trial.

21 I'd like to thank you for your attention. I believe
22 that at that conclusion of this trial, after you have
23 heard about the evidence from the witnesses who saw Ronnie
24 Cameron with the property that was taken from the home,
25 and then after you hear from our D.N.A. expert who is

1 going to say that the blood that was inside the house
2 belonged to and was that of the Defendant, Ronnie Cameron,
3 you will be convinced beyond a reasonable doubt that he is
4 guilty of burglary in the first degree and also of petit
5 larceny which mean larceny that was less -- of things that
6 are less than \$1,000 in value. And I thank you for your
7 attention.

8 THE COURT: Ms. Little, does the Defendant care to
9 make an opening statement?

10 MS. LITTLE: Yes, sir, Your Honor.

11 THE COURT: You may do so.

12 MS. LITTLE: May it please the Court.

13 THE COURT: Yes, ma'am.

14 OPENING STATEMENT BY MS. LITTLE

15 MS. LITTLE: Madam Solicitor, ladies and gentlemen of
16 the jury, good morning. As the Judge has told you the
17 defense does not any burden of proof here today.

18 Ms. McKenzie has given you what her idea of what the State
19 is going to prove today, and I just want to ask you all --
20 well, first thing, I want to thank you for being here
21 today as Ms. McKenzie did. It is a privilege for me to
22 work in the criminal justice system. I'm a public
23 defender. I've also been a Solicitor.

24 My client, Mr. Ronnie Cameron, is here before you
25 today innocent. No testimony has been taken in this case

1 so far, and you have not been presented with any evidence.
2 As the Judge told you what Ms. McKenzie says is not
3 evidence. And I'm just going to ask y'all today to
4 remember the burden of proof is on the State to prove my
5 client, Ronnie Cameron, guilty beyond a reasonable doubt,
6 and that has to be unanimous.

7 Any benefit, any doubt that you have should go to
8 benefit my client, and we believe at the end of this case
9 you will find him not guilty. Thank you.

10 THE COURT: All right. Ms. McKenzie, you may call
11 your first witness.

12 MS. McKENZIE: Thank you, Your Honor. At this time
13 the State calls Ms. Angela Cox.

14 ANGELA COX, after being duly sworn, testified as
15 follows:

16 DIRECT EXAMINATION

17 BY MS. McKENZIE:

18 Q. Good morning. How are you, Ms. Cox?

19 A. Fine. Thank you.

20 Q. Will you please state your full name so that we will
21 have that for the record.

22 A. My name is Angela Gilbert Cox.

23 Q. And so that everything has to be taken down in here
24 this morning I may need you to speak up a little bit?

25 THE COURT: Slide the chair.

1 BY MS. McKENZIE:

2 Q. Move the microphone.

3 A. Sorry. My name is Angela Gilbert Cox.

4 Q. Thank you. And where do you live?

5 A. We live [REDACTED] in Darlington.

6 Q. Okay, is that here in the city of Darlington?

7 A. Yes.

8 Q. And in the County of Darlington?

9 A. Yes, ma'am.

10 Q. Were you living there in April of 2008?

11 A. We were.

12 Q. Who lives there with you in that residence?

13 A. My husband and two children.

14 Q. And were all those individuals -- well all of y'all

15 living together in the residence in April of 2008?

16 A. Yes, ma'am.

17 Q. Now, where do you work, Ms. Cox?

18 A. I work in the guidance department in Hartsville High

19 School in Hartsville, South Carolina.

20 Q. How long have you been employed there?

21 A. I've been at Hartsville High for three years. I've

22 been at the school district for five.

23 Q. Now, I want us to go back and talk about the date of

24 April 25th of 2008. Do you recall that day?

25 A. Yes, ma'am.

1 Q. And I want you to tell the Court about your normal
2 morning routine and about the things you did that morning
3 before you left home?

4 A. Well, of course, got up and I leave the house around
5 7:00 o'clock to be at my job at 7:30. The children and my
6 husband leave after I do. That particular day I had an
7 appointment and I left school, took a half a day, and left
8 school. Wanted to stop by the house and take care of some
9 business, grab a sandwich.

10 Q. Okay. Now, before we get back to when you went back
11 to the house what time would you say your husband and
12 children -- what's their usual time to get out of the
13 house to get to their job and get to school?

14 A. Between 7:45 and 8:15, 8:30.

15 Q. So no one would have been at the house? Any of your
16 family after 8:30?

17 A. Oh, no, ma'am.

18 Q. I didn't mean to interrupt you though. I wanted to
19 ask you that question. Now, continue talking about what
20 you were just saying when you stopped back by the house?

21 A. I pulled up to the driveway and got a glance of the
22 door. It looked like it was open, and when I pulled
23 around the back of the house onto the carport I went into
24 our side door that we always use. When I walked towards
25 the kitchen I noticed there was glass on the floor. And I

1 didn't -- I didn't even that that it was from the door at
2 that time. I was looking around to see if one of the kids
3 had knocked over a glass or something. And then I noticed
4 some droppings on the floor and on the refrigerator.

5 Q. Droppings of what? You described what looks like ---

6 A. Droppings of blood.

7 Q. Okay.

8 A. And so I looked back at the door and realized that
9 the glass had been broken. So I started back towards the
10 back of the house. Still didn't register that someone had
11 broken in and I go past our youngest son's room and all
12 the drawers from his bed and his nightstand were open soy.
13 So I kept on going back past Jake's room. It was -- all
14 the drawers and his nightstand was open.

15 And I got to our room and I noticed our nightstands
16 were open. And then it hit me that someone had just
17 broken into our house. I ran back to the kitchen, got the
18 phone and called the police department.

19 Q. Okay. Now, and what time would you say all this
20 occurred when you went back to the house to stop by before
21 your appointment? About what time was that?

22 A. It was about 11:45, 11:50.

23 Q. And in addition to the things that you just mentioned
24 did you have a chance to survey what was missing from your
25 house?

1 A. Not at that time. When the police arrived I just
2 stayed out of the way while they did their investigation
3 and everything. And they asked me if I noticed if
4 anything was missing, and I really didn't have a chance to
5 look because I didn't go back in the house until they
6 arrived.

7 Q. Now, eventually what were some items that were
8 missing from the house? I know that initially you were
9 upset and may not have had time, but what items did you
10 determining were missing from your home?

11 A. Well, we determined our son's high school ring, a jar
12 of change on one of our other son's bedroom and my jewelry
13 box that I had in our nightstand.

14 Q. Okay, what were some of the things that were in that
15 jewelry box?

16 A. I had -- my mother's ring was in there. I had a
17 diamond ring in there. My gold charm bracelet, two
18 strands of pearl. Well, they were given to me by my
19 mother. One was her mother's and one was hers. A
20 bracelet that my mom and dad had made. Had taken a
21 necklace and had two bracelets make. One for me and one
22 for my sister. And then Jake and Jordan's first baby
23 tooth and their first locks of hair from their first hair
24 cut.

25 Q. Could you put money value on those items if you had

1 to?

2 A. I don't know how. I know close to \$1,000 because I
3 know how long we had the charm bracelet and added charms
4 as we went on vacations and things.

5 Q. Okay, I'm going to show some pictures.

6 MS. MCKENZIE: Your Honor, may I have permission to
7 approach the witness?

8 THE COURT: Yes, ma'am.

9 BY MS. MCKENZIE:

10 Q. Okay, Angela, I'm going to show you what's already
11 been marked as State's Exhibit Number Five. Can you tell
12 us what that picture is?

13 A. That's our house going up the driveway. That's the
14 side of the kitchen.

15 Q. And State's Exhibit Number Six? This already in
16 evidence?

17 A. That's the kitchen door. Yes, ma'am. The glass is
18 broken.

19 Q. I'm going to show you some additional pictures. They
20 That are State's Exhibits 25, 26, 27, 28 and 29, and will
21 you look at those briefly and just tell the jury what
22 those pictures are showing?

23 A. This is our son, Jake's, bedroom where it's showing
24 his nightstand. His nightstand.

25 THE COURT: Please, look at the back and give the

1 number as to what you're referring to.

2 THE WITNESS: Twenty-five.

3 MS. LITTLE: I'll hand those to her one at a time,
4 Your Honor. I'll hand them to you. I'm handing you
5 State's Exhibit 26.

6 A. This is Jake's bedroom also.

7 Q. Number 27?

8 A. This is Jake's bedroom.

9 Q. Twenty-eight?

10 A. This is Jordan's bedroom.

11 Q. Twenty-nine?

12 A. And this is Jordan's bedroom.

13 Q. Okay. Ms. Cox, could you tell us -- tell the Court
14 what emotions you had that day when you came home and saw
15 your home had been broken into?

16 A. I was scared. I couldn't believe it, and I just
17 couldn't believe that someone had gone through our things
18 and that some of the things that are lost, why would
19 somebody need those things. Why those things that I can't
20 replace and just -- it just really hurt. It really hurt.

21 Q. Ms. Cox, please answer any questions that Ms. Little
22 may have at this time.

23 THE COURT: Cross examination, Ms. Little.

24 CROSS-EXAMINATION

25 BY MS. LITTLE:

1 Q. Ms. Cox, you never saw anyone in your house that day?

2 A. No, ma'am.

3 Q. You weren't there when your home was broken into?

4 A. No, ma'am.

5 MS. LITTLE: No further questions.

6 THE COURT: Redirect?

7 REDIRECT EXAMINATION

8 MS. McKENZIE: May I Beg the Court's indulgence just
9 one minute. Your Honor may I approach to witness?

10 THE COURT: Yes.

11 BY MS. McKENZIE:

12 Q. Mrs. Cox, is this -- will you look at State's Exhibit
13 30?

14 A. That is Jordan's high school ring.

15 THE COURT: Sorry, I didn't understand.

16 THE WITNESS: That's our son, Jordan's, high school
17 ring.

18 THE COURT: Okay.

19 THE WITNESS: Thank you.

20 THE COURT: Anything further, Ms. Little?

21 MS. LITTLE: No, Your Honor.

22 THE COURT: All right. Thank you, ma'am. You may
23 step down. All right, Ms. McKenzie, you may call your
24 next witness. Mr. Holt.

25 MR. HOLT: Thank you, Your Honor. The State would

1 like to call Investigator Valazack.

2 THE COURT: Okay.

3 MAUREEN VALAZACK, after being duly sworn,
4 testified as follows:

5 MR. HOLT: May it please the Court, Your Honor.

6 THE COURT: Yes, sir.

7 DIRECT EXAMINATION

8 BY MR. HOLT:

9 Q. Investigator Valazack, could you tell the jury your
10 whole name and what you do for a living?

11 A. Yes, my name is Maureen Valazack. I am an
12 investigator for the Darlington City Police Department.

13 Q. And how long have you been employed there?

14 A. A little over eight years.

15 Q. And in what capacity are you employed there today?

16 A. Today I'm an investigator.

17 Q. And on the date in question, March 25th 2008 in what
18 capacity were you employed then?

19 A. I was a corporal on patrol.

20 Q. Okay, so at this time you had how many years
21 experience?

22 A. This is in '08, six.

23 Q. Six years?

24 A. No, seven. I'm sorry.

25 Q. Okay, and can you tell the jury for the day in

1 question what time you arrived at [REDACTED] or how
2 were you alerted to arrive at [REDACTED]?

3 A. I was on the street working patrol and I got a call
4 from the -- direct call from the office to respond to [REDACTED]
5 [REDACTED] that there was a break in of a residence. I
6 arrived there, it was around 11:49. A little shortly
7 before lunch.

8 Q. And were any other officers there?

9 A. I was the first one on the scene.

10 Q. And who was there when you got there?

11 A. The victim, Ms. Cox. Angela Cox.

12 Q. And can you walk the jury through the next order of
13 events that you and Ms. Cox?

14 A. When I arrived I pulled up in the driveway. It's a
15 one story brick house. And the driveway goes up and it
16 kind of turns into an 'L' and goes to the back side of the
17 house. I pulled up into the back and there is a carport
18 area. I went to the side door from the carport which lend
19 me to a laundry room.

20 And, of course, I met Ms. Cox at that door. She was
21 extremely upset. She took me into the -- through the
22 laundry room to a dining room area into the right of the
23 kitchen area. I observed glass. I didn't step into the
24 kitchen, but from the kitchen doorway from the dining room
25 I could see glass on the floor. And it looked at the door

1 from the kitchen which led into the kitchen from the very
2 side of the house where I pulled into there was glass on
3 the floor and I noticed what appeared to be blood drops on
4 the floor and on the refrigerator.

5 At that time, of course, investigation had already
6 been contacted, and they were on their way over. I walked
7 through the house with Ms. Cox. You could see where
8 drawers were pulled open. She showed me in her son's
9 rooms and her bedroom and the dining room areas, living
10 room areas where drawers were pulled open and it hadn't
11 been like that when she left earlier that morning.

12 Q. How long was it before investigation got there, do
13 you remember?

14 A. Honestly, I would probably just -- I have to guess at
15 this point. I really can't give you an approximate.
16 Maybe within ten or 15 minutes.

17 Q. And do you remember what happened once they got
18 there?

19 A. Once they got there they started processing the
20 scene. Of course they wear the gloves. They had their
21 gloves on. They had photographed the scene with -- they
22 put their cone out to take pictures of where the blood
23 drops were and doing fingerprints and all that.

24 Q. How did the investigation progress? Were you
25 involved once it was concentrated on areas outside of the

1 house?

2 A. Yeah, there were -- we started to canvassing the
3 neighborhood. I asked a couple of neighbors. There were
4 some people working outside in their yard if they had seen
5 anybody. Of course, they didn't notice anybody. And then
6 I was involved in it from that point.

7 The next day myself and Captain Watson went to if
8 Mill Hill area of the city which is in the County off the
9 Mill Hill which is just outside the city limits to the
10 speak with some subjects that were possibly had
11 merchandise that was taken to them to be sold to or
12 bought. We went to talk to them, and I a woman I believe
13 her name was Gail and she did say that -- she told us that
14 ---

15 MS. LITTLE: Objection, Your Honor. Hearsay.

16 THE COURT: All right. You have a reason why that
17 would be admissible under an exception, Mr. Mr. Holt.

18 MR. HOLT: No, sir, not at this time. I just want to
19 ---

20 THE COURT: All right. Objection sustained. You
21 can't testify to what anybody told you. That's what we
22 refer to as hearsay. All right. Proceed Mr. Holt.

23 BY MR. HOLT:

24 Q. All right. Let's take a different step.

25 MR. HOLT: And permission to approach, Your Honor?

1 THE COURT: Yes, sir.

2 BY MR. HOLT:

3 Q. I'd like for you -- the following day would have been
4 March 26th?

5 A. That is correct.

6 Q. And you and Investigator Watson, did y'all take any
7 photos that day?

8 A. We took, actually. We took photos of the suspect,
9 Mr. Cameron, who was there -- who was in Captain Watson's
10 office that day.

11 Q. Investigator, I'd like to show you what's been marked
12 as State's Exhibit 39?

13 MR. HOLT: With the Court's permission?

14 THE COURT: Yes.

15 BY MR. HOLT:

16 Q. Is that one of the photos you took that day?

17 A. Yes, sir, we took photographs of his hand because
18 there were -- you can tell that they had been cut.

19 Q. And State's Exhibit 41, is that one of those photos
20 that you took that day, March 26th?

21 A. Yes, sir.

22 Q. And what's been marked as State's Exhibit 40. Is
23 that one of those photos?

24 A. Yes, sir.

25 Q. All right. Thanks just one second.

1 MR. HOLT: Beg the Court's indulgence just one
2 second, Your Honor.

3 BY MR. HOLT:

4 Q. Just to clarify. These were taken on April 26th
5 2008, the day after. I believe I erroneously said March?

6 A. Yes, sir.

7 Q. I apologize.

8 MR. HOLT: Permission to publish these to the jury,
9 Your Honor.

10 THE COURT: Permission granted.

11 MR. HOLT: Thank you, Your Honor. That's all the
12 questions I have for this witness at this time.

13 THE COURT: Cross examination, Ms. Little.

14 MS. LITTLE: Nothing for this witness, Your Honor.

15 THE COURT: All right. Thank you. You may step
16 down. All right, Ms. McKenzie, you may call your next
17 witness.

18 MS. MCKENZIE: Your Honor, at this time the State
19 calls Larry Gainey:

20 LARRY GAINNEY, after being duly sworn, testified
21 as follows:

22 DIRECT EXAMINATION

23 BY MS. MCKENZIE:

24 Q. Good morning, Mr. Gainey.

25 A. Morning.

1 Q. Will you please state your full name for the Court's
2 record.

3 A. Larry Steven Gainey, Jr.

4 Q. Okay, Mr. Gainey, we have to take down everything
5 that is said in Court here this morning, so I may need for
6 you to speak up a little bit?

7 A. Okay.

8 Q. Just a little bit cause you're close, okay. Are
9 you -- please tell the jury what you do for a living.

10 A. I'm a pipe fitter. I work for International Paper in
11 Eastover, South Carolina.

12 Q. Where are you currently living right now?

13 A. [REDACTED] in Eastover.

14 Q. Now, where were you living in the spring, around
15 April, in April of 2008 last year?

16 A. [REDACTED] here in Darlington. It's a
17 place that I rented from my family.

18 Q. Okay, you need -- I'm having a little trouble hearing
19 you?

20 A. I apologize. We've been yelling at work. My voice
21 is gone.

22 Q. Okay, I need you to speak up just a little bit. I
23 appreciate it. Now, Mr. Gainey, can you tell us do you
24 know the Defendant in this case, Ronnie Cameron?

25 A. Yes, ma'am, I do.

1 Q. And would you point him out where he's seated?

2 A. He's seated right there between his attorney and the
3 other guy.

4 Q. Okay, and how do you know Ronnie Cameron?

5 A. Well, I wouldn't say we're friends, like best friends
6 or anything. But we just had some dealings together and
7 he lived in the same neighborhood I did so it was like we
8 seen each other often.

9 Q. Now, do you recall having any contact or seeing the
10 Defendant on April 25th of 2008?

11 A. Yes, I do.

12 Q. And where did you see him?

13 A. At where I was living at [REDACTED]. In my
14 residence.

15 Q. Okay, did he stop by?

16 A. Yes.

17 Q. Approximately what time would you say he came by that
18 day?

19 A. Well, he came by early that morning and left and came
20 back by. I'd say late morning, maybe noon at the latest.

21 Q. Okay, now, when he came back that second time you
22 said it was closer to noon or noon at the latest?

23 A. Yes, ma'am.

24 Q. What happened when he came back by that second time?
25 Did he have anything with him or did y'all talk about

1 anything?

2 A. Yes, ma'am.

3 Q. Tell me about that.

4 A. The second time he came by he came in the door. He
5 had a high school ring and the reason that I remember it
6 so well is because it had Jordan wrote on the side and it
7 had a burgundy stone on the top. And it reminded me -- I
8 thought it was a Michael Jordan ring.

9 That's why I remember it so well. I thought it was a
10 Jordan fan. Not until later on did I realize that it was
11 a person's name. He had it with him and his intentions
12 were to sell it to me or whoever he could.

13 Q. Okay, did you buy that ring from him?

14 A. Yes, I did.

15 Q. And how much did you buy it for?

16 A. \$9.

17 Q. Did Ronnie tell you anything about the ring?

18 A. No. Not where he had gotten it from or anything, but
19 I remember he specifically telling me not to take it to
20 the ---

21 MS. LITTLE: Objection, Your Honor.

22 THE COURT: What's your objection, Ms. Little?

23 MS. LITTLE: Hearsay.

24 THE COURT: I believe he's quoted the Defendant, is
25 he not?

1 MS. LITTLE: I'm sorry, Your Honor.

2 THE COURT: I believe he's quoting the Defendant, is
3 he not.

4 MS. LITTLE: I'm sorry, Your Honor.

5 THE COURT: Isn't he quoting the Defendant? The
6 Defendant, didn't he tell him what the Defendant told him?

7 MS. LITTLE: Yes, sir.

8 THE COURT: Is that hearsay?

9 MS. LITTLE: I believe it is if it's offered for the
10 truth of the matter asserted, Your Honor.

11 THE COURT: All right. I'll hear from you,
12 Ms. McKenzie.

13 MS. MCKENZIE: Beg the Court's indulgence. Your
14 Honor, we would it's an argue exception to the hearsay
15 rule because it's a statement of a party opponent.

16 THE COURT: How about that?

17 MS. LITTLE: Yes, sir.

18 THE COURT: All right. It's it -- objection is
19 overruled. 801(d)2 is admission of a party opponent is
20 not hearsay. Objection is overruled. Go ahead.

21 BY MS. MCKENZIE:

22 Q. Mr. Gainey, to pick up where we left off, what did he
23 say a about the ring?

24 A. I mean he never told me where he got it from or
25 anything, but I remember him specifically saying,

1 "Whatever you do don't take it to the pawn shop."

2 Q. Okay, now, what did you do with the ring after he
3 left?

4 A. Took it to the pawn shop.

5 Q. Okay, which pawn shop did you take the ring to?

6 A. I think maybe -- it's the only one in Darlington.
7 South Main or Main Pawn. I'm not sure if they've changed
8 their name now, but it's right around the corner from the
9 court house.

10 Q. Do you recall how much money you got for the ring at
11 that pawn shop?

12 A. Yes, ma'am, \$50.

13 MS. MCKENZIE: Your Honor, may I have permission to
14 approach the witness?

15 THE COURT: Yes.

16 BY MS. MCKENZIE:

17 Q. And I'm handing him what's been marked as State's
18 Exhibit Number Two. Mr. Gainey, do you recognize that?

19 A. Yeah, I do.

20 Q. What's that?

21 A. That's the receipt from where I pawned the ring that
22 he sold me with my signature. That is my signature.

23 Q. Okay?

24 A. So I no it's original.

25 Q. Does the receipt tell you the date and the time that

1 that transaction was made? Would you look that that for
2 us?

3 A. April 25th 2008 at 1:07 p.m. 1307 which is 1:07.

4 Q. Thank you. Now, when Mr. Cameron came back to your
5 place that morning did you notice anything about him?

6 Physically anything appear to be wrong with him?

7 A. Well, from my observation I could say he been up all
8 night, maybe, but I can't say that for sure. I mean he
9 was a little nervous acting. When he came by the second
10 time when he bought the ring he had his hand bandaged up
11 in a towel. I do remember that, and he was bleeding. But
12 he didn't specifically tell me what happened.

13 Q. Did you observe with you own eyes and see blood?

14 A. Yes, I did. On the towel and on his hand. He left
15 the towel at my house when he left.

16 Q. Okay, now, tell us a little bit about what happened
17 after you got back from the pawnshop back to your place?

18 A. Well, when I got back it probably wasn't ten minutes
19 when a deputy and a couple other officers showed up and
20 arrested me and said that I had broken in someone's home
21 and stole his ring. And my brother, which is deceased
22 now, and my uncle said, "There is no way cause he's been
23 asleep until noon or right before."

24 Ronnie actually woke me up the second time. The
25 Defendant actually woke me up the second time and he

1 arrested me. Well, why they arrested me. He came out of
2 a mobile home right behind me and they arrested him also.

3 Q. Did you tell law enforcement who you got the ring
4 from?

5 A. Yes, I did.

6 Q. Who did you tell them you got the ring from?

7 A. From Ronnie Cameron.

8 Q. Okay, I'm going to show you --

9 MS. McKENZIE: With Your Honor's permission?

10 THE COURT: Um hum.

11 BY MS. McKENZIE:

12 Q. What's been marked and already in evidence State's
13 Exhibit One. Will you explain for the jury what that
14 document is?

15 A. Okay, this here is saying that the ring was sold to
16 me, but Mr. Cameron didn't sign this. My brother did. He
17 is deceased now, and the only reason that it was done was
18 at the time they were trying to arrest me for breaking in
19 this guy's house and to this day I still don't know where
20 he lives.

21 They were going to charge me with a burglary first
22 and i knew that I was innocent. So my brother like I said
23 who is deceased now, he knew I wasn't there. He ran in
24 and wrote this because he figured like in the old days
25 that if you had a receipt then that pretty much covered

1 you. But he -- Mr. Cameron did not sign this. My brother
2 did just trying to look out for me cause he knew I was
3 innocent.

4 Q. So to your knowledge that document is a forgery?

5 A. Right. It's not -- it's invalid. He did not sign
6 this.

7 Q. Were you ever -- were you ever completely honest --
8 were you completely honest to the police about this
9 document being a forgery at first?

10 A. No, not at first. I was later when I went back and
11 talked to them. Like I said I mean what was done that was
12 only because they were arresting me and like I said my
13 brother and my uncle were trying to tell them I was
14 asleep. Guy came in my house and sold me the ring. They
15 were trying to arrest me for breaking in somebody's house
16 and didn't. I didn't even know where this man lived.

17 Q. Was your brother at the house when Ronnie Cameron
18 came by and sold you the ring or nearby?

19 A. No, he was across the street working. Yeah, he was
20 nearby.

21 Q. Okay.

22 A. Cause as a matter of fact my uncle is the one who
23 took me. They were both working across the street and
24 took me to the pawn shop after he left.

25 Q. All right. I'm now going to show you some pictures,

1 and I'll show them to you one at a time that are already
2 in evidence. State's Exhibit 30, do you recognize that?

3 A. Yes, I do.

4 Q. And ---

5 A. Except the stone is dark in this. I guess it's from
6 the picture. The stone was burgundy.

7 Q. Okay.

8 A. A dark red, burgundy.

9 Q. Is this the ring?

10 A. Yes, this is the ring.

11 Q. State's Exhibit 31?

12 A. Yes, this is the same one. We couldn't forget it. I
13 mean it was a unique ring.

14 Q. State's Exhibit 34?

15 A. Yes, that same one. And I know for a fact because I
16 couldn't figure out what MHS meant. I knew it was a high
17 school, but I didn't know which high school.

18 Q. Thank you, Mr. Gainey. Okay, Mr. Gainey, I'm going
19 to talk to you a little bit about some of your prior
20 history. You've been in trouble with the law before?

21 A. Yes, ma'am.

22 Q. Okay, I'm going to ask you some questions about some
23 of that trouble that you've been in before, and I want you
24 to tell me if what I'm going to ask you about is correct.
25 If that okay?

- 1 A. Yes.
- 2 Q. In 1995 you had several counts of forgeries and some
3 check charges?
- 4 A. Yes.
- 5 Q. Checks. And also some forgeries in '96? You're
6 going to verbally have to talk.
- 7 A. Yes, ma'am. I'm sorry.
- 8 Q. Our court reporter has to take down everything that's
9 said and she can't record a nod. Okay. Thank you, Mr.
10 Gainey. And in '97 did you also get in trouble with some
11 forgeries?
- 12 A. Yes, ma'am.
- 13 Q. And in '98, 1998 conviction for burglary second?
- 14 A. Right.
- 15 Q. And in 2004 a breach of trust?
- 16 A. Yes, ma'am.
- 17 Q. And in 2005 some additional trouble that also
18 involved forgery, burglary, escape, shoplifting?
- 19 A. Yes, ma'am.
- 20 Q. Those are your convictions? And in additional
21 forgery in 2006?
- 22 A. 2005 maybe. Maybe. I'm not sure about 2006.
- 23 Q. About how in 2007?
- 24 A. No.
- 25 Q. Okay.

1 A. Nothing since 2005. I was on probation, parole and
2 probation. I've completed all of that successfully. I
3 hasn't even had a speeding ticket in the last three years.

4 Q. So you completed your last probation successfully?

5 A. Yes, ma'am.

6 Q. You're not on probation now?

7 A. No, ma'am.

8 Q. Mr. Gainey, would you say you've been trying to get
9 your life straight?

10 A. Yes, ma'am. I just got a permanent job with
11 International Paper, and I'm actually moved from
12 Darlington County. I've living in Eastover. I come back
13 to see my family. Like I said in the last three years.
14 I've pretty much stayed out of any trouble.

15 Q. Okay, and you're excited about your new job? When
16 did you find out about your new job as far as your
17 permanent position?

18 A. Here last week.

19 Q. All right.

20 MS. McKENZIE: I beg the Court's indulgence just a
21 moment.

22 THE COURT: Yes, ma'am.

23 BY MS. McKENZIE:

24 Q. Mr. Gainey, do you own special criminal history or
25 are you telling the truth here today?

1 A. Yes, ma'am.

2 Q. About the ring and about?

3 A. I would have no reason to lie. I don't want to see
4 anybody be convicted of something they didn't do. I'm
5 here to tell the truth, and that's what y'all asked for
6 regardless of who it hurts or who it helps. That's my
7 honesty.

8 Q. Okay. Thank you, Mr. Gainey. Please answer any
9 question Ms. Little may have.

10 THE COURT: Cross examination, Ms. Little.

11 MS. LITTLE: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MS. LITTLE:

14 Q. Morning, Mr. Gainey?

15 A. Good morning.

16 Q. Mr. Gainey, in your testimony you said that you and
17 the Defendant had dealings together. What kind of
18 dealings did y'all have?

19 A. Well, there were certain times, I mean of course, you
20 realize that I have a criminal record. I had a drug
21 problem at one time.

22 Q. So y'all had criminal dealings together.

23 A. I haven't finished. If I can finish I'll tell you.
24 I had a drug problem at one time and when you have a drug
25 problem you usually find a crowd that you run with or is a

1 certain crowd that everybody runs into one another. We
2 were not running partners. There were occasions where we
3 ran across each other and we used drugs in the same place.

4 Q. And so it's your testimony that you used drugs with
5 the Defendant?

6 A. Maybe twice.

7 Q. Well, you told the police that you had just known the
8 Defendant a couple of months, is that true?

9 A. I know -- I mean I knew his name, but, yeah, a couple
10 month is all I knew him. I've only known him personally a
11 couple months where I ran into him.

12 Q. Okay, and so did you -- you didn't know him? Y'all
13 didn't grow up together in the same trailer park or
14 anything like that?

15 A. No, we did not.

16 Q. Now, on the day that you went and spoke to police
17 they found out that you had been in possession a high
18 school ring, is that correct?

19 A. Yes.

20 Q. And you were aware that they were going to arrest you
21 for the burglary; is that correct?

22 A. They had already arrested me for it.

23 Q. So at that time it was your decision is lie to the
24 police and forge a note?

25 A. No, I did not. If you heard my testimony my brother

1 forged the note.

2 Q. You brother that is now deceased?

3 A. Yeah, trying to make sure he knew that I wasn't the
4 one that did it. A receipt would pretty much let them
5 know I wasn't the one who went in the house. I didn't
6 even think about a receipt. He did. I said, "Why do I
7 need a receipt. I didn't go in." He said, "Look, you
8 need to cover. I know you were here and your uncle knows
9 you were here. You didn't go in that house." But he did
10 that before they ever got Ronnie.

11 Q. So whose decision was it to lie to the police and say
12 that?

13 A. It was my decision at the time because me and him
14 discussed it.

15 MS. LITTLE: May I approach, Your Honor?

16 THE COURT: Yes.

17 BY MS. LITTLE:

18 Q. Show you what's been previously marked as State's
19 Exhibit Two. Is this your signature, Mr. Gainey?

20 A. Yes, it is.

21 Q. Okay, and I want to show you what's marked as State's
22 Exhibit One. Is that your handwriting on that notice,
23 Mr. Gainey?

24 A. No, it's not.

25 Q. Now, Mr. Gainey, you testified earlier that the

1 Defendant -- I believe you said there was a towel wrapped
2 around defendant's hand when he got there?

3 A. Right.

4 Q. Did you tell the police that it was a pillow case?

5 A. Maybe, I'm not sure right now, but it could have been
6 a pillow case. They recovered it. At the time I mean so
7 much was going on. I mean I was in handcuffs.

8 Q. You don't know if it was a pillow case or a towel?

9 A. Then again, I think it was a pillow case. I'm sorry.
10 Maybe it wasn't a towel. I know that it was white, but it
11 was full of blood and I didn't want to touch it. And they
12 took it into evidence.

13 Q. And as a result of what happened and your involvement
14 in pawning that ring were you charged with possession of
15 stolen goods?

16 A. Yes, I was.

17 Q. And you pled guilty to that crime?

18 A. It hasn't been resolved.

19 Q. Now, you said earlier that you used drugs with my
20 client. Isn't it true y'all shot drugs together, I V
21 drugs?

22 A. No, it's not. You asked me that before Court
23 started, and I told you I did then and it wasn't.

24 Q. Let's talk about your prior record. You say in here
25 today that you're here to be honest?

- 1 A. Right.
- 2 Q. But when you were arrested you weren't honest with
- 3 the police, were you?
- 4 A. When.
- 5 Q. When you were arrested for this crime?
- 6 A. Yes, I was honest with everything except that letter.
- 7 Q. Everything except the letter?
- 8 A. Right.
- 9 Q. The forged letter?
- 10 A. I was scared they were going to lock me up for
- 11 breaking in a man's house and I knew I didn't. I didn't
- 12 do it to try to cover anything up. I sold the ring. I
- 13 was wrong. I received stolen goods. I was wrong that I
- 14 received stolen goods from Mr. Cameron which when he went
- 15 into Mr. Cox's house and took it.
- 16 Q. So none of this was your fault, was it, Mr. Gainey?
- 17 A. My fault?
- 18 Q. Well, I mean you were just a victim here?
- 19 A. Who?
- 20 Q. Well, I mean back when you committed this forgery,
- 21 check fraud, forgery, breach of trust, forgery, burglary,
- 22 escape, shoplifting and forgery?
- 23 A. Right.
- 24 Q. Were you honest with the police back then?
- 25 A. Yes, I was. And I plead guilty to every charge and

1 served ten years all together.

2 Q. When were you released from prison, Mr. Gainey?

3 A. 2004.

4 Q. Now, you said you did not shoot drugs with the
5 Defendant? What type of drugs did y'all do together?

6 A. We smoked cocaine together.

7 Q. And when was that?

8 A. That's been about I'd say right at two and a half,
9 three years ago. About two and a half years ago. I mean
10 I don't remember exactly. It was right when I first met
11 him and he was with the crowd I was running with. Like I
12 said we weren't friends, but people that use drugs usually
13 hang in the same crowds.

14 Q. Mr. Gainey, isn't it true that you and your brother
15 came up with this note to frame my client, Ronald Cameron?

16 A. No, ma'am.

17 MS. LITTLE: Beg the Court's indulgence.

18 THE COURT: Yes, ma'am.

19 BY MS. LITTLE:

20 Q. Mr. Gainey, just one more question. You said that
21 y'all smoked cocaine together. Was that powder cocaine?

22 A. You can't smoke powder cocaine. You cook it up. We
23 cook it up with baking soda and smoke it like they did.
24 It was called free basting in the 70s and 80s.

25 Q. Is it crack cocaine?

**THIS PAGE INTENTIONALLY
LEFT BLANK**

1 THE COURT: Okay.

2 MS. LITTLE: Your Honor I have no objection to him
3 being released.

4 THE COURT: The witness is released. Thank you for
5 coming, Mr. Gainey. You are free to go.

6 MR. GAINNEY: So I can go back to work?

7 THE COURT: Yes, sir.

8 MR. GAINNEY: Thank you.

9 THE COURT: All right, Ms. McKenzie, you may call
10 your next witness.

11 MS. MCKENZIE: Your Honor, we call Dacia Gainey.

12 DACIA GAINNEY, after being duly sworn, testified
13 as follows:

14 CLERK OF COURT: Ask that you speak into the
15 microphone cause the court reporter and the jurors have to
16 hear you, okay.

17 DIRECT EXAMINATION

18 BY MS. MCKENZIE:

19 Q. Good morning?

20 A. Morning.

21 Q. Can you please state your full name for the record,
22 Mrs. Gainey?

23 A. Dacia Chanda Gainey.

24 Q. Okay, I need you to speak up just a little bit cause
25 everybody has to hear, and I'm standing here toward the

1 end of the jury box. May not be able to hear you. You're
2 a little bit soft spoken. So how do you pronounce your
3 name again? Would you say your first name for me again?

4 A. Dacia.

5 Q. Dacia?

6 A. Chanda Gainey.

7 Q. Okay, Ms. Gainey. Thank you. And where do you live,
8 Ms. Gainey?

9 A. Dovesville.

10 Q. And are you currently employed?

11 A. Yes, ma'am.

12 Q. Where do you work?

13 A. At Wendy's in Hartsville.

14 Q. We need you to speak up. Again, remind you just to
15 speak up just a little bit more, okay. And maybe you need
16 to slide a little closer to the microphone.

17 THE COURT: Go ahead, Ms. McKenzie.

18 BY MS. MCKENZIE:

19 Q. Tell the Court again where you're employed?

20 A. Wendy's of Hartsville.

21 Q. Thank you. And, Ms. Gainey, you just stated that you
22 lived in Dovesville. Is that where you were living back
23 in April of 2008?

24 A. No, ma'am.

25 Q. Where were you living at that time?

1 A. In Darlington.

2 Q. And who lived there with you in that residence?

3 A. My two little boys and my husband.

4 Q. Who is your husband?

5 A. Jimmy Cameron.

6 Q. Okay, so what is your relationship to the Defendant,
7 Ronnie Cameron, in this case?

8 A. My brother in law.

9 Q. And would you point him out where he's seated today
10 in this courtroom?

11 A. (Witness points).

12 Q. Now, do you recall the events of April 25th 2008?

13 A. Yes, ma'am.

14 Q. All right. Will you tell us what you were doing that
15 day?

16 A. I was at home.

17 Q. And did you have any contact the Defendant, Ronnie
18 Cameron, that day?

19 A. Yes, ma'am.

20 Q. And would you tell us a little bit about that. About
21 how you came in contact with him that day?

22 A. He came by my house.

23 Q. Okay, could you speak up just a little bit more,
24 Ms. Gainey, cause I think even with microphones having a
25 little bit of difficulty making out what you're saying?

1 A. Came by my house.

2 Q. And about what time would you say he came by your
3 house?

4 A. It was probably around 2:00 or 3:00 in the evening.

5 Q. Did he come by your house that day once or more than
6 once.

7 A. Two times.

8 Q. All right. Now, either time when he came by did you
9 notice any physical problem he was having either time he
10 came by?

11 A. The second time.

12 Q. The second time. What did you notice about him the
13 second time?

14 A. His hands were bleeding.

15 Q. Did he tell you anything about why his hands were
16 bleeding?

17 A. He told me he had gotten in a fight with somebody.

18 Q. Did Ronnie Cameron -- did the Defendant have anything
19 with him when he came by your house the second time?

20 A. Yes.

21 Q. What did he have with him?

22 A. He had a bunch of facial creams and ring, old
23 jewelry.

24 Q. Okay, I'm showing you a picture of what's been marked
25 as State's Exhibit 30. Do you recognize that ring?

1 A. Yes, ma'am.

2 Q. Did you see Ronnie Cameron with that ring?

3 A. Yes, ma'am.

4 Q. Would you please describe that that ring looked like
5 as you recall it cause I know the picture may be a little
6 blurry?

7 A. It had like a red stone in it and Jordan wrote across
8 it and it was a gold high school ring.

9 Q. Did the Defendant, Ronnie Cameron, say anything to
10 you about the ring?

11 A. He said he was going to get rid of it.

12 Q. Did he specify how he was going to get rid of it?

13 A. He was going to sell it.

14 Q. Ms. Gainey, did you have an opportunity to talk with
15 the police in this case?

16 A. Yes, ma'am.

17 Q. And did you give them a statement?

18 A. Yes, ma'am.

19 Q. About what you've just told me?

20 A. Yes, ma'am.

21 Q. Ms. Gainey, have you been in any trouble with the law
22 before?

23 A. Yes, ma'am.

24 Q. Did you plead to grand larceny and receiving stolen
25 goods last year?

1 A. Yes, ma'am.

2 Q. And are you correctly on probation now?

3 A. Yes, ma'am.

4 Q. Ms. Gainey, how are you doing on probation?

5 A. Good. No violations past year.

6 Q. Do you have any reason to lie here today?

7 A. No, ma'am.

8 Q. Are you being honest and telling the Court the truth
9 despite your past history with getting in trouble. Are
10 you telling the truth here today about what happened?

11 A. Yes, ma'am.

12 Q. Okay.

13 MS. McKENZIE: Beg the Court's indulgence just a
14 moment.

15 BY MS. McKENZIE:

16 Q. Ms. Gainey, can you be exactly sure what time ---

17 A. No, ma'am.

18 Q. --- Mr. Cameron came by?

19 A. No, ma'am.

20 Q. So your testimony is that you're not real sure about
21 what time it was?

22 A. Not sure about what time it was. It's been a long
23 time ago.

24 Q. Well, that's okay. If you don't remember exactly
25 what time. We want you to tell the truth and testify as

1 to what you remember.

2 MS. McKENZIE: No further questions. Answer any
3 questions Ms. Little may have for you, okay.

4 THE COURT: Cross-examination, Ms. Little.

5 MS. LITTLE: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MS. LITTLE:

8 Q. Ms. Gainey, what date did you say all this happened
9 on?

10 A. April 25th.

11 Q. It's your testimony here today that you don't know
12 what time you saw the Defendant bleeding?

13 A. I can't really remember what time it was. I remember
14 that's when I saw him bleeding that's when they locked him
15 up.

16 MS. LITTLE: No further questions.

17 THE COURT: Redirect?

18 MS. McKENZIE: None, Your Honor.

19 COLLOQUY

20 THE COURT: All right. Thank you, ma'am. You may
21 step down. Ladies and gentlemen of the jury, you've been
22 in the courtroom now for about an hour and a half, and
23 it's appropriate and I think it's time that we take our
24 mid-morning break at this time. So I'm going to allow you
25 to go to your jury room. I will caution you again that it

1 would be improper for you to discuss this case among
2 yourselves while you're there in the jury room. You have
3 not heard all the testimony, and any discussion of this
4 case amongst yourselves would be improper. You can talk
5 about anything you want to talk about, sports, weather,
6 children, grandchildren, anything at all. But don't talk
7 about this case and we'll send for you in about 15 minutes
8 and we will be ready to resume. Thank you. You may go
9 with the bailiff.

10 (WHEREUPON, the jury was excused from the courtroom
11 at 11 a.m.)

12 THE COURT: All right. We'll be in recess for about
13 15 minutes.

14 CLERK OF COURT: Last witness can be released?

15 MS. McKENZIE: Yes. And also I want Mr. Hanson to be
16 released since we won't need to call him.

17 (WHEREUPON, Court was in recess at 11:01 a.m. and
18 reconvenes at 11:23 a.m.)

19 (WHEREUPON, State's Exhibit Nos. 43 AND 44 were
20 marked for identification only.)

21 THE COURT: All right. Back on the record in the
22 matter of the State v. Ronald Francis Cameron. Mr.
23 Cameron is present in the courtroom with his counsel,
24 Ms. Little. The State is represented by Ms. McKenzie and
25 Mr. Holt. Anything before we bring the jury in,

1 Ms. McKenzie?

2 MS. McKENZIE: No, Your Honor.

3 THE COURT: Anything, Ms. Little?

4 MS. LITTLE: No, sir.

5 THE COURT: All right. Bring the jury in, please.

6 (WHEREUPON, the jury panel enters the courtroom at
7 11:25 a.m.)

8 THE COURT: All right. Thank you very much. Ladies
9 and gentlemen, and we are now ready to resume. Ms.
10 Little, you may call -- I mean Ms. McKenzie, you may call
11 your next witness.

12 MS. McKENZIE: Thank you, Your Honor. At this time
13 the State calls Captain Danny Watson.

14 DANNY WATSON, after being duly sworn, testified as
15 follows:

16 DIRECT EXAMINATION

17 BY MS. McKENZIE:

18 Q. Good morning, Captain Watson?

19 A. Morning, ma'am.

20 Q. Would you please state your full name for the court's
21 record?

22 A. My name is Captain Daniel Watson.

23 Q. And where are you employed?

24 A. I'm employed with the Darlington County City Police
25 Department.

1 Q. What is your position there?

2 A. I am the Captain. Also of the investigations
3 section.

4 Q. How long have you been employed with Darlington
5 County Police Department?

6 A. Since 1994.

7 Q. How many years total law enforcement experience do
8 you have?

9 A. Fifteen.

10 Q. Now, do you recall the date of April 25th 2008?

11 A. Yes, ma'am, I do.

12 Q. And did you respond to an incident on -- at [REDACTED]
13 [REDACTED]

14 A. Yes, ma'am.

15 Q. Okay, would you please tell the jury about some of
16 your observations and what you had an occasion to see once
17 you arrived there.

18 A. Yes, ma'am. Is it okay if I refer to my notes?

19 Q. Yes, sir.

20 A. On the 25th of April at somewhere around
21 twelve o'clock I did receive a call to go to [REDACTED]
22 [REDACTED], which is located in the jurisdictional city limits
23 of Darlington, to work a residential break in at that
24 location. Having been called there by the patrol officer
25 that responded to that location to take the initial

1 report.. During my initial survey I noted that the outside
2 window located on the side entrance to the house was
3 broken. It was the first thing I noticed, and it was
4 obvious that it was a break in. Someone had broken into
5 the house.

6 That being substantiated by the fact that the victim
7 stated that no one in the residence had broken the window.
8 Her husband was not there. Her children were not there.
9 And she had actually arrived there on her way to an
10 appointment to take care of some business while she was
11 there and noticed some items having been disturbed in the
12 residence..

13 And at that time I did begin working that particular
14 crime scene. Gathering evidence, photographing the
15 outside of the residence and from the street going in both
16 directions. The street that -- it's actually in -- if you
17 look at the residence it's almost secluded from view
18 because of the trees and stuff that is actually located on
19 that roadway.

20 If you actually drive into the residence, if you
21 drove in to park and go around the back side of the house
22 where you normally go in, if you went by and had your mind
23 on something else you wouldn't even notice that your house
24 was broken into. Very easily she could have gone in and
25 there be somebody in there and she would have never known

1 it.

2 Q. Okay, would you please tell the jury what you saw
3 when you entered the house after surveying the outside?

4 A. Okay, once I entered into the residence I noted that
5 there was glass located on the floor. Appeared to be the
6 glass that had come from the pane like a -- it was like a
7 door that basically had glass panels in it and one of the
8 glass panels had been punched out or knocked out where an
9 individual could reach in and open the door.

10 When you go inside the kitchen there were several
11 drops of blood or what appeared to me to be blood on the
12 floor. There was actually a drip that was down I believe
13 on the refrigerator and as well as several drops on the
14 floor, and the drawers in the kitchen were open.

15 Q. Okay, how much feet into the residence would you say
16 that blood was found? Would you say that the blood was
17 limited to right there at the door or was it further into
18 the interior?

19 A. There was a trail of blood and, actually what I did
20 was I actually placed orange cones by each spot of blood
21 that I noticed inside the residence so you could show a
22 trail where the person started at the door and walked
23 through the kitchen.

24 Q. Okay, and did you take photos of blood that you saw?

25 A. Yes, ma'am, I did. I took photos of every room, the

1 outside of the residence and in the inside of the
2 residence as well as evidence that I gathered from the
3 scene.

4 Q. Now, what was the condition of some of the rooms in
5 the residence?

6 A. I hate to use this word, but it appeared that the
7 residence had been ransacked, and when I say that several
8 drawers had been pulled out and were turned over as if to
9 see if you pull the drawer out quickly you can see what's
10 in it. If you turn it over to put it on the floor to see
11 what's in there.

12 Some of the items were on the bed. Some of the items
13 being on the floor. It was -- knowing the victim and I do
14 know the victim, and knowing how neat a person that she is
15 the inside of her residence was in a state that I would
16 have never believed that she would allowed to have
17 happened.

18 Q. Now, will you please tell us what you did
19 specifically with the blood and some other items to
20 process that scene?

21 A. What I did was I took five swabs from different
22 locations within the house where the blood spots were.
23 What I did was you take a -- it looks like a long Q-tip.
24 It's about this long. It has a wooden end. And what you
25 do is you take distilled water which is purified water.

1 Take the Q-tip itself, dip it down into the distilled
2 water. This is a sterile Q-tip. It hasn't been touched
3 by anything else, it comes out of a white pack.

4 Dip it down on the blood smear and you take that item
5 and, of course, your hands are gloved so that you're not
6 getting any kind of cross contamination or anything like
7 that. You drop it inside the cardboard kind of a cube
8 which has holes in it so it dries and you place that in
9 evidence.

10 On to outside of the cardboard container you write
11 the time that you take it, the date that you take it, and
12 usually the case number. And in this particular
13 circumstance I believe there was five different swabs that
14 were taken from different places and that would have been
15 noted on each cardboard container; that's One through
16 Five, and the date and time that I took it.

17 MS. McKENZIE: Permission ot approach the witness,
18 Your Honor?

19 THE COURT: Yes.

20 BY MS. McKENZIE:

21 Q. Captain Watson, I'm showing you what's been marked
22 for identification purposes only at this point. State's
23 Exhibit 43 for identification. Those I know it's inside
24 some packaging. Do those -- does that packaging look like
25 what you described with the scabs?

1 A. Yes, ma'am, it does. And it's actually inside of a
2 bag -- inside of another bag with a case number marked on
3 it, which would be 08040328, which was the case number
4 that was assigned to this particular burglary and inside
5 the plastic bag are one, two, three, four, five.

6 Five cardboard containers and I can't see inside the
7 cardboard containers, but what I put in this cardboard
8 container would be the long Q-tip where I would have taken
9 down and gotten a genetic sample and placed it with the
10 cardboard containers.

11 Q. Is that your handwriting on the outside of those
12 containers?

13 A. Yes, ma'am, it is.

14 Q. Thank you. Captain Watson, when you collected these
15 Q-tips what did you do with them? What's the standard
16 procedure?

17 A. Once I collected it and I finished working the scene
18 what I would do is I would take everything that I've
19 gathered from that scene and then I would place it into
20 evidence and the evidence officer would at that time make
21 arrangements for the items to be delivered to the D.N.A.
22 lab, to the fingerprint analysis, to trace or to wherever
23 they needed to go at the State Law Enforcement Division
24 who is our crime laboratory for a lack of a better way of
25 putting it.

1 Q. And were these swabs handled in accordance with
2 procedure with the way they were dropped in evidence?

3 A. Yes, ma'am.

4 Q. And were they under your custody and control from the
5 point in time you collected them up until the time you
6 dropped them into evidence?

7 A. Yes, ma'am, they would have been.

8 Q. Thank you. Now, after did you -- well, let's go back
9 to the crime scene. Is there anything else you did at the
10 crime scene in addition to blood swaps trying to get any
11 evidence?

12 A. Yes, ma'am. What you do when you work a crime scene
13 is you work from the outside in. You look for
14 fingerprints, footprints, anything that might have been
15 left at the scene cause the rule or the theory is that any
16 time you go in some place you leave something and every
17 time you leave the place use take something with you.

18 It's called the theory of transference. So what you
19 do is you start on the outside and you work your way
20 through the scene. First observing everything, and once
21 you note particular items in there that you may want to
22 come back and look at later you will mentally note those.

23 And then you go back from the outside. You start
24 with the doorknob. You start with the glass that's on the
25 outside of the residence. It's things where you would be

1 able to see evidence. So what I did was when I approached
2 that door, after doing my initial survey, I attempted to
3 fog the outside of the door, the door handle and doorknob,
4 and the doorknob itself in addition to the wood with --
5 excuse me. A chemical that would show whether or not I
6 had any clear fingerprints on there, and I was unable to
7 obtain any fingerprint evidence at that time.

8 It's not unusual not to get fingerprints. You will
9 get a lot of smears and a lot of partials that just aren't
10 enough to identified somebody's fingerprints. Like
11 getting the very edge of a person's shoe. You couldn't
12 identify the entire shoe from one little spot. You would
13 need more than that.

14 Q. Okay. Now, after you processed the crime scene at
15 that point, at the initial processing of the crime scene,
16 did you have any suspects?

17 A. Not at that time I didn't have any suspects. I had
18 no idea who it was that could have gone in there other
19 than I was reasonably sure that the person had cut
20 themselves because there was blood inside the residence.

21 And I knew it wasn't the homeowner's blood because
22 she was there. She wasn't cut, and the other three
23 individuals who would have been in the resident were not
24 cut either.

25 Q. So was there anything you did after you processed

1 the -- let me rephrase that. Let me start over. After
2 you completed your work there at the scene of the crime
3 did you make an inventory or get some information as far
4 as what was missing from the residence?

5 A. Yes, ma'am, I did. If you cannot gather any kind of
6 physical evidence from the scene as far as a person having
7 left fingerprints, trace evidence or something like that
8 the next thing you're going to look for is items that
9 would have been taken from inside the residence.

10 Something that would be uniquely yours that you can
11 identify as your own such as a personal ring or a device
12 or something like that. You might have a serial number to
13 be sure. So what I did was I asked the homeowners if they
14 know of anything that was missing.

15 Sometime later -- as far as exactly what time it was
16 specifically I'm not positive, but it was sometime before
17 1:07 p.m. I asked Ms. Cox if there is anything else
18 missing. I can't remember exactly how she phrased it, but
19 I believe it was something to the effect of her son's
20 class ring was missing. Something that could be readily
21 identified.

22 I also remember speaking with Mr. Cox and also one of
23 the other investigators who also reinforced this
24 information to me that the class ring was missing. And
25 that might be something that would be easily identifiable.

1 Q. When you learned that the class ring was missing what
2 did you do with that information?

3 A. Well, the first thing I always do when I have an item
4 that I know that I can identify is I go to the pawnshop.
5 Just for the simple fact that, and I'm not saying that
6 pawnshops are bad places, but a lot of stolen property
7 ends up at pawnshops.

8 So what I did was I went to the local pawnshop
9 located over here at 127 South Main Street which was right
10 down from the courthouse and asked them by any chance have
11 you taken any class rings in today. And the guy says,
12 "Yeah, just took one." I was like, "Really, can I see
13 it."

14 And he provided the ring to me and it, sure enough,
15 said Jordan on it and had a red stone and I called the
16 victims to have them identify the ring.

17 Q. Okay, I'm going to show you what's been marked as
18 State's Exhibit 30. Is that the ring that you recovered
19 from the South Main Pawnshop?

20 A. Yes, ma'am, it is.

21 Q. And also 32?

22 A. Yes, ma'am.

23 Q. Thirty-three?

24 A. Yes, ma'am.

25 Q. And 34?

1 A. Yes, ma'am.

2 Q. Okay, and did you in fact take those pictures of the
3 ring?

4 A. I did. I'm ashamed to say cause they're kind of
5 foggy.

6 MS. MCKENZIE: Your Honor, may I have your permission
7 to publish these to the jury at this time?

8 THE COURT: Permission granted.

9 BY MS. MCKENZIE:

10 Q. Okay, so we just talked about -- you just testified
11 about the South Main Pawnshop and getting the ring there.
12 Did you obtain any type of receipt or paperwork as far as
13 who had pawned that ring?

14 A. Yes, ma'am. I asked the -- whenever you go and pawn
15 something or sell something at a pawnshop they have to
16 give you a receipt where they identify you with your
17 driver's license or some kind of identification. Almost
18 always it's a photo identification. He provided to me a
19 signed slip with a name, Larry Gainey, on it.

20 I believe also his date of birth and maybe another
21 piece of information that would have identified him as
22 that individual. State that he had pawned that ring and I
23 believe he had gotten somewhere in the neighborhood of \$50
24 for the ring.

25 Q. I'm going to show you what's been -- is in evidence

1 as State's Exhibit Number Two. Is that the receipt that
2 you found or that you recovered at the pawnshop?

3 A. Yes, ma'am, it is.

4 Q. Okay.

5 MS. MCKENZIE: Your Honor, your permission to publish
6 to the jury at this time?

7 THE COURT: Permission granted.

8 BY MS. MCKENZIE:

9 Q. After leaving the pawnshop who was your top suspect
10 for this burglary?

11 A. Larry Gainey.

12 Q. And what did you do with that information? What
13 action did you take after leaving the pawnshop?

14 A. What I did was I, especially if you have a freshly
15 committed crime, what we do is we notify everybody that we
16 can think of at the time. I'm looking for this particular
17 individual. I contacted Sergeant August and told him who
18 I was looking for; that he had just pawned this ring that
19 had just come from this burglary, and that this guy was a
20 likely suspect and we needed to look at him.

21 And, of course, we discussed the issue as to the fact
22 that he probably would have been bleeding because there
23 was blood inside the residence.

24 Q. And who in fact located Larry Gainey?

25 A. Lieutenant August with Darlington County Sheriff's

1 Office who was actually the brother of Sergeant August of
2 the police department.

3 Q. And were you -- did you go out to that neighborhood
4 or ---

5 A. Yes, I did.

6 Q. --- area where they found Mr. Gainey?

7 A. Yes, ma'am, I did. They actually -- I'd gotten back
8 in my car and actually had started going down and started
9 looking and I might have been gone just a couple minutes.
10 It wasn't a long, long time, and they called me and said
11 that they had found him.

12 And then between the time it took me to get from the
13 area where he was at to where he was at I believe they had
14 also located another individual besides Larry Gainey.

15 Q. When you got there did you have an occasion or an
16 opportunity to look at Larry Gainey?

17 A. Yes, ma'am.

18 Q. Was he bleeding?

19 A. No, ma'am.

20 Q. Did he have any cuts?

21 A. No, ma'am.

22 Q. And who was the other suspect they located out there
23 in that area?

24 A. Ronald Francis Cameron.

25 Q. And based on your observations of him did you observe

1 any physical problems he was having or anything about him
2 unusual?

3 A. Yes, ma'am, I noticed that his hands were cut, and in
4 fact they were still bleeding.

5 Q. And did you obtain a statement from Larry Gainey that
6 day?

7 A. Yes, ma'am, I did.

8 Q. And after getting statement from Mr. Gainey who
9 became your primary suspect?

10 A. Ronald Cameron.

11 Q. Did you interview any other witnesses as part of your
12 investigation of this case?

13 A. Yes, ma'am, I actually tried to speak to everyone
14 that I could think of. And the person who was most
15 important, with the exception of Mr. Gainey, was Dacia
16 Gainey who is the sister in law of Ronald Cameron.

17 Q. Did you obtain a written statement from Dacia Gainey?

18 A. Yes, ma'am, I did. And what I did was on the -- I
19 spoke to her on a couple of occasions. When I spoke to
20 her initially she spoke to me about the fact that she had
21 talked to Mr. Cameron and the fact that he had had an
22 injury, the fact that he had a ring, what appeared to be a
23 class ring. And we set that side -- set that issue aside
24 for a little bit while we were trying to work the rest of
25 the case and came back and took another question and

1 answer statement from her ---

2 Q. All right. And let's not get into the content of her
3 statement. She's testified. I want to move on from Ms.
4 Gainey's statement and talk a little bit more about your
5 investigation?

6 A. Yes, ma'am.

7 MS. MCKENZIE: Your Honor, would I have your
8 permission to have Captain Watson to do step down and
9 publish pictures that have already -- that are already in
10 evidence. Publish those to the jury and hold them up and
11 explain each one individually?

12 (WHEREUPON, the witness steps down from the witness
13 stand.)

14 THE COURT: Yes, ma'am, as long as they're in
15 evidence.

16 MS. MCKENZIE: They're in evidence, Your Honor. Not
17 dealing with any others at this point.

18 BY MS. MCKENZIE:

19 Q. I'm calling out each picture number as we start.
20 This is State's Exhibit Number Three.

21 A. Thank you.

22 THE COURT: Remember to keep your voice up and I've
23 got to hear you and the court reporter has got to hear you
24 as well and you're away from the microphone.

25 THE WITNESS: Yes, sir.

1 MS. MCKENZIE: Yes, sir.

2 THE WITNESS: That would be the sidewalk that
3 actually comes down from the driveway of the residence
4 going back towards -- I believe towards [REDACTED].

5 Q. And State's Exhibit Number 14?

6 A. That's just the sidewalk in front of the residence
7 going back towards Williamson Park where that blind curve
8 is there as you going down [REDACTED].

9 Q. And State's Exhibit Number Five?

10 A. That's would be the residence itself from the side as
11 you come up the driveway. You see where the side of the
12 house is where I described before how it might be hard to
13 see the glass having been broken out the window if you
14 just drove past it right quick.

15 Q. State's Exhibit Number Seven?

16 A. This is the -- this is coming from where their
17 kitchen table is coming back out towards where the red
18 residence was broken into. And you can see the glass on
19 the floor and each one of these cones represents where I
20 found a spot of blood or what I believed to be blood.

21 Q. State's Exhibit Number Six?

22 A. This is the glass panel that was broken on the
23 kitchen door that I spoke about earlier.

24 Q. State's Exhibit Number Eight?

25 A. This is just a closer picture of where I would have

1 placed the cones by each spot of blood. Shows actually
2 where the drip is on the refrigerator here.

3 Q. State's Exhibit Number Nine?

4 A. This is where I placed the cone where you can see the
5 what I thought was blood here on the tile. It's just
6 showing where it was pointing towards where I would have
7 taken the sample from.

8 Q. State's Exhibit Number Ten?

9 A. This is just another angle so you can see how when
10 the person came in how they were dropping blood as they
11 went. It's kind of shows the path.

12 Q. State's Exhibit Number 11?

13 A. And this one would be the refrigerator. It's shows
14 where the blood dropped straight down and dripped.

15 Q. State's Exhibit Number 12?

16 A. This is yet another one of the blood spots from
17 inside to residence in the kitchen.

18 Q. State's Exhibit Number 16?

19 A. This is just another picture of blood spot that would
20 have been on the tile.

21 Q. Captain Watson, what's that sticker you put besides
22 the blood drop?

23 A. It's -- we put these stickers in the pictures just to
24 give you a scale. Shows you what the measurement of it,
25 and about how big the blood spot is.

1 Q. State's Exhibit Number 19?

2 A. This is just another sticker that we put on there
3 just to show scale, show how the blood dripped straight
4 down the refrigerator.

5 Q. Twenty-four?

6 A. This is again the inside of the master bedroom I
7 believe. This shows how the stuff was turned over and
8 thrown on the floor. It will show where an individual had
9 come in and raked stuff off the cabinet to see what they
10 could take.

11 Q. State's Exhibit 29?

12 A. When I referred to earlier about having their
13 residence ransacked this is what I was talking about
14 having all the stuff thrown in a pile on the floor.
15 Someone was rifling through it. This is one of the young
16 man's rooms. To be honest with you I can't remember which
17 boy's room is which, but both were pretty messy.

18 Q. Okay. Thank you. You can step back up on the stand.

19 (WHEREUPON, the witness returns to the witness
20 stand.)

21 BY MS. MCKENZIE: Your Honor, at this time I think there
22 may be an evidentiary matter to take up before the Court.

23 THE COURT: All right. Ladies and gentlemen of the
24 jury, there is a matter that I'm going to have to take up
25 as a matter of law. I'm going to ask you to go to your

1 jury room for just a moment while we take care of this and
2 we'll send for you very shortly. It shouldn't take us
3 more than about five or ten minutes. Thank you very much.
4 Do not discuss the case among yourselves.

5 (WHEREUPON, the jury was excused from the courtroom
6 at 11:51 a.m.)

7 THE COURT: All right. Ms. McKenzie, you may
8 proceed. Ms. Little, if you have an objection make your
9 objection and we'll go from there. Go ahead.

10 MS. MCKENZIE: Your Honor, these have been marked for
11 identification.

12 THE COURT: No, no, no. Let's go through the
13 procedure. Okay, they've been marked for identification.
14 Go ahead with the witness -- with the proffer.

15 MS. MCKENZIE: Okay.

16 BY MS. MCKENZIE:

17 Q. Captain Watson, do you recognize these photos I'm
18 handing to you one at the time, State's Exhibit 36?

19 A. Yes, ma'am, I do.

20 Q. What is that?

21 A. That is a picture of Ronald Cameron's hands.

22 Q. When was that taken?

23 A. That would have been taken the next morning.

24 Q. The 26th?

25 A. Yes, ma'am.

1 Q. And who took take picture?

2 A. I believe I did.

3 Q. Okay, and what was the purpose of that picture?

4 A. To show where he had several scratches or cuts on his
5 hands and a fairly good size cut on his finger to where --
6 to show that he had been -- his hands had been cut and he
7 had been bleeding.

8 Q. Is the picture a fair an accurate depiction of his
9 hands at the time they were photographed?

10 A. Yes, ma'am.

11 Q. Has it been changed in any way or altered in any way?

12 A. No, ma'am, it's not.

13 Q. State's Exhibit Number 37, do you recognize that
14 photo?

15 A. Yes, ma'am, I do.

16 Q. And what is that photo showing?

17 A. It shows a picture of the other hand and shows a cut
18 on the middle finger.

19 Q. And has -- is that picture a fair an accurate
20 representation of the defendant's hands as you
21 photographed them on the 26th?

22 A. Yes, ma'am, it does.

23 Q. And has it been changed of altered in any way?

24 A. No, ma'am, it has not.

25 Q. I'm handing you State's Exhibit 38. Please explain

1 what that photo is?

2 A. This is a photo of a cut on the individual's hand.
3 Just a close -- it's a close up view of it where I would
4 have placed the camera closer over to his hand to get a
5 better picture where the cut was, maybe the depth of it.
6 Show where he had been cut.

7 Q. And is that a fair and accurate representation of
8 that hand as you photographed it on that day?

9 A. Yes, ma'am, that is my picture, and that is his hand.

10 Q. Has it been altered in any way?

11 A. No, ma'am, it has not been changed.

12 Q. State's Exhibit 42?

13 A. Yes, ma'am, I took that picture and I took take
14 picture for the purposes of showing that his hand had been
15 cut. It has not been modified in any way, and it is a
16 true and accurate depiction of the photograph as I took
17 it.

18 MS. MCKENZIE: Your Honor, at this time we would
19 offer -- we would move to have these entered into
20 evidence. Those numbers are ---

21 THE COURT: All right. Any objection, Ms. Little?

22 MS. LITTLE: Yes, Your Honor. Defense objects to
23 admission of these particular photos under 403, Rule 403
24 grounds. Specifically, Your Honor, while they may be
25 probative we believe the probative value is substantially

1 outweighed by unfair prejudice. The photos show the
2 Defendant in chains and cuffs and show him in what would
3 be normally known to the public as prison or jail garb.

4 Also, Your Honor, we argue that those photos are
5 cumulative. There are other photos already in evidence by
6 agreement which show the cuts on the defendant's hand
7 without the extra prejudicial quality of the chains, cuffs
8 and tattoos and prison outfit.

9 THE COURT: Okay, let me see the photographs, please,
10 Ms. McKenzie. And, ma'am, I appropriate -- let me see the
11 photographs that are in evidence. All right. The
12 objection is made on the basis of Rule 403 of the South
13 Carolina Rules of Evidence and also on the cumulative
14 basis. I do find that the photographs shown as State's
15 Exhibit Number 36 for identification, State's Exhibit
16 Number 42 for identification and State's Exhibit Number 37
17 for identification pretty clearly show the Defendant in
18 the custody and not only in prison or orange garb but also
19 shackled and handcuffed.

20 For that reason it's my view that the probative value
21 is substantially outweighed by the danger of unfair
22 prejudice, and therefore, those three would be excluded.
23 I would note that there are three earlier photographs that
24 are in evidence. Those are Exhibits 41, 40 and 39. All
25 of which show the defendant's right hand. No, one is

1 apparently the left hand, but whatever, they show the
2 injuries to the hand as well.

3 On the other hand I think that Exhibit Number 38 does
4 not show the Defendant clearly in prison garb or chained
5 and shows an injury to his left hand, and I will admit
6 Exhibit Number 38. And I'm going to exclude Exhibit
7 Numbers 36, 37 and 42 on the grounds that the danger of --
8 that the probative value is substantially outweighed by
9 the danger of unfair prejudice. And also they are
10 cumulative, so 38 will be admitted. The other three will
11 not.

12 (WHEREUPON, State's Exhibit No. 38 was admitted into
13 evidence.)

14 MS. MCKENZIE: Thank you, Your Honor.

15 MS. LITTLE: Your Honor, may I approach so I will
16 know which one of this is going to be ---

17 THE COURT: Thirty-eight is the one that shows the
18 right. It's the top one. That's right. That's the
19 five -- that's the four. Those three and that one. What
20 is the question?

21 MS. LITTLE: I'm sorry, Your Honor. You ruled that
22 it's admissible? It's already in evidence?

23 MS. MCKENZIE: It's in.

24 THE COURT: It's in.

25 MS. LITTLE: Okay, and I objected.

1 THE COURT: I ruled it admissible. In evidence. All
2 right. Bring the jury in, please.

3 (WHEREUPON, the jury panel enters the courtroom at
4 12:02 p.m.)

5 THE COURT: All right. Ladies and gentlemen, thank
6 you very much and thank you for your patience, and we have
7 cleared up that matter of law and we are now ready to go
8 forward. You may proceed, Ms. McKenzie.

9 MS. MCKENZIE: Thank you, Your Honor.

10 BY MS. LITTLE:

11 Q. Captain Watson, did you have an opportunity to
12 observe that afternoon on the 25th the defendant's hands?

13 A. Yes, ma'am, I did.

14 Q. What condition were they in?

15 A. They were cut and they were bleeding.

16 Q. As part of the your investigation did you take
17 photographs of the defendant's hands?

18 A. I did the next day. I didn't at the scene.

19 Q. These were taken the next day?

20 A. Yes, ma'am.

21 Q. I'm going to show -- ask you to step down.

22 MS. MCKENZIE: With the Court's permission.

23 THE COURT: Yes, ma'am.

24 (WHEREUPON, the witness steps down from the witness
25 stand.)

1 MS. MCKENZIE: Also Your Honor's permission to
2 publish these to the jury?

3 THE COURT: Yes, ma'am.

4 BY MS. MCKENZIE:

5 Q. State's Exhibit 39, would you?

6 A. This shows where he has a cut. Well, kind of a
7 severe cut right below his knuckle on the top part of his
8 middle finger.

9 Q. And State's Exhibit 40?

10 A. Just a little bit further away picture. It's the
11 same thing. It just slows a better scale for the finger
12 to show where it's at.

13 Q. State's Exhibit 41?

14 A. This is going to be the other hand that shows several
15 cuts on the knuckles and on the -- this part of your hand
16 here.

17 Q. State's Exhibit 38?

18 A. This would be other hand as well that shows a cut
19 just on the inside of the thumb. I said inside of the
20 thumb. Up above the thumb right in this area.

21 (WHEREUPON, the witness returns to the witness
22 stand.)

23 BY MS. MCKENZIE:

24 Q. Okay, Captain Watson, please answer any questions
25 Ms. Little may have at this time.

1 A. Yes, ma'am.

2 THE COURT: Cross examination, Ms. Little.

3 MS. LITTLE: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MS. LITTLE:

6 Q. Good morning, Captain Watson?

7 A. Ma'am.

8 Q. Captain Watson, during your investigation I believe
9 you testified that earlier that you found blood in
10 Ms. Cox -- or what appeared to be blood in Ms. Cox's
11 residence?

12 A. Yes, ma'am.

13 Q. What rooms in the house did you see what you thought
14 at that time was blood?

15 A. Just in the kitchen.

16 Q. Okay, now, your earlier testimony was that the -- was
17 it that the entire house was ransacked?

18 A. The rooms that I went into were ransacked, yes,
19 ma'am. The bedrooms most specifically.

20 Q. And was any blood found -- was any blood found in
21 those bedrooms?

22 A. No, ma'am, it was not.

23 Q. You didn't find any fingerprints, did you?

24 A. No, ma'am, I did not.

25 Q. And was it your testimony you thought those drawers

1 were pulled out from the dresser?

2 A. Is what it appeared to be, yes, ma'am.

3 Q. Did you tests those -- all those drawers to see if
4 fingerprints could be found?

5 A. I looked at all of the drawers and all of the places
6 to where I felt like I could get fingerprints from, but
7 considering the fact that I had blood evidence that's what
8 I primarily concentrated on. However, I did look see to
9 see if I could find fingerprints. Yes, ma'am.

10 Q. Now, the glass that you saw in the home was any of
11 that glass was -- was there blood on any of the glass?

12 A. There was glass in close proximity to the blood,
13 ma'am. To sit here and say positively if there was blood
14 on any piece of that glass I'm not sure, ma'am.

15 Q. Did you see any glass on the window area that was
16 broken out? I mean -- Sorry. Did you see any blood on
17 the glass where it was broken out?

18 A. No, ma'am.

19 Q. And you didn't see any blood anywhere in the house?

20 A. Besides the kitchen.

21 Q. Other than the kitchen?

22 A. Yes, ma'am. That's where I found it.

23 Q. Okay, well, did you ever recover any items that were
24 allegedly stolen from the kitchen?

25 A. No, ma'am.

1 Q. So the items that you recovered, specifically the
2 high school ring, was not in the kitchen where the blood
3 was located?

4 A. Oh, no, ma'am.

5 Q. Now, I just want to go back earlier. You mentioned
6 that -- I believe you mentioned that you knew the witness,
7 Larry Gainey?

8 A. Yes, ma'am, I do.

9 Q. From previous experience?

10 A. Yes, ma'am, I do.

11 Q. And you knew in your history with Mr. Gainey that he
12 had a history of forgery and other crimes of dishonesty?

13 A. Yes, ma'am.

14 Q. Now, at the time that Mr. Gainey presented you with
15 the note did you find anything odd about that note?
16 Didn't think anything unusual about that note?

17 A. I thought that -- my initial presentation of it was
18 that was a pretty stupid thing to do if I had broken into
19 a residence.

20 Q. Did you have any reason to doubt that what Larry
21 Gainey was telling you at this time was true?

22 A. No.

23 MS. LITTLE: Just -- may I approach, Your Honor?

24 THE COURT: Yes, ma'am.

25 BY MS. LITTLE:

1 Q. I'm going to show you State's Exhibit One. Is this
2 the note that you were presented by Mr. Gainey?

3 A. Yes, ma'am, it is.

4 Q. And Mr. Gainey told you this was signed by my client,
5 right?

6 A. That's what he told me. Yes, ma'am.

7 Q. And I believe you said you had dealings with Ronnie
8 Cameron in the past, too, correct?

9 A. Not as much as I've had dealing with Mr. Gainey, but
10 yes, we have dealt with him.

11 Q. Were you aware that Mr. Gainey -- how Mr. Cameron,
12 I'm sorry, spells his name?

13 A. No, ma'am, I'm not to be honest with you.

14 Q. You're not -- you haven't seen his signature?

15 A. Not that I can recall.

16 Q. Okay?

17 A. I do know, ma'am, that his name was Ronald and that
18 people call him Ronnie.

19 Q. And at what point did you discover that the note that
20 you had taken in evidence was actually a forgery?

21 A. I can't recall the exact date in time, ma'am, but it
22 was somewhat shortly afterwards. Some weeks, maybe.

23 Q. And as a result did you take any action or try to
24 press any charges against the person who presented this
25 fault information to the police?

1 A. No, ma'am, I did not.

2 Q. Now, you stated earlier that no blood on any area
3 except the kitchen. You didn't recovering any glass that
4 had blood on it, so Officer, Captain Watson, you can't say
5 for sure how the blood got in that house, can you?

6 A. It is my belief that the blood got ---

7 Q. No, I'm not asking for your opinion. I'm asking you
8 to tell this jury can you say for sure how that blood got
9 in the kitchen of Ms. Cox's house?

10 A. When Ronald Cameron broke in the house.

11 Q. Just one moment.

12 MS. LITTLE: No further questions of Captain Watson.

13 THE COURT: Redirect?

14 MS. MCKENZIE: No redirect, Your Honor.

15 THE COURT: All right, Mr. Watson, you may step down.
16 Thank you, sir. All right, Ms. McKenzie, you may call
17 your next witness.

18 MS. MCKENZIE: Your Honor, at this time the State
19 calls Michael August.

20 THE COURT: All right.

21 MICHAEL AUGUST, after being duly sworn,
22 testified as follows:

23 THE COURT: All right. Ms. McKenzie, you may
24 proceed.

25 MS. MCKENZIE: Thank you, Your Honor.

DIRECT EXAMINATION

1
2 BY MS. MCKENZIE:

3 Q. Please state your full name for the record?

4 A. Michael August.

5 Q. And where are you employed?

6 A. At the Darlington Police Department.

7 Q. What's your position there?

8 A. Sergeant of Investigations.

9 Q. And what are special duties do you also hold for the
10 police department?

11 A. Evidence custodian.

12 Q. And will you tell us a little bit about what all that
13 entails, the evidence custodian?

14 A. They will drop evidence in the evidence box.
15 Sometimes I go to the scene and collect it. Officers drop
16 evidence in a secured evidence box. It's got locks on it.
17 From time to time I'll go collect that particular
18 evidence, take it, log it into evidence downstairs, and I
19 also am in charge of getting those items to S.L.E.D. which
20 is the State Law Enforcement Division in Columbia.

21 Q. And is that evidence box secure, kept secure?

22 A. The evidence box is kept secured. Also the evidence
23 room is downstairs. It's kept secure with a key that I
24 have possession of which is always secured in my desk
25 drawer, my locked desk drawer. Also -- there is also one

1 other key to it that the City has in a secured safe just
2 in case something happens to that particular key so we can
3 get into it if something was wrong with it.

4 But there is one more key that is kept in the City
5 safe at the City Administrator's Office. It's in a sealed
6 bag which has -- with my initials were put on it. And
7 that bag is secured over at the City Administration
8 Office.

9 Q. Okay, I'm going to show you what's been mark as
10 State's Exhibit 43 for identification purposes only. Do
11 you recognize those containers there inside that bag?

12 A. They appear to be swabs that were taken somewhere.
13 Do you want me to tell you exactly what this is? What's
14 in it?

15 Q. If you can tell me who you received those from?

16 A. Okay, these appear to be blood samples, and the
17 evidence form indicates that they were taken from [REDACTED]
18 [REDACTED] in Darlington. I was present at the time
19 Captain Watson now took those at the scene and also he
20 dropped those in the drop box on the 25th which would have
21 been April 25th 2008.

22 Q. Okay, and at what point were those swabs under your
23 custody and control?

24 A. He ---

25 Q. Or up to what point?

1 A. He dropped them in. He actually took those and
2 dropped them in the evidence box on the 25th. And on the
3 28th we took them out of the -- I took them out of the
4 evidence secured box cause they would be dropped -- they
5 would have been dropped in there, and then they were taken
6 and logged into evidence on the 28th.

7 Q. Okay?

8 A. Which was three days later.

9 Q. And did anyone else take control of those items after
10 that point that they were logged into evidence on the
11 28th?

12 A. On the 28th, it appears that I logged them in and
13 then I made a trip -- hang on one second. And on that
14 particular day, on the 28th, when I logged them in in
15 Locker 16 I made a trip to Columbia and took them to
16 Columbia the same day.

17 Q. Okay, did you take these items to Columbia or did you
18 assign an officer to take them to Columbia?

19 A. I'm sorry. Kawan Martin. I gave them to Kawan
20 Martin. I assigned Kawan Martin to take them to Columbia.

21 Q. Officer Martin is with your department?

22 A. Yes, ma'am, he is. He's a patrolman with our
23 department.

24 Q. Also did you have any involvement in taking some --
25 what we call Buccal swabs? Swabs from inside the cheek of

1 the Defendant earlier this month.

2 A. Yes, ma'am, on the 2nd of this month I took -- I was
3 present. Actually, I had an order -- I was delivered an
4 order by your office. It was a Court order, and I went
5 out to the -- I went out to the Darlington County
6 Detention Center and informed Captain Coe, who was the
7 captain at the police department -- I'm sorry at the
8 Darlington County Jail that I had a Court order.

9 And he went back to the back where Mr. Cameron was
10 and got him, and I met him with the Court order and I also
11 showed the jail nurse -- her name was Faye Weatherford, to
12 obtain the swabs from his mouth. And at that point I
13 witnessed her take the swabs from his mouth.

14 Q. Okay, so you witnessed her swab his mouth?

15 A. Yes, ma'am. I was standing right there when she did
16 it.

17 Q. All right. I'm going to show you what's marked as
18 State's Exhibit 44. It's been marked for identification
19 purposes only. There is some outside packaging, but does
20 that appear to be the packaging that those Buccal swabs or
21 cheek swabs were placed?

22 A. One second. I remember placing them in a paper bag
23 and, yes, that's it. I see my initials there.

24 Q. And did you take custody of those swabs at the jail?

25 A. Yes, I did take -- I took custody at the jail.

1 Actually, when she -- she actually swabbed it. I was
2 holding the box that they went in. She put them in the
3 box, and I mean I had custody from her hand to mine.

4 Q. Okay, and what did you do with the swabs after you
5 left the jail?

6 A. After I went to the jail I took them to the police
7 department and logged them into the -- I dropped them into
8 the evidence drop box which is upstairs. And then on the
9 28th I took them from the -- I'm sorry. Correction on
10 that. On the -- I dropped them in the box on the 2nd
11 which was that day.

12 And then I actually logged them into the evidence
13 room from the drop box to the evidence room. I went in on
14 the 6th and logged them in and then on the 8th I took them
15 to Columbia.

16 Q. So you delivered those samples to S.L.E.D.

17 A. All that was in my custody until they went the
18 S.L.E.D. They were in the -- I was the only one that had
19 access to them until they went to S.L.E.D.

20 Q. And can you explain the significance of the markings
21 at the top of the bag that were made?

22 A. When I actually carry this to S.L.E.D. I carried it
23 in my bag which was on the inside of this bag. And when I
24 carry this to S.L.E.D. I go to log in. When I go to log
25 in she gives me a bag and we seal it up right there in

1 front of her. And put my initials on it, and we seal -- I
2 sealed it in front of her and I don't know. That's their
3 procedure for me to seal it before it goes to wherever
4 they sent it to.

5 Q. Okay. Okay, now, I want to transition and talk to
6 you a little bit about your involvement with the
7 investigation of the case. Would you just explain after
8 you became aware of the burglary on [REDACTED] what
9 was your involvement in your capacity as an investigator?

10 A. Yes, ma'am. We got a call to go over [REDACTED].
11 When I got there Captain Watson was already there
12 processing the scene. I sat there. There was blood in
13 the house. There was in the kitchen the window was broke
14 that goes into the kitchen, and he was actually processing
15 the scene.

16 After he processed the scene we got the -- you know
17 he indicated to me that he wanted us to go out and start
18 canvassing the area and find out if there is anybody
19 walking around here cause the person obviously cut
20 themselves. So he said, "Let's look for somebody that may
21 have cut themselves," and so forth.

22 So that's what we began to do. I think later on I
23 think Chief Cox ended up coming home when he indicated to
24 me that he was trying to figure out what he was missing.
25 He didn't really have an idea of everything that was

1 missing. At some point he made a call to his son and then
2 he indicated to me that the ring is missing. A high
3 school ring was missing from the house.

4 At that point I got on the phone and called Captain
5 Watson and indicated to him that the ring was missing.
6 Within a few minutes he called me back and he had gone to
7 the pawnshop and found the ring as a class ring. It was a
8 brand new ring. The Class of 2000 whatever, nine. I
9 think it was Class of 2009.

10 Q. What was your involvement after there ring was found?

11 A. After the ring was recovered he told me -- he
12 indicated to me that Larry Gainey's name -- a gentlemen
13 named Larry Gainey's name was on the ring. I know Larry
14 Gainey. I've known him all my life. Matter of fact when
15 he was growing up him and my brother actually hung out
16 together and I -- but also in a law enforcement capacity
17 I've also known Larry cause Larry has gotten in a little
18 bit of trouble with some checks and stuff like that.

19 But I knew my brother knew him. So I couldn't find
20 him in the area and I called my brother on the phone who
21 was a Darlington County Deputy and indicated to him, "Say,
22 look, we're looking for Larry Gainey. We think he broke
23 into the chief's house; that it was freshly committed.
24 Look, when you find him he should have cuts on his hands
25 because, you know, the person who broke into his house has

1 cut -- actually has cuts on their hands."

2 Q. Did you go out there where Gary August, your brother,
3 was when he located Larry Gainey?

4 A. Yes, after he located him my brother actually went
5 and indicated to me that he found him out on [REDACTED]
6 [REDACTED] in the trailer park right behind it cause that's
7 where he lived.

8 Q. Did you have -- I'm interrupting you. Did you have a
9 chance to observe Mr. Gainey's hands?

10 A. Yes, he had no -- actually, on the phone my brother
11 indicated to me that he didn't have any cuts on his hands.

12 Q. And you saw that for yourself?

13 A. I saw that for myself. I did see that for myself
14 when he called me out there to Mr. Gainey's trailer. We
15 went out there and he had him -- I think when we got there
16 I believe he had Larry in handcuffs. I don't know if he
17 did or not. I think he did, but I can't recall.

18 Q. Okay, now I want to ask you about Ronnie Cameron.
19 Did you see Ronnie Cameron out there that afternoon?

20 A. Yes, a short time after that I -- my brother ended up
21 finding Ronnie Cameron. He was in the -- he was actually
22 in handcuffs and he had cuffs on his hands.

23 Q. You observed those as well?

24 A. I did observe those cuts on his hands.

25 Q. Okay, please answer any questions Ms. Little may have

1 at this time.

2 THE COURT: Cross, Ms. Little?

3 MS. LITTLE: No question of this witness, Your Honor.

4 THE COURT: All right. Thank you. You may step
5 down. All right. Ms. McKenzie, may call your next
6 witness.

7 MS. MCKENZIE: Your Honor, at this time we would call
8 Officer Martin.

9 THE COURT: All right.

10 KAWAN MARTIN, after being duly sworn, testified
11 as follows:

12 DIRECT EXAMINATION

13 BY MS. MCKENZIE:

14 Q. Officer Martin, good afternoon?

15 A. Good afternoon.

16 Q. Will you please state your full name for the
17 record -- for the Court's record?

18 A. Kawan Martin.

19 Q. Where are you employed?

20 A. Darlington Police Department.

21 Q. Okay, and what is your position there?

22 A. I'm a police officer.

23 Q. Okay, are you commonly as requested by the evidence
24 custodian to make trips to S.L.E.D.?

25 A. I have.

1 Q. I'm going to show you what's been marked for
2 identification purposes as State's Exhibit 43. And those
3 containers inside that, those five containers, do you
4 recognize those items?

5 A. I do.

6 Q. And how did you obtain possession of those?

7 A. I obtained possession from Sergeant August.

8 Q. And what date did you make a transfer to S.L.E.D. and
9 take the items to S.L.E.D.?

10 A. I believe it was, if I'm not mistaken, it was in
11 April. Maybe the 20 of April. Something like that.

12 Q. I'm going to ask you this. When you commonly take
13 stuff to S.L.E.D. do they have you initial and date the
14 items when you get them to S.L.E.D.? Tell me about their
15 procedure when you drop evidence off at S.L.E.D.

16 A. When I drop the evidence that I take to them I do
17 have to sign for it as far as giving it to them. I sign
18 the chain of transported to them and they put it in their
19 evidence room, however they do that.

20 Q. Okay, is it sealed when you drop it off at S.L.E.D.?

21 A. When I drop it off at S.L.E.D. it's sealed.

22 Q. Are those are your initials at the top of this?

23 A. Yes, ma'am.

24 Q. What was the date on that?

25 A. The 28th of April.

1 Q. Would that date on that package represent the date it
2 was taken to S.L.E.D.?

3 A. Yes, ma'am.

4 Q. From the point in time that you signed those items to
5 Sergeant August to S.L.E.D. were they under your control
6 and custody?

7 A. Yes, ma'am.

8 Q. Please answer any questions Ms. Little may have for
9 you.

10 THE COURT: Cross, Ms. Little?

11 MS. LITTLE: Your Honor, I don't have any questions
12 of the officer.

13 THE COURT: Thank you. You may step down. All
14 right, Ms. McKenzie, you may call your next witness.

15 MS. MCKENZIE: Your Honor, may we approach?

16 THE COURT: Yes.

17 (WHEREUPON, a bench conference was held off the
18 record in the presence of the jury, but out of the
19 hearing of the jury.)

20 COLLOQUY

21 THE COURT: All right, ladies and gentlemen, after
22 talking with counsel about scheduling and so forth I
23 believe that this is an appropriate time for us to take
24 our lunch recess, and we are going to do that at this
25 time. And I am going to allow you to go and get your

1 lunch and then come back to the jury room. There are a
2 couple things that I do want to tell you.

3 First of all, Ms. Odom, I'm going to ask you to be
4 the forelady of this jury so if you will take the forelady
5 seat when we come back here, please, and be the forelady
6 of this jury.

7 And, secondly, you will recall they I told you that
8 it would be improper for you to read any news account or
9 listen to any news story about this case. Also it would
10 be improper for you to talk to anyone about this case over
11 the lunch recess. See when you see your family or your
12 friends do not discuss the case with them.

13 Any discussion of the case with them would be
14 improper. I would also tell you, and this is -- all of
15 these admonitions will continue throughout the trial of
16 the case, but you're not to do any research or
17 investigation into this case or to do any research or
18 investigation on the internet or otherwise.

19 I would also tell you that the prohibition against
20 talking with anyone goes further to prohibit any posting
21 on internet sites such as Facebook, My Space, or Twitter
22 or anything like that. You should have no communications
23 with anybody about this case until the case is concluded
24 and you have been dismissed. I am going to excuse you now
25 and allow you to go and get your lunch and ask you to be

1 back in your jury room, please, at two o'clock.

2 We may have some things that we may have to do prior
3 to that time, but please plan to be back in your jury room
4 at two o'clock. That's about a hour and a half, and we
5 will be ready to go forwards at that time. Thank you.
6 You may go with the bailiff.

7 (WHEREUPON, the jury was excused from the courtroom
8 at 12:31 p.m.)

9 THE COURT: All right. I want to have a talk with
10 your client about his Fifth Amendment rights before we go
11 to lunch so that you will have a chance to talk with him
12 about these matters during the lunch recess.

13 Mr. Cameron, let me ask you to stand. You can stand
14 right where you are, please, sir. Mr. Cameron, you may be
15 called as a witness to testify in your own behalf. I now
16 advise you that you have the right to invoke the
17 protections given to you by the Fifth Amendment of the
18 Constitution of the United States and a similar
19 counterpart provision of the Constitution of the South
20 Carolina.

21 The Fifth Amendment to the Constitution of the United
22 States provides in part that no person shall be compelled
23 in any criminal case to be a witness against himself.
24 This provision of constitutional law means that you cannot
25 e compelled or required to testify in this case. This is

1 a right and a privilege which the law extends to you.

2 It is a personal privilege and no one can waive this
3 right except for you. You have the right not to testify,
4 but you also have the right to testify. The Court will
5 grant you the right to consult with your lawyer before you
6 make a decision. If you elect not to testify your failure
7 to testify cannot be used by the State as an inference of
8 guilt.

9 And your failure to testify cannot be considered by
10 the jury in its deliberations, and in fact I would
11 instruct the jury that they are not to use or to infer
12 anything from your election not to testify. However, if
13 you elect to testify and waive the privilege extended to
14 you by the Constitution I advise you that you would then
15 assume the role of a witness in this case and you would
16 then waive or give up your constitutional privilege
17 against self-incrimination.

18 This means that if you voluntarily take the witness
19 stand and testify you will then subject yourself to the
20 same rules that govern other witnesses in this case, and
21 you may be examined and cross examined on any relevant
22 issue in this case. And you may be impeached to the same
23 extent as any other witness all of which is subject to the
24 rules of law.

25 I would further advise you that if you elect to take

1 the witness stand and testify that this decision on your
2 part must be made freely, voluntarily, intelligently and
3 with knowledge of the protections given to you by the
4 Fifth Amendment of the Constitution and with knowledge of
5 consequences of your election to testify. Have you
6 understood what I have discussed with you?

7 MR. CAMERON: Yes, sir.

8 THE COURT: You have any questions that you wish to
9 ask me about your Fifth Amendment rights?

10 MR. CAMERON: No, sir.

11 THE COURT: All right. I will give you an
12 opportunity to confer with your lawyer. I will not
13 require you to give me an answer at this time, but will
14 require an answer after the State's case has been
15 presented as to whether you do or do not wish to testify
16 in this case. And I recommend to you that you discuss
17 this matter with your lawyer over the lunch recess so you
18 will be prepared to answer that question this afternoon.
19 Do you understand?

20 MR. CAMERON: Yes, sir.

21 THE COURT: All right. Thank you. You may be
22 seated. Anything else before we adjourn for lunch on
23 behalf of the State, Ms. McKenzie?

24 MS. MCKENZIE: No, sir.

25 MS. LITTLE: No, Your Honor.

1 THE COURT: How many more witnesses do you
2 anticipate?

3 MS. MCKENZIE: Two.

4 THE COURT: All right. Anything before we recess for
5 lunch?

6 MS. LITTLE: No, sir.

7 THE COURT: All right. I believe in this situation
8 that the Defendant is incarcerated so it's not a question
9 of whether he should stay out on bond during the period of
10 time -- during the recess. All right.

11 MS. LITTLE: Correct, Your Honor.

12 THE COURT: All right. What I would like, counsel,
13 it's about 23 minutes until 1:00. I'd like if we could
14 get some lunch and that counsel will be back by 1:45 so if
15 there are any matters that we need to take up before going
16 forward. I would like to be ready to go forward promptly
17 with the jury at two o'clock. Thank you.

18 MS. LITTLE: Thank you, Your Honor.

19 MS. MCKENZIE: Your Honor, may Officer Martin be
20 excused?

21 THE COURT: Any objection?

22 MS. LITTLE: No objection.

23 THE COURT: You are excused.

24 MS. MCKENZIE: Thank you, Your Honor.

25 (WHEREUPON, Court was in recess at 12:36 p.m. and

1 reconvened at 2:00 p.m.)

2 (WHEREUPON, State's Exhibit Nos. 45, 46, 47, 48, 49
3 were marked for identification only.)

4 THE COURT: Okay, on the record in the matter of the
5 State v. Ronald Francis Cameron. Mr. Cameron is in the
6 courtroom with his attorney, Ms. Little. The State is
7 represented by Ms. McKenzie. Anything before we bring the
8 jury in, Ms. McKenzie?

9 MS. MCKENZIE: No, Your Honor.

10 THE COURT: Ms. Little?

11 MS. LITTLE: No, sir.

12 THE COURT: All right. Bring the jury in, please,
13 sir.

14 (WHEREUPON, the jury panel enters the courtroom at
15 2:02 p.m.)

16 THE COURT: All right. Thank you, ladies and
17 gentlemen, and I hope everyone had a pleasant lunch. And
18 I see Ms. Odom has taken the forelady's seat as she is --
19 was supposed to do and, of course, the alternate is
20 sitting outside. I will tell you again that the seats are
21 not reserved and y'all having that very well except for
22 the forelady's seat and the seat where the alternate is
23 seated. The State was in the process of presenting their
24 case when we went to the lunch recess. And the State is
25 still presenting the State's case. And Ms. McKenzie will

1 have the right to present any further evidence that she
2 wishes to present at this time. Ms. McKenzie.

3 MS. MCKENZIE: Thank you, Your Honor. At this time
4 the State calls Ms. Lilly Gallman.

5 LILLY GALLMAN, after being duly sworn, testified
6 as follows:

7 THE COURT: All right. You may proceed.

8 DIRECT EXAMINATION

9 BY MS. LITTLE:

10 Q. Good afternoon?

11 A. Good afternoon.

12 Q. Please state your full name for the Court's record?

13 A. My name is Lilly Smalls Gallman?

14 Q. Ms. Gallman, where are you employed?

15 A. I am employed with the South Carolina Law Enforcement
16 Division as a forensic D.N.A. analysis.

17 Q. How long have you been employed with The State Law
18 Enforcement Division?

19 A. I began in January of 1990. So approximately -- well
20 it's 19 years this year.

21 Q. The State Law Enforcement Division, does that stand
22 for S.L.E.D.

23 A. Yes, it does.

24 Q. Okay, and what are your responsibilities as part of
25 your position there with S.L.E.D?

1 A. As I said I'm a forensic D.N.A. analyst. My job is
2 to receive evidence and test it for the presence either of
3 blood or semen and once I establish that I have blood or
4 semen on the items I perform a D.N.A. test on it and
5 compare them to standards that are given to me.

6 Q. Okay, now, would you please describe your educational
7 background for us, please?

8 A. I have a degree in biology from the University of
9 South Carolina. Once I received my degree I continued
10 working there in the area of genetics where I did cloning
11 and sequencing of D.N.A. As I said I began working in the
12 South Carolina Law Enforcement Division in January of
13 1990.

14 Since that time I've been trained in the area of
15 serology. I've attended the F.B.I. D.N.A. Typing Schools,
16 I've also take advanced course in genetics all of which
17 are used to help me do a better job. I've also attended
18 the South Carolina Police Academy to become a certified
19 police officer.

20 Q. How many times, and first of all, have you ever been
21 qualified as an expert in the field of D.N.A. analysis
22 before in circuit court?

23 A. Yes, I have.

24 Q. About how many times would you say that you've been
25 qualified as an expert?

1 A. Approximately 50.

2 MS. McKENZIE: Okay, Your Honor, at this time the
3 State would move to have Ms. Lilly Gallman qualified as an
4 expert in the field of forensic D.N.A. analysis.

5 THE COURT: Voir dire with regards to qualifications,
6 Ms. Little?

7 MS. LITTLE: None, Your Honor.

8 THE COURT: All right. The Court will qualify this
9 witness, Ms. Gallman, as an expert in the field of D.N.A.
10 analysis. Ladies and gentlemen of the jury, let me tell
11 you what that means. Ordinarily, if a witness is not
12 testifying as an expert the witness' testimony is limited
13 to matters that are rationally based upon the perception
14 of the witness; that is within one of the five senses or
15 helpful to -- and/or helpful to a clear understanding of
16 the facts and do not require special knowledge, skill,
17 experience or training.

18 However, if scientific, technical or other
19 specialized knowledge will assist the trier of facts, and
20 that's you in this case, to understand the evidence or to
21 determine a fact in issue a witness qualified as an expert
22 by knowledge, skill, experience, training or education may
23 testify in the form of an opinion.

24 So basically the difference between a non-expert
25 witness or sometimes referred to as a lay witness or an

1 expert witness is that an expert is allowed to give an
2 opinion and normally a non-expert witness is not allowed
3 to give an opinion. And I have qualified this witness as
4 an expert in the field of forensic D.N.A. analysis. All
5 right, Ms. Little. I mean, Ms. McKenzie, excuse me.

6 MS. MCKENZIE: Thank you, Your Honor.

7 BY MS. MCKENZIE:

8 Q. All right, Lilly, I'm going to show you what's been
9 marked as State's Exhibit 43. Could you tell me did you
10 work with those samples?

11 A. Yes, I did.

12 Q. And when were those samples dropped off at S.L.E.D.?

13 A. They arrived at S.L.E.D. headquarters on April 28th
14 2008.

15 Q. And who delivered those to S.L.E.D. on April 28th?

16 A. Based on the chain, Patrol Martin.

17 Q. And what is your procedure or protocol when evidence
18 is dropped off at S.L.E.D. as far as the packaging and the
19 sealing of evidence.

20 A. Once evidence is brought into S.L.E.D. it's place in
21 what we call a heat sealed pouch and the reason why we
22 call it is because the seal at the top is heat sealed.
23 You just put heat pressure on the top of it.

24 The officer that delivered the evidence -- that place
25 the evidence in this pouch is then sealed and then the

1 officers that deliver it would put his initials or her
2 initials on the seal and the date in which they did the
3 sealing of the evidence. And the date on here is
4 April 28th 2008.

5 Q. Is Officer Martin's initials on that top part of the
6 bag?

7 A. Yes, it is.

8 Q. Okay, and what is the reasoning and the rational
9 behind going through all that to have those bags sealed in
10 the presence of the officer?

11 A. The reason to make sure that the evidence is secured
12 once it comes in the door it is given to evidence log in
13 personnel and the seal is there so that everyone would
14 know that this evidence is not been tempered with. And
15 the next person that would open it like myself would open
16 the package and seal it back and place their initials and
17 the date that they seal on it.

18 So it's a way of tracking who has opened the evidence
19 and who has handled the evidence.

20 Q. Ms. Gallman, was -- when did you receive that package
21 of evidence?

22 A. I received -- this evidence was transferred in my
23 custody on April the 29th 2008.

24 Q. And when you received that, the evidence on that
25 date, was the package sealed or unsealed?

1 A. Yes, it was. It was sealed.

2 Q. It was sealed. You were the first person to open
3 that package?

4 A. Yes, I was.

5 Q. Okay. All right. Once you opened the package what
6 did you do with the items that were inside that particular
7 package? That would be Items 1.1 through 1.5?

8 A. When this evidence was submitted the request on the
9 log in sheet were that a D.N.A. be done on these items.
10 And also based on the information that I had it was that
11 it was possibly blood on the swabs.

12 So my first test was to check and see if there was
13 blood there and I did that, and blood was indicated as
14 being on the swab. The next step was to extract the
15 D.N.A. from those swabs. Meaning putting a portion of the
16 swab into a solution so it would break open the blood
17 cells and release the D.N.A. so I could develop the D.N.A.
18 profile from it.

19 Q. Were you able to get the D.N.A. and develop the
20 D.N.A. profile from those five swabs?

21 A. Yes, I was.

22 Q. Okay, now, as a part of your job once that D.N.A.
23 profile is developed what do you usually do -- get in
24 order for the next step?

25 A. When you try to determine whose D.N.A. is on the swab

1 you need a standard from that individual in order to do
2 that. So the first step was to develop a D.N.A. profile
3 from the evidence. The next step would be to develop the
4 D.N.A. profile from whatever standard that is supplied to
5 you.

6 Q. Did law enforcement submit some suspect standards in
7 this particular case?

8 A. Yes, they did.

9 Q. I'm going to hand you what's marked as State's
10 Exhibit 44. This is for identification purposes. Tell me
11 about that package?

12 A. Okay, this package would be handled in the same way
13 as the previous package. We brought into the log in area.
14 The evidence was placed inside -- the standard, in this
15 case, was placed inside this pouch. It was heat sealed.
16 The submitting officer placed their initial and the date
17 that they delivered to S.L.E.D. on the seal.

18 Q. Who was the submitting officer for these standards?

19 A. Sergeant Michael Austin. I'm sorry, August. Sorry.

20 Q. Okay, and what day did you receive custody of those
21 standards?

22 A. I took custody of this standard on September the 14th
23 2009.

24 Q. And when you received custody of those standards was
25 the pouch still sealed?

1 A. Yes, it was.

2 Q. Were you the first person to open the pouch?

3 A. Yes, I was.

4 Q. Okay, now, the suspect standards that were contained
5 in that pouch, that are commonly referred to as buccal
6 buccal swabs, would you please explain what a buccal swab
7 is?

8 A. A buccal swab is just when you take like a Q-tip and
9 you swab the inside of the person's mouth and let that air
10 dry. And then it's placed inside a protective covering
11 and then sealed in this pouch.

12 Q. What name was indicated for those suspect standards?
13 Whose standards were those?

14 A. I was given the name Ronald Cameron.

15 Q. Now, when you -- will you explain a little bit about
16 your procedure in getting the D.N.A. off of the buccal
17 swabs?

18 A. I utilize the same procedure for evidence and
19 standards when I'm developing a D.N.A. profile. A buccal
20 swab as I said swabs from the inside of a person's mouth
21 that's air dried before it's packaged up.

22 We cut the tip off and place it in a solution so it
23 would break open the cells that are coming from the inside
24 of the person's mouth. And I'm able to develop a D.N.A.
25 profile from that.

1 Q. So you just said you were able to develop D.N.A.
2 profile from the standards that were submitted with the
3 name Ronald Cameron?

4 A. Yes, I was.

5 Q. And with your testing did you have a match between
6 the swabs that contained what you identified as blood and
7 then Ronald Cameron's standards?

8 A. Yes, I did.

9 Q. Okay, and when you talk a little bit about what that
10 means when you have a match of D.N.A.

11 A. Once I develop a D.N.A. profile from the evidence and
12 from a standard that's given in a case you check and see
13 if the D.N.A. profiles match which means that the same
14 D.N.A. profile that was given to the person, the standard,
15 from their mother and father is the same profile as found
16 in the evidence.

17 Q. Did you prepare a report of your findings?

18 A. Yes, I did.

19 Q. I'm going to hand you what's been marked for
20 identification purposes State's Exhibit 49. Is that your
21 report?

22 A. Yes, it is.

23 Q. And has that copy been changed or altered in any way?

24 A. No, it has not.

25 Q. Okay, we also have State's Exhibit 46 that I'd like

1 to show you, 45 and 46. Two numbers, 45 and 46. Would
2 you identify these -- this for me?

3 A. Yes, this is a blown up version of my report that was
4 just shown to me.

5 Q. Okay.

6 MS. MCKENZIE: Your Honor, at this time the State
7 would move to offer the blown up report. Move -- offer to
8 move this in evidence?

9 THE COURT: What are the numbers?

10 MS. MCKENZIE: It's 45 and 46.

11 THE COURT: All right. The enlargements are 45 and
12 46. Ms. Little, any objection?

13 MS. LITTLE: May I see them briefly? I haven't seen
14 those. No objection, Your Honor.

15 THE COURT: Moved into evidence without objection
16 State's Number 45 and 46.

17 (WHEREUPON, State's Exhibit Nos. 45 and 46 were
18 admitted into evidence.)

19 BY MS. MCKENZIE:

20 Q. Now, Ms. Gallman ---

21 MS. MCKENZIE: With the Court's permission, I'd like
22 for Ms. Gallman to step down ---

23 THE COURT: Yes, ma'am.

24 MS. MCKENZIE: --- and publish the report to the
25 jury?

1 THE COURT: Ms. Gallman, you may step down.

2 (WHEREUPON, the witness steps down from the witness
3 stand.)

4 BY MS. MCKENZIE:

5 Q. Let's start with State's Exhibit 46 which is the
6 first two pages of the report, okay?

7 A. Okay.

8 Q. You need to speak up.

9 THE COURT: Ms. McKenzie, is 49 the same thing but
10 just not the blown up version?

11 MS. MCKENZIE: Yes, sir.

12 THE COURT: Can I look at that, please, while she's
13 testifying since I can't see this chart?

14 MS. MCKENZIE: Yes, sir.

15 THE COURT: Okay, go ahead.

16 THE WITNESS: What you're looking at is the report
17 that I was issued the first two pages off of the report
18 that was issued on this particular case. All of the
19 information at the top is basic address to what the agent
20 brought the evidence in to S.L.E.D. And you've got the
21 date that the report was issued.

22 And all of the information about this particular
23 case. Once you move down to this area where you see the
24 D.N.A. analysis you're looking at the items that were
25 submitted for analysis. We always list those to let

1 everybody know what items we're analyzing and what type of
2 evidence it is. The information that was written on the
3 evidence stated -- okay. This is all of the evidence that
4 was submitted in this particular case including the
5 standard and the swabs that were taken at the crime scene
6 that I performed D.N.A. analysis testing on.

7 Over on the left hand side you see the examination.
8 It just says -- states that I did D.N.A. analysis on these
9 items. And then there is a chart that is going to follow
10 to show you the profile from the evidence and the profile
11 from the standard to let you see that it matches.

12 The results state, and I'm reading from the report if
13 I can do it; "That the D.N.A. profile developed from Items
14 1.1 through 1.5," cause I had five swabs, "matched the
15 D.N.A. profile of Ronald F. Cameron." And then we are
16 required by our protocol to put our statistical value as
17 to how frequent is this particular D.N.A. profile that is
18 in a given population.

19 Once you establish that you have a match; that's the
20 first thing that you do. You establish that you have a
21 match, and then apply a statistical value to that match.
22 And it states, "That the probability of randomly selecting
23 an unrelated individual having D.N.A. profile matching
24 these items is approximately one in one quintillion.
25 That's a one and 18 zeros. And here you see my signature.

1 The last page of the report is the chart that shows
2 you the evidence that was submitted in the case along with
3 the standards. Across the top is the area of the
4 chromosome is that we look at to determine whether we have
5 a match or not along with the alligen which is the sex
6 chromosome. You know male would be XY. Female just X.

7 So as you go across you will see Mr. Cameron's D.N.A.
8 profile, and then you will see the D.N.A. profile
9 developed from the evidence. And as you look at each
10 column you see where everything matches. So once I've
11 established that I have a match between the evidence and
12 the standard from the subject in this case then I apply a
13 D.N.A. frequency to that profile. And in this case it was
14 one in one quintillion.

15 Q. Thank you.

16 (WHEREUPON, the witness returns to the witness
17 stand.)

18 BY MS. MCKENZIE:

19 Q. Ms. Gallman, would you talk a little bit about the
20 review process that y'all have at S.L.E.D. where reports
21 go into review prior to final report being issued?

22 A. All right. Once I develop my report, finish all of
23 the analysis, I have what's termed a case packet. And
24 this case packet along with the report goes through what's
25 called a technical review. The person who is doing the

1 technical review checks all of your information to make
2 sure that everything that you say on your report is
3 correct; that the match is there and that the frequency is
4 correct based on all of the information that you have
5 there.

6 That's the first review. The second review is called
7 an admin reverse -- admin review. I'm sorry. This person
8 checks to make sure all of your T's are crossed and your
9 I's are dotted to make sure the wording is correct and the
10 statement is correct within the report. And then the
11 report is issued.

12 Q. So this report went through those steps of review
13 prior to this final report being issued?

14 A. Yes.

15 Q. And based on all the testing and all the work you did
16 with the evidence and Ronald Cameron's standard what is
17 your final, ultimate conclusion?

18 A. That the conclusion is, based on my report, is that
19 the blood that was found on Items 1.4 through 1.5 D.N.A.
20 profile matches the D.N.A. profile of Ronnie Cameron.

21 Q. Thank you, Ms. Gallman.

22 MS. MCKENZIE: If I may have the Court's indulgence.

23 THE COURT: Yeah.

24 MS. MCKENZIE: Please answer any questions Ms. Little
25 may have.

1 THE COURT: Cross-examination, Ms. Little?

2 MS. LITTLE: Thank You, Your Honor.

3 CROSS-EXAMINATION

4 BY MS. LITTLE:

5 Q. Ma'am, just briefly. From all the testing and
6 examination that you did of this evidence do you have any
7 information about how this evidence came to be? Where it
8 was found?

9 A. No, I do not. I did not collect the evidence. I did
10 not do the crime scene so I do not know.

11 Q. Thank you?

12 MS. LITTLE: No further questions.

13 THE COURT: Anything further?

14 MS. MCKENZIE: No, Your Honor.

15 THE COURT: All right. Thank you, ma'am. You are
16 excused. Would you like to have this witness excused, Ms.
17 McKenzie?

18 MS. MCKENZIE: Yes, Your Honor.

19 THE COURT: Any objection?

20 MS. LITTLE: No, Your Honor.

21 THE COURT: All right. You are excused. Thank you.
22 You can go back to Columbia. All right. Mr. Holt, you
23 may call your next witness.

24 MR. HOLT: Yes, sir, Your Honor. At this time the
25 State would like to call Ms. Jonna Carter to the stand.

1 THE COURT: All right, Ms. Carter. Come around,
2 please.

3 JONNA CARTER, after being duly sworn, testified
4 as follows:

5 MR. HOLT: If it please the Court, Your Honor.

6 THE COURT: Yes, sir. Go ahead.

7 DIRECT EXAMINATION

8 BY MR. HOLT:

9 Q. Can you please state your full name for the record,
10 please?

11 A. Jonna Carter.

12 Q. And where you are employed, Ms. Carter?

13 A. The Clerk of Court, Darlington County.

14 Q. And how long have you been employed there?

15 A. Over 12 years.

16 Q. And what specific area do you practice with the
17 Clerk?

18 A. I am the Chief Deputy Clerk basically over General
19 Sessions.

20 Q. All right.

21 MR. HOLT: Permission to approach, Your Honor?

22 THE COURT: Yes, sir.

23 BY MR. HOLT:

24 Q. I want to hand you what's been previously marked as
25 State's Exhibit 47. Could you just tell me what that is?

1 A. This is a sentencing sheet that we house in our
2 office.

3 Q. Now, who is that made out for?

4 A. Ronnie Cameron.

5 Q. And what county is that in?

6 A. Darlington County.

7 Q. And what's the sentence on there? Can you just
8 describe what's on the sheet for us who don't know?

9 A. Yes, sir. This is a sentencing sheet that we use in
10 General Sessions Court that has the case number, the
11 defendant's name, the charge, and what they were convicted
12 of with the Judge's signature and the date of conviction.

13 Q. And what are those?

14 A. The Defendant is Ronnie Cameron. The charge is
15 burglary, Schedule A. The case Number is 1990-GS-16-1809.
16 He was convicted of the burglary on 12/10 of 1990.

17 Q. All right. Let me show you another one. Both of
18 these are just marked as State's Exhibits. I believe that
19 one -- just for identification. They're just marked for
20 identification purposes. That one is 48, the one I just
21 handed you?

22 A. Yes, sir.

23 Q. Could you describe to the jury what that is again?

24 A. This is also a sentencing sheet that we house in our
25 office that is used in General Sessions Court. It is the

1 sentencing sheet used for the County of Darlington. State
2 v. Ronnie Cameron. Case Number 1998-GS-16-2298.
3 Convicted of burglary second non-violent. It was done in
4 General Sessions in Darlington County on 3/16 of '99.
5 Q. All right. Thank you, Ms. Carter. I believe that
6 would be all I have for you. Just hand me those. Thank
7 you so much.

8 COLLOQUY

9 THE COURT: All right, before I call on Ms. Little in
10 connection with cross-examination of this, ladies and
11 gentlemen of the jury, let me tell you something about
12 this particular testimony. One of the elements of first
13 degree burglary is two prior burglaries.

14 Therefore, the State is permitted to present evidence
15 on two prior burglaries, not to show the Defendant
16 committed this offense or that he has a propensity to
17 commit this type of offense or even as character or as
18 evidence of bad character but solely for the purpose of
19 proving one of the necessary elements for the offense to
20 qualify as a burglary in the first degree.

21 Any cross-examination, Ms. Little?

22 MS. LITTLE: No, Your Honor.

23 THE COURT: All right. Thank you. She had already
24 gone anyhow. All right. Ms. McKenzie, you may proceed.

25 MS. MCKENZIE: Your Honor, at this time that will

1 conclude all of my witnesses.

2 THE COURT: All right. That's the State's case.

3 MS. McKENZIE: Your Honor, I did want to make sure
4 because ---

5 THE COURT: All right, make sure.

6 MS. McKENZIE: The -- this is all one report but it
7 was marked with two numbers and I wanted to make sure that
8 State's Exhibit 45 and 46 have been entered into evidence.
9 I may move to have them entered in evidence.

10 THE COURT: All right. Now, 45 and 46 were admitted
11 without objection.

12 MS. McKENZIE: Okay, that will be all, Your Honor.

13 THE COURT: Anything further? The State rests. All
14 right. Ladies and Gentlemen of the jury, the State has
15 now presented all of the testimony they will present in
16 connection with this matter, and there are certain matters
17 of law which I now need to take up with the attorneys
18 involved. This will take us a few minutes. Maybe 15
19 minutes or so and then we will be ready to go forward.

20 I am going to ask you to go to your jury room, but it
21 would be premature for you to begin any discussion of this
22 case at this time. You still have not heard everything
23 that you will hear in connection with this matter, so do
24 not begin any deliberations or any discussion but let us
25 take care of these matters of law and we will be ready to

1 move forward very shortly. Thank you. You may go with
2 the bailiff to the jury room.

3 (WHEREUPON, the jury was excused from the courtroom
4 at 12:30 p.m.)

5 THE COURT: Ms. Little, any objections or exceptions
6 to my instructions to the jury regarding the proof
7 proffered and presented to the jury regarding the two
8 earlier burglaries?

9 MS. LITTLE: No, Your Honor.

10 THE COURT: Okay. All right. Ms. Little, I'll be
11 glad to hear from you with regards to any motions that you
12 might wish to make at this time.

13 MS. LITTLE: Thank you, Your Honor. Your Honor, at
14 this time the Defense moves for a directed verdict in
15 favor of the Defendant. We believe that the State has
16 failed to present any competent evidence tending to show
17 the defendant's guilt.

18 THE COURT: All right. And I'll smiling because you
19 have quoted the exact language from Rule 19 which correct
20 Rules of Criminal Procedure says that when there is -- let
21 me get it to make sure that I say it exactly right.

22 On the motion of the Defendant, "The Court shall
23 direct a verdict in the defendant's favor of any offense
24 charged in the indictment after the evidence on either
25 side is close if there is failure of competent evidence

1 tending to prove the charge in the indictment." I've
2 always thought that's a poor choice of words in the rule
3 because competent as it's used in that rule means admitted
4 or admissible evidence not the weight of the evidence.

5 In fact the rule goes on to say, "That in ruling on
6 this motion the trial judge should consider only the
7 existence or non-existence of the evidence and not its
8 weight." As some of you know I am chairing a task force
9 of recommendation for changes in the criminal rules.

10 We have about completed our work and one of the
11 changes is going to be a recommendation from changing that
12 wording in Rule 19 from 'competent evidence' to 'a failure
13 of evidence in the record' because competent people think
14 about it as being the weight of the evidence and that's
15 not what it means at all. It means admissible evidence.

16 But in any event my duty at this point is to consider
17 only the existence or non-existence of the evidence in the
18 record and not it's weight. I think that there is
19 evidence in the record of proof of burglary first. The
20 State had proven at least, if not directly by
21 circumstantial evidence, of a breaking, a forced entry.
22 Has also proven a crime that was committed therein, and
23 has linked the Defendant to that crime through D.N.A.
24 evidence.

25 There is also evidence that property was taken; that

1 one of the early concerns that I had was that there was a
2 problem with the value of the evidence taken until I
3 looked at the indictment closely and see the State only
4 alleges it as a petit larceny and not as a grand larceny.
5 So there was no question about that.

6 In my view there is evidence in the record by which
7 the jury could make a decision in this case and that if I
8 were to grant a directed verdict I would be imposing my
9 judgment for that of the jury. And this I cannot do. I
10 would respectfully deny the motion.

11 MS. LITTLE: Thank you, Your Honor.

12 THE COURT: All right. Ms. Little, is your client
13 prepared to address the Fifth Amendment matters, but
14 before we do that let me ask you, Ms. McKenzie, I think
15 one of the matters that always impacts upon a defendant's
16 decision as to whether to testify or not are what the
17 State claims are impeachable offenses under 609.

18 MS. McKENZIE: Yes, sir. We're going to start.
19 There are some convictions in '99, and convictions were
20 for burglary second-degree, and petit larceny.

21 THE COURT: When in '99?

22 MS. McKENZIE: Those convictions were March 16th of
23 '99. At that time he received five years suspended to two
24 years probation.

25 THE COURT: And that was for what?

1 MS. McKENZIE: Concurrent for burglary second. Petit
2 larceny was credit for time served in March of '99,
3 however, on that burglary second he did -- the probation
4 was revoked and then later in '99 he was revoked and given
5 two years. Under the rule I know that ---

6 THE COURT: It's ten years of the release from prison
7 or ten years from the conviction, but when was he
8 actually -- when was the sentence actually completed?

9 MS. McKENZIE: The sentence would have actually been
10 completed sometime after -- that Court date was on custody
11 status received. That court date was on April 27th of
12 '99, and it was on two years, and so it's our position
13 that he would have still been in the custody of the
14 Department of Corrections ten years from this date.

15 THE COURT: Okay. All right. So the issue is
16 evidence of a conviction under this rule is not admissible
17 for a period of more than ten years have elapsed since the
18 date of conviction or the release of the Defendant -- the
19 witness from confinement. All right. So that's the first
20 one that you contend is admissible for impeachment
21 purposes. All right. What else?

22 MS. McKENZIE: Yes, sir, Your Honor. According to
23 his rap sheet on the date he got revoked for the burglary
24 second was in '99. On that date that he got revoked he
25 got two years. He also got a conviction for criminal

1 domestic violence high and aggravated, and that was two
2 years to run concurrent.

3 THE COURT: That was what date?

4 MS. McKENZIE: April 27 '99.

5 THE COURT: All right. What else?

6 MS. McKENZIE: Two counts of forgery in 2001. A
7 petit larceny in 2001. And arson in the third degree in
8 2001. Has conviction dates. Also shoplifting in 2004.

9 THE COURT: Well, I'm just asking you to tell me the
10 ones that you think are impeachable. Don't give me his
11 whole criminal record because petit larceny and arson are
12 obviously not an impeachable offense. It's not something
13 for which he could have gotten more than one year.

14 That's what the rule require. I want the ones that
15 you contend that if he takes the stand you have the right
16 to ask him about.

17 MS. McKENZIE: Your Honor, we would argue under
18 609(2) that regardless of the punishment that's a crime of
19 dishonesty.

20 THE COURT: All right. You said petit larceny is a
21 crime of dishonesty, and forgery. All right. What else
22 is a crime of dishonesty?

23 MS. McKENZIE: Shoplifting

24 THE COURT: Shoplifting?

25 MS. McKENZIE: Yes, sir and forgery would carry over

1 a year.

2 THE COURT: No question about the forgery.

3 MS. MCKENZIE: Yes, sir.

4 THE COURT: So your contention is it's admissible
5 under 609(a)2?

6 MS. MCKENZIE: (a)2, yes, sir.

7 THE COURT: Ms. Little.

8 MS. LITTLE: Your Honor, I just have some concern
9 about the '99 -- the '99 charges. I'm not clear on when
10 the State is alleging that he was released from
11 confinement.

12 THE COURT: Well, if he ---

13 MS. LITTLE: Even if he received a two year sentence,
14 Your Honor.

15 THE COURT: When did he get out? He knows, I'm sure.

16 MS. LITTLE: Your Honor, he's saying when he pled he
17 got out because he had time served, so on the day he pled
18 guilty in '99 he was released.

19 THE COURT: All right. You have the sentencing
20 sheet? Anybody here got the sentencing sheet on the 1999
21 conviction?

22 MR. REDMOND: Your Honor, if I may, and I know I'm
23 interjecting here, but just to save some time. I see what
24 their saying, but subsequent to that it looks like he was
25 released but then he violated a short period of time

1 therefore, and then was sent into the Department of
2 Corrections.

3 THE COURT: But what was his sentence, Mr. Redmond?

4 MR. REDMOND: The sentence at the time he was revoke,
5 it looks like it was a two year ---

6 THE COURT: What was the sentence at the time it was
7 imposed?

8 MR. REDMOND: At the time it was imposed it was five
9 years suspended to two years probation.

10 THE COURT: All right.

11 MR. REDMOND: At the time it was imposed. That was
12 in March, but then in -- and then on the 27th of April it
13 was revoked.

14 THE COURT: April of what year.

15 MR. REDMOND: April of 1999. So a little over a
16 month after he was released he gets revoked, and then the
17 two year sentence..

18 THE COURT: And how much of his sentenced was
19 revoked? Do you know?

20 MR. REDMOND: Two years according to the criminal
21 history, Your Honor.

22 THE COURT: All right. So two years was revoked
23 which would put him beyond the time. According to the
24 Probation Department sentence would have ended on 3/15/01.
25 Now that's -- is that the probationary sentence or is that

1 the incarceration sentence?

2 PROBATION AGENT: That would have been the end date
3 for the probation had he not been revoked.

4 THE COURT: Tell me what that means to a layman. I'm
5 trying to find out when this gentlemen get out of jail on
6 the -- finally got out of jail on the 1999 burglary
7 second.

8 CLERK OF COURT: He pled guilty on 3/16 of '99 to a
9 burglary. He received five years suspended to two years
10 probation.

11 THE COURT: Okay, and it was credit for time served
12 on that?

13 CLERK OF COURT: On April 20th of '99 his probation
14 was revoked for two year and terminated.

15 THE COURT: All right. In April of '99, two years
16 and terminated which meant that he started serving time in
17 April of '99, Ms. Little, on the probation revocation
18 which would put it within the ten year period.

19 MS. LITTLE: Thank you, Your Honor.

20 THE COURT: All right. So I would rule that the 1999
21 burglary second is an impeachable offense. What about the
22 others that she has mentioned. Ms. Little, this
23 C.D.V.H.A.N., April 27th '99. That was two years
24 concurrent at the same time so he would have had a two
25 year sentence on that which would have also carried it

1 over -- within the ten year period of time.

2 Then forgery in 2001. Petit larceny, 2001. Arson,
3 2001 and shoplifting in -- I'm not sure of the date on
4 that.

5 MS. MCKENZIE: In 2004.

6 THE COURT: 2004. All right. What about those,
7 Ms. Little? What say you?

8 MS. LITTLE: Your Honor, well, while admissible we
9 would argue that under Rule 403 that this information
10 would be more prejudicial than probative and therefore
11 should be excluded.

12 THE COURT: Let me ask you. If I'm reading the rule
13 wrong, Ms. Little, it seems like to me that the 403
14 analysis of the probative value versus the prejudicial
15 effect -- okay, it does apply to some of those, but what
16 about the ones -- let's talk about the ones that involve
17 dishonesty even though they're under a year.

18 MS. LITTLE: I don't believe that the ones involving
19 dishonesty would be subject to the 403 analysis. Instead
20 ---

21 THE COURT: So the forgery, the petit larceny.

22 MS. LITTLE: And the shoplifting.

23 THE COURT: And the shoplifting would not be subject
24 to the 403 analysis?

25 MS. LITTLE: That's my understanding. Yes, Your

1 Honor.

2 THE COURT: So your contention is then on ---

3 MS. LITTLE: The burglary, arson, C.D.V. high and
4 aggravated would be more prejudicial than probative.

5 THE COURT: And, all right. Under Rule 609 the law
6 does require that this Court shall conduct a 403 analysis
7 to determine whether the probative value is outweighed by
8 the prejudicial effect of admitting the evidence.

9 In my view the burglary conviction in 1999 is close
10 to the time, but because of the revocation is well within
11 the time. So the ten year limitation does not apply and I
12 do find that with regard to the probative value of the
13 burglary conviction I will allow that.

14 I do think the probative value outweighs the
15 prejudicial effect, especially in view of the fact that
16 that conviction is already before the Court or before the
17 jury. However, I do think that the C.D.V.H.A.N. and the
18 arson are completely unrelated to the crimes that are
19 involved here. They are C.D.V.H.A.N. is -- actually, the
20 conviction was over ten years ago and is only -- would
21 only come in because of the two year conviction which
22 would put it inside the ten year requirement.

23 But I find that the conviction for C.D.V.H.A.N, the
24 prejudicial effect outweighs the probative value. And I
25 also find with regard to the arson that the prejudicial

1 effect outweighs the probative value and so I would not
2 allow impeachment for the purposes of the admission of
3 those for purposes of impeachment on the C.D.V.H.A.N. and
4 arson. All the rest of the convictions can be used.

5 MS. MCKENZIE: Thank you, Your Honor.

6 MS. LITTLE: Thank you, Your Honor.

7 THE COURT: All right. In view of that, now,
8 Ms. Little, let's address your client with regard to the
9 Fifth Amendment rights. Mr. Cameron, have you had a
10 chance to talk with your lawyer about Fifth Amendment
11 rights I explained to you before lunch?

12 MR. CAMERON: Yes, sir.

13 THE COURT: Have you understood your talks with her?

14 MR. CAMERON: Yes, sir.

15 THE COURT: Have you had enough time to talk with her
16 about your Fifth Amendment rights?

17 MR. CAMERON: Yes, sir.

18 THE COURT: Do you need any additional time to
19 discuss it with her?

20 MR. CAMERON: No, sir.

21 THE COURT: Do you have any questions that you wish
22 to ask Ms. Little or me about your Fifth Amendment rights?

23 MR. CAMERON: No, sir.

24 THE COURT: Have you made a decision as to whether
25 you do or do not wish to testify in this case?

1 MR. CAMERON: Yes, sir.

2 THE COURT: What is that decision?

3 MR. CAMERON: I wish to testify.

4 THE COURT: You wish to testify?

5 MR. CAMERON: Yes, sir.

6 THE COURT: All right. Is that decision on your part
7 freely and voluntarily made?

8 MR. CAMERON: Yes, sir.

9 THE COURT: All right. The Court finds that the
10 Defendant, after having been advised by the Court and by
11 counsel of his rights under the Fifth Amendment has
12 elected to testify in this matter. The Court will honor
13 that decision. Of course, he will be permitted to do so.
14 Thank you, sir. You may be seated. Ms. Little, do you
15 anticipate any witnesses other than the Defendant?

16 MS. LITTLE: No, Your Honor.

17 THE COURT: All right. Okay, counsel, let's take
18 about five minutes and go ahead and we'll go ahead with
19 the defendant's case. And in the meantime when y'all
20 return I would like to have any special requests for
21 charge that you might have so that I can start putting
22 those together. Thank you. Take a few minutes.

23 (WHEREUPON, Court is in recess at 2:50 p.m. and
24 reconvened at 3:05 p.m.)

25 THE COURT: All right. Back on the record in the

1 matter of the State v. Ronald Cameron. Mr. Cameron is
2 present in the courtroom with his attorney, and
3 Ms. Little. The State is present and represented by
4 Mr. Holt and Ms. McKenzie. Counsel, so that I can
5 consider charges does anybody have any special requests to
6 charge? The State?

7 MS. MCKENZIE: No, Your Honor, not this time.
8 Nothing special other than the standard.

9 THE COURT: All right. You have any special
10 requests?

11 MS. LITTLE: No, Your Honor.

12 THE COURT: All right. We'll check again when we
13 finish the testimony, but I just wanted to be able to look
14 at them if that was the case. All right. Anything before
15 we bring the jury in, Ms. McKenzie?

16 MS. MCKENZIE: No, Your Honor.

17 THE COURT: Ms. Little?

18 MS. LITTLE: No, sir.

19 THE COURT: All right. Bring the jury in please.

20 (WHEREUPON, the jury enters the courtroom at
21 3:05 p.m.)

22 THE COURT: All right. Thank you, ladies and
23 gentlemen. We have finished the matters of law that we
24 needed to deal with, and we are prepared to go forward.
25 Before the break you had heard that the State has rested

1 which means they have presented all the testimony that
2 they will present at this time, and now the Defendant will
3 have the right to present any testimony or evidence that
4 he wishes to present. Ms. Little.

5 MS. LITTLE: Thank you, Your Honor. Defense calls
6 the Defendant, Ronnie Cameron, to the stand.

7 RONALD CAMERON, after being duly sworn,
8 testified as follows:

9 DIRECT EXAMINATION

10 BY MS. LITTLE:

11 Q. Ronnie, good afternoon. Can you state your full name
12 for the record?

13 A. Ronald Francis Cameron.

14 Q. How old are you, Ronnie?

15 A. Forty.

16 Q. And I've already called you Ronnie, but is Ronnie
17 your nickname?

18 A. Yes, ma'am. That's what I been called.

19 Q. Now, I'm going to ask you to try to speak clearly and
20 slowly and loudly and address your responses to the jury,
21 please. Ronnie, how old are you?

22 A. Forty.

23 Q. And where are you from?

24 A. Darlington.

25 Q. And you've lived here all your life?

1 A. Yes, ma'am.

2 Q. Ronnie, I want to ask you about a witness that you
3 heard in Court today, Mr. Larry Gainey. Do you know Larry
4 Gainey?

5 A. Yes, ma'am.

6 Q. How long have you known him?

7 A. All my life.

8 Q. You and Larry Gainey spend time together?

9 A. Well, on and off. We grewed up right there in the
10 same neighborhood and all. I lived in grandma and
11 granddaddy's trailer park on and off all my life.

12 Q. And more recently, before April 25th of last year,
13 did you and Larry Gainey have a chance to spend time
14 together?

15 A. Yes, ma'am.

16 Q. And can you remember the last time before April 25th
17 that you spent time with Larry Gainey?

18 A. That night of April the 24th.

19 Q. Okay, and tell the jury about that. Where were y'all
20 together?

21 A. We was in his trailer in Gainey Trailer Park.

22 Q. And who was present?

23 A. Me and Larry.

24 Q. Okay, and what were y'all doing there?

25 A. We were doing drugs.

1 Q. Specifically, what kind of drugs were you doing,
2 Mr. Cameron?

3 A. We were smoke crack and shooting cocaine.

4 Q. Shooting cocaine. You mean you used a needle and a
5 syringe to get the cocaine into your body?

6 A. Yes, ma'am.

7 Q. And was Larry Gainey doing that, too?

8 A. Yes, ma'am.

9 Q. How long were y'all together on the night of
10 April 24th?

11 A. Most all the night I'd say.

12 Q. Okay, now, at some point did you leave Larry's house?

13 A. I left there probably about 4:00 or five o'clock that
14 morning.

15 Q. Okay, now, explain to the jury when you shoot drugs
16 what's involved with that?

17 A. When you get to shooting drugs and you shooting for
18 so long it makes you jittery. I mean you get to shaking
19 and all and you can't hardly shoot when you sticking
20 yourself in and out of your arm.

21 And you needle get clogged up and you just throw it
22 away and get a new one and shoot it.

23 Q. Okay?

24 A. And keep trying until you get it.

25 Q. Okay, and do you recall the night of April 24th using

1 more than one needle of syringe?

2 A. Yes, ma'am.

3 Q. Is it your testimony that there was blood in the
4 needle or syringe?

5 A. There was several syringes with my blood in it.

6 Q. And when you left Mr. Gainey's home where were those
7 syringes with your blood?

8 A. In the trash can.

9 Q. Now, tell me about -- okay, so you think you left him
10 around four o'clock that morning?

11 A. It was around 3:00, 4:00, 5:00, somewhere around in
12 that morning.

13 Q. Okay?

14 A. I can recall the time.

15 Q. Tell this jury what you did next on the early morning
16 hours of April 25th?

17 A. I went to my camper and went to bed. Laid there for
18 a while, and once it got daylight I got up, went looking
19 for some junk so I can take to the steel mill and make me
20 some money.

21 Q. Okay, now, is that -- was that the kind of work you
22 normally did?

23 A. Well, I tear down old trailers what ain't no good and
24 I remodel, do construction work, and -- but I been doing a
25 lot of junk work lately.

1 Q. Okay, and specifically that morning where were you
2 out looking for junk?

3 A. Beside the railroad track right there on the Mill
4 Road.

5 Q. Okay, how long were you there?

6 A. I don't know. Two maybe three hours.

7 Q. All right. And when you finished up on the mill hill
8 at the railroad track where did you go next?

9 A. My sister's.

10 Q. And what sister would that be?

11 A. Sherry Pierce.

12 Q. Okay, and where does she live?

13 A. Gainey Trailer Park.

14 Q. That being the same trailer park where Larry Gainey
15 lives?

16 A. Yes, ma'am.

17 Q. Where did you -- did you go anywhere after you
18 left -- after you got to your sister's trailer that day?

19 A. No, I just stayed right there.

20 Q. Okay, and there has been testimony before that the
21 police arrived about 1:00 or 1:30. Were you still at your
22 sister's home at that time?

23 A. Yes, ma'am, the police come up there to the door and
24 called me outside. And I walked outside and they locked
25 me up.

1 Q. Okay, now, did you go back to Larry Gainey's house at
2 any time after you left in the early morning hours of
3 April 25th?

4 A. No, ma'am.

5 Q. Specifically, did you go and sell Larry Gainey a
6 ring?

7 A. No, ma'am.

8 MS. LITTLE: Now, may I approach, Your Honor?

9 THE COURT: Yes, ma'am.

10 BY MS. LITTLE:

11 Q. I'm going to show you what's been marked as State's
12 Exhibit 34. You have ever seen this ring?

13 A. No, ma'am.

14 Q. Is it your testimony today that you never had your
15 hands on that ring?

16 A. I never seen the ring. I never had my hands on it.

17 Q. Did you sell the ring at a pawn shop?

18 A. No, ma'am.

19 Q. Did you write a note for Larry Gainey?

20 A. No, ma'am.

21 Q. How do you usually spell your name, Ronnie?

22 A. R-O-N-N-I-E.

23 MS. LITTLE: Approach, Your Honor?

24 THE COURT: Yes.

25 BY MS. LITTLE:

1 Q. Did you write this statement saying you sold a high
2 school ring?

3 A. No, ma'am.

4 Q. When you got caught -- well, let me ask you a few
5 questions, Ronnie. Have you ever been in trouble with the
6 law before?

7 A. Yes, ma'am.

8 Q. Specifically, in 1999 were you convicted of burglary
9 and petit larceny?

10 A. Yes, ma'am.

11 Q. In 2001 were you convicted of forgery and petit
12 larceny?

13 A. Yes, ma'am.

14 Q. Were you convicted of shoplifting in the 2004?

15 A. Yes, ma'am.

16 Q. Did you plead guilty to those crimes?

17 A. Yes, ma'am.

18 Q. You didn't take a trial?

19 A. No, ma'am.

20 Q. Mr. Cameron, do you know where Mr. and Mrs. Cox live
21 on [REDACTED]?

22 A. No, ma'am.

23 Q. Have you ever been in their home?

24 A. No, ma'am.

25 Q. When you were arrested and charged with this crime

1 did the police find any of the goods taken from their home
2 on your person?

3 A. No, ma'am.

4 Q. Well, did they search your house?

5 A. Well, they searched my sister's trailer where I was
6 at.

7 Q. Did they find anything there belonging to Mr. and
8 Mrs. Cox?

9 A. No, ma'am.

10 Q. Now, there's been testimony that when you were
11 arrested that you had some injuries to your hand?

12 A. Yes, ma'am.

13 MS. LITTLE: Approach, Your Honor?

14 BY MS. LITTLE:

15 Q. I'm showing you what's been marked as State's
16 Exhibits 40 and 41. Do you recall whether or not that's
17 the way your hands looked on the morning -- sorry, the
18 afternoon that you were arrested?

19 A. Yes, ma'am.

20 Q. Now, can you explain to the jury how your hands were
21 injured?

22 A. When I go I look for junk. When I find junk, I'm
23 constantly around steel. I'm constantly -- daily, I get
24 my hands cut all up. I mean pulling junk out of brushes
25 and all. Old junk, you're going to cut your hands.

1 Q. Did you specifically cut your hands hauling junk that
2 morning?

3 A. Yes, ma'am.

4 Q. Ronnie, did you break into Mr. and Mrs. Cox's home

5 ---

6 A. No, ma'am.

7 Q. --- and steal from them?

8 A. No, ma'am.

9 Q. So can you give this jury any explanation as to how
10 your blood D.N.A. was found in the Cox home?

11 A. Only thing I can say is Larry got one of the syringes
12 out of the trash can that had my blood in it, and he broke
13 in there and put my blood in there. I ain't never been in
14 there.

15 MS. LITTLE: No further questions, Your Honor.

16 THE COURT: Cross-examination?

17 CROSS-EXAMINATION

18 BY MS. MCKENZIE:

19 Q. Mr. Cameron, it's your testimony that when you were
20 doing drugs with Larry Gainey the night before April 25th
21 and early into that morning?

22 A. Yes, ma'am.

23 Q. When you said y'all were smoking crack and shooting
24 up?

25 A. Yes, ma'am.

1 Q. And it's also your testimony that when you shoot up
2 crack you use a syringe?

3 A. Not when I shoot up crack. When I shoot up coke.

4 Q. When you shoot up coke you use a syringe?

5 A. Yes, ma'am.

6 Q. And it's your testimony that some of your blood was
7 in the syringe left over after y'all were doing drugs that
8 night?

9 A. Yeah, the needle get stopped up with dope you can't
10 use it. Throw it away.

11 Q. So was your blood in the syringes?

12 A. Several.

13 Q. At Mr. Gainey's house; is that correct?

14 A. Several of them was.

15 Q. Now, wouldn't you agree that if you use a syringe
16 doing it like this and pushing the stem down is what
17 injects the substance into your arm when you shoot up?

18 A. I shoot mine like that right there, and when I hit
19 the vein I pull back. And when you do it it just in and
20 out it stops the syringe up, and you just throw it away.

21 Q. You have to press down to get the cocaine to go
22 inside the vain and push it out?

23 A. Yeah, if it ain't stopped up.

24 Q. Now, you've admitted that you've had some trouble
25 with the law before in the past. And you were actually

1 convicted of burglary in '99; is that right?

2 A. Yes, ma'am.

3 Q. And you were convicted of some forgeries in 2001?

4 A. Yes, ma'am.

5 Q. And a petit larceny also in 2001?

6 A. Yes, ma'am.

7 Q. And a shoplifting in '04; isn't that correct?

8 A. Yes, ma'am.

9 Q. How many syringes would you say were left at Larry
10 Gainey's house? You said a few? Isn't that what you said
11 earlier in your testimony?

12 A. I'd say around five.

13 Q. And you go around Darlington looking for junk to make
14 money? You said that's your profession? That's your
15 occupation?

16 A. Well, I do that and I do construction work. So I
17 find trailers. Old trailers people got don't want. Want
18 them tore down, and I tear them down and haul them off.

19 Q. So you're in the business of selling things that you
20 find and selling things that people let you tear down?

21 A. Yes, ma'am.

22 Q. And you just happened -- it's your testimony that you
23 just happened to cut your hands early on the morning of
24 April 25th; is that correct?

25 A. I cut my hands all the time.

1 Q. And is it your testimony that blood that was in
2 Mr. Cox's home -- Mrs. Angela Cox's home, had to be
3 planted there cause you weren't there?

4 A. Yes, ma'am.

5 MS. McKENZIE: I beg the Court's indulgence.

6 THE COURT: All right.

7 BY MS. McKENZIE:

8 Q. How much money do you make that last day on
9 April 25th? How much money did you make selling junk that
10 morning?

11 A. I never got to go to sell it.

12 Q. You cut your hands up loading it. Where did you take
13 it?

14 A. I never got to load it. I pulled it out the bush and
15 had it all laying beside the road down by the railroad
16 track.

17 Q. And you left that junk there beside the road? Stuff
18 you cut your hands on pulling out you left it by the road?

19 A. I got locked up. I couldn't get it.

20 Q. Isn't it true that when -- you and Larry Gainey,
21 y'all never shared needles?

22 A. No, we all had separate needles.

23 Q. You said you had five that night?

24 A. I don't know exactly how many.

25 Q. But a minute ago you said about five?

1 A. You buy them ten to the pack.

2 Q. You buy them ten to a pack?

3 MS. MCKENZIE: No further questions.

4 THE COURT: Redirect, Mr. Little?

5 MS. LITTLE: No, Your Honor.

6 COLLOQUY

7 THE COURT: All right. Thank you, sir. You may step
8 down. All right, Ms. Little, anything on behalf of
9 Defense?

10 MS. LITTLE: Your Honor, the Defense rests.

11 THE COURT: All right. Defense rests. Anything in
12 reply?

13 MS. MCKENZIE: No Your Honor.

14 THE COURT: All right. All right, ladies and
15 gentlemen, that means that you have now heard all the
16 testimony in this matter, and there are just a couple
17 matters of law they I need to take up. I have to do that
18 on the record and outside of your presence. This will not
19 take us very long. In fact we're not even going to leave
20 the courtroom.

21 But I will ask you to go to your jury room. Again,
22 do not begin your deliberations just yet. We'll send for
23 you in just a very few minutes. Thank you very much.

24 (WHEREUPON, the jury was excused from the courtroom
25 at 3:22 p.m.)

1 THE COURT: All right. Any motions on behalf of the
2 defense, Ms. Little?

3 MS. LITTLE: Defense renews our previous motion for
4 directed verdict.

5 THE COURT: All right. I would respectfully deny
6 those motions. The Rule 19 requires me not to weigh the
7 evidence but to determine only the existence of the
8 evidence. There is evidence in the record by which the
9 jury could conclude that the Defendant was guilty, and I
10 can't impose my judgment for that of the jury.

11 And if there is any evidence in the record that I
12 must deny the motion, so I therefore must respectfully
13 deny the motion. All right, Ms. Little, how much time do
14 you need to argue? Well, first of all, Ms. McKenzie, you
15 open -- are you going to open or are you going to waive
16 opening?

17 MS. McKENZIE: I'm going to waive opening.

18 THE COURT: Ms. Little, how much time do you need?

19 MS. LITTLE: Your Honor, no more than ten minutes.

20 THE COURT: Ms. McKenzie?

21 MS. McKENZIE: Same for me. No more than ten
22 minutes.

23 THE COURT: All right. Anything before we go into
24 arguments? I will tell you that I'm going to charge my
25 general felony charge that contains the presumption of

1 innocence, reasonable doubt, and credibility. I do not
2 use the exact reasonable doubt argument about hesitate to
3 fact. In fact y'all -- all of you being from the Fourth
4 Circuit are probably familiar with Judge Baxley's
5 reasonable doubt argument and that -- I mean reasonable
6 doubt charge, and that is the one that I use.

7 I will also charge, of course, burglary first and
8 petit larceny and direct and circumstantial evidence and
9 expert witness. Anybody know of anything else that they
10 would request that I charge? All right. Nothing from the
11 State. Nothing from the Defense. All right. Then we
12 will go forward if the jury is ready to come back.

13 (WHEREUPON, the jury panel enters the courtroom at
14 3:26 p.m.)

15 THE COURT: All right. Thank you, ladies and
16 gentlemen of the jury, and we have now finished all the
17 testimony in this case, and there are only two things that
18 remain to be done. Those are the argument of counsel and
19 the instructions on the law by the Court.

20 I tell you now as I did at the first of this case
21 that the arguments of the counsel are not evidence in this
22 case. They're simply the lawyer's view of what they think
23 the evidence shows. You will decide this case based upon
24 the evidence that you have heard from this witness stand
25 along with any exhibits that have been introduced into

1 evidence.

2 But the lawyers do have the right, and not only the
3 right but the duty on behalf of their client to address
4 you now and to give you their views of the evidence. When
5 they have done that then I will instruct you on the law of
6 South Carolina, and you will be allowed to go to your jury
7 room to deliberate your verdict.

8 You will here first from Ms. Little on behalf of the
9 Defense, and then from Ms. McKenzie on behalf of the
10 State. Ms. Little.

11 MS. LITTLE: May it please the Court.

12 THE COURT: Yes, ma'am.

13 CLOSING STATEMENT BY MS. LITTLE

14 MS. LITTLE: Counsel, ladies and gentlemen of the
15 jury, this is serious business we're about here today. An
16 innocent man has been framed. It's a serious business and
17 it's got to stop here. My client's freedom is at stake.
18 Now, the prosecution brought you a lot of witnesses today,
19 but they have not brought one person here that can say for
20 sure that the broken glass at Ms. Cox's home caused the
21 cuts on my client's hands.

22 Think back about the blood evidence. There was blood
23 at her house. It was only in the kitchen. Now, if
24 Mr. Cameron was bleeding as everybody has said that he was
25 bleeding, and you've heard testimony from several people,

1 how could it be that his blood was only found in the
2 kitchen that day. Nothing was stolen from the kitchen.
3 There's been no evidence that anything -- that any
4 property recovered was stolen from that kitchen.

5 The broken glass, no glass was recovered with the
6 defendant's blood on it. Now, wouldn't you expect if he
7 was cut there that somewhere on that glass, somewhere on
8 the glass that was recovered and examined by law
9 enforcement and looked at that there would be my client's
10 blood on that glass. Now, you heard him testify how he
11 got those cuts on his hands.

12 You also heard him testimony that Larry Gainey had
13 access to syringes that contained my client's blood. You
14 heard him testify that they where together in the early
15 morning hours of April 25th shooting up drugs at Larry
16 Gainey's house. Now, as you think back and you go
17 deliberate and think about the evidence I want you to ask
18 yourself who was caught with the stolen property. Larry
19 Gainey was.

20 Larry Gainey pawned the property. Larry Gainey got
21 up there and admitted it. He lied to the police. Forged
22 up to note or had his deceased brother forge a note saying
23 my client sold him a ring. Well, Ronnie Cameron tells you
24 he didn't have a ring. He'd never seen that ring. Larry
25 Gainey admittedly lied to the police. A person with a

1 substantial criminal record who was caught red handed
2 pawning the items from these people's house.

3 There has been no testimony that my client was ever
4 in possession of any of the goods that were recovered.
5 I'm sorry. There has been no testimony that when he was
6 arrested he had possession of any of the goods that were
7 stolen from Ms. Cox's home, and you heard Ms. Cox give you
8 a list of all of those items.

9 You heard Ronnie Cameron say the house where he was
10 searched. None of those items were recovered. Now, the
11 star witness in this case, Larry Gainey, has a known list
12 of criminal deceit. You heard the list of charges that
13 he's been convicted of. He admitted he lied to the police
14 and tried to mislead them. And it is our, Defense
15 position, that Larry Gainey framed my client, Ronnie
16 Cameron.

17 You heard testimony about the house being ransacked.
18 Drawers were opened. Doors were opened. Where are the
19 fingerprints? Where is the blood? Where is the blood on
20 the drawers that were pulled out? I mean if Ronnie really
21 was a burglar, really ransacked that house as they claim
22 wouldn't you expect to find his fingerprints or some blood
23 all over the place and all these rooms where things were
24 taken? Or at least fingerprints on something. Where are
25 the fingerprints and where is the blood in the rooms where

1 items were taken.

2 Ladies and gentlemen, I want to thank you for being
3 here today and for your time. I appreciate your listening
4 intently. I would ask you when you go back to deliberate
5 think about the evidence, think about the lack of physical
6 evidence anywhere in Ms. Cox's house other than the
7 kitchen along with the fact that there's been testimony
8 that Larry Gainey, who was caught with the stolen
9 property, had access to my client's blood.

10 We believe that when you finish your deliberations
11 and examine all the evidence you will find Ronnie Cameron
12 not guilty. Thank you.

13 THE COURT: Ms. McKenzie.

14 MS. MCKENZIE: Thank you, Your Honor.

15 CLOSING STATEMENT BY MS. MCKENZIE

16 MS. MCKENZIE: Ms. Little, ladies and gentlemen of
17 the jury, first of all I'd like to thank you for your
18 attention today through the duration of this trial, and as
19 I told you this morning that your role in this courtroom
20 is the most important role. And by you being here today
21 you're allowing this matter to come to closure. And your
22 being here allows for Ms. Angela Cox and her family to
23 also have some closure in this incident and also these of
24 us who work to prosecute the case. And I'd like to thank
25 you for your attention.

1 On that day went Angela Cox came back to stop back by
2 the house to use the bathroom, do what she had to do
3 before going to her doctor's appointment she came home to
4 find that her home had been violated. The home where she
5 felt safe. The home where she raised her family. The
6 home where all her prize possessions were. Sentimental
7 possessions, things of value.

8 And on that day she came home and found her home had
9 been broken into. The glass was busted out, and you have
10 heard a lot of testimony about the blood that was found in
11 the kitchen. And you will have those pictures and
12 everything that was entered into evidence to take back
13 with you into deliberations. And you will see the
14 pictures of the drops of blood.

15 And in one instance a drop of blood that had
16 splattered was running down the refrigerator. You will
17 see the pictures of the glass on the floor, the cones
18 where law enforcement placed and then took pictures of the
19 cones to show where all the drops of blood was located in
20 the kitchen.

21 Whoever busted out that window is who bled in that
22 kitchen. There was no blood planted in that house off of
23 a cocaine syringe that could have possible gotten the
24 defendant's blood because he was shooting up with Larry
25 Gainey the night before.

1 Ladies and gentlemen, I believe you come in here with
2 your common sense. You don't leave it at that door right
3 there when you walk in. You bring your common sense with
4 you. And which theory is more plausible here, the
5 defendant's theory? His theory that he was up all night
6 doing crack and shooting up cocaine with Larry Gainey.

7 And that a man who had been doing crack and shooting
8 up cocaine with him all night long until 4:00 or
9 five o'clock in the morning would then sometime in the
10 hours of that morning between 9:00 and 11:45 a.m. be alert
11 and awake and able to come up with some master plan to
12 frame him for some crime.

13 Is it plausible to think that Larry Gainey would have
14 broken into the house, planted the blood and then taken a
15 ring and then ran the risk of pawning that ring and
16 putting his own signature on the pawn receipt. Or is it
17 more plausible and does it make more sense that a man who
18 had been up all night long smoking crack and shooting
19 cocaine with his buddy needed another high.

20 And early that morning or sometime that morning on
21 April 25th of 2008 he went to [REDACTED], and when
22 he got there he busted in the glass pane to the window,
23 and he reached in and he unlocked the door. And he walked
24 in and he had cuts on his hands from where he had just
25 reached in and bled through that kitchen. And left his

1 own genetic makeup right there on the kitchen floor,
2 running down the side of the refrigerator.

3 You will have pictures of it. You have already seen
4 pictures, and you will see that when you go through those
5 pictures when you deliberate. That theory is more
6 plausible than a drug addict looking for his next hit is
7 one who went busted through that glass. And then bled on
8 the floor as a result of the injuries from breaking
9 through the glass.

10 You know anything about a syringe, and Larry Gainey
11 would have you believe that he left blood in those
12 syringes. Well, when he was talking about shooting up and
13 how to find the vein and how you shoot and then it gets
14 clogged so you have to pull back -- it's a little blood
15 pools back into the syringe and then you know it gets
16 clogged. Well, if you really think about that, if the
17 syringes were getting clogged in such a way as he
18 described, he would also be leaving cocaine inside the
19 syringe.

20 You think a drug addict is going to leave cocaine in
21 inside of a syringe or they going to push every ounce
22 through to get that high because they have that sickness
23 and that illness. If there were syringes used that night
24 or in the early morning of April 25th I would submit to
25 you there was nothing left inside those syringes. Not a

1 drop of blood. Not a drop of cocaine cause he's a drug
2 addict.

3 Now, I want to talk to you about Larry Gainey and
4 from the moment we met this morning and I gave my opening
5 statement and I talked to the Court I addressed you about
6 how I can't pick my witnesses. I can't pick my witnesses.
7 The witnesses come to me. The story is what it is. The
8 events are how it occurred, and I can't pick all the
9 characters in this story. They come to me as they are.

10 Now, I was up front with you and Larry Gainey was up
11 front about his history, but I submit to you here this
12 afternoon he was also up front about the events that
13 transpired on April 25th, and about Ronnie Cameron coming
14 by his house with a gold ring with a burgundy stone and
15 Jordan written across the front of it. And that he
16 brought that ring for \$9. He was up front about that.

17 Doesn't that also, when you think about it, make
18 sense. \$9, that's not a lot to pay for a ring, but a
19 desperate drug addict will sell a ring for \$9. He will
20 just take whatever you will give him cause he wants to go
21 get that next hit. Larry Gainey was up front and very
22 candid with us today when he testified. And like I said,
23 he's not perfect, but he's testified about his new job and
24 even when he got released from his subpoena asked if he
25 could go back to work over in Eastover.

1 He also stated that the Defendant told him, "Whatever
2 you do don't pawn the ring," and then he said that's
3 exactly what he went and did. He went and pawned the
4 ring. He was just very, very candid and very up front
5 with the Court here earlier this morning. What's also
6 interesting is, if you think about what the defendant's
7 story is, does it really add up. Because even though he
8 paints this picture of Larry Gainey framing him for this
9 crime he never mentioned what a possible motive would be.

10 He also, in his testimony, left out Dacia Gainey, who
11 was his sister in law, didn't even mention her in his
12 testimony. And what motive would she have for lying.
13 She's family. She married into the family. She testified
14 also this morning that Ronnie Cameron came by her place
15 where she was living at at the time that morning or
16 sometime around midday. She wasn't real sure on the time,
17 but she stated that Ronnie Cameron had a ring.

18 She described it and she identified it from the
19 photographs I showed her as the ring that Ronnie had, and
20 that he said to her he was going to try to get rid of it.
21 He was going to try to sell it.

22 Then you have the D.N.A. cause when you go back to
23 deliberate there is one thing that you can't forget about.
24 And that's this report that's blown up over here and the
25 swabs that were taken from the crime scene. Five swabs of

1 blood that were taken. Ronnie Cameron was positive. It
2 was a positive D.N.A. match on every instance, and you
3 heard from the D.N.A. expert about the probability of
4 that, about the probability of another individual matching
5 the D.N.A. the way he did; that probability would be one
6 in quintillion. That's 18 zeros behind the number one.
7 That would be the probability, but that was his D.N.A. in
8 the house cause he cut himself and he left that blood on
9 the floor.

10 That's the one neon sign that's blinking in this case
11 that you can't ignore, and I believe you're not going to
12 ignore because you came in here with your common sense.
13 Look at -- consider the defendant's demeanor as he was on
14 the stand. The Judge is going to charge you and tell you
15 that you are entitled to consider credibility of witness.
16 You can believe every witness. You can some witnesses.
17 You can believe part of a witness' testimony or none of
18 their testimony at all. It's up to you to judge what see
19 as the credibility.

20 Now, the law for burglary in the first degree in
21 South Carolina is that someone must enter a dwelling which
22 was just a fancy word for a house where someone lives.
23 Someone must enter a dwelling without consent with the
24 intent to commit a crime therein. And then there is some
25 aggravating circumstances that if that entering doesn't

1 occur at night, cause commonly burglary first when we
2 think about burglary first people think thats when you
3 break into a house at night, and it is.

4 But some other aggravating circumstances are, well,
5 go in with a gun or if you somehow come armed with a gun
6 while you're there. Another aggravating circumstance is
7 the one we have in this case where the individual who
8 enters the home would consent with intent to commit a
9 crime therein has two or more previous burglaries on their
10 record. And you heard the testimony Jonna Carter who
11 works for the Clerk of Court here in Darlington County.

12 She testify as to the prior burglary convictions of
13 Ronnie Cameron. And that is the aggravating circumstance
14 that will elevate that to a burglary first, and the Judge
15 will charge you on that law.

16 Ladies and gentlemen, we believe that with all these
17 things to consider when you go back and piece the whole
18 thing together and you consider the D.N.A. and you
19 consider the cuts on Ronnie Cameron's Hands, when you
20 consider Larry Gainey's testimony about how he bought the
21 ring from Ronnie Cameron. And another individual, Dacia
22 Gainey, who also saw Ronnie Cameron, the Defendant, with
23 the ring. And he did not give any type of explanation
24 about her testimony or any kind of motive as to why she
25 would lie. And when you take all those things in

1 consideration we believe that you will find the Defendant,
2 Ronnie Cameron, guilty beyond a reasonable doubt. Thank
3 you for your time and for your attention.

4 CHARGE OF THE COURT

5 THE COURT: All right, Madam Forelady and ladies and
6 gentlemen of the jury if you would give me your attention.
7 You have followed very patiently and listened very
8 attentively to the presentation of the evidence in the
9 case and also to the able arguments made by Ms. McKenzie
10 on behalf of the State and Ms. Little on behalf of the
11 Defendant, and I thank you for that.

12 It now becomes the duty of the trial judge under the
13 constitution of this State to charge and instruct you on
14 the law applicable to this case, and it is your duty as
15 jurors to accept and apply the law as the Court will now
16 state it to you. And as jurors it is your exclusive duty
17 to decide all of the issues of fact in this case. And for
18 that purpose to determine the effect, the value, the
19 weight, and the truth of the evidence.

20 Both the State and the Defendant have the right to
21 expect that you will conscientiously consider and evaluate
22 the evidence and apply the law of the case thereto to the
23 end that both the State of South Carolina and the
24 Defendant will receive and obtain a fair and impartial
25 trial. Now, when we use the word, 'defendant' in these

1 instructions I refer, of course, to Ronald Francis
2 Cameron. The State of South Carolina by the two
3 indictments in this case which I hold in my hand charge
4 the Defendant with the offense known in the law as
5 burglary in the first degree and petit larceny.

6 The indictment charges in part that Mr. Ronald
7 Francis Cameron in Darlington County did on or about
8 April the 25th 2008 enter the dwelling of Angela Cox
9 without consent and with the intent to commit a crime
10 therein. And said Defendant is a person with a prior
11 record of two or more convictions for burglary or
12 housebreaking or a combination of both and the charge is
13 one of burglary in the first degree.

14 The second charge is that on that date, April 25th
15 2008, that Mr. Cameron did feloniously take and carry away
16 the personal goods of Angela Cox money -- described as
17 money and jewelry valued at approximately \$700 with intent
18 to commit -- to deprive the owner permanently of the
19 property, and that is a charge of petit larceny.

20 To these charges and to those indictments the
21 Defendant has entered a plea of not guilty. This plea of
22 not guilty by the Defendant places the burden of proof on
23 the State to prove by evidence the guilt of the Defendant
24 beyond a reasonable doubt before you could find him
25 guilty. The Defendant, Mr. Cameron, is presumed in the

1 law innocent of the charges contained in these two
2 indictments. It is a cardinal and fundamental rule of the
3 law of evidence that a Defendant irrespective of the
4 enormity of the charge against him will always be presumed
5 innocent of the crime for which he is indicted unless and
6 until the guilt of the Defendant has been proven by
7 evidence which satisfies you the jury of his guilt beyond
8 a reasonable doubt.

9 The presumption of innocence is not a mere legal
10 theory. It is not just a legal phrase. The presumption
11 of innocence is a substantial right to which every accused
12 is entitled. Our Supreme Court has declared that the --
13 that every accused is entitled to this presumption of
14 innocence, and it is like a robe of righteousness placed
15 about his shoulders and it remains with him and assigns to
16 him that class, the innocent, until that presumptive robe
17 of righteousness is striped from his person by evidence
18 satisfying you the jury of his guilt beyond a reasonable
19 doubt.

20 The presumption of innocence accompanies the
21 Defendant from the time of his arraignment and appearance
22 in this Court and continues with the Defendant after you
23 retire to your jury room to deliberate your verdict. The
24 presumption of innocence remains with the Defendant and
25 continues in existence to his benefit until you the jury

1 reach the conclusion that the State has proven the guilt
2 of the Defendant beyond a reasonable doubt.

3 Now, the State is not required to prove the guilt of
4 the Defendant beyond all doubt or beyond every doubt but
5 beyond a reasonable doubt. What is a reasonable doubt.
6 It is not an imaginary or fanciful doubt or a weak doubt.
7 It is a substantial doubt. It is a doubt which the words
8 imply, a doubt for which you can give or assign a reason
9 based on the testimony and the evidence in this case.

10 You and I know from every day life experiences that
11 you may have a sort of a doubt about any matter that
12 arises no matter how trivial it maybe or how serious it
13 maybe. A reasonable doubt is a doubt which makes an
14 honest, sincere, conscientious juror in search of the
15 truth hesitate to act. Proof beyond a reasonable doubt is
16 proof which leaves you firmly convinced of the
17 defendant's guilt.

18 If you have a doubt for which you can give or assign
19 a reason as to the guilt of the Defendant then he is
20 entitled to a verdict of not guilty. Reasonable doubt may
21 arise from the evidence which is in the case or from the
22 lack of evidence in the case. You the jury must make the
23 determination of whether or not reasonable doubt exists to
24 the guilt -- as to the guilt of the Defendant.

25 The very fact, however, that the jury engages in a

1 full and free discussion of the issues of guilt or non
2 guilt in the case with a normal conversational ebb and
3 flow does not automatically mean that reasonable doubt
4 exists in this case or in any other case.

5 I charge you that the Defendant is entitled to every
6 reasonable doubt arising in the whole case. If upon any
7 issue of fact essential to conviction and a verdict of
8 guilty you have a reasonable doubt as to how that doubt
9 should be resolved it would be your duty to resolve that
10 guilt in favor of the Defendant.

11 A Defendant, ladies and gentlemen, is not required to
12 prove his innocence, but the State is required by law to
13 prove every essential element of the offense charged
14 against the Defendant by evidence which satisfies you the
15 jury of the guilt of the Defendant beyond a reasonable
16 doubt before you can convict the Defendant and find him
17 guilty.

18 If then upon the whole case you have a reasonable
19 doubt as to the guilt or innocence of the Defendant he is
20 entitled to that reasonable doubt and would be entitled to
21 an acquittal and a verdict of not guilty. But on the
22 other hand if upon the whole case you find that the State
23 has proven by evidence which satisfies you the jury of the
24 guilt of the Defendant beyond a reasonable doubt then in
25 such circumstances it would equally be your duty to

1 convict the Defendant and find him guilty.

2 Now I instruct you that the indictments in this case
3 which I have in my mind are not evidence and cannot be
4 considered by the jury in determining the guilt of the
5 Defendant. The indictments are simply the formal written
6 instruments which contain the charges against the
7 Defendant and serve as the formal document by which these
8 cases are brought to Court.

9 Now, during this trial, ladies and gentlemen, each of
10 us, you and I, have certain duties to perform. It is my
11 responsibility to preside over the trial of this case, and
12 I also have the duty to rule upon or pass upon the
13 admissibility of evidence offered during the progress of
14 the trial. You are to consider only the competent
15 evidence before you.

16 And you are to disregard and disabuse from your mind
17 any testimony ordered stricken from the record of this
18 case during the progress of the trial if there be any.
19 And you were to consider only the testimony which has been
20 presented from this witness stand along with any exhibits
21 admitted into the record of this case. I have the
22 additional duty to charge you with the applicable law in
23 this case.

24 As the presiding judge I am the sole judge of the
25 law, and it is your duty to accept and apply the law as I

1 now state it to you. If you have a preconceived idea as
2 to what the law is or what the law ought to be and I it
3 does not agree with what I tell you the law is you are
4 obligated under your oath to abandon this preconception on
5 your part because you are sworn to accept the law
6 precisely as I state it to you.

7 In every case tried in this court before a jury the
8 jury becomes the sole and exclusive judge of the facts.
9 You the jury are the sole and exclusive judges of the
10 facts in this case. The Court is the judge of the law.
11 The constitution of this state has declared that the trial
12 judge shall not intimate, state, comment upon or make any
13 statement to a trial jury about the facts in the case.

14 Since you are the sole judges of the fact you are not
15 to infer from anything that I have said during the
16 progress of this trial in ruling upon the admissibility of
17 evidence or otherwise or anything I say now during the
18 course of this charge to you that I have any opinion about
19 the facts in this case. I do not. The law does not
20 permit me to have an opinion about the facts.

21 This is a matter solely for you the jury to
22 determine. It is your duty then to determine as I have
23 stated to you the effect, the value, the weight, and the
24 truth of the evidence presented during the course of this
25 trial. Necessarily then you must assess the credibility

1 of the witnesses who have testified in this case.
2 Credibility is simply a legalistic term which means
3 believability. It becomes your duty then to analyze and
4 evaluate the evidence. And to determine the evidence
5 which convinces you of its truth.

6 I charge you that in determining the question of
7 credibility or believability of the witnesses you may
8 believe one witness against several witnesses or several
9 witnesses against one witness. You may believe a part of
10 the testimony of a witness and reject the remaining part
11 of the testimony of that same witness.

12 You maybe believe the testimony of a witness in its
13 entirety or reject the testimony of a witness in it's
14 entirety. You may consider whether any witness has
15 exhibited any interest, any bias or prejudice in this
16 case. You may consider the demeanor of a witness; that's
17 the appearance of a witness from the witness stand.

18 And you may consider the opportunity for knowledge
19 concerning those things about which the witness testified.
20 These considerations you do not exercise arbitrarily, but
21 if in your good judgment there is sound reason in the
22 record for so doing, because your objective, ladies and
23 gentlemen, is to find the truth whether it comes from a
24 witness or witnesses for the State of South Carolina or a
25 witness or witnesses for the Defendant.

1 And in doing so, in exercising your mental processes
2 and in determining what you consider to be true the law
3 simply requires that you exercise your good judgment, your
4 common sense, your sense of logic and reason, and your
5 experiences in life. You then take and apply these
6 attributes of ability to the evidence and determine what
7 you consider to be the truthful evidence. And to these
8 true state of facts as determined by you the jury you take
9 and apply the law as I now state it to you and thus arrive
10 at a true verdict in this case.

11 Now, as I said the Defendant in this case is charged
12 with the offense of burglary and the offense of petit
13 larceny. Burglary in the first degree, and I will now
14 define that offense for you. Section 16-11-311(A) of the
15 South Carolina Law -- South Carolina Code of Laws
16 provides, "That a person is guilty of burglary in the
17 first degree if the person enters the dwelling without
18 consent and with intent to commit a crime therein. And
19 either, one, while in effecting or while in the dwelling
20 or in immediate flight he is -- he or another participant
21 in the crime is armed with a deadly weapon, causes
22 physical injury to a person who is not a participant in
23 the crime, uses or threatens to use a dangerous
24 instrument, displays what appears to be a knife, pistol,
25 revolver rifle shotgun, machine gun or other firearm.

1 Or the burglary is committed by a person with a prior
2 record of two or more convictions for burglary or house
3 breaking or a combination or the entering of the or
4 remaining occurs in the nighttime. Thus under the statute
5 the State must prove the following four elements in order
6 to establish burglary in the first degree. The State must
7 prove each of these elements beyond a reasonable doubt.

8 If the State fails to prove any single element you
9 cannot find the Defendant guilty of first degree burglary.
10 First, entry into a dwelling. The State must show that
11 there was an entering. That is that the Defendant
12 actually went inside the dwelling or some part of it.
13 However, entry is not confined to intrusions of the whole
14 body. The slightest entry is sufficient, and it may
15 consist of the insertion of any part of the body or any
16 instrument under the defendant's control.

17 The place must be a dwelling. With respect to
18 burglary, Section 16-11-80 of the Code of Laws of South
19 Carolina define dwelling house as any house, out house,
20 apartment, building, erection, shed or box in which there
21 sleeps a proprietor, tenant, watchman, clerk, laborer or
22 person who lodges there with a view to the protection of
23 the property.

24 Second element, without consent. The entry must have
25 been without consent. If a person enters a dwelling

1 without consent means to enter without the consent of the
2 person in lawful possession. In addition to the normal
3 meaning of entry without consent the phrase also includes
4 entering by use of deception, artifice, trick or
5 misrepresentation to gain consent.

6 Third element, with intent to commit a crime therein.
7 There must have been the intent to commit a crime. Any
8 crime, a felony or a misdemeanor, whether or not that
9 crime was actually committed. The mere entry into a
10 dwelling without consent is not sufficient to constitute
11 first degree burglary. There must have been an intent to
12 commit the crime once inside.

13 Furthermore, it is not sufficient that the intent to
14 commit a crime was formulated at the entry. To convict
15 this Defendant of first degree burglary you must find that
16 at the time he entered the dwelling the Defendant intended
17 to commit a crime therein.

18 What does criminal intent mean? Criminal intent is a
19 state of mind which operates jointly with an act or
20 omission in the commission of a crime. Criminal intent is
21 a mental state of conscience wrong doing.

22 And the fourth element, the presence of an
23 aggravating circumstance. If you find the Defendant
24 entered the dwelling without consent and with intent to
25 commit the crime therein you must then find the presence

1 of at least one of aggravating circumstance in order to
2 convict the Defendant of first degree burglary. Only one
3 of the circumstances needs to be presented.

4 The aggravating circumstances are, and as applicable
5 here, that the burglary is committed by a person with a
6 prior record of two or more convictions for burglary or
7 housebreaking or a combination of both. Evidence of the
8 defendant's prior convictions should only be considered in
9 determining whether the requisite aggravating circumstance
10 is met.

11 Do not consider evidence of the prior conviction as
12 evidence of the defendant's bad character or as evidence
13 that he acted in this instance in accordance with his
14 prior bad conduct.

15 Now, the other offense that he is charged with is the
16 crime of the petit larceny. Larceny is defined as the
17 felonious taking by trespass and carrying away by any
18 person of the personal goods of another without the
19 latter's consent or by means of fraud, artifice, trick or
20 deception. Petit larceny is the felonious taking and
21 carrying away by any person of the personal goods of
22 another valued at \$1,000 or less with the intent to
23 appropriate them to his own use and to deprive the own
24 permanently of his property.

25 Now, ladies and gentlemen, there are generally two

1 types of evidence which are generally presented during a
2 trial: Direct evidence and circumstantial evidence.
3 Direct evidence is the testimony of a person who asserts
4 or claims to have actual knowledge of a fact such as an
5 eyewitness. Circumstantial evidence is the proof of a
6 chain of facts and circumstances indicating the existence
7 of the fact.

8 The law makes absolutely no distinction between the
9 weight or value to be given to either direct or
10 circumstantial evidence nor is a greater degree of
11 certainty required of circumstantial evidence than of
12 direct evidence. You should weigh all of the evidence in
13 this case, and after weighing all the evidence if you are
14 not convinced of the guilt of the Defendant beyond a
15 reasonable doubt you would find the Defendant not guilty.

16 On the other hand after weighing all of the evidence
17 if you are convinced of the guilt of the Defendant beyond
18 a reasonable doubt it would be your duty to find a verdict
19 of guilty.

20 Now, with regard to witnesses, although lay witnesses
21 are generally limited to testimony about facts within
22 their knowledge, and are not allowed to give opinions,
23 certain witnesses who by their training, education,
24 experience, are considered experts in a particular field
25 may give their opinions in that particular field based

1 upon the matters of facts and their conclusion.

2 These opinions constitute evidence to be considered
3 by you in connection with all of the testimony and
4 evidence in this case. You may consider the expert's
5 opinion as you do all other evidence in this case. It is
6 for you the jury to give it such weight as you in your
7 experience and discretion may determine.

8 The testimony of experts is to aid and assist the
9 jurors not to dominate or control you in your decision on
10 questions of fact. The opinions and deductions from the
11 evidence before you and their judgments and opinions do
12 not preclude yours. You are required to decide disputed
13 questions after comparison and consideration of all the
14 evidence in this case. You should consider expert's
15 opinions received in evidence in this case and give it
16 such weight as you feel it deserves.

17 Now, ladies and gentlemen, I am about finished my
18 instructions to you, and I will tell you that you are not
19 partisans or advocates for the State of South Carolina or
20 for this Defendant. It has been said that when you serve
21 on the jury you have no friends to reward and no enemies
22 to punish. Obviously, such a perverted system of justice
23 would be intolerable.

24 You have been selected by both the State and the
25 Defendant as Fair and impartial jurors. It is your duty

1 then by you joint deliberations to determine the truth in
2 this case giving to this Defendant the benefit of each and
3 every reasonable doubt on every issue, and to the facts
4 which you determine to be true you then take and apply the
5 law which has been given to you by the Court and thus
6 arrive at a verdict which speaks the truth.

7 For the word, 'verdict', ladies and gentlemen, has a
8 Latin derivative. It comes from the Latin, vera dicta,
9 meaning to speak the truth or truth saying. And when you
10 have accomplished these responsibilities you will have
11 satisfied your oath as jurors and you will have discharged
12 your duty to this Court.

13 Now, I want to instruct you on your forms of verdict
14 in this case. If the State has failed to prove the guilt
15 of the Defendant beyond a reasonable doubt on either or
16 both charges your verdict would be two words, 'not
17 guilty'. If the State had proven the guilt of the
18 Defendant beyond a reasonable doubt on either or both
19 charges your verdict would be one word, 'guilty'. The
20 verdict that you render in this case must be the verdict
21 of each and every juror. It must be your unanimous
22 verdict. All 12 jurors must agree on the verdict which
23 you authorize the Forelady to write.

24 Now, Madam Forelady, I have prepared a form of
25 verdict on this verdict sheet here, on this piece of

1 paper, and I will tell you that the order in which I have
2 put the possibility verdicts on the verdict form has no
3 significance whatsoever. You should not infer from the
4 order that I have written them on this sheet that I have
5 any opinion as to what your verdict should be. I do not.

6 The law does not allow me to have an opinion. That
7 is a matter solely up to you, but obviously, when I put
8 something down on a piece of paper I had to put something
9 first and something second. But across the top up here,
10 and we have two separate charges. One verdict form, but
11 we have two indictments so we have two separate charges.

12 Just a formality, the State of South Carolina, County
13 of Darlington, the Court, the name of the parties, State
14 of South Carolina v. Ronald Francis Cameron. Again, the
15 number of the indictments and verdict. We the jury by
16 unanimous -- now, on one count. On one indictment. We
17 the jury by unanimous agreement find the Defendant, Ronald
18 Francis Cameron, on the charge of burglary in the first
19 degree guilty or not guilty. Either -- you mark one or
20 the other. Either with an X or a check mark, and then go
21 to the second question.

22 We the jury by unanimous decision find the Defendant,
23 Ronald Francis Cameron, on the charge of petit larceny
24 guilty or not guilty. And, again, with a check mark or an
25 X. Sign your name here, Madam Forelady, and we will

1 return you to the jury room -- I mean the courtroom just
2 as quickly as we can. Now, I'm going to send you to your
3 jury room. I'm going to ask that you not begin your
4 deliberation just yet. The law does require that I ask
5 certain questions of the attorneys and take up certain
6 matters of law with the attorneys.

7 If it is not necessary for me to bring you back into
8 the courtroom for additional instructions the bailiff will
9 bring you the verdict form along with the exhibits that
10 have been introduced into evidence, and you will be told
11 to begin your deliberations. When you have reached a
12 verdict just knock on the door and we will return you to
13 the courtroom. And with the exception of the alternate,
14 who I'm going to ask to remain there, the other the
15 principal jurors if you would go with the bailiff to your
16 jury room but do not begin your deliberations just yet.

17 (WHEREUPON, the jury was excused from the courtroom
18 at 4:00 p.m.)

19 THE COURT: Any additions or exceptions on behalf of
20 the State, Ms. McKenzie?

21 MS. MCKENZIE: None, Your Honor.

22 THE COURT: Ms. Little.

23 MS. LITTLE: No, sir.

24 THE COURT: All right. Here is the verdict form.
25 Counsel, how about checking the exhibits and make sure

1 that the only thing that goes to the jury are the exhibits
2 that have been admitted into evidence.

3 Mr. Alternate, you've heard all the testimony in this
4 case, but you're not going to participate in the decision.
5 The law does not permit me to have but 12 jurors. The
6 purpose of selecting an alternate is so that if one of the
7 jurors gets sick and is unable to serve then that
8 alternate can be put in that person's place.

9 But all 12 of the jurors have remained healthy, so
10 I'm going to excuse you from any further service in this
11 case. And I said, 'Mr'. Madam Alternate, excuse me, but
12 not only am I going to excuse you from any further service
13 in this case. I am going to excuse you from any further
14 service this week. So you will not have to come back.

15 You will get a check from Mr. Suggs next week. A
16 small check, but it's not going to pay you for what the
17 time you spent up here, but it is a small token of
18 appreciation on behalf of the County for your services
19 this week. Thank you, and you are free to go.

20 We will be at ease until we hear from the jury.

21 (WHEREUPON, the jury panel begins deliberations at
22 4:08 p.m.)

23 (WHEREUPON, Court was in recess at 4:08 p.m.)

24 THE COURT: All right. Back on the record regarding
25 the State v. Ronald Francis Cameron. Mr. Cameron is

Verdict of the Jury

191

1 present and in the courtroom with his attorney,
2 Ms. Little. The State the present with Ms. McKenzie.
3 Counsel, I understand that the jury has reached a verdict.
4 Anything before we bring the jury in on behalf of the
5 State, Ms. McKenzie?

6 MS. MCKENZIE: No, Your Honor.

7 THE COURT: Ms. Little?

8 MS. LITTLE: No, sir.

9 THE COURT: All right. Bring the jury in, please.

10 (WHEREUPON, the jury panel enters the courtroom at
11 4:56 p.m.)

12 VERDICT OF THE JURY

13 THE COURT: All right, Madam Forelady, I understand
14 that you've reached a verdict; is that correct?

15 JURY FOREPERSON: Yes, sir.

16 THE COURT: Would you hand it up to the Clerk,
17 please. All right. From the standpoint of form the
18 verdict appears to be correct. Ms. Little, would you and
19 your client stand, please, and Mr. Clerk, you may publish
20 the direct.

21 CLERK OF COURT: Yes, sir, Your Honor. Cases Number
22 2008-GS-16-1314 and 2008-GS-16-1315, State of South
23 Carolina v. Ronald Francis Cameron, Defendant.

24 Question One, we the jury by unanimous agreement find
25 the Defendant, Ronald Francis Cameron, on the charge of

1 burglary in the first degree guilty as charged.

2 Two, we the jury by unanimous agreement find the
3 Defendant, Ronald Francis Cameron, on the charge of petit
4 larceny guilty as charged.

5 Signed, Foreperson Deidra Odom, September 23rd 2009.
6 If this is your verdict in each one of those charges would
7 you please raise your right hand.

8 (WHEREUPON, all jurors raised their right hand.)

9 THE COURT: You may be seated. Ms. Little, anything
10 before the jury is excused?

11 MS. LITTLE: No, Your Honor. I just want to thank
12 the jury for their service.

13 COLLOQUY

14 THE COURT: All right. All right, ladies and
15 gentlemen, this will conclude your services in connection
16 with this matter, and in a few minutes I'm going to excuse
17 you from any further service in connection with this case.
18 I want to say that in my view the jury's role in the fact
19 finding process is so important that the trial judge
20 should not comment on the verdict of the jury even after a
21 jury reaches a verdict.

22 And I make it a practice and a policy never to
23 comment on the verdict of the jury. I will tell you that
24 there was evidence in the record by which you could have
25 reached the decision that you did. Once you have been

1 excused as a juror in this case there is nothing illegal
2 about your talking with anyone about your service on this
3 case. There is nothing illegal about anybody talking to
4 you about your service on this case.

5 It is a practice of which I strongly disapprove and I
6 strongly discourage, but it's not illegal. You have the
7 right to talk with anyone, but you also have the right not
8 to talk with anyone, and if anyone should approach you and
9 want to talk with you about your service on this case and
10 you tell them don't wish to discuss it and they continue
11 to harass you or bother you you let the Court personnel
12 know and I will deal with them.

13 This will terminate your services on this case, and
14 not only that it will terminate your services on the jury
15 for this week. We've got some more matters to do in the
16 Court this week but none that are going to involve the
17 jury panel. Your fellow juror panel has already been
18 excused, and I'm going to be able to excuse you from any
19 further service this week.

20 I do want to thank you on behalf of the County and
21 the State for your services this week. I know that it is
22 never convenient to serve on a jury but it is an important
23 citizenship responsibilities and I do appreciate your
24 coming forward and serving when you were summoned to do so
25 even though I know you didn't have much choice about

1 whether you wanted to serve or not.

2 I will also tell you that next week you will get a
3 small check from the Clerk's Office. It will not
4 compensate you for the time that you've been up here this
5 week, but it is a small token of appreciation on behalf of
6 the County for your services.

7 By serving on the jury this week you have met your
8 citizenship responsibilities for service as a juror in the
9 Circuit Court; that is up here in this courtroom either
10 the Court of Common Pleas, the civil side of this Court or
11 the Court of General Sessions for the next three years.

12 If you were to get a summons in the next year we
13 couldn't take you even if you wanted to serve. There is a
14 disqualification for one year. The second and third years
15 you have an exemption. You can serve if you want to but
16 you wouldn't have to serve. So you can't be required to
17 serve more than once every three years in Circuit Court.

18 Now, I can't help you with magistrates court or
19 federal court if you get a subpoena for those then you
20 will just have to take that up with those particular
21 courts.

22 In a few minutes I am going to excuse you. The Clerk
23 will meet you in the back. If any of you -- he will have
24 a certificate for you to take to your employer if you need
25 that to show that you've been serving on the jury this

1 week. And I hope that you have found your service on the
2 jury this week interesting and educational and that you
3 have a better appreciation of our criminal justice system
4 as a result of having served this week.

5 I told jurors a lot of times that it never ceases to
6 amaze me that on television they can have a crime
7 committed, an investigation, arrest, trial, and verdict
8 all in 60 minutes less commercials. It doesn't work that
9 way in real life. Now, the only thing that we have left
10 to do in this case is the sentencing phase, and we are
11 going to go into the sentencing phase in just a few
12 minutes.

13 You are welcomed to stay for that if you would like.
14 I know sometimes jurors like to stay and find out what the
15 ultimate result is going to be. After I excuse you and
16 after you meet with Mr. Suggs in the back room if you
17 would like to come into the sentencing phase, if you will
18 just come around and have a seat in the back of the
19 courtroom as we go through and into the sentencing phase
20 you are welcomed to do so, but you don't have to.

21 You're welcomed to leave if you would like to do
22 that. It's up to you, but if you would like to stay for
23 the sentencing phase it won't take us more than ten or 15
24 minutes, but you're more than welcomed to stay if you
25 would like to. Again, thank you for your service and have

1 a pleasant weekend.

2 (WHEREUPON, the jury was excused from the courtroom
3 at 5:02 p.m.)

4 THE COURT: All right, Ms. Little, are there any
5 motions on behalf of Defendant?

6 MS. LITTLE: Your Honor, at this time Defense moves
7 for a new trial in this case based on a failure of
8 evidence presented by the prosecution.

9 THE COURT: All right. I would respectfully deny
10 that motion. I believe there was evidence in the record
11 by which a jury could have reached a conclusion that they
12 did. For me to grant a new trial would be for me to
13 impose my judgment over that of the jury, and that I do
14 not believe I can do. And I therefore would respectfully
15 deny the motion.

16 SENTENCE OF THE COURT

17 Come around please, Ms. Little and Mr. Cameron.

18 MS. LITTLE: Yes, Your Honor.

19 THE COURT: Ms. McKenzie, is there anything you want
20 to offer? I think I already know his criminal record;
21 that we went over that a little bit earlier with regard to
22 when we were deciding what was impeachable offenses, and I
23 am well aware of his full criminal record. I don't need
24 any more from there. Is there anything else the State
25 wishes to present. We'll hear from the victim if there is

1 anything that they would like to present.

2 MS. McKENZIE: Yes, sir, Your Honor, just that the
3 victims would like to be heard. That would be all.

4 THE COURT: All right. Have them come on up. As the
5 victims in this case, of course, you have the right to the
6 be present and to keep the Court informed of everything --
7 I mean to be kept informed of everything that is gone on.
8 You also have the right to be present throughout the trial
9 and any proceedings in Court, and you also have the right
10 to address the Court. So I'll be glad to hear from you.

11 MR. COX: Your Honor, I'm Jay Cox, and I'm the Chief
12 of Police here in Darlington, so this is unfamiliar
13 territory for me. I would ask for the maximum sentence.
14 Now, in asking for that I realize that that is probably
15 not going to happen. A few facts I would like for you to
16 know.

17 THE COURT: Yes, sir.

18 MR. COX: The items that were taken from our home,
19 our home that was invaded by this man, are items that
20 cannot be replaced. Locks of hair from our children. We
21 have two sons. Their baby teeth that my wife cherished,
22 that I also cherished. And there is no monetary value to
23 be placed on that. Also jewelry. It was not very
24 expensive, but they were keepsake items that were given to
25 my wife by her mother who passed away three weeks after

1 this event that can never be replaced. We've never
2 recovered them. She will never have her mother again, and
3 she will never have these items, and I would ask you take
4 that into consideration.

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

6 MR. COX: Thank you.

7 THE COURT: Anything else, Ms. McKenzie, on behalf of
8 the State?

9 MS. MCKENZIE: No, Your Honor. You've heard his
10 criminal history. I think we introduced two burglary
11 convictions for purposes of the aggravated circumstance.

12 THE COURT: There was one in '99 that was allowed as
13 an impeachment, when was the first one then that was the
14 second one? The second -- the one that gave it the
15 burglary first?

16 MS. MCKENZIE: There was one in '88. There was one
17 in '90 and there was one in '99. So one never even got
18 discussed at all, so he did have three prior burglary
19 convictions.

20 THE COURT: So he had three burglaries?

21 MS. MCKENZIE: Yes, sir.

22 THE COURT: All right. And I'm aware of the other.
23 All right, Ms. Little, I'll be glad to hear from you.

24 MS. LITTLE: Thank you, Your Honor. Your Honor,
25 Ronnie is 40 years-old. He's a life long resident of

1 Darlington County. He was raised here in Darlington. He
2 single. Has no children. Completed the tenth grade
3 education. Your Honor, he does have family here. Your
4 Honor, you heard the facts in this case, and the jury has
5 spoken.

6 We would ask that you consider a sentence that would
7 allow Mr. Cameron some hope of coming out of S.C.D.C.
8 before the end of his life. Something to work towards
9 while he is there and ask for your mercy, Your Honor.

10 THE COURT: All right. Mr. Cameron, what would you
11 like to tell me?

12 MR. CAMERON: I ain't got nothing to say.

13 THE COURT: Ms. Little, you have explained to him
14 that this is a violent offense and that it is also
15 considered a most serious offense and it a no parolable
16 offense?

17 MS. LITTLE: Yes, sir, Your Honor. He's aware of
18 that. Your Honor, we would ask that you give him credit
19 for 517 days served here in the County.

20 THE COURT: Ms. McKenzie, I think you got these
21 records. I'd like to know what he got on the previous
22 burglary charges. Would you get -- have you got your
23 N.C.I.C. that I can look at?

24 MS. MCKENZIE: Your Honor, would you like to read
25 this off or do you want to see it?

1 THE COURT: Just let me read it.

2 MS. MCKENZIE: We circled it in purple ink.

3 THE COURT: All right. As I have often said from
4 this position and people know having those that have been
5 in Court with me before have heard me say they criminal
6 sentencing is the most difficult thing that we have to do.
7 We judges have no crystal ball. We just make a decision
8 based upon the evidence that we heard and our judgment and
9 our experience, but it's still the most difficult thing
10 that we have to do.

11 As I have already said in this Court earlier this
12 week Justice Littlejohn, former Chief Justice of the
13 Supreme Court, wrote that, "There is no work more
14 exasperating than sitting in judgment of one's fellow man
15 after his conviction in determining where he will spend
16 the most important thing he has in the world, his time."

17 I used to shudder at the thought that a few words
18 that I would utter would determine something so important
19 to bring to another human being.

20 But was as said in the case of State v. Brouwer,
21 B-R-O-U-W-E-R, 346 SC 375, "The goals of sentencing are to
22 reflect the seriousness of the offense, promote respect
23 for the law, provide appropriate punishment, deter
24 criminal conduct, protect the public from the defendant's
25 conduct, and provide the Defendant with the needed care

1 and treatment.

2 In this particular case I have trouble by the fact
3 that Mr. Cameron has a long criminal record including
4 previous burglaries. He does not seem to have much
5 respect for the property of others over the course of his
6 lifetime. I'm also troubled by the fact that this is an
7 invasion into someone's occupied residence cause I think
8 that that is a very, very serious situation.

9 A person ought to feel secured in their residence if
10 they cannot feel secure anywhere else, but in their homes.
11 It's often been said that a man's house is his castle and
12 should be treated as such and I agree with that.

13 I know from the standpoint of the victims that they
14 feel invaded by this and probably will never feel as
15 secure in their homes or in their home as they will -- in
16 the future as they have in the past because of this
17 occurrence.

18 Therefore, it's my view that a substantial punishment
19 is due, but I do not think that the life imprisonment
20 provided by the statute for burglary in the first degree
21 is appropriate. I do think he needs to have some hope,
22 and hopefully that he can get this time behind him, get
23 out and in some stage down the line get out of jail and
24 live the remainder of his life in a productive fashion.

25 Therefore, the sentence of the Court is Defendant is

1 committed to State Department of Corrections for a term of
2 25 years, given credit for the time that he has served.
3 That's on the burglary.

4 On the petit larceny, of course it's 30 years to run
5 concur -- 30 days to run concurrent. Good luck to you.

6

7

END OF TRANSCRIPT OF RECORD

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

- 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

December 11, 2009

[Handwritten signature]
JAMES C. GORDON, County Clerk

HATTIE O. GORDON, Court Reporter

FORM 5

STATE OF SOUTH CAROLINA

County of DarlingtonRonald Francis Cameron

Full name and prison number (if any) of Applicant

v.

State of South Carolina

IN THE COURT OF COMMON PLEAS

2012-CP-16-00642

APPLICATION FOR

POST-CONVICTION RELIEF

FILED
2012 JUL 20 PM 12:01
CLERK OF COURT
DARLINGTON COUNTY, S.C.

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Broad River Correctional Inst
4460 Broad River Road Columbia South Carolina
2. Name and location of Court which imposed sentence Darlington County
General Sessions Case No 08-65-16-1314
3. Name(s) of co-defendant(s) (if any) None
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 08-65-16-1314 - Petty larceny
 - (b) 08-65-16-1314 Burglary First

TRUE CERTIFIED COPY,
Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) September 29, 2009
- (b) _____
- (c) _____
-
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) ☒ after a plea of not guilty ☒
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
Yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. South Carolina Court of Appeals
- ii. South Carolina Court of Appeals
- iii. None
- (b) the result in each such Court to which you appealed:
- i. Denied
- ii. Denied
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. unknown
- ii. Unknown
- iii. unknown
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____
- (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Ineffective assistance of trial counsel
- (b) Ineffective assistance of Appellant Counsel
- (c) erroneous advice
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) Failure to challenge the unlawfully obtained DNA
- (b) Failure to challenge the unlawfully obtained DNA on appeal
- (c) Failure to challenge the erroneous advice
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? _____
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? N/A
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? N/A
- (d) any other petitions, motions or applications in this or any other Court? No
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. _____
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. _____
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. _____
- ii. _____
- iii. _____

iv. _____

(d) the date of each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. _____
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. _____
- ii. _____
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) Infective assistance of Appellant counsel
 (b) _____
 (c) _____

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? _____
 (b) your trial, if any? Yes
 (c) your sentencing? Yes
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
None

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:
 i. Tanya Littles, esq. Darlington County Public defender
 ii. M. CELIA ROBINSON, Esq. Appellate Defender
 iii. _____
 (b) the proceedings at which each such attorney represented you:
 i. trial of General sessions, Esquire Tanya Littles
 ii. ~~Direct~~ Direct appeal, Esquire M. Celia Robinson
 iii. _____

19. State clearly the relief you seek in filing this application:

Reverse and remand for a new trial

20. Are you now under sentence from any other court that you have not challenged?

No

STATE OF SOUTH CAROLINA)

VERIFICATION

County of Darlington)

I, Ronald F. Cameron, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Ronald F. Cameron

SWORN to and subscribed before me this

day of

July

17th, 2012

Susan H. Fryer (L.S.)

Notary Public

My Commission Expires

March 5, 2018

My Commission Expires: _____

APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF

I, Ronald F. Cameron, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Ronald F. Cameron
Applicant

SWORN or affirmed to and subscribed before me this

17th day of July, 2012.

Susan H. Frye
Notary Public

My Commission Expires
March 5, 2018

My Commission Expires: _____

2012 JUL 20 PM 12:01
SCOTT B. SUGGS
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

FILED

TRUE CERTIFIED COPY,
Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF DARLINGTON	)	
	)	
	)	2012-CP-16-642
	)	
Ronald Francis Cameron, 279627	)	
	)	
Applicant,	)	
	)	RETURN
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

Respondent, making its Return to the Application for post conviction relief (PCR) filed July 20 12, 2012, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Darlington County Clerk of Court. Applicant was indicted by the Darlington County Grand Jury for burglary first and petty larceny (2008-GS-16-1314). Tonya Copland Little, Esquire, represented Applicant at trial and Celia Robinson represented him on appeal.

On September 23, 2009, the Applicant was tried and convicted before the Honorable Howard P. King, who sentenced Applicant to twenty-five years imprisonment on the burglary charge and thirty days on the larceny charge. Applicant appealed his sentence. The South Carolina Court of Appeals dismissed the appeal and the case was remitted on May 18, 2012.

Attached herewith and incorporated herein are the records of the Darlington County Clerk of Court regarding the subject conviction, and Applicant's SCDC records, and the transcript. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. "Ineffective assistance of trial counsel"
2. "ineffective3 assistance of Appellant counsel"
3. "erroneous advice"

Applicant seeks "reverse and remand for new trial" as a result of this proceeding.

III.

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 80 L.Ed.2d 674. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient.

Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

Respondent submits that Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

The State therefore requests that this Court convene an evidentiary hearing solely on the issue of ineffective assistance of counsel. As to all other allegations, the State moves for summary dismissal pursuant to S.C. Code Ann. § 17-27-70 on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that those allegations should be dismissed as a matter of law.

V.

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied.

VI.

WHEREFORE, having made its Return, the State requests that the Application be denied and the matter dismissed with prejudice.

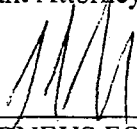
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

TYSON ANDREW JOHNSON, SR.
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

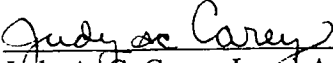
October 8, 2012.

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF DARLINGTON	)	
	)	
	)	2012-CP-16-0642
	)	
RONALD FRANCIS CAMERON, 279627	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE VIA E-MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	
_____	)	

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return** of the Respondent in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Parker E. Howle, Esquire
Howle Law Firm
100 St. John's Street
Darlington SC 29532

DATED this 8th day of October, 2012.


 Judy A. C. Carey, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA)
COUNTY OF DARLINGTON }

COURT OF COMMON PLEAS

RONALD F. CAMERON)
279627)
PETITIONER,)

v.)

TRANSCRIPT OF RECORD
12-CP-16-0642

STATE OF SOUTH CAROLINA,)
RESPONDENT.)

July 16, 2013
Darlington, South Carolina

BEFORE :

THE HONORABLE R. FERRELL COTHRAN, JR., JUDGE

APPEARANCES:

PARKER E. HOWLE, ESQ.
Attorney for the Petitioner

KAREN C. RATIGAN, ESQ.
Attorney for Respondent

FRANCES BAKIS-RAY, RPR
Circuit Court Reporter

INDEX

	Page
Ronald Cameron:	
Direct examination	4
Cross-examination	
Tonya Copeland Little:	
Direct examination	
Cross-examination	

(There were no exhibits submitted.)

1 MS. RATIGAN: May it please the Court,
2 this is the case of Ronnie Cameron versus the State
3 of South Carolina. The docket number is
4 2012-CP-16-0642. Mr. Cameron was indicted for petit
5 larceny and first degree burglary. He was
6 represented on this charge by Tonya Copeland Little.
7 The case went to trial before Judge King back in
8 2009. Mr. Cameron was convicted of the charges and
9 sentenced September 23rd, 2009, to 25 years burglary
10 first and a concurrent 30 days for petit larceny.
11 He did file a notice of appeal perfected as an
12 Anders brief. That was dismissed by the Court of
13 Appeals in May of 2012 and the State's ready to
14 proceed.

15 THE COURT: Okay.

16 MR. HOWLE: Thank you, Your Honor. We'd
17 like to call Ronnie Cameron to the stand.

18 THE COURT: All right.

19 THE CLERK OF COURT: Place your left hand
20 on the Bible, raise your right hand.

21 WHEREUPON,

22 **RONALD CAMERON,**
23 having been duly sworn by the Clerk of Court,
24 testified as follows:

25 **DIRECT EXAMINATION**

PW - R. CAMERON - DIRECT

1 **BY MR. HOWLE:**

2 Q Mr. Cameron, would you state your full name for
3 the record.

4 A Ronald Cameron.

5 Q You're here to have your jury trial overturned;
6 isn't that correct?

7 A Yes, sir.

8 Q And you understand that the only remedy the Court
9 can grant today is to grant your PCR so you will get
10 a new trial?

11 A Yes, sir.

12 Q Okay. And you understand that you're facing 15
13 to life on burg first?

14 A Yes, sir.

15 Q So you understand if your PCR is granted you can
16 face up to life in prison, correct?

17 A Yes, sir.

18 Q Okay. Mr. Cameron, what exactly did your
19 attorney Ms. Tonya Little do wrong during your trial
20 and before your trial actually?

21 A Well, I feel like she didn't help me none.

22 Q Could you elaborate a little bit?

23 A Well, she was making the officers and all say
24 stuff that they shouldn't have said and all in the
25 trial. Like, I can't think of the name, but she

PW - R. CAMERON - DIRECT

1 kept asking him how did my DNA get in the house.

2 And then he said when I broke in there, then she

3 said no further questions, Your Honor.

4 Q Okay. There was an issue with -- you had some
5 issues with how she handled your DNA evidence; isn't
6 that correct?

7 A Yes, sir.

8 Q Would you get into that a little bit?

9 A Well, when I got locked up the next day while, I
10 I mean, the officer from the city jail come and got
11 me, told me that they done DNA on me when they
12 wasn't supposed to do one.

13 Q Okay.

14 A And Ms. Little held that DNA out of court and she
15 wouldn't bring it up.

16 Q And do you have a record of that DNA test?

17 A Yes, sir.

18 Q Okay. Would you like to show it to the judge?

19 A Right over there.

20 MR. HOWLE: May I approach, Your Honor?

21 THE COURT: Yes, sir.

22 THE WITNESS: Here's the first DNA.

23 (Document tendered to the Court by the witness and
24 there was a pause while the Court reviews document.)

25 BY MR. HOWLE:

PW - R. CAMERON - DIRECT

1 Q Mr. Cameron, before your trial back in 2009 an
2 additional swab -- was an additional swab taken
3 before the trial?

4 A Yes, sir, I went in.

5 Q Okay. Do you think Ms. Little did all she could
6 to have that excluded?

7 A Well, she didn't bring up the other, the first
8 DNA was done. I had to bring it up. And then I
9 ain't have it, then I couldn't --

10 Q So you had a Smerber motion before the trial and
11 then you had the trial?

12 A Yes, sir.

13 Q Did she bring up the first test at all?

14 A No, sir.

15 Q Okay. And that is why you feel that your PCR, or
16 your PCR should be granted today?

17 A Yes, sir.

18 Q What else do you feel your lawyer did wrong?

19 A Well, I feel like she just didn't represent me to
20 her best of knowledge. I mean, I believe she could
21 have done better.

22 Q Can you elaborate on that at all?

23 A No, sir, 'cause I mean, I don't know how to -- I
24 don't know how to say it.

25 MR. HOWLE: That's all the questions, I

PW - R. CAMERON - CROSS

1 have, Your Honor.

2 **CROSS-EXAMINATION**

3 **BY MS. RATIGAN:**

4 Q How many times did you say you met with your
5 lawyer before you went to trial, do you remember?

6 A A lot of times.

7 Q Okay. And did you review the State's evidence
8 against you?

9 A Ma'am?

10 Q Did you review the State's evidence against you,
11 like your Rule 5, your discovery motion?

12 A No, I — no, ma'am.

13 Q Okay. Did you talk about the fact that the ring
14 that was stolen was pawned and traced back to you?
15 Did y'all talk about that?

16 A Well, no, not really, I mean, it come up in
17 statements.

18 Q Okay. So you knew about it from the statements?

19 A Yes, ma'am.

20 Q Okay. And you talked about the fact that your
21 DNA matched the DNA in the victim's house, the
22 blood?

23 A Yes, ma'am.

24 Q And y'all talked about that. Did you talk about
25 the fact that some of the witnesses, they saw you

PW - R. CAMERON - CROSS

1 had cuts on your hand right after the time of the
2 burglary?

3 A They were scratches on them.

4 Q Okay, but did y'all talk about the fact there
5 were some witnesses who were gonna testify they saw
6 some scratches on you?

7 A Yes, ma'am, they never testified.

8 Q Okay. And you told your lawyer your version of
9 what had happened, that you were innocent?

10 A Yes, ma'am.

11 Q And you explained to her how you got those cuts?

12 A I do, I done junk work.

13 Q Right, you told her about that?

14 A Yes, ma'am.

15 Q And you testified at court and you told the jury
16 about that as well, correct?

17 A Yes, ma'am.

18 Q And you also, when you testified you explained to
19 the jury that you thought the blood got into the
20 house 'cause blood from syringes when you were
21 shooting up?

22 A Yes, ma'am.

23 Q You testified about all that to the jury?

24 A Yes, ma'am.

25 Q Okay. And your lawyer told you before you went

PW - R. CAMERON - CROSS

1 to trial that your DNA matched, right?

2 A Yes, ma'am.

3 Q Okay. And you had a couple of prior burglaries
4 and that's how this became a first degree burglary;
5 is that correct?

6 A Yes, ma'am.

7 Q And what you're saying today basically is that
8 your lawyer should have challenged the DNA test and
9 just done a better job overall?

10 A Yes, ma'am.

11 MS. RATIGAN: That's all I have, Your
12 Honor.

13 THE COURT: Okay. And you handed me up
14 several documents and showing a SLED lab report that
15 was submitted to SLED and five swabs of blood taken
16 from the crime scene. And the report says that all
17 five swabs match your DNA; is that right?

18 THE WITNESS: Yes, sir.

19 THE COURT: Okay. Here, you can have that
20 back. Thank you.

21 Anything further?

22 MR. HOWLE: Nothing further, Your Honor.

23 THE COURT: All right. You can step down.

24 MR. HOWLE: We'd like to call Ms. Tonya
25 Little.

PW - T. LITTLE - DIRECT

1 WHEREUPON,

2 **TONYA COPELAND LITTLE,**

3 having been duly sworn by the Clerk of Court,
4 testified as follows:

5 **DIRECT EXAMINATION**

6 **BY MR. HOWLE:**

7 Q Hi.

8 A Hello.

9 Q Ms. Little, you heard earlier that there was a —
10 right after Mr. Cameron got arrested I believe it
11 was three days after the police did initial DNA
12 swab, are you aware of that?

13 A Yes, I was.

14 Q Okay.

15 A I was not present. I didn't advise him about
16 that. I found out later that they had taken him for
17 a swab.

18 Q So your understanding he volunteered to do that?

19 A Yes.

20 Q Okay. And but it did not come in at trial; is
21 that correct?

22 A It did not come into trial, and I filed a motion
23 to suppress that because he later told me that he
24 did not consent to giving his saliva so I filed a
25 motion to suppress, and then the Solicitor requested

PW - T. LITTLE - DIRECT

1 a Smerber hearing which was held before Judge
2 Baxley.

3 Q So they did decide to suppress the first DNA
4 swab?

5 A Well, basically the solicitor, I think, knew that
6 it probably wasn't going to come in so they just
7 didn't really fight that but instead asked for a new
8 draw.

9 Q Okay, and -- all right. And you did attempt to
10 keep the State from obtaining that second swab?

11 A I did. I basically argued it was invasion of his
12 privacy required foreign object be placed into his
13 mouth without his consent, violated his right to
14 privacy, and I think a couple of other
15 constitutional arguments.

16 Q Anything else you think you could have done at
17 that motion hearing?

18 A Well, not really, but my client wanted the court
19 to know that he had previously been, had DNA taken
20 without his consent. I just had advised him not to
21 say anything at the hearing, but he wanted to speak
22 so then he let Judge Baxley know that originally
23 saliva had been taken, he said, without his consent
24 by Darlington Police Department.

25 Q And on that, the second swab, what were the

PW - T. LITTLE - DIRECT

1 results of that second swab?

2 A They were a match to Mr. Cameron.

3 Q All right. Did you object to the introduction of
4 that evidence at trial?

5 A I'm not sure. I think we had a hearing on it and
6 the judge ruled it was admissible.

7 Q So you didn't object during the trial?

8 A I'm not sure. Can you give me just one moment?

9 Q Sure, of course.

10 A I don't suppose you don't have that marked in
11 your —

12 Q I do — Tonya, for the record, I don't believe
13 you did.

14 A Then I guess I did not.

15 Q And do you remember why you didn't object?

16 A Well, there had already been — this DNA was
17 taken by court order. There was a chain of
18 evidence. I don't think I had any grounds to
19 object.

20 Q All right. Do you think there's anything further
21 you could have done at trial?

22 A No, I don't.

23 MR. HOWLE: That's all I have, Your Honor.

24 THE COURT: Okay.

25 **CROSS-EXAMINATION**

PW - T. LITTLE - CROSS

1 **BY MS. RATIGAN:**

2 Q And I assume you were appointed through your work
3 at the Public Defender's Office; is that correct?

4 A Correct.

5 Q Did you file the usual Brady and Rule 5 discovery
6 motions?

7 A I did.

8 Q Did you serve those materials from the State?

9 A I did.

10 Q Did you review them both independently and with
11 your client?

12 A I did, and I also have two Rule 5 receipts signed
13 by the defendant on 7/15/09 and 10/7/08.

14 Q And as part of discovery wasn't the thing that
15 kind of broke the case open was that a very
16 distinctive class ring was stolen from the victims
17 and pawned; is that correct?

18 A That's correct. It was actually pawned the same
19 day I believe that it was stolen.

20 Q And that the police kind of used that to
21 backtrack to your client, would that be fair to say?

22 A Correct.

23 Q And did you explain to Mr. Cameron how harmful
24 that was they could trace this very specific object
25 from him back to the victims?

PW - T. LITTLE - CROSS

1 A I did, but his defense was basically that he was
2 framed, that the person who actually pawned the ring
3 was the true burglar.

4 Q And is that something you explored at trial,
5 something that you asked that witness?

6 A Oh, yes.

7 Q So your client would have told you kind of his
8 version of how he got cuts on his hand and how that
9 ring came to be, he told you all of that?

10 A He did. He did, yes. He explained all that to
11 me. Originally he told me that the blood got in the
12 house because the police got it off of a towel from
13 Larry Gainey's house, then later he told me about
14 the syringes.

15 Q Okay. And you did receive the DNA report back
16 from the State?

17 A Yes, I did.

18 Q Did you review that with Mr. Cameron?

19 A I did.

20 Q Did you explain to him that the one and one
21 trillion match was devastating to your case; would
22 that be fair to say?

23 A Yes, I did.

24 Q And this went to trial as burglary first because
25 of prior offenses; is that correct?

PW - T. LITTLE - CROSS

1 A Correct.

2 Q Was this case ever — was there ever any kind of
3 plea offer in this case or was it always going to go
4 to trial?

5 A There were plea offers. Just one moment. The
6 solicitor Sherry Baugh, deputy solicitor, offered 20
7 years on August 25th of 2009. My client authorized
8 me on that same date to do a counteroffer of ten
9 years nonviolent, plead to burglary 2(a). The
10 solicitor rejected. And that 20 years was the only
11 plea offer. There were several pending burglaries
12 against Mr. Cameron at the time. This was the one
13 that they decided to call because they felt they had
14 the strongest evidence.

15 Q And did you explain to Mr. Cameron if he went to
16 trial the possible sentences, minimum/maximum he
17 could receive if he was convicted?

18 A Yes, I did.

19 MS. RATIGAN: That's all I have, Your
20 Honor.

21 THE COURT: Okay. Anything further?

22 MR. HOWLE: Nothing further, Your Honor.
23 Thank you.

24 THE COURT: You can step down. Thank you.

25 THE WITNESS: Thank you, Judge.

1 THE COURT: Anything else?

2 MR. HOWLE: Nothing further, Your Honor.

3 THE COURT: Anything from the State?

4 MS. RATIGAN: No, Your Honor, we would
5 rest on the record and on counsel's testimony.

6 THE COURT: Okay, I will read the record
7 and let y'all know.

8

9 * * * END OF REQUESTED TRANSCRIPT OF RECORD * * *

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

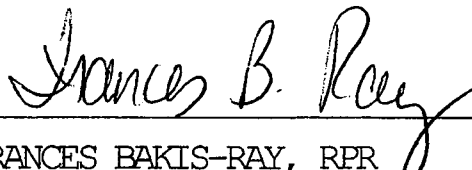
C E R T I F I C A T E O F R E P O R T E R

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

I, FRANCES BAKIS-RAY, Registered Professional Reporter (RPR), court reporter for the State of South Carolina, Twelfth Judicial Circuit, do hereby certify that the foregoing proceeding is a stenographic report and was transcribed through computer-aided transcription; that the foregoing transcript contains a true record of the proceedings.

I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this 17th day of March, 2014.


FRANCES BAKIS-RAY, RPR

COPY

STATE OF SOUTH CAROLINA)
COUNTY OF DARLINGTON)
Ronald Francis Cameron,)
S.C.D.C. No. 279627,)
Applicant,)
v.)
State of South Carolina,)
Respondent.)

IN THE COURT OF COMMON PLEAS

2012-CP-16-0642

ORDER OF DISMISSAL

FILED
2013 OCT 23 PM 12:04
SCOTT R. SUSSEX
CLERK OF COURT/PRO. D.
DARLINGTON COUNTY, S.C.

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed July 20, 2012. The Respondent made its return on October 8, 2012. An evidentiary hearing into the matter was convened on July 16, 2013 at the Darlington County Courthouse. The Applicant was present at the hearing and represented by Parker E. Howle, Esquire. Karen C. Ratigan, Esquire of the South Carolina Office of the Attorney General represented the Respondent.

The Applicant testified on his own behalf at the PCR hearing. Also testifying was the Applicant's trial counsel, Tonya Copeland-Little, Esquire. The Court had before it the trial transcript, the Darlington County Clerk of Court records, the Applicant's South Carolina Department of Corrections records, the PCR application, the return, and the appellate records.

PROCEDURAL HISTORY

The Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Darlington County Clerk of Court. The Applicant was indicted at the October 2008 term of the Darlington County Grand Jury for petit larceny (2008-GS-16-1314) and first-degree burglary (2008-GS-16-1315). He was represented by Tonya Copeland-Little, Esquire.

TRUE CERTIFIED COPY,
CLERK OF COURT/AMC
DARLINGTON COUNTY, SC

Little, Esquire.

After the State called the case to trial, the Applicant was found guilty. On September 23, 2009, the Applicant was sentenced by the Honorable Howard P. King to concurrent terms of thirty days for petit larceny and twenty-five years for first-degree burglary.

A notice of appeal was filed on the Applicant's behalf at the South Carolina Court of Appeals. Kathrine H. Hudgins, Esquire of the South Carolina Office of Appellate Defense perfected the appeal in the form of an Anders¹ brief. The Court of Appeals dismissed the appeal. State v. Cameron, Op. No. 2012-UP-254 (S.C. Ct. App. filed May 2, 2012).

ALLEGATIONS

In his application, the Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of trial counsel:
 - a. "Failure to challenge the unlawfully obtained D.N.A."
2. Ineffective assistance of appellate counsel:
 - a. "Failure to challenge the unlawfully obtained D.N.A. on appeal."
3. "[E]rroneous advice."

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. This Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly.

Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80 (2003).

¹ Anders v. California, 386 U.S. 738, 87 S. Ct. 1396 (1967).

TRUE CERTIFIED COPY,
 [Signature]
 CLERK OF COURT/PMC
 DARLINGTON COUNTY, SC

Ineffective Assistance of Trial Counsel

The Applicant alleges he received ineffective assistance of trial counsel. In a PCR action, "[t]he burden of proof is on the applicant to prove his allegations by a preponderance of the evidence." Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002).

For an applicant to be granted PCR as a result of ineffective assistance of counsel, he must show both: (1) that his counsel failed to render reasonably effective assistance under prevailing professional norms, and (2) that he was prejudiced by his counsel's ineffective performance. See Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984); Porter v. State, 368 S.C. 378, 383, 629 S.E.2d 353, 356 (2006). In order to prove prejudice, an applicant must show "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry v. State, 300 S.C. 115, 117-18, 386 S.E.2d 624, 625 (1989). "A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial." Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052).

The Applicant stated he had numerous meetings with trial counsel and they discussed his version of events and some of the State's evidence. The Applicant stated they discussed that his DNA matched that found in the house. The Applicant stated he told plea counsel how his blood ended up in the victim's house and why he had cuts on his hands. The Applicant admitted he testified at trial in order to explain this to the jury. The Applicant stated trial counsel should have challenged the DNA test in this case.

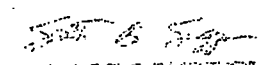
Trial counsel testified she filed discovery motions in this case, received those materials, and reviewed them with the Applicant. Trial counsel testified she explained how the evidence regarding the ring was harmful to their case and that the DNA evidence was "devastating" trial.

counsel testified they discussed the Applicant's version of events and that the Applicant said he had been framed by the police. Trial counsel testified there was an initial DNA swab in this case, but that it was suppressed because the Applicant did not consent. Trial counsel testified there was then a Schmerber² hearing and the subsequent test indicated the Applicant's DNA was a match. Trial counsel testified she did not object to the DNA report at trial because there was no arguable reason to object. Trial counsel testified the State made a twenty-year plea offer in this case but that the Applicant rejected it and asked her to make a counter-offer for a ten-year, non-violent sentence – which the State rejected.

This Court finds the Applicant's testimony is not credible, while also finding trial counsel's testimony is credible. This Court further finds trial counsel adequately conferred with the Applicant, conducted a proper investigation, and was thoroughly competent in her representation.

This Court finds the Applicant failed to meet his burden of proving trial counsel should have challenged the DNA report. Trial counsel testified the initial DNA swab was suppressed. Trial counsel testified a Schmerber hearing was conducted and, while she argued against it, the State prevailed. Trial counsel testified there was no legal basis to challenge the admission of the DNA report at trial. This Court finds trial counsel's testimony is credible. This Court finds the Applicant has failed to meet his burden of proving trial counsel did not properly handle the DNA issue because he failed to articulate a legal basis upon which trial counsel could have challenged the admission of the DNA evidence at trial. See Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) (holding that, in a post-conviction relief proceeding, the applicant bears the burden of proving the allegations in their application). Regardless, the State presented additional

² Schmerber v. California, 384 U.S. 757, 86 S. Ct. 1826 (1966).

TRUE CERTIFIED COPY,

 CLERK OF COURT/RMC
 DARLINGTON COUNTY, SC

evidence of his guilt. A distinctive ring stolen from the victim's home – and recovered in a pawn shop – was traced back to the Applicant. (Trial transcript, pp.42-43; pp.62-63; pp.79-81). The Applicant was also identified as having bleeding cuts on his hands (and the victim's home had broken glass and blood on the floor). (Trial transcript, pp.36-37; p.39; p.43; p.61; pp.79-81; p.105). As such, the Applicant cannot prove he was prejudiced by the admission of the DNA evidence at trial. See Geter v. State, 305 S.C. 365, 367, 409 S.E.2d 344, 346 (1991) (concluding reasonable probability of a different result does not exist when there is overwhelming evidence of guilt).

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test – that trial counsel failed to render reasonably effective assistance under prevailing professional norms. The Applicant failed to present specific and compelling evidence that trial counsel committed either errors or omissions in her representation of the Applicant. This Court also finds the Applicant has failed to prove the second prong of Strickland – that he was prejudiced by trial counsel's performance. This Court concludes the Applicant has not met his burden of proving counsel failed to render reasonably effective assistance. See Frasier v. State, 351 S.C. at 389, 570 S.E.2d at 174.³

All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this Order, this Court finds the Applicant failed to present any testimony, argument, or evidence at the hearing regarding such allegations. Accordingly, this Court finds the Applicant has abandoned any such allegations.

³ This Court notes the Applicant alleged ineffective assistance of appellate counsel in his PCR application but did not present any evidence or testimony regarding this issue at the PCR hearing. As such, this Court finds the issue has been abandoned.

TRUE CERTIFIED COPY
 JUNE 8 2011
 CLERK OF COURT/RMC
 DARLINGTON COUNTY, SC

CONCLUSION

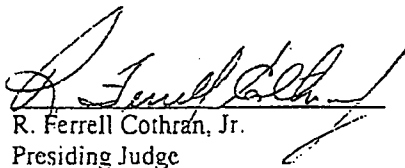
Based on all the foregoing, this Court finds and concludes the Applicant has not established any constitutional violations or deprivations before or during his trial and sentencing proceedings. Counsel was not deficient and the Applicant was not prejudiced by counsel's representation. Therefore, this PCR application must be denied and dismissed with prejudice.

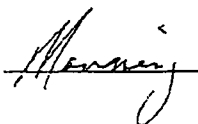
This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order if he wants to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely filed.

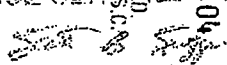
IT IS THEREFORE ORDERED:

1. That the application for post-conviction relief be denied and dismissed with prejudice; and
2. That the Applicant be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 18 day of Oct, 2013.

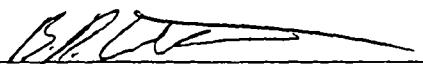

R. Ferrell Cothran, Jr.
Presiding Judge

 South Carolina.

FILED
2013 OCT 23 PM 12:04
SCOTT B. SHOCK
CLERK OF COURT/MC
DARLINGTON COUNTY, SC
TRUE CERTIFIED COPY

CLERK OF COURT/MC
DARLINGTON COUNTY, SC

WITNESSES

August
Darlington Pd


After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

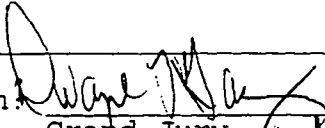
WITNESS:

C.C.C. PLS. AND G.S.

ARREST WARRANT #:
J676205

Arrested on April 28, 2008

ACTION OF GRAND JURY

Foreman: 

Grand Jury

TRUE BILL
VERDICT

Foreman:

Petit Jury

Date:

OCT 16 2008

DOCKET #: 08GS16-1314

THE STATE OF SOUTH CAROLINA
County of Darlington

COURT OF GENERAL SESSIONS

Term: October, 2008

THE STATE

vs.

Ronald Francis Cameron

I N D I C T M E N T F O R

0480

LARCENY LESS THAN \$1,000

16-13-30 (A)

STATE OF SOUTH CAROLINA)
)
County of Darlington)

INDICTMENT #08GS16-1314

At a Court of General Sessions, convened on October 20, 2008
the Grand Jurors of Darlington County present upon their oath:

COUNT: LARCENY LESS THAN \$1,000
16-13-30 (A)

That Ronald Francis Cameron in the County of Darlington on or about April 25, 2008, feloniously take and carry away the personal goods of Angela Cox, of the value of less than One Thousand Dollars, described as follows: Money and Jewelry valued at approx. \$700.00, with intent to deprive the owner permanently of such property.

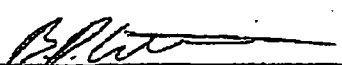
Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.

SOLICITOR:

TRUE CERTIFIED COPY,
Scott B. Jagger
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

Oct 07 2009 10:11 FOURTH CIRCUIT PUBLIC DEF 8433984321

WITNESSES

August
Darlington Pd

 After being fully advised as to my
 legal rights, I hereby waive
 presentment to the Grand Jury.

Defendant

 I
 hereby appear in my own proper
 person and plead guilty to the
 within indictment or to:

Defendant

WITNESS:

C.C.C. PLS. AND G.S.

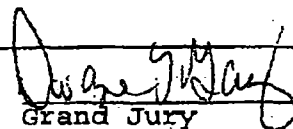
ARREST WARRANT #:
J676206

Arrested on April 28, 2008

ACTION OF GRAND JURY

Foreman:

Grand Jury


TRUE BILL
 VERDICT

Foreman:

Petit Jury

Date:

OCT 16 2008

DOCKET #: 08GS16-1315

THE STATE OF SOUTH CAROLINA

County of Darlington

COURT OF GENERAL SESSIONS

Term: October, 2008

THE STATE

vs.

Ronald Francis Cameron

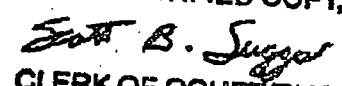
INDICTMENT FOR

0079

BURGLARY IN THE FIRST DEGREE

(DWELLING) 16-11-311

TRUE CERTIFIED COPY,


 CLERK OF COURT/RMC
 DARLINGTON COUNTY, S.C.

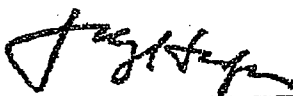
STATE OF SOUTH CAROLINA)
County of Darlington) INDICTMENT #08GS16-1315

At a Court of General Sessions, convened on October 20, 2008
the Grand Jurors of Darlington County present upon their oath:

COUNT: BURGLARY IN THE FIRST DEGREE
(DWELLING) 16-11-311

That Ronald Francis Cameron in the County of Darlington on or about April 25, 2008, enter the dwelling of Angela Cox, without consent and with the intent to commit a crime therein and said defendant is a person with a prior record of two (2) or more convictions for Burglary or Housebreaking or a combination of both, in violation of Section 16-11-311, 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.

SOLICITOR: 

TRUE CERTIFIED COPY,
Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.