

ORIGINAL

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Circuit Court

Edgar W. Dickson, Circuit Court Judge

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SC Court of Appeals

Case No. 2011-GS-38-01561 - 01563
Case No. 2013-GS-38-00287
Appellate Case No. 2013-000784

State of South Carolina,.....Respondent,

v.

Richard Lanard Sprinkle,.....Appellant.

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

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1 STATE OF SOUTH CAROLINA

2 COUNTY OF ORANGEBURG

CIRCUIT COURT

2011-GS-38-01561-01563

& 2013-GS-38-00287

3
4 STATE OF SOUTH CAROLINA,

5 -vs-

TRANSCRIPT OF RECORD

6 RICHARD LANARD SPRINKLE,
7 Defendant.

8
9 Heard on Monday, April 8,
10 Tuesday, April 9 & Wednesday, April 10, 2013 in
11 Orangeburg, South Carolina

12 BEFORE:

13 THE HONORABLE EDGAR W. DICKSON
14

15 APPEARANCES:

16 Counsel on Behalf of the State:

17 Sarah A. Ford, Esq.

18 B. Harrison Bell, Jr., Esq.

19 Counsel on Behalf of the Defendant:

20 Jillian D. Ullman, Esq.

21 Mark Wise, Esq.

22 Counsel on Behalf of Sean Echols:

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JAMES WRIGHT - DIRECT

1 ON APRIL 8TH, 2013, AT 10:33 A.M.:

2 THE COURT: All right. Ms. Ford?

3 MS. FORD: Your Honor, we're here for the pretrial on
4 the case the State intends to call tomorrow morning, the
5 State of South Carolina versus Richard Lanard Sprinkle.

6 Mr. Sprinkle has been indicted on multiple
7 indictments. The first being 2011-GS-38-1561 for armed
8 robbery; 1562, second count of armed robbery; 1563 and
9 1564 for attempted murder; and 2013-GS-38-0287 for
10 burglary in the first degree, Your Honor.

11 We'll be taking up all pretrial motions from the State
12 and the defense at this time, Your Honor.

13 THE COURT: All right.

14 MS. FORD: Your Honor, if we could start with the Neil
15 versus Biggers hearing.

16 THE COURT: All right.

17 MS. FORD: The State would call James Wright to the
18 stand.

19 THE COURT: Mr. Wright, do you mind standing up
20 first? I need to swear you in first, please, sir.

21 JAMES WRIGHT, having been duly sworn, was examined and
22 testified as follows:

23 THE COURT: All right. Sit down. And your name
24 again?

25 THE WITNESS: James Wright.

JAMES WRIGHT - DIRECT

DIRECT EXAMINATION

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BY MS. FORD:

Q. Mr. Wright, you're going to have to speak up because we got the --

A. Okay, okay.

Q. -- our new air-conditioner is going over there and it's a little hard to hear in here. So please make sure you speak up so everyone can hear you. Okay?

Your name is James Wright?

A. James Wright.

Q. Okay. Did you used to live on [REDACTED] [REDACTED] here in Orangeburg?

A. Yes, ma'am.

Q. Who did you live with?

A. Rocky Rumph.

Q. How far did you go in school, Mr. Wright?

A. Third grade.

Q. Okay. All right. Have you ever been the victim of a robbery?

A. Yep.

Q. What happened?

A. They come, they knock on the door.

Q. Let me stop you for one second. You said they. Who is they? How many people?

A. Two.

JAMES WRIGHT - DIRECT

1 Q. Two?

2 A. Two.

3 Q. Okay. What did they look like?

4 A. That one of them right there.

5 Q. Okay. Well, were they men or women?

6 A. Mans.

7 Q. Okay. Were they black or white?

8 A. Black.

9 Q. Okay. What kind of hair did they have?

10 A. He don't have long hair but they come in and rob me
11 that night, real long hair.

12 Q. Okay. But is it different now?

13 A. Yes.

14 Q. His hair is different now than it was before?

15 A. Yeah. He got it cut now.

16 Q. Okay. So you saw these people that came and knocked
17 on your door?

18 THE COURT: Hold on one second while we enjoy the
19 sounds of the city.

20 MS. FORD: The sounds of the city.

21 (Pause.)

22 THE COURT: Ms. Ford, I'm sorry. If you'd continue.

23 MS. FORD: Thank you.

24 BY MS. FORD:

25 Q. So let's go back to what you were saying, Mr. Wright.

JAMES WRIGHT - DIRECT

1 You said two people that came to the house. What happened
2 next?

3 A. They knocked on the door. And I went and looked
4 through the curtain at them before I opened the door. And
5 they tell me, said, tell Rocky he want to make a phone
6 call because his girl friend stabbed him. And I ran and
7 tell Rocky, he told me to let them in.

8 Q. So hold on one second. So the people at the door that
9 knocked on the door?

10 A. Before I opened the door.

11 Q. Okay.

12 A. And after I let him -- let Rocky know they wanted to
13 make a phone call, Rocky told me to let them in.

14 Q. Okay.

15 A. That's when they start beating me in the head with the
16 pistol.

17 Q. Okay. Which one beat you in the head with a pistol?

18 A. That one right there. And he bust me in the lip, too.

19 Q. Okay. Did they come inside the house?

20 A. After I opened the door, they come right on in the
21 house.

22 Q. Okay. And you said one of them had -- did they have a
23 weapon?

24 A. Yep.

25 Q. What kind of weapon?

JAMES WRIGHT - DIRECT

1 A. All I know it was a pistol but what name of it, I
2 didn't know.

3 Q. Okay. But you saw it was a gun of some sort?

4 A. Yeah.

5 Q. Okay. Did they say anything to you?

6 A. When I called Rocky, they said, don't say nothing,
7 don't say nothing. Give me your money. Give me your
8 money. They had me right there and a pistol in my chest.

9 Q. Did you give them any money?

10 A. Yeah, I give what I had. Right around \$40. I give it
11 to them.

12 Q. Okay.

13 A. Sure did.

14 Q. Okay. After you gave them the money, what happened
15 next?

16 A. They make me go into that room and hold up that bed
17 and mattress telling me, you got more money than that,
18 man, you got to have more money. Then they went in Rocky
19 room.

20 Q. Okay. After they all went and --

21 A. They take my wallet and all. They didn't give me none
22 of that back. They got all of that.

23 Q. Okay. They took your wallet with your money. Yes,
24 sir.

25 After you said they went in Rocky's room, what

JAMES WRIGHT - DIRECT

1 happened next?

2 A. They ain't done him nothing more to me. They start
3 fighting Rocky.

4 Q. Fighting Rocky. Okay. And after they did that, did
5 they stay in the house or what happened?

6 A. No. They went out the back door and take Rocky car
7 and leave.

8 Q. Okay. All right. You said they took Rocky's car and
9 left?

10 A. Yes.

11 Q. Did you ever talk to the police about what happened to
12 you?

13 A. Yeah, five of them come there that night and I told
14 them before they ever let them come to get me to the
15 hospital.

16 Q. Okay. You talked with the police officers?

17 A. Right.

18 Q. Did you tell them about the people that came in your
19 house?

20 A. Yeah.

21 Q. Did you tell them what the people in your house looked
22 like?

23 A. Yeah.

24 Q. Okay. Did you know any of the people that came in
25 your house?

JAMES WRIGHT - DIRECT

- 1 A. Yeah, I told them I know him.
- 2 Q. Okay. Did you know his name?
- 3 A. I always called him Ricky. He used to walked the
- 4 street all the time.
- 5 Q. Name of Ricky?
- 6 A. Ricky. That's all I know; Ricky.
- 7 Q. Where had you seen him before?
- 8 A. Right up there on Mingo Street in Orangeburg.
- 9 Q. Okay. When was the last time you had seen him before
- 10 you saw him in your house and he robbed you?
- 11 A. That Saturday evening. And he come in there and done
- 12 that to me that Sunday morning. Saw him right there at
- 13 Bojangles.
- 14 Q. Okay. So right the day before is the last time you
- 15 saw this man?
- 16 A. Right. He come there that same night. He talked to
- 17 me that evening some then come right in there that Sunday
- 18 morning and robbed me.
- 19 Q. Okay. Did the police ever show you any pictures of
- 20 anybody?
- 21 A. Yep.
- 22 Q. Okay. I'm going to show you what's been marked
- 23 State's One. What is that?
- 24 A. That's him right there.
- 25 Q. Okay. But what is this? Do they have a lot -- is

JAMES WRIGHT - DIRECT

1 this what the police officers showed you that day?

2 A. Yeah.

3 Q. Okay. And do you see the picture of the person that
4 you said came in your house and robbed you?

5 A. Yep.

6 Q. Okay. Which one is it on here?

7 A. (Pointing.)

8 Q. Okay. That's number?

9 A. Two.

10 Q. Number two. Did you circle that?

11 A. I circled that.

12 Q. Are those your initials?

13 A. Yeah.

14 Q. Okay. Did the police officer tell you which one to
15 pick?

16 A. No. Sure enough.

17 Q. Did she say --

18 A. After I see the pictures, I knowed which one it was.

19 Q. You knew right away --

20 A. Right away.

21 Q. -- which one it was?

22 A. Yes.

23 Q. And that's the one that you circled here?

24 A. That's right.

25 Q. And put your initials?

JAMES WRIGHT - DIRECT

1 A. That's right.

2 Q. And you called him -- what was the name that you
3 called him?

4 A. Ricky.

5 Q. Ricky.

6 Your Honor, at this time the State would offer this
7 into evidence for the purposes of this hearing.

8 THE COURT: Have you seen this picture?

9 MS. ULLMAN: I've seen it.

10 THE COURT: Any objection?

11 MS. ULLMAN: For the purposes of this hearing, no,
12 Your Honor. No objection.

13 THE COURT: Okay. State's One is in evidence for this
14 hearing.

15 (Thereupon, State's Exhibit No. 1, photo lineup, was
16 received into evidence.)

17 BY MS. FORD:

18 Q. Mr. Wright, that person that you circled on that
19 picture, you said he's here in the courtroom. Is that
20 person in the courtroom right now?

21 A. Yep.

22 Q. Can you point him out?

23 A. Yep. (Pointing.)

24 Q. That's him seated at the defense table. Okay.

25 Has his appearance changed at all? The way he looks,

JAMES WRIGHT - CROSS

1 does he look the same as that night?

2 A. Yeah, he's changed a little bit. He ain't quite as
3 black in the face. More light in the face, but that's him
4 right yonder, but he had the long hair.

5 Q. But without a doubt that's the man that assaulted you
6 and robbed you?

7 A. That's the man.

8 Q. Okay. Beg the Court's indulgence, Your Honor.

9 THE COURT: Okay.

10 MS. FORD: No further questions at this time, Your
11 Honor.

12 THE COURT: All right.

13 MS. FORD: Mr. Wright, if you'll just answer any
14 questions Ms. Ullman has. Okay?

15 THE WITNESS: All right.

16 THE COURT: Ms. Ullman, your witness.

17 MS. ULLMAN: Thank you, Your Honor.

18 CROSS-EXAMINATION

19 BY MS. ULLMAN:

20 Q. Good morning, Mr. Wright.

21 A. Good morning.

22 Q. At the time this happened back in June of 2011, how
23 long had you lived at the [REDACTED] [REDACTED] address? How long
24 had you lived at the address on [REDACTED] [REDACTED] back in June of
25 2011?

JAMES WRIGHT - CROSS

1 A. How long I live there?

2 Q. Uh-huh.

3 A. About three months.

4 Q. About three months. So you'd just moved in not too
5 long before this happened?

6 A. Right.

7 Q. And do you work, Mr. Wright?

8 A. Huh?

9 Q. Do you have a job?

10 A. Yeah, I work part-time there with Mr. Frazier Ford.

11 Q. Okay. Now on the night this all happened, you were in
12 bed and you heard a knock at the door; is that right?

13 A. That's right.

14 Q. It was about two o'clock in the morning?

15 A. No, it was, it was, was about 4:30 or five o'clock
16 that morning.

17 Q. Okay.

18 A. Yeah.

19 Q. Were you sleeping? Did the knock wake you up?

20 A. I was sleeping. I hear the knock and I get up and
21 went to the door but I never opened the door. I let my
22 man I was staying with, somebody want to see him. And he
23 want to make a phone call. And he tell me to open the
24 door. When I opened the door, they came in and beat me in
25 the head with a gun.

JAMES WRIGHT - CROSS

1 Q. Yes, sir. Do you remember what time you went to bed
2 that night? How long had you been sleeping?

3 A. I was sleeping about four hours. Yeah.

4 Q. Before you went to sleep, had you drank any alcohol?

5 A. Yeah, I sure did.

6 Q. Do you remember how much?

7 A. Probably about half a pint. Yep. I sure did drink.

8 Q. Do you take any medication?

9 A. Not -- now I'm on asthma pills, but I wasn't taking
10 them then.

11 Q. So back in June, you didn't take any asthma pills?

12 A. No.

13 Q. Okay. Now, you said you heard a knock at the door, it
14 woke you up?

15 A. Yeah.

16 Q. Were any lights on inside your house?

17 A. No.

18 Q. Did you turn any lights on?

19 A. No, I never. The yard light was on.

20 Q. The yard light was on? And I believe you said you
21 looked out, was it a hole in the door --

22 A. No.

23 Q. -- or through the curtain?

24 A. Right at the door's got sides around it, and I pulled
25 the curtain back and I looked right in the face of that

JAMES WRIGHT - CROSS

1 one right there. And back back, come behind the door and
2 he said his girlfriend stabbed him in the arm and he
3 wanted to make a phone call. And I went and tell Rocky
4 about it and Rocky said, let him in, make the phone call.
5 And that's when he come in there with a pistol in my chest
6 and around my neck.

7 Q. Does that -- the house you lived in at the time, did
8 it have a porch where were they standing?

9 A. A porch?

10 Q. Uh-huh.

11 A. No, no, nothing but the step.

12 Q. Okay. So it's just one step? Two steps? How many
13 steps?

14 A. A little old piece of porch on the front of the
15 trailer. It wasn't no big porch. If you get off the
16 step, there's a little porch there.

17 Q. Okay. How many people did you see when you looked out
18 the window?

19 A. Two.

20 Q. Is it possible there was anybody else out there that
21 you didn't see?

22 A. No, I ain't seen nobody but them two. And he was up
23 on the porch then.

24 Q. Okay. And when you opened the door, how many people
25 came in?

JAMES WRIGHT - CROSS

1 A. That man there and the bud he had.

2 Q. So two people?

3 A. Two people.

4 Q. And were both of these people men?

5 A. Yep. Mans.

6 Q. Okay. Now when the police arrived, you said there was
7 maybe five police officers. There was quite a few
8 different officers out there?

9 A. Yes, ma'am.

10 Q. And you spoke with -- how many did you -- how many
11 police officers did you speak with before you left to the
12 hospital?

13 A. Be four of them come there.

14 Q. All four of them that came?

15 A. Yes, ma'am.

16 Q. And when you described the men that came in your
17 house, you said that one was a little bit taller than you?

18 A. Yeah.

19 Q. Right? And you're about five-six. That's what you
20 said?

21 A. Yeah.

22 Q. Okay. And the guy that's a little taller than you, he
23 was slender?

24 A. Yeah, he wasn't heavy.

25 Q. Okay. Wasn't heavy?

JAMES WRIGHT - CROSS

- 1 A. No, ma'am.
- 2 Q. Okay. And that person who's a little taller than
3 five-six and slender had a low haircut; is that right?
- 4 A. Yes, ma'am.
- 5 Q. When you say low, what do you mean by that?
- 6 A. Well, ain't cut down low as mine now but it was low.
- 7 Q. So, short?
- 8 A. Yes, ma'am.
- 9 Q. Not hanging like mine is?
- 10 A. No.
- 11 Q. All right. So that's person number one. Then person
12 number two is a man; correct?
- 13 A. Yes, ma'am.
- 14 Q. And you said that that person was about your height;
15 is that right?
- 16 A. Yes, ma'am.
- 17 Q. And, again, you're about five-six?
- 18 A. Yes, ma'am.
- 19 Q. And you said the person who's about as tall as you,
20 that's the person who had the long hair; right?
- 21 A. Yes, ma'am.
- 22 Q. And when you say real long, what do you mean?
23 Shoulder length or maybe as long as mine?
- 24 A. No, it was to the back of his neck.
- 25 Q. Touched his collar?

JAMES WRIGHT - CROSS

1 A. Yeah. Uh-huh.

2 Q. Okay. All right. Now, and I believe you told me when
3 they came in the house, was it immediately that you were
4 hit? How long were these two people in your house before
5 you got hit in the head?

6 A. When they first come in there they start beating me on
7 the head.

8 Q. So it was immediately as soon as the door was --

9 A. By the time they walk in, had a hand around my neck.
10 I tried to call my buddy, don't call him, don't call him,
11 don't call him.

12 Heard him say, where is he. I say, right there in
13 bed. And he ran in and jumped on him in his room. And
14 they were still messing with me, but I never did try to
15 hit him or nothing. I had no way of knowing if a bullet
16 was in the gun or not.

17 Q. I understand.

18 A. And I never tussled with him.

19 Q. Okay. And you said you had the gun in your chest and
20 an arm around your neck?

21 A. Yes, ma'am. At the time, arm around my neck.

22 Q. So was he standing behind you?

23 A. No. He in front me. I ain't said nothing.

24 Q. Okay.

25 A. Give me your money.

JAMES WRIGHT - CROSS

1 Q. Now the person who's doing all of that, was that the
2 guy with the short hair or the long hair?

3 A. Long hair.

4 Q. Okay. And you said that you gave your wallet and it
5 had \$40 and some other stuff in there?

6 A. Yeah, he just take all of that. He carried it.

7 Q. Did you give that to the guy with the long hair or the
8 short hair?

9 A. Sitting right there. Long hair.

10 Q. Okay. When you gave the person with the long hair
11 your money, what weapon did that person have?

12 A. Well, all I know it was a pistol.

13 Q. Okay. It was a gun?

14 A. It was a gun.

15 Q. Okay. When that part happened, when he had the gun at
16 you and you gave him money, where in the house, what room
17 was that in?

18 A. In the front room.

19 Q. Okay.

20 A. Now when I gave him -- I never give him the money in
21 the front room because I get up out the bed and went to
22 the door. They make me go in the room and give them
23 money.

24 Q. So your money was in your room. You gave it to him in
25 your bedroom?

JAMES WRIGHT - CROSS

1 A. Right.

2 Q. Okay. Now, as all of this is going on did anybody
3 turn on any lights?

4 A. Nope. No, sure didn't.

5 Q. Now, I believe you said at some point these two men
6 start attacking your roommate; is that right, Mr. Rumph?

7 A. Say what?

8 Q. The two men started to attack your roommate --

9 A. Yeah.

10 Q. -- Mr. Rumph? At that time where were you?

11 A. He was, still was messing with me. And I hollered to
12 my roommate he was coming in his room. And he went in
13 there and jump on him.

14 Q. Okay. At any time that these two men were in your
15 house, were you ever alone or was one of them always with
16 you?

17 A. I don't understand you.

18 Q. Once these two guys came in your house, from the time
19 they came in --

20 A. Uh-huh.

21 Q. -- until the time they left --

22 A. Uh-huh.

23 Q. -- were you ever alone or was one of them always with
24 you?

25 A. One of them was with me all the time. That young'un

JAMES WRIGHT - CROSS

- 1 (inaudible).
- 2 Q. Okay. Now, I believe you told me you had to go in
3 your room to get your money?
- 4 A. Get my money.
- 5 Q. Is there any time at any point that you then went into
6 Mr. Rumph's room?
- 7 A. No. The other fellow's already in Rumph's room.
- 8 Q. Okay. Did you ever go in there?
- 9 A. I wait for at the door because he had hold to me. I
10 wait for at the door. They asked me for the car keys. I
11 said Rumph's only one with a car. I said go on out get in
12 your car. He run out the back door and jump in his car
13 and take off with it.
- 14 Q. Okay.
- 15 A. Sure did.
- 16 Q. How long do you think all of that took from the time
17 they knocked on the door till the time they ran out the
18 back door? How long do you think they were there?
- 19 A. Probably 25 minutes.
- 20 Q. Twenty-five minutes?
- 21 A. Yes, ma'am.
- 22 Q. How many times do you remember that you got hit; do
23 you remember?
- 24 A. Got hit?
- 25 Q. In your head?

JAMES WRIGHT - CROSS

1 A. I remember three times.

2 Q. Three times?

3 A. They hit me. As far as my lip, they cut my lip. Went
4 to the hospital. They had to stitch my lip up in the
5 bottom, inside.

6 Q. Did you ever pass out?

7 A. No. Huh-uh.

8 Q. Now I believe Mr. Rumph had some injuries. Did you
9 see that happen? Did you see Mr. Rumph get hit or cut or
10 anything else like that?

11 A. No.

12 Q. Okay.

13 A. Never seen none of that.

14 Q. Okay.

15 A. After he come out, they take him to the hospital then
16 I see that.

17 Q. Okay. So the next day, June 27th, so, Officer
18 Garrison or Investigator Garrison showed you a lineup;
19 right? The paper with all those pictures on it.

20 A. Right.

21 Q. How many of those papers did she show you; do you
22 remember?

23 A. As far as I know it was four.

24 Q. Okay. So you believe she --

25 A. The first one she showed me, they wasn't on there.

JAMES WRIGHT - CROSS

1 Then she bring some more next day and showed me, wasn't on
2 that on. And then they bring some after that.

3 Q. Okay. Where were you at when you looked at the
4 pictures? Were you at your house or the hospital? Where
5 were you?

6 A. I was at the house.

7 Q. At your house?

8 A. At the house.

9 Q. Who else was there?

10 A. Whereabouts?

11 Q. At the house. The officer and you and anybody else?

12 A. Nobody but Mr. Rumph.

13 Q. Mr. Rumph was there?

14 A. Yeah.

15 Q. Okay. Now when she showed you these papers, did she
16 tell you she -- anybody was -- let me start over.

17 When she handed you the paper, did she say: The
18 suspect's on here, see if you can pick him?

19 A. Yeah. Yes, ma'am.

20 Q. When she showed you these pictures, did she have you
21 sign anything?

22 A. Yeah, I signed a paper.

23 Q. Okay. Let me show you this piece of paper. Is that
24 what you signed when you looked at the pictures?

25 A. Right. Yes, ma'am.

JAMES WRIGHT - CROSS

1 Q. Okay. And that's your handwriting where it says James
2 Wright?

3 A. Yeah, my handwriting.

4 Q. What about in the body, right here, did you write:
5 Robbed and assaulted me?

6 A. No, I didn't write that. I write that, then that.

7 Q. So you wrote your name?

8 A. Right.

9 Q. Okay. Mr. Wright, have you ever -- do you have a
10 nickname? Do you have a nickname?

11 A. No. When I was young coming up they called me Jimmy.

12 Q. They used to call you Jimmy?

13 A. Yes, ma'am.

14 Q. But otherwise it's just James Wright, that's your name
15 and maybe Jimmy?

16 A. Yeah, James Wright.

17 Q. Now when you were testifying earlier when Ms. Ford was
18 asking you some questions, I just wanted to clarify. You
19 said that the man at the Defendant's table has changed a
20 little?

21 A. Yeah.

22 Q. I understand you're saying that his hair's shorter, he
23 got his hair cut?

24 A. Right.

25 Q. You also said he looks a little lighter in the face.

JAMES WRIGHT - CROSS

- 1 What do you mean by that?
- 2 A. Well, his skin's a little cleaner than it was then.
- 3 It was more darker.
- 4 Q. So on the night in question you saw a dark-skinned
- 5 gentleman?
- 6 A. Well, I seen him that day.
- 7 Q. Okay. What do you mean you saw him that day?
- 8 A. That Saturday before it happened. I seen him right
- 9 there at Bojangles. He talked to me and then he come and
- 10 robbed me that Sunday morning. Sure did.
- 11 Q. Okay. On the night the two men that came in, were
- 12 they both dark skin? Light skin? How would you describe
- 13 them?
- 14 A. No. All I can say is that's him right yonder, you
- 15 know, the light skin or nothing. One of them was a little
- 16 bit lighter than him, the other one. That's the one
- 17 saying that he wanted to see Mr. Rocky.
- 18 Q. Say that again. The one that was lighter wanted to
- 19 see Mr. Rocky?
- 20 A. This one?
- 21 Q. Repeat what you said. I don't want to put words in
- 22 your mouth. What did you say?
- 23 A. I said, the one that wanted to see Mr. Rocky was a
- 24 little bit lighter than him.
- 25 Q. Okay. How do you know Mr. Rocky, your roommate?

JAMES WRIGHT - CROSS

1 A. I just knew him as a friend years ago. My home in
2 Hardeeville and I moved up here and I happened to meet him
3 by Mr. Steve Tyson. I started working -- we started
4 working together, Mr. Steve Tyson.

5 Q. About how long do you think you've known him?

6 A. Rocky?

7 Q. Uh-huh.

8 A. Hooooooooohhh, about 21 years.

9 Q. A really long time? Okay.

10 A. That's right. That's right.

11 MS. ULLMAN: Beg the Court's indulgence just one
12 moment.

13 THE COURT: Okay.

14 (Pause.)

15 MS. ULLMAN: Sorry, Your Honor. No further questions.

16 THE COURT: Anything on redirect?

17 MS. FORD: Nothing on redirect, Your Honor.

18 THE COURT: Any other witnesses from the State?

19 MS. FORD: Yes, sir.

20 THE COURT: Okay. You may step down, please, sir.

21 Thank you, Mr. Wright.

22 MS. FORD: State calls Investigator Garrison.

23 LORI ANN LEWIS GARRISON, having been duly sworn, was
24 examined and testified as follows:

25

LORI ANN LEWIS GARRISON - DIRECT

DIRECT EXAMINATION

BY MS. FORD:

Q. Please state your name for the record.

A. Lori Ann Lewis Garrison.

Q. Where are you employed?

A. Orangeburg County Sheriff's Office.

Q. How long have you been employed by the sheriff's office or in law enforcement?

A. I've been employed at the sheriff's office approximately four years. I've been in law enforcement approximately 15.

Q. Okay. And what are your duties?

A. I am an investigator. I investigate criminal cases.

Q. Did you have the opportunity to investigate an armed robbery, attempted murder that took place June 26 of 2011?

A. Yes, I did.

Q. Okay. What did you learn about that matter, Investigator Garrison?

A. What I learned about that matter is I spoke with both victims that night, Robert Rumph and James Wright. James Wright did state that night that he knew one of the suspects by name as Ricky or Rick, and that he approximately lived in the [REDACTED] [REDACTED] of [REDACTED]

Upon further investigation we did discover that Richard Sprinkle lived at [REDACTED] [REDACTED]. From there then

LORI ANN LEWIS GARRISON - DIRECT

1 generated a lineup with Richard Sprinkle.

2 Q. And did you have the opportunity to show those photos
3 to Mr. Wright?

4 A. Yes, I did.

5 Q. Okay. When did you show him those pictures?

6 A. The next day after the incident.

7 Q. Okay. And where did you show those pictures to him?

8 A. At his house.

9 Q. Okay. Investigator Garrison, can you tell me what
10 that is?

11 A. This is the photo lineup of the picture of Mr. Richard
12 Sprinkle.

13 Q. How many photos are on there?

14 A. Six.

15 Q. Okay. What did you say to Mr. Wright regarding the
16 photos?

17 A. I showed Mr. Wright the photos and I asked him if he
18 recognized anybody in the picture that assaulted him that
19 night.

20 Q. Was Mr. Wright able to identify the person who
21 assaulted and robbed him?

22 A. Yes. He identified picture number two.

23 Q. And who is picture number two?

24 A. Richard Sprinkle.

25 Q. Did Mr. Wright indicate that he chose Mr -- number two

LORI ANN LEWIS GARRISON - DIRECT

- 1 by anything? Did he circle? Sign?
- 2 A. Yes, he circled and put his initials.
- 3 Q. Okay. Did Mr. Wright have any difficulty in picking
- 4 out picture number two of Mr. Sprinkle?
- 5 A. No, he didn't. As soon as he saw the pictures it was
- 6 no hesitation.
- 7 Q. Did you suggest to Mr. Wright who he should pick out?
- 8 A. No, I did not.
- 9 Q. Okay. Do you see the person whose photo was selected
- 10 in the courtroom, Investigator Garrison?
- 11 A. Yes, I do; Mr. Sprinkle.
- 12 Q. Seated at the defense table?
- 13 A. Yes.
- 14 Q. Did you show any other lineups to Mr. Rumph?
- 15 A. Yes, I did.
- 16 Q. Did you show him the exact same lineup?
- 17 A. Yes.
- 18 Q. The exact lineup?
- 19 A. Oh, not the, the exact same. A similar lineup.
- 20 Q. And Mr. Sprinkle was in that lineup?
- 21 A. Yes.
- 22 Q. Okay. Was Mr. Rumph able to identify Mr. Sprinkle in
- 23 that lineup?
- 24 A. No, he was not.
- 25 Q. Was he able to give you a description?

LORI ANN LEWIS GARRISON - CROSS

1 A. Yes, he did. He gave me a description that fit the
2 similar characteristics of Mr. Sprinkle.

3 Q. Which would be what?

4 A. A black male, dark skin with dreads, shoulder length
5 dreads.

6 MS. FORD: Beg the Court's indulgence, Your Honor.

7 (Pause.)

8 Investigator Garrison, please answer any further
9 questions that Ms. Ullman might have for you.

10 THE COURT: Ms. Ullman, anything on cross?

11 CROSS-EXAMINATION

12 BY MS. ULLMAN:

13 Q. Investigator Garrison, when you responded you went to
14 [REDACTED] is that correct?

15 A. Yes.

16 Q. And you spoke with Robert Rumph first?

17 A. I'm not exactly sure who I spoke with first. I did
18 speak with both individuals.

19 Q. Okay. Give me just a second.

20 When you spoke with -- let's just focus on Mr. Wright.

21 When you spoke with Mr. Wright, you spoke with him the
22 first time at his house?

23 A. I don't recall that night. I know I spoke with him
24 that night. It was either at the hospital or at his
25 house. If I did speak with him at his house, it would

LORI ANN LEWIS GARRISON - CROSS

1 have been briefly.

2 Q. When you went to the hospital, I believe James Wright
3 had told you he was familiar with one of the people who
4 had come there; correct?

5 A. Yes.

6 Q. And he told you that he had seen him daily at the
7 Corner Pocket and could identify him if he saw him again;
8 is that correct?

9 A. Yes.

10 Q. Did he ever tell you that he had seen him the night
11 before at the Bojangles, or I guess technically in the
12 same time frame since this is early morning hours of the
13 next day?

14 A. I do not recall if he said that at that time.

15 Q. If he had, you would have put it in your report;
16 correct?

17 A. If he had, I probably would have; yes.

18 Q. Do you recall what time you went to the hospital to
19 speak with either one of Mr. Wright or Mr. Rumph?

20 A. No, I don't have an actual time of when I went to the
21 hospital.

22 Q. Okay. Where did you show -- I think you already
23 testified you showed the lineup to Mr. Wright at his
24 house; correct?

25 A. Yes.

LORI ANN LEWIS GARRISON - CROSS

1 Q. So he had already been to the hospital, treated and
2 released?

3 A. Right. This was the next day.

4 Q. Okay. So at least 24 hours had passed; is that
5 correct?

6 A. Yes.

7 Q. Okay. And I believe at some point you actually get a
8 phone call from Derrick Rumph which is Mr. Rocky's, to use
9 the nickname, Mr. Rocky's son; is that correct?

10 A. Correct.

11 Q. And he told you that they had some more information
12 about this case?

13 A. Yes.

14 Q. How many lineups did you show Mr. Wright?

15 A. I believe it was three lineups. One with
16 Mr. Sprinkle.

17 Q. What were the other two lineups? Was anyone in them?

18 A. Yes. The photo lineups were of Sean Echols.

19 Q. So you had two with Sean Echols and one with Richard
20 Sprinkle in it?

21 A. If I can recall that day, yes.

22 Q. Who created the lineups?

23 A. One was created by our office which is the one with
24 Richard Sprinkle and other one was created by SLED.

25 Q. So the lineup that we're actually discussing regarding

LORI ANN LEWIS GARRISON - CROSS

1 James Wright and Richard Sprinkle's pictures in it, that
2 was created by the sheriff's department?

3 A. Yes.

4 Q. Do you know who?

5 A. At this time I don't recall. It was either one of our
6 administrators.

7 Q. An administrator?

8 A. Uh-huh.

9 Q. Do you know how the lineups were created?

10 A. They were created based on likeness and physical
11 characteristics and hairstyles.

12 Q. Did you give them the information to create it?

13 A. Yes.

14 Q. What information did you give them?

15 A. Based on what we had, a photo of Mr. Sprinkle, we
16 tried to pick similar pictures.

17 Q. So you didn't tell them to generate a lineup based on
18 the description that Mr. Wright had given you? You told
19 them to generate it based on Mr. Sprinkle's description?

20 A. Repeat the question.

21 Q. Mr. Wright had told you that a man a little taller
22 than him, so a little taller than five foot six with
23 dreads was the man who assaulted him.

24 A. Uh-huh.

25 Q. Is that the information you told the administrator?

LORI ANN LEWIS GARRISON - CROSS

1 A. Right.

2 Q. Obviously the administrator had to know who Richard
3 Sprinkle was though to put his picture in here, correct?

4 A. Correct.

5 Q. Now, at the time you showed this lineup, I believe you
6 testified it was the next day?

7 A. That one, yes. Uh-huh.

8 Q. And by this point Mr. Wright and Mr. Rumph had been
9 talking with other people; correct?

10 A. I'm not sure who they talked with.

11 Q. Well, if Mr. Rumph's son called and said they had more
12 information, they'd been discussing it; correct?

13 A. I'm not sure if they discussed it. His son called for
14 him, for Mr. Rumph's.

15 Q. He wouldn't have known to call unless they had been
16 discussing it; correct?

17 A. I'm not certain.

18 Q. Did Mr. Wright ever describe to you whether the
19 persons that came in the house were light skinned or dark
20 skinned?

21 A. He just said two dark males. Uh-huh.

22 Q. Okay. Do you know which order you showed these
23 lineups to Mr. Wright in?

24 A. At this time, no, I don't.

25 Q. But you did show him three lineups?

LORI ANN LEWIS GARRISON - CROSS

- 1 A. Yes, I did.
- 2 Q. Two had Sean Echols, one had Richard Sprinkle?
- 3 A. Yes.
- 4 Q. And this happened at Mr. Wright's house?
- 5 A. Yes.
- 6 Q. Do you know which room you were in?
- 7 A. We were outside.
- 8 Q. You were outside?
- 9 A. Yes.
- 10 Q. Who else was around when you were showing these
- 11 lineups?
- 12 A. Investigator Huggins.
- 13 Q. Anyone else?
- 14 A. No.
- 15 Q. When you showed him the lineup, what did you say to
- 16 him?
- 17 A. I said this is a picture, a photo lineup of some
- 18 gentlemen. See if you can identify anybody in the picture
- 19 that you recognize from that night.
- 20 Q. Did you tell him that there would be somebody in
- 21 there?
- 22 A. No, I didn't.
- 23 Q. Did you tell him it was possible that he would pick no
- 24 one?
- 25 A. There was a possibility that no one would be picked;

LORI ANN LEWIS GARRISON - CROSS

1 right.

2 Q. Did you tell him that?

3 A. I don't recall at that time if I said that no one
4 would be picked.

5 Q. Okay. Now I believe you had testified you decided to
6 put Richard Sprinkle in this lineup because Mr. Wright had
7 told you that he knew somebody that was there, possibly by
8 Ricky, and that he possibly lived at [REDACTED] -- I couldn't
9 hear what you said.

10 A. [REDACTED].

11 Q. [REDACTED].

12 A. Uh-huh.

13 Q. I'm sorry. But that's correct, right, he told you
14 someone named Ricky who possibly lived around the [REDACTED]
15 [REDACTED] would have been one of the people that did this?

16 A. Yes.

17 Q. And when did he tell you this?

18 A. That night that it happened, that same night.

19 Q. At his house or at the hospital?

20 A. I don't recall if it was at the house or the hospital,
21 but I know it was that same night.

22 Q. Okay. And obviously in your training you've learned
23 that keeping good records is a good idea; right?

24 A. Yes.

25 Q. But you didn't think to put Mr. Wright knew Ricky and

LORI ANN LEWIS GARRISON - REDIRECT

1 that he lived around the [REDACTED] [REDACTED] in your report from
2 the night of investigations at the beginning?

3 A. It's in my report that night, for that night.

4 Q. If you don't mind, I'm going to hand you your report.
5 If you could find in here where you put that, I would
6 appreciate that. Obviously just flips up.

7 A. (Reviewing documents.) It is right here.

8 Q. And this part of your report actually happened after
9 they'd gone to the hospital, returned and talked with
10 other people; correct?

11 A. (Nods head.)

12 Q. Okay. So at the time that this all first happens the
13 first report that you get is only long hair, possibly knew
14 him from the Corner Pocket?

15 A. Right.

16 Q. Okay. Beg the Court's indulgence.

17 (Pause.) No further questions, Your Honor.

18 THE COURT: Anything on redirect?

19 MS. FORD: Beg the Court's indulgence, Your Honor.

20 THE COURT: Sure. (Pause.)

21 MS. FORD: Just briefly.

22 REDIRECT EXAMINATION

23 BY MS. FORD:

24 Q. Investigator Garrison, did you know that Mr. Wright
25 had said that one of the individuals that came in his

1 house assaulted him and robbed him was a man named Ricky
2 who may have been at the Corner Pocket but he knew before
3 you showed him that photo lineup?

4 A. Yes.

5 Q. And based on that information, is that how you came up
6 with the photo lineup?

7 A. Yes.

8 Q. With pictures of five other individuals?

9 A. Yes.

10 Q. Do they all have similar characteristics?

11 A. Yes, they do.

12 Q. Do they have similar haircuts?

13 A. Yes.

14 Q. Similar facial features?

15 A. Yes.

16 Q. Similar facial hair?

17 A. Yes.

18 MS. FORD: No further questions, Your Honor.

19 THE COURT: Anything on recross?

20 MS. ULLMAN: No, sir.

21 THE COURT: Thank you, ma'am. You may step down.

22 Does the State have any other witnesses?

23 MS. FORD: No, sir, Your Honor.

24 THE COURT: All right. Defense?

25 MS. ULLMAN: Your Honor, we have no witnesses for the

1 Neil-Biggers purpose.

2 THE COURT: Okay.

3 MS. ULLMAN: I do have a motion, Your Honor.

4 THE COURT: Okay.

5 MS. ULLMAN: Your Honor, obviously Neil-Biggers has to
6 do with the reliability of an identification coming in.
7 The first thing you have to look at is whether the lineup
8 itself is unduly suggestive.

9 Your Honor, I would -- we would argue that, number
10 one, we have not had any testimony in this courtroom
11 regarding who actually personally put this lineup
12 together, what their training and experience is in doing
13 that.

14 All we've heard is that they're an administrator.
15 Your Honor, that doesn't even actually tell us if that
16 person is even in law enforcement. My secretaries could
17 be administrators and that doesn't mean they have any
18 experience in the legal field or should be creating
19 lineups or giving any kind of legal advice.

20 Regarding the pictures themselves, Your Honor, these
21 are -- it is unduly suggestive. Mr. Sprinkle is number
22 two. He is the only person who is in a jail uniform.
23 It's obvious that the shirt he has on is a jail shirt.

24 Two of them are in white T-shirts, another one in a
25 black T-shirt with red markings on it, another one with a

1 black T-shirt, and another one with a black tank top.

2 Your Honor, all of them are at different levels.

3 There are two of these pictures that are so closely taken
4 that you can't even see their full face. Number five is
5 only half of a picture.

6 Your Honor, the print themselves is not very clear.
7 They're trying to say that facial hair on all of these
8 people is the same. Number one maybe has a mustache, you
9 can't really tell. Number three, number five and number
10 six looks like their beard and their hair are all part of
11 the same because these are color photos that were not
12 printed very well.

13 So I believe, Your Honor, that the lineup in and of
14 itself is unduly suggestive. Just the difference in their
15 clothing, the difference in the way each one of them
16 looks.

17 Mr. Sprinkle, in looking at these pictures, is
18 obviously older than the rest of these people. And I
19 think that how close they are to their face also relates
20 to height and how tall the person looking at the lineup
21 might actually think they are.

22 So regarding the lineup itself, I do believe it's
23 unduly suggestive.

24 Regarding the factors that Biggers requires you to
25 look at in the identification itself, Your Honor, the

1 opportunity to witness the person actually committing this
2 crime.

3 Your Honor, the testimony we have is from James
4 Wright. He testified that he was asleep for at least four
5 house, that he had been drinking previously to that, at
6 least a half pint of liquor. He testified that there was
7 no lights on in the house. He said there was a light on
8 outside that he happened -- he just peeked through the
9 curtain and noticed two males out there.

10 When they came in, Your Honor, he testified that he
11 was immediately hit in the head at least three times.
12 Obviously had a weapon in his face and he is certainly in
13 fear of that and paying attention to the weapon, not the
14 person.

15 The degree of attention, I believe, would be exactly
16 the same. On top of that, Your Honor, his attention would
17 be divided between two people. There was obviously
18 another person in this house that he was concerned about
19 hurting him. He's trying to get word to his roommate. So
20 obviously he has a lot of thoughts going through his mind.

21 The level of accuracy or description from the prior
22 description compared to the lineup itself, Your Honor,
23 there really was no prior description. Mr. Wright himself
24 at the first instance he had to tell the police who did
25 this to him, he said that a man was a little shorter than

1 him and a man was a little taller than him. He's five-
2 six.

3 He did not at that time, Your Honor, testify -- or
4 tell the officers anything about skin tone, hair, or,
5 excuse me. He said long hair, short hair. He didn't say
6 anything about the dreads. He didn't describe really
7 anything but a size and that was to the reporting
8 officer.

9 When, after having spoken with other people that is
10 when he is able to tell Investigator Garrison that it was
11 Ricky who did it and where Ricky lives. That is not
12 information, Your Honor, that he is relaying to this
13 officer based on his memory of what happened that night.
14 The officer testified and Mr. Wright testified --

15 THE COURT: Another moment in Orangeburg.

16 MS. ULLMAN: Yes, sir.

17 (Sirens outside. Pause.)

18 THE COURT: All right. Ms. Ullman, I'm sorry for the
19 interruption.

20 MS. ULLMAN: Thank you.

21 It wasn't until after Mr. Wright had spoken with other
22 people and of course street talk and other people accusing
23 Mr. Sprinkle of doing this is when he finally gave a
24 better description of, I saw this person -- or, excuse
25 me. I know this person is Ricky and where he may live.

1 The only identifying information that he gave to
2 Investigator Garrison from his own knowledge was he
3 believes he had seen this person at the Corner Pocket.

4 There is no evidence, Your Honor, that -- at all that
5 Mr. Sprinkle had ever been to the Corner Pocket.

6 Investigator Garrison did not testify that she ever went
7 there to find out if anyone else knows him or who Ricky
8 might be or if a dark-skinned man with dreads that's a
9 little taller than five-six hangs out there often.

10 So the lineup was based on the victim's relaying other
11 peoples' information. And his identification of
12 Mr. Sprinkle out of that lineup is based on information,
13 again, that he has received in the discussions he had with
14 Mr. Rumph, his son and whomever else in the community may
15 have been talking about this at that time.

16 So I believe, Your Honor, that not only is the lineup
17 unduly suggestive but the way that Mr. Sprinkle was picked
18 out of it is also not appropriate due to the factors that
19 I've just listed.

20 THE COURT: Thank you. Ms. Ford?

21 MS. FORD: Your Honor, it would be the State's
22 position that the identification procedure was not unduly
23 suggestive in any way.

24 Your Honor, there was six individuals. Similar
25 race -- they were all of the same race. Similar age,

1 similar hair, similar facial features, you know, facial
2 hair.

3 Your Honor, Ms. Ullman points out the differences in
4 the clothing. Mr. Sprinkle is in some sort of V neck. It
5 would be her, the defense's position that's some sort of
6 jail uniform. I certainly don't think that that is
7 immediately evident upon looking at this, Your Honor.

8 But as Your Honor is aware, the question is: Was it
9 unduly suggestive? But Neil versus Biggers doesn't stop
10 there. If it is unduly suggestive, was it so suggestive
11 to give rise to the substantial likelihood that the
12 misidentification, the likelihood of irreparable
13 misidentification under the totality of the
14 circumstances.

15 Your Honor, Mr. Wright testified and Investigator
16 Garrison testified that before this was, this lineup was
17 created and presented to Mr. Wright and Mr. Rumph who, as
18 Investigator Garrison pointed out, did not pick out
19 Mr. Sprinkle, Mr. Wright had given a description of an
20 individual, let her know that he knew the individual, and
21 ultimately let Investigator Garrison know that he knew him
22 as Ricky, knew that he lived in the [REDACTED] [REDACTED] of [REDACTED]
23 [REDACTED] which matched with Mr. Sprinkle.

24 When he was shown this lineup, Your Honor, he picked
25 him out immediately. And, Your Honor, it would be our

1 position that he picked him out immediately because he
2 knew him from prior dealings and he knew him from the
3 night of the incident.

4 Your Honor, it would be the State's position that
5 this, the identification is reliable. It is not unduly
6 suggestive. It does not create any likelihood of
7 irreparable misidentification because Mr. Wright was
8 familiar with Mr. Sprinkle from prior dealings.

9 And as such, it would be the State's position that
10 this should be admitted for the jury's consideration, Your
11 Honor.

12 THE COURT: May I see State's One for identification?

13 MS. FORD: Yes, sir.

14 (Document handed to the Judge.)

15 THE COURT: All right. Well, I have had the pleasure
16 when I was in private practice of taking a photo ID lineup
17 case on appeal.

18 And, Ms. Ullman, I've listened to your argument about
19 the photo lineup and about whether or not it was unduly
20 suggestive or not. I realize that we don't know exactly
21 who put it together, but in comparison with the lineup
22 that I took up and was affirmed, I think they did a
23 spectacular job of putting this lineup together.

24 To me, I don't find it unduly suggestive at all.
25 Everyone has essentially the same skin tone, length of

1 hair. And with the exception of one who might have a
2 mustache, everybody has a goatee, a mustache and a
3 goatee.

4 So the lineup is not unduly suggestive at all. And I
5 don't know did this but I'd rather see more lineups this
6 well than some I've seen. So, I don't think the lineup in
7 and of itself is unduly suggestive.

8 I've listened to the testimony of the victim,
9 Mr. Wright, and Ms. Garrison. I do not believe that the
10 identification process was unduly suggestive, nor was
11 there any substantial likelihood of misidentification
12 because he had given a general description of the
13 Defendant, indicated that he knew where he lived and then
14 picked him out of this photo lineup.

15 So I find it to be reliable.

16 Okay. What's next?

17 MS. FORD: Thank you, Your Honor. If we can proceed
18 with the Jackson V Denno hearing.

19 THE COURT: Okay. Could we take a short break?

20 MS. FORD: Yes, sir.

21 (Thereupon, a break was taken from 11:26 a.m., until
22 11:32 a.m., when the hearing of this matter resumed:)

23 THE COURT: All right. Ms. Ford?

24 MS. FORD: The State would call Investigator Thrower
25 for purposes of the Jackson V Denno hearing.

JOHNNY THROWER - DIRECT

1 JOHNNY THROWER, having been duly sworn, was examined
2 and testified as follows:

3 THE COURT: Please be seated, please, sir.

4 DIRECT EXAMINATION

5 BY MS. FORD:

6 Q. Please state your name for the record.

7 A. Johnny Thrower.

8 Q. Where do you work?

9 A. I'm an investigator with the Orangeburg County
10 Sheriff's Office.

11 Q. Investigator Thrower, how long have you been there?

12 A. I've been at the sheriff's office for approximately
13 three years.

14 Q. And what do you do?

15 A. I'm a narcotics investigator with special operations.
16 I also do criminal investigations.

17 Q. Have you ever met with Richard Sprinkle?

18 A. Yes, ma'am; I did.

19 Q. Okay. Did you meet with him on January 25th of this
20 year?

21 A. Yes, ma'am; I did.

22 Q. Okay. How did that meeting come about?

23 A. I had received several phone calls and when I would go
24 to the jail, they would tell me that Mr. Sprinkle wanted
25 to speak with me.

1 Your Honor, as far as Mr. Sprinkle being moved, I
2 don't know that that has any bearing on this particular,
3 this particular motion, Your Honor, however, I think it
4 would be good for the State and the defense to certainly
5 put some of that information on the record at a later
6 time.

7 THE COURT: Okay. Thank you, ma'am.

8 All right. I think the issue before me is
9 voluntariness. Ms. Ullman, you have made a Sixth
10 Amendment argument that I want to look into before I make
11 my rulings. So I'll just hold off on that for a little
12 while. I'll just double-check some things and I'll get
13 back to you with my ruling on that. Okay?

14 MS. FORD: Yes, sir.

15 THE COURT: You got anything else before we break for
16 lunch?

17 MS. ULLMAN: I do have just a couple evidentiary
18 pretrial issues that I'd like to bring up.

19 THE COURT: Okay. Have you talked to with Ms. Ford
20 about them?

21 MS. FORD: No, sir.

22 THE COURT: You all haven't had an opportunity to
23 talk?

24 MS. ULLMAN: No, sir. We haven't had an opportunity
25 to go over it.

1 THE COURT: Okay.

2 MS. ULLMAN: It's been alluded to that during trial
3 Sean Echols, co-defendant in this case, will be testifying
4 against Mr. Sprinkle.

5 We'd just ask the Court to require the State to
6 disclose to us any sort of deals that have been made due
7 to this testimony with the State or with the federal
8 government if they're aware of any. Mr. Echols is
9 currently charged federally with crimes unrelated to the
10 charges we're discussing today but obviously in the
11 federal system testimony within the state court could also
12 assist. So we would ask that anything of that nature be
13 disclosed.

14 MS. FORD: Your Honor, everything has been provided to
15 the defense concerning the pending investigation federally
16 against Mr. Echols.

17 The State has also provided an expired plea offer to
18 Mr. Echols. There have been no offers or negotiations or
19 anything of that nature concerning Mr. Echols' testimony
20 in this case, Your Honor.

21 THE COURT: Okay.

22 MS. ULLMAN: Your Honor, I've not received a witness
23 list yet and that's not a complaint. It's just a
24 statement.

25 A potential witness would be Collins Shuler. He is a

1 confidential informant that led these officers to
2 Mr. Echols and actually named three different people that
3 may have been involved with this.

4 I'd ask that if he's going to testify that we also be
5 given any sort of deals or any kind of agreements that he
6 may have made as an informant with the sheriff's
7 department and/or the solicitor's office.

8 MS. FORD: Your Honor, the State will provide the
9 witness list tomorrow morning and we'll certainly provide
10 any additional information at that time, per usual custom.

11 THE COURT: Okay. What else?

12 MS. ULLMAN: Obviously, Your Honor, we would ask that
13 criminal records be given regarding all witnesses,
14 obviously including the two alleged victims and
15 Mr. Echols.

16 THE COURT: All right. Ms. Ford?

17 MS. FORD: They'll be provided pretrial, Your Honor.

18 THE COURT: Okay.

19 MS. ULLMAN: Your Honor, there's two issues throughout
20 the report that, again, I just want to make sure that we
21 discuss them before possible testimony comes in. One is,
22 there was a similar incident that police are saying [REDACTED]
23 [REDACTED] within maybe 30 minutes of this. They went off
24 and investigated.

25 Mr. Sprinkle or Mr. Echols actually as far as I know

1 have never been charged with anything in regards to that
2 incident, so I'd ask that --

3 THE COURT: The Myers Road incident?

4 MS. ULLMAN: The [REDACTED] [REDACTED] [REDACTED] incident; yes, sir.

5 So I'd ask that Investigator Garrison and any other
6 investigator with knowledge of that incident not be
7 allowed to speak of that. I'm afraid that with them being
8 called similar incidents, home invasions being so close
9 together location wise that it could confuse the jury and
10 cause them to find the Defendant guilty based on the
11 accusation of numerous things occurring that he hasn't
12 been charged with.

13 THE COURT: Ms. Ford, is there going to be any
14 testimony about any other incident? There shouldn't be.

15 MS. FORD: No, sir.

16 THE COURT: Okay. There won't be.

17 MS. ULLMAN: Yes, sir.

18 THE COURT: Okay.

19 MS. ULLMAN: Investigator Garrison also was told that
20 there were some text messages between Sean Echols and I
21 believe Collins Shuler, the informant.

22 Your Honor, we do not have those text messages. We
23 would ask that at this point anything not turned over in
24 discovery be excluded. Obviously this case is almost two
25 years old now and we certainly have had time to have

1 discovery.

2 I'm being told we may have those, Your Honor. If so,
3 I withdraw that motion obviously.

4 MS. FORD: Yes, sir. They certainly do have all
5 discovery in this case. As always -- Your Honor, they do
6 have the text messages. As always our office has an open-
7 file policy which Mr. Mellard actually came and took a
8 look at my file while he was still on the case.

9 THE COURT: Okay.

10 MS. ULLMAN: And my last favorite motion, Your Honor.
11 We would ask that all witnesses be sequestered.

12 THE COURT: Except -- who's going to be sitting in
13 for -- who's the chief investigator?

14 MS. FORD: Investigator Garrison, Your Honor. We
15 would ask that the two victims in this case and
16 Investigator Garrison obviously be excluded from that, but
17 we would ask for reciprocal sequestration of the
18 witnesses, Your Honor.

19 THE COURT: Okay. Do you have any problem with that?

20 MS. ULLMAN: We obviously agree to that.

21 THE COURT: All right. No problem.

22 MS. FORD: Your Honor, we actually have one motion.

23 MR. BELL: We have one motion in limine. We would
24 move to exclude any inquiry when Mr. Echols testifies
25 about a pending investigation. He has no, as far as I'm

1 aware, no charges by the federal government but -- no
2 convictions.

3 His attorney, Mr. Andrew Brown, is present. He's
4 informed us that if there is any inquiry that he's
5 instructing Mr. Echols to take, to not answer under his
6 Fifth Amendment rights. And I don't believe that they're
7 allowed to ask that question for him to take those rights
8 in front of the jury. And that's kind of what what we're
9 trying to head off.

10 THE COURT: And, Mr. Bell, just to make sure I
11 understand. As far as you know, Mr. Echols doesn't have
12 any convictions?

13 MR. BELL: No convictions by the federal government.
14 I'm not sure about the status of the charges or the
15 investigation.

16 THE COURT: And what about -- and none from State
17 government?

18 MR. BELL: He does have State.

19 THE COURT: You're just talking about --

20 MR. BELL: Talking about federal.

21 THE COURT: -- pending federal investigation.

22 MR. BELL: Yeah. That's correct, Your Honor.

23 You know, the appropriate State convictions are fair
24 game. I mean, I'm not trying to --

25 THE COURT: No, I understand. Since he hasn't been

1 convicted of anything in federal court.

2 MR. BELL: That's correct. And because it would
3 induce him to plead his Fifth Amendment rights because
4 we've been informed by his attorney, Mr. Brown, that he's
5 been so instructed.

6 THE COURT: How nice to have Mr. Brown here.
7 Mr. wise?

8 MR. WISE: Thank you, Your Honor. Very briefly.

9 I understand exactly what Mr. Bell is talking but
10 here's the situation. It's a little different.

11 The federal government is -- either has or is
12 investigating the shooting of a corrections officer. As
13 part of that investigation they interviewed Mr. Echols.
14 As part of that interview Mr. Echols made certain
15 admissions about his involvement in the shooting of that
16 corrections officer, specifically saying that he shot him,
17 that he was trying to assassinate him, he was doing it for
18 money.

19 Certainly I would argue that that's a bad act. That
20 he should be -- if he testifies he should be allowed to be
21 cross-examined about it. He hasn't been convicted, I
22 assume, but when a person says this is what I did, I think
23 it's appropriate for the jury to use that to evaluate his
24 credibility.

25 THE COURT: As a prior bad act?

1 MR. WISE: Exactly so, Your Honor.

2 THE COURT: All right. Mr. Bell?

3 MR. BELL: But, Your Honor, that's going to induce the
4 answer that he has a right to invoke his Fifth Amendment
5 rights at that point. And it would be extremely
6 prejudicial to do that in front of the jury.

7 THE COURT: Okay. Well, let me -- that's what I'll
8 look at. We'll get back to you before Mr. Echols has the
9 opportunity to get to trial tomorrow morning.

10 MR. BELL: Thank you, Your Honor.

11 THE COURT: Either one of you have any memos on that?

12 MR. BELL: Not at this time but I'll find some.

13 THE COURT: Well, if you got the time to get me
14 something, the Court always appreciates any memorandum or
15 case law that you can pass on to me. I will appreciate
16 that.

17 MR. BELL: I will do that, hopefully before the end of
18 the day.

19 THE COURT: All right. Anything else we need to go
20 over?

21 MS. ULLMAN: I have nothing further, Your Honor.

22 THE COURT: All right. Thank you all.

23 MS. FORD: Thank you, Your Honor.

24 THE COURT: The jury's coming in tomorrow?

25 MS. FORD: Yes, sir. At 9:30.

SELECTION OF THE JURY

1 ON TUESDAY, APRIL 9, 2013 AT 10:42 A.M.:

2 THE COURT: Ms. Ford, is the State ready to call the
3 case?

4 MS. FORD: The State is ready, Your Honor.

5 THE COURT: Okay.

6 MS. FORD: Your Honor, the State would call the case
7 of the State of South Carolina versus Richard Lanard
8 Sprinkle.

9 He was indicted on Indictment 2011-GS-38-1561 for
10 armed robbery which is true billed by the grand jury on
11 October 1st of 2012.

12 Indictment 2011-GS-38-1562, armed robbery also true
13 billed by the grand jury of Orangeburg County on October
14 1st, 2012.

15 Indictment 2011-GS-38-1563, an indictment for
16 attempted murder, true billed by the grand jury, Your
17 Honor.

18 Indictment 2011-GS-38-1564, indictment for attempted
19 murder, true billed by the grand jury on October 1st,
20 2012.

21 And indictment 2013-GS-38-0287, indictment for
22 burglary in the first degree, indicted by the grand jury
23 of Orangeburg County, January 30th, 2013.

24 THE COURT: Thank you, Ms. Ford.

25 MS. FORD: May I approach, Your Honor?

SELECTION OF THE JURY

1 THE COURT: Yes, ma'am.

2 (Document handed to the Court.)

3 THE COURT: Thank ma'am. All right. Ladies and
4 gentlemen of the jury panel, the State is represented in
5 this matter by Ms. Sarah Ford and Mr. Harrison Bell.

6 Ms. Ford, would you also identify the other members of
7 the solicitor's office for me?

8 MS. FORD: Yes, sir. I will.

9 THE COURT: Thank you.

10 MS. FORD: Good morning. I'm Sarah Ford. Along with
11 Harrison Bell, we'll be prosecuting this case on behalf of
12 the State of South Carolina.

13 Our chief prosecuting solicitor is David Pascoe.
14 Other solicitors in our office are Tommy Scott, Don
15 Sorenson, Rob Clariday, Crystal Chapman, Bryan Jeffries.

16 THE COURT: Is any member of the jury panel related by
17 blood or marriage or a close personal friend of any of the
18 attorneys in the solicitor's office or any person that
19 works in the solicitor's office? Any member of the jury
20 panel related by blood or marriage or close personal
21 friend of anyone who -- yes, sir. Your name again,
22 please, sir?

23 THE JUROR: Donald Hilton.

24 THE COURT: And, Mr. Hilton, you advised me earlier
25 that your uncle works in the solicitor's office?

SELECTION OF THE JURY

1 THE JUROR: Yes, sir.

2 THE COURT: The fact that your uncle works in the
3 solicitor's office, would that affect your ability to
4 listen to the evidence in this case and render a fair and
5 impartial verdict?

6 THE JUROR: No, sir.

7 THE COURT: If you'd stay with us please, Mr. Hilton,
8 I'd appreciate it.

9 All right. Anyone else?

10 All right. The Defendant in this case is represented
11 by Ms. Jill Ullman and Mr. Mark Wise. If y'all would
12 please stand.

13 Thank you. They're both with the Orangeburg County
14 Public Defenders Office.

15 Mr. Wise, would you mind identifying the other members
16 of the attorneys in your office?

17 MR. WISE: Thank you, Your Honor. If it please the
18 Court.

19 THE COURT: Yes, sir.

20 MR. WISE: Good morning. My name is Mark Wise.
21 Seated also at counsel table trying this case is Jillian
22 Ullman. The supervisor of our office is Ms. Margaret
23 Hinds. We also have an attorney Douglas Mellard,
24 M-E-L-L-A-R-D.

25 The First Circuit Public Defender is Mark

SELECTION OF THE JURY

1 Leiendecker. His office is in Summerville, South
2 Carolina.

3 THE COURT: Thank you, sir.

4 Any member of the jury panel related by blood or
5 marriage or a close personal friend of any of the
6 attorneys that work in the public defenders office or any
7 members of their staff that work in the public defenders
8 office? If so, please stand at this time.

9 All right. No one is standing.

10 The Defendant in this case is Mr. Richard Sprinkle.
11 Mr. Sprinkle, would you mind standing and facing the
12 jury?

13 THE DEFENDANT: (Complying.)

14 THE COURT: Thank you, sir. You may sit down.

15 Ladies and gentlemen of the jury panel, is any member
16 of the jury panel related by blood or marriage or a close
17 personal friend of Mr. Sprinkle? If so, please stand at
18 this time.

19 All right. No one is standing.

20 Now, ladies and gentlemen, there are a number of
21 witnesses that may be called in this case. And I will go
22 through and give you their names and after each one if you
23 know these people or if you are related or a close
24 personal friend of any of these people, I need for you to
25 stand so I can ask you the same questions I have been

SELECTION OF THE JURY

1 asking before.

2 I would ask you again, when I'm asking the questions,
3 if you would just respond to the question that I ask.

4 Okay. Sometimes I know you want to be helpful and like
5 that, but I need for you just to respond to the questions
6 that I ask.

7 All right. Deputy McRoy is a possible witness in this
8 case. Is any member of the jury panel related by blood or
9 marriage or a close personal friend of Deputy McRoy? If
10 so, please stand.

11 No one is standing.

12 Deputy Pesesko. Did I pronounce that right?

13 MS. FORD: Pesesko.

14 THE COURT: Pesesko. Deputy Pesesko is a possible
15 witness in this case. Is any member of the jury panel
16 related by blood or marriage or a close personal friend of
17 Deputy Pesesko? If so, please stand at this time.

18 No one is standing.

19 Investigator Garrison may be a witness in this case.
20 Any member of the jury panel related by blood or marriage
21 -- thank you, Investigator Garrison for standing. Any
22 member of the jury panel related by blood or marriage or a
23 close personal friend of Investigator Garrison? If so,
24 please stand at this time.

25 Thank you.

SELECTION OF THE JURY

1 No one is standing.

2 Investigator Huggins may be a possible witness in this
3 case. Any member of the jury panel related by blood or
4 marriage or a close personal friend of Investigator
5 Huggins? If so, please stand at this time.

6 No one is standing.

7 James Wright is a possible witness in this trial. Any
8 member of the jury panel related by blood or marriage or a
9 close personal friend of Mr. James Wright? Is he here?

10 MS. FORD: Mr. Wright's in the courtroom, Your Honor.

11 THE COURT: Oh, Mr. Wright's here. Mr. Wright, if
12 you'd please stand and face the jury panel. You're fine
13 right there. I just need for you to stand right there.
14 Thank you, sir.

15 You can be seated. Appreciate it. You can sit down.

16 Any member of the jury panel related by blood or
17 marriage or a close personal friend of Mr. James Wright?
18 If so, please stand.

19 No one is standing.

20 Is Robert Rumph --

21 MS. FORD: He is, Your Honor.

22 THE COURT: Mr. Rumph, if you'd also stand and face
23 the jury panel. Thank you, sir.

24 Any member of the jury panel related by blood or
25 marriage or a close personal friend of Mr. Robert Rumph?

SELECTION OF THE JURY

1 If so, please stand.

2 No one is standing.

3 Is Investigator Shumpert here?

4 MS. FORD: No, sir.

5 THE COURT: No. Okay. All right. Any member of the
6 jury panel related by blood or marriage or a close
7 personal friend of Investigator Shumpert? If so, please
8 stand at this time.

9 No one is standing.

10 Sean Echols is not here right now?

11 MS. FORD: No, sir.

12 THE COURT: Any member of the jury panel related by
13 blood or marriage or a close personal friend of Sean
14 Echols? If so, please stand.

15 No one is standing.

16 Is any member the jury panel related by blood or
17 marriage or a close personal friend of Collins Shuler? If
18 so, please stand at this time.

19 No one is standing.

20 Any member of the jury panel related by blood or
21 marriage or a close personal friend of Jasper Clark? If
22 so, please stand at this time.

23 No one is standing.

24 Any member of the jury panel related by blood or
25 marriage or a close personal friend of Investigator Stokes

SELECTION OF THE JURY

1 with the Orangeburg County Sheriff's Office? If so,
2 please stand.

3 No one is standing.

4 Any member of the jury panel related by blood or
5 marriage or a close personal friend of Investigator
6 Thrower with the Orangeburg County Sheriff's Department?
7 If so, please stand.

8 No one is standing.

9 Deputy Asbury is a possible witness?

10 MS. FORD: Yes, sir.

11 THE COURT: Okay. Deputy Asbury, would you turn to
12 the jury panel, please? Thank you, sir.

13 Any member of the jury panel related by blood or
14 marriage or a close personal friend of Deputy Asbury? If
15 so, please stand at this time.

16 All right. No one is standing.

17 Any member of the jury panel related by blood or
18 marriage or a close personal friend of Investigator Godwin
19 with the Orangeburg County Sheriff's Department? If so,
20 please stand.

21 All right. No one is standing.

22 Is any member of the jury panel related by blood or
23 marriage or a close personal friend of any member of any
24 law enforcement agency? If so, please stand.

25 All right. No one is standing.

SELECTION OF THE JURY

1 Has any member of the jury panel ever been employed by
2 any civilian or military law enforcement agency as a law
3 enforcement officer, or in any other capacity? If so,
4 please stand.

5 Yes, ma'am, your name?

6 THE JUROR: Geraldine Manning.

7 THE COURT: Ms. Manning, you're Juror Number 112?

8 THE JUROR: Yes.

9 THE COURT: Okay. And, Ms. Manning, you have been
10 employed in a civilian or military law enforcement?

11 THE JUROR: Civilian, with the city public safety.

12 THE COURT: With public safety?

13 THE JUROR: Right.

14 THE COURT: The public safety here in Orangeburg?

15 THE JUROR: In Orangeburg.

16 THE COURT: The fact that you were employed with
17 public safety here in Orangeburg, would that affect your
18 ability to listen to the evidence in this case and render
19 a fair and impartial verdict?

20 THE JUROR: No.

21 THE COURT: Okay. If you'd then stay with us, please,
22 ma'am. Thank you.

23 Anyone else?

24 All right. No one else is standing.

25 Is any member of the jury panel employed by, related

SELECTION OF THE JURY

1 by blood or marriage to or a friend or, a close friend of
2 anyone employed by the solicitor's office, the attorney
3 general's office, or any prosecuting attorney's office?

4 If so, please stand.

5 All right. No one is standing.

6 Has any member of the jury panel ever worked at any of
7 those agencies in any capacity; the solicitor's office,
8 the attorney general's office, or any prosecuting
9 attorney's office? If so, please stand.

10 No one is standing.

11 Now has any member of the jury panel read or heard
12 anything about this case? If so, please stand.

13 No one is standing.

14 Has any member of the jury panel or a member of your
15 immediate family or a close personal friend ever been the
16 victim of a crime? If so, please stand.

17 No one is standing.

18 Is any member of the jury panel, a member of your
19 immediate family or a close personal friend a member of
20 MADD, SADD, CAVE, CASA or any other similar organization
21 which has as its goal the promotion of law enforcement?
22 If so, please stand.

23 THE JUROR: Could you repeat that question again,
24 please?

25 THE COURT: Yes, ma'am.

SELECTION OF THE JURY

1 Is any member of the jury panel or a member of your
2 immediate family or a close personal friend a member of
3 organizations such as MADD, SADD, CAVE, CASA, or other
4 similar organizations which have as their goal the
5 promotion of law enforcement? If so, please stand.

6 All right. No one is standing.

7 Is there anything in the nature of the allegations of
8 this case, and you've heard what the charges are, which
9 would cause any member of the panel any problem with
10 sitting as an impartial juror in this matter? If so,
11 please stand.

12 No one is standing.

13 Has any member of the jury panel ever received
14 assistance from the Victim's Advocacy program? If so,
15 please stand.

16 No one is standing.

17 Has any member of the jury panel ever contributed to
18 the election campaigns of David Pascoe, the solicitor, or
19 the Orangeburg County Sheriff? If so, please stand.

20 No one is standing.

21 Has any member of the jury panel ever been arrested by
22 a law enforcement agency even if the arrest did not result
23 in a conviction? And I'm not talking about speeding or
24 traffic violations like that.

25 Any member of the jury panel ever been arrested by any

SELECTION OF THE JURY

1 law enforcement agency, even if the arrest did not lead to
2 conviction? If so, please stand.

3 All right. No one is standing.

4 Does the fact that the Defendant is represented by the
5 Orangeburg County Public Defenders Office cause any member
6 of the panel any problem in sitting as an impartial
7 juror? If so, please stand.

8 No one is standing. All right.

9 Any other questions from the State?

10 MS. FORD: Nothing from the State, Your Honor.

11 THE COURT: Okay. Any other questions from the
12 defense?

13 MS. ULLMAN: No, sir.

14 THE COURT: All right. Ladies and gentlemen, we are
15 now getting ready to proceed with picking jurors in this
16 case. What's going to happen is every one of you who are
17 presently sitting here name is in the computer. The
18 computer is going to rearrange your names and put your
19 names out in a different order.

20 After the computer has done that, the clerk will call
21 your name. You will need to come up to the front, stand
22 at this podium right here and if you'll stand and face the
23 doors out there and then the attorneys will tell me
24 whether they want you to sit as a juror or whether you are
25 excused from service as a juror this week.

SELECTION OF THE JURY

1 Now, when you come up, you know, if you got a
2 pocketbook or a jacket or something like that, you need to
3 bring that with you because you might not go back to your
4 seat. You might go over here and the bailiff's going to
5 show you where to sit in the jury box.

6 Now it's going to take a minute to do that. And,
7 again, if you need to stretch your legs, go to the
8 restroom or something like that, now's the time to do it.
9 I'd ask you to be back in the courtroom at 11 o'clock.
10 Okay?

11 Thank you all.

12 THE JUROR: I didn't process the question in time, the
13 one about being the victim of a crime.

14 THE COURT: First of all, I need to know your name.

15 THE JUROR: Marion E. Robinson, 157.

16 THE COURT: Hold on a second Mr. Robinson, you have
17 been the victim of a crime?

18 THE JUROR: All this string of robberies that was going
19 on in Orangeburg.

20 THE COURT: All right. The fact that you have been a
21 victim of those, would that affect your ability to listen
22 to the evidence in this case and render a fair and
23 impartial verdict?

24 THE JUROR: Most certainly would.

25 THE COURT: It would?

SELECTION OF THE JURY

1 THE JUROR: Yes, sir.

2 THE COURT: Mr. Robinson, then I am going to excuse
3 you.

4 THE JUROR: I can leave?

5 THE COURT: Yes, sir. Thank you, sir.

6 THE JUROR: Okay.

7 THE COURT: Juror Number 157 is excused. Yes, sir,
8 your name?

9 THE JUROR: Christopher Reed.

10 THE COURT: Mr. Reed.

11 THE JUROR: On the one when you were talking about the
12 arresting part, I was arrested a while back. I don't
13 remember, I'm pretty sure -- I mean, I didn't go to jail
14 or anything.

15 THE COURT: Okay.

16 THE JUROR: But I just wanted to say I was arrested.

17 THE COURT: The fact that you've been arrested, would
18 that affect your ability to listen to the evidence in this
19 case?

20 THE JUROR: No, sir.

21 THE COURT: And render a fair and impartial verdict?

22 THE JUROR: I just wanted --

23 THE COURT: If you'd stay with us. No, no. I
24 appreciate you doing that. Okay. Mr. Reed, Number 146,
25 is going to stay with us. Okay. Thank you, sir. Yes,

SELECTION OF THE JURY

1 ma'am?

2 THE JUROR: Alexis Guinyard, Juror Number 69.

3 THE COURT: Hold on one second. Ms. Guinyard, you
4 didn't understand one question; right?

5 THE JUROR: I understand the question about CASA.

6 THE COURT: CASA.

7 THE JUROR: I work for CASA Family Systems here in
8 Orangeburg. And I just wanted to make sure that that was
9 the agency that you were referring to.

10 THE COURT: Yeah, uh-huh.

11 THE JUROR: I'm also a volunteer victim's advocate
12 with the sheriff's department. So I just wanted
13 clarification.

14 THE COURT: That's okay. Would the fact that you work
15 in any of those places affect your ability to listen to
16 the evidence in this case, render a fair and impartial
17 verdict?

18 THE JUROR: No, sir.

19 THE COURT: Okay. Thank you, ma'am. If you'd stay
20 with us.

21 THE JUROR: No problem.

22 THE COURT: Yes, sir?

23 THE JUROR: Juror 143.

24 THE COURT: Hold on one second. Mr. James Rast.

25 THE JUROR: Yes, sir. Both of those things that you

SELECTION OF THE JURY

1 spoke about just a minute ago, I have been a victim about
2 a year and a half, car jacking at gunpoint in Dorchester
3 County. And I have been involved in the legal system
4 after that.

5 THE COURT: Mr. Rast, the fact that has happened to
6 you, would that affect your ability to listen to evidence
7 in this case and render a fair and impartial verdict?

8 THE JUROR: I'm not sure, sir.

9 THE COURT: Well, I need for you to tell me either yes
10 or no.

11 THE JUROR: I would think I could be -- yes, sir, I
12 think I can.

13 THE COURT: Be fair and impartial?

14 THE JUROR: Yes, sir.

15 THE COURT: Listen to both sides, render --

16 THE JUROR: Yes, sir.

17 THE COURT: If you'd stay with us then, Mr. Rast.
18 Thank you. Juror Number 143 is staying with us. Yes,
19 ma'am?

20 THE JUROR: Geraldine Manning, 112.

21 THE COURT: Okay.

22 THE JUROR: My sister was a victim, so I just wanted
23 to share that.

24 THE COURT: Ms. Manning, would the fact that your
25 sister was a victim, would that affect your ability to

SELECTION OF THE JURY

1 listen to the evidence in this case, render a fair and
2 impartial verdict?

3 THE JUROR: I don't think so.

4 THE COURT: Okay. Then if you'd stay with us, please,
5 ma'am. Thank you for telling me. Okay. Thank you.

6 All right. Ladies and gentlemen, we're going to get
7 ready to begin picking a jury in this case. As I
8 mentioned earlier when the clerk calls your name I need
9 for you to come forward, stand in front of the podium
10 right here and turn. If you'll then turn your back to me
11 and face the attorneys, I'd appreciate it.

12 All right. Madam Clerk, are you ready to call?

13 THE CLERK: Yes.

14 THE COURT: Okay.

15 THE CLERK: Juror Number 126, Tony Mims.

16 (Black male comes forward.)

17 THE COURT: Okay. Mr. Mims, this is the part you show
18 everybody how to do this right.

19 THE JUROR: I hope so.

20 THE COURT: Come right up here and then turn.

21 THE JUROR: All right.

22 THE COURT: Very good. Thank you, sir. Now y'all see
23 how it's done. All right.

24 THE CLERK: What says the State?

25 MS. FORD: Please present Mr. Mims, Your Honor.

SELECTION OF THE JURY

1 THE CLERK: What says the defense?
2 MS. ULLMAN: Please seat the juror.
3 THE CLERK: You may have a seat in the jury box.
4 Juror Number 92, Jamel James.
5 (Black male comes forward.)
6 THE CLERK: What says the State?
7 MS. FORD: Beg the Court's indulgence.
8 THE COURT: Take your time.
9 MS. FORD: Please present Mr. James.
10 THE CLERK: What says the defense?
11 MS. ULLMAN: Please seat the juror.
12 THE BAILIFF: Right here.
13 THE CLERK: Juror Number 31, Marilyn Carter.
14 (Black female comes forward.)
15 THE CLERK: What says the State?
16 MS. FORD: Please present Ms. Carter.
17 THE CLERK: What says the defense?
18 MS. ULLMAN: Please seat the juror.
19 THE CLERK: Juror Number 112, Geraldine Manning.
20 (Black female comes forward.)
21 THE CLERK: What says the State?
22 MS. FORD: Please present Ms. Manning.
23 THE CLERK: What says the defense?
24 MS. ULLMAN: Please excuse Ms. Manning.
25 THE CLERK: You may return to your seat.

SELECTION OF THE JURY

1 Juror Number 121, Faye Menefee.
2 (White female comes forward.)
3 THE CLERK: What says the State?
4 MS. FORD: Please present Ms. Menefee.
5 THE CLERK: What says the defense?
6 MS. ULLMAN: Please seat the juror.
7 THE CLERK: Juror Number 161, Wryan Sarjeant.
8 (Black male comes forward.)
9 THE CLERK: What says the State?
10 MS. FORD: Please excuse Mr. Sarjeant.
11 THE CLERK: You may return to your seat.
12 Juror Number 52, Penny Fulmer.
13 (Black female comes forward.)
14 THE CLERK: What says the State?
15 MS. FORD: Please present Ms. Fulmer.
16 THE CLERK: What says the defense?
17 MR. WISE: One moment, Your Honor.
18 THE COURT: Take your time.
19 MS. ULLMAN: Please seat the juror.
20 THE BAILIFF: This way.
21 THE CLERK: You may have a seat in the jury box.
22 Juror Number 93, Jacqueline Jamison.
23 (Black female comes forward.)
24 THE CLERK: What says the State?
25 MS. FORD: Beg the Court's indulgence, Your Honor.

SELECTION OF THE JURY

1 THE COURT: Take your time.

2 MS. FORD: Please present Ms. Jamison.

3 THE CLERK: What says the defense?

4 MS. ULLMAN: Please seat Ms. Jamison.

5 THE CLERK: Juror Number 22, Earl Bruce.

6 (Black male comes forward.)

7 THE CLERK: What says the State?

8 MS. FORD: Please excuse Mr. Bruce.

9 THE CLERK: You may return to your seat.

10 Juror Number 146, Christopher Reed.

11 (White male comes forward.)

12 THE CLERK: What says the State?

13 MS. FORD: Beg the Court's indulgence, Your Honor.

14 THE COURT: Okay.

15 MS. FORD: Please present Mr. Reed.

16 THE CLERK: What says the State -- I'm sorry. What

17 says the defense?

18 MS. ULLMAN: Please seat the juror.

19 THE BAILIFF: This way, sir.

20 THE CLERK: Juror Number Two, Ashley Aimar.

21 (White female comes forward.)

22 THE CLERK: What says the State?

23 MS. FORD: Please Present Ms. Aimar.

24 THE CLERK: What says the defense?

25 MR. WISE: One moment, Your Honor.

SELECTION OF THE JURY

1 THE COURT: Okay.

2 MS. ULLMAN: Please excuse the juror.

3 THE CLERK: You may return to your seat.

4 Juror Number 84, Kenya Hubbard.

5 (Black female comes forward.)

6 THE CLERK: What says the State?

7 MS. FORD: Please present Ms. Hubbard.

8 THE CLERK: What says the defense?

9 MS. ULLMAN: Please excuse the juror.

10 THE CLERK: You may return to your seat.

11 Juror Number 34, Blondell Colter.

12 (Black female comes forward.)

13 THE CLERK: What says the State?

14 MS. FORD: Please present Ms. Colter.

15 THE CLERK: What says the defense?

16 MS. ULLMAN: Please excuse the juror.

17 THE CLERK: You may return to your seat.

18 Juror Number 72, Harold Hailey.

19 (Black male comes forward.)

20 THE CLERK: What says the State?

21 MS. FORD: Please present Mr. Hailey.

22 THE CLERK: What says the defense?

23 MS. ULLMAN: Please excuse the juror.

24 THE CLERK: You may return to your seat, sir.

25 Juror Number 71, Rachel Haddock.

SELECTION OF THE JURY

1 (White female comes forward.)
2 THE CLERK: What says the State?
3 MS. FORD: Please present Ms. Haddock.
4 THE CLERK: What says the defense?
5 MS. ULLMAN: Please seat the juror.
6 THE CLERK: Juror Number 143, James Rast.
7 (White male comes forward.)
8 THE CLERK: What says the State?
9 MS. FORD: Please present Mr. Rast.
10 THE CLERK: What says the defense?
11 MS. ULLMAN: Please excuse the juror.
12 THE CLERK: Juror Number 17, Stephanie Brant.
13 (White female comes forward.)
14 THE CLERK: What says the State?
15 MS. FORD: Please present Ms. Brant.
16 THE CLERK: What says the defense?
17 MR. WISE: One moment, Your Honor.
18 MS. ULLMAN: Apologize, Your Honor. Please seat the
19 juror.
20 THE CLERK: Juror Number 125, Edward Miller.
21 (Black male comes forward.)
22 THE CLERK: What says the State?
23 MS. FORD: Please present Mr. Miller.
24 THE CLERK: What says the defense?
25 MS. ULLMAN: Please seat the juror.

SELECTION OF THE JURY

1 THE CLERK: You may have a seat now, sir, in the jury
2 box.

3 Juror Number 101, Shannon Johnson.

4 (Black male comes forward.)

5 THE CLERK: What says the State?

6 MS. FORD: Please present Mr. Johnson.

7 THE CLERK: What says the defense?

8 MS. ULLMAN: Please seat Mr. Johnson.

9 THE CLERK: Juror Number 195, Tillman Williams.

10 (White male comes forward.)

11 THE CLERK: What says the State?

12 MS. FORD: Please present Mr. Williams.

13 THE CLERK: What says the defense?

14 MS. ULLMAN: Please excuse the juror.

15 THE CLERK: You may return to your seat.

16 Juror Number 182, Erica Tyler.

17 (Black female comes forward.)

18 THE CLERK: What says the State?

19 MS. FORD: Please present Ms. Tyler.

20 THE CLERK: What says the defense?

21 MR. WISE: Could I have one moment, Your Honor?

22 MS. ULLMAN: Please seat the juror.

23 THE COURT: All right. According to my calculations
24 we now have a jury. We'll pick two alternates. The first
25 alternate will be, the strikes are one and two.

SELECTION OF THE JURY

1 THE CLERK: Yes, sir. Juror Number Four, Gloria
2 Allen.
3 (White female comes forward.)
4 THE COURT: Did we skip Miss --
5 THE CLERK: Erica.
6 THE JUROR: No, no.
7 THE CLERK: No. Go back.
8 THE JUROR: I'm sorry. Okay. Sorry.
9 THE CLERK: What says the State?
10 MS. FORD: Please present Ms. Allen.
11 THE CLERK: What says the defense?
12 MS. ULLMAN: Your Honor, we'd ask that the juror be
13 excused.
14 THE COURT: All right.
15 THE CLERK: Juror Number 58, Randy Garrett.
16 (White male comes forward.)
17 THE CLERK: What says the State?
18 MS. FORD: Please present Mr. Garrett.
19 THE CLERK: What says the defense?
20 MS. ULLMAN: Please seat the juror.
21 THE COURT: All right. Now, pick the second
22 alternate.
23 THE CLERK: Juror Number 14, Ollie Boyd.
24 (Black female comes forward.)
25 THE CLERK: What says the State?

1 MS. FORD: Please excuse Ms. Boyd.

2 THE CLERK: Juror Number 69, Alexis Guinyard.

3 (Black female comes forward.)

4 THE CLERK: What says the State?

5 MS. FORD: Please present Ms. Guinyard.

6 THE CLERK: What says the defense?

7 MR. WISE: One moment, Your Honor.

8 MS. ULLMAN: Please excuse the juror.

9 THE CLERK: Juror Number 67, Angela Gray.

10 (Black female comes forward.)

11 THE CLERK: What says the State?

12 MS. FORD: Please present Ms. Gray.

13 THE CLERK: What says the defense?

14 MS. ULLMAN: Please seat the juror.

15 THE COURT: All right. We now have a jury and two
16 alternates. Any issues from the State regarding jury
17 selection?

18 MS. FORD: Nothing from the State, Your Honor.

19 THE COURT: Anything from the defense regarding jury
20 selection?

21 MS. ULLMAN: No, sir.

22 THE COURT: Okay. Ladies and gentlemen, those of you
23 who were not chosen to serve, I appreciate y'all being
24 willing to serve as jurors.

25 As I mentioned earlier, we only have one case to try

JUDGE'S INTRODUCTORY COMMENTS TO THE JURY

1 this week. So, y'all are now excused from jury service.

2 If y'all would quietly leave the jury room -- courtroom.

3 (Jury pool exits courtroom at 11:32 a.m.)

4 THE COURT: Congratulations. Appreciate y'all being
5 willing to serve. I appreciate the fact that y'all will
6 be serving.

7 Let me just mention a couple of things. First of all,
8 it's -- there are some matters I need to take up with the
9 attorneys before we can actually start the trial. And
10 since it's getting close to lunchtime, what I will do is
11 I'm going to let y'all go to lunch. And it's going to
12 be -- it's sort of an extended lunchtime because we have
13 some things to take care of.

14 The most important thing I need to tell you is you
15 cannot talk with anyone about this case. You cannot do
16 any investigation about this case. You know how you can
17 go on the Internet now and find out almost anything you
18 want to? Don't go on the Internet. Don't do any
19 investigation about this case or anything like that.

20 Everything you're going to need to know to decide this
21 case you're going to hear right here in this courtroom.
22 Okay?

23 Now the other thing is, until I tell you you can begin
24 your deliberations at the end of the case, you can't even
25 talk among yourselves about what the testimony is. So

1 when we start taking testimony, we'll probably have a
2 witness on the stand, if it takes a while we'll take a
3 break, y'all will get to go back into the jury room but
4 you can't talk about the testimony that you've just heard.

5 You cannot begin discussing this case even among
6 yourself until the end of the trial. The reason for that
7 is we want you to hear everything before you start voicing
8 any kind of opinions or how y'all take anything about the
9 case.

10 Now, the final thing I want to tell you before you
11 break for lunch is that if you will follow the bailiff
12 back she'll show you where the jury room is. I'll ask
13 y'all to be back in the jury room at a quarter to two. At
14 1:45.

15 When y'all get back into the jury room, members of the
16 jury panel, I need for you to elect a foreperson. The
17 foreperson's duty is to fill out the verdict form at the
18 end of the case, to write down any questions that the jury
19 may have when you begin your deliberations, and to preside
20 over the deliberations in the jury room once the case goes
21 to you to be decided.

22 So when y'all come back at 1:45 the first thing that
23 y'all are going to do to see how well y'all work
24 together. Pick a jury foreperson.

25 Now you've got an extended lunch. I know you've got

1 to contact people and tell them that you're going to be on
2 jury duty this week. This will give you some time to do
3 this, eat lunch. If you'd all be back in the jury room at
4 1:45. The bailiff will show you where to go to get back
5 in to serve.

6 And thank y'all for being willing to serve. Thank
7 you.

8 (Jury panel exits courtroom at 11:35 a.m.)

9 THE COURT: Did y'all have any new matters before I
10 start getting into the old matters, from the State?

11 MS. FORD: No, sir.

12 THE COURT: Ms. Ullman, did y'all have any new matters
13 before I get into the rulings?

14 MS. ULLMAN: At this time, no, sir.

15 THE COURT: What I will do is, let me just go over --
16 we had that Jackson V Denno hearing. And I've got two
17 rulings that I want to read into the record regarding the
18 Jackson V Denno and for the testimony of the co-defendant,
19 a couple issues that y'all brought up yesterday.

20 Regarding the Jackson V Denno, I find that the Sixth
21 Amendment right to counsel had undoubtedly attached at
22 this point in the Defendant's criminal proceedings. When
23 the Sixth Amendment right to counsel has attached, if
24 police initiate interrogation after a defendant's
25 assertion at an arrangement or at other similar

1 his right to counsel by mentioning that Mr. Wise was his
2 attorney at the conclusion of the interrogation. The
3 invocation of the right to counsel must be unambiguous.
4 And finally I find that based on the totality of the
5 circumstances, the Defendant's statement itself was made
6 voluntarily. While the interrogation took place at the
7 Orangeburg County Sheriff's Office, all the evidence
8 presented showed that the interrogation took place at the
9 Defendant's request.

10 Furthermore, there was nothing presented tending to
11 show any compulsive or otherwise unduly coercive factors
12 involved in the Defendant's giving the statement himself
13 and since the interrogation was conducted at the
14 Defendant's request and his rights were waived freely and
15 voluntarily, I find that the statements made therein are
16 admissible.

17 Regarding the testimony of the co-defendant and his
18 Fifth Amendment issues, I'm granting the State's motion to
19 exclude the testimony of the co-defendant's federal
20 investigation. It is a well-settled matter of law that
21 the United States Constitution which certainly trumps
22 matters of state law, quoting from Jameson versus Ford
23 Motor, if a state statute, administrative rule or common
24 law cause of action conflicts with a federal statute, it
25 is uncontestable that the state law has no efficacy.

1 Therefore were the testimony sought otherwise
2 admissible, I feel that any invocation of the Fifth
3 Amendment privilege against self-incrimination would
4 clearly take precedence there over.

5 However, I also find the evidence inadmissible under
6 the South Carolina Rules of Evidence. The Defendant
7 apparently seeks to admit the evidence under Rule
8 608(b)(1). However evidence admissible thereunder is only
9 evidence of the witness's character for truthfulness or
10 untruthfulness.

11 These specific instances of misconduct are limited to
12 those that are clearly probative of thoughtfulness or
13 untruthfulness such as forgery, bribery, false pretenses
14 or embezzlement, quoting from State V Kelsey, 331 South
15 Carolina 50.

16 I find that the crime about which this testimony is
17 apparently sought, which is attempted murder, is not a
18 specific instance of conduct that is probative for the
19 Defendant's truthfulness or untruthfulness and is thus
20 inadmissible under the South Carolina Rules of Evidence.

21 Additionally I find that allowing defense counsel to
22 question Mr. Echols regarding this matter and requiring
23 him to invoke the privilege from the witness stand could
24 cause the jury to draw an inference therefrom contrary to
25 the purpose of the Fifth Amendment.

1 It is desirable the jury not know that a witness has
2 invoked the privilege against self-incrimination since
3 neither party is entitled to draw any inference from such
4 an invocation.

5 It has been recognized that neither the State nor the
6 Defendant should be allowed to call witnesses who either
7 side knows will invoke the Fifth Amendment in front of the
8 jury and then be subject to inferences in form -- in a
9 forum not subject to cross-examination. Cite: State
10 versus Hughes, 328 South Carolina 146.

11 Therefore I'm granting the State's motion to exclude
12 and order that no testimony regarding Mr. Echols' federal
13 attempted murder charge be elicited by either party in
14 this case.

15 All right. Anything, Mr. Wise?

16 MR. WISE: Very briefly, Your Honor.

17 THE COURT: Yes, sir.

18 MR. WISE: The Court's last ruling, I recognize what
19 the Court's ruling is.

20 THE COURT: Yes, sir.

21 MR. WISE: Normally when the Court rules on a motion
22 in limine --

23 THE COURT: It's only in limine if it comes up in
24 trial. You can -- you will need to preserve it at that
25 time.

1 MR. WISE: Okay. So I will -- the reason I'm raising
2 this now is, the way I'd have to preserve it is to go
3 directly against this Court's ruling which I don't want
4 the Court to think I'm trying to be obstinate.

5 THE COURT: No, no, no. You've got to do that to
6 preserve your objection.

7 MR. WISE: Okay. Thank you.

8 THE COURT: We'll handle it without, hopefully without
9 disturbing the jury or anything like that.

10 MR. WISE: Very good. Thank you.

11 MR. BELL: Your Honor, I think it would be incumbent
12 upon us to raise it when we call him as a witness, I think
13 is what the procedure would be and raising it before any
14 testimony.

15 THE COURT: Whichever way -- we'll talk about it a
16 little bit more. He's not going to be the first witness
17 called, I assume?

18 MR. BELL: No, Your Honor.

19 THE COURT: All right. Now, I believe y'all told me
20 we don't have any other witnesses, any other things to go
21 over right now?

22 MS. FORD: No, sir.

23 THE COURT: If y'all will be prepared to get started
24 at quarter till two, that will give y'all some time to
25 talk some more, hopefully.

1 MR. WISE: We are, Your Honor. Thank you.

2 THE COURT: All right. Bring the jury on out.

3 THE BAILIFF: Yes, Your Honor.

4 THE COURT: Thank you, ma'am.

5 (Jury enters courtroom at 2:02 p.m.)

6 THE COURT: Good morning -- afternoon, ladies and
7 gentlemen. I hope y'all had a good lunch. We're getting
8 ready to start the trial.

9 Before we can start the trial, the first thing we've
10 got to do is swear y'all in as the jury in this case. So
11 if y'all don't mind standing and raising your right hand,
12 the clerk is going to swear y'all in.

13 (Jury impaneled.)

14 THE COURT: Please be seated.

15 MR. WISE: Your Honor, before we begin can we approach
16 the bench one moment?

17 THE COURT: Sure.

18 (Off-the-record discussion.)

19 THE COURT: Ladies and gentlemen, oftentimes I think I
20 have taken care of everything before we get started.
21 There's one other thing I was reminded that I need to take
22 care of before we can begin this.

23 So what I'm going to do is excuse y'all to go back
24 into the jury room for just a minute while I take care of
25 another matter, and then I'll bring you back out. Thank

JUDGE'S INTRODUCTORY COMMENTS TO THE JURY

1 I understand what you're getting at. I do understand
2 that. I mean, it's not that I don't understand what
3 you're getting at, but I think as victims they have that
4 right.

5 So, I'll deny your motion. Again, note your
6 objection.

7 MR. WISE: Okay.

8 THE COURT: Okay. Hopefully it will be preserved for
9 the record. Okay.

10 Anything else?

11 MR. WISE: That's all we have, Your Honor.

12 THE COURT: Okay. State ready?

13 MS. FORD: We're ready to proceed, Your Honor.

14 THE COURT: Then we'll start back. Thank y'all.
15 Okay. Bring them back in.

16 THE BAILIFF: Yes, Your Honor.

17 (Jury enters courtroom at 2:20 p.m.)

18 THE COURT: We're getting ready to get started. This
19 is the case of the State of South Carolina versus Richard
20 Lanard Sprinkle.

21 What I'm going to do now is give you an introduction
22 into what's going to happen in this case. I'm not
23 charging you on the law at this time. I will not -- the
24 last thing that happens in this case before you begin your
25 deliberations is that I will instruct you on the law.

JUDGE'S INTRODUCTORY COMMENTS TO THE JURY

1 What I'm going to do now is give you an idea of the
2 procedure, how things are going to happen today so that
3 you will have kind of a general idea of what's going on.

4 As you may remember when Ms. Ford called the case,
5 Mr. Sprinkle had been charged by indictments filed with
6 this Court of the crimes of two counts of attempted
7 murder, two counts of armed robbery and one count of
8 burglary in the first degree. All of the elements of
9 those crimes will be explained to you later.

10 These indictments are simply the charges by which this
11 case is brought to court, and is not in any sense of the
12 word evidence of any of the allegations that it contains.

13 The Defendant has pled not guilty to these indictments
14 and the State therefore has the burden of proving each of
15 the elements of each indictment beyond a reasonable doubt.

16 And it will be your duty, ladies and gentlemen, to
17 decide whether the State has met that burden. Your job as
18 jurors is to find and determine the facts in this case.
19 You are the sole judges of the facts.

20 If at any time during this trial I make any comment
21 regarding the facts, you must disregard my comment. You
22 are to determine the facts from the testimony that you
23 hear in this courtroom and any other evidence that is
24 introduced in court. It is up to you to determine the
25 inferences which you feel may be properly drawn from this

OPENING STATEMENTS ON BEHALF OF THE STATE

1 the testimony is admitted whether or not you believe it is
2 solely for you to determine.

3 In deciding whether to believe a witness you have the
4 right to consider the interest of any witness, the bias of
5 any witness, the prejudice of any witness, the opportunity
6 for the witness to have seen the matters and things about
7 which the witness may testify, and the way the witness
8 acts on the witness stand.

9 You have a right to consider anything that is in the
10 record that will help you evaluate the testimony of the
11 witnesses. That means that it is your duty to pay close
12 attention to them, to observe them, to listen to the
13 witnesses and to pay close attention to the attorneys and
14 the Court.

15 Please give strict attention to the testimony in this
16 case so that at the end of all the testimony, after the
17 arguments of counsel, and after the charge on the law by
18 me you will then be in a position to determine what the
19 true facts are and apply the law to those facts and thus
20 render a true verdict. All right.

21 Mr. Bell?

22 MR. BELL: If it please the Court, Mr. Wise,
23 Ms. Ullman, madam forelady, ladies and gentlemen of the
24 jury.

25 Easy money. That's why we're here today. Easy money.

OPENING STATEMENTS ON BEHALF OF THE STATE

1 Back on the early morning hours of June 26, 2011,
2 Mr. Robert Rumph and Mr. James Wright were at the
3 residence, they're roommates, on Myers Road. On that
4 early morning a knock came to the door. They knew one of
5 the fellows, a Sean Echols. They opened the door. They
6 asked, Sean asked to use a phone, something about a
7 girlfriend. And they came in. Sean Echols and the
8 Defendant, Mr. Richard Sprinkle, came into the residence,
9 produced a pistol and a knife and asked these gentlemen
10 for their money. They took one, Mr. Wright into the
11 room. I think Mr. Sprinkle took Mr. Wright into the room.
12 Mr. Echols went back to Mr. Rumph and they took money from
13 Mr. Wright and then brought him back in the room, got
14 money from Mr. Rumph and then they beat them and stabbed
15 the gentlemen and left. They took Mr. Rumph's car.

16 We know it was these two gentlemen, ladies and
17 gentlemen, because after all this happened the police were
18 called. They were arrested for these crimes, charged with
19 the crimes that you've heard. And at some point Sean
20 Echols admitted to his involvement.

21 And that's why we're here, ladies and gentlemen.
22 We're here because Richard Sprinkle is charged with five
23 different charges. You've heard; one count of burglary in
24 the first degree, two counts of attempted murder and two
25 counts of armed robbery.

OPENING STATEMENTS ON BEHALF OF THE STATE

1 These men were elderly, living by themselves and were
2 known to have money. That's why I said this is about easy
3 money. They thought they could get in and get it with
4 little fuss and muss, get the money and for added benefit
5 for some reason they beat them and stabbed them for no
6 good reason.

7 Ladies and gentlemen, as you heard, my name's Harrison
8 Bell and along with Susan Ford we represent -- Sarah Ford,
9 I'm sorry. We represent the State of South Carolina.
10 We're the prosecutors. We have the burden of proving
11 these charges against Richard Sprinkle.

12 We have the burden of proving each and every element
13 of these charges against Richard Sprinkle to your
14 satisfaction in order to find and convict him of these
15 charges, for you to find him guilty.

16 We have the burden of proof. We must prove these
17 charges beyond what's called all reasonable doubt. All
18 reasonable doubt. We must prove a person guilty beyond
19 all reasonable doubt. That's an important concept in the
20 law.

21 What it doesn't mean is that the State doesn't have to
22 prove a person guilty beyond all doubt or 100 percent
23 guilty or beyond a shadow of a doubt. We don't have to go
24 that far. We have to go a pretty good distance but we
25 don't have to go all the way to certainty because there's

OPENING STATEMENTS ON BEHALF OF THE STATE

1 nothing certain in this world except death, and taxes
2 unfortunately.

3 What the law says is proof beyond all reasonable doubt
4 is proof that leaves honest jurors earnestly seeking the
5 truth firmly convinced of a defendant's guilt.

6 That's the standard. That's the standard you must
7 use.

8 Now, what must we prove? Well, as I said, we have a
9 number of charges. And I want to briefly go over them.
10 The first one I have is burglary in the first degree.
11 Burglary in the first degree is defined and these are the
12 elements; that there is an unlawful entry into the
13 dwelling of another without consent with the intent to
14 commit a crime therein.

15 And there's several circumstances of aggravation that
16 makes it burglary in the first degree. And we're saying
17 A, that these individuals were armed with a deadly
18 weapon. And it can be any participant, not just -- it
19 doesn't have to be both of them. Just one participant in
20 the crime has to be armed, or causes physical injury to a
21 non participant in the crime. In this case, the victims.

22 We will really -- the law also says as to consent,
23 consent can be gained or consent is not gained if you use
24 artifice or trickery or misrepresentation such as saying I
25 need to use the phone and then go in and present a

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1 weapon. That's without consent. By gaining entry through
2 artifice, trickery or misrepresentation.

3 The next crime we have is armed robbery. Armed
4 robbery is the taking and caring away of another's
5 personal property with the intent to deprive them of
6 possession, him or her of possession. This is just simple
7 stealing, larceny. Taking somebody's property with the
8 intent to deprive them of permanent possession. That's
9 what the larceny is. But then you add using force,
10 threats or intimidation, that makes it robbery, by using
11 force, threats or intimidation.

12 And finally when you're armed with a deadly weapon
13 such as a knife or a pistol, that makes it armed robbery
14 or even a representation of a deadly weapon. So that's
15 what armed robbery is. It's basically taking something
16 from another with force, intimidation and you're armed
17 with a deadly weapon.

18 And finally, ladies and gentlemen, we have attempted
19 murder. Attempted murder is the intent to kill another
20 person. With intent to kill. They intend to kill another
21 person with malice aforethought, either express or
22 implied. Have to have the intent to kill, you try to kill
23 somebody, you don't kill them. With malice aforethought
24 either express or implied.

25 Now malice is a term of art in here. You've got to

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1 have malice aforethought. And malice aforethought means
2 that malice must exist at any time before you shoot
3 somebody, stab them, hit them or whatever. That's all
4 that means, at any time. It could be a millisecond
5 before.

6 Malice is defined as hatred or ill will or hostility
7 towards another person. It's the intentional doing of a
8 wrongful act without just cause or excuse and with the
9 intent to inflict an injury or under circumstances that
10 the law will infer an evil intent.

11 It may be inferred from conduct showing a total
12 disregard for human life, and it may also arise when the
13 deed is done with a deadly weapon. That is, using a
14 deadly weapon you can confer malice exists while
15 committing the attempted murder.

16 Those are what the elements the State must prove
17 beyond all reasonable doubt.

18 Now how do we do that? We do it several ways.
19 Notably and most importantly we present testimony from the
20 witness stand. And that's, the victims will testify.
21 We're going to have five or six people testify during the
22 course of this trial. We're going to have the
23 Defendant -- I mean, the victims. We're going to have
24 some police officers and we're going to have Sean Echols,
25 the co-defendant is going to testify against

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1 Mr. Sprinkle.

2 What we ask you to do, ladies and gentlemen, is to
3 listen carefully to the testimony up here. As His Honor,
4 Judge Dickson, told you, you are the judges of the facts,
5 the sole judges of the facts. He's the judge of the law.

6 When he tells you about the law at the end of this
7 case, when he charges, you must take -- you just took an
8 oath that says I will follow the law. Even if you don't
9 like the law it can't enter into it because you must
10 follow the law that he charges.

11 And you, ladies and gentlemen, are the judges of the
12 facts. You listen to testimony up here. There may be
13 exhibits presented. You look at those carefully. And
14 what you do, ladies and gentlemen, is you take the facts
15 as you find them up here, you take any exhibits, and you
16 take the law that he will charge you, Judge Dickson will
17 charge you at the end of the trial and you put them
18 together and you deliberate and reach a verdict.

19 Now you will be asked from this witness stand to
20 determine the credibility of witnesses. As His Honor,
21 Judge Dickson, told you a few minutes ago, called the
22 believability. Do you believe him or not. And you're
23 probably going, well how do I do that? How do I do that?

24 Well, nobody can tell you how to do that. I can
25 suggest this. I can suggest that you do it like you do it

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1 every day of your life. You talk to your friends, you
2 talk to your family, you talk to strangers. When somebody
3 tells you something you know you have a feeling just based
4 on your life experiences, based your knowledge of that
5 person or the way they talk, the way they act, on whether
6 they're telling the truth or whether they're feeding you a
7 line.

8 You use that same, that same calculation, that same
9 common sense, if you will, your same life experiences to
10 determine the credibility of witnesses up here.

11 You didn't check anything at the door when you came in
12 the courtroom today. You brought your common sense. You
13 brought your life experience with you. Use those, ladies
14 and gentlemen.

15 And again, I ask you to listen. And observe anything
16 that's entered into evidence. Listen to the testimony
17 very carefully.

18 Because it is an important day. It's an important day
19 for the Defendant. He's on trial. It's an important day
20 for the State because we're here to enforce the laws and
21 to seek justice for the victims in this case.

22 And I will tell you one other thing, one other
23 important concept of law. It goes with the State's burden
24 of proof. As I said, the State has the sole burden of
25 proving the charge in this case. The Defendant does not

OPENING STATEMENTS ON BEHALF OF THE DEFENSE

1 have to prove anything. He is under no obligation to
2 prove anything. He sits there innocent. He sits there
3 innocent until the State proves him guilty to your
4 satisfaction.

5 And that's a fundamental part of the law of the State
6 of South Carolina. It's a fundamental part of the law of
7 the United States. It's a basic part of our law.

8 But, ladies and gentlemen, I do tell you, after you
9 listen to all the testimony, after you observe any
10 exhibits that may be entered into evidence, the State will
11 present you with more than enough evidence where you will
12 find Richard Sprinkle guilty of two counts of armed
13 robbery, two counts of attempted murder and burglary in
14 the first degree.

15 Thank you.

16 THE COURT: Thank you, Mr. Bell. Ms. Ullman?

17 MS. ULLMAN: Good afternoon.

18 I agree with Mr. Bell that one of the most important
19 parts of our criminal justice system is the presumption of
20 innocence. Throughout life you always hear from pretty
21 much everyone in the community that our system is the
22 best. Our country has the best legal system.

23 I've heard it all my life. I've heard it all the time
24 in law school. That's all they ever talked about in law
25 school; we've got the best system. I never really

OPENING STATEMENTS ON BEHALF OF THE DEFENSE

1 honestly thought about why. Why is ours the best system?

2 Recently in the news there was a case out of Italy and
3 that case made me realize what makes our system the best.
4 There was an American student studying in Italy. She was
5 accused of a crime. She did not have American protections
6 just because she was a citizen. She was under Italy's
7 law. In Italy you're guilty until proven innocent. You
8 have the burden to prove yourself innocent.

9 And what I learned in science class is proving a
10 negative is almost impossible. To prove something didn't
11 happen, someone didn't say something is almost impossible
12 to do.

13 And that's why in this country the defense doesn't
14 have a burden because you can't prove it didn't happen.
15 The State must prove to you beyond a reasonable doubt that
16 it did happen.

17 Part of them proving that -- don't let them take your
18 job away from you. Mr. Bell called Mr. Wright and
19 Mr. Rumph victims. It's your job to determine if they
20 are. You have to decide here today if anything actually
21 happened. They're saying that they were robbed and that
22 they were assaulted.

23 Maybe that's not true. You have to decide that today.
24 You'll hear from them and then you will determine if you
25 even believe them. That's your job. They're not victims

OPENING STATEMENTS ON BEHALF OF THE DEFENSE

1 until you decide that something actually happened.

2 Mr. Bell called Mr. Sprinkle the Defendant. These are
3 all just titles. They mean nothing. Mr. Sprinkle just
4 like everybody else in this courtroom is a citizen of
5 Orangeburg County. That's what he is. He's a citizen.
6 He's currently accused of something.

7 We've all been accused of something. Maybe not in the
8 criminal system, but growing up your brother accused you
9 of breaking something that he actually broke, or your
10 sister or your family member. I don't know if you have
11 brothers and sisters, but you get the point. Growing up
12 at some point in your life you've been accused of
13 something that you knew you didn't do.

14 You're a citizen of this county as he is. They've
15 titled him the Defendant. That means nothing. He's a
16 citizen accused of something. That's it.

17 So thankfully in this country we are not like Italy.
18 It's not his job to prove himself innocent.

19 Part of the reasoning again for that, if you look at
20 who's here today, we have the State and a citizen of this
21 county. The State. Think of what that means. What does
22 that mean? They have almost unlimited resources between
23 the sheriff's department, public safety, their own
24 investigators that work within their own office. A
25 handful of lawyers that work in our office. They have

1 unlimited monetary resources.

2 A citizen of Orangeburg County, he doesn't have that.
3 The sheriff's department isn't working for him. Public
4 safety's not working for him. He doesn't have unlimited
5 resources. That's why he's innocent until they prove
6 otherwise.

7 The State is here today asking you to find
8 Mr. Sprinkle guilty, asking you to take from him his life
9 and his liberty. That's why they have the burden before.

10 For anybody in this country to lose their life,
11 liberty and pursuit of happiness, you must find beyond a
12 reasonable doubt that the State did their job.

13 The American citizen in Italy was convicted. And
14 thank God for her she had a mother who loved her and
15 fought for her and helped her win an appeal. And that's
16 what mothers do. That's a mother's love. A mother always
17 believes you didn't do it. That's what moms do.

18 I'm not asking you to be Mr. Sprinkle's mom, but I am
19 asking you to have that belief that he's innocent.

20 Thank you.

21 THE COURT: Ladies and gentlemen, my court reporter
22 just advised me that we have an equipment malfunction and
23 since everything has -- she has to keep the record
24 straight with everything that's said and done in the
25 courtroom, I'm going to need to excuse y'all to go back

1 into the jury room for just a minute while we make sure we
2 get the equipment working properly.

3 Remember, you can't talk about the case. All you've
4 heard so far is just opening statement. Thank you.

5 (Jury exits courtroom at 2:44 p.m., break taken.)

6 THE COURT: State ready to proceed?

7 MS. FORD: We are, Your Honor.

8 THE COURT: Defendant's ready?

9 MS. ULLMAN: We are. Thank you.

10 THE COURT: Okay. Bring the jury back out, please,
11 ma'am.

12 (Jury enters at 2:53 p.m.)

13 THE COURT: Ladies and gentlemen, the Court
14 appreciates your patience. We have the machine
15 malfunction in order now, and my understanding is the
16 State's ready to call its first witness.

17 MS. FORD: Thank you, Your Honor. May it please the
18 Court.

19 THE COURT: Yes, ma'am.

20 MS. FORD: The State calls James Wright to the stand.

21 THE COURT: Okay. Mr. Wright.

22 JAMES WRIGHT, having been duly sworn, was examined and
23 testified as follows:

24 THE CLERK: You may have a seat

25 MS. FORD: Have a seat right up there.

JAMES WRIGHT - DIRECT

1 THE COURT: On the witness stand, please.

2 THE CLERK: Please state your name for the record,
3 Mr. Wright.

4 THE COURT: Mr. Wright, would you state your name one
5 more time on the record?

6 THE WITNESS: The one that hit me?

7 THE COURT: Sir?

8 THE WITNESS: My name is James Wright.

9 THE COURT: That's what I want you to say. You did
10 Good. Okay.

11 DIRECT EXAMINATION

12 BY MS. FORD:

13 Q. All right. Mr. Wright, I'll make sure that I speak
14 loudly. Can you hear me?

15 A. Yes, ma'am.

16 Q. Okay. Am I talking too loudly?

17 A. Good. Good.

18 Q. Mr. Wright, how far did you go in school?

19 A. Probably about third grade.

20 Q. About third grade. Did you used to live on Myers Road
21 here in Orangeburg?

22 A. Yes, ma'am.

23 Q. Who did you live with at the [REDACTED] house?

24 A. Mr. Robert Rumph.

25 Q. Mr. Robert Rumph. Were you ever robbed before?

JAMES WRIGHT - DIRECT

- 1 A. No.
- 2 Q. Did anyone ever come in your house, Mr. Wright?
- 3 A. No.
- 4 Q. And rob you?
- 5 A. Yes, that, that, that night.
- 6 Q. That night?
- 7 A. (Nods head.)
- 8 Q. Okay. Let's talk about that night.
- 9 A. Okay.
- 10 Q. What happened that night?
- 11 A. They knock on the door and asked me if Mr. Rock was
- 12 home. I said, yeah. They wanted to make a phone call.
- 13 Q. Let me stop you for one second, Mr. Wright. I just
- 14 want to make sure I understand. How many people came to
- 15 the house?
- 16 A. I know they were knocking on the door. I didn't see
- 17 no car or nothing.
- 18 Q. How many people knocked on the door?
- 19 A. It was two of them.
- 20 Q. Two of them. Was it men or women?
- 21 A. Man.
- 22 Q. What did they look like?
- 23 A. That's only one of them, like with him. I (inaudible)
- 24 after they bring me the paper, but I didn't see in any of
- 25 them yet.

JAMES WRIGHT - DIRECT

1 Q. Okay. All right. Were they white men or black men?

2 A. Black man.

3 Q. What did their hair look like?

4 A. That man had long hair on his neck, his hair.

5 Q. One of them had long hair?

6 A. Yes, ma'am.

7 Q. And what about the other one?

8 A. The other one wasn't quite as long as his but he had
9 hair on his head.

10 Q. He had hair on his head?

11 A. Yes, ma'am.

12 Q. Okay. And you said the two people knocked on the
13 door?

14 A. Yes.

15 Q. Tell me what happened.

16 A. They knocked on the door, asked me about Mr. Rumph. I
17 telled them Mr. Rock home. Tell him that the other fellow
18 want to make a phone call, he call him uncle.

19 And he said, let him in. When I let them in he came
20 in and put that pistol in my chest and grabbed me around
21 the neck.

22 Q. You said he did. Who are you talking about?

23 A. That one right there.

24 Q. That one right there?

25 A. Yes, ma'am.

JAMES WRIGHT - DIRECT

- 1 Q. Did you know him?
- 2 A. I saw him that Friday. I know him. I was seeing him
- 3 all the time walking the street.
- 4 Q. You had seen him before he came in your house?
- 5 A. Yes, ma'am.
- 6 Q. Okay. Did you know his name?
- 7 A. Yeah, I just called him Ricky.
- 8 Q. You called him Ricky?
- 9 A. I didn't know his last name.
- 10 Q. Okay. And that was one of the people that came in
- 11 your house?
- 12 A. Yes, ma'am.
- 13 Q. After they came in your house, what happened?
- 14 A. That when I start calling Rocky. He said, shut up,
- 15 shut up. I want your money.
- 16 And the other boy said, yeah, Rocky the one I want to
- 17 see. And he went on down in Rocky room. He make me went
- 18 to my bed, pulled up my mattress. I had more money in
- 19 there and I tell him I never.
- 20 Q. So he asked for your money?
- 21 A. More money. I pulled the mattress up. I was bleeding
- 22 like I don't know what. I told him I ain't have no more
- 23 money.
- 24 Q. You said you were bleeding. Why were you bleeding?
- 25 A. Because he beat me in the head.

JAMES WRIGHT - DIRECT

1 Q. Beat you in the head?

2 A. Yeah.

3 Q. With what; do you know?

4 A. With a pistol, but I didn't know what kind of pistol.

5 Q. Did you see the pistol?

6 A. I seen it, but I didn't know what the name of the
7 pistol.

8 Q. That's okay. That's okay.

9 After you went in your room and lifted up, you said
10 you lifted up the mattress?

11 A. Yeah.

12 Q. What happened next?

13 A. That when he, he make me went down to Rocky room with
14 the other fellow. Both of them's in Rocky room.

15 Q. When you say he, who are you talking about?

16 A. The other boy be with him.

17 Q. Okay. So you went into Mr. Rumph's room, Rocky?

18 A. After they left they led me out of my room and went to
19 Mr. Rocky room.

20 Q. What happened in Mr. Rocky's room?

21 A. Well, the other one cut Rocky, I know.

22 Q. Cut him with what?

23 A. All I know with a knife and make Rocky open the
24 closet, get his pocketbook out of his pocket.

25 Q. Okay.

JAMES WRIGHT - DIRECT

- 1 A. And out the door. I went on back in my room and they
2 take Rocky car and leave.
- 3 Q. They took Rocky's car and left?
- 4 A. And leave.
- 5 Q. Okay. Did you ever talk -- is that the end? Did they
6 leave the house and they took the car?
- 7 A. They take the car and drive it out the yard.
- 8 Q. Okay. Did you call the police or did you ever talk to
9 the police?
- 10 A. Rocky brother called the police but they was done
11 gone.
- 12 Q. Right. Okay. Did you talk to the police?
- 13 A. I talked with them before the ambulance come and pick
14 us up.
- 15 Q. So you had to go to the hospital?
- 16 A. Yes, ma'am.
- 17 Q. Did you tell the police what the people looked like?
- 18 A. No, I never tell them what they looked like but I tell
19 them I had know him.
- 20 Q. That you had known him?
- 21 A. Yes.
- 22 Q. Did you tell him you knew one of them?
- 23 A. That one that right there because he did talk to me
24 that Saturday evening.
- 25 Q. Where did he talk to you that Saturday evening?

JAMES WRIGHT - DIRECT

- 1 A. Bojangles.
- 2 Q. Okay. So you had seen him. This happened the day
3 before or the day after?
- 4 A. No. That was after. Early that Sunday morning
5 because that was that Saturday evening.
- 6 Q. Okay. So you had recently seen --
- 7 A. Yeah.
- 8 Q. -- this one right here?
- 9 A. Right there.
- 10 Q. Before he came in your house and robbed you?
- 11 A. Right.
- 12 Q. And beat you?
- 13 A. (Nods head.)
- 14 Q. Okay. Mr. Wright, can you take a look at that for
15 me? What is that?
- 16 A. That's the picture with my circle around.
- 17 Q. That's the picture you circled around. Did the police
18 show you that? Did one of the police officers show you
19 that piece of paper?
- 20 A. No. When the lady came, right there.
- 21 Q. She showed you that piece of paper.
- 22 A. Yes, ma'am.
- 23 Q. Okay. And what's on that paper?
- 24 A. I was robbed. I know that.
- 25 Q. What are those pictures of? Do you know anyone in any

JAMES WRIGHT - DIRECT

1 of those pictures?
2 A. Yep.
3 Q. Which one?
4 A. I know that one right there but I ain't seen nothing
5 on there, but I circled another picture.
6 Q. We'll talk about that in a second. Who's that a
7 picture of?
8 A. This one?
9 Q. (Nods head.)
10 A. (Pointing.)
11 Q. You pointed --
12 A. That's his picture.
13 Q. Okay. And you said you circled it?
14 A. Yes.
15 Q. What is that? Are those your initials?
16 A. Initials.
17 Q. Okay. And you -- this was -- you said that lady right
18 there is the one that showed you this?
19 A. Yes, ma'am.
20 Q. And you picked this, circled this one out?
21 A. Sure did. Yes, ma'am.
22 Q. Okay. How long did it take you to pick out that
23 picture?
24 A. Well she brought me pictures three different days till
25 I find the boys in there. I circled that same one there

JAMES WRIGHT - DIRECT

1 that day.

2 Q. Okay. Is this the person that robbed you and beat you
3 in your house?

4 A. Yeah.

5 Q. That is the same person that's seated right there?

6 A. Right there.

7 Q. Mr. Wright, does he look the same now as he did then?

8 A. Well, he looked different then. He more stouter now.
9 He had all that hair on his head.

10 Q. Say that again. I want to make sure --

11 A. I say his face more heavier now but he was walking the
12 street, it was a little face on the street now, but he
13 take all that hair off his head.

14 Q. You said cut the hair off his head?

15 A. I mean, the long hair he had on, you take that off and
16 it ain't long now.

17 Q. I'm going to show you one more thing, Mr. Wright. Can
18 you take a look at this for me? What is that?

19 A. That's the other one.

20 Q. When you say that's the other one, what do you mean?

21 A. That's the other boy that be with him.

22 Q. That came in your house?

23 A. Come in the house.

24 Q. Okay. Which one is that?

25 A. Two.

JAMES WRIGHT - DIRECT

- 1 Q. Okay. Did you circle that?
- 2 A. Yeah, I circled that.
- 3 Q. Are those your initials on that?
- 4 A. Yes, ma'am.
- 5 Q. Thank you, Mr. Wright. How many people came in your
- 6 house that night?
- 7 A. Two.
- 8 Q. Two. And one of them's in the courtroom right now?
- 9 A. Yes, ma'am.
- 10 Q. And which one is it?
- 11 A. That one right there (pointing).
- 12 Q. That one right there. Are you sure, Mr. Wright?
- 13 A. Yes, ma'am.
- 14 Q. You're sure. Beg the Court's indulgence, Your Honor.
- 15 THE COURT: Okay.
- 16 MS. FORD: Just a couple more questions, Mr. Wright.
- 17 BY MS. FORD:
- 18 Q. Do you mind if I ask how old you are?
- 19 A. Ma'am?
- 20 Q. How old are you, Mr. Wright?
- 21 A. Seventy-four.
- 22 Q. Seventy-four. Okay. Let me ask you one more
- 23 question. You said you knew this fellow, you called him
- 24 Ricky. Did you know where he lived?
- 25 A. No.

JAMES WRIGHT - CROSS

1 Q. You didn't know where he lived?

2 A. No.

3 Q. But you knew him from around?

4 A. Yeah.

5 MS. FORD: No more questions, Your Honor, at this
6 time. Please answer any questions that Mr. Wright may
7 have. Okay, Mr. Wright?

8 THE WITNESS: All right.

9 THE COURT: Mr. Wise, your witness.

10 MR. WISE: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. WISE:

13 Q. Mr. Wright, how are you? How are you?

14 A. All right, sir.

15 Q. Okay. Mr. Wright, I don't have a lot of questions.
16 These two men came to your house that night?

17 A. Yes, sir.

18 Q. Somebody knocked on the door?

19 A. Yes, sir.

20 Q. Do you know which man knocked on the door?

21 A. Yes. That one right there (pointing).

22 Q. He knocked on the door?

23 A. He knocked on the door.

24 Q. Okay. And when he spoke to you, what did he say to
25 you?

JAMES WRIGHT - CROSS

1 A. He asked me where was Mr. Rock, called Uncle Rocky. I
2 said Rocky in the bed. I asked Rocky, I said, Rocky,
3 these boys out there know you. And I said, they want to
4 make a phone call. And Rocky said, let them in.

5 Q. So he came to the door, he knocked on the door and he
6 asked for Rocky?

7 A. Yes, sir.

8 Q. Did he say Rocky or Rock?

9 A. Rocky.

10 Q. Rocky. Okay. And then you went back and you spoke to
11 to Mr. Rumph. He said okay. And you let them in?

12 A. He said, okay, let them in.

13 Q. Okay. Very good.

14 Okay. When you -- when he knocked on the door and you
15 looked out there and you saw him, did you say Rick or
16 Ricky, what are you doing here this time of morning?

17 A. He say, tell Rocky he wanted to make a phone call and
18 Rocky said to let them in.

19 Q. What time was this when he knocked on the door?

20 A. I don't know exactly what time, but I came in late
21 that night myself.

22 Q. So you don't know?

23 A. I had done gone to bed.

24 Q. So you came in late, you went to bed. You're not sure
25 what time it was?

JAMES WRIGHT - CROSS

1 A. It was late. I don't know exactly what time.

2 Q. Okay. Well, do you remember testifying yesterday in
3 this case? You remember that; right?

4 A. Yes, sir.

5 Q. Do you remember yesterday when you testified you said
6 it was about 4:30, five o'clock in the morning?

7 A. That's what I said, but I didn't know exactly what
8 time it was but I said that time.

9 Q. So you said something yesterday that you weren't sure
10 about?

11 A. Because I never know exactly what time. I know I had
12 come in late and I had no watch on my arm to find out what
13 time, but I wasn't looking for that to happen.

14 Q. Okay. So yesterday when you came to court you took an
15 oath like you did today. You swore to tell the truth.
16 When you said that you weren't lying; were you?

17 A. No.

18 Q. No. You just made a mistake?

19 A. Yep.

20 Q. You thought you remembered something that you didn't
21 remember?

22 A. Right.

23 Q. When you said that you were convinced that you right
24 --

25 MS. FORD: Objection, Your Honor. He's -- asked and

JAMES WRIGHT - CROSS

1 answered. He's answered the question.

2 MR. WISE: Well, I just have one last question.

3 THE COURT: Okay. Let him finish.

4 BY MR. WISE:

5 Q. When you said that, though, you were wrong?

6 A. I just couldn't remember exactly what time it was.

7 Q. Okay. When you went to Rocky's room and said that
8 somebody's at the door, did he get up and come to see who
9 it was?

10 A. Who that?

11 Q. Rocky.

12 A. No. Rocky told me to open the door because he called
13 Rocky, Uncle Rock. And Rocky said, open the door and let
14 them in there. When he come in there he grabbed me around
15 the neck and put the pistol in my chest. And I hollered
16 back to Rocky telling him he had a gun.

17 Q. He called him Uncle Rocky?

18 A. That's what he called him. He started beating me on
19 the head with a pistol, left a mark on top of my head now.

20 Q. All right. Now, when you opened the door it's your
21 testimony that that man took you to your bedroom; is that
22 correct?

23 A. No, he done beat me in the head before he came into my
24 bedroom because the other fellow asked where Rocky. I
25 said, Rocky right in his bed. Both of them -- one of them

JAMES WRIGHT - CROSS

1 went to Rocky room. He make me hold up my bed and
2 mattress see if I had more money in there.

3 Q. Okay. So it's your testimony he comes in, he has a
4 gun in his hand?

5 A. Yeah.

6 Q. And he hits you in the head with the gun?

7 A. Right.

8 Q. And then he takes you to your bedroom?

9 A. Yeah.

10 Q. Okay. Okay. And when he takes you to your bedroom,
11 the other person goes into Rocky's bedroom?

12 A. To Rocky's bedroom and he walk behind me in Rocky room
13 too. Me and him.

14 Q. Okay. So the only -- just so I'm clear. Was there
15 one person or two people with you in your bedroom?

16 A. In my bedroom?

17 Q. Yes.

18 A. Wasn't nobody but me.

19 Q. Okay. When this thing happened, when your mattress
20 was turned over, was there one person or two people with
21 you in your bedroom?

22 A. One.

23 Q. Just one. Okay. Okay. When you were in your bedroom
24 and your mattress was being turned over, did you yell to
25 your roommate, hey Rock, there's trouble?

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1 A. No. Wasn't -- he make me hold the mattress up.

2 Wasn't nobody in there but me and him.

3 Q. And did you yell for your roommate?

4 A. Yeah, yeah, the other one went on down to Rocky room.

5 Q. I'm sorry. The mattress gets held up. And did you
6 ever yell to let Rock know what was going on?

7 A. No, sir. Because he was done in the house. I doubt
8 Rocky know he was in there.

9 Q. Okay. Okay. The two people who were in your house,
10 one person had a gun. Did the other person have a weapon?

11 A. Had a knife.

12 Q. Other person had a knife?

13 A. Yes.

14 Q. So there was one gun and one knife?

15 A. One knife.

16 Q. And it's your testimony that he had the gun and the
17 other person had the knife?

18 A. Yep. He might have got it after he got in the room
19 but I didn't know.

20 I was bleeding so, wiping blood off of my face, but I
21 didn't know whether he had the gun or not.

22 Q. Now, Mr. Wright, do you remember telling the police
23 that both of these guys followed you into your room? Do
24 you remember telling the police that?

25 A. The police, no.

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1 Q. I'm trying again. There came a time when you spoke to
2 the police about what happened; didn't there?

3 A. Well them boys were done gone.

4 Q. They were gone?

5 A. And the police come up and they called an ambulance.

6 Q. So you spoke to the police that night?

7 A. Yep.

8 Q. And you also spoke to Investigator Garrison?

9 A. (Nods head.)

10 Q. Okay. Do you remember her writing a statement for you
11 about what happened that night? Do you remember that?

12 A. I don't remember that.

13 Q. Okay.

14 MS. FORD: May we approach?

15 (Off-the-record discussion.)

16 BY MR. WISE:

17 Q. Okay. Mr. Wright, there came a point when you spoke
18 to Investigator Garrison. Do you remember that?

19 A. Yes, sir.

20 Q. And then when you spoke to her she wrote out what you
21 told her and then you signed your name at the bottom?

22 A. Yes.

23 Q. Do you remember that?

24 A. Yes, sir.

25 Q. Okay. And when you -- when she wrote this statement

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- 1 for you, did she read it to you before you signed it?
- 2 A. That paper there?
- 3 Q. Yes. Yes, sir.
- 4 A. Yeah.
- 5 Q. She read it to you?
- 6 A. (Nods head.)
- 7 Q. Okay. So, what's in this statement is an accurate
- 8 statement of what you told her; is that right?
- 9 A. Right.
- 10 Q. Okay. Okay. But you didn't read it before you signed
- 11 it, she just read it to you?
- 12 A. Right. I can't read.
- 13 Q. Okay. My father couldn't read. Okay. Do you
- 14 remember telling her that both of these guys went with you
- 15 into your room?
- 16 A. Yeah.
- 17 Q. Do you remember telling her that?
- 18 A. Yes, sir.
- 19 Q. You did tell her that?
- 20 A. Yes, sir.
- 21 Q. Okay. But when you told her that, was that -- that
- 22 wasn't accurate. That wasn't correct, was it, when you
- 23 told her that these two guys followed you into your room?
- 24 A. No, the other guy went to Rocky room and he the one
- 25 that followed me in my room, make me hold up my mattress

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1 and then he followed me to Rocky room.

2 Q. So when she wrote that down, that wasn't right. That
3 wasn't accurate. That wasn't correct. That didn't
4 happen.

5 A. Well, she never wrote that down until after it
6 happened.

7 Q. Okay. Okay. All right. Now, Ms. Ford showed you
8 what's been marked as State's Exhibit Number Two. That is
9 a picture of six people, one of which has their head
10 circled and your initials; correct?

11 A. Yep. I did that.

12 Q. You did that. The person who has their head circled,
13 do you know that person's name?

14 A. Nope.

15 Q. Okay. When you circled that, you also signed your
16 name to another piece of paper; isn't that correct?

17 A. Yep.

18 Q. And on this piece of paper it has your name at the
19 bottom?

20 A. Yeah.

21 Q. What's written in here beneath where your name is
22 written and above where it's signed, Investigator Garrison
23 wrote that for you; correct?

24 A. Yeah.

25 Q. Correct?

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1 A. (Nods head.)

2 Q. Okay. And in this piece of paper it says that this
3 person, the person circled on State's Exhibit Number Two,
4 hit me with a gun about the face and head.

5 Do you remember signing that piece of paper?

6 A. Yeah, I signed that paper. Now I know I signed that
7 paper, but he the one that hit me with a gun.

8 Q. So even though this piece of paper says --

9 MS. FORD: Objection, Your Honor. Mr. Wright has
10 testified that he can't read or write so whatever that
11 paper says, he doesn't know whether it says that or not.
12 He's testified and that should be sufficient, Your Honor.

13 THE WITNESS: But he the one that beat me in the head.

14 THE COURT: Hold on just one second. He was just
15 asking him if he remembered that. I'm going to let him
16 complete the answer to that. He's already testified that
17 he cannot read.

18 So, Mr. Wise, if you can continue.

19 MR. WISE: Okay.

20 Q. So, let me back up. The piece of paper that you
21 signed says, number two hit me with a gun about the face
22 and head area. Do you remember signing that piece of
23 paper?

24 A. Yes, sir.

25 Q. Okay. And, just so we're clear. You would agree

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1 with me that number two is not that man who's sitting
2 right there?

3 A. That's the one that beat me with a gun.

4 Q. But that man isn't the man who's in this picture with
5 his face circled as number two.

6 A. No, but another paper there.

7 Q. Yes, there is. Okay. Okay. So I want to make sure I
8 understand this. It's your testimony that this person
9 took your money and the other person took Rock's money; is
10 that -- am I correct?

11 A. Yes, sir. That's, that's true. That's true. He the
12 one that take my money. My wallet and all, everything
13 being in my wallet. I had to go back, get papers and
14 everything back over.

15 Q. Now you left your bedroom and then you went to Rock's
16 room, correct, that night?

17 A. Yeah. He the one that lead me to Rocky room because
18 the other fellow been ahead of us.

19 Q. So the other fellow was already in Rock's room and
20 then you said he led you to Rock's room?

21 A. Right.

22 Q. Okay. And when you walked into Rock's room, obviously
23 the other guy was already there, the other person was
24 there before you got into Rock's room?

25 A. Yeah, he was in that room ahead of me now.

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1 Q. Okay. When you walked in, what did you see? What was
2 happening?

3 A. I never said nothing but he tell Rocky, he was cutting
4 Rocky on the leg and foot. He telling Rocky to give him
5 his money. Rocky said well he ain't had no money, make
6 Rocky open the closet and there was Rocky pocketbook and
7 all in his closet and he take all that and went out the
8 back door and take Rocky car.

9 Q. So when you walked in, what was the first thing you
10 saw when you walked into Rock's room?

11 A. He was done cutting Rocky and ask Rocky about his
12 money and Rocky gave him what money he had in his britches
13 pocket. And he go, no, you got more money that. Make
14 Rocky open his closet. Rocky got his britches, he made
15 him get his pocketbook out there, but I didn't know how
16 much money was in it.

17 Q. So when you walked into Rock's room, Rock had already
18 been cut by the person --

19 A. Right.

20 Q. -- that was in his room?

21 A. Right, right.

22 Q. Okay. You did not see Rock getting cut; did you?

23 A. Nope.

24 Q. Okay. All right. And just so we're clear. You said
25 there was one gun and one knife. You didn't see any other

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1 weapon that night; did you?

2 A. No.

3 Q. Okay. Now, Mr. Wright, you told the police that the
4 man who -- you knew who did this, you described him as
5 dark skinned; didn't you?

6 A. What do you say?

7 Q. You told the police that the man who did this, the man
8 who -- the man with the dreads, you --

9 A. Yeah.

10 Q. -- told the police he was dark skinned. That was the
11 word you used; right?

12 A. Right.

13 Q. Okay. And you are -- you're referring to him?

14 A. That's him.

15 Q. You described him as dark skinned?

16 A. That's him.

17 Q. Okay. Okay. Now, the night this happened, you went
18 to the hospital?

19 A. Yep.

20 Q. Okay. When you left the house to go to the hospital,
21 did the police take you or did you go by ambulance?

22 A. Go by ambulance.

23 Q. Okay. Did you and Rocky go together to the hospital?

24 A. Yes, sir.

25 Q. Okay. In one ambulance?

JAMES WRIGHT - CROSS

1 A. Yes, sir.

2 Q. Okay. And when you came back from the hospital, did
3 you come back together?

4 A. Yes, sir.

5 Q. Okay. Did you come back by ambulance?

6 A. No, sir.

7 Q. How did you get back?

8 A. His daughter.

9 Q. Okay. So his daughter --

10 A. Picked us up after he called her. She come and she
11 waited for us to come out there that day.

12 Q. Do you know how long you were at the hospital?

13 A. No, sir. I don't.

14 Q. Okay. Do you have any idea what time you left the
15 hospital?

16 A. No, sir.

17 Q. Okay. When these guys came into the house, they
18 immediately split you and -- they immediately split off.

19 One went with you, and other went straight to Rock's room?

20 A. No. Both of them. After he beat me he asked about
21 Rocky. I said Rocky in the bed. He walked right on down
22 in Rocky room. Yeah, that's the one I want to see and
23 left me.

24 After that he make me hold up my bed mattress say I
25 had more money and I never. Then he lead me on down to

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1 Rocky room.

2 Q. Okay. Are you doing okay, Mr. Wright? Do you want
3 some water?

4 A. No. I don't want nothing now.

5 Q. Okay. The night this happened, did you have anything
6 to drink, any alcoholic beverage?

7 A. Yeah. Because I had went down home to my sister then
8 when I come back from Harleyville up here I had me a drink
9 earlier that night.

10 Q. About how much did you have to drink?

11 A. About a half of a half a pint.

12 Q. About a half pint?

13 A. Liquor.

14 Q. Now you're showing --

15 A. I have a pint bottle in there. I drink half of that.

16 Q. Okay. That would be half a pint?

17 A. No, it wasn't quite half a pint. I said half out of a
18 half a pint.

19 Q. When this happened, were the lights on in your house?

20 A. No.

21 Q. Okay. And you never turned them on?

22 A. I never turned them on because the city streetlight
23 was out there, and I could look through the glass and see,
24 see their face.

25 Q. And once these guys were in your house, the lights

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1 never got turned on --

2 A. No.

3 Q. -- correct? Okay. Do you remember how many police
4 officers you spoke to before you went to the hospital?

5 A. It was four.

6 Q. Four?

7 A. But I don't know their names. It was four.

8 Q. That's okay. When the person who had the gun left the
9 house, did he still have the gun with him?

10 A. Yeah, he carried that when he leave.

11 Q. So he came in, you say he hit you --

12 A. Yep.

13 Q. -- went to, took the gun, went to Rock's room, Rock
14 was with the other guy, and then the same person had that
15 gun and then they left the house?

16 A. Left out the back door.

17 Q. He had the same gun when he left as he had when he
18 came in?

19 A. Right.

20 Q. And had it the whole time?

21 A. Yeah. Brought it in the house when he come in the
22 door.

23 Q. Brought it in when he came in, took it out when he
24 left?

25 A. (Nods head.)

JAMES WRIGHT - CROSS

1 Q. Okay. And how many times were you hit that night?

2 A. What that?

3 Q. How many times were you hit that night?

4 A. How many time he hit me with the gun?

5 Q. Yes.

6 A. Three times up there and bust me on the lip there and
7 had to put stitches inside my lip, four times.

8 Q. Four times. Three times in the head, once to the
9 mouth?

10 A. Right.

11 Q. Okay. You testified that Investigator Garrison showed
12 you some papers like this?

13 A. Yeah.

14 Q. Okay. But this piece of paper, State's One, was not
15 the first one she showed you; is that right? This isn't
16 the first piece of paper she brought to you?

17 A. Right.

18 Q. She brought some others to you before?

19 A. She brought some more, but I couldn't pick nobody out
20 on that one there.

21 Q. Okay. All right. And did you say she brought three
22 to you?

23 A. Sir?

24 Q. She brought three of these pieces of paper to you
25 before this one, or four?

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1 A. She brought three different days at the top. Nobody
2 on the one she showed me at first.

3 Q. So she brought them on three days?

4 A. Yes, sir.

5 Q. One each day?

6 A. Every day she bring different ones. I find then that
7 man over there.

8 Q. Okay. And these -- Mr. Wright, do you know somebody
9 named Shakira Harrison?

10 A. Who that?

11 Q. Shakira Harrison. Do you know that name?

12 A. No.

13 Q. Never heard that name before?

14 A. No.

15 Q. Mr. Wright, have you ever had a problem before this
16 night with Mr. Sprinkle?

17 A. No. No, sir.

18 Q. Never had any conflicts with him?

19 A. No, sir.

20 Q. No conflicts about some woman?

21 A. No, sir. Never did.

22 Q. Never did?

23 A. Nobody else since I moved to Orangeburg.

24 MR. WISE: All right. Your Honor, may I have one
25 moment?

JAMES WRIGHT - REDIRECT

1 THE COURT: Sure.

2 BY MR. WISE:

3 Q. When you were in Rock's room, did you hear the other
4 person speaking?

5 A. Yeah. He was talking to Rocky.

6 Q. He was talking to Rocky. And did you hear the other
7 person say this: I killed once and I'll kill again?

8 A. What that?

9 Q. Did you hear the other person say: I killed once and
10 I'll kill again? Did you hear that other person say that?

11 A. No, I never heard him say that; no.

12 MR. WISE: Okay. Mr. Wright, thank you.

13 THE COURT: Anything on redirect?

14 MS. FORD: Just briefly, Your Honor.

15 REDIRECT EXAMINATION

16 BY MS. FORD:

17 Q. Just a couple more questions, Mr. Wright. Okay?

18 A. All right.

19 Q. Mr. Wright, can you get to Mr. Rocky's bedroom -- now,
20 we're talking about the house. Can you get to Mr. Rocky's
21 bedroom without going by your bedroom?

22 A. Nope -- yeah, you can. It was a back door to the
23 trailer. They come in through the front.

24 Q. Okay. Are the bedrooms close by?

25 A. No. Mine's in the middle of the trailer and Rocky was

1 on the end.

2 Q. Okay. But it wasn't one was on one end and one was on
3 the other?

4 A. Right.

5 Q. Are they off the same hallway?

6 A. Yes, ma'am.

7 Q. And tell me, Mr. Wright, how much money did he get
8 from you?

9 A. Well all I can estimate be in my pocket was about \$40.

10 Q. And that's what was taken from your whole pocketbook
11 you called it?

12 A. Yeah. They took everything.

13 Q. Everything. No further questions.

14 THE COURT: Anything on recross?

15 MR. WISE: No, Your Honor. Thank you.

16 THE COURT: Thank you, sir. All right.

17 Mr. Wright, you may step down. Thank you, sir.

18 THE WITNESS: All right.

19 THE COURT: Be careful stepping down.

20 THE WITNESS: All right.

21 THE COURT: State ready to call its next witness?

22 MS. FORD: We are, Your Honor.

23 THE COURT: Okay.

24 MS. FORD: State would call Robert Rumph.

25 ROBERT PRESTON RUMPH, having been duly sworn, was

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1 examined and testified as follows:

2 THE WITNESS: My name is Robert P. for Preston Rumph
3 R-U-M-P-H.

4 THE CLERK: Thank you, sir.

5 THE COURT: Ms. Ford, your witness.

6 MS. FORD: Thank you, Your Honor.

7 THE COURT: Yes, ma'am.

8 DIRECT EXAMINATION

9 BY MS. FORD:

10 Q. Mr. Rumph, did you used to live off of [REDACTED] [REDACTED] here
11 in Orangeburg?

12 A. Yes.

13 Q. Who did you live with?

14 A. I was the owner of a trailer, me and James Wright
15 lived together.

16 Q. Have you ever been the victim of a robbery?

17 A. Yes.

18 Q. Did that happen back in June of 2011?

19 A. Yes.

20 Q. What happened?

21 A. What happened is about that night, James Wright come
22 to my bedroom and said two boys out there want to use the
23 phone. One call you uncle. I said, let them in. He let
24 them in. But then I was in my bed and I was asleep. I
25 didn't know nothing about them in the trailer at the time.

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1 Q. Okay. When did you learn something was going on?

2 A. The young man was, came down to my room. He had a gun
3 pointed at me. He said, give me your money. I said, I
4 don't have no money. Give me your money.

5 When I look up I said, the money, it was on the
6 dresser right there.

7 Q. About how much money was on your dresser?

8 A. It was about 50, 50-some-odd dollars.

9 Q. And did he take that?

10 A. He took that. He said, that's not all of it.

11 Q. Okay. What else happened?

12 A. He said, he made the statement to me, give me the
13 money, man. Don't make me kill you over this little bit
14 of money.

15 Q. Okay. At this point, how many people are in your
16 room? Are you still in your bedroom?

17 A. I was still in my bedroom.

18 Q. Okay. How many people were in your bedroom?

19 A. Me, and that one person.

20 Q. Okay. At any point, did other people come in your
21 bedroom?

22 A. Yes.

23 Q. Tell me about that.

24 A. That was James Wright. And the young man that was the
25 short hair came down to the room and then when they came

ROBERT PRESTON RUMPH - DIRECT

1 down to my room the young man with the dreads on his hair,
2 he was in the room.

3 Q. Okay. What happened when everybody was all in the
4 room together?

5 A. I give them the money from out of my closet. He
6 cocked the gun and say that, don't make me kill you over
7 this little bit of money. I said, okay.

8 Q. So --

9 A. So I give him the money.

10 Q. Okay. Did they ever hurt you?

11 A. Yes.

12 Q. What happened? How did they hurt you?

13 A. Cut me.

14 Q. With what?

15 A. A knife.

16 Q. Who cut you with a knife?

17 A. The one with the dreads.

18 Q. Okay. Did the one with the dreads always have a
19 knife?

20 A. No. When he came in my bedroom, he had the pistol.

21 Q. The one with the dreads had the pistol?

22 A. Yes.

23 Q. Okay. How did he get the knife?

24 A. Him and the other boy changed weapons.

25 Q. Okay.

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1 A. And he said, make him talk.
2 Q. Who said, make him talk?
3 A. The one with the short hair. That would be Vivian's
4 son.
5 Q. So you knew the boy with the short hair?
6 A. Yes.
7 Q. How did you know him?
8 A. Me, his mother was socializing together.
9 Q. So you'd seen him around before?
10 A. A time, once or twice. As a matter of fact, I loaned
11 him some money.
12 Q. So you knew the one with the short haircut then?
13 A. Yes.
14 Q. And let's go back to what you just said about one of
15 them said, make him talk. Can you explain that for me?
16 Who said what?
17 A. The one with the short hair which was Vivian's son
18 told the other one with the dreads to make him talk.
19 Q. Meaning you?
20 A. (Gestures.)
21 Q. What happened then?
22 A. Well, he started cutting on me.
23 Q. Okay. Where did you get cut, Mr. Rumph?
24 A. In the side of my stomach, on my leg, on my arm and on
25 my foot.

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1 MS. FORD: (Showing document to defense counsel.)

2 Q. Mr. Rumph, after you got cut, what happened?

3 A. When they was getting ready to leave out the back
4 door, and the one with the short hair made a statement to
5 me, don't you never disrespect my mama because I will be
6 back.

7 Q. Okay. Did they take anything else from you?

8 A. My car, and my money, my pants and a hat.

9 Q. Your pants?

10 A. My pair of pants, a black pair of pants and a hat.

11 Q. And you said that they took your car?

12 A. Yes.

13 Q. What kind of car was that?

14 A. Buick Roadmaster.

15 Q. How did they get your car though? Did they ask you
16 for your keys?

17 A. Yes.

18 Q. Did you give it to them?

19 A. I told them the key was in the car.

20 Q. And then what happened to them? Did they leave?

21 A. As far as I know they leave.

22 Q. In your car?

23 A. In my car.

24 Q. Okay. After they left, did law enforcement come to
25 the house?

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- 1 A. Yes.
- 2 Q. Did the ambulance come to the house?
- 3 A. When -- yes, the ambulance came.
- 4 Q. Because you were injured; right?
- 5 A. Right.
- 6 Q. Okay. I'm going to show you some pictures that have
- 7 been marked State's Exhibit Four, Five, Six, Seven and
- 8 Eight. You take a look and see if you know what those
- 9 things are.
- 10 A. Number Eight is when I put -- my cut on my foot.
- 11 Number Seven where he cut me in the side of my, my
- 12 side and my stomach.
- 13 Six is they cut me on my leg.
- 14 Seven where he cut me on my arm.
- 15 Four is another one on my foot.
- 16 Q. Thank you, Mr. Rumph. Did you talk to the police?
- 17 A. Yes.
- 18 Q. Okay. Did you tell them what happened?
- 19 A. Yes.
- 20 Q. Did you tell them about the people that were in your
- 21 house?
- 22 A. Yes.
- 23 Q. How many people were in your house, Mr. Rumph?
- 24 A. Two.
- 25 Q. Did you tell the police that you knew one of them?

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1 A. Yes.

2 Q. Okay. Did you tell the police how you knew them?

3 A. Yes.

4 Q. Okay. Did the police officers ever show you any
5 pictures?

6 A. Yes.

7 MS. FORD: (Document shown to defense counsel.)

8 Q. Mr. Rumph, I'll show you what's been marked State's
9 Exhibit Three. Did any police officer ever show you that
10 before?

11 A. Yes.

12 Q. What is that of?

13 A. This is a picture of Vivian's son.

14 Q. Okay. Vivian's son being one of the people that was
15 in the house?

16 A. In my house.

17 Q. Is this the one with the longer hair or the short
18 hair?

19 A. Short hair.

20 Q. Okay. Did you put your initials on there?

21 A. Yes, I did.

22 Q. And you circled that?

23 A. Yes, I did.

24 Q. Did the police officer show you any other lineups?

25 A. Yes.

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1 Q. Did you pick anyone out?

2 A. No.

3 Q. Okay. Did you give the police a description of the
4 other person?

5 A. Yes.

6 Q. What did you tell the police?

7 A. Black guy with long dreads on his hair.

8 Q. Okay. Mr. Rumph, you said there were two people in
9 your house?

10 A. Yes.

11 Q. One that you knew; right?

12 A. Yes.

13 Q. And the other with dreads?

14 A. Right.

15 Q. And those people stole your pants?

16 A. Pants, my car, and my money.

17 Q. And your money?

18 A. And a hat.

19 Q. And your hat. Okay.

20 Beg the Court's indulgence, Your Honor.

21 THE COURT: And, Ms. Ford, before you ask and get -- I
22 believe when he was looking at State's Five --

23 MS. FORD: Yes, sir.

24 THE COURT: -- the cut on the arm, he indicated it
25 was, the second time he said Seven. Is State's Five, the

ROBERT PRESTON RUMPH - DIRECT

1 cut on the arm?

2 MS. FORD: Yes, sir.

3 THE COURT: And I just want to clarify that. That is
4 State's Five, and that is the cut on the arm?

5 MS. FORD: Take a look at that, Mr. Rumph.

6 THE COURT: Is that the cut on your arm?

7 THE WITNESS: Yes.

8 THE COURT: Okay. And that is State's Five?

9 MS. FORD: Yes, sir.

10 THE COURT: I may have misheard but I wanted to make
11 sure that was correct on the record.

12 MS. FORD: Yes, sir.

13 THE COURT: All right.

14 BY MS. FORD:

15 Q. Mr. Rumph, just one more thing. Did anybody else come
16 inside the house the night that you got robbed other than
17 those two people?

18 A. No.

19 Q. Just two people?

20 A. Just them two people.

21 Q. That's all you saw?

22 A. That's all.

23 MS. FORD: No further questions at this time.

24 Mr. Rumph, if you'll just answer any questions that

25 Mr. Wise or Ms. Ullman may have for you. Okay?

ROBERT PRESTON RUMPH - CROSS

1 THE WITNESS: Okay.
2 MS. FORD: Thank you, sir.
3 THE COURT: Your witness, Mr. Wise.
4 MR. WISE: Thank you, Your Honor.
5 THE COURT: Yes, sir.
6 CROSS-EXAMINATION
7 BY MR. WISE:
8 Q. Mr. Rumph, how are you?
9 A. I'm fine.
10 Q. Good. Mr. Rumph, what I want to do first is I want to
11 make sure that we understand everybody that's involved in
12 this case.
13 You mentioned a woman named Vivian Johnson; correct?
14 A. Right.
15 Q. Is that your girlfriend?
16 A. That was a lady I was socializing with.
17 Q. Okay. You and she kept company sometimes?
18 A. Yes.
19 Q. And Ms. Johnson knew that you kept a lot of money in
20 your house; correct?
21 A. Right.
22 Q. Now Sean Echols, do you know that name? You know that
23 name?
24 A. Yes.
25 Q. That's her son?

ROBERT PRESTON RUMPH - CROSS

1 A. Yes.

2 Q. Okay. And you said that you knew him before this
3 thing happened?

4 A. I loaned him some money.

5 Q. Okay. How long have you known him?

6 A. I didn't know him. I didn't -- I don't know him a
7 whole lot. I know of him.

8 Q. Okay. You said you loaned him money. How many times
9 did you loan him money?

10 A. Once.

11 Q. One time. Okay. And when did you meet him?

12 A. Matter of fact I, if I'm not mistaken he was the one
13 in jail or in prison.

14 Q. How long ago did you meet him?

15 A. I don't recall.

16 Q. Years?

17 A. No. About two or three months.

18 Q. Two or three months before this happened?

19 A. Yeah.

20 Q. Okay. Okay. And before this night had he ever been
21 to your house?

22 A. No.

23 Q. He knew -- did he know where you lived before this
24 night?

25 MS. FORD: Objection.

ROBERT PRESTON RUMPH - CROSS

1 THE WITNESS: I don't, I don't know.
2 MS. FORD: Objection, Your Honor.
3 THE COURT: He --
4 MS. FORD: He answered the question, he doesn't.
5 THE COURT: Okay. He already answered that he didn't
6 know.
7 BY MR. WISE:
8 Q. And obviously James Wright is your roommate?
9 A. Yes.
10 Q. Now do you sometimes call James Peg?
11 A. Yes.
12 Q. Is that like a nickname he goes by?
13 A. Right.
14 Q. But on the night this thing happened, you didn't know
15 Richard Sprinkle?
16 A. (Shakes head.)
17 Q. Never seen him before?
18 A. Not as I can remember.
19 Q. Okay. Now you said I think on direct examination
20 Mr -- the night this happened, Mr. Wright came in to you
21 and he said two boys want to use the phone. Is that what
22 he said to you?
23 A. That what he said.
24 Q. Okay. And you said okay, said it was okay?
25 A. I said it was okay.

ROBERT PRESTON RUMPH - CROSS

1 Q. Okay. All right. Do you remember what time this
2 happened?

3 A. I don't recall exactly what time. I think it was
4 between two and three.

5 Q. Okay. All right. Now you said you're in your bed and
6 you wake up and there's a guy in your bedroom with a gun;
7 is that right?

8 A. Right.

9 Q. Pointing it at you; right?

10 A. Yes.

11 Q. Okay. Did he wake you up when he came to the room?

12 Did he say, wake up, Mr. Rumph?

13 A. No.

14 Q. You were already awake?

15 A. I was, I was asleep. And undoubtedly he must have cut
16 the light on in my bedroom. My TV, I don't never cut it
17 off. My TV I leave on in my house 24-7 in my bedroom.

18 Q. Did you hear anything going on before he came into
19 your room?

20 A. No.

21 Q. Okay. You never heard any commotion out of
22 Mr. Wright's room before?

23 A. No.

24 Q. So Mr. Wright comes in, he wakes you up, says he wants
25 to use the phone. You go back to sleep. Next thing you

ROBERT PRESTON RUMPH - CROSS

1 know a man's in your room?

2 A. Right.

3 Q. Now I want to talk about this incident. Earlier in
4 the evening of the day this happened, did Sean Echols call
5 you to tell you he was coming over to your house?

6 A. He called me and tell me on Friday he was bringing me
7 my money I loaned him.

8 Q. Okay. And did you tell Investigator Garrison that it
9 was the small guy who hit you with -- who hit Mr. Wright
10 with the gun. Do you remember saying that?

11 A. Yes.

12 Q. Okay. The small guy hit Wright with the gun?

13 A. Right.

14 Q. Okay. And the tall guy is the guy that cut you?

15 A. Yes.

16 Q. The small guy hits Mr. Wright, the tall guy cuts you?

17 A. (Nods head.)

18 Q. When the person who came into your room with the gun
19 got the money, did he say, I got it? Did he yell that
20 to --

21 A. The other guy?

22 Q. Yes.

23 A. Yes.

24 Q. So he got the money from you and then said, I got it?

25 A. Yes.

ROBERT PRESTON RUMPH - CROSS

1 Q. And then the other guy came in?

2 A. Both of them.

3 Q. Both of them came in. When you say both of them, you
4 mean the other guy and Mr. Wright?

5 A. Yeah.

6 Q. Okay. And I think you testified that the other person
7 said -- Sean said, because we know who it is, something
8 about, don't make me kill you over this little bit of
9 money?

10 A. Not Sean. The other, the other one with the dreads.

11 Q. The dreads said that?

12 A. Yes.

13 Q. Okay. Sean said, don't disrespect my mama, I'll be
14 back?

15 A. Yes.

16 Q. Did he also say, I killed once, I'll kill again? Did
17 he say that to you?

18 A. I can't recall.

19 Q. You can't recall. Mr. Rumph, just bear with me just
20 one second. (Pause.)

21 Mr. Rumph, do you remember writing a statement for
22 Investigator Garrison?

23 A. I can't write.

24 Q. You can't write? Okay. Do you remember this
25 statement?

ROBERT PRESTON RUMPH - CROSS

- 1 A. If you read it. Can you read it for me?
- 2 Q. I can read you the whole thing but --
- 3 A. Read it..
- 4 Q. -- I just have a question about one of it. But, do
- 5 you --
- 6 A. Read it. If you read it, I'll answer you what you
- 7 want me to answer.
- 8 Q. You'll answer. When you spoke to Investigator
- 9 Garrison, do you remember telling her that the person
- 10 said, I killed once, I'll kill again?
- 11 A. I, I can't recall that.
- 12 Q. Okay. All right. You went to the hospital with
- 13 Mr. Wright?
- 14 A. Yes.
- 15 Q. Do you remember how long you were there?
- 16 A. About two hours..
- 17 Q. Two hours. Okay. Now I asked you about Vivian. The
- 18 night this happened, she called you twice; didn't she?
- 19 A. Yes.
- 20 Q. Okay. Earlier in the evening, and then she called
- 21 back later to ask if she could come over; is that right?
- 22 A. That's right.
- 23 Q. And when Vivian called you later in the evening, did
- 24 you tell her that her son had robbed you? Did you tell
- 25 her that?

ROBERT PRESTON RUMPH - CROSS

1 A. When?

2 Q. After these guys left the house, did there come a time
3 that night when you spoke to Vivian Johnson and told her,
4 your son robbed me?

5 A. No.

6 Q. You never told her that?

7 A. That happened on that Sunday morning.

8 Q. Okay.

9 A. Vivian called me. I told her, your son come in and
10 robbed me.

11 Q. Okay. And when you had that conversation with her,
12 did she ask you if Mr. Wright knew that it was her son who
13 did that?

14 A. She asked did I told anybody.

15 Q. Right. And what did you say?

16 A. Yes.

17 Q. Okay. And she asked you?

18 A. Not to tell.

19 Q. Not to tell?

20 A. Not to tell anybody that it was her son.

21 Q. Okay. And there came a point after you got back from
22 the hospital that Vivian came back to your house?

23 A. Yes.

24 Q. How long had you been home before Vivian got there?

25 A. I don't recall.

ROBERT PRESTON RUMPH - CROSS

- 1 Q. Was it more than an hour?
- 2 A. I can't remember.
- 3 Q. Okay. Do you remember telling Investigator Garrison
- 4 that it was right after you came home that she came
- 5 there? Do you remember using that expression?
- 6 A. It might have been.
- 7 Q. Okay. All right. And Mr. Rumph, are you employed?
- 8 A. No.
- 9 Q. And how do you support yourself?
- 10 A. I get -- on Disability.
- 11 Q. How much money was taken this night?
- 12 A. A little over a thousand dollars.
- 13 Q. Okay. In cash?
- 14 A. In cash.
- 15 Q. Okay. And obviously that was your cash that they
- 16 took?
- 17 A. Yes.
- 18 Q. And how much do you get on Disability?
- 19 A. I make my money playing cards. I play cards. I
- 20 gamble.
- 21 Q. Okay. I assume if you can have a thousand dollars in
- 22 cash you are a good gambler?
- 23 A. Excuse me?
- 24 Q. If you have a thousand dollars in cash in your home
- 25 you are a good gambler. You do well. You win.

ROBERT PRESTON RUMPH - CROSS

1 A. Not really.

2 Q. Okay. So having a thousand dollars, that's not good?

3 A. It's not?

4 Q. No. It was a question. It was a question. That's
5 okay. I'll withdraw it.

6 Were you playing cards the night this happened?

7 A. Yes.

8 Q. How much earlier had you been playing cards before
9 this happened?

10 A. Let me rephrase something. Also in my house where I
11 play cards at, I make money on cutting a game.

12 Q. What does that mean?

13 A. We play cards. You got to give the house a cut.

14 Q. So I'm going to back up. The night this happened, was
15 there a card game at your house?

16 A. Yes.

17 Q. How many people?

18 A. I don't know.

19 Q. Two? Three? Ten?

20 A. Might be six or seven.

21 Q. Six or seven people. What kind of card game do you
22 play?

23 A. Skin.

24 Q. Skin. And how long had this game been going on?

25 When did it start? When did it end?

ROBERT PRESTON RUMPH - CROSS

- 1 A. I can't recall.
- 2 Q. Do you remember how long it lasted? An hour? Two
3 hours? Five hours?
- 4 A. Might have been three hours.
- 5 Q. And so people are playing skin and every time they bet
6 on a hand, the house gets so much, you get so much money?
- 7 A. Yes.
- 8 Q. Okay. Were you playing?
- 9 A. Yes.
- 10 Q. Okay. So you're making money from the card game but
11 you're also making money from the house cut?
- 12 A. Right.
- 13 Q. Okay. Did you win money that night playing skin?
- 14 A. I can't recall.
- 15 Q. Okay. Do you remember at what point the card game
16 ended? Do you remember what time that was?
- 17 A. I can't recall that.
- 18 Q. Okay.
- 19 A. But then I can recall Vivian calling me asking me
20 about coming over. I told her I was in the bed.
- 21 Q. Okay. Had the card game been over for an hour, two
22 hours, three hours before this thing happened?
- 23 A. Maybe about two hours.
- 24 Q. Okay. While the person was in your room, did you tell
25 him to go to your brother's house because your brother had

ROBERT PRESTON RUMPH - CROSS

- 1 more money that belonged to you?
- 2 A. Yes.
- 3 Q. Was that true?
- 4 A. No.
- 5 Q. Okay. So you sent them to your brother's house but
- 6 your brother did not have any more money?
- 7 A. They didn't go to my brother's house.
- 8 Q. But you told them to go there for more money?
- 9 A. No. I tell them, let me go over there and get more
- 10 money from my brother.
- 11 Q. Okay. You had more money at your brother's house?
- 12 A. No.
- 13 Q. Okay. You testified that the person -- a person said,
- 14 make him talk. Do you remember saying that?
- 15 A. Yes.
- 16 Q. The person that said, make him talk, was that Sean?
- 17 Did Sean say those words?
- 18 A. Sean said them words.
- 19 Q. Okay. And that was after the money was found; is that
- 20 right?
- 21 A. Yes.
- 22 Q. Okay. So the person finds the money. Yells, I got
- 23 it. And then Sean says, make him talk?
- 24 A. Yes.
- 25 Q. Okay. All right. When Sean walked into the bedroom,

ROBERT PRESTON RUMPH - REDIRECT

1 your bedroom that night and you looked up, you knew right
2 away that was Sean; didn't you?

3 A. Sean, I didn't know him. I didn't know he was in the
4 house until he came down afterwards. The guy with the
5 dreads was in my bedroom. I didn't know Sean was in there
6 during the time.

7 Q. There came a point when Sean came into your room?

8 A. Yes.

9 Q. And when he came into your room and you looked up and
10 you saw him?

11 A. Yes.

12 Q. And you knew him when you saw him?

13 A. Right.

14 MR. WISE: Could I have one moment?

15 THE COURT: Sure.

16 MR. WISE: Just give me one second.

17 (Pause.)

18 MR. WISE: Mr. Rumph, thank you.

19 THE COURT: Anything on redirect, Ms. Ford?

20 MS. FORD: Yes, Your Honor.

21 THE COURT: Okay.

22

23 REDIRECT EXAMINATION

24 BY MS. FORD:

25 Q. Mr. Rumph, why did you tell the two boys that were

1 robbing you in your house to let you go to your brother's
2 house to get more money?

3 A. That was before I give them the money out of my coat
4 pocket in the closet.

5 Q. Okay.

6 A. Matter of fact, I was telling them about my brother
7 next door to me and about, got to him he would have
8 brought his shotgun out where he would have probably
9 killed them.

10 Q. So, that's why you said to let you go there?

11 A. Yes.

12 MS. FORD: Thank you, Mr. Rumph.

13 THE COURT: Anything on recross?

14 MR. WISE: No, Your Honor. Thank you.

15 THE COURT: All right. Mr. Rumph, you may step down.

16 Ladies and gentlemen, y'all have been listening
17 attentively and patiently. We're going to take about a
18 ten-minute break, let you stretch your legs, go to the
19 restroom if you need to.

20 Remember, you cannot begin talking about the testimony
21 that you've heard. Okay? Thank y'all.

22 (Jury exits courtroom at 4:06 p.m. A break was taken
23 until 4:18 p.m., and the trial resumed:)

24 THE COURT: State ready to proceed?

25 MS. FORD: We are.

DAVID McROY - DIRECT

1 THE COURT: Defense ready to proceed?

2 MS. ULLMAN: We are.

3 (Jury enters courtroom at 4:18 p.m.)

4 THE COURT: All right. Ladies and gentlemen,
5 appreciate your attention. We're going to continue with
6 the State's case now.

7 Ms. Ford?

8 MS. FORD: Thank you, Your Honor. State calls Deputy
9 McRoy.

10 DAVID McROY, having been duly sworn, was examined and
11 testified as follows:

12 THE CLERK: Thank you. You may have a seat. Please
13 state your name for the record.

14 THE WITNESS: David McRoy.

15 DIRECT EXAMINATION

16 BY MS. FORD:

17 Q. Deputy, where do you work?

18 A. The Orangeburg Sheriff's Department.

19 Q. How long have you been working in law enforcement?

20 A. Twenty years.

21 Q. What do you do as a deputy?

22 A. I'm a road deputy. Answer calls.

23 Q. Were you working the night of June 26, 2011?

24 A. Yes, ma'am.

25 Q. Did you respond to a call at [REDACTED] [REDACTED] [REDACTED]?

DAVID McROY - DIRECT

1 A. Yes, ma'am.

2 Q. Is that here in Orangeburg County?

3 A. Yes, ma'am.

4 Q. What did you find out about the incident at that
5 location?

6 A. I responded probably two o'clock in the morning, met
7 with two victims. The victim stated that the car had been
8 stolen and the wallets had been stolen.

9 MR. WISE: I'd object to the hearsay as to what he was
10 told.

11 THE COURT: Okay. I'm going to overrule the
12 objection. Let him testify, not for the truth of the
13 matter asserted, just what he was told, the reason why he
14 was there. Go ahead.

15 BY MS. FORD:

16 Q. Continue.

17 A. And they said that one of the victim's cars was stolen
18 and both victims had been assaulted.

19 Q. Okay. You said assaulted. How had they been
20 assaulted?

21 A. One victim had a cut across his chest. One was cut on
22 his foot, his left foot. And one I think had a cut on his
23 forearm. The other one had a big old gash on the top of
24 his head.

25 Q. The one with the cuts, was that the same victim?

DAVID McROY - DIRECT

1 A. There were two victims.

2 Q. Two victims?

3 A. Yes, ma'am.

4 Q. Okay. Can you describe what the scene looked like
5 when you got there?

6 A. When we got there it was a lot of blood. So we knew
7 it was something big so the detectives were called and
8 everything.

9 So we didn't -- I went into the first part of the
10 house. There was a lot of blood there. And one of the
11 victims came out on the front porch, and there was a lot
12 of blood. His foot was bleeding bad, but it was pretty
13 bloody the first part of the house.

14 I didn't go in the back house or anything because I
15 knew the crime scene guys were coming.

16 Q. Okay. Did you ask the victims about the suspects?

17 A. Yes, ma'am. They said that they were two black males,
18 one was about five-ten, medium build. One was about six
19 foot, medium build. They said they both had black clothes
20 on, dark clothes.

21 Q. Did you ask the victims a lot of questions about the
22 suspects?

23 A. No, ma'am. I knew the detectives were on the way so I
24 just secured the scene and cleared the scene for EMS.

25 Q. Okay. What was your priority that evening when you

DAVID McROY - CROSS

1 responded to that call?

2 A. To make sure nobody trampled all over the scene
3 because there was a lot of blood and stuff.

4 Q. And did you call EMS?

5 A. Well, when something big like this happens the
6 detectives were called out and the supervisors come,
7 everybody came. So it was a crime scene so the detectives
8 did that.

9 Q. Were you there when EMS came and took the victims?

10 A. Yes, ma'am.

11 Q. Did you follow up this investigation or did you turn
12 it over to someone else?

13 A. No, ma'am. It just goes to a detective if it's a big
14 case.

15 Q. All right. Thank you, Deputy McRoy. Please answer
16 any further questions from counsel.

17 THE COURT: Anything on cross?

18 MR. WISE: Thank you, Your Honor.

19 THE COURT: All right.

20 CROSS-EXAMINATION

21 BY MR. WISE:

22 Q. Deputy McRoy, how are you?

23 A. Good. Thank you.

24 Q. Okay. Deputy McRoy, you responded to the scene that
25 night and you spoke to Mr. Wright and Mr. Rumph and then

DAVID McROY - CROSS

- 1 you filled out an incident report; correct?
- 2 A. Yes, sir.
- 3 Q. And just explain to the jury what an incident report
- 4 is.
- 5 A. I basically document what I've been told by the two
- 6 victims.
- 7 Q. Okay. And when you say document, you write down?
- 8 A. Yes, yes.
- 9 Q. Okay. Why do you do incident reports?
- 10 A. For court purposes or to start the report, I guess, on
- 11 a case.
- 12 Q. Okay. And incident reports are important; aren't
- 13 they?
- 14 A. Yes, sir.
- 15 Q. Okay. One of the reasons you do an incident report is
- 16 so that you don't forget something?
- 17 A. Yes.
- 18 Q. Okay. Very good. I want to ask you a few questions
- 19 about your incident report. Let me ask you this. You
- 20 were told that this happened at about 2:20 in the morning;
- 21 correct?
- 22 A. Yes.
- 23 Q. Do you have your incident report with you?
- 24 A. No, sir.
- 25 Q. Would you like to see it?

DAVID McROY - CROSS

1 A. Please.

2 Q. Okay.

3 MR. WISE: May I approach the witness, Your Honor?

4 THE COURT: You may.

5 BY MR. WISE:

6 Q. (Document handed to witness.) And that is your
7 incident report from that night?

8 A. Yes, sir.

9 Q. Okay. Now, your incident report does not show any
10 forced entry; correct?

11 A. No, sir.

12 Q. Okay. And where it says, was there forced entry, you
13 checked no?

14 A. Yes, sir.

15 Q. Okay. Very good. And you don't have any names of
16 people who were involved in this?

17 A. No, sir.

18 Q. No Ricky, no Sean, no Richard, no nothing?

19 A. No, sir.

20 Q. Okay. One is described actually as unknown?

21 A. Yes, sir.

22 Q. And the other space for the suspect is just left
23 blank?

24 A. Yes, sir.

25 Q. Okay. And where on the incident report you are asked

DAVID McROY - REDIRECT

1 if the subjects have been identified, you checked no?

2 A. Yes, sir.

3 Q. Okay. You do have descriptions for the height and the
4 weight, the hair, the eyes, the race, the sex, the age and
5 the clothes; correct?

6 A. Yes, sir.

7 Q. You have all of that information?

8 A. Yes, sir.

9 Q. But no names?

10 A. Yes, sir.

11 Q. Okay. So when you left the house that night you were
12 looking for two unknown individuals?

13 A. Yes, sir.

14 MR. WISE: Thank you.

15 THE WITNESS: Thank you.

16 THE COURT: Anything on redirect?

17 MS. FORD: Beg the Court's indulgence, Your Honor.

18 THE COURT: Yeah. Take your time.

19 MS. FORD: Just briefly.

20 REDIRECT EXAMINATION

21 BY MS. FORD:

22 Q. Deputy McRoy, did you inquire of these victims
23 anything other than a general description?

24 A. No, ma'am.

25 Q. And why not?

DAVID McROY - RECROSS

1 A. Like I said, it was a big case. And I knew the
2 detectives were coming. And one of them had a big old
3 gash on his head, one was bleeding out of his foot so I
4 didn't want to aggravate them. And I just knew the
5 detectives were coming and were going to follow up on it.
6 So I just got the basic initial stuff I needed for the
7 report and --

8 MS. FORD: Thank you, Deputy.

9 THE COURT: Anything on recross?

10 MR. WISE: Just one question.

11 RECROSS-EXAMINATION

12 BY MR. WISE:

13 Q. Deputy, you didn't want to aggravate them. Did you
14 think finding out who did this to them would aggravate
15 them?

16 A. Did I think it would aggravate them?

17 Q. Yeah.

18 A. No, sir.

19 MR. WISE: Thank you.

20 THE COURT: All right. Thank you, sir. You may step
21 down. Appreciate it. Be careful stepping down.

22 THE WITNESS: All right.

23 THE COURT: Who's next?

24 MS. FORD: The State would call Investigator Lori
25 Garrison.

LORI GARRISON - DIRECT

1 LORI ANN LEWIS GARRISON, having been duly sworn was
2 examined and testified as follows:

3 THE CLERK: Thank you. You may have a seat. State
4 your name for the record.

5 THE WITNESS: Lori Ann Lewis Garrison.

6 DIRECT EXAMINATION

7 BY MS. FORD:

8 Q. Good afternoon, Investigator.

9 A. Good afternoon.

10 Q. Where are you employed?

11 A. I'm employed with the Orangeburg County Sheriff's
12 Office.

13 Q. How long have you been in law enforcement,
14 Investigator?

15 A. I've been in law enforcement for approximately 15
16 years.

17 Q. Okay. What do you do as an investigator, generally?

18 A. We investigate criminal offenses.

19 Q. Okay.

20 A. Major crimes.

21 Q. Yes, ma'am. Did you investigate an incident that took
22 place on June 26 of 2011?

23 A. Yes, I did.

24 Q. Where did that incident take place?

25 A. [REDACTED] [REDACTED] [REDACTED].

LORI GARRISON - DIRECT

1 Q. And what did you learn about that incident? What
2 happened?

3 A. What I learned about that incident is that two black
4 males came into that residence with -- under the pretense
5 of using a phone based on an assumption.

6 MR. WISE: Your Honor, can we interject the same
7 objection as to hearsay?

8 THE COURT: Hearsay?

9 MR. WISE: Yes.

10 THE COURT: And I'm going to overrule that objection.
11 It's being introduced not for the truth of what she's
12 saying. It's just what she was told while she was
13 investigating the scene.

14 Okay. Thank you.

15 MR. WISE: Thank you, Your Honor.

16 BY MS. FORD:

17 Q. Please continue.

18 A. Two black males entered the residence with the
19 pretense of using the telephone from the victims, Robert
20 Rumph and James Wright.

21 Upon them entering the home, the victims were brutally
22 assaulted. There was blood all over the residence from
23 the, from the starting point all the way into the
24 bedrooms.

25 In Mr. Rumph's bed there was also a pool of blood and

LORI GARRISON - DIRECT

- 1 pools of blood throughout the hall.
- 2 Q. Okay. So obviously you learned that the victims were
- 3 assaulted?
- 4 A. Yes.
- 5 Q. Did anything else happen to the victims?
- 6 A. The victims were robbed. And Robert Rumph's car was
- 7 taken at that time.
- 8 Q. Did you know what they had been robbed of or what had
- 9 been stolen from them?
- 10 A. At the time it was money.
- 11 Q. Okay. Did you meet with the victims that night?
- 12 A. Yes. I spoke to them briefly at their home. Because
- 13 of their injuries we wanted to make sure that they were
- 14 taken care of, so the ambulance was called in. They went
- 15 straight to the hospital.
- 16 Q. What types of injuries did the victims have,
- 17 Investigator?
- 18 A. Okay. Mr. Wright had several deep lacerations to his
- 19 head, bumps and bruises to his head. Mr. Rumph had
- 20 several cuts to his foot, his arm, his legs and his
- 21 abdomen.
- 22 Q. Investigator, did you go to the Regional Medical
- 23 Center?
- 24 A. Yes, I did.
- 25 Q. Okay. Did you happen to take any pictures of the

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1 victims and their injuries?

2 A. Yes, I did.

3 MS. FORD: Your Honor, may I approach?

4 THE COURT: You may.

5 BY MS. FORD:

6 Q. Investigator, I'm going to show you what's been marked
7 State's Exhibit Nine, Ten, 11 and 12. Can you identify
8 these for the Court?

9 A. This is a picture of Mr. Wright at the hospital.
10 Trying to depict his lip, but you can't see it really
11 good. It was a deep laceration to his lip.

12 This is also Mr. Wright, his head. Had injury to his
13 head. After he'd been cleaned up some from the hospital.

14 Also Mr. Wright, his head, another head injury. All
15 of these are Mr. Wright's head injuries at that time which
16 had been cleaned up since the time that I saw him at the
17 house.

18 Q. Did they look like that at the house?

19 A. No. They were -- it was blood everywhere. It was
20 blood all over them, so they had to get cleaned up.

21 Q. Did you take these pictures, Investigator?

22 A. Yes, I did.

23 Q. And do these pictures accurately depict what the
24 victim, Mr. James Wright, looked like after they were
25 cleaned up at the hospital?

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1 A. Yes, ma'am.

2 MS. FORD: Your Honor, at this time the State would
3 offer into evidence State's Exhibit Nine, Ten, 11 and 12
4 which have been pre-marked, Your Honor.

5 THE COURT: Any objection?

6 MR. WISE: No objection, Your Honor.

7 THE COURT: State's Nine, Ten, 11 and 12 are in
8 evidence without objection.

9 (Thereupon, State's Exhibit Nos. 9, 10, 11 and 12,
10 photographs, were received into evidence.)

11 BY MS. FORD:

12 Q. Did you happen to take any other pictures that
13 evening, Investigator Garrison?

14 A. Yes, I did. I also took pictures of Mr. Rumph.

15 Q. Investigator, I'm going to show you what's been marked
16 State's Four, Five, Six, Seven and Eight. Can you
17 identify these for the Court?

18 A. This is Mr. Rumph's foot after it was -- stitches.

19 Mr. Rumph's arm after stitches.

20 This is his leg after it has been cleaned.

21 His abdomen.

22 Q. Investigator, can I stop you? Can you refer based on
23 the numbers --

24 A. Oh, I'm sorry.

25 Q. -- what each -- that's okay. Just refer to the number

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1 and what you're describing, please.

2 A. Okay. This is picture Number Eight. This is
3 Mr. Rumph's foot after it has --

4 MR. WISE: Your Honor, until these are moved into
5 evidence, I think she should not publish them to the jury.

6 THE COURT: First of all, Investigator Garrison, what
7 she wants to know is can you identify them.

8 THE WITNESS: Yes. Uh-huh.

9 THE COURT: And then she's going to ask you another
10 follow-up question. And then after that if everything's
11 in order, then you can publish them to the jury.

12 THE WITNESS: Okay.

13 THE COURT: I'm sorry.

14 THE WITNESS: Number Eight is a picture of Mr. Rumph's
15 foot after it has been cleaned up and stitches by the
16 hospital.

17 His abdomen area that has been cut.

18 BY MS. FORD:

19 Q. And what number was that, Investigator?

20 A. I'm sorry. Number Seven.

21 Q. Okay.

22 A. Number Four, picture of the foot, Mr. Rumph's.

23 Picture of Mr. Rumph's legs that was cut.

24 Q. And what number was that, Investigator?

25 A. I'm sorry. Number Six.

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1 Q. Thank you.

2 A. And this is picture Number Five, a picture of
3 Mr. Rumph's arm after it has been cleaned up and stitched
4 from the hospital.

5 Q. Investigator, do these pictures marked State's Four,
6 Five, Six, Seven and Eight accurately depict the injuries
7 sustained by Mr. Rumph on the night of June 26, 2011?

8 A. Yes.

9 Q. And you also took these pictures?

10 A. Yes, I did.

11 MS. FORD: Your Honor, at this time the State would
12 move into evidence what's been marked State's Five, Six,
13 Seven, Eight and Four, Your Honor.

14 THE COURT: Any objection?

15 MR. WISE: Can I see these, Your Honor?

16 MS. FORD: (Documents handed to defense counsel.)

17 MR. WISE: Your Honor, as to State's Exhibit Five, can
18 I voir dire this witness very briefly?

19 THE COURT: You can ask her about it.

20 MR. WISE: Yes. Just ask her before --

21 THE COURT: What, I'll do is I'll hold that out until
22 you get a chance to cross-examine.

23 MR. WISE: No objections to the rest of them.

24 THE COURT: Four, Six, Seven and Eight are in without
25 objections, and we'll come back to Four (sic) after your

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1 cross-examination.

2 MS. FORD: Yes, sir. Thank you, Your Honor.

3 THE COURT: Thank you.

4 (Thereupon, State's Exhibit Nos. 4, 6, 7 and 8,
5 photographs, were received into evidence.)

6 BY MS. FORD:

7 Q. Investigator, did you get the opportunity to talk with
8 the victims about what happened to them that night?

9 A. Yes, I did.

10 Q. What did you learn from the victims?

11 A. As stated, what I learned from the victims that two
12 black males entered their home and assaulted them to the
13 point where they needed medical attention from the
14 hospital.

15 Q. Did they give you a description of the subjects?

16 A. Yes, they did. Both described as dark-skin male.

17 Mr. Wright stated that one subject was a little taller
18 than him, clean cut. The other subject was shorter, a
19 little shorter than the other subject and he had long
20 dreads, shoulder-length dreads.

21 Q. Okay. Did either of the victims know the subjects?

22 A. Yes. Mr. Wright stated that he knew the subject from
23 frequenting a place called the Corner Pocket.

24 Q. Which one? The one --

25 A. Mr. Wright.

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1 Q. Okay. And which subject did he say that he knew from
2 the Corner Pocket?

3 A. Oh. He said that he knew the subject by frequenting
4 the Corner Pocket, and the name he said was Rick or Ricky.

5 Q. Was this the one with the dreads or --

6 A. With the dreads --

7 Q. -- or shorter hair?

8 A. -- uh-huh.

9 Q. Okay. Did Mr. Rumph know either of them?

10 A. Yes. Mr. Rumph stated that he was seeing a lady named
11 Vivian and that the other subject was her son, Sean
12 Echols.

13 Q. Based on that information that you received from the
14 victims, what did you do?

15 A. Based on that information I went and obtained a photo
16 lineup. And from there I showed it to Mr. Wright and
17 Mr. Rumph.

18 Q. Investigator, I'm going to show you what has been
19 marked State's Exhibit One.

20 A. Okay.

21 Q. Can you identify that?

22 A. This is the photo lineup of Mr. Sprinkle, Richard
23 Sprinkle.

24 Q. Okay. And who did you show that to?

25 A. I showed it to both victims.

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1 Q. That one in particular?

2 A. Not the same -- similar pictures to both victims.

3 Q. That one in particular, was that shown to Mr. Wright
4 or was that shown to Mr. Rumph?

5 A. This was shown to Mr. Wright.

6 Q. Okay. When -- when did you show that to Mr. Wright?

7 A. The next day.

8 Q. Okay. And where did you show it to him?

9 A. At his house.

10 Q. How many photos are in that lineup, Investigator?

11 A. There are six photos in the lineup.

12 Q. And what did you say to Mr. Wright regarding that
13 lineup?

14 A. I showed Mr. Wright the lineup. I asked him, I asked
15 him to look at the pictures carefully and see if he
16 recognized anybody in the photo.

17 Q. Okay. And was Mr. Wright able to identify anyone in
18 the photo?

19 A. Yes. Immediately he identified picture number two.

20 Q. Picture number two. Did you suggest that he should
21 pick --

22 A. No, ma'am.

23 Q. -- picture number two?

24 A. No, ma'am. I didn't; no, ma'am.

25 Q. And whose photo was selected?

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1 A. Richard Sprinkle.

2 Q. Is that person in the courtroom, Investigator?

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

4 Q. Can you point him out?

5 A. He's right there.

6 Q. You said that Mr. Wright immediately picked --

7 A. Immediately.

8 Q. -- picture two?

9 A. Yes, ma'am.

10 Q. Did you show Mr. Wright any other photo lineups?

11 A. Yes, ma'am.

12 I showed Mr. Wright a photo lineup that contained a
13 photo of Mr. Sean Echols.

14 Q. Okay.

15 MS. FORD: Your Honor, at this time the State would
16 move into evidence what's been marked State's Exhibit One,
17 photo lineup.

18 MR. WISE: No objection, Your Honor.

19 THE COURT: State's One is in evidence without
20 objection.

21 (Thereupon, State's Exhibit No. 1, photo lineup, was
22 received into evidence.)

23 BY MS. FORD:

24 Q. Investigator, can you identify what's been marked
25 State's Exhibit Two?

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1 A. It is a photo lineup with a picture of Sean Echols in
2 it.

3 Q. And what did you say regarding that lineup,
4 Investigator?

5 A. The same as before; to look at the pictures carefully
6 and determine if he can identify anybody in the picture.

7 Q. And was he able to identify anyone?

8 A. Yes. Picture number two which is Sean Echols.

9 Q. And did he circle that?

10 A. Yes, he circled that and he initialed.

11 Q. Thank you, Investigator.

12 MS. FORD: Your Honor, at this time the State would
13 move into evidence as State's Exhibit Two.

14 MR. WISE: No objection.

15 THE COURT: No objection, State's Two is in without
16 objection, in evidence without objection.)

17 (Thereupon, State's Exhibit No. 2, photo lineup, was
18 received into evidence.)

19 BY MS. FORD:

20 Q. So, Investigator, Mr. Wright was able to identify
21 through a photo lineup both Richard Sprinkle and Sean
22 Echols as the people that came into his house and robbed
23 him?

24 A. Yes.

25 Q. How about Mr. Robert Rumph, did you show him any

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1 lineups?

2 A. Yes, I showed him pictures of similar lineups.

3 Q. Investigator, I'm going to show you what's been marked
4 State's Exhibit Three. What is that?

5 A. That is a photo lineup depicting Sean Echols in one of
6 the pictures.

7 Q. And that's the one that you showed to Mr. Robert
8 Rumph?

9 A. Yes.

10 Q. And is Mr. Echols identified in that lineup?

11 A. Yes, he is.

12 Q. Okay. And how was that done?

13 A. He was, his picture was circled and Mr. Rumph
14 initialed, initialed the picture.

15 Q. Thank you, Investigator.

16 MS. FORD: Your Honor, at this time the State would
17 move into evidence what's been marked State's Exhibit
18 Three, photo lineup, Your Honor.

19 THE COURT: Hold on one second, please.

20 MR. WISE: No objection.

21 THE COURT: State's Three is in evidence without
22 objection.

23 (Thereupon, State's Exhibit No. 3, photo lineup, was
24 received into evidence.)

25 BY MS. FORD:

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1 Q. Did you show Mr. Robert Rumph any other lineups,
2 Investigator?

3 A. Yes, I did.

4 Q. Okay. Did he pick anyone out of those lineups?

5 A. No, he did not.

6 Q. Did he give a description of the other suspect?

7 A. Yes. He said that the man was shorter and had dreads
8 and dark skin.

9 Q. And based on all of this that you learned, what did
10 you do?

11 A. From there I obtained warrants for Sean Echols and --

12 Q. The Defendant?

13 A. -- Sprinkle. Right.

14 Q. Mr. Sprinkle. And what was Mr. Sprinkle ultimately
15 charged with, Investigator?

16 A. He was charged with two counts of armed robbery, two
17 counts of attempted murder and one count of burglary.

18 Q. In the first degree?

19 A. First degree, yes.

20 MS. FORD: Beg the Court's indulgence, Your Honor?

21 (Pause.)

22 Thank you, Investigator. If you'll answer any
23 questions of Mr. Wise.

24 CROSS-EXAMINATION

25 BY MR. WISE:

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1 Q. Investigator Garrison, how are you?

2 A. Good. How are you?

3 Q. Investigator, let me start with State's Exhibit Five.

4 Let me clear up one thing.

5 A. Okay.

6 Q. What body part is that?

7 A. His arm.

8 Q. Are you sure?

9 A. Yes.

10 Q. Thank you. The night that you responded here, you
11 spoke to Mr. Rumph and Mr. Wright at the hospital;
12 correct?

13 A. Correct.

14 Q. You didn't really do anything, you didn't do an
15 in depth interview at the house?

16 A. No. We wanted to take care of their injuries.

17 Q. Okay. And when you spoke to them at the hospital,
18 Mr. Wright said the person was either Rick or Ricky; is
19 that correct? Am I correct?

20 A. Yes, uh-huh.

21 Q. Okay. I'm sorry.

22 Mr. Wright told you that when this happened one guy
23 followed him into his bedroom and hit him with a pistol;
24 correct?

25 A. If I can recall from the statement, yes, uh-huh.

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1 Q. Okay. These photo arrays have sheets that accompany
2 them, don't they, where the people sign?

3 A. Yes.

4 Q. Do you have those sheets with you?

5 A. I don't have them with me.

6 Q. Do you have them in your folder?

7 A. Yes.

8 Q. Would you retrieve them for me? With the Court's
9 permission?

10 THE COURT: Sure. I think she's going to hand it to
11 her.

12 MS. FORD: (Folder handed to the witness.)

13 BY MR. WISE:

14 Q. Can you show me the sheets that accompany or the
15 sheets that were signed by Mr. Wright?

16 A. Okay. This one. (Document handed to counsel.)

17 Q. Now, do you know which lineup this accompanies?

18 A. Which one do you have?

19 Q. (Displaying document.)

20 A. It should be this one.

21 Q. Okay. Can I see that?

22 A. Uh-huh. (Document handed to counsel.)

23 Q. Do you have another sheet like this that was signed by
24 Mr. Wright?

25 A. (Document handed to counsel.)

LORI GARRISON - CROSS

1 Q. Okay. Give that back to you. And this sheet
2 accompanies which photo array?

3 A. That should be this one here (pointing).

4 Q. Okay. So, and this is -- I'm looking now at State's
5 Exhibit Two; correct?

6 A. Yes.

7 Q. And the person circled in State's Exhibit Two is Sean
8 Echols?

9 A. Yes.

10 Q. And what Mr. Wright said about the photo in State's
11 Exhibit Two is this is the man that hit me with the gun
12 about the head and face area?

13 A. That's what was stated.

14 Q. So Mr. Wright said Mr. Echols hit him with a gun?

15 A. That's what was stated at that time.

16 Q. Okay. I'll give that back to you. Okay.

17 And when you first met Mr. Wright, he said to you that
18 he went to the door and he saw two guys. That was his
19 description; correct?

20 A. Right.

21 Q. Okay. Investigator Garrison, did you attend the
22 preliminary hearing in this matter?

23 A. I believe I did.

24 Q. Were you present for a conversation between
25 Mr. Sprinkle and Mr. Rumph?

LORI GARRISON - CROSS

1 A. Between Mr. Sprinkle --

2 Q. And Mr. Rumph?

3 A. -- and Mr. Rumph?

4 Q. Yes, at the preliminary hearing?

5 A. Not that I did recall.

6 Q. You never --

7 A. A conversation between the two of them?

8 Q. Yes, ma'am. Let me be more specific.

9 A. Okay.

10 Q. At the preliminary hearing, did you hear Mr. Sprinkle
11 say to Mr. Rumph -- or, I'm sorry. Let me rephrase it.

12 Did you hear Mr. Rumph say to Mr. Sprinkle that he
13 knows he didn't do anything to him? Did you hear
14 Mr. Rumph say that to Mr. Sprinkle at the preliminary
15 hearing?

16 A. No, sir.

17 Q. All right. And between Mr. Rumph and Mr. Sprinkle,
18 who's taller?

19 A. Between Mr --

20 Q. I'm sorry. Thank you. Between Mr. Echols and
21 Mr. Sprinkle, who is taller?

22 A. I believe it's Mr. Echols.

23 Q. During the course of your investigation you collected
24 a DNA sample from Mr. Sprinkle; correct?

25 A. Yes. From both, from Mr. Echols and Mr. Sprinkle,

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1 yes.

2 Q. Did Mr. Wright ever tell you about some interaction
3 between he and Mr. Sprinkle at the Bojangles earlier in
4 the evening?

5 A. No, sir.

6 Q. Okay.

7 MR. WISE: Your Honor, can I have one moment?

8 THE COURT: Sure.

9 (Pause.)

10 BY MR. WISE:

11 Q. In your conversation with Mr. Rumph, did he tell you
12 that Sean said to him that night, I killed once and I'll
13 kill again?

14 A. Yes, sir.

15 Q. Mr. Rumph did tell you that Sean said that?

16 A. He said, he said that he believed it was, right. Her
17 son, right. Yes.

18 Q. Okay. And your investigation revealed that there was
19 one gun and one knife but no other weapons?

20 A. Correct.

21 Q. Okay. Investigator Garrison, one more moment, please.

22 (Pause.)

23 It's your testimony you only showed Mr. Wright photo
24 arrays on one occasion?

25 A. Say that again now.

1 Q. Your recollection is you only showed Mr. Wright one
2 set of photo arrays? You only showed him -- you went out
3 one time with pictures?

4 A. Two. Two separate times. I can say that.

5 Q. All right. Okay.

6 MR. WISE: Investigator Garrison, thank you.

7 THE COURT: Anything on redirect?

8 MS. FORD: Yes, sir, Your Honor.

9 State would renew our motion to move into evidence
10 State's Exhibit Five, Your Honor.

11 THE COURT: Any objection?

12 MR. WISE: No.

13 THE COURT: State's Five is in evidence without
14 objection.

15 MS. FORD: Thank you, Your Honor.

16 (Thereupon, State's Exhibit No. 5, photograph, was
17 received into evidence.)

18 MS. FORD: No further questions.

19 THE COURT: Anything on recross?

20 MR. WISE: No, Your Honor.

21 THE COURT: State ready to call its next witness?

22 MS. FORD: Yes, sir, we are.

23 THE COURT: Okay.

24 MS. FORD: The State will call Investigator Thrower.

25 JOHNNY THROWER, having been duly sworn, was examined

JOHNNY THROWER - DIRECT

1 and testified as follows:

2 THE CLERK: Thank you. You may have a seat. Please
3 state your name again for the record.

4 THE WITNESS: Johnny Thrower.

5 DIRECT EXAMINATION

6 BY MS. FORD:

7 Q. Good afternoon, Investigator.

8 A. How are you doing?

9 Q. I'm good. Thank you. Where do you work?

10 A. I'm an investigator with the Orangeburg County
11 Sheriff's Office.

12 Q. How long have you been in law enforcement?

13 A. I've been in law enforcement for 15 years. I've been
14 with the sheriff's office approximately three years.

15 Q. Okay. And what do you do as an investigator?

16 A. I'm a narcotics investigator with special operations.
17 I also do criminal investigation.

18 Q. Did you ever meet with Richard Sprinkle in January of
19 this year?

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

21 Q. How did that meeting come about?

22 A. Mr. Sprinkle had made several requests to talk to me.
23 He called the office collect a few times and people at the
24 jail, workers at the jail let me know that he wanted to
25 speak with me.

JOHNNY THROWER - DIRECT

1 Q. Okay. So you did meet with him?

2 A. Yes, ma'am.

3 Q. Where did that meeting take place?

4 A. It took place at the criminal investigations division
5 office on Chestnut, here in Orangeburg.

6 Q. Who all was present for your meeting with
7 Mr. Sprinkle?

8 A. Myself and Investigator John Stokes.

9 Q. Okay. When you met with Mr. Sprinkle, did you advise
10 him of his Miranda rights?

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

12 Q. What rights did you advise him of?

13 A. I told Mr. Sprinkle that he had the right to remain
14 silent, anything that he said can and will be used against
15 him in a court of law. I told him that he had a right to
16 an attorney. If he couldn't afford an attorney one would
17 be appointed to him.

18 I also let him know that he had a right to stop
19 answering questions or anything at any time while he was
20 there to seek counsel from a lawyer.

21 Q. When you read Mr. Sprinkle his rights, did he appear
22 to be under the influence of any drugs or alcohol or
23 anything that would impair his ability to understand --

24 A. No, ma'am.

25 Q. -- your --

JOHNNY THROWER - DIRECT

- 1 A. No, ma'am, he didn't.
- 2 Q. Did he appear to have any mental or physical defects
3 that would impair his judgment?
- 4 A. No, ma'am. Not at all.
- 5 Q. After you gave Mr. Sprinkle his rights, did he want to
6 talk with you?
- 7 A. Yes, ma'am.
- 8 Q. Did you have any idea what he wanted to talk to you
9 about?
- 10 A. Absolutely not.
- 11 Q. Let me ask you, Investigator, did you have
12 Mr. Sprinkle sign a waiver of rights form?
- 13 A. No, ma'am; I didn't.
- 14 Q. Why not?
- 15 A. During the time, I had no idea what he wanted to talk
16 about. I didn't know him.
- 17 Q. Okay. So this meeting was entirely at Mr. Sprinkle's
18 request?
- 19 A. Yes, ma'am.
- 20 Q. Okay. Did Mr. Sprinkle make any statements when you
21 met with him?
- 22 A. Yes, ma'am. He did.
- 23 Q. What did he say?
- 24 MR. WISE: Objection, Your Honor. We would renew our
25 objection.

JOHNNY THROWER - DIRECT

1 THE COURT: I'll note your objection on the record. I
2 also note my -- overrule your objection so that it's
3 preserved for the record.

4 MR. WISE: Thank you, Your Honor.

5 BY MS. FORD:

6 Q. What did Mr. Sprinkle say?

7 A. He told me about a home invasion that him and Sean
8 Echols actually participated in. And he told me that he
9 did go to a residence with Sean. And after they got
10 inside of the residence, Sean started to assault a guy
11 there. And, you know, he basically was scared at that
12 point and he left the residence.

13 Q. Okay. Mr. Sprinkle admitted being at a residence?

14 A. Yes, ma'am.

15 Q. And left?

16 A. Yes, ma'am.

17 Q. According to what he said to you?

18 A. Yes, ma'am.

19 Q. What else did he say?

20 A. He said, you know, that there was, you know, a third
21 person there. It was Sean's mom. He said, you know,
22 during the time, you know, he was on drugs or what have
23 you and, you know, that's why he went.

24 Q. Okay. Did he make any further statements,
25 Investigator?

JOHNNY THROWER - DIRECT

1 A. No, ma'am.

2 Q. Okay. Did he ever stop and ask for his lawyer?

3 A. No, ma'am.

4 Q. Did he ever say, stop, I don't want to talk to you any
5 more?

6 A. No, ma'am.

7 Q. Did you interrogate him about what he was saying?

8 A. No, ma'am, I didn't.

9 Q. Did you handle the investigation that he was
10 referencing, the home invasion he was referencing?

11 A. No, ma'am.

12 Q. But were you aware what he was referencing?

13 A. Well, I mean, I kind of heard about it, but as far as
14 the details of it and, you know, everything, no, I wasn't
15 aware of any detail about it.

16 Q. And after Mr. Sprinkle made these statements, what did
17 you do next?

18 A. Took him back to the jail.

19 Q. Did you notify anyone?

20 A. Myself and Investigator Stokes, you know, we told
21 Investigator Garrison that she needed to, you know,
22 probably talk with him.

23 Q. Thank you, Investigator. Please answer any questions
24 that Mr. Wise is going to ask you.

25 THE COURT: Your witness, Mr. Wise.

JOHNNY THROWER - CROSS

1 MR. WISE: Thank you, Your Honor.

2 THE COURT: Yes, sir.

3 CROSS-EXAMINATION

4 BY MR. WISE:

5 Q. Investigator Thrower, how are you?

6 A. I'm fine, Mr. Wise. How are you?

7 Q. Investigator, I am well.

8 So, you get Mr. Sprinkle, you take him back, and he
9 makes a statement. I just want to understand a couple of
10 things.

11 He said there were three people present; correct?

12 A. That's correct.

13 Q. Okay. And he says he didn't do anything?

14 A. According to the statement that he gave; yes, sir.

15 Q. That's what he said?

16 A. Yes, sir.

17 Q. Okay.

18 A. Yes, sir.

19 Q. But he did say that Echols was one of the people who
20 did do something?

21 A. Yes, sir.

22 Q. So based on his statement, based on his statement
23 three people there, two people do something, one person
24 didn't do anything, according to what he told you?

25 A. Based on his statement, Sean Echols did something. He

JOHNNY THROWER - CROSS

1 never said anything about what the third person did.

2 Q. All right. But according to his statement, he was
3 there and then when Sean Echols started assaulting someone
4 he took off?

5 A. That's correct.

6 Q. Okay. Did he say during the course of his statement
7 that he went to the house at Sean's request?

8 A. He could have. I don't recall whether he did or not.

9 Q. Now you made the statement or you testified that -- I
10 think you said, he said he was on drugs, that's why he
11 went?

12 A. That's correct.

13 Q. Did he say what he meant by that?

14 A. He said he was a crack head.

15 Q. Did he say that he went there for drugs?

16 A. I don't recall if he said that or not.

17 Q. Okay. Let me be specific. He didn't say, because of
18 my drug habit I went there to rob these people?

19 A. No, sir. I don't recall him saying that.

20 Q. Okay. What he says, he was there, he didn't do
21 anything?

22 A. That's correct.

23 Q. Okay. Did he also tell you that he was afraid of Sean
24 Echols?

25 A. Yes, sir. He did mention that.

JOHNNY THROWER - REDIRECT

1 Q. Okay. Did he tell you if he ever had a weapon?

2 A. No, sir. He never said he had a weapon.

3 Q. Okay. Did he ever say he hit anybody?

4 A. No, sir. He never said he hit anybody.

5 Q. So when people, the first time -- according to his
6 statement the first time something bad started happening
7 he says he got scared and he left?

8 A. According to the statement that he gave me; yes, sir.

9 Q. Okay.

10 MR. WISE: Can I have one moment, Your Honor?

11 THE COURT: Sure.

12 (Pause.)

13 BY MR. WISE:

14 Q. Mr. Thrower, let me ask you one last question.

15 A. Yes, sir.

16 Q. Do you remember Mr. Sprinkle saying this to you, that
17 he went to the house to test drugs? Do you remember him
18 saying that?

19 A. If he did I don't recall him saying that.

20 Q. Okay. Thank you, Investigator.

21 THE COURT: Ms. Ford, anything on Redirect?

22 MS. FORD: Briefly, Your Honor.

23 REDIRECT EXAMINATION

24 BY MS. FORD:

25 Q. Investigator, when did you meet with Mr. Sprinkle?

JOHN C STOKES - DIRECT

1 A. I believe it was January. Sometime in January, at the
2 end of January; I'm not sure of the exact date.

3 Q. Okay. But was that, what year?

4 A. This year.

5 Q. Are you aware of when the home invasion that he was
6 talking about, are you aware of when that happened?

7 A. The exact date? No, ma'am. I'm not sure.

8 Q. Was it recently or was it --

9 A. It may have been in the last, maybe year or so.

10 I'm -- like I said, I didn't investigate the case so I'm
11 not sure.

12 MS. FORD: Thank you, Investigator.

13 THE COURT: Anything on recross?

14 MR. WISE: No, Your Honor.

15 THE COURT: Thank you, sir. You may step down. Is
16 the State prepared to call its next witness?

17 MS. FORD: We are, Your Honor. The State would call
18 Investigator Stokes.

19 JOHN C. STOKES, having been duly sworn, was examined
20 and testified as follows:

21 THE CLERK: Have a seat, state your name for the Court.

22 THE WITNESS: My name is John C. Stokes.

23 DIRECT EXAMINATION

24 BY MS. FORD:

25 Q. Good afternoon, Investigator.

JOHN C STOKES - DIRECT

- 1 A. How are you doing?
- 2 Q. Where do you work?
- 3 A. Orangeburg County Sheriff's Office.
- 4 Q. How long have you worked at the sheriff's office,
- 5 Investigator?
- 6 A. Nine going on ten years.
- 7 Q. Have you ever met Richard Sprinkle?
- 8 A. Yes.
- 9 Q. When have you met with him?
- 10 A. I don't remember the exact date but it was sometime in
- 11 January of this year.
- 12 Q. Of this year, okay. How did that come about, the
- 13 meeting with him?
- 14 A. Well, Mr. Sprinkle had expressed several times he
- 15 wanted to talk to Investigator Thrower about something
- 16 that we didn't know exactly what he wanted to talk about.
- 17 And also Mr. Sprinkle had called our office, criminal
- 18 investigations, on numerous times, collect calls to speak
- 19 to someone.
- 20 Q. So eventually you all met with him?
- 21 A. Yes.
- 22 Q. Did you advise Mr. Sprinkle of his rights?
- 23 A. (Shakes head.)
- 24 Q. Do you know if Investigator Thrower did?
- 25 A. Investigator Thrower stated he verbally gave him his

JOHN C STOKES - DIRECT

1 Miranda rights, yes.

2 Q. Okay. Did Mr. Sprinkle appear to be under the
3 influence of drugs or alcohol or have any mental or
4 physical disabilities that would affect him understanding
5 what his rights were?

6 A. No.

7 Q. Eventually did Mr. Sprinkle decide that he wanted to
8 speak with you and Investigator Thrower?

9 A. Yes.

10 Q. Okay. And what did he say?

11 MR. WISE: Same objection.

12 THE COURT: Noted for the record. Your earlier
13 objection and my earlier rulings are preserved on the
14 record. Thank you, sir.

15 MR. WISE: Thank you.

16 BY MS. FORD:

17 Q. What did he say, Investigator?

18 A. Oh, he said that an incident took place on some type
19 of home invasion that took place on [REDACTED] [REDACTED]. And that
20 he was there with Sean Echols but his mama was the third
21 person. He said that he was there. He got afraid -- got
22 scared when the assault was taking place and he ran out
23 the house.

24 Q. Okay. Did he say anything else?

25 A. He expressed some concerns about being in the

JOHN C STOKES - DIRECT

1 detention center. He said he was receiving some
2 threatening, some threatening-type things from Mr. Echols
3 and he was, wished to be removed from Orangeburg Detention
4 Center.

5 Q. Okay. Anything else? Or was that basically the
6 extent?

7 A. That's basically, that's basically it.

8 Q. Did he ever stop and say, I want to talk to a lawyer?

9 A. No.

10 Q. Did he ever say, I don't want to talk to you?

11 A. No.

12 Q. Did you handle the investigation --

13 A. No.

14 Q. -- of that home invasion on [REDACTED] [REDACTED]?

15 A. No, I didn't.

16 MS. FORD: Beg the Court's indulgence.

17 (Pause.)

18 BY MS. FORD:

19 Q. When you said that Mr. Sprinkle was calling
20 repeatedly, did those calls, were they followed quickly by
21 you all meeting with him or --

22 A. No.

23 Q. -- was it a long period of calls?

24 A. It was a long period before we actually met with him.

25 Q. Okay. Would you say several days? Several weeks?

JOHN C STOKES - CROSS

1 A. Probably several weeks.

2 Q. Okay.

3 MS. FORD: Thank you. Please answer any questions
4 that Mr. Wise may have.

5 THE COURT: Mr. Wise?

6 CROSS-EXAMINATION

7 BY MR. WISE:

8 Q. How are you, sir? Thank you, Your Honor.

9 A. Good.

10 Q. Is it Investigator Stokes?

11 A. Sergeant Stokes.

12 Q. Sergeant Stokes. Sergeant, let me ask you a question.

13 A. Uh-huh.

14 Q. You were there when -- with Investigator Thrower
15 during the interview with Mr. Sprinkle; correct?

16 A. Yes.

17 Q. Were you there the whole time?

18 A. No.

19 Q. Okay. Tell me what happened. Who -- how did it work
20 out?

21 A. As far as the interview?

22 Q. Yeah. In terms of who was there when, since you
23 weren't there the whole time.

24 A. Investigator Thrower picked him up from the jail and
25 brought him to our office. And they were sitting inside

JOHN C STOKES - CROSS

1 the actual interview room when I got there. And I
2 actually stepped out a couple of times during the
3 interview.

4 Q. Okay. I want to ask you a couple of things.

5 A. Yes, sir.

6 Q. You said he called numerous times?

7 A. Yes.

8 Q. To your office?

9 A. Uh-huh.

10 Q. To speak to you?

11 A. No, not me. He'd call collect. It was a collect call
12 from Richard Sprinkle. That's all.

13 Q. He called to speak to a deputy?

14 A. An investigator, yes.

15 Q. Somebody in law enforcement?

16 A. Yes.

17 Q. He had a story to tell and he's calling to tell that
18 story?

19 A. Apparently.

20 Q. About how many times did he call?

21 A. I can only say, I'm probably aware of at least three
22 or four times that I know he called.

23 Q. That you know he called?

24 A. That I know he called.

25 Q. He called a lot.

JOHN C STOKES - CROSS

1 A. Three or four times, you know, I know he called and he
2 called collect to our office, yes.

3 Q. Okay. One of the things you said was that he had some
4 concerns about being in the detention center?

5 A. Yes.

6 Q. He was afraid of Sean Echols?

7 A. Yes.

8 Q. He said that Sean Echols had threatened him?

9 A. Yes.

10 Q. And he was trying to get out of there because he
11 feared for his safety?

12 A. Yes.

13 Q. All right. Do you recall him saying about this
14 incident that happened at the house that he went there at
15 Sean's request?

16 A. Yes.

17 Q. Okay. And do you recall him saying that he went there
18 to test drugs?

19 A. I can't recall that.

20 Q. Okay. You do recall him saying when Sean started
21 assaulting somebody he left?

22 A. I remember him saying when something was taking place
23 he got, I'm not -- I can't recall if he said when Sean was
24 doing it but I know he said he saw something was going on,
25 he got scared and he left out, he ran out the house.

1 Q. And he never said he did anything?

2 A. No.

3 Q. Okay. And he said there were three people?

4 A. Yes.

5 MR. WISE: One moment, Your Honor.

6 THE COURT: Sure.

7 MR. WISE: That's all I have, Your Honor.

8 THE COURT: Anything on redirect?

9 MS. FORD: Nothing, Your Honor.

10 THE COURT: You may step down. Thank you. Can I see
11 y'all for one second?

12 MS. FORD: Yes, sir.

13 (Off-the-record discussion.)

14 THE COURT: All right. Ladies and gentlemen, that was
15 another one of those important discussions that we were
16 warning you about earlier. That was a discussion about
17 whether we are going to break now or not.

18 And we are going to break now. I'd ask you all to be
19 back in the jury room at 9:30 tomorrow morning.

20 Remember, you can't talk about the case among
21 yourselves or with anybody else. You can't do any
22 investigation, read anything about the case, anything like
23 that.

24 Get a good night's rest. Come on back here in the
25 morning and we'll continue with the State's case. Okay?

SEAN ECHOLS - DIRECT

1 ON WEDNESDAY, APRIL 10TH, 2013, AT 9:56 A.M.:

2 THE COURT: All right. Good morning. Ms. Ford, is
3 the State ready to go?

4 MS. FORD: We are, Your Honor.

5 THE COURT: Is the defense ready to go?

6 MR. WISE: We are, Your Honor.

7 THE COURT: If you'd bring the jury back in.

8 (Jury enters courtroom at 9:58 a.m.)

9 THE COURT: Good morning, ladies and gentlemen.

10 THE JURY (COLLECTIVELY): Good morning.

11 THE COURT: Hope y'all had a good evening. We're
12 getting ready to continue with The case today and the
13 State's prepared to call their next witness.

14 Ms. Ford?

15 MS. FORD: Thank you, Your Honor. May it please the
16 Court.

17 The State calls Sean Echols to the stand.

18 SEAN ECHOLS, having been duly sworn, was examined and
19 testified as follows:

20 THE CLERK: You may have a seat. Please state your
21 name again for the record.

22 THE WITNESS: Sean Echols.

23 THE COURT: Your witness.

24 MS. FORD: Thank you, Your Honor.
25

SEAN ECHOLS - DIRECT

DIRECT EXAMINATION

BY MS. FORD:

Q. Good morning, Mr. Echols. You're dressed in a jail uniform. Why is that?

A. Because I'm incarcerated.

Q. Why are you incarcerated?

A. For two armed robberies and two attempted murders.

Q. Was anyone else charged with you?

A. Yes, ma'am.

Q. Who?

A. Richard Sprinkle.

Q. How do you know Richard Sprinkle?

A. Through Collins Shuler and Jasper Clark.

Q. Make sure you speak loudly because she's taking everything down. Okay? You said you were charged with two armed robberies?

A. And two attempted murders.

Q. Okay. Is that the same charges that Richard Sprinkle is charged with?

A. Yes, ma'am.

Q. Okay. So how did all of this start?

A. It started when I had a situation that I had, you know, like a quick come up and --

Q. What's a quick come up?

A. A quick robbery.

SEAN ECHOLS - DIRECT

1 Q. Okay.

2 A. And I had spoke with Collins Shuler and Jasper Clark
3 on the situation. And I was going to initially do it by
4 myself, but that's when they brought Richard -- well,
5 Collins Shuler and Jasper Clark brought Richard Sprinkle
6 into the picture of the armed robbery.

7 Q. Okay. When you say that they brought Richard Sprinkle
8 into the picture, what do you mean by that?

9 A. Like, they know somebody that lived the life that
10 could do it with me and that's how Richard Sprinkle came
11 into the picture.

12 Q. Okay. So you met. Did you know Richard Sprinkle at
13 that point?

14 A. No. I only met him, like, a couple, few times prior
15 with Collins Shuler.

16 Q. Prior to you meeting him for what?

17 A. The night of the robbery.

18 Q. Did you and Richard Sprinkle talk about the robbery?

19 A. Yes, ma'am.

20 Q. What did y'all talk about?

21 A. We talked about how we would go about committing the
22 robbery once we got to the scene, how we would get away
23 from the robbery and which parts were, like, basically be
24 played.

25 Q. Okay. Did you have any victims in mind?

SEAN ECHOLS - DIRECT

1 A. Yes, ma'am.

2 Q. Who?

3 A. Robert Rumph and James Wright.

4 Q. How did you choose them?

5 A. Because they ran a gambling house.

6 Q. And you were looking for quick money; right?

7 A. Yes, ma'am.

8 Q. Okay. Did you know either of the victims any other
9 way?

10 A. Yes, ma'am.

11 Q. How?

12 A. I knew Robert Rumph because he was affiliated with my
13 mother.

14 Q. Okay. And that's how you knew he had a lot of money
15 in the house?

16 A. Yes, ma'am.

17 Q. So you planned the robbery?

18 A. We planned the robbery.

19 Q. We meaning?

20 A. Me and Richard Sprinkle.

21 Q. Okay. And you decided when you were going to do the
22 robbery?

23 A. Yes, ma'am.

24 Q. Was that back in June of 2011?

25 A. Yes, ma'am.

SEAN ECHOLS - DIRECT

1 Q. Well after you planned the robbery, what did you do?

2 A. After we planned the robbery we had Jasper Clark and
3 Collins Shuler, first they took us to Bojangles gas
4 station. Jasper Clark and me stayed in the car. Collins
5 Shuler and Richard Sprinkle went inside the gas station to
6 get some cigarettes and a cigar for me.

7 When they came back out of the gas station Collins
8 Shuler and Richard Sprinkle, Jasper Clark dropped us off
9 up at Highway 33. Me and Richard Sprinkle got out of the
10 car. We initially go through the path to come out on
11 Atlantic Avenue but the woods had done overgrown. So we
12 had to walk a few streets up.

13 I text Jasper Clark letting them know the name of the
14 street that we were going to have to go through because we
15 couldn't get through the path.

16 Q. Where were you trying to go?

17 A. To Robert Rumph and James Wright house.

18 Q. And was that close by where you were dropped off?

19 A. Yes, ma'am.

20 Q. Okay. So you said you were walking through the woods
21 to get there?

22 A. We couldn't get through the woods.

23 Q. Okay. So how did you get there?

24 A. We had to go a few streets up. And I had texted the
25 name of the street to Jasper Clark. I can't pronounce it

SEAN ECHOLS - DIRECT

1 or nothing. We went through a field, across the tracks
2 and we came out onto the end of [REDACTED] [REDACTED] which is a
3 parallel street directly in front of James Wright and
4 Robert Rumph's trailer.

5 Q. Okay. And when you got there, who all was with you?

6 A. Me and Richard Sprinkle.

7 Q. And what did y'all decide to do? What did you do?

8 A. I decided I was going to knock on the door and

9 Mr. James Wright came to the door. He asked who it was.

10 I told him that I needed to use the phone because I just

11 got into a physical altercation with my wife and that I

12 needed to call my mother to come pick me up.

13 Q. Is that the truth?

14 A. No, ma'am.

15 Q. So that was a lie --

16 A. Yes, ma'am.

17 Q. -- that you used to --

18 A. Gain entry into the residence.

19 Q. Okay. When you knocked on the door, who was with you?

20 A. Me and Richard Sprinkle.

21 Q. Okay. So you lied to Mr. Wright; correct?

22 A. Yes, ma'am.

23 Q. What did you do next?

24 A. Mr. Wright shut the door back, not all the way but

25 partially. He left. I guess he went to go ask Mr. Robert

SEAN ECHOLS - DIRECT

1 Rumph is it okay to let us in to use the phone.
2 Mr. Wright came back with the cordless phone in his hand.
3 He told us to come in. Mr. Richard Sprinkle pointed the
4 gun to Mr. Rumph's head -- I mean, not Mr. Rumph,
5 Mr. Wright's head and told Mr. Wright, don't move, don't
6 move, don't move.

7 So I kept Mr. Wright standing in the livingroom by the
8 door while Richard Sprinkle went to Rocky's room. Then I
9 escorted Mr. Wright to his room. I asked Mr. Wright for
10 his money. He took a few bills out of his wallet, I
11 guess, like, 30-something dollars.

12 I flipped up his mattress and that's when Richard
13 Sprinkle called me and tell me to come to the back to
14 Rocky's room.

15 Q. You said that Richard Sprinkle had a gun?

16 A. Yes, ma'am.

17 Q. Did you have any weapons on you?

18 A. I had a knife on my side.

19 Q. Okay. So you and Richard Sprinkle robbed Mr. Wright?

20 A. I robbed Mr. Wright while Richard Sprinkle went to
21 Mr. Robert Rumph's room.

22 Q. And what did he do in there?

23 A. Well, when I was in Mr. Wright room I can't speak on
24 what was done in the room before I was called back there,
25 before Richard Sprinkle called me back there.

SEAN ECHOLS - DIRECT

1 Once I got to the room with James Wright, Richard
2 Sprinkle asked me for the knife. I gave Mr. Richard
3 Sprinkle the knife and I gained possession of the
4 firearm. And that's when I was, like, yeah, make him
5 talk.

6 That's when Richard Sprinkle began to cut Mr. Robert
7 Rumph.

8 Q. You told him to make him talk?

9 A. Yes, ma'am.

10 Q. Okay. When did you that, who all was in the room?

11 A. Me, Richard Sprinkle, Robert Rumph and James Wright.

12 Q. Was anybody else in the house with you?

13 A. No, ma'am.

14 Q. At any time?

15 A. No, ma'am.

16 Q. Were your faces covered at all?

17 A. No, ma'am.

18 Q. Did you take anything from Mr. Rumph?

19 A. Richard Sprinkle relieved me -- when I came in the
20 room Richard Sprinkle gave me two hands full of cash. And
21 he started telling Mr. Rumph, that's not the rest of the
22 money. Mr. Rumph was telling him that there's no more
23 money in the residence.

24 That's during the time Mr. Rumph finally admitted that
25 there was some more money in the closet. Richard Sprinkle

SEAN ECHOLS - DIRECT

1 went and retrieved it.

2 Also after that was done and over with Richard
3 Sprinkle passed me the money. I asked Mr. Robert Rumph
4 and Mr. Peg where were the car keys. Both of them stated
5 that the keys were in their car. That's when I sent
6 Richard Sprinkle on to the car, to go on to the car so he
7 had the car ready.

8 I had took the pants off the foot of Mr. Robert Rumph
9 bed and a black Atlanta Braves hat to put on my head in
10 case anyone was outside or anyone would seen me when I was
11 leaving the residence. I used the pants to open the back
12 door so as not to leave any prints on the door knob or on
13 the car.

14 And that is when I got in the car. Mr. Richard
15 Sprinkle drove to the -- parallel to the same street, to
16 the end of Atlantic Avenue. We got out, ran across the
17 tracks and called Jasper Clark to come pick us up.

18 Q. So you and Richard Sprinkle left Robert Rumph's house
19 and James Wright's house after you robbed them?

20 A. Yes, ma'am.

21 Q. And they were beaten and stabbed?

22 A. Yes, ma'am.

23 Q. Why are you here today?

24 A. To tell the truth.

25 Q. What you testified is the truth?

SEAN ECHOLS - DIRECT

1 A. Yes, ma'am.

2 Q. That you and Richard Sprinkle planned this?

3 A. Yes, ma'am.

4 Q. That you all knocked on the door?

5 A. Yes, ma'am.

6 Q. You lied to gain entry?

7 A. Yes, ma'am.

8 Q. You robbed these two gentlemen --

9 MR. WISE: Objection, Your Honor. She's testifying.

10 THE COURT: I'll sustain the objection.

11 MS. FORD: Yes, sir.

12 THE COURT: Okay.

13 BY MS. FORD:

14 Q. Have you been offered anything to be here today?

15 A. No, ma'am.

16 Q. Has anyone promised you anything?

17 A. No, ma'am.

18 Q. Have I promised you anything to be here?

19 A. No, ma'am.

20 Q. So you're doing this out of the goodness of your
21 heart?

22 A. Yes, ma'am. I'm doing it because also, we got caught.

23 Q. You got caught. What do you hope is going to happen
24 now to you?

25 A. That the Court would have mercy on me.

SEAN ECHOLS - DIRECT

1 Q. Because you did it?

2 A. Yes, ma'am.

3 Q. And you were caught?

4 A. Yes, ma'am.

5 MS. FORD: Beg the Court's indulgence?

6 THE COURT: Okay. (Pause.)

7 BY MS. FORD:

8 Q. Mr. Echols, what did Mr. Sprinkle look like the night
9 of the robbery at the victim's house? What did he look
10 like? What did his hair look like?

11 A. He had dreads.

12 Q. I ask you to take a look at something. It's been
13 marked State's Exhibit One. Do you see a picture of what
14 Mr. Sprinkle looked like at that time?

15 A. Yes, ma'am.

16 Q. Which one is it?

17 A. Number two.

18 Q. Okay. That's what Richard Sprinkle looked like the
19 night of the robbery?

20 A. Yes, ma'am.

21 Q. Mr. Echols, you talked about Mr. Rumph being cut;
22 right?

23 A. Yes, ma'am.

24 Q. What had happened to Mr. Wright?

25 A. I struck Mr. Wright in the head twice with the gun and

1 punched him in the mouth.

2 Q. In the head?

3 A. Yes, ma'am.

4 Q. Was he bleeding?

5 A. Not, like, excessively or nothing but, yes.

6 Q. And Mr. Rumph was left bleeding?

7 A. Yes, ma'am.

8 Q. Do you see the person that robbed Mr. Wright and

9 Mr. Rumph with you in the courtroom today?

10 A. Yes, ma'am.

11 Q. Where is he? Can you point him out?

12 A. (Pointing.)

13 Q. Mr. Sprinkle?

14 A. Yes, ma'am.

15 MS. FORD: Mr. Echols, please answer any questions

16 from Mr. Wise.

17 MR. BELL: Your Honor, if I may. May we have a legal
18 matter to take up outside of the jury, please?

19 THE COURT: All right. Ladies and gentlemen of the
20 jury, we're going to take a short break.

21 Again, remember, you cannot talk about the testimony
22 you've heard. We'll let you stretch your legs in there
23 for a minute and we'll be right back out. Okay?

24 Thank you.

25 (Jury exits courtroom at 10:12 a.m.)

1 THE COURT: All right. Mr. Bell, does this have to do
2 with the motion in limine?

3 MR. BELL: Yes. We would renew our motion in limine
4 that we made pretrial that no questions about the federal
5 investigation be asked.

6 THE COURT: I understand. The reason that the jury's
7 been excused is we're hoping that we're going to preserve
8 the record so that if anything has to go forward after
9 this. So I'll note your motion.

10 I'm going to let Mr. Wise begin his cross-examination
11 without the jury hearing. And then I'll let you object.

12 Okay?

13 MR. BELL: (Nods head.)

14 CROSS-EXAMINATION

15 (PROFFERED)

16 BY MR. WISE:

17 Q. Mr. Echols, just to get right to the heart of what
18 we're talking about here. Have you been charged in a
19 federal case involving the shooting of a corrections
20 officer?

21 THE COURT: Okay.

22 MS. FORD: Objection, Your Honor, based on our
23 previous motions.

24 MR. WISE: If I may, Your Honor, at this point he
25 hasn't asserted his Fifth Amendment rights.

1 THE COURT: No, I --

2 MR. WISE: And I think the case law is pretty clear
3 that somebody else can't do it for him.

4 THE COURT: I will let him do whatever -- answer
5 however he wishes to answer.

6 THE WITNESS: I would like to assert my Fifth
7 Amendment.

8 THE COURT: Okay.

9 MR. WISE: Okay.

10 MS. FORD: Objection.

11 THE COURT: And now she's objecting and renewing the
12 motion that we made in limine. And I'm going to continue
13 with my ruling that we made in limine, I'm renewing it.

14 MR. WISE: Your Honor, I understand everything that's
15 going on here.

16 I submit to the Court that the question of -- that
17 wasn't the question I dealt with in the, initially in the
18 hearing. What was dealt with initially -- what I just
19 asked him was: Is he under investigation.

20 THE COURT: Right.

21 MR. WISE: So I don't believe that is a -- anything
22 that wouldn't be -- his answering that wouldn't be
23 incriminatory in any manner. But the question obviously
24 that everybody is concerned about is my asking him: Did
25 you shoot that corrections officer, or did you say he did.

1 THE COURT: And, Mr. Bell, I see you anxiously waiting
2 to respond.

3 MR. BELL: Your Honor, I think that was the crux of our
4 motion about an investigation or any charges that -- I
5 mean, asking him about it still causes him to invoke his
6 Fifth Amendment rights because he's under no compulsion to
7 incriminate himself under the Fifth Amendment of the
8 United States Constitution.

9 MR. WISE: I submit his saying that they're
10 investigating me is not incriminatory. It just says he
11 didn't do anything wrong.

12 THE COURT: Well, it may not be -- and I understand
13 the distinction that you're attempting to make but he has
14 invoked his Fifth Amendment rights. And I'm going to go
15 along with the ruling I made earlier. You're not going to
16 be able to question him on that.

17 MR. WISE: Okay. Very good.

18 THE COURT: And hopefully everything is preserved
19 along that line.

20 And then before you pick up on the actual cross-
21 examination and bring the jury back in here, I'm going to
22 take a short break because I was supposed to call court
23 administration first thing this morning and I forgot to.

24 MR. BELL: Your Honor, I don't mean to interrupt the
25 Court.

1 THE COURT: Go ahead. It's more fun that way.

2 MR. BELL: I was just going to -- we would also
3 interject another objection for cross-examination.

4 I think that Mr. Echols has been previously convicted
5 of assault and battery with intent to kill and burglary
6 second, and we would object to that coming in under
7 609(a), even though it says that a crime of more than one
8 year shall come in but it shall come in subject to a 403
9 analysis that the probative value is outweighed by or
10 outweighs any unduly prejudicial effect.

11 Our objection would be that these particular charges
12 have nothing to do with dishonesty or credibility for
13 impeachment sake. They're merely being asked to show
14 conformity with and all of that, and that the prejudicial
15 effect would substantially outweigh the probative value of
16 these questions since they have nothing to do with
17 dishonesty or anything, or would go to the credibility of
18 the witness.

19 THE COURT: Okay. Mr. Wise, your response to that?

20 MR. WISE: I would submit certainly a burglary
21 conviction goes to this witness's credibility.

22 The issue of whether or not an assault and battery
23 with intent to kill, I think, is a little different. But
24 I also think that is an issue that the jury can take into
25 consideration when it's trying to evaluate this witness's

1 credibility.

2 So I would submit that they are appropriate questions
3 for me to inquire this witness about.

4 THE COURT: And he's been convicted of them and within
5 the last ten years; is that correct?

6 MR. BELL: I think the conviction's more than ten years
7 but I think the way it reads is when your sentence plays
8 out, at the end --

9 THE COURT: It's within ten years of the sentence.

10 MR. BELL: I think that would bring it in, but, again,
11 Your Honor, as far as I'm aware burglary and ABWIK have
12 not been declared crimes of dishonesty in the State of
13 South Carolina.

14 Even -- there's now a question as to whether armed
15 robbery is such. It just depends on the facts and
16 circumstances depending on which case you read now, but...

17 THE COURT: What I'm going to do is, you know,
18 Mr. Echols is sitting here in his prison garb. He has
19 been convicted of this. It's within ten years, and I'm
20 going to let you ask him about it. Okay?

21 MR. WISE: Thank you, Your Honor.

22 THE COURT: All right. We're going to take a short
23 break.

24 (Thereupon, a break taken at 10:18 a.m., until
25 10:26 a.m., when the trial resumed:)

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1 THE COURT: Is the State ready?

2 MS. FORD: We are, Your Honor.

3 THE COURT: Okay. Mr. Wise, are you ready?

4 MR. WISE: Yes, we're ready.

5 THE COURT: Bring the jury back in. Thank you.

6 (Jury enters courtroom at 10:27 a.m.)

7 THE COURT: Thank you, ladies and gentlemen. We're
8 going to continue.

9 Mr. Wise?

10 MR. WISE: Thank you, Your Honor.

11 THE COURT: Yes, sir.

12 CROSS-EXAMINATION

13 BY MR. WISE:

14 Q. Good morning, Mr. Echols.

15 A. Good morning.

16 Q. Mr. Echols, what I want to do first is talk a little
17 bit about some of the people involved in this case.

18 There has been some testimony in this case about
19 Vivian Johnson. Do you know who Vivian Johnson is?

20 A. Yes, sir.

21 Q. Who is that?

22 A. My mother.

23 Q. Okay. And she is also the girlfriend of Mr. Rumph; is
24 that correct?

25 A. Yes, sir.

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1 Q. Okay. And she is also charged in this case; isn't
2 she?

3 A. Meaning as?

4 Q. Out of this situation you got charged, Mr. Sprinkle
5 got charged, your mother got charged?

6 A. She got charged with obstruction of justice, not for
7 nothing dealing with what took place at the scene.

8 Q. Okay. All right. She has a pending charge also?

9 A. Yes, sir.

10 Q. Okay. You and she discussed the fact that Mr. Rumph
11 kept a large amount of money in his house; didn't you?

12 A. No, sir.

13 Q. You never talked about that?

14 A. No, sir.

15 Q. She never told you that he kept large amounts of cash?

16 A. No, sir.

17 Q. Okay. All right. You knew that he kept large amounts
18 of cash because it was a gambling place?

19 A. Yes, sir.

20 Q. Okay. Now, how much money did you take from that
21 house that night?

22 A. Like 5,200.

23 Q. Fifty-two hundred. Not a thousand?

24 A. No, sir.

25 Q. Okay. Do you remember speaking to Investigator

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1 Shumpert after you were arrested?

2 A. Yes, sir.

3 Q. Do you remember sitting down, you were at the office
4 on Chestnut and making a statement to him?

5 A. Yes, sir.

6 Q. Do you remember telling him that you took \$7,000?

7 A. No, sir.

8 Q. You don't remember telling him that?

9 A. No, sir.

10 Q. Would looking at your statement help refresh your
11 recollection about whether or not you told him that?

12 A. I know I told him it was somewhere in, like, the
13 mid-thousands. I don't remember the exact number.

14 Q. Okay. Would looking at your statement help you
15 refresh your recollection about what you told him?

16 A. Do you want to show it?

17 Q. Okay.

18 MR. WISE: Your Honor, may we have one moment?

19 THE COURT: Sure.

20 BY MR. WISE:

21 Q. While we're doing that, let me ask you another
22 question. So it's your testimony that you knocked on the
23 door?

24 A. Yes, sir.

25 Q. Okay. And Mr. Wright came to the door and you spoke

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- 1 to Mr. Wright?
- 2 A. Yes, sir.
- 3 Q. Okay. And then when Mr. Wright opened the door, you
- 4 were the one who attacked Mr. Wright?
- 5 A. No, sir.
- 6 Q. You didn't attack Mr. Wright?
- 7 A. No, sir.
- 8 Q. You didn't do anything to him?
- 9 A. No, sir.
- 10 Q. Didn't hit him?
- 11 A. Not when the door was opened.
- 12 Q. Okay. When did you hit him?
- 13 A. When we all in Mr. Rumph's room.
- 14 Q. Okay. Did you take him to his bedroom?
- 15 A. Mr. Wright?
- 16 Q. Yes.
- 17 A. Yes, sir.
- 18 Q. Okay. When you took him to his bedroom, did you hit
- 19 him?
- 20 A. No, sir.
- 21 Q. Okay. When he was standing at the front door, did you
- 22 hit him?
- 23 A. No, sir.
- 24 Q. So it's your testimony the only time you struck him
- 25 was later in Mr. Rumph's room?

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1 A. Yes, sir.

2 Q. Okay. And do I understand your testimony correctly
3 that Mr. Sprinkle did not do anything to Mr. Wright?

4 A. He did not do anything to Mr. Wright.

5 Q. Okay. He never struck him with his hand or anything
6 else?

7 A. No, sir.

8 Q. Okay. All right. And when you hit Mr. Wright, what
9 did you hit him with?

10 A. The butt part of the gun.

11 Q. Okay. When you were in Mr. Rumph's room before you
12 left that room, did you tell Mr. Rumph or say to him that
13 you killed, you'd killed before and you'll kill again?

14 A. No, sir.

15 Q. You never said that?

16 A. No, sir.

17 Q. Now, do you remember in your statement to Mr. Shumpert
18 saying that?

19 A. No, sir.

20 Q. Don't remember saying that?

21 A. (Shakes head.)

22 Q. Okay. Looking at your statement, would that help
23 refresh your recollection about that?

24 A. Do you want to show it?

25 Q. Okay.

1 you.

2 (Court's Exhibit No. 2, DVD of Sean Echols' interview,
3 was marked and received into evidence.)

4 (Jury enters courtroom at 11:09 a.m.)

5 THE COURT: All right. Ladies and gentlemen, I
6 appreciate your patience while we get things -- while we
7 get things going this morning. So I do appreciate that.

8 Mr. Wise is now going to continue with his cross-
9 examination. Mr. Wise?

10 MR. WISE: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. WISE:

13 Q. Mr. Echols, let me back up. You've had a chance to
14 listen to the statement that you gave Investigator
15 Shumpert; correct?

16 A. Yes, sir.

17 Q. You've heard it? You understood it?

18 A. Yes, sir.

19 Q. Very good. Now one of the questions I asked you
20 before we took a break was that you told Investigator
21 Shumpert you took \$7,000. That's correct; isn't it?

22 A. No. I said close to.

23 Q. Close to \$7,000?

24 A. Close to \$7,000; yes, sir.

25 Q. Now, Mr. Echols, there was a third person present;

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1 wasn't there?

2 A. No, sir.

3 Q. Now during the course of listening to your statement
4 you heard what you told Investigator Shumpert?

5 A. Yes, sir.

6 Q. You would agree with me that you told him that there
7 were three people involved?

8 A. Yes, sir.

9 Q. You did tell him that?

10 A. But I told him a lie.

11 Q. You lied to him?

12 A. I didn't trust him.

13 Q. Okay. And you also told him that, the word you used
14 was the other dude was just standing there. That's what
15 you told him?

16 A. Yes, sir.

17 Q. Okay. You told them that the other dude, the third
18 person, did not leave the living room. That's what you
19 told him?

20 A. Yes, sir.

21 Q. You told him that the other dude did not engage in any
22 planning. That's what you told Investigator Shumpert;
23 isn't it?

24 A. Yes, sir.

25 Q. In your statement to Investigator Shumpert you did not

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1 say that this person you described as the other dude or
2 the third person ever had a weapon; correct? You never
3 said that?

4 A. No, sir.

5 Q. Okay. And you told Investigator Shumpert that the
6 other dude did not share in the proceeds. That third
7 person, he didn't get any money. That's what you told
8 Investigator Shumpert?

9 A. Yes, sir.

10 Q. Okay. That that third person was just an innocent
11 person?

12 A. Yes, sir.

13 Q. Okay. You told -- you told Investigator Shumpert that
14 that third person did not do or say anything but just
15 stood there?

16 A. Yes, sir.

17 Q. And the statement -- basically the statement that you
18 gave Officer Shumpert was this third person, this other
19 dude, was just merely present there at the time?

20 A. Yes, sir.

21 Q. Okay. This third person, this other dude, didn't know
22 what was happening until it happened?

23 A. Yes, sir.

24 Q. All right. Now, let me ask about a few other people.
25 Who is somebody you call Little J?

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- 1 A. Jasper Clark.
- 2 Q. Okay. What was his involvement in this case?
- 3 A. He was the driver.
- 4 Q. When you say the driver, what do you mean by that?
- 5 A. He drove the vehicle.
- 6 Q. He drove?
- 7 A. The vehicle that was used to drop me and Richard
- 8 Sprinkle off.
- 9 Q. Okay. So he drove you and Mr. Sprinkle to do this?
- 10 A. Yes, sir.
- 11 Q. Okay. And when he drove you there, did he know what
- 12 he was driving you there to do?
- 13 A. Yes, sir.
- 14 Q. Did you tell Investigator Shumpert that?
- 15 A. Yes, sir.
- 16 Q. So, you told -- it's your testimony you told
- 17 Investigator Shumpert that this Little J guy drove you to
- 18 a robbery that he knew you guys were going to participate
- 19 in?
- 20 A. Yes, sir.
- 21 Q. Did he share in the proceeds of the robbery?
- 22 A. Yes, sir.
- 23 Q. Okay. Did he have any other involvement in planning
- 24 the robbery?
- 25 A. Do you mean, like, did he have anything to do with the

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- 1 planning?
- 2 Q. Yes.
- 3 A. Yes, sir.
- 4 Q. Okay. So he was involved in the planning and he drove
- 5 the car and he shared in the proceeds?
- 6 A. Yes, sir.
- 7 Q. He was -- well, the only difference between you and he
- 8 is that he didn't go in the house?
- 9 A. No, sir.
- 10 Q. Who is Carlos Shuler?
- 11 A. Who is he?
- 12 Q. Yes.
- 13 A. The confidential informant in our case.
- 14 Q. Is he -- was he involved in what happened this night?
- 15 A. Yes, sir.
- 16 Q. What was his involvement?
- 17 A. He supplied the weapons and he was part of, like, a
- 18 second ride if we needed to get away.
- 19 Q. Did he go to the location?
- 20 A. Meaning as did he go in the location?
- 21 Q. Yes.
- 22 A. No, sir.
- 23 Q. So he supplied the weapons, he was a driver?
- 24 A. Yes, sir.
- 25 Q. He was involved in the planning?

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1 A. Yes, sir.

2 Q. And did he share in the money?

3 A. Yes, sir.

4 Q. Okay. Did you tell Investigator Shumpert this?

5 A. Yes, sir.

6 Q. And obviously he knew, Carlos Shuler knew that a
7 robbery was going to take place?

8 A. Yes, sir.

9 Q. Okay. After this all happened, there came a point
10 when the police searched your house; didn't they?

11 A. After I was incarcerated?

12 Q. Well, they had a search warrant for your house. I'm
13 not sure if you were in jail or not. They went to your
14 house with a search warrant; didn't they?

15 A. I was in -- I was locked up when that search warrant
16 took place.

17 Q. Do you know that they did, though?

18 A. Yes, sir.

19 Q. Okay. And when they were in your house, they found a
20 holster; didn't they?

21 A. Sir?

22 Q. They found a gun holster.

23 MS. FORD: Objection, Your Honor. May we approach?

24 THE COURT: Sure.

25 (Off-the-record discussion.)

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1 THE COURT: And go ahead, Mr. Wise.

2 MR. WISE: Thank you.

3 BY MR. WISE:

4 Q. So when they searched your house, let me get right to
5 the point. When they searched your house, they found a
6 gun holster and a knife in your room; isn't that correct?

7 A. Sir?

8 Q. They found a gun holster and a knife in your room?

9 A. Not to my knowledge.

10 Q. Not to your -- you don't know anything about that?

11 A. No, sir.

12 Q. Okay. Now, how did you come to testify in this case,
13 how did this happen?

14 A. I mean, I don't understand your question.

15 Q. Okay. Did you approach Ms. Ford and say, I want -- or
16 your attorney and say, I want to testify in this case?

17 A. You mean, like, how did everything come about?

18 Q. Yes.

19 A. I was left with no choice in the matter. Once I was
20 aware that Richard Sprinkle was doing everything to place
21 everything on me and tell lies to investigators, I said I
22 would come forth and give the truth.

23 Q. Okay. So you approached the State about testifying?

24 A. Yes, sir.

25 Q. Okay. Now you said that -- when you decided to

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1 testify, did you meet with Ms. Ford to talk about what
2 your testimony was going to be?

3 A. I don't understand.

4 Q. Well, let me ask you this. Have you ever met with
5 Ms. Ford to talk about your case and your testimony?

6 A. With my attorney present?

7 Q. Yes.

8 A. Yes, sir.

9 Q. That would be Andrew Brown?

10 A. Yes, sir.

11 Q. And you talked about all that was going to happen in
12 your case, your testimony and how it was going to work;
13 correct?

14 A. No.

15 Q. Okay. All right. Before you testified today -- well,
16 let me rephrase this.

17 Did your attorney provide you with what we call
18 discovery in your case?

19 A. Rule Five?

20 Q. Yes.

21 A. Yes, sir.

22 Q. And did you review that Rule Five?

23 A. Yes, sir.

24 Q. So you know -- and would you explain to the jury what
25 Rule Five is so they know?

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1 A. Rule Five is Brady versus Maryland and motion of
2 discovery with all the evidence that is in your case.

3 Q. So the evidence in your case is also the same as the
4 evidence in Mr. Sprinkle's case?

5 A. Yes, sir.

6 Q. So you knew everything that the police had found out
7 about this situation, what their investigations revealed,
8 you knew that before you testified today?

9 A. Yes, sir.

10 Q. Now when you started testifying, you said -- I think
11 Ms. Ford asked you -- you're charged with armed robbery,
12 and -- or two counts of armed robbery and two counts of
13 attempted murder.

14 She did not ask you if you're charged with burglary in
15 the first degree. Are you charged with burglary in the
16 first degree?

17 A. Not to my knowledge.

18 Q. You were not indicted for burglary in the first
19 degree?

20 A. No, sir.

21 Q. Do you know why not?

22 A. No, sir.

23 Q. Do you know that Mr. Sprinkle is indicted for burglary
24 in the first degree?

25 A. No, sir.

1 Q. Do you know that -- you're familiar with the charge of
2 burglary; aren't you?

3 A. Meaning?

4 Q. You know what a burglary is?

5 A. Yes, sir.

6 Q. Okay. And would your -- and you would -- do you
7 understand that burglary in the first degree is a very
8 serious crime?

9 A. Yes, sir.

10 Q. Okay. And you know that that carries life
11 imprisonment?

12 A. Yes, sir.

13 MS. FORD: Objection, Your Honor. What is the
14 relevance of this? Asking --

15 THE COURT: Well, I'm going to sustain that objection.

16 MR. WISE: Your Honor, may I call the Court's
17 attention to State versus Mizzell dealing with the ability
18 to cross-examine the witness about a potential punishment,
19 especially a witness who's -- I'll let the Court review
20 that.

21 THE COURT: All right.

22 Ladies and gentlemen, I'll ask y'all to leave the
23 courtroom one more time while I have a discussion with the
24 attorneys about this.

25 Again, do not talk about the testimony. Thank you.

1 (Jury exits courtroom at 11:22 a.m.)

2 THE COURT: Mr. Wise, what's the cite on this?

3 MR. WISE: I'll find it for you.

4 (Pause.)

5 THE COURT: Mr. Wise, let me hear from you.

6 MR. WISE: Well, Your Honor, I think that case speaks
7 directly to what I'm trying to do. It deals specifically
8 with the issue where you have a witness who has charges
9 pending where the issue is what the potential punishment
10 is versus what he is trying to see happen.

11 And the fact that a witness who hasn't reached a
12 specific agreement about a number is more -- it's relevant
13 for the jury that they know that there is a potential
14 there for greater punishment, that they hear that to
15 evaluate his credibility.

16 I think that's what that case stands for. And it says
17 it's especially true -- can I look at the case for a
18 second?

19 THE COURT: Sure.

20 MR. WISE: The language that I think is most
21 relevant --

22 MS. FORD: Your Honor, can we see a copy of this?

23 MR. WISE: Yes, you can.

24 THE COURT: You don't have a copy?

25 MS. FORD: No, sir, I don't.

1 MR. WISE: I don't.

2 THE COURT: Hold on, Mr. Wise. Before you do that,
3 would you go back in there and let's copy it?

4 MR. WISE: Sure.

5 THE COURT: Maybe a couple copies because Mr. Bell
6 probably wants to read it, too.

7 (Law clerk exits courtroom.)

8 (Break was taken from 11:26 a.m., until 11:43 a.m.,
9 when the trial continued:)

10 THE COURT: I want to get your arguments on the
11 record. Mr. Wise, I'll let you go first.

12 MR. WISE: Your Honor, I think --

13 THE COURT: And just for the record, just so they'll
14 know. We had to take a number of breaks in Mr. Echols'
15 testimony and I asked the attorneys to come back in
16 chambers so that I could find out where we're going and
17 hopefully continue with his cross-examination in a
18 smoother fashion without as many interruptions as we've
19 had to take so far.

20 So I had a taken the liberty of asking you where you
21 were going with your cross-examination. And you brought
22 up three different areas that we needed to address so we
23 could go forward in a, perhaps, smoother and more coherent
24 fashion without having to take these -- let the jury go
25 out on possibly three separate occasions.

1 So that's what I'm giving you the opportunity to talk
2 to me about right now. Okay?

3 MR. WISE: I think the issues that we're left with is
4 whether I can inquire of this witness that he's looking
5 for a ten-year sentence. That was the first issue.

6 The reason I think that is an appropriate area to
7 examine this witness about is because it goes to his --
8 the jury should evaluate that in evaluating his
9 credibility. That, in fact, as he said, if he had been
10 charged with burglary in the first degree he would be
11 looking at life. He is desirous of serving a ten-year
12 sentence. And the jury should evaluate that in how they
13 evaluate the things that he testifies to.

14 THE COURT: Okay.

15 MR. WISE: The second issue I think related to -- I
16 think it was my indication that I planned to ask him,
17 wasn't he given an offer of a cap of 20 years. And
18 obviously that goes along with the same issue of, he could
19 be facing life, he was offered 20 and he's looking for
20 ten.

21 So it's the same issue of how the jury evaluates his
22 credibility understanding the potential sentence, what the
23 sentence was, what the plea offer was that he was
24 originally offered and what he's looking for.

25 Then I think the third issue that came up was my --

1 and let me make sure.

2 My intention to ask him about his membership in the
3 Folk Nation. The Folk Nation -- and, Your Honor,
4 obviously I don't know what this witness would say when I
5 ask him that question. But the reason this becomes an
6 issue and the reason I know to ask the question is because
7 this is based on something he said to Investigator
8 Shumpert in their videotaped statement.

9 And I think the fact that he is a member of a gang, a
10 gang that has been known to commit all manner of crime
11 becomes relevant for the jury to evaluate his credibility.

12 In addition, he said to Lieutenant Shumpert not only
13 was he a member of the Folk Nation but he was a lieutenant
14 in the Folk Nation. In other words, he ordered other
15 people around. I think he said that he gave orders to
16 other people.

17 So again I think that goes to -- the jury should
18 evaluate that.

19 And, Your Honor, I submit being a member of a gang is
20 a bad act that he should be able to be cross-examined
21 about, but I think it goes to this individual's
22 credibility.

23 And all of these questions, the issue of the ten year
24 to 20 year, involved in the Folk Nation are all designed
25 to squarely let the jury make a determination about how to

1 evaluate this witness's credibility.

2 THE COURT: Okay. Thank you, sir. Ms. Ford?

3 MS. FORD: Your Honor, regarding Mr. Wise's first and
4 second arguments, we would refer to Rule 408, Your Honor,
5 that's specifically discussing plea negotiations. This
6 witness has testified that he was offered nothing in
7 exchange for his testimony here today.

8 And that should be sufficient, Your Honor.

9 In conformity with 410, Your Honor. I apologize.
10 Rule 410 of South Carolina Rules of Evidence.

11 Your Honor, concerning Mr. Wise's additional argument
12 about asking questions about the witness's possibility of
13 being involved in the Folk Nation, Your Honor, we'd just
14 refer to Rule 405 (sic) that evidence of a crime, wrong or
15 act is not admissible to prove the character of a person
16 in order to show action in conformity therewith.

17 That's exactly what the defense is trying to do here.
18 If you are a member, it says, you must have committed
19 these crimes. Your Honor, that's what the rule was
20 created to obviously avoid, Your Honor.

21 And I think Mr. Wise's confusing the issue of
22 credibility of a witness versus the character of a
23 witness. The credibility of a witness can be tested, Your
24 Honor, but certainly not bring into, the character of the
25 witness in the manner in which Mr. Wise's attempting to do

1 so which it would be the State's position would violate
2 Rule 404, Your Honor.

3 THE COURT: Okay. Thank you, ma'am. All right.
4 Anything in response?

5 MR. WISE: Very, very briefly, Your Honor.

6 As I indicated, I am not trying to show -- because
7 there's really nothing that's related to this case that
8 deals with any kind of gang or gang activity or anything
9 like that unless these other guys from the Folk Nation
10 could -- as the State's indicated it does, there is a
11 difference between character and credibility and my belief
12 is that it goes to the witness's credibility.

13 I'm not trying to show he acted in conformance with
14 anything that the Folk Nation does in this situation.

15 THE COURT: But you're -- okay. All right.

16 The first thing, right before we took a break I had
17 sustained your objection to his question about whether or
18 not he could ask him about the possible life sentence.
19 And Mr. Wise was kind enough to give me the Mizzell case
20 so I'm going to correct my ruling.

21 I'm going to overturn the objection. He is allowed to
22 ask him about the maximum sentence he could be facing
23 under that. Okay?

24 With regards to Mr. Echols asking, you know, for ten
25 years or asking for a cap of 20 years, whether or not that

1 was given or not, all of that is part of plea negotiations
2 and we're not going to get into that at all.

3 With regard to whether or not he was in a gang or not
4 in a gang however, whether he -- it doesn't matter to me
5 how he's going to ask it, we're not going to get into
6 that. I think it's character. Doesn't have anything to
7 do with his truthfulness or untruthfulness. So, whether I
8 think it's a bad act that he's in a gang or not, we're not
9 getting into it in this trial.

10 Okay? All right.

11 MR. WISE: Your Honor, just to clarify the Court's
12 ruling.

13 THE COURT: Okay.

14 MR. WISE: I understand about the plea negotiations.

15 THE COURT: You're not going to ask him about the ten,
16 you're not going to ask him about the 20.

17 MR. WISE: Okay.

18 THE COURT: That's plea negotiations. You're not
19 going to ask him whether or not he was a member of a gang
20 regardless of what he says.

21 MR. WISE: Okay. Since we're all standing here.

22 THE COURT: Some of us are sitting.

23 MR. WISE: Since I'm the only one standing here.

24 THE COURT: That's right. And since you're here and
25 you got the floor, go ahead.

1 MR. WISE: One of the things I was going to ask him
2 about was whether or not, and this goes with life
3 imprisonment, he was served notice of life without parole,
4 an LWOP. The --

5 THE COURT: You can ask him that. He has been served
6 with that; is that correct?

7 MS. FORD: Mr. Echols has not, Your Honor.

8 THE COURT: Mr. Echols has not?

9 MR. WISE: Thank you, Your Honor.

10 THE COURT: It's seemingly in line with the Mizzell.
11 You can ask him about whatever maximum sentence he could
12 be facing.

13 MR. WISE: Thank you, Your Honor.

14 MS. FORD: But I would like to say that he certainly
15 could be, but he's not on trial here today.

16 THE COURT: Right. I understand.

17 Now after the break we're getting ready to start
18 again. Is the State ready?

19 MS. FORD: Yes, sir, Your Honor.

20 THE COURT: Is the defense ready?

21 MR. WISE: We are, Your Honor. Thank you.

22 THE COURT: Thank you, sir. If you'd bring the jury
23 back in. Thanks.

24 And, Mr. Wise, I note your objection to all my rulings
25 so they're preserved.

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1 MR. WISE: Thank you, Your Honor.

2 THE COURT: Thank you, sir. Looking forward to
3 reading this transcript.

4 (Jury enters courtroom at 11:53 a.m.)

5 THE COURT: All right. Ladies and gentlemen, again, I
6 want to thank you for your patience. We'll continue now
7 with the cross-examination of Mr. Echols.

8 Mr. Wise, you have the floor.

9 MR. WISE: Thank you, Your Honor.

10 THE COURT: Yes, sir.

11 CROSS-EXAMINATION (CONTINUED)

12 BY MR. WISE:

13 Q. Mr. Echols, I'm going to -- let's go back and start
14 again. You testified you weren't indicted for burglary in
15 the first degree; correct?

16 A. Correct.

17 Q. And you know that burglary in the first degree carries
18 life imprisonment; correct?

19 A. Correct.

20 Q. Okay. Now have you been served with notice that the
21 State intends to seek life without parole or LWOP?

22 A. No, sir.

23 Q. Do you know what that means?

24 A. Yes, sir.

25 Q. What does that mean?

SEAN ECHOLS - CROSS

1 A. Life without the possibility of parole.

2 Q. Which means if that happens to you, you'd spend the
3 rest of your life in prison?

4 A. Yes, sir.

5 Q. Since this case has been pending, you've threatened
6 Mr. Sprinkle; haven't you?

7 A. No, sir.

8 Q. You never threatened him in jail?

9 A. No, sir.

10 Q. You never sent some of your friends to beat him up?

11 A. No, sir.

12 Q. That never happened?

13 A. No, sir.

14 Q. Okay. I don't think you were asked this, Mr. Echols,
15 on direct but you've got a prior conviction for burglary;
16 don't you?

17 A. Yes, sir.

18 Q. Okay. And prior convictions for assault and battery
19 with intent to kill?

20 A. Yes, sir.

21 Q. Okay. On your direct examination you mentioned
22 exchanging some texts, I think, with Clark, somebody named
23 Jasper Clark.

24 Do you know somebody -- is it Jasper Clark? Is that
25 the name of the person who was involved in this with you?

SEAN ECHOLS - CROSS

1 A. Yes, sir.

2 Q. Jasper Clark. Okay. So you exchanged some text
3 messages with Jasper Clark about this crime; correct?

4 A. Yes, sir.

5 Q. Did you exchange any text messages with Mr. Sprinkle
6 about this crime?

7 A. No, sir.

8 Q. Okay.

9 MR. WISE: Your Honor, may I have one moment?

10 THE COURT: Take your time.

11 (Pause.)

12 BY MR. WISE:

13 Q. A couple of very quick questions. Mr. Echols, I think
14 on direct testimony you said that Sprinkle said to you,
15 called out to you and said, I got it; is that right?

16 A. Yes, sir.

17 Q. And then after that you came into the room?

18 A. Yes, sir.

19 Q. And that's when you said to him, make him talk; that's
20 your testimony?

21 A. No, sir. After -- once he called me into the room
22 that's when he asked for the knife. We switched weapons,
23 and then that's when I was, like, yeah, make him talk.

24 Q. Okay. And that was after he said, I got it?

25 A. Yes, sir.

SEAN ECHOLS - REDIRECT

1 Q. How do you know Richard Sprinkle?

2 A. Through Collins Shuler and Jasper Clark.

3 Q. Did you ever pal around with him?

4 A. Probably on, like, two or three occasions.

5 Q. So two or three occasions in your whole life you spent
6 any time with Mr. Sprinkle?

7 A. Yes, sir.

8 Q. But this is the person you choose to go and do, in
9 your testimony do a robbery with?

10 A. Yes, sir.

11 MR. WISE: Thank you, Mr. Echols.

12 THE COURT: Ms. Ford, anything on redirect?

13 MS. FORD: Yes, sir.

14 REDIRECT EXAMINATION

15 BY MS. FORD:

16 Q. Mr. Echols, when you talked to Investigator Shumpert
17 you had said that there was a third person involved with
18 the robbery. Were you talking about Richard Sprinkle?

19 A. Yeah, we were the only two people.

20 Q. So when you said a third person --

21 A. I was lying.

22 Q. -- you were talking about you, Richard Sprinkle and
23 another third person; correct?

24 A. Yes, sir -- I mean, yes, ma'am.

25 Q. Mr. Sprinkle was not the third person you were

SEAN ECHOLS - REDIRECT

- 1 thinking of?
- 2 A. No, ma'am.
- 3 Q. Okay. You've always said that Richard Sprinkle and
- 4 you planned this robbery?
- 5 A. Yes, ma'am.
- 6 Q. Together?
- 7 A. Yes, ma'am.
- 8 Q. With Jasper Clark and Collins Shuler?
- 9 A. Yes, ma'am.
- 10 Q. And that's been your testimony here today?
- 11 A. Yes, ma'am.
- 12 Q. Correct? And that's what you told Investigator
- 13 Shumpert?
- 14 A. Yes, ma'am.
- 15 Q. Do you know what the maximum penalty is for armed
- 16 robbery?
- 17 A. Yes, ma'am.
- 18 Q. What is it?
- 19 A. Thirty years.
- 20 Q. Do you know what the maximum penalty is for attempted
- 21 murder?
- 22 A. Yes, ma'am.
- 23 Q. What is that?
- 24 A. Thirty years.
- 25 Q. You're looking at two counts of both; correct?

1 A. Yes, ma'am.

2 Q. So you're looking at a maximum of 120 years for these
3 charges; correct?

4 A. Yes, ma'am.

5 MS. FORD: No further questions, Your Honor.

6 THE COURT: Anything on recross?

7 RECROSS-EXAMINATION

8 BY MR. WISE:

9 Q. Mr. Echols, Ms. Ford just asked you about Mr. Shuler
10 and Mr. Clark. How long have you known Mr. Shuler?

11 A. All my life.

12 Q. And how long have you known Mr. Clark?

13 A. Same.

14 Q. Okay.

15 MR. WISE: Thank you.

16 THE COURT: All right. Thank you, Mr. Echols. You
17 may step down. Thank you.

18 May I see the attorneys here for one second?

19 (Off-the-record discussion.)

20 THE COURT: Ms. Ford, is the State ready to call its
21 next witness?

22 MS. FORD: Your Honor, at this time the State would
23 rest.

24 THE COURT: All right. Ladies and gentlemen, the
25 State has elected to rest their case. That means you've

1 12:22 p.m., until 2:12 p.m., when the trial resumed:)

2 THE COURT: Y'all may be seated.

3 Let me just go over a couple of things on the record.
4 The attorneys have had an opportunity to review the
5 verdict form which is three pages, and five questions with
6 subparts to questions three and four.

7 And they have indicated in chambers that the verdict
8 form was acceptable.

9 Is that correct, Ms. Ford? Ms. Ford?

10 MS. FORD: Yes, sir.

11 THE COURT: The verdict form is fine?

12 MS. FORD: Yes, sir.

13 THE COURT: And Mr. Wise?

14 MR. WISE: It is, Your Honor.

15 THE COURT: Now we've also had an opportunity in
16 chambers to go over the jury charges. And I believe the
17 defense had submitted a criminal intent definition from
18 Section 111 that had a sentence in it that mine did not
19 contain verbatim.

20 I have allowed them to look -- they have reviewed my
21 criminal intent charge, and I believe it is acceptable.
22 Is that correct?

23 MS. ULLMAN: Your Honor, after reviewing what Court
24 intends to charge we are acceptable with that versus the
25 one sentence that is missing.

1 THE COURT: All right. And I have advised counsel
2 that I will be charging the armed robbery charge,
3 attempted murder, assault and battery first as to both of
4 the victims, but I would also charge assault and battery
5 second as to Mr. Wright.

6 The parties are -- I mean, as to Mr. Wright being the
7 victim.

8 MS. FORD: As well as assault and battery of a high
9 and aggravated nature?

10 THE COURT: Yes. Assault and battery high and
11 aggravated nature as well.

12 MS. FORD: Yes, sir.

13 THE COURT: Thank you. Yeah, okay. All right.

14 MS. ULLMAN: Obviously, Your Honor, for the record we
15 would object to that. We would ask that you charge
16 assault and battery second as to both victims.

17 THE COURT: Right.

18 MS. ULLMAN: Due to the injury we feel that that fits
19 moderate bodily injury.

20 THE COURT: And just to clarify. The Court does not
21 believe that Mr. Rumph -- number one, it is only arguable
22 to the Court that Mr. Wright only received moderate bodily
23 harm, but the Court does not believe Mr. Rumph received
24 only moderate bodily harm when he was cut, I believe, five
25 times. And I do not, the Court does not believe that that

1 was moderate bodily injury, but I note your objection.

2 Anything else we need to discuss about the charge?

3 MR. WISE: Could I have one moment, Your Honor?

4 THE COURT: Sure. And, again, y'all have the
5 opportunity after I charge to clear that up.

6 MS. ULLMAN: Yes, sir.

7 THE COURT: But right now.

8 MS. ULLMAN: We're fine. Thank you.

9 THE COURT: All right. Now, is the defense ready to
10 proceed?

11 MR. WISE: We are, Your Honor.

12 THE COURT: Okay. And -- have y'all had -- I guess I
13 need to ask Mr. Sprinkle.

14 Mr. Sprinkle, if you'd stand back up, please, sir, if
15 if you don't mind?

16 THE DEFENDANT: (Complies.)

17 THE COURT: Mr. Sprinkle, we had earlier placed you
18 under oath to go over when I advised you about whether or
19 not you wanted to testify or not.

20 THE DEFENDANT: Uh-huh.

21 THE COURT: Okay? And we did that right before we
22 took a break for lunch. And during lunch, hopefully
23 you've had an opportunity to talk to everybody that you
24 wanted to.

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Have you had that opportunity?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Have you come to a conclusion as to
4 whether or not you wish to testify?

5 THE DEFENDANT: I don't.

6 THE COURT: Okay. And I appreciate the fact but, so
7 you've come to a conclusion. Have you done that freely
8 and voluntarily?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Has anybody forced you to make that
11 decision?

12 THE DEFENDANT: No, sir.

13 THE COURT: Okay. And it is your decision not to
14 testify; is that right?

15 THE DEFENDANT: Right.

16 THE COURT: Thank you, sir. You can sit down.

17 THE DEFENDANT: (Complies.)

18 MS. ULLMAN: Your Honor, The last thing I think before
19 we bring in the jury is the State has rested on the
20 record. The defense would have a motion for a directed
21 verdict.

22 THE COURT: Okay.

23 MS. ULLMAN: Bear with me just a moment, Your Honor.

24 THE COURT: Take your time.

25 MS. ULLMAN: Directed verdict motion, obviously the

1 Court is to look at the evidence in the light most
2 favorable to the State.

3 And this is an issue of whether evidence exists, not
4 sufficiency of that evidence, though the evidence must be
5 competent evidence, Your Honor.

6 Regarding that, specifically attempted murder, both
7 indictments, Your Honor, we believe there's been no
8 evidence at all as to Mr. Sprinkle's intent to kill
9 Mr. Rumph or Mr. Wright. Regarding that, Your Honor,
10 Mr. Wright received cuts to his body but he was never
11 stabbed or shot with the gun that they're alleging was
12 there.

13 Obviously a stabbing and a shooting would be likely to
14 result in death and certainly could be inferred to intend
15 that, but in this situation regarding Mr. Wright the only
16 evidence is that he had been hit, I believe, with a weapon
17 but that he was hit not shot or stabbed.

18 Regarding Mr. Rumph, Your Honor, I believe the
19 evidence has been that he was cut with the intention of
20 trying to make him talk. Obviously you can't make someone
21 talk who's dead.

22 So I think that that would show that the intent was to
23 make him talk, to make him tell where the money was and
24 not actually to kill him. Had that been the intent, make
25 him talk certainly wouldn't be part of what happened

1 there.

2 So regarding the attempted murder as to both victims,
3 I don't believe any evidence as to the intent has been
4 provided.

5 Your Honor, regarding the armed robbery, there's no
6 evidence that -- excuse me. I'm sorry. There's no
7 evidence that Mr. Sprinkle is the person who --
8 (conferring with Mr. Wise)...

9 I apologize, Your Honor. Just one second.

10 THE COURT: Take your time.

11 MS. ULLMAN: Apologize. Regarding the armed robbery,
12 the State has to allege or evidence has to exist here
13 today that Mr. Sprinkle took property from the presence of
14 a person or from that person himself with the intent to
15 deprive him while threatening or armed with a weapon.

16 In this situation I don't think there's been any
17 evidence that Mr. Sprinkle took property from both of
18 these victims or that he had the intent to deprive those
19 victims.

20 I believe the car itself, Your Honor, was left right
21 down the street. It certainly wasn't hidden or taken out
22 of the county or anywhere else. So we would argue that
23 there's no evidence as to the armed robbery.

24 Regarding the burglary, Your Honor, the evidence is
25 that the victim knew the people at the door and that they

1 let them in. So we would argue that there was no forced
2 entry or -- no forced entry, and their intent was to --
3 the testimony was their intent was to go in and use the
4 phone at first.

5 What happened and the change of the intent once they
6 entered the house wouldn't be probative. I think the
7 intent to commit the crime therein on a burglary, no
8 matter what degree, has to exist at the time that the
9 entry of the residence was made.

10 That's it, Your Honor. Thank you.

11 THE COURT: Thank you, ma'am. Any response?

12 MR. BELL: I'll respond.

13 THE COURT: Okay. Mr. Bell?

14 MR. BELL: Thank you, Your Honor.

15 As stated, the Court is weighing -- well, not weighing
16 but considering whether there was any evidence to support
17 the charges. I think as to the attempted murder, I think
18 the Court can infer that from the circumstances, A, they
19 were both armed with deadly weapons therefore, there was
20 an intent to do serious harm or to kill.

21 And I think the statements made, one, talk or I'll
22 kill you or whatever, I think that certainly, I think that
23 evinces an intent that they would have killed them if they
24 hadn't talked. I mean, we can't read their minds because
25 eventually I think Mr. Rumph talked.

1 I will also say there were questions that were asked
2 about, also, I think even Sean Echols, I've killed before
3 and I'll kill again. So even though I can't remember, I
4 thought that came out with one witness, maybe with
5 Detective Garrison, but there was talk, a direct threat to
6 kill which would evince an intent to kill and malice to
7 cover an attempted murder, both attempted murders because
8 as you know the hand of one is the hand of all. What's
9 imputed to one can be imputed to both since they were both
10 actively involved in the crime.

11 As to the armed robbery, they were both armed. Money
12 was taken from both individuals. Goods were taken from
13 both individuals while they were, each of the participants
14 were armed and we would say also that the hand of one,
15 again, applies to both. It covers the activity of both as
16 to each.

17 As to the burglary, Your Honor, I think there is no
18 element in burglary of forced entry. There's only entry.
19 And the State would argue that in this case that entry,
20 that the consent to enter was overcome or it was without
21 consent because it was coercive intent. It was gained by
22 trick or artifice under 16-11-310. And that's adequate
23 under the law for the crime of burglary first. They came
24 in. They were armed. And they also injured two
25 individuals who were not participants in the crime.

1 That's the elements of those crimes.

2 So I think the State has proven -- I think the State
3 has proven, not just the evidence (verbatim) of the
4 evidence but we have proven that all charges exist.

5 And would ask that you deny the directed verdict
6 motion on all five indictments.

7 THE COURT: All right. Thank you, Mr. Bell.

8 With regard to the motion, I do have to look at
9 whether or not there's any evidence with regard to the
10 attempted murder.

11 I believe the phrase you were looking for that was
12 testified to was, don't make me kill you over this little
13 bit of money was the question. So I do believe that there
14 is testimony from which a jury could reasonably find him
15 guilty of the charge of attempted murder.

16 As to the charge of armed robbery, I know that the
17 defense has made an issue about it not being for a very
18 long period of time, but if you take -- as the law says,
19 if you take property for even an instant away from, the
20 slightest removal of property for even an instant it's
21 sufficient to be a taking or an armed robbery of a person.

22 And, regarding no forced entry, deception as a means
23 of entering into a house is included in the charge of
24 burglary.

25 And I believe that with regard to all these charges

1 there's sufficient evidence in the record for it to go to
2 the jury. So I am denying motions for directed verdict.

3 Thank you, Ms. Ullman.

4 Now, is the defense -- I understand that Mr. Sprinkle
5 is not going to testify. Is there going to be any
6 testimony from the defense?

7 MR. WISE: No, Your Honor. We would rest.

8 THE COURT: So when the jury comes in and you rest on
9 the record, you won't -- do you want me to excuse them so
10 you can renew your directed verdict motion or --

11 MR. WISE: Can I have one minute, Your Honor?

12 THE COURT: Yeah.

13 MS. ULLMAN: Your Honor, for the record defense has
14 rested. I think it would be appropriate just to renew our
15 motion at this point.

16 When the jury comes in certainly in front of them
17 we'll rest so that they understand the defense is not
18 putting up any information but just for logistics and not
19 making them travel so much, obviously we have rested and
20 we would renew our motions just based on the same
21 argument.

22 THE COURT: Okay. And I think just for the record
23 what we'll do is I'll let you rest and then for the record
24 I just want you to state on the record we'll renew our
25 motions and I'll say I'll renew my decision or something

1 like that and we'll go forward.

2 MS. ULLMAN: Yes, sir.

3 THE COURT: Ms. Ford, are you prepared to go forward
4 at that stage?

5 MS. FORD: Yes, sir.

6 THE COURT: And then, who's closing? Ms. Ullman?

7 MR. WISE: I am.

8 THE COURT: Mr. Wise. All right.

9 If y'all are ready, go ahead and bring the jury in.
10 Okay. Thank you.

11 (Jury enters courtroom at 2:30 p.m.)

12 THE BAILIFF: Your Honor, may I approach?

13 THE COURT: Yes, ma'am.

14 (Off-the-record discussion.)

15 THE COURT: All right. Ladies and gentlemen, I
16 understand from the bailiff we tried to find a cooler room
17 to put y'all in. And you understand we will sweat you out
18 if we have to.

19 Now I hope y'all enjoyed lunch. We're getting ready
20 to continue with the trial now. Mr. Wise?

21 MR. WISE: Your Honor, at this point the defense would
22 rest.

23 THE COURT: Ladies and gentlemen, the defense has
24 indicated that they are resting which means that they will
25 not be putting up any testimony at this time.

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1 The -- so we will now go into the final arguments on
2 this case. Before we do the final arguments, Mr. Wise, do
3 you want to just note or Ms. Ullman, do you want to note
4 for the record?

5 MS. ULLMAN: Yes, sir. Just for the record, I would
6 renew motions that we had discussed previously and the
7 motions just made before.

8 THE COURT: Thank you. And just for the record, I
9 will do my decision just as we had done. Okay?

10 MS. ULLMAN: Yes, sir.

11 THE COURT: All right. Ladies and gentlemen, what
12 we're going to do now is we're going to go into the
13 closing arguments of the parties.

14 And Ms. Ford, are you ready?

15 MS. FORD: I am, Your Honor.

16 THE COURT: Okay. All right.

17 MS. FORD: May it please the Court.

18 THE COURT: Yes, ma'am.

19 MS. FORD: Good afternoon, ladies and gentlemen of the
20 jury.

21 Don't make me kill you over this little bit of money.
22 Don't make me kill you over this little bit of money.

23 There cannot be a more cowardly or depraved act than
24 the burglary, the robbery, and the brutal beating and
25 stabbing of two old men who were asleep in their own

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1 house.

2 But that was exactly what Richard Sprinkle and Sean
3 Echols did on the night of June 26, 2011, at the home of
4 Mr. Robert Rumph and Mr. James Wright.

5 They were asleep in their beds, awoken by a knock,
6 face to face with people they knew and ultimately with the
7 barrel of a pistol pointed at them and the shine of a
8 knife coming at their body.

9 Ladies and gentlemen, Mr. Sprinkle is charged on five
10 indictments; burglary in the first degree, two counts of
11 armed robbery, and two counts of attempted murder.

12 As I go over the law, I ask that you please remember
13 that Judge Dickson is the Judge. If anything I say in my
14 explanation of the law conflicts in any way with Judge
15 Dickson's, you've got to follow him. He's the Judge.

16 Use a yardstick.

17 Burglary in the first degree is the unlawful entry
18 into the dwelling of another without consent, with the
19 intent to commit a crime therein, accompanied by
20 circumstances of aggravation, being armed with a deadly
21 weapon, or causing physical injury to a non participant in
22 the crime.

23 Now Mr. Bell in his opening told you about this
24 unlawful entry into a dwelling of another without
25 consent. If you lie, you trick, you deceive to gain entry

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1 into the home, then that is without consent.

2 Armed robbery. Armed robbery is the taking and
3 carrying away of another's personal property with the
4 intent to deprive him or her of possession by use of
5 force, threats or intimidation and while armed with a
6 deadly weapon which in this case would be armed with a
7 knife and armed with a gun.

8 And attempted murder. The intent to kill, attempts to
9 kill another with malice aforethought either express or
10 implied.

11 The Judge is going to go over all of this in greater
12 detail.

13 But I first want to look to what you heard from the
14 witness stand. What's the testimony that you heard? The
15 evidence shows that Richard Sprinkle and Sean Echols went
16 to Mr. Rumph and Mr. Wright's house on Myers Road here in
17 Orangeburg County that night, June 26 of 2011.

18 Everyone agrees with that, even the Defendant. He
19 told the investigators he was there that night. Everyone
20 agrees.

21 They knocked at the door armed with a knife, a gun.
22 Sean Echols testified they came up with a story; I need to
23 use the phone, had a little fight with my girlfriend, I
24 need your help.

25 Mr. Wright testified he went to the door, answered

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1 it. They said they needed to use the phone. He wanted to
2 check with his house mate. He wanted to talk with
3 Mr. Rumph, Uncle Rocky as they called him when they asked
4 if they could see him and use the phone. Mr. Rumph said
5 sure because Mr. Wright said, we know him.

6 So when Mr. Wright went back, he pointed out the
7 person in this courtroom, Mr. Richard Sprinkle, that
8 pointed a gun at him. He pointed it right at his chest
9 and demanded money from Mr. Wright.

10 The testimony you heard from the witness stand was
11 that Mr. Wright knew him as Ricky. He had seen him
12 around. He testified that he had even seen him the day
13 before. He said, I saw him on that Saturday. This
14 happened that Sunday night. Middle of the night. He had
15 just seen him.

16 Investigator Garrison ultimately showed Mr. Wright the
17 lineup. And she said immediately Mr. Wright testified and
18 Investigator Garrison testified, he immediately picked out
19 who he called Ricky. Rick. Richard Sprinkle.

20 Sean Echols and Richard Sprinkle, they got
21 Mr. Wright's money. Mr. Wright was beaten about the head
22 with a gun, told you he had stitches on the inside of his
23 mouth because it was all broken up. They bloodied an old
24 man for \$40 in his own home causing lacerations to his
25 head. Investigator Garrison testified that these were the

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1 cleaned-up photos. This is what it looked like after it
2 was all cleaned up.

3 Ladies and gentlemen, the evidence shows you that
4 Richard Sprinkle is guilty of burglary in the first degree
5 and he's guilty of the armed robbery and attempted murder
6 of Mr. James Wright.

7 Both Mr. Wright and Mr. Rumph testified as well as
8 Sean Echols that the four of them, Mr. Rumph, Mr. Wright,
9 Sean Echols and Richard Sprinkle, all ended up in
10 Mr. Rumph's room.

11 After they had made their intrusion into the home by
12 lying, demanding money, they ended up in Mr. Rumph's
13 room. Sean Echols was demanding money, demanding money
14 from Uncle Rocky. Mr. Rumph knows Sean Echols. He dated
15 his mom. He had even borrowed money from Mr. Rumph.

16 Both Mr. Wright and Mr. Rumph picked Sean Echols out
17 of the photo lineup. They picked him as one of the people
18 who came in their home, robbed them, beat and stabbed
19 them.

20 Sean Echols told Mr. Sprinkle -- four of them were in
21 that bedroom, Mr. Rumph's bedroom, told him, make him
22 talk.

23 You heard testimony from both Sean Echols and
24 Mr. Rumph that Richard Sprinkle and Sean Echols switched
25 weapons. Richard Sprinkle had the knife and that's when

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1 Richard Sprinkle made Mr. Rumph talk, sliced him, stabbed
2 him in his abdomen, his foot, his arm, his legs, multiple
3 places all over his body, ultimately telling him, there's
4 more money, take it.

5 And that's what they did. Richard Sprinkle made him
6 talk and stole more money. According to both Mr. Rumph
7 and Sean Echols, they took Mr. Rumph's money, they took
8 his pants, an Atlanta Braves baseball cap and they left in
9 Mr. Rocky Rumph's car leaving this man, Mr. Rocky Rumph,
10 in a pool of blood in his own bed in his home.

11 Ladies and gentlemen, the evidence shows that Richard
12 Sprinkle and Sean Echols are guilty of the armed robbery
13 and attempted murder of Robert Rumph.

14 You heard some testimony from Mr. Wright. He said
15 Ricky looks different now. When he was beating and
16 robbing Mr. Wright and Mr. Rumph, he had dreads. He's
17 clean shaven now. But Mr. Wright pointed, that's Ricky.
18 He had dreads then. He looks different now but that's
19 him.

20 Mr. Wright was sure then that it was Richard Sprinkle.
21 He was sure now when he testified yesterday that that was
22 the man that came in his house. Lied his way in. Beat
23 him. Robbed him. Took his money.

24 Mr. Rumph testified he didn't pick anybody out of a
25 lineup other than Sean Echols. He picked Sean Echols out,

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1 but he gave Investigator Garrison a description; a taller
2 black man with dreads. Sure sounds like the description
3 of Richard Sprinkle at the time of this incident.

4 But then we come to the testimony of Sean Echols.
5 Sean Echols testified it was him. Sean Echols testified
6 Richard Sprinkle was with him. Together they entered that
7 home and robbed and assaulted these men.

8 Sprinkle himself told Investigator Thrower and
9 Investigator Stokes that he was at the house that night.
10 Of course he doesn't tell the whole truth. He says that
11 when stuff started going down he got scared and ran.
12 That's what he told them. That's what the investigators
13 testified to. And he left the house.

14 That sure doesn't match with what three of the four
15 people in that house that night said; that he was there.
16 Sean Echols testified he planned it with him, planned it,
17 entered that home, beat and took the money of these men.
18 Sounds better though for him to say, I was there but I was
19 scared. I didn't do anything.

20 That just doesn't match the testimony that you heard,
21 the overwhelming evidence that shows that Richard Sprinkle
22 was there, Richard Sprinkle participated in the planning.
23 Richard Sprinkle entered that home. He robbed these two
24 men. He sliced up Mr. Rocky Rumph. He had beaten
25 Mr. Wright, 74 year old Mr. Wright, stole their money and

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1 left in the car with Sean Echols.

2 The only one that disagrees with that is Richard
3 Sprinkle. The only person who has a motive to lie. He's
4 trying to save his own neck. Surely if he robbed and beat
5 two old men in the middle of the night, he'd certainly lie
6 to save his neck; wouldn't he?

7 The defense is going to try to say anything to help
8 Mr. Sprinkle avoid the truth, the truth that you heard
9 from the witnesses on the witness stand.

10 They're going to try to get you to believe that
11 Richard Sprinkle was scared of Sean Echols; he was
12 threatened by him, that he went to that house that night
13 because he was forced to by Sean Echols. He was under
14 duress. He had to go, but Sean Echols continues to
15 threaten him.

16 Ladies and gentlemen, does that make sense? That the
17 person who's testifying against this man is also
18 threatening him? Wouldn't it be the other way around?

19 Wouldn't it make more sense that the person testifying
20 against Mr. Sprinkle would be the one threatened? And
21 when did Mr. Sprinkle start claiming he was threatened?
22 Well it turns out it was right around the time he found
23 out that Sean Echols was going to testify against him.
24 Huh.

25 And when did Mr. Sprinkle want to come clean? He

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1 said, tell his truth is what he told the investigators,
2 Investigator Stokes and Investigator Thrower. Well, that
3 was in January of this year. This happened in 2011. He
4 was noticed for trial January of this year.

5 The defense wants you to believe, they're going to get
6 up here and argue in just a few minutes, that Richard
7 Sprinkle was there but he didn't have anything to do with
8 it.

9 But that's not what Mr. Wright said. That's not what
10 Mr. Rumph said. That's not what Sean Echols said.

11 That man was there. He participated. He robbed these
12 men. He assaulted these men in their own house.

13 The defense is also going to try and throw out that
14 there was a third person in the house that night, someone
15 to draw attention away from Mr. Sprinkle.

16 Except the victims say that there were only two people
17 in the house that night. And we know it was Richard
18 Sprinkle and Sean Echols.

19 Ladies and gentlemen, I didn't call Sean Echols to the
20 witness stand because he was a boy scout. Ladies and
21 gentlemen, Sean Echols is a bad man. He entered their
22 home. He beat them. He robbed them. He's not a good
23 guy.

24 And Mr. Echols admits it. He's always admitted it.
25 You heard him say, we got caught.

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1 And what he says happened and what Mr. Rumph says
2 happened and what Mr. Wright said happened is right on.
3 He did it. Richard Sprinkle did it.

4 During cross-examination Mr. Wise had asked
5 Investigator Garrison if she heard Mr. Rumph tell
6 Mr. Sprinkle at some sort of hearing that he knows he
7 didn't have anything to do with it. Investigator Garrison
8 said she didn't recall any sort of conversation like
9 that.

10 Well, the interesting thing is, Mr. Wise didn't ask
11 Mr. Rumph that question because he knows if he did
12 Mr. Rumph wouldn't have just said no. He would have said
13 heck no. That didn't happen. Never said that.

14 And if he had asked Mr. Rumph that, then Mr. Wise in
15 his closing couldn't come up here and float that out to
16 you all, try to make you all think, oh maybe, maybe
17 Mr. Rumph did say that. So we asked Investigator Garrison
18 instead.

19 The defense is going to argue anything to avoid the
20 truth. The truth that Richard Sprinkle knows, these
21 victims know, Sean Echols knows. And that's Richard
22 Sprinkle is guilty of burglary in the first degree. He's
23 guilty of two counts of armed robbery. And he's guilty of
24 two counts of attempted murder.

25 Now concerning the attempted murder, if you ladies and

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1 gentlemen are not firmly convinced that Mr. Sprinkle is
2 guilty on the charge of attempted murder, the Judge will
3 instruct you on some other offenses. And while it's the
4 State's position that there is sufficient evidence to find
5 Mr. Sprinkle guilty of attempted murder on both Mr. Wright
6 and Mr. Rumph, I ask you all to evaluate the evidence that
7 you heard, think about it carefully and hold Mr. Sprinkle
8 responsible for the terrible injuries that he caused
9 Mr. Wright and Mr. Sprinkle -- Mr. Wright and Mr. Rumph,
10 excuse me, and find him guilty of attempted murder.

11 And as we wrap up, I go back and think about the
12 openings, the road map that you heard from Mr. Bell and
13 Ms. Ullman. Ms. Ullman said in her opening that
14 Mr. Sprinkle is just a citizen of Orangeburg County but
15 that the sheriff's office and public safety don't work for
16 him.

17 Well, I disagree with that. The sheriff's office,
18 public safety, they work for all citizens, you, me,
19 Mr. Sprinkle, serving and protecting us. It just so
20 happens that in this case the citizens of Orangeburg
21 County need to be protected, protected from Richard
22 Sprinkle.

23 I ask you, members of the jury, to carefully consider
24 and think about the evidence that you've heard from this
25 witness stand. I want you to take a look at the photos,

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1 deliberate in just a little bit.

2 I want you to consider all the witnesses. Mr. Wright
3 and Mr. Rumph, they're not educated men but they know when
4 they were robbed and assaulted in their own home and they
5 know who did it.

6 And they know it was Sean Echols and it was Richard
7 Sprinkle who planned it, carried it out and left, left
8 these men bloody in their own home in the middle of the
9 night.

10 I ask you, members of the jury, to do what is right
11 and what is just. And in the interest of justice for
12 Mr. Wright, Mr. Rumph, I ask that when you deliberate I
13 ask that you find Richard Lanard Sprinkle guilty of
14 burglary in the first degree, guilty of armed robbery
15 against Mr. Rumph and Mr. Wright, and I ask that you find
16 him guilty of two counts of attempted murder against these
17 victims.

18 THE COURT: Thank you, Ms. Ford.

19 MS. FORD: Thank you.

20 THE COURT: Mr. Wise?

21 MR. WISE: Thank you, Your Honor. If it please the
22 Court.

23 I understand everything that you've been told by the
24 State about how they see this case. But I think if you
25 take a step back and look at the facts in this case you

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1 take a step back and look at the facts in this case you
2 will see that the things they say do not make sense.

3 I'm going to say a lot of things. I'm going to talk
4 about a lot of things. I'm going to lay out a lot of
5 facts. If you think that I am misstating, if you think
6 that I'm incorrect, if you think that I'm exaggerating,
7 you have the ability to come back in here and hold me to
8 my proof. You can come back in here and say, we want to
9 hear something back. And you can check whether or not I
10 am telling you what the facts of this case reveal.

11 Now, let's take a look. Because there are too many
12 things that just don't make sense in this case. You know,
13 when I started working on this I said to Mr. Sprinkle, you
14 know, there's just too many inconsistencies. At this
15 point I am saying there are some things that are just an
16 impossibility that just could not have happened.

17 Let's start with the fact that these people go to
18 somebody's house at 2:30 in the morning.

19 Now if you believe the police report based on the
20 description that they gave, Mr. Rumph and Mr. Wright did
21 not know who did this.

22 Now, remember, the State says one knew one, the other
23 knew the other. But Deputy McRoy came in here and
24 testified that he did his incident report. And in his
25 incident report when it asked him who are these two

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1 subjects he had two things filled in. One was unknown and
2 one was a blank.

3 And I asked him, when you left the house that day, who
4 were you looking for. And he said, we were looking for
5 two unknown people.

6 Now that's the first indication that something's wrong
7 because obviously if they knew that it was Sprinkle and
8 they knew that it was Echols and they knew both of them,
9 that's the first thing they would say.

10 And, remember they spoke to the police. I think they
11 said they spoke to four or five police officers.

12 At the time this happened Mr. Wright said that he did
13 not know who did this. If he knew it was Richard
14 Sprinkle, he would have said so.

15 But the report says the robbers are unknown.

16 The other thing I think that goes along with that is,
17 under my examination of Investigator Garrison, I asked her
18 what was the first thing that Mr. Wright said to you about
19 who did this. And she said it was -- he said it was two
20 guys. Garrison says they said, two black males. No
21 matter who you believe, we know there's no doubt about it,
22 they never said it was Mr. Echols and Mr. Sprinkle.

23 Now the other thing, late at night, not that big a
24 deal but important is that they described Mr. Sprinkle as
25 a person with dark skin. We'll he's sitting there and you

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1 can look at him. And you can make your own determination
2 about whether or not he is dark skinned.

3 But I submit to you the fact that they described that
4 man as dark skinned gives you a pretty good indication
5 that something was going on here. And it is not as the
6 State would have you believe.

7 The other thing that caught my attention about this
8 case which made me think this case isn't just what the
9 State says it is, is that Mr. Wright said he went to the
10 door and Mr. Wright knows Mr. Sprinkle. He calls him Rick
11 or Ricky but he never said in answer to my question, did
12 you speak to him, did you address him, did you say Rick or
13 Ricky what are you doing here. Did he say to you,
14 Mr. Peg, how are you doing. There was no interaction
15 between them according to Mr. Wright.

16 So I submit to you that when he said that that's not
17 right. That's not accurate.

18 Now, according to Mr. Wright, Mr. Sprinkle asked for
19 Mr. Rumph but Mr. Rumph doesn't know -- Mr. Rumph doesn't
20 know Mr. Sprinkle. So why are we asking that? You would
21 think that Echols who knows Mr. Rumph would ask for
22 Mr. Rumph. Echols would be the one who would say, Uncle
23 Rocky. But Echols never spoke.

24 The other curious thing about it is, if Mr. Wright
25 knew it was Mr. Sprinkle that night why would they need

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1 three or four lineups to figure it out?

2 Apparently Mr. Wright said he knows his name and he
3 knows what street he lives on. Now, I know Investigator
4 Garrison. She's a good investigator. She doesn't need
5 much more to find him. She wouldn't have to keep showing
6 them these lineups.

7 So I submit to you either Mr. Wright and Mr. Rumph
8 were trying to mislead people, mislead the police or they
9 let two complete strangers into their house at that
10 address.

11 Obviously they spoke to the police because the police
12 had the description and the only people who would give
13 that description were Mr. Rumph and Mr. Wright. So
14 obviously they were not being forthright. That's the
15 point.

16 The question is, why? Why would they not be
17 forthright with the police? Why would they not say, we
18 know these guys, this is who they are? One is my
19 girlfriend's son and one is a guy I know and this is his
20 name.

21 We'll come back to that, but there's some other things
22 about the evidence in this case that should cause you some
23 concern and cause you, I submit, to find that the State
24 has not proven their case beyond a reasonable doubt.

25 To accept the State's theory you have to believe that

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1 Mr. Rumph did not know who was seeing Rick. You have to
2 believe that Mr. Rumph just said, sure, let these
3 strangers in.

4 Now -- because remember, he didn't know. He didn't
5 have names. Mr. Sprinkle never said to Mr. Rumph, it's
6 Sean and it's Ricky. He never said who they were. He
7 just said they were these -- his words I think were,
8 according to Mr. Rumph, two boys want to use the phone.

9 Neither Mr. Rumph or Mr. Wright ever testified that
10 Mr. Wright told Mr. Rumph that it was Mr. Sprinkle at the
11 door. So he -- you have to believe that he just said,
12 okay, 2:30 in the morning, these two boys we don't know,
13 they want to use the phone, have at it. Let them use it.

14 I submit that that didn't happen. It couldn't happen
15 that way.

16 Another issue I think that it's small but it's
17 important is that whether this happened at 2:30 in the
18 morning or 4:30 or five o'clock in the morning. And
19 remember Mr. Wright wasn't sure about time it happened.

20 And I say that only because of this. If they can't be
21 sure about something that simple, can you have any
22 confidence in any of the other things that they tell you?

23 How many people were there? Mr. Rumph and Mr. Wright
24 say two. Sean says three. Now these are State's
25 witnesses. Listen, I'm not making something up. I'm not

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1 arguing something that didn't -- wasn't testified to from
2 this stand.

3 Let's look at something else about what happened here.
4 There's some very simple facts that are in dispute, like
5 who did what.

6 I was trying to follow, make my notes and listen to
7 what was going on. I came away with this. Sean Echols
8 said he assaulted and robbed Mr. Wright and he said that
9 in great detail.

10 But Mr. Wright testified that Mr. Sprinkle assaulted
11 and robbed him and he said that in great detail.

12 Lots of details. No doubt about it.

13 And when Mr. Wright filled out that photo lineup form
14 that Investigator Garrison showed him, he circled
15 Mr. Echols' picture and wrote that that was the man that
16 hit him in the head with a gun.

17 So obviously this all can't be true. Something is
18 wrong. That alone should cause you some concern.

19 Another issue is both Mr. Wright and Mr. Rumph
20 testified to something and agreed to something that just
21 could not happen. And let me be specific.

22 Somebody goes to the door. Mr. Wright says, one guy
23 followed him into his bedroom and pistol whipped him.
24 That was his word. He says the other guy, and when he
25 used the word pistol whip he means hit him with a gun. He

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1 said that.

2 He said the other guy went right to -- and that was
3 his words, went right to Mr. Rumph's room. He said one
4 guy had a knife. One guy had a gun. So in this house
5 there's one guy with a knife, one guy with a gun.

6 So the guy in Mr. Wright's room has the gun,
7 but Mr. Rumph said a man comes in waiving a gun, woke him
8 up waiving a gun. Obviously it's impossible for
9 Mr. Wright to be pistol whipped with a gun in his room and
10 Mr. Rumph at the same time to be approached in his room by
11 a man with the same gun. Cannot happen. That's what I
12 mean by impossibility. These are not inconsistencies.

13 Mr. Rumph has said that the small guy hit Mr. Wright
14 with the gun. The small guy is Mr. Sprinkle. That's what
15 Investigator Garrison told you. So that would mean that
16 Mr. Sprinkle would have been with Mr. Wright in Wright's
17 room and therefore could not have been in Mr. Rumph's room
18 with the gun. It's an impossibility.

19 Then that leads to the question of: Okay, well then,
20 who cut Mr. Rumph? Mr. Rumph says Mr. Sprinkle cut me,
21 but it could not have been Mr. Sprinkle who cut him
22 because Mr. Wright says Mr. Sprinkle was with him in his
23 room. That's what Mr. Wright says.

24 And according to Mr. Wright when he got into
25 Mr. Rumph's room, Mr. Rumph had already been cut. So

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1 obviously, logically the person who might have cut -- who
2 would have cut Mr. Rumph could not have been, as the State
3 alleges, Mr. Sprinkle because he would not have been
4 there. And by the time he got there Mr. Rumph had already
5 been cut.

6 Wright helps me with this because he says, look, the
7 other guy, the other guy being Mr. Echols, cut Mr. Rumph.
8 That's the testimony. And that testimony makes sense
9 because remember what Mr. Echols said, he was the one with
10 the knife.

11 So, the point obviously is you can't have it both
12 ways. Both Mr. Echols and Wright could not have both cut
13 Mr. Rumph with one knife. An impossibility.

14 Now there was this issue about them -- someone said
15 the State argued about them switching knives. And I
16 understand that, except for the fact that Mr. Wright said
17 that never happened. What he says is, the guy comes in
18 the house. He's got a gun. He hits me in the head with
19 the gun. We go into Mr. Rumph's room. He's got the gun.
20 They go out the back door. He's got the gun. He came --
21 and I asked him. He came in with a gun, he went out with
22 a gun. That's what he said.

23 So you can see the confusion about what happened. You
24 can see the impossibility about what happened. Did
25 Mr. Echols hit Mr. Wright or did Mr. Sprinkle hit

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1 Mr. Wright? Did Mr. Sprinkle cut Mr. Rumph or did
2 Mr. Echols cut Mr. Rumph?

3 And the thing that makes me use the word impossibility
4 is because during the course of this trial they have said
5 all of that happened. And all of that can't be true.

6 And again, if you think I am exaggerating or making it
7 up, there is a record. You come back and listen to it.

8 How much money was taken? Mr. Echols says close to
9 7,000. Mr. Rumph says a thousand. Again this is the
10 State's witnesses. I'm not just making stuff up.

11 I got to deal quickly, I think, with the allegation
12 about somebody making him talk. When you think about that
13 and you take a step back and you listen to that, you look
14 at that, I submit to you, you can't accept that at face
15 value.

16 If you believe that Echols told Mr. Sprinkle to make
17 Mr. Rumph talk but -- and I asked him about this at the
18 time it happened. It didn't make any sense. Because the
19 reason Mr. Echols came into the room, according to
20 Mr. Rumph, was because the other person, they said it's
21 Sprinkle, said, I got it. So he had the money.

22 There's nothing to make him talk about. Whatever that
23 means, it didn't happen because it doesn't make any
24 sense. And remember he says, come in and make him talk.
25 They never say talk about what, because they had the

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1 money. And they never ask him any questions.

2 Now, I don't know exactly what happened in that room.
3 I don't. But I know that when they come in and say that
4 somebody said, make them talk and the other person started
5 cutting them, that didn't happen. It just doesn't follow.

6 So obviously you can't just accept what they say about
7 what happened and who did what. And I submit these
8 inconsistencies, and I called them impossibilities, makes
9 it impossible for you not to have a reasonable doubt about
10 what happened that night.

11 So what happened? Well, now the thing we know is
12 this. After my cross-examination about Mr. Rumph and his
13 income and money that was taken, we come to find out it's
14 a gambling place. We come to find out there's a lot of
15 money in that place.

16 So I submit what happened is some kind of gambling-
17 related something. I don't know. It was common knowledge
18 that it was a gambling place, obviously. It was common
19 knowledge that there was a lot of money there. And I
20 submit that, back to what I said in the beginning, that's
21 why Mr. Wright and Mr. Rumph were not forthright with the
22 police.

23 And that's also why their stories are so inconsistent
24 because when you're talking about \$7,000, that's a lot to
25 try to explain. It's a lot to -- it's enough money to

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1 cause the streets to break out. People have certainly
2 fought over less. But that's why this came up. That's
3 why there was an issue for them and they couldn't just
4 come to the police. When the police walked in the door
5 they couldn't say, okay, this is what happened. We're
6 having a game and, you know, we had a lot of money and
7 this is what happened and we know who did it.

8 It had to be related to the money and the gambling
9 because, as Mr. Rumph said, he was on a fixed income.
10 Sean Echols' mother dates Mr. Rumph. She knows how much
11 money he's got. She knows he's on a fixed income. So
12 obviously he would not be a target to rob just on his
13 fixed income. And that's why they told the police they
14 didn't know who did it.

15 So they had to come up with this story. And why is
16 this significant? The problem is this. This happens.
17 They got to come up with a story and, remember, time
18 passed. There was some time before they told the police
19 what happened. They told them at the hospital, not at the
20 house, at the hospital.

21 During that time they were trying to figure out
22 exactly what to tell the police. So they were trying to
23 come up with a story and they had some time. They didn't
24 have enough time and that's why they couldn't work out the
25 details about what happened. And that's why the story

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1 doesn't make sense. And that's why they did not give
2 forthright answers to the police. And that's why you
3 should have a reasonable doubt about what happened.

4 I was listening to the State's case and they -- one of
5 the officers, deputies testified about crime scene people
6 coming out, people start investigating and photo lineups.

7 But it doesn't help because this has nothing to do
8 with Mr. Sprinkle.

9 They didn't need all of that. And the fact they used
10 all of that is a good, I think, indication that they did
11 not say Mr. Sprinkle in the very beginning because they
12 wouldn't need all of that to find him.

13 Well, why did they name him? Why did they name him?
14 Why would they pick on him? That's the question. Well,
15 what do we know? No doubt about this. We know Sean did
16 this. He came in, he testified to what happened. One of
17 the things I asked him was: Were you involved in sending
18 texts messages to set this up? And he said, yeah. I
19 said: Did you send any to Sprinkle? He said, no. And
20 there's no record of text messages to Sprinkle. Why?
21 Because Mr. Sprinkle wasn't involved with it. He's
22 sending text messages to the people who are helping him,
23 Collins and Jasper Clark.

24 We know Sean did this. He called earlier. We know
25 his mother was involved because she called setting it up.

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1 She called earlier in the evening to make sure he was
2 home, called again to make sure he was home. She said, I
3 want to just come over, is that okay, although it was late
4 at night. And who else knew about the money except for
5 Vivian Johnson?

6 We know she was involved because the interesting thing
7 that got to me was the testimony that she got to the
8 house, and I think the term was, right after he got back
9 from the hospital. Well, how would she know that that
10 happened? Because there is no testimony, no indication
11 that anybody called her. She was following the situation
12 because she was involved in the situation and she was
13 checking to see how he was.

14 So we have Sean. We know he's involved. We have
15 Sean's mother's boyfriend, Mr. Rumph. We know he's
16 involved. We have Sean's mother's boyfriend's roommate,
17 Mr. Rumph (sic). All connected. We know that. Who is
18 the odd man out? Who is totally uncommitted? Who has no
19 connection to any of these people?

20 And that is Mr. Sprinkle. That's Richard. And that's
21 why he gets named. He's just a guy in the community and
22 they use him because it will help Sean. He is just a fall
23 guy, a patsy. I don't know what name you want, but we
24 know that the problem is Sean Echols is on the hook. No
25 doubt about it. He's in a bad place. So what does he

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1 do? What does his mother do? They come up with a plan to
2 help him. How can you help him?

3 He names Richard Sprinkle. What does that do? It
4 does what -- it accomplishes what he wanted to accomplish
5 which is, he can come in here, take this witness stand,
6 look you in the eye and say, it was me but it was also
7 another guy. So I'm going to come in here and I'm going
8 to help the police. I'm going to be a witness for the
9 State and then I can ask for mercy, well, I helped you
10 out. And it worked.

11 So just to be sure you understand the point I am
12 making, the State's dealing with a guy, a bad person,
13 plans a robbery, present at the robbery, puts the whole
14 thing in place. He is facing a maximum of 30 years. The
15 guy who set the whole thing up.

16 Somebody else, Mr. Sprinkle, is facing life without
17 parole. I asked Sean, did the State serve you life
18 without parole notice? No. He's not dumb. He knows what
19 he's doing. He is very smart. He is accomplishing with
20 the help of the State exactly what he wants. And, and
21 he's making it better for his friends, whoever those third
22 people are. He's making it better for his mother.

23 Don't think Sean can't do this. You've seen him.
24 You've got a feel for him. These people know him;
25 Mr. Rumph, Mr. Wright. They know him. He knows them. He

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1 knows where they live. And as he said to them, people he
2 knows, the boyfriend of his mother, as he looked him in
3 the eye and said he has killed before and will kill again.

4 That's the kind of person he is. Everybody knows Sean
5 Echols and everybody's afraid of him. Even Richard
6 Sprinkle is afraid of him and he was in jail.

7 If Sean Echols says to Mr. Rumph, to Mr. Wright, to
8 whoever, that Mr. Sprinkle is the third person, then
9 Mr. Sprinkle is going to be the third person because
10 nobody's going to cross him. And neither Wright nor Rumph
11 are going to go against him. And he has his mother to
12 just make sure everything goes according to plan.

13 So why would the -- it was a good question. Ms. Ford
14 asked a very good question. Why would Mr. Echols threaten
15 Mr. Sprinkle? Because Mr. Echols is trying to make
16 something happen, and he doesn't want Mr. Sprinkle to get
17 in the way. That's why he threatened him.

18 So what is Sprinkle's involvement in this case? I
19 submit to you he's the real person that Sean referred to
20 that -- when he said that there was a third person who did
21 nothing. Sean said there was a third person.

22 Mr. Sprinkle told the police there was a third person. He
23 said, when things started going wrong, I left. When the
24 assault started, I left.

25 And that's why they keep talking about only being

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1 two people in there because when all the dirty work was
2 happening in the house, Mr. Sprinkle was gone.

3 According to Mr. Echols, he says someone just stood
4 there, didn't do anything, didn't plan, didn't have a
5 weapon. And I submit it was Mr. Sprinkle that was that
6 person.

7 Sean has never -- Sean Echols has never said who the
8 other people are. But he's made up a story of
9 Mr. Sprinkle's involvement to protect those people. I
10 would submit it was probably Little J who he referred to
11 or Collins Shuler, maybe his mother, but I don't know. I
12 think it was probably Little J or Collins Shuler. And
13 just to show you how smart he is, they're off the hook.
14 No charges, no testimony --

15 MR. BELL: Objection, Your Honor. There's no evidence
16 of what he's saying there in the record.

17 THE COURT: Do I need to excuse the jury so I can talk
18 about this with y'all, or do we need to ignore that?

19 MR. WISE: Okay. No, I'll rephrase.

20 THE COURT: If you don't mind rephrasing, Mr. Wise.
21 I'll appreciate it.

22 MR. WISE: Thank you. Okay.

23 So I say it's Collins or I say Little J or Collins
24 Shuler. You did not hear any of them come in to testify.
25 Why is that? Just like Sean wanted, the police don't

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1 care.

2 Now the last few things. The thing that, that made me
3 scratch my head about this whole thing is Mr. Echols
4 testified he knows Collins Shuler, known him all his
5 life. He knows Little J, Jasper Clark, known him all his
6 life.

7 But he's only talked to Mr. Sprinkle twice. And you
8 have to scratch your head and wonder why would somebody
9 commit a crime that carries maximum of life imprisonment
10 with somebody who he's only known (verbatim) twice.

11 Why would he do that? He doesn't know him,
12 obviously. Doesn't know what he'd do, what he's capable
13 of, whether he'd stand up, if he wouldn't, if he'd run.
14 No, he would do it with the people like Collins Shuler and
15 Little J. The people he's known all his life. His boys.
16 His people he can count on. That's how that would
17 happen.

18 And I submit to you, that's why Collins Shuler and
19 Little J weren't called as witnesses in this case.
20 Because they weren't the people, as he said, that were
21 doing this. And they're not going to come in here and do
22 what Mr. Echols said. And who would? Of course, they
23 don't have the same situation Mr. Echols has. Okay.

24 The other thing you can't ignore about this case is
25 the lack of any physical evidence. No fingerprints in the

CLOSING STATEMENTS ON BEHALF OF THE DEFENSE

1 car or in the house. No weapon found. No money found.
2 No DNA. And, remember, Mr. Sprinkle gave them a DNA
3 sample. It's nothing. There's nothing. No physical
4 piece of evidence to in any way corroborate or
5 substantiate what anybody from the State has said.

6 Now, I've got a few last arguments but I want to talk
7 about these charges for a minute. Number one, I submit to
8 you that there's no attempted murder. I say if you look
9 at Mr. Rumph, if you look at his injuries, it is pretty
10 obvious that there was no intent to murder.

11 The State may say he used a knife but when the
12 injuries are to someone's feet and someone's arm and
13 somebody's thumb -- and if you look at the photos, they're
14 here. They're an inch, maybe an inch and a quarter.
15 You're not trying to kill anybody like that.

16 Now, I submit to you that if somebody were going to
17 hurt somebody or try to kill somebody with a knife, they
18 would stab that person and not inflict what are
19 relatively -- and I don't mean that cuts don't hurt, but
20 relatively small cuts. And there was no stabbing here.
21 They would be small cuts.

22 And I submit also that this whole issue of
23 just-making-him-talk thing, if nothing else it's an
24 indication they were not trying to murder Mr. Wright.

25 As to Mr. Wright, certainly his injuries are not

CLOSING STATEMENTS ON BEHALF OF THE DEFENSE

1 enough. Getting hit in the head is not enough.

2 Now the Judge is going to give you some other
3 charges. And he'll tell you about assault charges and
4 other charges, and he's going to charge you on those but
5 let me tell you this.

6 If you look at these injuries of Mr. Wright and they
7 don't even rise to the level of the charge that the Judge
8 gave you, if you look at them and say, this isn't even
9 that, assault and battery second degree, then as to that
10 you find him not guilty. And that's it.

11 There's no burglary here. Why do I say that? Well,
12 there's some statements that are not in dispute. They go
13 to the door. They request to be let in. They get let in
14 and then something happens inside. Obviously the State
15 says they try to trick them to get in, but we talked about
16 something, something happened inside. So obviously there
17 was no forced entry. They were voluntarily let in.

18 Now, the fact that after they get in they committed a
19 crime, after they get in they commit a crime does not make
20 it a burglary. It does make the crime that was committed
21 after they got in but not a burglary.

22 And the evidence at this point, I think, is
23 insufficient to show that whatever happened here, whatever
24 happened, fight, gambling, argument, whatever it was,
25 there was no intent to do anything wrong when they went

CLOSING STATEMENTS ON BEHALF OF THE DEFENSE

1 in.

2 So as I said in the beginning, I understand everything
3 the State is arguing. But there are some things that just
4 caught my ear when Ms. Ford was speaking. And there's a
5 couple of expressions she used. She used they knocked at
6 the door. They said they needed to use the phone. She
7 said, I think it's Mr. Wright was beaten about the head.
8 They bloodied the old man. They took his pants. And the
9 reason that caught my ear is because even the State
10 doesn't know exactly who did what or they would have told
11 you.

12 Now, the interesting thing that Ms. Ford said was that
13 Mr. Sprinkle started talking around the time that he found
14 out about Mr. Echols. And I thought that was interesting.

15 Because here's what you need to do. If I say
16 something that you don't think really happened, you check
17 the record. And I ask you to check the record to see if
18 there's any proof in that. Okay. Check the record to see
19 if there's any proof of what he talked about as far as the
20 (inaudible). It's just not what this case is.

21 She described Mr. Wright as sure, but I will say
22 this. I think you understand at this point that
23 Mr. Wright is anything, but he's not sure. He is anything
24 but sure about what happened.

25 The Judge -- one of the Judge's instructions is going

CLOSING STATEMENTS ON BEHALF OF THE DEFENSE

1 to be on the issue of mere presence. You'll listen to
2 that. But basically what it means is this. If somebody
3 is present when something happens and they're not involved
4 in it, then it's not hand of one hand of all.

5 There is this old, this idea that we can -- we have
6 this hand of one hand of all thing, when people are around
7 then everybody's responsible. It's almost like some
8 judicial-pixie-dust-supreme-court-case that everybody's
9 guilty. But that's not the law. The Judge will instruct
10 you on the law when he talks about mere presence.

11 Ms. Ford asked something about why I didn't ask
12 Mr. Rumph the question about -- it really was a good point
13 she made, but I didn't ask because I didn't have to. I
14 asked Investigator Garrison because she was there.
15 Nothing to hide. I'm not trying to hide.

16 I understand everything the State has put forward. I
17 understand everything that they've argued. I submit that
18 the evidence in this case is just insufficient.

19 I submit that when you look at the testimony of
20 Mr. Wright and Mr. Rumph and you put them side by side,
21 put them next to each other, put them on top of each
22 other, it's impossible. The things they said happened
23 could not have happened. They can't just say everybody
24 did everything and come in here and expect you to send
25 people to prison on that kind of testimony. There's too

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1 many problems with their story, too little evidence in
2 this case.

3 I submit the appropriate verdict is not guilty.
4 Mr. Sprinkle has been through a lot. He has been put
5 through a lot. He has been threatened. And it is time
6 for you to find him not guilty and send him home.

7 Thank you.

8 THE COURT: Thank you, Mr. Wise.

9 Ladies and gentlemen, before I go over the charges
10 with you, we've been going for just about an hour so I'm
11 going to let you all take a break. Go back to the jury
12 room for a second and I'll bring you all back out in about
13 ten minutes.

14 Remember you have not heard me give you the charge on
15 the law. You cannot begin your deliberations until I tell
16 you you can begin your deliberations. I'll let you go
17 back and stretch your legs for a minute and then you'll
18 come back and I'll charge you on the law.

19 Thank you.

20 (Jury exits courtroom at 3:29 p.m.)

21 THE COURT: All right. We'll be in recess for ten
22 minutes.

23 (Thereupon at 3:30 p.m., a recess was taken until
24 3:45 p.m., when the trial resumed:)

25 THE COURT: State ready?

JURY CHARGE

1 MS. FORD: Yes, sir.

2 THE COURT: Defense ready?

3 MS. ULLMAN: We are, Your Honor. Thank you.

4 THE COURT: Bring them back, please, ma'am

5 (Jury enters courtroom at 3:45 p.m.)

6 JUDGE'S CHARGE TO THE JURY

7 THE COURT: All right. Ladies and gentlemen, it's
8 getting down to the wire. My turn to charge you on the
9 law in this case.

10 The indictments that I mentioned, that have been
11 mentioned in this case, these indictments, there are a
12 number of offenses that the Defendant has been charged
13 with. But I need to remind you of the fact that the
14 Defendant was arrested, charged and indicted is not
15 evidence in this case and cannot be considered by you as
16 evidence of guilt in this case, nor does it create any
17 presumption or inference of guilt.

18 These documents are simply the formal written
19 instruments which contain the charges made against the
20 Defendant. They are the formal documents which brings
21 this case to court.

22 The indictments charge the Defendant with several
23 different offenses.

24 He is charged with armed robbery of Mr. Rumph and
25 Mr. Wright.

JURY CHARGE

1 He is charged with attempted murder of Mr. Rumph and
2 Mr. Wright.

3 And he is charged with burglary in the first degree.

4 Each indictment charges a separate and distinct
5 offense. You must decide each indictment separately on
6 the evidence and law applicable to it, uninfluenced by
7 your decision as to any other indictment.

8 The Defendant may be convicted or acquitted on any or
9 all of the offenses charged. You will be asked to write a
10 separate verdict of guilty or not guilty for each
11 indictment. This is the verdict form.

12 And, Madam Forelady, at the conclusion of these
13 charges, I'm going to come down there and I'm going to
14 review this with you.

15 Now the Defendant has pled not guilty to these
16 indictments. And that plea puts the burden on the State
17 to prove the Defendant guilty beyond a reasonable doubt as
18 to every offense charged. A person charged with
19 committing a criminal offense in South Carolina is never
20 required to prove himself innocent.

21 The basic rule of our law is that a Defendant in a
22 criminal trial no matter how serious the charge is always
23 presumed to be innocent of the crime for which the
24 indictment was issued unless guilt has been proven by
25 evidence satisfying you, the jury, of that guilt beyond a

JURY CHARGE

1 reasonable doubt.

2 This presumption of innocence does not end when you
3 begin your deliberations but it accompanies the Defendant
4 throughout the trial until you reach a verdict of guilt
5 based on evidence satisfying you of that guilt beyond a
6 reasonable doubt.

7 The presumption of innocence is like a robe of
8 righteousness placed about the shoulders of the Defendant
9 which remains with the Defendant until it has been
10 stripped from the Defendant by evidence satisfying you of
11 the Defendant's guilt beyond a reasonable doubt.

12 The presumption of innocence is not mere legal
13 theory. It is not just a legal phrase. It is a
14 substantial right to which every defendant is entitled
15 unless you, the jury, are satisfied from the evidence of
16 the Defendant's guilt beyond a reasonable doubt.

17 What is reasonable doubt in the law? A reasonable
18 doubt is the kind of doubt that would cause a reasonable
19 person to hesitate to act. The State has the burden of
20 proving the Defendant guilty beyond a reasonable doubt.

21 Some of you may have served as jurors in civil cases
22 where you were told that it is only necessary to prove
23 that a fact is more likely true than not true such as by
24 the greater weight or preponderance of the evidence.

25 In criminal cases the State's proof must by more

JURY CHARGE

1 powerful than that. It must be beyond a reasonable doubt.
2 Proof beyond a reasonable doubt is proof that leaves you
3 firmly convinced of the Defendant's guilt.

4 There are very few things in this world that we know
5 of with absolute certainty. And in criminal cases the law
6 does not require proof that overcomes every possible
7 doubt. If based on your consideration of the evidence you
8 are firmly convinced that the Defendant is guilty of the
9 crime charged, you must find the Defendant guilty.

10 On the other hand, if you think there is a real
11 possibility that the Defendant is not guilty, you must
12 give the Defendant the benefit of the doubt and find him
13 not guilty.

14 During the trial you and I have certain duties to
15 perform. As the trial judge it is my duty to preside over
16 the trial of this case and I also have the duty to rule on
17 the admissibility of evidence offered during this trial.

18 You are to consider only the competent evidence before
19 you. If there was any testimony ordered stricken from the
20 record in this case during this trial, you must disregard
21 that testimony.

22 You are to consider only the testimony which has been
23 presented from this witness stand and any exhibits which
24 have been made a part of the record in this case and any
25 stipulations of counsel.

JURY CHARGE

1 I have the duty to charge you the law applicable in
2 this case. As the presiding judge, I am the sole judge of
3 the law and it is your duty as jurors to accept and apply
4 the law as I now state it to you.

5 If you already have an idea as to what the law is or
6 what the law ought to be and it does not agree with what I
7 tell you now the law is, you must abandon that idea
8 because you are sworn to accept the law and apply the law
9 exactly as I now state it to you.

10 In every case tried before a jury, the jury is the
11 sole and exclusive judge of the facts. A trial judge
12 cannot intimate, state, comment on, or make any statement
13 to a trial jury about the facts in a case.

14 Since you, the jury, are the sole judge of the facts
15 in this case, you are not to infer from what I have said
16 during the progress of this trial, in ruling upon the
17 admissibility of evidence or otherwise, or anything that I
18 say now during the course of this instruction to you that
19 I have any opinion about the facts in this case.

20 The law does not allow me to have an opinion about the
21 facts in this case. This is a matter solely for you, the
22 jury, to determine. As jurors it is your duty to
23 determine the effect, value, weight, and truth of the
24 evidence presented during this trial.

25 There are two types of evidence which are generally

JURY CHARGE

1 presented during a trial; direct evidence and
2 circumstantial evidence.

3 Direct evidence is the testimony of a person who
4 claims to have actual knowledge of a fact such as an
5 eyewitness. It is evidence which immediately establishes
6 the main fact to be proved.

7 Circumstantial evidence is proof of a chain of facts
8 and circumstances indicating the existence of a fact. It
9 is evidence which immediately establishes collateral facts
10 from which the main fact may be inferred. Circumstantial
11 evidence is based on inference and not on personal
12 knowledge or observation.

13 The law makes absolutely no distinction between the
14 weight or value to be given to either direct or
15 circumstantial evidence, nor is a greater degree of
16 certainty required of circumstantial evidence than of
17 direct evidence.

18 You should weigh all of the evidence in this case.
19 After weighing all of the evidence if you are not
20 convinced of the guilt of the Defendant beyond a
21 reasonable doubt, you must find the Defendant not guilty.

22 Necessarily you must determine the credibility of
23 witnesses who have testified. Credibility simply means
24 believability.

25 It becomes your duty as jurors to analyze and to

JURY CHARGE

1 evaluate the evidence and determine which evidence
2 convinces you of its truth. In determining the
3 believability of witnesses who have testified, you may
4 believe one witness over several witnesses or several
5 witnesses over one witness.

6 You may believe a part of the testimony of a witness
7 and reject the remaining part of the testimony of that
8 same witness. You may believe the testimony of a witness
9 in its entirety or reject the testimony of a witness in
10 its entirety.

11 You may consider whether any witness has exhibited to
12 you any interest, bias, prejudice, or other motive in this
13 case. You may also consider the appearance and manner of
14 a witness while on the witness stand.

15 I instruct you and emphasize that the fact that the
16 Defendant did not testify is not a factor to be considered
17 by you in any way in your deliberations and in your
18 consideration on the question of the guilt or innocence of
19 the Defendant. It must not be considered by you in any
20 manner whatsoever.

21 A defendant has the constitutional right to remain
22 silent and the assertion of this right must not be
23 considered by you in your deliberations. I repeat, under
24 your oath you are to draw no conclusion whatsoever from
25 the fact that the Defendant in this case did not testify.

JURY CHARGE

1 The fact that this Defendant did not testify should not
2 even be discussed in the jury room.

3 The burden of proof, as I have stated to you, is on
4 the State. The Defendant is not required to prove his
5 innocence. The burden of proof remains on the State to
6 prove guilt beyond a reasonable doubt.

7 In order to establish criminal liability criminal
8 intent is required. For example, the mental state
9 required to be proven by the State for a particular crime
10 might be purpose, intent, knowledge, recklessness or
11 criminal negligence. Criminal intent must be proven by
12 the State beyond a reasonable doubt. Criminal intent is
13 always a matter that must be determined by the jury from
14 the circumstances surrounding the situation.

15 There's no way to prove intent to a mathematical
16 certainty. There's no way medical science can dissect a
17 person's brain and determine what the person had in mind.
18 So the law says that criminal intent may be inferred from
19 the circumstances shown to have existed at that time.

20 You must make a determination of whether or not the
21 element requiring intent was present. It is not necessary
22 to establish intent by direct and positive evidence. But
23 intent may be established by inference in the same way as
24 any other factor; by taking into consideration the acts of
25 the parties and all of the facts and circumstances of the

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1 case.

2 Criminal intent is a mental state, a conscious
3 wrongdoing. It it's up to you to determine what the
4 Defendant intended to do based on the circumstances shown
5 to have exited.

6 Criminal intent can arise from action or a failure to
7 act. It may arise from negligence, recklessness or
8 indifference to duty or to consequences that is considered
9 by the law to be the equivalent of criminal intent.

10 An issue in this case is the identification of the
11 Defendant as the person who committed the crime charged.
12 The State has the burden of proving identity beyond a
13 reasonable doubt. You must be satisfied beyond a
14 reasonable doubt of the accuracy of the identification of
15 the Defendant before you may convict the Defendant.

16 Identification testimony is an expression of belief or
17 impression by a witness. You must determine the accuracy
18 of the identification of the Defendant. You must consider
19 the believability of each identification witness in the
20 same way as any other witness. You may consider whether
21 the witness had an adequate opportunity to observe the
22 offender at the time of the offense. This will be
23 affected by things like how long or short a time was
24 available, how far or close the witness was, the lighting
25 conditions and whether the witness had the chance to see

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1 or know the person in the past.

2 Once again, I instruct you, the burden of proof is on
3 the -- the burden of proof on the State extends to every
4 element of the crime charged. And is -- and this
5 specifically includes the burden of proving beyond a
6 reasonable doubt the identity of the Defendant as the
7 person who committed the crime.

8 If after examining the testimony you have a reasonable
9 doubt as to the accuracy of the identification, you must
10 find the Defendant not guilty.

11 A statement alleged to have been made by the Defendant
12 has been admitted into evidence in this case. While the
13 Court has determined that the statement is admissible, I
14 instruct you that you make the ultimate decision of
15 whether or not the Defendant made the statement.

16 If the Defendant did make the statement, you must
17 determine whether the statement was made by the Defendant
18 voluntarily and of his own free will. This means that the
19 statement was not caused by pressure, force, fear,
20 threats, coercion or intimidation, or by hope of a promise
21 of leniency or a reward of any kind.

22 In determining whether the statement was voluntary you
23 should consider both the characteristics of the Defendant
24 and the details of the questioning. Some of the factors
25 that you must consider are: The age of the Defendant; the

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1 Defendant's education or lack of education; the
2 Defendant's mental ability or capacity; the Defendant's IQ
3 or intelligence; the Defendant's background and
4 environment; the place and length of detention; the nature
5 of the questioning; and the advice or lack thereof to the
6 Defendant of his constitutional rights including but not
7 limited to the right to remain silent, that any statement
8 could be used against him in a court of law, the right to
9 have a lawyer present, that if he could not afford a
10 lawyer, a lawyer would be appointed to represent him
11 without any cost; and he could stop making a statement at
12 any time.

13 You must carefully consider all of the surrounding
14 circumstances before you give any weight to an alleged
15 statement.

16 The State has the burden of proving beyond a
17 reasonable doubt that the alleged statement was voluntary.
18 If you determine that it was, you may give the statement
19 any further consideration that you deem proper.

20 You must decide what weight if any should be given to
21 the alleged statement. If you determine that the alleged
22 statement was not the free and voluntary statement of the
23 Defendant, you should not consider the statement at all.

24 If a crime is committed by two or more people who are
25 acting together in committing a crime, the act of one is

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1 the act of all. A person who joins with another to commit
2 an unlawful act is criminally responsible for everything
3 done by the other person which happens as a probable or
4 natural consequence of the acts done in carrying out the
5 common plan and purpose.

6 For example, two people can be guilty of killing
7 another person when only one of the two had a gun, there
8 was only one bullet and only one of the two fired the shot
9 that caused the death.

10 If two or more people are together, acting together,
11 assisting each other in committing the offense, the act of
12 one is the act of all. Or, as it is sometimes said, the
13 hand of one is the hand of all.

14 Prior knowledge that a crime is going to be committed
15 without more is not sufficient to make a person guilty of
16 that crime. Mere knowledge that another person is going
17 to commit a crime even if the Defendant is present when
18 the crime is committed is not sufficient to convict the
19 Defendant as a principal.

20 Guilt as a principal is shown by actual or
21 constructive presence at the scene as a result of prior
22 arrangement. Therefore, a finding of a prior arranged
23 plan or common scheme is necessary for a finding of guilt
24 as a principal.

25 The State must prove beyond a reasonable doubt by

JURY CHARGE

1 competent evidence the theory of the hand of one is the
2 hand of all. A principal in a crime is one who either
3 actually commits the crime or who is present aiding,
4 abetting or assisting in the -- in committing the crime.

5 When a person does an act in the presence of and with
6 the assistance of another, the act is done by both. Where
7 two or more acting with a common plan or intent are
8 present at the commission of a crime it does not matter
9 who actually commits the crime, all are guilty. The hand
10 of one is the hand of all.

11 Present at the commission of a crime means to be
12 sufficiently near to aid and abet and assist in the
13 commission of the crime. However, mere presence at the
14 scene of a crime is not sufficient to convict one as a
15 principal on the theory of aiding and abetting.

16 Intent is also a necessary element, for there must
17 have been a common design or intent to commit the crime
18 and the crime must have been committed pursuant thereto
19 with the person aiding and abetting by some overt act.

20 Intent means intending the result which actually
21 occurs, not accidentally or involuntary. Intent may be
22 shown by acts and conduct of the Defendant and other
23 circumstances from which you may naturally and reasonably
24 infer intent. The State must prove these elements beyond
25 a reasonable doubt.

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1 As I said before, mere presence at the scene is not
2 sufficient to prove someone guilty of a crime. A
3 Defendant's presence where a crime is being committed or
4 mere association with a person who commits a crime does
5 not make a Defendant an accomplice or an aider or abetter
6 of the person committing the crime.

7 The burden is on the State to prove every element of
8 the crime charged. If you find after reviewing all of the
9 evidence that the State has proved that the Defendant was
10 only present at the scene of the crime and that they have
11 not proved beyond a reasonable doubt any other
12 participation in the crime, then you must find the
13 Defendant not guilty. The law is that the proof of the
14 Defendant's presence at the scene of the crime is not
15 sufficient to find someone guilty.

16 The Defendant is charged with two counts of armed
17 robbery, one against Mr. Rumph, one against Mr. Wright.
18 In order to prove this offense, the State must first prove
19 beyond a reasonable doubt that the Defendant took personal
20 property from the person or presence of another person.
21 Property is in the presence of a person if it is within
22 the person's reach, inspection, observation or control so
23 that the person could, if not overcome with violence or
24 prevented by fear, keep possession of the property.

25 The State must also prove beyond a reasonable doubt

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1 that the Defendant carried the property away intending to
2 permanently deprive the owner of the property and to keep
3 the property for the Defendant's own use. A slightest
4 removal of the property or the complete possession of the
5 property, even if for an instant, by the Defendant is
6 sufficient to show a taking and carrying away of the
7 property. The taking and carrying away of the property
8 must have been done by violence or by putting the owner of
9 the property in fear of violence.

10 Finally, the State must prove beyond a reasonable
11 doubt that the Defendant was armed with a deadly weapon
12 during the robbery. A deadly weapon is any article,
13 instrument or substance which is likely to cause death or
14 great bodily harm. Whether an instrument has been used as
15 a deadly weapon depends on the facts and circumstances of
16 each case.

17 The following are examples of instruments which may be
18 deadly weapons; a shotgun, a rifle, a dirth, a dagger, a
19 slingshot, metal knuckles, a razor, gasoline, a fire bomb
20 or Molotov cocktail and lighter fluid. A gun may be a
21 deadly weapon even if it is not operating.

22 The Defendant is also charged with two counts of
23 attempted murder; one of Mr. Rumph, one of Mr. Wright. In
24 order to prove this crime the State must prove the
25 Defendant attempted to kill another person with malice

JURY CHARGE

1 aforethought, either express or implied.

2 Malice is hatred, ill will or hostility toward another
3 person. It is the intentional doing of a wrongful act
4 without just cause or excuse and with an intent to inflict
5 an injury or under circumstances that the law will infer
6 an evil intent.

7 Malice aforethought does not require that malice exist
8 for any particular time before the act is committed but
9 malice must exist in the mind of the Defendant just before
10 and at the time the act is committed. Therefore, there
11 must be a combination of the previous evil intent and the
12 act.

13 Malice aforethought may be express or inferred. These
14 terms, express and inferred, do not mean different kinds
15 of malice but merely the manner in which malice may be
16 shown to exist. That is, either by direct evidence or by
17 inference from the facts and circumstances which are
18 proved.

19 Express malice is shown when a person speaks words
20 which express hatred or ill will for another or when the
21 person prepared beforehand to do the act which was later
22 accomplished. For example, lying in wait for a person or
23 any other acts of preparation going to show that the deed
24 was within the Defendant's mind would be express malice.

25 Malice may be inferred from conduct showing a total

JURY CHARGE

1 disregard for human life. Inferred malice may also arise
2 when the deed is done with a deadly weapon. Again, a
3 deadly weapon is any article, instrument or substance
4 which is likely to cause death or great bodily harm.

5 Whether an instrument has been used as a deadly weapon
6 depends on the facts and circumstances of each case. And
7 I've already given you examples of instruments which may
8 be deadly weapons and I'm not going to repeat that to you.

9 If facts are proved beyond a reasonable doubt
10 sufficient to raise an inference of malice to your
11 satisfaction, this inference would simply -- would be
12 simply an evidentiary fact to be considered by you, the
13 jury, along with the other evidence in this case and you
14 may give it the weight you decide it should receive.

15 A specific intent to kill is not an element of
16 attempted murder, but there must be a general intent to
17 commit serious bodily injury. Intent means intending the
18 result which actually occurs, not accidentally or
19 involuntarily.

20 Intent may be shown by acts and conduct of the
21 Defendant and other circumstances from which you may
22 naturally and reasonably infer intent.

23 Evidence of the character of the act, the character of
24 the instrument used, the manner in which it was used, the
25 purpose to be accomplished, and the resulting wounds or

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1 injuries may be considered in determining the intent with
2 which the act was committed.

3 Intent may also be inferred when it is demonstrated
4 that the Defendant voluntarily and willfully commits an
5 act, the natural tendency of which is to destroy other's
6 life.

7 Included within the offense of attempted murder is the
8 lesser offense of assault and battery of a high and
9 aggravated nature. If you find that the State has not
10 proven that the Defendant is guilty of attempted murder,
11 you must then determine whether the State has proven the
12 Defendant is guilty of assault and battery of a high and
13 aggravated nature as to the victims Rumph and Wright.

14 A person commits the offense of assault and battery of
15 a high and aggravated nature if the person unlawfully
16 injures another person and great bodily injury to another
17 person results or the act is accomplished by means likely
18 to produce death or great bodily injury.

19 Great bodily injury means bodily injury which causes a
20 substantial risk of death or which causes serious
21 permanent disfigurement or protracted loss or impairment
22 of the function of a bodily member or organ.

23 Also included within the offense of attempted murder
24 is the lesser offense of assault and battery in the first
25 degree. If you find that the State has not proven that

JURY CHARGE

1 the Defendant is guilty of attempted murder or assault and
2 battery of a high and aggravated nature you must then
3 determine whether the State has proven -- has proved that
4 the Defendant is guilty of assault and battery in the
5 first degree as to the victims, Mr. Rumph and Mr. Wright.

6 A person commits the offense of assault and battery in
7 the first degree if the person unlawfully injures another
8 person and the act occurred during the commission of a
9 robbery, burglary, kidnapping or theft.

10 A person may also commit the offense of assault and
11 battery in the first degree if the person unlawfully
12 offers or attempts to injure another person with the
13 present ability to do so and the act either is
14 accomplished by means likely to produce death or great
15 bodily injury or occurred during the commission of a
16 robbery, burglary, kidnapping or theft.

17 Great bodily injury means bodily injury which causes a
18 substantial risk of death or which causes serious
19 permanent disfigurement or protracted loss or impairment
20 of the function of a bodily member or organ.

21 Included within the offense of attempted murder is the
22 lesser offense of assault and battery in the second
23 degree. If you find that the State has not proven that
24 the Defendant is guilty of attempted murder, assault and
25 battery of a high and aggravated nature, or assault and

JURY CHARGE

1 battery in the first degree you must then determine
2 whether the State has proven that the Defendant is guilty
3 of assault and battery in the second degree as to
4 Mr. Wright only.

5 A person commits the offense of assault and battery in
6 the second degree if the person unlawfully injures another
7 person or offers or attempts to injure another person with
8 the present ability to do so and moderate bodily injury to
9 another person results or moderate bodily injury to
10 another person could have resulted.

11 Moderate bodily injury means physical injury requiring
12 treatment to an organ system of the body other than skin,
13 muscles and connective tissues of the body except when
14 there is penetration of the skin, muscles and connective
15 tissues that require surgical repair of a complex nature
16 or when treatment of the injuries requires the use of
17 regional or general anesthesia.

18 The Defendant is also charged with first degree
19 burglary. The State must first prove beyond a reasonable
20 doubt that the Defendant entered a dwelling without
21 consent. A dwelling is any building or portion of a
22 building in which a person ordinarily sleeps. A building
23 constructed as a dwelling that has never been occupied
24 cannot be considered a dwelling for purposes of burglary
25 but a building is a dwelling even if the residents are

JURY CHARGE

1 each one of you. In order to return a verdict it is
2 necessary that each juror agree. Your verdict must be
3 unanimous. All 12 of you must agree on the verdict. Your
4 verdict cannot be based on sympathy, passion, prejudice,
5 emotion, or any other consideration not in evidence in
6 this case.

7 Remember, you are not partizans favoring one party
8 over another. You are the judges of the facts. Your sole
9 interest is to seek the truth from the evidence that has
10 been presented to you in this case.

11 Now, Madam Forelady, I'm going to go over the verdict
12 form with you. I'm glad you put on your glasses. Okay.
13 This is the verdict form. And here it tells you we're
14 here in Orangeburg County. These are the indictment
15 numbers. Okay. This is the case; State of South Carolina
16 versus Mr. Richard Sprinkle.

17 It says, please circle the appropriate verdict below
18 and follow the instructions carefully.

19 The first question that y'all have to answer is: We
20 the jury unanimously find the Defendant as to the charge
21 of armed robbery of Robert Rumph, either guilty or not
22 guilty.

23 Question number two: We the jury unanimously find the
24 Defendant as to the charge of armed robbery of James
25 Wright, again, either guilty or not guilty.

JURY CHARGE

1 Now, you get to question number three and this is
2 where you got to be careful. We the jury unanimously find
3 the Defendant as to the charge of attempted murder of
4 Robert Rumph, either guilty or not guilty.

5 Now, if you answer guilty to question three, proceed
6 to question four which is right there. Okay? If you
7 answered not guilty you go, you proceed to part A.

8 Part A reads: We the jury unanimously find the
9 Defendant as to the lesser-included offense of assault and
10 battery of a high and aggravated nature of Robert Rumph,
11 again guilty or not guilty.

12 Again at this point if you answered guilty to part A,
13 proceed to question four. If you answered not guilty to
14 part A, proceed to B.

15 B reads: We the jury unanimously find the Defendant
16 as to the lesser-included offense of assault and battery
17 in the first degree of Robert Rumph, either, again, guilty
18 or not guilty.

19 Then we move to question four. We the jury
20 unanimously find the Defendant as to the charge of
21 attempted murder of James Wright, again, guilty or not
22 guilty.

23 Again we're going to be doing the same thing with him
24 that we did with Mr. Wright. If you answered guilty to
25 question four, proceed to question five which is on the

JURY CHARGE

1 last page. If not, you proceed -- if you answered not
2 guilty, proceed to part A.

3 A is: We the jury unanimously find the Defendant as
4 to the lesser-included offense of assault and battery of a
5 high and aggravated nature of James Wright, guilty or not
6 guilty. Again, if you answered guilty to part A, proceed
7 to five. If not, proceed to B.

8 B: We the jury unanimously find the Defendant as to
9 the lesser-included offense of assault and battery in the
10 first degree of James Wright, guilty not guilty.

11 Again if you find him guilty, move to five. If not,
12 go to part C. Okay?

13 Part C: We the jury unanimously find the Defendant as
14 to the lesser-included offense of assault and battery in
15 the second degree of James Wright, guilty or not guilty.

16 And then finally question number five. We the jury
17 unanimously find the Defendant as to the charge of
18 burglary in the first degree, guilty or not guilty.

19 That's the end of your deliberations. You will sign
20 here and complete the date.

21 Okay. Now, you will not get this verdict form until
22 you are told to begin your deliberations. Okay. What's
23 going to happen now, you and I just went through a bunch
24 of charges. I've got to go over the charges with the
25 attorneys. If I have misspoken or I need to clarify some

1 (Alternates exit courtroom.)

2 THE COURT: Anything from the State regarding the
3 charges?

4 MS. FORD: Nothing from the State.

5 THE COURT: Anything from the defense?

6 MR. WISE: Yes, sir. Very briefly. I did it again.

7 THE COURT: Sir?

8 MR. WISE: I said, very briefly

9 THE COURT: Okay.

10 MR. WISE: Your Honor, I believe the Court in the
11 charge on attempted murder charged the jury that specific
12 intent is not required for that crime. I believe that it
13 is. I call the Court's attention to State versus Sutton,
14 S-U-T-T-O-N.

15 THE COURT: Okay.

16 MR. WISE: 33 South Carolina 192, 508 Southeastern
17 Second 41.

18 And as I read the case, the essential elements
19 required for proof of criminal intent of murder are, one,
20 a specific intent to commit the crime and, two, a direct
21 and effectual act done towards its commission.

22 Then it goes on: The elements of intent to crime
23 (verbatim) are, specific intent to commit a criminal
24 offense and an act in furtherance of that intent that
25 falls short of its ultimate execution. Probably a bad

1 choice of words, but...

2 THE COURT: You got the case?

3 MR. WISE: I don't have the case. I just have my
4 notes but it has the citation.

5 THE COURT: Okay. That's a 1998 case.

6 MR. BELL: Attempted murder didn't exist.

7 THE COURT: Yeah.

8 MR. BELL: That's ABWIK. That case in attempted
9 murder didn't exist.

10 THE COURT: When was this indicted? When was this --
11 not indicted, when was this?

12 MR. BELL: 2011.

13 MS. FORD: 2011, I believe, Your Honor.

14 THE COURT: 2011?

15 MS. FORD: I believe so, Your Honor.

16 THE COURT: Let's just -- we'll double-check. What is
17 it, 333. Put code section and see if it pulls up
18 anything. I'll go pull 333.

19 (Pause.)

20 THE COURT: Just to let you know 16-20-29 became
21 effective June 2nd, 2010.

22 All right. Mr. Bell, or Ms. Ford, any comments about
23 correcting my charge?

24 MS. FORD: No, sir.

25 THE COURT: What I was thinking about doing is I was

1 just to read the statute. And the statute reads: A
2 person who with intent to kill, intends to kill a
3 person -- attempts to kill another person with malice
4 aforethought, either express or implied, commits the
5 offense of attempted murder.

6 Here's yours.

7 MR. WISE: Oh, thank you.

8 THE COURT: That's why you can't find it.

9 MR. WISE: Thank you.

10 THE COURT: That's a 1998 case. I figure the best
11 thing to do is just read what the actual statute says.

12 MR. WISE: Can I --

13 THE COURT: Sure.

14 MR. WISE: One moment.

15 (Pause.)

16 MR. WISE: Very good.

17 THE COURT: Is that all right?

18 MS. FORD: Yes, sir.

19 THE COURT: Would you bring the jury back in?

20 (Jury enters courtroom at 4:30 p.m.)

21 THE COURT: Ladies and gentlemen, what I'm going to
22 do -- it has been pointed out to me that I have possibly
23 not charged you correctly with the definition of the
24 attempted murder charge. So what I'm going to do is I'm
25 going to read to you the statute on what attempted murder

VERDICT & SENTENCING

1 that that's what they said but he kept -- his testimony
2 did not change. He stands by what he stated yesterday
3 under oath, Your Honor.

4 THE COURT: Okay. All right. Thank you, ma'am.
5 Mr. Wise, we just note that on the record. Okay?

6 MR. WISE: Yes, Your Honor.

7 THE COURT: Thank you, sir. All right.

8 We're going to be in recess for a little while
9 longer. Okay. Thank you.

10 (Thereupon, Court stood in recess from 5:49 p.m.,
11 until 7:05 p.m., when the trial resumed:)

12 THE COURT: I've been told the jury has reached a
13 verdict; is that correct?

14 THE BAILIFF: Yes, Your Honor.

15 THE COURT: Is the State ready to proceed?

16 MS. FORD: We are, Your Honor.

17 THE COURT: Is the defense ready to proceed?

18 MR. WISE: We are, Your Honor.

19 THE COURT: Okay. Bring the jury on back out.

20 (Jury enters courtroom at 7:05 p.m.)

21 THE COURT: Madam Forelady, has the jury reached a
22 verdict?

23 THE FORELADY OF THE JURY: We have, Your Honor.

24 THE COURT: Is that verdict unanimous?

25 THE FORELADY OF THE JURY: It is, Your Honor.

VERDICT & SENTENCING

1 THE COURT: Would you mind giving the bailiff the
2 verdict form?

3 THE FORELADY OF THE JURY: (Complies.)

4 THE BAILIFF: Your Honor, may I approach?

5 THE COURT: Yes, ma'am. Thank you, ma'am.

6 THE BAILIFF: Uh-huh.

7 THE COURT: Can I see the attorneys for a second?

8 (Off-the-record discussion.)

9 THE COURT: All right. This is the verdict form of
10 the State of South Carolina versus Richard Sprinkle and
11 the jury answering the questions that were provided to
12 them.

13 Question number one: We the jury unanimously find the
14 Defendant as to the charge of armed robbery of Robert
15 Rumph, guilty.

16 Question number two: We the jury unanimously find the
17 Defendant as to the charge of armed robbery of James
18 Wright, guilty.

19 Question number three: We the jury unanimously find
20 the Defendant as to the charge of attempted murder of
21 Robert Rumph, not guilty.

22 Question -- so question A of question three: We the
23 jury unanimously find the Defendant as to the lesser-
24 included offense of assault and battery of a high and
25 aggravated nature of Robert Rumph, jury did not respond to

VERDICT & SENTENCING

1 that.

2 Subpart B: We the jury unanimously find the Defendant
3 as to the lesser-included offense of assault and battery
4 in the first degree of Robert Rumph, guilty.

5 Question number four: We the jury unanimously find
6 the Defendant as to the charge of attempted murder of
7 James Wright, not guilty.

8 Subpart A of question four: We the jury unanimously
9 find the Defendant as to the lesser-included offense of
10 assault and battery of a high and aggravated nature of
11 James Wright, not guilty.

12 Subpart B of question four: We the jury unanimously
13 find the Defendant as to the lesser-included offense of
14 assault and battery in the first degree of James Wright,
15 not guilty.

16 Subpart C: We the jury unanimously find the Defendant
17 as to the lesser-included offense of assault and battery
18 in the second degree of James Wright, not guilty.

19 Question number five: We the jury unanimously find
20 the Defendant as to the charge of burglary in the first
21 degree, guilty.

22 Signed by the Foreperson and dated today.

23 Anything from the State?

24 MS. FORD: Nothing from the State, Your Honor.

25 THE COURT: Anything from the defense?

VERDICT & SENTENCING

1 MS. ULLMAN: Your Honor, We'd ask that you poll the
2 jury.

3 THE COURT: All right. Ladies and gentlemen of the
4 jury, the defense has asked that I poll the jury. That
5 means I'm going to ask you questions.

6 What I'm going to do is ask each one of you if this is
7 your verdict and is it still your verdict is what the
8 question is. When I call your name, I would ask that you
9 stand so that I can ask the question of you. And then you
10 can respond.

11 Tony Mims. Mr. Mims, is this your verdict?

12 THE JUROR: Yes, sir.

13 THE COURT: Is it still your verdict?

14 THE JUROR: Yes, sir.

15 THE COURT: Thank you, sir. Jamel James. Mr. James,
16 is this your verdict?

17 THE JUROR: Yes, sir.

18 THE COURT: Is it still your verdict?

19 THE JUROR: Yes, sir.

20 THE COURT: Thank you, sir. Marilyn Carter.

21 Ms. Carter, is this your verdict?

22 THE JUROR: Yes.

23 THE COURT: Is it still your verdict?

24 THE JUROR: Yes.

25 THE COURT: Thank you, ma'am. Faye Menefee. Is this

VERDICT & SENTENCING

1 your verdict?

2 THE JUROR: Yes.

3 THE COURT: Is it still your verdict?

4 THE JUROR: It is.

5 THE COURT: Thank you, ma'am. Penny Fulmer.

6 Ms. Fulmer, is this your verdict?

7 THE JUROR: Yes.

8 THE COURT: Is it still your verdict?

9 THE JUROR: Yes.

10 THE COURT: Thank you, ma'am. Jacqueline Jamison.

11 Ms. Jamison, is this your verdict?

12 THE JUROR: Yes, sir.

13 THE COURT: Is it still your verdict?

14 THE JUROR: Yes, sir.

15 THE COURT: Thank you, ma'am. Christopher Reed.

16 Mr. Reed, is this your verdict?

17 THE JUROR: Yes.

18 THE COURT: Is it still your verdict?

19 THE JUROR: Yes.

20 THE COURT: Thank you, sir. Rachel Haddock.

21 Ms. Haddock, is this your verdict?

22 THE JUROR: Yes, sir.

23 THE COURT: Is it still your verdict?

24 THE JUROR: Yes, sir.

25 THE COURT: Thank you, ma'am. Stephanie Brant.

VERDICT & SENTENCING

1 Ms. Brant, is this your verdict?

2 THE JUROR: Yes, sir.

3 THE COURT: Is it still your verdict?

4 THE JUROR: Yes, sir.

5 THE COURT: Thank you, ma'am. Edward Miller.

6 Mr. Miller, is this your verdict?

7 THE JUROR: Yes, sir.

8 THE COURT: Is it still your verdict?

9 THE JUROR: Yes, sir.

10 THE COURT: Thank you, sir. Shannon Johnson.

11 Mr. Johnson, is this your verdict?

12 THE JUROR: Yes.

13 THE COURT: Is it still your verdict?

14 THE JUROR: Yes.

15 THE COURT: Thank you, sir. Erica Tyler. Ms. Tyler,
16 is this your verdict?

17 THE JUROR: Yes, sir.

18 THE COURT: Is it still your verdict?

19 THE JUROR: Yes, sir.

20 THE COURT: Thank you, ma'am. Anything else?

21 MS. ULLMAN: We have matters of law, but other than
22 that, no, sir.

23 THE COURT: All right. Ladies and gentlemen, I
24 appreciate your attention. I know the verdict form was a
25 fairly long verdict form, but I appreciate your attention

VERDICT & SENTENCING

1 during this trial. I appreciate the questions that you've
2 asked.

3 You are now free. Okay. Thank you for your service
4 to the county. And y'all can go that way around. Have a
5 good evening. Thank you.

6 (Jury exits courtroom at 7:14 p.m.)

7 MS. FORD: Your Honor, may we approach for just a
8 moment?

9 THE COURT: Sure.

10 (Off-the-record discussion.)

11 THE COURT: All right. Mr. Wise, Ms. Ullman, who is
12 it?

13 MS. ULLMAN: Thank you, Your Honor.

14 THE COURT: Ms. Ullman.

15 MS. ULLMAN: First, I would ask Your Honor to consider
16 a motion for a new trial. A new trial should be granted
17 where there's no evidence supporting a conviction.

18 Regarding the assault and battery first conviction in
19 Mr. Rumph's case -- or Mr. Rumph was the victim. Excuse
20 me. We don't believe that there was any evidence of great
21 bodily injury to Mr. Rumph that would not support assault
22 and battery first degree.

23 Regarding the burglary, Your Honor, we don't believe
24 there's evidence supporting that. There was no evidence
25 that they -- that Mr. Sprinkle wasn't invited into the

VERDICT & SENTENCING

1 house.

2 And then obviously we'd also argue there's no evidence
3 regarding the armed robbery of both victims.

4 THE COURT: All right. Ms. Ullman, I'll note your
5 argument for the record but having seen the pictures and
6 like that regarding the assault and battery first
7 conviction, I do believe that there was sufficient
8 evidence to show great bodily injury.

9 With regard to the burglary, deception was evident, I
10 think, from the testimony. And regarding the armed
11 robbery I think there was certainly evidence to convict
12 him of the armed robbery.

13 So I'm going to deny your motion for a new trial.

14 MS. ULLMAN: Yes, sir.

15 The last motion I would make is for a verdict in
16 arrest of the judgment, Your Honor. That's an appropriate
17 criminal case motion when there's lack of jurisdiction or
18 insufficiency in the charging document.

19 That comes from State V Miller, 287 South Carolina
20 280.

21 Your Honor, I obviously would again just renew my
22 arguments earlier about the insufficiency of the --

23 THE COURT: Of the indictment

24 MS. ULLMAN: Of the indictment. Yes, sir.

25 THE COURT: It includes --

VERDICT & SENTENCING

1 him, we'd appreciate it.

2 THE COURT: And, Ms. Ford, I'd like to be able to
3 help. I have very limited things that I can do.

4 MS. MARY JANE FORD: I understand. Okay.

5 THE COURT: Thank you, ma'am.

6 MS. MARY JANE FORD: We thank you all.

7 THE COURT: Yes, ma'am. Anything else, Ms. Ullman?

8 MS. ULLMAN: Obviously, Your Honor, we understand what
9 the potential sentences are. In this situation, Your
10 Honor, we would ask that you consider not giving a life
11 sentence. I understand that's what burglary first
12 carries.

13 But Mr. Sprinkle's 43 years old. His record started
14 in '87 and as you heard, he has a few bad things on there
15 but it's not extensive. It's not as if every year, twice
16 a year or anything like that he was being arrested and
17 charged with weapons and drugs and things of that nature.

18 I think Ms. Mary Ford, his aunt, is correct in that
19 drugs absolutely have led him down the path that he's been
20 in life. And one thing out of his own mouth that you
21 heard on the stand, Your Honor, during the pretrial he
22 said, yes, I'm a drug fiend. I have a drug problem. So
23 he's admitted that, too.

24 Obviously, I understand the sentence will be given. I
25 just again would ask that you consider not giving a life

VERDICT & SENTENCING

1 sentence.

2 And along with what Ms. Mary Ford said, we'd ask that
3 you consider possibly ATU or something in that nature so
4 that while he is there he could try to get some help.

5 And I think that's probably the limit on the help that
6 you can give him in prison.

7 I believe that would be it, Your Honor.

8 THE COURT: Thank you, ma'am. Y'all give me a
9 second. Let me step back a little bit.

10 MS. FORD: Yes, sir.

11 THE COURT: I'll be back.

12 (Thereafter, a break was taken from 7:33 p.m., until
13 7:41 p.m., when the trial resumed:)

14 THE COURT: All right. Mr. Sprinkle.

15 THE DEFENDANT: Yes, sir.

16 THE COURT: In some ways, you appeared in front of me
17 so many times, I'm kind of going to miss seeing you.

18 THE DEFENDANT: Yeah.

19 THE COURT: The jury has listened to the evidence in
20 this case and they found you guilty of these charges. And
21 they also found you not guilty of the charge of
22 Mr. Wright. I think the jury paid attention to the
23 testimony.

24 Now it is my duty to sentence you according to the
25 jury's verdict.

1 AND ON THE CHARGE OF ASSAULT AND BATTERY IN THE FIRST
2 DEGREE, THE SENTENCE OF THIS COURT IS: YOU ARE COMMITTED
3 TO THE STATE DEPARTMENT OF CORRECTIONS FOR A PERIOD OF TEN
4 YEARS.

5 ON THE CHARGES OF ARMED ROBBERY, THERE ARE TWO OF
6 THOSE THAT YOU WERE CONVICTED OF, SENTENCE OF THIS COURT
7 IS: YOU'RE SENTENCED -- COMMITTED TO THE STATE DEPARTMENT
8 OF CORRECTIONS FOR A PERIOD OF 30 YEARS.

9 AND ON THE CONVICTION FOR BURGLARY ONE: YOU ARE
10 COMMITTED TO THE STATE DEPARTMENT OF CORRECTIONS FOR A
11 PERIOD OF 35 YEARS.

12 THE SENTENCES ARE CONCURRENT. I'LL GIVE YOU CREDIT
13 FOR THE TIME SERVED AND I AM GOING TO RECOMMEND ATU.

14 THE DEFENDANT: All right.

15 THE COURT: Good luck to you.

16 THE DEFENDANT: All right. Thank you.

17 THE COURT: Thank you, sir. All right. Thank you
18 all.

19 MS. FORD: Thank you, Your Honor.

20 MR. WISE: Thank you, Your Honor.

21 END OF PROCEEDINGS: 7:44 P.M.

22 ***

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)
STATE OF SOUTH CAROLINA,)
VS.)
RICHARD SPRINKLE,)
Defendant.)
_____)

IN THE COURT OF GENERAL SESSIONS
OF THE FIRST JUDICIAL CIRCUIT
Indictment Nos. 11-GS-38-1561 through 1564;
13-GS-38-0287

VERDICT FORM

PLEASE CIRCLE THE APPROPRIATE VERDICT BELOW AND FOLLOW THE
ACCOMPANYING INSTRUCTIONS CAREFULLY.

- 1) WE THE JURY UNANIMOUSLY FIND THE DEFENDANT, AS TO THE
CHARGE OF ARMED ROBBERY OF ROBERT RUMPH,

GUILTY

NOT GUILTY

- 2) WE THE JURY UNANIMOUSLY FIND THE DEFENDANT, AS TO THE
CHARGE OF ARMED ROBBERY OF JAMES WRIGHT,

GUILTY

NOT GUILTY

- 3) WE THE JURY UNANIMOUSLY FIND THE DEFENDANT, AS TO THE
CHARGE OF ATTEMPTED MURDER OF ROBERT RUMPH,

GUILTY

NOT GUILTY

IF YOU ANSWERED "GUILTY" TO QUESTION 3, PROCEED TO
QUESTION 4; IF YOU ANSWERED "NOT GUILTY" TO QUESTION 3,
PROCEED TO PART A.

ATTEST: TRUE COPY

Winnifred B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

A. WE THE JURY UNANIMOUSLY FIND THE DEFENDANT, AS TO THE
LESSER INCLUDED OFFENSE OF ASSAULT AND BATTERY OF A
HIGH AND AGGRAVATED NATURE OF ROBERT RUMPH,

GUILTY

NOT GUILTY

IF YOU ANSWERED "GUILTY" TO PART A, PROCEED TO QUESTION
4; IF YOU ANSWERED "NOT GUILTY" TO PART A, PROCEED TO
PART B.

B. WE THE JURY UNANIMOUSLY FIND THE DEFENDANT, AS TO THE
LESSER INCLUDED OFFENSE OF ASSAULT AND BATTERY IN THE
FIRST DEGREE OF ROBERT RUMPH,

GUILTY

NOT GUILTY

4) WE THE JURY UNANIMOUSLY FIND THE DEFENDANT, AS TO THE
CHARGE OF ATTEMPTED MURDER OF JAMES WRIGHT,

GUILTY

NOT GUILTY

IF YOU ANSWERED "GUILTY" TO QUESTION 4, PROCEED TO
QUESTION 5; IF YOU ANSWERED "NOT GUILTY" TO QUESTION 4,
PROCEED TO PART A.

A. WE THE JURY UNANIMOUSLY FIND THE DEFENDANT, AS TO THE
LESSER INCLUDED OFFENSE OF ASSAULT AND BATTERY OF A HIGH
AND AGGRAVATED NATURE OF JAMES WRIGHT,

GUILTY

NOT GUILTY

IF YOU ANSWERED "GUILTY" TO PART A, PROCEED TO QUESTION
5; IF YOU ANSWERED "NOT GUILTY" TO PART A, PROCEED TO
PART B.

B. WE THE JURY UNANIMOUSLY FIND THE DEFENDANT, AS TO THE LESSER INCLUDED OFFENSE OF ASSAULT AND BATTERY IN THE FIRST DEGREE OF JAMES WRIGHT,

GUILTY

NOT GUILTY

IF YOU ANSWERED "GUILTY" TO PART B, PROCEED TO QUESTION 5; IF YOU ANSWERED "NOT GUILTY" TO PART B, PROCEED TO PART C.

C. WE THE JURY UNANIMOUSLY FIND THE DEFENDANT, AS TO THE LESSER INCLUDED OFFENSE OF ASSAULT AND BATTERY IN THE SECOND DEGREE OF JAMES WRIGHT,

GUILTY

NOT GUILTY

5) WE THE JURY UNANIMOUSLY FIND THE DEFENDANT, AS TO THE CHARGE OF BURGLARY IN THE FIRST DEGREE

GUILTY

NOT GUILTY

STOP AND END YOUR DELIBERATIONS

Please sign and date.

Jay H. [Signature]
Foreperson

April 10, 2013
Date

STATE'S
EXHIBIT

Date Printed 06/27/2011

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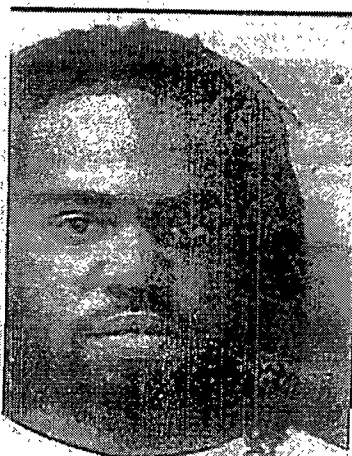
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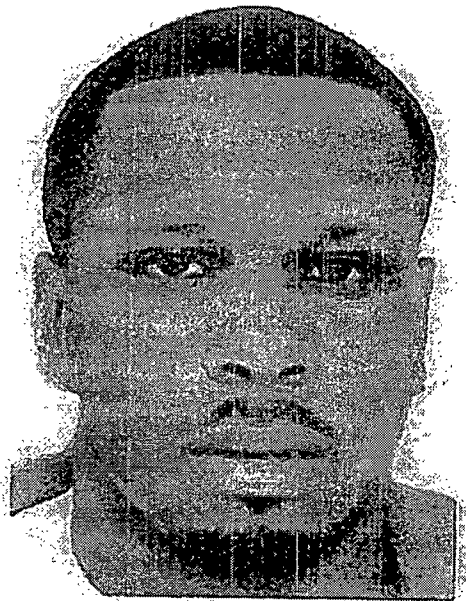


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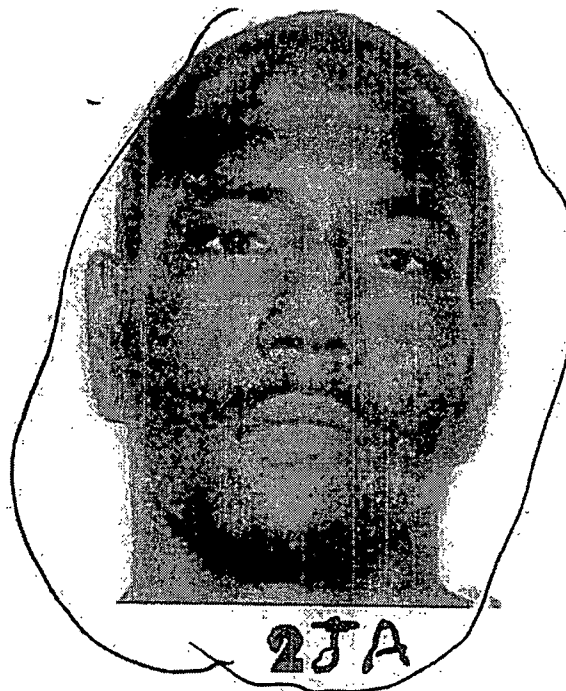


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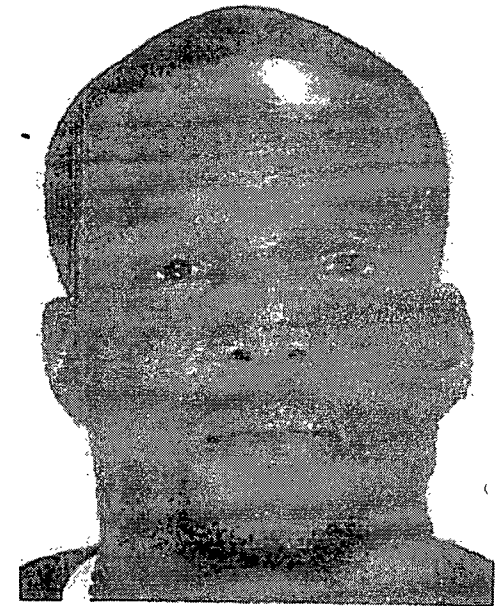




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STATE'S
EXHIBIT

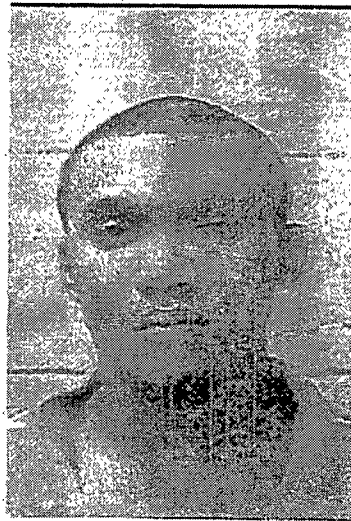
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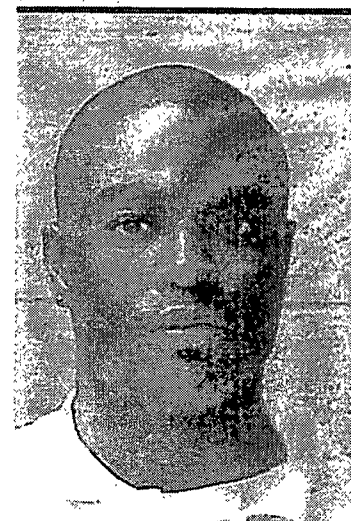
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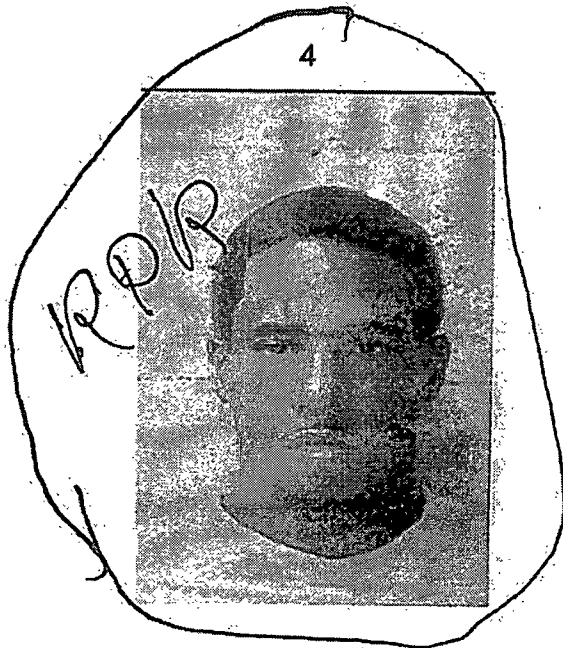
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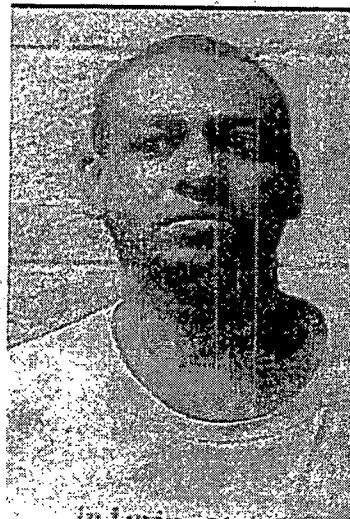
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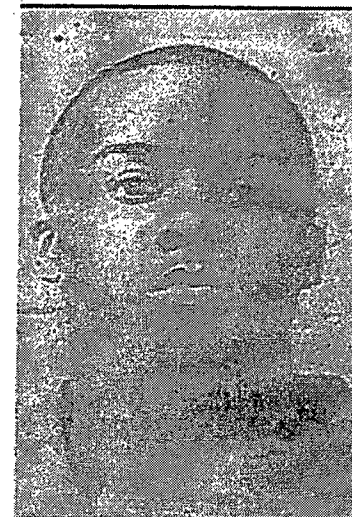
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STATE'S
EXHIBIT

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STATE'S
EXHIBIT

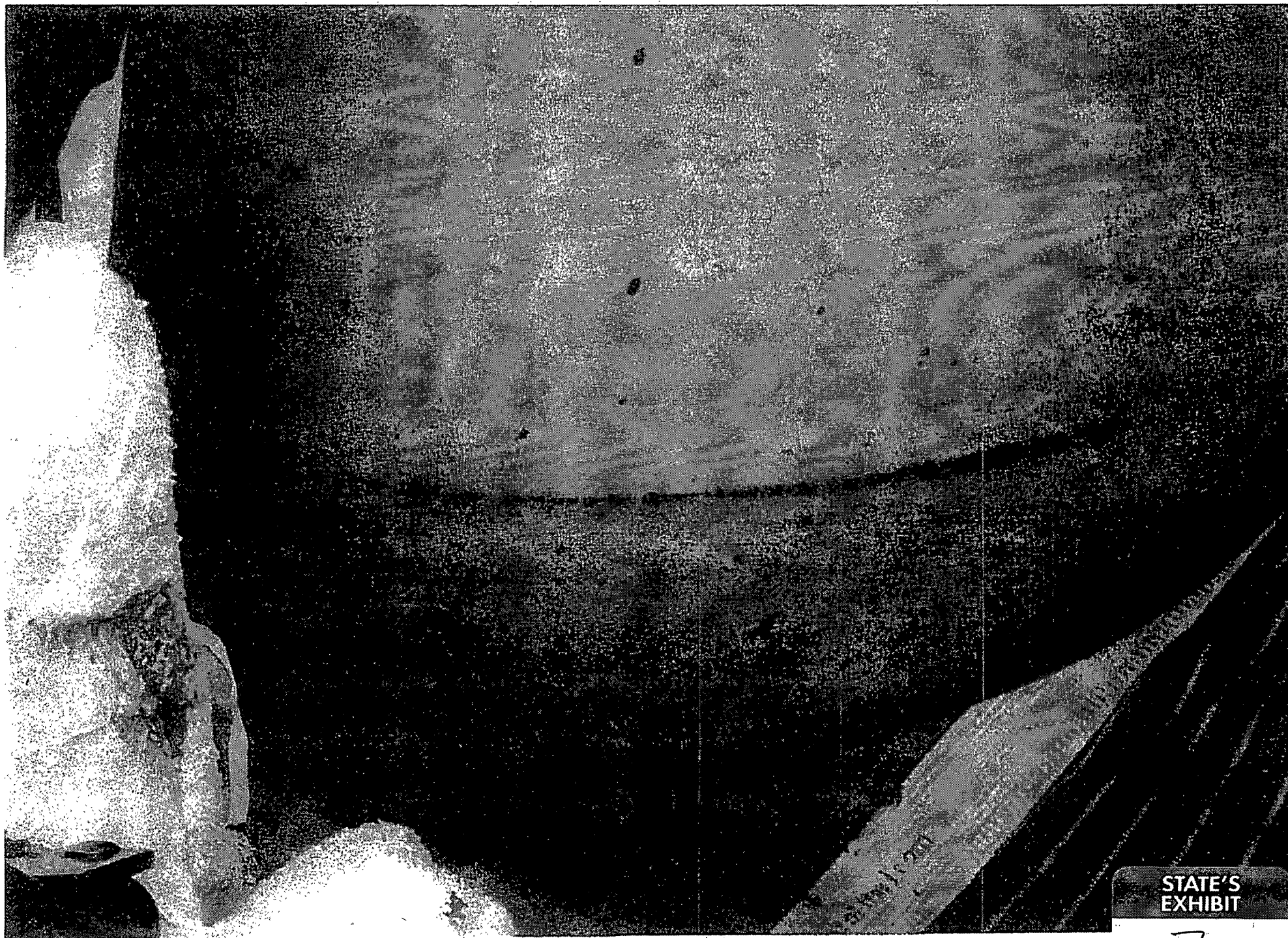
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STATE'S
EXHIBIT

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STATE'S
EXHIBIT

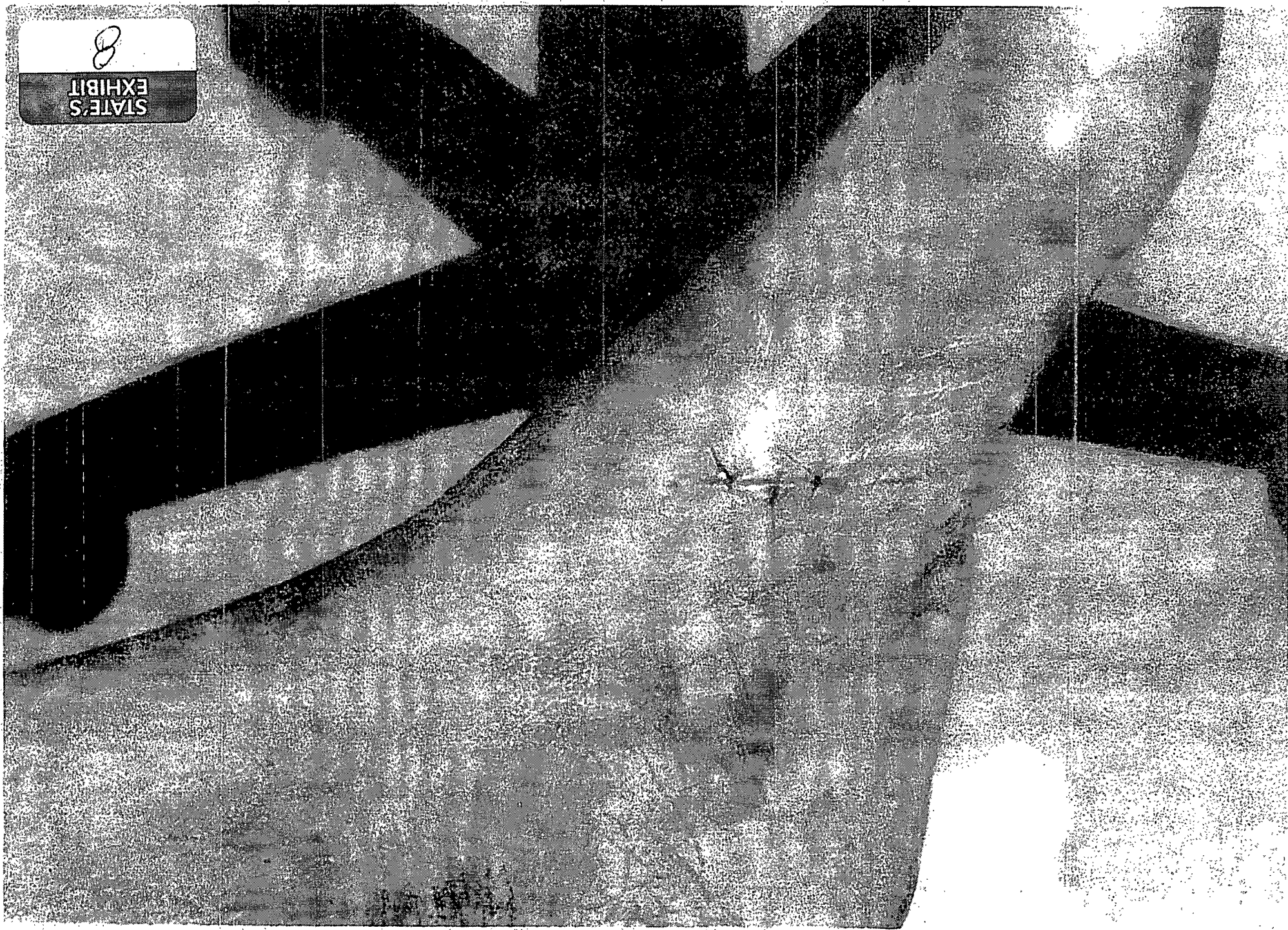
6

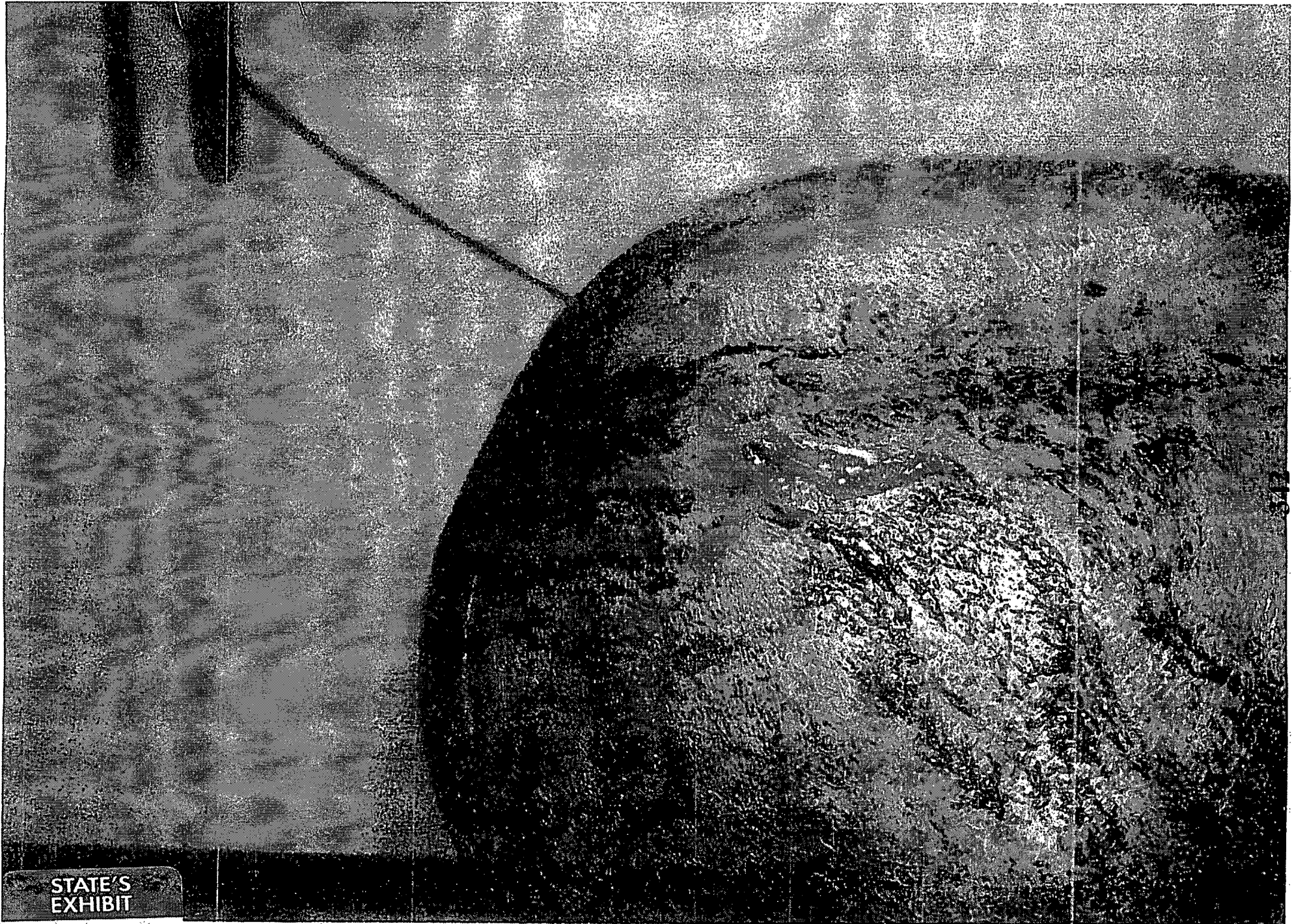


STATE'S
EXHIBIT

7

8
STATE'S
EXHIBIT





STATE'S
EXHIBIT

9

STATE'S
EXHIBIT

10





344

STATE'S
EXHIBIT

11



345

STATE'S
EXHIBIT

12

STATE OF SOUTH CAROLINA
COUNTY OF Orangeburg
STATE VS.
Richard Lanard Sprinkle

AKA:
Race: BLACK Sex: M Age: 42
DOB: SS:
Address:
City, State, Zip:
DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
TO: Armed Robbery

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS38-1561
A/W#: M805587
Date of Offense: 6/26/2011
S.C. Code §: 16-11-330(A)
CDR Code #: 0139

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-11-330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Sarah A. Ford SC Bar# 77029 Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 4/10/13
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered. PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
☐ Set by SCDPPPS

Recipient:

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100 \$100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100 \$
§ 56-5-2995 (DUI Assessment)	\$12 \$
§ 56-1-286 (DUI Breath Test)	\$25 \$
Proviso 47.9 (Public Def/Prob)	\$500 \$
§ 14-1-212 (Law Enforce. Funding)	\$25 \$28.00
§ 14-1-213 (Drug Court Surcharge)	\$150 \$
§ 50-21-114(BUI Breath Test Fee)	\$50 \$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea \$
Proviso 90.5 (SCJA Surcharge)	\$5 \$5.00
3% to County (if paid in installments)	\$3.90
TOTAL	\$133.90

days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. ☐
May serve W/E beginning ☐
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

☒ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk V. Glean
Court Reporter: Cheri J. Young
SCCA/217 (03/2011)

Presiding Judge [Signature]
Judge Code: 2153
Sentence Date: 4/10/13

STATE OF SOUTH CAROLINA
COUNTY OF Orangeburg
STATE VS.
Richard Lanard Sprinkle
AKA:
Race: BLACK Sex: M Age: 42
DOB: [REDACTED] SS: [REDACTED]
Address: [REDACTED]
City, State, Zip: [REDACTED]
DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS38-1562
A/W#: M805588
Date of Offense: 6/26/2011
S.C. Code §: 16-11-330(A)
CDR Code #: 0139

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now, the Defendant who was
TO: Armed Robbery

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-11-330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST-SERIOUS ☐ Mandatory GPS(CSC ☐ § 17-25-45
w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser-Included Offense, ☐ Defendant Waives Presentment to Grand Jury: (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Sarah A. Ford 77029 Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*, the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 4/10/13
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP
Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:
☐ Set by SCDPPPS

Recipient:

* Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$133.90

Obtain GED ☐
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Clerk of Court/ Deputy Clerk: V. Glenn
Court Reporter: Cheri L. Young
SCCA/217 (03/2011)

Presiding Judge: E. [Signature]
Judge Code: 2153
Sentence Date: 4/10/13

STATE OF SOUTH CAROLINA
COUNTY OF Orangeburg
STATE VS.
Richard Lanard Sprinkle

AKA: _____
Race: BLACK Sex: M Age: 42
DOB: [REDACTED] SS#: [REDACTED]
Address: [REDACTED]
City, State, Zip: [REDACTED]
DL#: _____ SID#: _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
TO: Assault / Assault and Battery 1st Degree

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS38-1563
A/W#: M805589
Date of Offense: 6/26/2011
S.C. Code §: 16-3-29
CDR Code #: 3410

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-3-600(C)(1) of the S.C. Code of Laws, bearing CDR Code # 3412
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC §17-25-45
w/minor 1st or Lewd Act)

The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Sarah A. Ford 77029
Ford, Sarah A. SC Bar# _____ Defendant Attorney for Defendant SC Bar# _____

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 10 ~~days~~ months years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 4/10/13
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____
Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED ☐
☐ Set by SCDPPPS _____ Attend Voc. Rehab. or Job Corp. _____

Recipient: _____ May serve W/E beginning _____
Substance Abuse Counseling: ☐

*Fine: _____ Random Drug/Alcohol testing ☐

§ 14-1-206 (Assessments 107.5%) _____ Fine may be pd. in equal, consecutive weekly/monthly
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00 pmts. of \$ _____ beginning _____

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____ paid to Public Defender Fund

§ 56-1-286 (DUI Breath Test) \$25 \$ _____ Other: _____

Proviso 47.9 (Public Def/Prob) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____

§ 50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

Proviso 90.5 (SCCA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$ 3.90

TOTAL \$ 153.90

Clerk of Court/ Deputy Clerk J. G. Gley

Court Reporter: Cheri J. Young

SCCA/217 (03/2011)

Presiding Judge [Signature]
Judge Code: 2153
Sentence Date: 4/10/13

STATE OF SOUTH CAROLINA
COUNTY OF Orangeburg
STATE VS.
Richard Lanard Sprinkle
AKA:
Race: Black Sex: M Age: 42
DOB: [REDACTED] SS#: [REDACTED]
Address: [REDACTED]
City, State, Zip: Orangeburg, SC 29115
DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS38-0287
A/W#: 2013ORB7
Date of Offense: 6/26/2011
S.C. Code §: 16-11-311
CDR Code #: 0079

SENTENCE SHEET

*CDL Yes ☐ No ☒ CMV Yes ☐ No ☒ Hazmat Yes ☐ No ☒

In disposition of the said indictment comes now the Defendant who was
TO: Burglary - First Degree

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-11-311 of the S.C. Code of Laws, bearing CDR Code # 0079
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Sarah A Ford 77029
Ford, Sarah A. SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 35 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 4/10/13
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP
Total: \$ plus 20% fee: \$ days/hours Public Service Employment.

Payment Terms:
☐ Set by SCDPPPS

Recipient:

*Fine:
§ 14-1-206 (Assessments 107.5%) \$
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$
Proviso 47.9 (Public Def/Prob) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114 (BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
Proviso 90.5 (SCCA Surcharge) \$5 \$ 5.00
3% to County (if paid in installments) \$ 3.90
TOTAL \$ 133.90

Clerk of Court/ Deputy Clerk: V. Glenn
Court Reporter: Cheri J. Young
SCCA/217 (03/2011)

Obtain GED ☐
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other: Recommend ATU
☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge: [Signature]
Judge Code: 2153
Sentence Date: 4/10/13

WITNESSES

LORI GARRISON

Orangeburg County Sheriff

ARREST WARRANT NUMBER
M805587

Arrested: June 29, 2011

ACTION OF GRAND JURY
TRUE BILL

Date: OCT 01 2012

Foreperson of Grand Jury
Date: October 10, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2011GS38-1561

The State of South Carolina
County of ORANGEBURG

COURT OF GENERAL SESSIONS

October 8, 2012 TERM

THE STATE
vs.

Richard Lanard Sprinkle

Indictment for
ARMED ROBBERY

SC Code: 16-11-330(A)

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.

ATTEST: TRUE COPY
CLERK OF COURT
J. L. HARRIS

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

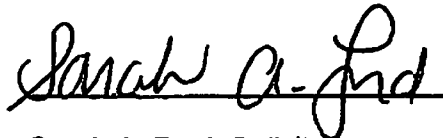
INDICTMENT
2011GS38-1561

At a Court of General Sessions, convened on October 8, 2012 the Grand Jurors of Orangeburg County present upon their oath:

ARMED ROBBERY

That on or about June 26, 2011, in Orangeburg County, the defendant, Richard Lanard Sprinkle did by use of force, threats or intimidation and while armed with a deadly weapon or while alleging either by words or action that he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, take and carry away goods and/or monies from the person or presence of the victim, Robert Rump, with the intent to permanently deprive the victim of possession of the goods or monies. Such weapon or alleged weapon(s) described as a gun and a knife. This offense in violation of Section 16-11-330 of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


Sarah A. Ford, Solicitor

M-805587
STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Orangeburg

THE STATE 20110877280
against
Richard Lanard Sprinkle

SSN: [REDACTED]
M Race: B Height: 5' 9 Weight: 180
DOB: [REDACTED]
Agency ORI #: SC0380000
Issuing Agency: **Orangeburg County Sheriff**
Issuing Officer: **Lori Garrison - 1021**
Offense: **Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon**
Code: **0139**
Ordinance Sec: **16-11-0330(A)**
Variant is: ☒ CERTIFIED FOR SERVICE to the
County/ ☐ Municipality of
be arrested and brought before me to be
with according to the law

(L.S.)

RETURN
of this arrest warrant was delivered to
[REDACTED]
Signature of Arresting Officer

WARRANT TO:
Clerical Sessions
51 Docket Street
P.O. Box 9030
Orangeburg, SC 29116

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

☒ County/ ☐ Municipality of
Orangeburg

AFFIDAVIT ORIGINAL
I, **Lori Garrison**, who
being duly sworn deposes and says that defendant **Richard Lanard Sprinkle**
did within this county and state on or about **06/26/2011**
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of **Orangeburg**)
violate the Criminal Laws of the
in the following particulars:
DESCRIPTION OF OFFENSE **Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon**

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

Based on the investigation by the Orangeburg County Sheriff's Office, the defendant, Richard Lanard Sprinkle violated section
16-11-330 of the SC code of laws, Robbery while armed with a deadly weapon. On Saturday, June 26, 2011, while located at [REDACTED]
the defendant did enter the residence armed with a gun and knife, causing multiple injuries to the
victim, Robert Rump, while robbing him of his property. This incident occurred in the County of Orangeburg, State of South
Carolina.

Signature of Affiant
[Signature]

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Orangeburg

Affiant's Address **P.O. Box 9000**
Orangeburg, SC 29116
Affiant's Telephone **(803)531-4647**

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about **6/26/2011** defendant **Richard Lanard Sprinkle**
did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County/ ☐ Municipality of **Orangeburg**) as set forth below:

DESCRIPTION OF OFFENSE: **Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon**

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable.

Sworn to and subscribed before me
on **06/28/2011**

[Signature] (L.S.)
Richard Murray
Judge Code: **5796**

Judge's Address **1540 Ellis Avenue**
Orangeburg, SC 29116-9000
Judge's Telephone **(803)533-5879**

Issuing Court ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

WITNESSES

LORI GARRISON

Orangeburg County Sheriff

ARREST WARRANT NUMBER
MB05688

Arrested: June 28, 2011

ACTION OF GRAND JURY
TRUE BILL

OCT 01 2012

Foreperson of Grand Jury
Date: October 10, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2011GS38-1562

The State of South Carolina
County of ORANGEBURG

COURT OF GENERAL SESSIONS

October 8, 2012 TERM

THE STATE
vs.

Richard Lanard Sprinkle

Indictment for
ARMED ROBBERY

SC Code: 16-11-330(A)

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.

2012 OCT 10 11:37
CLERK OF COURT
ORANGE COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

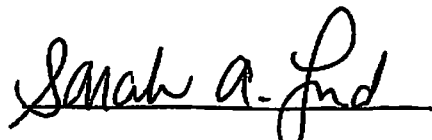
INDICTMENT
2011GS38-1562

At a Court of General Sessions, convened on October 8, 2012 the Grand Jurors of Orangeburg County present upon their oath:

ARMED ROBBERY

That on or about June 26, 2011, in Orangeburg County, the defendant, Richard Lanard Sprinkle did by use of force, threats or intimidation and while armed with a deadly weapon or while alleging either by words or action that he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, take and carry away goods and/or monies from the person or presence of the victim, James Wright, with the intent to permanently deprive the victim of possession of the goods or monies. Such weapon or alleged weapon described as a gun and a knife. This offense in violation of Section 16-11-330 of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


Sarah A. Ford, Solicitor

M-805588
STATE OF SOUTH CAROLINA
☒ County of Orangeburg ☐ Municipality of _____
 THE STATE: _____ against: Richard Lanard Sprinkle
 2011007223
 No. _____
 M. Race: B Height: 5'9" Weight: 180
 DOB: SC DL# _____
 Agency: Orangeburg County Sheriff
 Officer: Lori Garrison - 1021
 re: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon
 No Code: 0139
 Ordinance Sec: 16-11-0330(A)
 Warrant is: ☒ CERTIFIED FOR SERVICE in the County of Orangeburg ☐ Municipality of _____
 The accused _____
 was arrested and brought before me _____
 according to the law.
 (L.S.)
 Signature of Judge _____
 RETURN
 of this arrest warrant was delivered to _____
 on _____
 Signature of Constable or Enforcement Officer _____
 WARRANT TO:
 General Sessions
 151 Docket Street
 P.O. Box 9000
 Orangeburg, SC 29116
ORIGINAL

AFFIDAVIT **ORIGINAL**
☒ County of Orangeburg ☐ Municipality of _____
 Personally appeared before me, the affiant Lori Garrison
 being duly sworn deposes and says that defendant Richard Lanard Sprinkle
 did within this county and state on or about 06/26/2011
 State of South Carolina for ordinance of ☒ County of Orangeburg ☐ Municipality of _____
 in the following particulars:
 DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:
 Based on the investigation by the Orangeburg County Sheriff's Office, the defendant, Richard Lanard Sprinkle violated section 16-11-330 of the SC code of laws, Robbery while armed with a deadly weapon. On Saturday, June 26, 2011, while located at _____ the defendant did enter the residence armed with a gun and knife, causing multiple injuries to the victim, James Wright, while robbing him of his property. This incident occurred in the County of Orangeburg, State of South Carolina.

STATE OF SOUTH CAROLINA
☒ County of Orangeburg ☐ Municipality of _____
 Signature of Affiant [Signature]
 Affiant's Address P.O. Box 9000
Orangeburg, SC 29116
 Affiant's Telephone (803)531-4647

ARREST WARRANT
 TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
 It appearing from the above affidavit that there are reasonable grounds to believe that
 on or about 6/26/2011 defendant Richard Lanard Sprinkle
 did violate the criminal laws of the State of South Carolina for ordinance of ☒ County of Orangeburg ☐ Municipality of _____
 as set forth below:
 DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon
 Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.
 Sworn to and subscribed before me
 on 06/28/2011
 Signature of Issuing Judge [Signature] (L.S.)
 Richard Murray
 Judge Code: 5796
 Judge's Address 1540 Ellis Avenue
Orangeburg, SC 29116-9000
 Judge's Telephone (803)533-3879
 Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit
ORIGINAL **ORIGINAL** **ORIGINAL**

LORI GARRISON

ARREST WARRANT NUMBER
M806589

ACTION OF BRAND LURY

~~DEC 01 2012~~

VERDICT

Foreperson of Petit Jury
Date:

SC Code: 16-3-29

C.C.C. PLS. AND G.S.

2017-2018 2017-2018

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

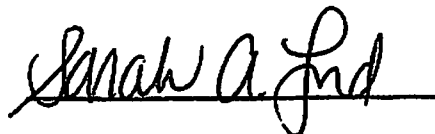
INDICTMENT
2011GS38-1563

At a Court of General Sessions, convened on October 8, 2012 the Grand Jurors of Orangeburg County present upon their oath:

ATTEMPTED MURDER

That in Orangeburg County, South Carolina, on or about June 26, 2011, the Defendant, Richard Lanard Sprinkle, did enter the residence armed with a gun and a knife, causing multiple injuries to the victim by cutting the victim, Robert Rump, with a knife on the chest, feet, and arm area, and as a result violated Section 16-03-0029 Code of Laws of South Carolina, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

A handwritten signature in black ink, appearing to read "Sarah A. Ford", written over a horizontal line.

Sarah A. Ford, Solicitor

M-805589

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Orangeburg

THE STATE
against

2011007280

Richard Lanard Sprinkle

Address: [REDACTED]

one: [REDACTED] SSN: [REDACTED]

Sex: M Race: B Height: 5 9 Weight: 180

Status: SC DL #: [REDACTED]

ID: [REDACTED] Agency ORI #: SC0380000

Issuing Agency: Orangeburg County Sheriff

Securing Officer: Lori Garrison - 1021

Offense: Murder / Attempted Murder

Arrest Code: 3410

File/Ordinance Sec: 16-03-0029

Warrant is CERTIFIED FOR SERVICE in the

County/ ☐ Municipality of

The accused

to be arrested and brought before me to be

It with according to the law.

(L.S.)

Signature of Judge

RETURN

Copy of this arrest warrant was delivered to

Defendant

Signature of Constable/Law Enforcement Officer

JRN WARRANT TO:

General Sessions:

151 Docket Street

P. O. Box 9000

Orangeburg, SC 29116

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Orangeburg

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
Apr 21, 2003
SCCA 518

Personally appeared before me, the affiant Lori Garrison who

being duly sworn deposes and says that defendant Richard Lanard Sprinkle

did within this county and state on or about 06/26/2011

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Orangeburg) violate the criminal laws of the

in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

Based on the investigation by the Orangeburg County Sheriff's Office, the defendant, Richard Lanard Sprinkle violated section 16-3-29 of the SC code of laws, Attempted Murder. On Saturday, June 26, 2011, while located at [REDACTED] the defendant did enter the residence armed with a gun and knife, causing multiple injuries to the victim by cutting the victim, Robert Rump, with a knife on the chest, feet and arm areas. This incident occurred in the County of Orangeburg, State of South Carolina.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Orangeburg

Affiant's Address P. O. Box 9000

Orangeburg, SC 29116

Affiant's Telephone (803)531-4647

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 6/26/2011 defendant Richard Lanard Sprinkle

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Orangeburg) as set forth below.

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 06/28/2011

Signature of Judge (L.S.)

Richard Murray

Judge Code: 5796

Judge's Address 1540 Ellis Avenue

Orangeburg, SC 29116-9000

Judge's Telephone (803)533-5879

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

358

WITNESSES

LORI GARRISON

Orangeburg County Sheriff

ARREST WARRANT NUMBER
2013ORB7

Arrested: June 29, 2011

TRUE BILL
ACTION OF GRAND JURY

Date JAN 30 2013

Foreperson of Grand Jury
Date: January 30, 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2013GS38-0287

The State of South Carolina
County of ORANGEBURG

COURT OF GENERAL SESSIONS

February 4, 2013 TERM

THE STATE
vs.

Richard Lanard Sprinkle

Indictment for
BURGLARY - FIRST DEGREE

SC Code: 16-11-311

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.

TRUE COPY
Wing B. Clark
CLERK OF COURT
ORANGEBURG COUNTY

2013 JAN 30 AM 9:51

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

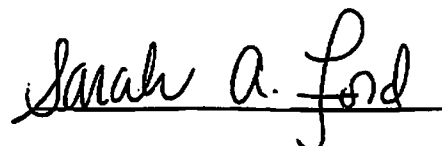
INDICTMENT
2013GS38-0287

At a Court of General Sessions, convened on February 4, 2013 the Grand Jurors of Orangeburg County present upon their oath:

BURGLARY - FIRST DEGREE

That in Orangeburg County, South Carolina, on or about June 26, 2011, the Defendant, Richard Lanard Sprinkle, did willfully and unlawfully enter the dwelling of the victims Robert Rumph and James Wright at [REDACTED], [REDACTED], without consent and with the intent to commit a crime therein and the defendant did while armed with a deadly weapon caused physical injury to the victims. This offense being a violation of Section 16-11-311 of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Sarah A. Ford, Solicitor

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Circuit Court

Edgar W. Dickson, Circuit Court Judge

Case No. 2011-GS-38-01561 - 01563
Case No. 2013-GS-38-00287
Appellate Case No. 2013-000784

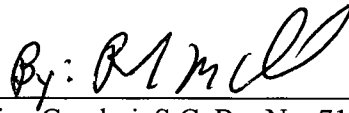
State of South Carolina,.....Respondent,

v.

Richard Lanard Sprinkle,.....Appellant.

CERTIFICATE OF COUNSEL

The undersigned certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the April 15, 2014, revised order concerning personal identifying information and other sensitive information in appellate court filings from the South Carolina Supreme Court.

By: 

Tina Cundari, S.C. Bar No. 71951
Alexander E. Davis, S.C. Bar No. 100061
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Chief Appellate Defender
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1330 Lady Street, Ste. 401
Columbia, South Carolina 29201
(803) 734-1330
rdudek@sccid.sc.gov

June 4th, 2014

Attorneys for Appellant

STATE OF SOUTH CAROLINA

ORIGINAL

IN THE COURT OF APPEALS

Appeal from Orangeburg County

Edgar W. Dickson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

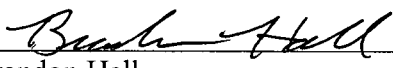
RICHARD LANARD SPRINKLE,

APPELLANT

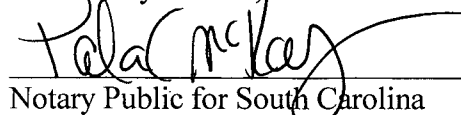
APPELLATE CASE NO. 2013-000784

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon J. Benjamin Aplin, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 4th day of June, 2014.


Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 4th day of June, 2014.


(L.S.)
Notary Public for South Carolina
My Commission Expires: July 24, 2022.

RECEIVED

JUN 04 2014

SC Court of Appeals