

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY

R. Lawton McIntosh, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JOHN DWAYNE GARVIN,

APPELLANT

APPELLATE CASE NO. 2013-001209

SUPPLEMENTAL RECORD ON APPEAL

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STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,)
PLAINTIFF,)
VS.)
JOHN DWAYNE GARVIN,)
DEFENDANT.)

TRANSCRIPT
OF
RECORD
2012-GS-42-05979

May 21st - 23rd, 2013
Spartanburg, South Carolina

B E F O R E:

THE HONORABLE R. LAWTON McINTOSH, Judge, and a jury.

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

EDDIE HUNTER
ASSISTANT SOLICITOR
Attorney for the State

SCOTT ROBINSON
ESQ.
Attorney for the Defendant

PAMELA E. GREEN
Circuit Court Reporter
Seventh Judicial Circuit

1 THE COURT: Sir?

2 DEFENDANT: I guess that's about it.

3 THE COURT: Okay. I'm gonna deny your motion. We're
4 gonna go forward to trial today.

5 Now, here's what I intend to do. The -- I want to
6 bring the jury in here now. They've been sitting around for
7 about a good hour. I want to select a juror, jury with one
8 alternate. Then we'll, based on what I understand, take up
9 any preliminary matters. Jackson/Denno I understand is one
10 of them.

11 MR. ROBINSON: That's correct, Your Honor.

12 THE COURT: I think there may be a motion in limine.

13 SOLICITOR HUNTER: Just a motion to see what can come
14 in on the informant, Your Honor, as far as his record --

15 THE COURT: Okay.

16 SOLICITOR HUNTER: -- and, and current dealings cause
17 he still is currently an informant.

18 THE COURT: Okay.

19 MR. ROBINSON: As we, as we discussed, Your Honor, I
20 would like to -- I want to make sure, since he's only doing
21 the one case this week, that nothing's talked about as far
22 as the other case and he's not prejudiced.

23 THE COURT: Right.

24 MR. ROBINSON: But we, we will do that, of course.

25 THE COURT: Okay. And we'll take that up -- let's,

1 let's bring the jury in here now. They've been sworn
2 yesterday by Judge---

3 SOLICITOR HUNTER: They were qualified this morning by
4 Judge Cole yesterday or not sworn. Well, they were sworn as
5 a panel, but---

6 THE COURT: Just let's re-swear them this morning.

7 MR. ROBINSON: Your Honor, excuse me.

8 Before they, before they bring them in, I would ask
9 that just the investigating officer be here only. I've no
10 issue with his guys. I know these guys. But I think that
11 all folks over there where they're sitting, they're all the
12 officers sitting there, they prejudice my client cause he's,
13 he's just by himself here just sitting here. I just ask the
14 investigator and that's it.

15 THE COURT: All right. I'll grant that motion.

16 SOLICITOR HUNTER: Your Honor, may we have the
17 informant in here just so that they can see if it's somebody
18 they know?

19 MR. ROBINSON: No. No, sir.

20 THE COURT: Hu huh. (Negative).

21 All right. Y'all ready to go forward with jury
22 selection?

23 SOLICITOR HUNTER: State is, Your Honor.

24 THE COURT: You ready to go forward?

25 MR. ROBINSON: I'm ready to go.

Ashley Asbill - Recross examination
by Mr. Robinson

1 Q Thank you.

2 And no notary signed off on this to verify this, did
3 they?

4 A That's correct.

5 Q Okay. Thank you.

6 SOLICITOR HUNTER: Just one more question, Your Honor,
7 if I may?

8 THE COURT: Yes, sir.

9 REDIRECT EXAMINATION

10 BY SOLICITOR HUNTER:

11 Q Do you know if Agent Pait is a, a notary?

12 A I have no idea.

13 Q Okay. But a notary must sign this -- when a notary
14 signs it, they're verifying that the signature is correct?

15 A That is correct.

16 Q So, unless a notary was in the room, a notary can't
17 sign this statement, can they?

18 A That's correct.

19 Q Okay.

20 THE COURT: All right. May this witness step down?

21 MR. ROBINSON: Yes, sir, Your Honor.

22 THE COURT: All right. Thank you, sir. You may step
23 down.

24 SOLICITOR HUNTER: Your Honor, at this time the State
25 would rest.

1 THE COURT: Okay. Mr. Foreman, ladies and gentlemen of
2 the jury, the State says that it has rested, and what that
3 simply means is it has presented its case in chief that it
4 intends to put into evidence against the defendant. At this
5 point I have several administrative matters that I need to
6 go over here in the courtroom.

7 So, I'm gonna ask you to go back to your jury room. I
8 anticipate getting you back probably 20 to 30 minutes.

9 Okay, sir. If you need anything just let the bailiff
10 know.

11 (WHEREUPON, the following takes place outside the
12 presence of the jury.)

13 THE COURT: Any motions please?

14 MR. ROBINSON: Your Honor, at this time we'd make a
15 motion for a directed verdict of acquittal.

16 THE COURT: Okay, sir. And I assume that you're also
17 incorporating any objections you had at the time of the
18 Jackson/Denno hearing?

19 MR. ROBINSON: I am, Your Honor. That's correct.

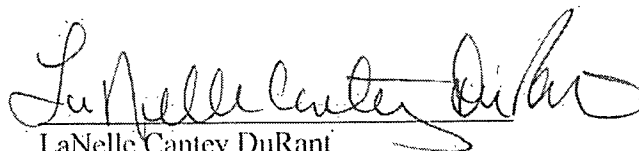
20 THE COURT: All right. I'm gonna deny your motion.
21 Obviously there's enough sufficient evidence in the record
22 at this point to be a question for the jury to make a
23 determination.

24 With that being said, Mr. Glover, would you please
25 stand and face please, sir -- Mr. Garvin. Not Glover.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Supplemental 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 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

June 9th, 2014



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ATTORNEY FOR APPELLANT

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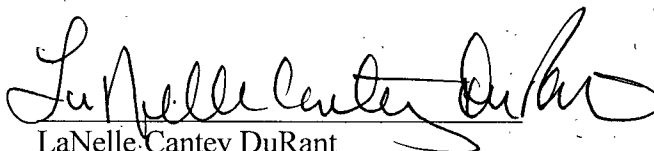
JUN 09 2014

SC Court of Appeals

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ATTORNEY FOR APPELLANT

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SC Court of Appeals

ORIGINAL

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Appeal from Spartanburg County

R. Lawton McIntosh, Circuit Court Judge

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JUN 09 2014

SC Court of Appeals

THE STATE,

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V.

JOHN DWAYNE GARVIN,

APPELLANT

APPELLATE CASE NO. 2013-001209

CERTIFICATE OF SERVICE

I certify that a true copy of the Supplemental Record on Appeal in the above referenced case has been served upon Johanna C. Valenzuela, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 9th day of June, 2014.

Brandon Hall

Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 9th day of June, 2014.

Mark Beard (L.S.)

Notary Public for South Carolina
My Commission Expires: July 3, 2023.