

ORIGINAL

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SC Court of Appeals

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY

D. Garrison Hill, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LYNN LARRY HUNT,

APPELLANT

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

COURT OF GENERAL SESSIONS

2011-GS-23-01871

2011-GS-23-01872

2011-GS-23-01873

STATE OF SOUTH CAROLINA,

vs.

TRANSCRIPT OF RECORD

LYNN LARRY HUNT,
DEFENDANT.

ORIGINAL

February 6, 7, and 8, 2012
Greenville, South Carolina

B E F O R E:

THE HONORABLE D. GARRISON HILL, JUDGE; and a jury.

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

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Assistant Solicitor

DANIEL J. FARNSWORTH, ESQ.
Attorney for the Defendant

HOLLIE M. JENKINS
Circuit Court Reporter

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 (DW) - Denotes Defense Witness
 (IC) - Denotes In Camera

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P R O C E E D I N G S

THE COURT: This is the State v. Larry Hunt,
indictment #2010-6840.

And I understand it's a motion Mr. Hunt wishes to
make.

MR. MOYER: Yes, sir.

MR. FARNSWORTH: Yes, Your Honor.

Okay. Your Honor --

THE COURT: Mr. Farnsworth.

MR. FARNSWORTH: -- Mr. Hunt and I spoke this morning
about 8:30, 9:00 -- well, 9:30 rather. And the mental
thing came up. And he said that --

I think your sister has been telling you for a long
time --

DEFENDANT HUNT: Yeah.

MR. FARNSWORTH: -- that she felt like something was
wrong with him, and needed maybe to -- some kind of mental
evaluation. And I asked him if he ever had one. And he
replied that he had not had one.

We talked a little further. And there was some
documentation in the file from -- his sister called and
said that she was concerned about his mental condition. I
asked my client this morning, I said, Well, what do you
think? Do you think something is wrong with you, or do
you -- this type of thing. And he indicated that he

1 thought something was wrong with him.

2 I've been able, you know, Your Honor, to communicate
3 with him. And I think he's probably got some problems. I
4 just don't know the extent.

5 But I'm going to let you tell the Judge what you --
6 what we've talked about this morning about your mental
7 condition.

8 DEFENDANT HUNT: All right. Well, I went to school
9 in Easley back when I was a kid. It was a school for
10 mental people with mental problems. I can't say my ABC's
11 the way they are. I can't hardly tell time. I've had my
12 head busted a couple of times by deputy sheriffs and stuff
13 right here -- and a couple years back -- and then right
14 here, this past December by the detention officer.

15 THE COURT: Does the State have any position?

16 MR. MOYER: Just all I know is he's been through the
17 criminal justice system over and over, a revolving door
18 since 1978. I don't know of any other time he's been
19 evaluated.

20 MR. FARNSWORTH: He says he's never been evaluated.

21 MR. MOYER: In -- the most recent, in 2007, he pled
22 guilty to involuntary manslaughter. I don't think it was
23 ever an issue in that case. He was charged with murder,
24 and he made all the proper decisions to negotiate his
25 case.

1 I think now that he's looking at -- my concern is now
2 that he's looking at very extensive time, he's looking for
3 a way to delay the case. That would be my concern. Now,
4 obviously, I don't know him or too much about his history,
5 other than that. But if he can't establish that he has a
6 mental illness, then we would move to go forward.

7 MR. FARNSWORTH: Your Honor, the only other thing I
8 could add is I think I mentioned it when we were standing
9 up here a minute ago is --

10 How long have you been living on the street now? How
11 many years?

12 DEFENDANT HUNT: For a while.

13 MR. FARNSWORTH: Years, how many?

14 DEFENDANT HUNT: Probably five.

15 MR. FARNSWORTH: That's the last five years?

16 DEFENDANT HUNT: (Defendant Hunt nodded.)

17 MR. FARNSWORTH: And what about before that?

18 DEFENDANT HUNT: Well, I had a good job. I had a
19 place to stay and all. And I wound up losing my job after
20 I had my leg broke.

21 MR. MOYER: Just to give you a little more
22 background, he hasn't been living on the streets for the
23 past five years. He was incarcerated in 2007, and was
24 just released in March of 2010. And so -- and then he was
25 arrested a few months later.

1 So I think total, if he was living on the streets,
2 that period of time was maybe six months or so. I'd be
3 curious to know if he received mental health treatment
4 in -- while he was in prison.

5 MR. FARNSWORTH: Did you?

6 DEFENDANT HUNT: No.

7 THE COURT: Well, can you tell me in your own words,
8 Mr. Hunt, what you're doing up here today?

9 DEFENDANT HUNT: Do what?

10 THE COURT: What are you doing up here today?

11 DEFENDANT HUNT: I don't know, man. I just -- I just
12 can't hardly get coordinated right. I don't know, man.

13 THE COURT: What are you charged with?

14 DEFENDANT HUNT: Attempted murder, armed robbery, and
15 possession of a weapon.

16 MR. MOYER: That's for the cases tomorrow, Judge.

17 Today, he's -- he's on the docket today for an auto
18 breaking --

19 THE COURT: Oh, okay.

20 MR. MOYER: And then tomorrow, he has three charges.
21 It's the armed robbery, attempted murder, and possession
22 of a weapon during the commission of a violent crime.

23 THE COURT: Okay. And have you had enough time to
24 talk with Mr. Farnsworth about those things?

25 DEFENDANT HUNT: Yeah.

1 THE COURT: All right. And what -- tell me what --
2 what's his job?

3 DEFENDANT HUNT: What's his job?

4 THE COURT: Yes.

5 What does he do?

6 DEFENDANT HUNT: He's an attorney, a public defender,
7 an attorney.

8 THE COURT: What's he supposed to do for you?

9 DEFENDANT HUNT: I don't -- I need -- I feel like I
10 need to be evaluated, for real.

11 THE COURT: I understand that. But I'm trying to ask
12 you some questions about it.

13 DEFENDANT HUNT: Look, man, I don't know what to do.
14 Man, I don't know. I don't have the slightest idea of
15 nothing whatsoever.

16 THE COURT: You don't have the slightest idea about
17 what?

18 DEFENDANT HUNT: Anything, man. I don't know, man.
19 I really don't know. I don't understand.

20 THE COURT: Understand what?

21 DEFENDANT HUNT: Whatever it is, man. I just don't
22 know, man, you know. I really need to be evaluated or
23 something, man, to really see if there's something --
24 something really wrong.

25 THE COURT: You don't have any idea what -- you don't

1 understand anything about what Mr. Farnsworth does?

2 DEFENDANT HUNT: Man, I'll tell you -- man, I don't
3 know what to say. I don't really know -- understand
4 nothing, man. I don't understand none of this up here,
5 you know.

6 THE COURT: Well, what --

7 DEFENDANT HUNT: I've had my head busted so many
8 times and all. I don't really understand nothing any
9 more. I can't even hardly -- I have a hard time even
10 realizing -- recognizing my social security number when I
11 see it.

12 THE COURT: Why do you think you've been meeting with
13 Mr. Farnsworth?

14 DEFENDANT HUNT: I can't hardly understand what
15 you're saying, man. I can't hardly hear either.

16 THE COURT: Can you see me okay?

17 DEFENDANT HUNT: Yeah. I can see you.

18 THE COURT: All right. Why do you -- why have you
19 been meeting with Mr. Farnsworth? What do you think those
20 meetings have been about?

21 DEFENDANT HUNT: Well, I needed -- I'm trying to find
22 out what's up, what's going to happen, you know, what I
23 should do, you know.

24 THE COURT: Because he's your lawyer; right?

25 DEFENDANT HUNT: Yeah.

1 THE COURT: And you've had lawyers in the past,
2 haven't you?

3 DEFENDANT HUNT: (There was no response.)

4 THE COURT: Haven't you had lawyers in the past when
5 you've been up here?

6 DEFENDANT HUNT: Yeah.

7 THE COURT: And you know that they're here to
8 represent you, and to help you present any defenses you
9 may have, and help you challenge the State's case; is that
10 right?

11 DEFENDANT HUNT: Yeah.

12 THE COURT: Do you understand that?

13 DEFENDANT HUNT: Yeah.

14 THE COURT: So do you know what a solicitor is?

15 DEFENDANT HUNT: Do what?

16 THE COURT: Do you know what a solicitor is?

17 DEFENDANT HUNT: Yeah.

18 THE COURT: Tell me what that is.

19 DEFENDANT HUNT: A solicitor is a prosecutor.

20 THE COURT: All right. And what's their job?

21 DEFENDANT HUNT: To prosecute people.

22 THE COURT: For what?

23 DEFENDANT HUNT: For whatever they do, whatever
24 they're in trouble for.

25 THE COURT: All right. And then do you understand

1 what my role is in this, sir?

2 DEFENDANT HUNT: Yeah.

3 THE COURT: And what's my role?

4 DEFENDANT HUNT: I don't know. Well, you're the
5 Judge, you know. You should make the decision, you know.

6 THE COURT: Based on Section 44-23-410, I don't have
7 any reason to believe that he doesn't understand the
8 proceedings, or he lacks the capacity to understand the
9 proceedings, or that he can't assist in his own defense as
10 a result of a lack of mental capacity.

11 I find that his demeanor, and just viewing him here
12 in court today based on his responses to my questions
13 indicate to me that he has a full appreciation for what's
14 going on. And there may be some malingering behavior.

15 So I respectfully deny the motion.

16 Thank you.

17 (WHEREUPON, the proceedings were concluded at
18 approximately 12:15 p.m., to be reconvened on
19 Tuesday, February 7, 2012.)

20

21

22

23

24

25

1 TUESDAY, FEBRUARY 7, 2012

2 THE COURT: Yes, sir, Mr. Moyer.

3 MR. MOYER: Thank you, Your Honor.

4 May it please the Court.

5 We're ready to start the case of the State v. Lynn
6 Larry Hunt. There are three indictments that are on the
7 trial docket. There will be a Neil v. Biggers hearing
8 that will need to be held. It will be brief, I'm sure.
9 But maybe we can draw a jury first and then proceed.

10 THE COURT: So are y'all ready for the jury to come
11 up here?

12 MR. MOYER: Yes, Judge.

13 THE COURT: Okay. Do you have a witness list or voir
14 dire you want --

15 THE CLERK: It should be on your desk.

16 THE COURT: It's already up here.

17 THE CLERK: Yes, sir.

18 THE COURT: Send the jury on up.

19 Is this five and 10 strikes?

20 MR. MOYER: Yes, Your Honor.

21 (WHEREUPON, the jury panel entered the courtroom.)

22 THE COURT: Good afternoon, ladies and gentlemen.

23 We're about to start the case of the State v. Lynn
24 Larry Hunt. And I'm going to read to you the three
25 indictments that Mr. Hunt is charged with. And, also, for

1 those of you who may not have been up here yesterday, I
2 need to emphasize to you some of the principles of
3 criminal law that apply to this criminal trial.

4 First of all, these indictments are not evidence of
5 anything. They're simply pieces of paper. They're the
6 ticket, so to speak, that allows the State to come into
7 this courtroom and begin a trial against a citizen. And
8 the purpose of the indictment is to simply notify a
9 citizen of what they're charged with, and give them notice
10 about what they are being charged with. The indictment
11 doesn't create any inference of guilt, or even a suspicion
12 of guilt.

13 And Mr. Hunt has pled guilty [sic] to all three of
14 these indictments, and that puts the burden of proof on
15 the State. And he may only be convicted if the jury
16 unanimously finds the State has proven each and every
17 element of the crime beyond a reasonable doubt as to each
18 charge. Mr. Hunt has no burden of proof. He doesn't have
19 to offer any evidence or explanation whatsoever. He is
20 presumed innocent. And I will repeat those principles to
21 you during the trial as well.

22 Right now, we need to ensure we can find a jury that
23 can be fair and impartial, and decide this case without
24 any kind of bias or prejudice, or preconceived ideas. And
25 to that end, I need to ask a number of questions.

JURY QUALIFICATION

THE COURT: The first question is: Is there anyone who is related by blood or marriage or kinned to in any way Larry Lynn [sic] Hunt.

And, Mr. Hunt, if you'd just stand up so the jury can see you, sir.

(WHEREUPON, the Defendant, Lynn Larry Hunt, stood.)

THE COURT: Thank you, sir.

Is anyone a personal, social, or business acquaintance of Mr. Hunt?

(WHEREUPON, there was no response.)

THE COURT: These indictments read as follows, in 2011-GS-23-01871, it is alleged that Lynn Larry Hunt did in Greenville County on or about the 14th day of December, 2010, while armed with a deadly weapon or while alleging either by action or words he was armed while using a representation of a deadly weapon, or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon take by means of force or intimidation goods or monies described as a pocketbook and/or U.S. currency from the person or presence of Juanita Banks.

In case 2011-GS-23-01873, it is alleged -- excuse me, 2011-GS-23-01872, it is alleged that Lynn Larry Hunt did in this county on or about the 14th day of December, 2010,

1 unlawfully with malice aforethought and with the intent to
2 kill -- attempt to kill Juanita Banks.

3 In case 2011-GS-23-01873, it is alleged that Mr. Hunt
4 did in this county on or about the 14th day of December,
5 2010, possess or visibly display a knife during the
6 commission or attempted commission of a violent crime, to
7 wit armed robbery and/or attempted murder.

8 So those are the indictments. And, again, Mr. Hunt
9 has pled not guilty and is presumed innocent.

10 Is there anyone who is related by blood or marriage
11 or kinned to in any way Juanita Banks? If so, please,
12 stand.

13 (WHEREUPON, there was no response.)

14 THE COURT: Does anyone have any personal, social, or
15 business relationship with Ms. Banks?

16 (WHEREUPON, there was no response.)

17 THE COURT: All right. I'm going to ask the lawyers
18 in this case to introduce themselves and the people at
19 their table.

20 Mr. Moyer.

21 MR. MOYER: Thank you.

22 My name is Mark Moyer. I'll be representing the
23 State. Seated next to me is Martha Lynch. She's a legal
24 investigator with our office. And, also, seated with me
25 is Mike McGaha. He's a Greenville County sheriff's

1 deputy. And Trooper Moon is seated over here.

2 THE COURT: Mr. Farnsworth.

3 MR. FARNSWORTH: Thank you.

4 Ladies and gentlemen of the jury, my name is Dan
5 Farnsworth. I represent Mr. Hunt, who is seated here
6 beside me.

7 THE COURT: Thank you.

8 Is anyone related by blood or marriage, or kinked to
9 in any way Mr. Farnsworth or Mr. Moyer? If so, please,
10 stand.

11 (WHEREUPON, there was no response.)

12 THE COURT: Has anyone ever been represented by or
13 been involved in a dispute or transaction where the other
14 side was represented by the Solicitor's Office or
15 Mr. Farnsworth? If so, please, stand.

16 (WHEREUPON, there was no response.)

17 THE COURT: Does anyone have any personal, social, or
18 business relationship with either Mr. Farnsworth or
19 Mr. Moyer, or anyone they introduced? If so, please,
20 stand.

21 (WHEREUPON, there was no response.)

22 THE COURT: The people who may testify in this case
23 in addition to Ms. Banks are Trooper T.J. Moon, Mike
24 McGaha, Wanda Jean Howard, Jonathan Bastoni, Doug Smith,
25 Keri Finley, and Dana Lewis. Is there anyone who is

1 related by blood or marriage, or kinned to in any way any
2 of those potential witnesses? If so, please stand.

3 (WHEREUPON, there was no response.)

4 THE COURT: Does anyone have any personal, social, or
5 business relationship with any of those witnesses? If so,
6 please, stand.

7 (WHEREUPON, there was no response.)

8 THE COURT: Is there anyone who is a member of any
9 law enforcement entity, or have an immediate family member
10 who is a police officer or other law enforcement official?
11 If so, please, stand.

12 Yes, sir.

13 JUROR #195, MICHAEL LIPTON: Formerly.

14 THE COURT: All right. And what's your name, sir?

15 JUROR #195, MICHAEL LIPTON: Mike Lipton.

16 THE COURT: And can you tell me their relationship.

17 JUROR #195, MICHAEL LIPTON: Oh, no, it's for myself.

18 THE COURT: Okay. Formerly what?

19 JUROR #195, MICHAEL LIPTON: Corrections officer.

20 THE COURT: With who?

21 JUROR #195, MICHAEL LIPTON: Greenville County.

22 THE COURT: Greenville County?

23 JUROR #195, MICHAEL LIPTON: Yes, sir.

24 THE COURT: Okay. Thank you, Mr. Lipton.

25 Is there anyone who contributes, whether it's your

1 time or your money, to any organization whose primary
2 purpose is to promote victims rights or more aggressive
3 law enforcement? If so, please, stand.

4 (WHEREUPON, there was no response.)

5 THE COURT: Is there anyone who is aware of any bias
6 or prejudice they may have concerning this case, or anyone
7 involved in this case? If so, please, stand.

8 (WHEREUPON, there was no response.)

9 THE COURT: Is there anyone who does not feel they
10 could be fair and impartial for any reason in this trial?
11 If so, please, stand.

12 (WHEREUPON, there was no response.)

13 THE COURT: All right. Is there any further voir
14 dire requested from the State?

15 MR. MOYER: No, Your Honor.

16 THE COURT: From the Defense?

17 MR. FARNSWORTH: No, Your Honor.

18 THE COURT: We will proceed with the jury selection.

19 JURY SELECTION

20 THE CLERK: Juror #191, Matiyias Atkins.

21 (WHEREUPON, Matiyias Atkins, a black male, stood.)

22 THE CLERK: What says the State?

23 MR. MOYER: Please present Mr. Atkins.

24 THE CLERK: What says the Defendant?

25 MR. FARNSWORTH: Please seat the juror.

1 THE CLERK: Mr. Atkins, please, come have a seat in
2 the jury box.

3 Juror #2, Andrew Aleshire.

4 (WHEREUPON, Andrew Aleshire, a white male, stood.)

5 THE CLERK: What says the State?

6 MR. MOYER: Please present Mr. Aleshire.

7 THE CLERK: What says the Defendant?

8 MR. FARNSWORTH: Please seat the juror.

9 THE CLERK: Sir, please, have a seat in the jury box.

10 Juror #56, Mark Fullbright.

11 (WHEREUPON, Mark Fullbright, a white male, stood.)

12 THE CLERK: What says the State?

13 MR. MOYER: Please excuse the juror from this case.

14 THE CLERK: All right. Sir, you may be seated.

15 You've been excused from this case.

16 Juror #197, James Redding.

17 (WHEREUPON, James Redding, a white male, stood.)

18 THE CLERK: What says the State?

19 MR. MOYER: Please excuse the juror from this case.

20 THE CLERK: All right. Sir, you may be seated.

21 You've been excused from this case.

22 Juror #51, Robert Evans.

23 (WHEREUPON, Robert Evans, a white male, stood.)

24 THE CLERK: What says the State?

25 MR. MOYER: Please present Mr. Evans.

1 THE CLERK: What says the Defendant?

2 MR. FARNSWORTH: Please excuse the juror.

3 THE CLERK: Sir, you may be seated. You've been
4 excused from this case.

5 Juror #162, Carl Sobocinski.

6 (WHEREUPON, Carl Sobocinski, a white male, stood.)

7 THE CLERK: What says the State?

8 MR. MOYER: Please present Mr. Sobocinski.

9 THE CLERK: What says the Defendant?

10 MR. FARNSWORTH: Please excuse the juror from this
11 case.

12 THE CLERK: Sir, you may be seated. You have been
13 excused from this case.

14 Juror 34, William Chandler.

15 (WHEREUPON, William Chandler, a white male, stood.)

16 THE CLERK: What says the State?

17 MR. MOYER: Please present Mr. Chandler.

18 THE CLERK: What says the Defendant?

19 MR. FARNSWORTH: Please seat the juror.

20 THE CLERK: Mr. Chandler, please, have a seat in the
21 jury box.

22 Juror #145, Tahnee Rogers.

23 (WHEREUPON, Tahnee Rogers, a white female, stood.)

24 THE CLERK: What says the State?

25 MR. MOYER: Please present Ms. Rogers.

1 THE CLERK: What says the Defendant?

2 MR. FARNSWORTH: Please seat the juror.

3 THE CLERK: Ms. Rogers, please, have a seat in the
4 jury box.

5 Juror #179, Cam Walters.

6 (WHEREUPON, Cam Walters, a white male, stood.)

7 THE CLERK: What says the State?

8 MR. MOYER: Please present Mr. Walters.

9 THE CLERK: What says the Defendant?

10 MR. FARNSWORTH: Please excuse the juror from this
11 case.

12 THE CLERK: All right. You may be seated. You've
13 been excused from this case.

14 Juror #112, Jean Marshall.

15 (WHEREUPON, Jean Marshall, a white female, stood.)

16 THE CLERK: What says the State?

17 MR. MOYER: Please present Ms. Marshall.

18 THE CLERK: What says the Defendant?

19 MR. FARNSWORTH: Please seat the juror.

20 THE CLERK: Ms. Marshall, please, have a seat in the
21 jury box.

22 Juror #42, Julie Dacus.

23 (WHEREUPON, Julie Dacus, a white female, stood.)

24 THE CLERK: What says the State?

25 MR. MOYER: Please present Ms. Dacus.

1 THE CLERK: What says the Defendant?

2 MR. FARNSWORTH: Please seat the juror.

3 THE CLERK: Ms. Dacus, please, have a seat in the
4 jury box.

5 Juror #123, Mark Muhlenbeck.

6 (WHEREUPON, Mark Muhlenbeck, a white male, stood.)

7 THE CLERK: What says the State?

8 MR. MOYER: Please excuse the juror from this case.

9 THE CLERK: All right. Sir, you may be seated. You
10 have been excused from this case.

11 Juror #69, Elaina Griffith.

12 (WHEREUPON, Elaina Griffith, a white female, stood.)

13 THE CLERK: What says the State?

14 MR. MOYER: Please present Ms. Griffith.

15 THE CLERK: What says the Defendant?

16 MR. FARNSWORTH: Please excuse this juror.

17 THE CLERK: You may be seated, ma'am. You've been
18 excused from this case.

19 Juror #20, Stephen Boyd.

20 (WHEREUPON, Stephen Boyd, a black male, stood.)

21 THE CLERK: What says the State?

22 MR. MOYER: Please present Mr. Boyd.

23 THE CLERK: What says the Defendant?

24 MR. FARNSWORTH: Please seat the juror.

25 THE CLERK: Mr. Boyd, please, have a seat in the jury

1 box.

2 Juror 47, Trinh Doan.

3 (WHEREUPON, Trinh Doan, an Asian male, stood.)

4 THE CLERK: What says the State?

5 MR. MOYER: Please present Mr. Doan.

6 THE CLERK: What says the Defendant?

7 MR. FARNSWORTH: Please seat the juror.

8 THE CLERK: Sir, please, come have a seat in the jury
9 box.

10 Juror 55, Susan Freeman.

11 (WHEREUPON, Susan Freeman, a white female, stood.)

12 THE CLERK: What says the State?

13 MR. MOYER: Please present Ms. Freeman.

14 THE CLERK: What says the Defendant?

15 MR. FARNSWORTH: Please excuse the juror.

16 THE CLERK: You may be seated. You have been excused
17 from this case.

18 Juror #129, Kelly Nimmons.

19 (WHEREUPON, Kelly Nimmons, a white female, stood.)

20 THE CLERK: What says the State?

21 MR. MOYER: Please present Ms. Nimmons.

22 THE CLERK: What says the Defendant?

23 MR. FARNSWORTH: Please seat the juror.

24 THE CLERK: Ms. Nimmons, please, have a seat in the
25 jury box.

1 Juror #194, Brandi Israel.

2 (WHEREUPON, Brandi Israel, a white female, stood.)

3 MR. MOYER: What number?

4 THE CLERK: #194, Brandi Israel.

5 What says the State?

6 MR. MOYER: Please present Ms. Israel.

7 THE CLERK: What says the Defendant?

8 MR. FARNSWORTH: Please excuse the juror from this
9 case.

10 THE CLERK: You may be seated. You've been excused
11 from this case.

12 Juror #192, Patricia Einstein.

13 (WHEREUPON, Patricia Einstein, a white female,
14 stood.)

15 THE CLERK: What says the State?

16 MR. MOYER: Please present Ms. Einstein.

17 THE CLERK: What says the Defendant?

18 MR. FARNSWORTH: Please excuse the juror.

19 THE CLERK: Ma'am, you may be seated. You've been
20 excused from this case.

21 Juror #140, Mamie Reid.

22 (WHEREUPON, Mamie Reid, a black female, stood.)

23 THE CLERK: What says the State?

24 MR. MOYER: Please present Ms. Reid.

25 THE CLERK: What says the Defendant?

1 MR. FARNSWORTH: Please seat the juror.

2 THE CLERK: Ms. Reid, please, come have a seat in the
3 jury box.

4 Juror #92, Elinore Ippolito.

5 (WHEREUPON, Elinore Ippolito, a white female, stood.)

6 MR. FARNSWORTH: What was the name again?

7 THE CLERK: Elinore Ippolito, #92.

8 What says the State?

9 MR. MOYER: Please present Ms. Ippolito.

10 THE CLERK: What says the Defendant?

11 MR. FARNSWORTH: Please seat the juror.

12 THE CLERK: Ma'am, please, come have a seat in the
13 jury box.

14 Juror #174, Joswander Trinidad.

15 (WHEREUPON, Joswander Trinidad, a black male, stood.)

16 THE CLERK: What says the State?

17 MR. MOYER: Please present Mr. Trinidad.

18 THE CLERK: What says the Defendant?

19 MR. FARNSWORTH: Please seat the juror.

20 THE CLERK: Sir, please, come have a seat in the jury
21 box.

22 THE COURT: Gentlemen, do you think one alternate
23 will be sufficient?

24 MR. MOYER: (Mr. Moyer nodded.)

25 MR. FARNSWORTH: (Mr. Farnsworth nodded.)

1 THE CLERK: Juror #152, Sheila Self.

2 (WHEREUPON, Sheila Self, a white female, stood.)

3 THE CLERK: What says the State?

4 MR. MOYER: Please excuse the juror from this case.

5 THE CLERK: You may be seated. You've been excused
6 from this case.

7 Juror #66, Robert Godfrey.

8 (WHEREUPON, Robert Godfrey, a white male, stood.)

9 MR. MOYER: Please present Mr. Godfrey.

10 THE CLERK: Thank you.

11 What says the Defendant?

12 MR. FARNSWORTH: Please seat the juror.

13 THE CLERK: Mr. Godfrey, please, have a seat in the
14 jury box.

15 THE COURT: Any matters or motions related to the
16 selection process or the composition of the jury?

17 MR. MOYER: Not from the State, Your Honor.

18 MR. FARNSWORTH: No, Your Honor.

19 THE COURT: Okay. I find it complied with all
20 Constitutional and statutory mandates.

21 And, ladies and gentlemen, you've been selected to be
22 the jury in the case of the State v. Lynn Larry Hunt. And
23 we're going to begin the trial in just a few moments.

24 There is another jury out there. And I understand
25 they've just reached a verdict. So I'm going to have to

1 take that verdict. So it may be 10 or 20 minutes before
2 we're able to begin. And, actually, it may be a little
3 longer than that, because I know there is one matter in
4 this trial we have to resolve before we can start it.

5 So thank you for your patience. And just go back to
6 the jury room. Don't talk about the case. Obviously, you
7 haven't heard anything about it yet. So we'll see you
8 shortly.

9 (WHEREUPON, the jury was excused from open court at
10 approximately 2:53 p.m.)

11 THE COURT: And those of you not chosen, call back
12 after 6:00.

13 And thank you for your patience this afternoon. Have
14 a good evening.

15 (WHEREUPON, the remaining jury panel members exited
16 the courtroom.)

17 THE COURT: We'll be at ease in this case for a few
18 minutes while we take the verdict in the other case.

19 Thank you.

20 (WHEREUPON, a break was taken.)

21 THE COURT: Anything before we bring the jury in?
22 You said we've got a hearing?

23 MR. MOYER: Yes, a Neil v. Biggers hearing, Your
24 Honor.

25 THE COURT: Okay.

MIKE MCGAHA (IC)-DIRECT BY MR. MOYER

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1 MR. MOYER: It will be pretty brief.

2 The State would call Deputy Mike McGaha to the stand.

3 THE CLERK: Sir, please, place your left hand on the
4 Bible and raise your right hand.

5 WHEREUPON,

6 MIKE MCGAHA,

7 after first having been duly sworn, testified as follows:

8 THE CLERK: Thank you.

9 Please be seated.

10 Please state your full name for the record.

11 THE WITNESS: Mike McGaha.

12 DIRECT EXAMINATION

13 BY MR. MOYER:

14 Q Deputy McGaha, where are you employed?

15 A The Greenville County Sheriff's Office.

16 Q How long have you been with the Greenville County
17 Sheriff's Office?

18 A It will be 12 years next month.

19 Q What is your position?

20 A I'm a master deputy in the uniform patrol division.

21 Q Okay. And were you involved in the arrest of the
22 Defendant in the case that we're -- that is before the
23 Court here today?

24 A Yes, I was.

25 Q Okay. Now, as part of the investigation of this

MIKE MCGAHA (IC)-DIRECT BY MR. MOYER

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1 case, did you end up showing a photographic lineup to a
2 witness?

3 A Yes, I did.

4 Q And who did you show that to?

5 A Ms. Juanita Banks.

6 Q And was that on the same date as the incident?

7 A Yes, it was.

8 Q And within how -- and what date was that?

9 A It was December the 14th, 2010.

10 Q Okay. And within how much time of the incident did
11 that take place?

12 A It was within a two- to three-hour time period.

13 Q Where did you show the lineup to her?

14 A At Greenville Memorial Hospital.

15 MR. MOYER: Let me get this marked.

16 (WHEREUPON, State's Exhibit No. 1 was marked for
17 identification only.)

18 BY MR. MOYER:

19 Q I'm going to hand you State's Exhibit No. 1. And let
20 me ask you, do you recognize what I just handed you?

21 A Yes, sir, I do.

22 Q What is that?

23 A That was the photo lineup that I showed Ms. Banks.

24 Q And how do you recognize it?

25 A When I showed it to her, I asked her -- I told her I

1 was going to show her a series of pictures, and that if --
2 any of these individuals may or may not be involved in the
3 case. And, if so, to point to that individual.

4 As I presented her the photo lineup, without any
5 hesitation or delay, she pointed to Defendant #4.

6 Q Okay.

7 A I then asked her to circle that individual's face,
8 and put her initials beside that.

9 Q Okay. And after you showed that photo lineup to her,
10 what did you do with the lineup?

11 A The photo lineup was placed in property and evidence.

12 Q Okay. And you put it there?

13 A Yes, sir.

14 Q And did you bring it to court?

15 A Yes, I did.

16 Q Today, you got it out of the property and evidence
17 room?

18 A Yes, I did.

19 Q Okay. Is it in substantially the same condition now
20 as it was when you showed it to Ms. Banks on December the
21 14th, 2010?

22 A Yes, it is.

23 MR. MOYER: Your Honor, I would move to have State's
24 Exhibit No. 1 entered into the record for purposes of this
25 hearing.

1 MR. FARNSWORTH: Without objection.

2 THE COURT: It's in evidence.

3 (WHEREUPON, State's Exhibit No. 1 was admitted into
4 evidence.)

5 BY MR. MOYER:

6 Q Now, the lineup that you just talked about, how many
7 photographs were displayed?

8 A Six.

9 Q Was this Defendant, Larry Lynn [sic] Hunt, displayed
10 in -- among those six photographs?

11 A Yes, sir, he was.

12 Q And where is his photograph displayed?

13 A #4.

14 Q And so that would be the bottom left-hand side --

15 A The bottom left, yes, sir.

16 Q There are three photos on top, and three on the
17 bottom?

18 A Yes, sir.

19 Q Now, are the other five persons in that lineup of
20 similar description to the Defendant?

21 A Yes, they are.

22 Q In what ways?

23 A Similar facial recognition, facial hair, physical
24 appearance.

25 Q Okay. Roughly the same age?

MIKE MCGAHA (IC)-DIRECT BY MR. MOYER

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1 A I believe so, yes, sir.

2 Q Same gender, of course, all male?

3 A Yes.

4 Q Same race?

5 A Yes.

6 Q Now, you said you showed the lineup to Ms. Juanita
7 Banks?

8 A Yes.

9 Q And she was the victim of the case?

10 A Yes.

11 Q Now, how did you get the name of the Defendant in
12 order to put him in that lineup?

13 A Ms. Banks told me the individual's name was Larry
14 Hunt.

15 Q So she knew the name at the time you spoke to her?

16 A She knew him by name, yes, sir.

17 Q Okay. And then you had the lineup put together, and
18 then showed her the lineup. What did you tell her before
19 showing her the lineup?

20 A I just explained to her I was going to show her a
21 series of pictures, and the individual in the picture may
22 or may not have any involvement in the case. And, if so,
23 to point to the individual, if there was one, in the
24 series of pictures.

25 Q Okay. So did you tell her that the person who did

1 this -- who stabbed and robbed her was definitely in that
2 lineup?

3 A No, I did not.

4 Q Okay. Did you lead her to believe in any way that
5 she had to or should pick somebody out?

6 A No.

7 Q Did you influence her decision in any way, or suggest
8 which photograph to pick out?

9 A No, I did not.

10 Q Okay. Now, when you showed her that photographic
11 lineup, did she pick anybody out?

12 A Yes, sir. Once again, without any hesitation or
13 delay, she pointed to picture #4.

14 Q Okay. And can you describe to us the level of
15 certainty that she exhibited?

16 A Based on her immediate response, I had no doubt in my
17 mind that that was the individual. It was, also, the
18 individual that she described by name as Larry Hunt.

19 Q Okay. So she seemed certain about her decision?

20 A Yes, sir.

21 Q And I think you've already mentioned this, but after
22 you did -- after she pointed him out to you, what did you
23 ask her to do on the lineup?

24 A I just said that if she was positive about the
25 individual to circle the photograph that she had pointed

MIKE MCGAHA (IC)-CROSS BY MR. FARNSWORTH

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1 to, and put her initials beside it.

2 Q And she did so?

3 A Yes, sir.

4 Q And the person she picked out was this Defendant,
5 Larry Lynn [sic] Hunt?

6 A Yes, sir.

7 MR. MOYER: Okay. I have no further questions at
8 this time of this witness.

9 THE COURT: Cross-examination.

10 MR. FARNSWORTH: Okay. Just a couple of questions.

11 CROSS-EXAMINATION

12 BY MR. FARNSWORTH:

13 Q Officer, when you were explaining what you were going
14 to do with those photographs and lineup, did you indicate
15 or tell her that she had to pick one of the pictures?

16 A No, sir.

17 Q Did you indicate to her that the person who had
18 robbed her was in one of the pictures?

19 A No, sir.

20 Q Now, this, I believe, you said was at the hospital?

21 A That's correct.

22 Q And do you have any idea what time we're talking
23 about?

24 A The incident -- I met with her on scene before she
25 was transported to the hospital, and it was just prior to

1 8:00 in the morning. And I followed the ambulance down
2 there. Through my investigation, an investigator brought
3 the lineup to me. So it was within a two- to three-hour
4 time period from the actual incident.

5 Q All right. And you were -- were you the chief
6 officer in this case?

7 A Yes, sir. I was --

8 Q Chief investigating officer?

9 A -- the chief investigating officer, yes, sir.

10 MR. FARNSWORTH: That's all I have, Your Honor.

11 THE COURT: Redirect?

12 MR. MOYER: Nothing else for this witness, Judge.

13 THE COURT: Thank you, sir.

14 You may step down.

15 MR. MOYER: The State would call Juanita Banks to the
16 stand, please.

17 THE CLERK: Ms. Banks, if you would, pause at the end
18 of the bench.

19 Please place your left hand on the Bible and raise
20 your right hand.

21 WHEREUPON,

22 JUANITA BANKS,
23 after first having been duly sworn, testified as follows:

24 THE CLERK: Thank you.

25 Please be seated.

JUANITA BANKS (IC)-DIRECT BY MR. MOYER

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1 Please state your full name for the record.

2 THE WITNESS: Juanita Banks.

3 THE CLERK: Thank you.

4 DIRECT EXAMINATION

5 BY MR. MOYER:

6 Q Ms. Banks, I'm going to ask you some questions. Can
7 I ask you to move up just a little closer to the
8 microphone. And you can just look at me over here while I
9 ask you some questions.

10 Have you ever had to testify in court before?

11 A No, sir.

12 Q So you're a little bit nervous today?

13 A Kind of.

14 Q Okay. Tell the Judge a little bit about yourself
15 first. How old are you?

16 A I'm 62 years old.

17 Q You're 62 years old now?

18 A Yes, sir.

19 Q So how old were you when this incident happened in
20 December --

21 A 60.

22 Q You were 60 then?

23 A Uh-huh.

24 Q How far did you go in school?

25 A The eleventh grade.

1 Q Okay. Where did you go in -- this was up in North
2 Carolina?

3 A Yes.

4 Q And you finished the eleventh grade?

5 A In high school.

6 Q Okay. And then you haven't worked for a few years,
7 but you worked for a while, didn't you?

8 A Yes, sir.

9 Q Where did you work?

10 A I worked for J.P. Stevens.

11 Q Okay. And that was a mill?

12 A Uh-huh.

13 Q How long did you work at the mill?

14 A 20 years.

15 Q And why did you stop working there?

16 A The mill closed.

17 Q Okay. And you've been -- you were married in the
18 past; right?

19 A Yes, sir.

20 Q Okay. Now, where were you living when this happened
21 on December the 14th of 2010?

22 A At Miracle Hills.

23 Q What is Miracle Hills?

24 A Not Miracle Hills, Goodwill.

25 Q Goodwill. Okay. And what sort of residence were you

JUANITA BANKS (IC)-DIRECT BY MR. MOYER

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1 living in?

2 A I was living in a tent.

3 Q You were living in a tent?

4 A Yes.

5 Q And so when you say at Goodwill, you were behind the
6 Goodwill; right?

7 A Yes, sir.

8 Q And what is back there behind the Goodwill?

9 A It's just property.

10 Q Property. Trees and bushes?

11 A Yes.

12 Q And so you were living in a tent back there; right?

13 A Yes, sir.

14 Q Okay. Now, you were robbed and you were stabbed on
15 December the 14th of 2010, weren't you?

16 A Yes, sir.

17 Q Around what time of day was it that this happened?

18 A It was in the morning.

19 Q Okay. And it was pretty early in the morning?

20 A Yes, sir.

21 Q Around daybreak?

22 A Yes, sir.

23 Q Now, I'm not going to ask you all the details about
24 that right now. I'm just going to ask you a few
25 questions.

1 Was it light enough that morning for you to be able
2 to see what was going on around you?

3 A Yes.

4 Q Okay. Now, this ordeal that happened where you ended
5 up having to go to the hospital, from the time the person
6 first came up to you until the time this incident was
7 over, how long a period of time do you think that was?

8 A Probably about 30 minutes.

9 Q Okay. At the most?

10 A Yeah, about 30 minutes.

11 Q Okay. And, during that time, there was -- you had an
12 argument with him and an altercation?

13 A Yes, sir.

14 Q Including everything else that happened; right?

15 A Yes, sir.

16 Q Now, how close was the person to you who did this to
17 you?

18 A We were face-to-face.

19 Q You were face-to-face for a while; right?

20 A Yes, sir.

21 Q In fact, he was close enough to stab you?

22 A Yeah.

23 Q So he was right up close to your face?

24 A Yes.

25 Q Now, had you ever seen this person before?

- 1 A Yes, sir.
- 2 Q Did you -- you knew him?
- 3 A Yes, sir.
- 4 Q How long a period of time had you known him?
- 5 A Probably about -- off and on for about -- probably
- 6 two months.
- 7 Q Okay. And how often would you see him?
- 8 A Sometimes maybe two or three times a week.
- 9 Q And did you know his name?
- 10 A Yes, sir.
- 11 Q And did you give that name to the officers when you
- 12 were in the hospital?
- 13 A Yes, I did.
- 14 Q What name did you tell them?
- 15 A Larry Lynn Hunt.
- 16 Q Now, after you got stabbed, you got taken to the
- 17 hospital, didn't you?
- 18 A Yes, I did.
- 19 Q And, when you were in the hospital, do you remember
- 20 this deputy who just testified coming up and talking to
- 21 you?
- 22 A Yes, I do.
- 23 Q And you told him about what happened to you?
- 24 A Yes.
- 25 Q And do you remember him showing you photographs?

1 A Yes, I do.

2 Q Do you remember him showing you -- I'm going to show
3 you what's marked as State's Exhibit No. 1. Do you
4 remember taking a look at this while you were in the
5 hospital?

6 A Yes.

7 Q And do you remember what the officer told you when he
8 showed that to you?

9 A Yes.

10 Q What did the officer tell you?

11 A He asked me to identify him.

12 Q Okay. And did the officer in any way suggest to you
13 which person to pick out of that lineup?

14 A No, he did not.

15 Q He didn't influence your decision at all?

16 A No.

17 Q He didn't tell you that you had to pick somebody out,
18 or make you feel like you should pick somebody out?

19 A No.

20 Q And so when he showed you these photographs, and you
21 looked at them, did you see the person who robbed and
22 stabbed you on that day?

23 A Yes.

24 Q And did you have any question about it?

25 A No.

JUANITA BANKS (IC)-DIRECT BY MR. MOYER

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1 Q Did you tell the -- when you saw the person's picture
2 in that lineup, did you tell the officer who it was?

3 A Yes, I did.

4 Q And then after you told the officer, what did the
5 officer ask you to do?

6 A To circle it and initial it.

7 Q Okay. So this circle that we see here around picture
8 #4, is that the circle that you made?

9 A Yes.

10 Q And are those your initials?

11 A Yes, they are.

12 Q Were you absolutely certain that this was the person
13 who did that to you?

14 A Yes.

15 Q And this happened -- you were shown these pictures
16 within a few hours after this happened?

17 A Yes.

18 Q Now, you said you were in the hospital; right?

19 A Right.

20 Q Were you -- did you have a clear mind?

21 A Yes, I did.

22 Q So you weren't under -- they didn't put a lot of
23 drugs in you that made you foggy?

24 A No. That was before they did anything to --

25 Q Before they treated you?

1 A Yeah.

2 MR. MOYER: I don't have any more questions for you
3 right now. Please answer any questions Mr. Farnsworth
4 has.

5 THE WITNESS: Thank you.

6 CROSS-EXAMINATION

7 BY MR. FARNSWORTH:

8 Q Ms. Banks, just a couple of questions. You said that
9 you were shown this lineup -- this photographic lineup
10 before you were treated for your injuries?

11 A Yes, sir.

12 Q Okay. And where was that in the hospital? Where in
13 the hospital did this take place?

14 A It was up on the top floor.

15 Q And were you walking around at that time, or --

16 A No.

17 Q -- when you did that, or were you sitting down?

18 A I was laying down.

19 Q Oh, you were laying down?

20 A Yes, sir.

21 Q You were in a hospital bed?

22 A Yes, sir.

23 Q Okay. But you say you don't think that you had been
24 given any kind of medication?

25 A No.

JUANITA BANKS (IC)-CROSS BY MR. FARNSWORTH

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1 Q Didn't you, also -- aren't your wrists real bad?

2 A I had a broke arm.

3 Q Okay. And you told them -- they told you that at the
4 hospital because of the pain you were having that it was
5 broken, that your arm was broken?

6 A Yeah.

7 Q Okay. And they didn't give you any medication for
8 that right away or anything?

9 A No, sir.

10 Q And I believe you said a minute ago that you had
11 known Mr. Larry Hunt for about two months; is that right?

12 A Yes, sir.

13 MR. FARNSWORTH: All right. That's all I have.

14 MR. MOYER: I have no redirect, Your Honor.

15 THE COURT: All right. Thank you, Ms. Banks.

16 You may step down.

17 THE WITNESS: Thank you.

18 MR. MOYER: Judge, I have no further witnesses on
19 this issue.

20 THE COURT: All right. Mr. Farnsworth.

21 MR. FARNSWORTH: Your Honor, I don't think there's a
22 basis for trying to suppress it. It's -- the testimony
23 speaks for itself.

24 THE COURT: Okay. Well, I find under Neil v. Biggers
25 and, I think, the Henry v. New Hampshire, which reaffirmed

1 Neil v. Biggers, that there's no basis for suppressing the
2 statement. I don't think there was any actions taken by
3 law enforcement that would implicate due process concerns
4 over the reliability of the identification. The procedure
5 was not suggestive or coercive in any way. And I find
6 that the jury, of course, will determine, ultimately, the
7 identification issue.

8 But, as far as the pre-trial motion, I respectfully
9 deny it.

10 Okay. Anything else before we bring the jury in?

11 MR. MOYER: Judge, the only other matter I want to
12 bring up is that I guess this would be prior bad act
13 testimony that may come in when this victim testifies in
14 front of the jury. As you heard her testify, before the
15 actual stabbing and robbing took place, there was a bit of
16 an altercation and an argument. A part of that had to do
17 with the fact that the Defendant had stolen from Ms. Banks
18 a couple times in the past. I think it's part of the res
19 gestae of the incident.

20 And it, also, has to go -- it explains partially what
21 some of the argument was about. And it, also, explains
22 further the motive on the Defendant's part as far as why
23 he chose her as a victim on that date. And so I just want
24 to make the Court aware, at this time, that I anticipate
25 that she may bring that up while testifying.

1 MR. FARNSWORTH: Your Honor, if it please the Court.

2 This is the first time I've been aware of this. But
3 I would tell the Court that to allow that would be just --
4 it would be highly prejudicial. I think the prejudice
5 would outweigh the probative value. And I just -- I don't
6 think she ought to be allowed to testify about that.

7 THE COURT: All right. Well, Mr. Moyer, were you --

8 MR. MOYER: She --

9 THE COURT: Go ahead.

10 MR. MOYER: The only thing I was going to add is she
11 did mention that in her statement. She said in her
12 statement that as he was cursing and yelling at her, she
13 mentioned he had stolen from me before. So it -- from
14 that standpoint, the testimony is not a surprise.

15 But I don't believe the prejudice outweighs. I think
16 it is very probative. And I think Your Honor will see
17 that as the case progresses.

18 THE COURT: Well -- and I know you would, but we'll
19 just have to have some kind of proffer of it before it's,
20 actually, introduced in front of the jury.

21 MR. MOYER: Okay.

22 THE COURT: If I do allow it -- which based on
23 Mr. Farnsworth's argument, I might be inclined to agree
24 with him. But I need to hear what we're talking about
25 exactly first.

1 MR. MOYER: Okay.

2 THE COURT: All right. You can bring the jury on in.
3 Thank you.

4 And, for the record, Mr. Farnsworth, your client's
5 name is on the indictment as "Lynn Larry Hunt."

6 MR. FARNSWORTH: That's correct.

7 THE COURT: That's the way it is? It's not "Larry
8 Lynn"?

9 MR. FARNSWORTH: It's "Lynn Larry."

10 THE COURT: Okay. I just wanted to confirm that. We
11 had some conflicting information.

12 MR. MOYER: And, Judge, before the jury is brought
13 in, the victim is going to be the first witness that I
14 call.

15 So could I have just a moment just to talk to her
16 about your ruling?

17 THE COURT: Oh, okay, yes.

18 (Pause.)

19 MR. MOYER: Thank you, Judge.

20 THE COURT: Bring the jury in, please.

21 (WHEREUPON, the jury came into open court at
22 approximately 3:30 p.m.)

23 INTRODUCTORY REMARKS

24 THE COURT: Ladies and gentlemen, we're going to
25 start the case of the State v. Lynn Larry Hunt at this

1 time.

2 I want to thank you again for your service this week.

3 The right to a jury trial, of course, is a very
4 precious right under our Constitution and our system of
5 justice. And John Adams once said that the right to vote
6 and the right to a jury trial were the heart and lungs of
7 a democracy. And you're making it possible for these
8 parties here today to exercise their time-honored right to
9 a jury trial, which is Constitutionally guaranteed.

10 Now, you may know that you were called down to the
11 courthouse on Monday because you are registered to vote,
12 or you have a driver's license, or you have an
13 identification card issued by the Department of
14 Transportation. You may be curious now as to why you were
15 chosen to be on this particular case. And the reason is
16 because both the State and Mr. Hunt believe you can be
17 fair and impartial, and you could decide this case without
18 any kind of bias or prejudice whatsoever. And that will
19 be your duty during this case is to remain fair and
20 impartial. And you have a very important function as the
21 jury. And I'm going to go over with you briefly some of
22 those duties and responsibilities you have in just a
23 moment.

24 But, before I do that, I want to introduce some of
25 the other people in the courtroom who you haven't met, and

1 tell you what their jobs are. And then I'm going to tell
2 you what your job is.

3 You've already met the lawyers. And I introduced
4 myself to you yesterday. I'm Gary Hill again. I'm one of
5 the circuit judges here in Greenville. And the people who
6 you haven't met who are just as essential to the process
7 are, first of all, the court reporter, Hollie Jenkins, who
8 is seated right below me. And she takes down every word
9 that is said, because circuit court is a court of record.
10 And then to her right is Mary Troop, who is with the
11 Clerk's Office. And, as you saw, she helps with the jury
12 qualification and the jury selection, and organizing
13 things for the trial.

14 And then up here on the bench with me is my law
15 clerk, Lindsey Overby, who is a lawyer, a member of the
16 Bar, and a recent graduate of the School of Law at USC.
17 And she helps me with research regarding legal issues that
18 come up during trials, and helps keep me organized. The
19 bailiffs in this case are Ms. Katrenia Sims and Mr. James
20 Fuller. And they're here to assist you while you're
21 serving on the jury.

22 And everybody I introduced, and, certainly, I've done
23 this and the lawyers have done it as well, we've all taken
24 an oath to do our job. And you're going to take an oath
25 as well.

1 So, at this time, I'm going to ask Ms. Troop to
2 administer that oath.

3 THE CLERK: Please stand and raise your right hand
4 for the oath. The proper response is, "I will."

5 (WHEREUPON, the jury was sworn at approximately
6 3:33 p.m.)

7 THE CLERK: Thank you.

8 Please be seated.

9 THE COURT: Thank you.

10 Before I tell you what your job is, let me tell you
11 what my job is. Because we have distinct but related
12 functions in this process. Any time there's a trial in
13 this courtroom with a jury, there are always two judges.
14 There is the judge of the law, and that is the role that I
15 fulfill, and there is the judge of the facts, and that's
16 the role that you fulfill.

17 Under our Constitution, I'm considered the judge of
18 the law. And that simply means my duties are, first of
19 all, to rule on the admissibility of evidence. I don't
20 know very much about the case. But I anticipate, at some
21 point, there may be an objection to some of the evidence
22 being presented by one side or the other. And if there is
23 an objection, I'll have to rule on it. And if I sustain
24 the objection, that simply means that the evidence is
25 improper and you can't consider it. If I overrule the

1 objection, that means the evidence is proper, and you can
2 consider it. Usually I can do that right on the spot.
3 Sometimes, if things get a little tricky, we have to take
4 a break so we can discuss it a little more efficiently
5 outside of your presence. But that's my first job as the
6 judge of the law is to rule on the admissibility of
7 evidence based on the law.

8 The second job I have is to instruct you on what the
9 law is that applies to the facts of this case. And I'll
10 do that at the end of the trial after you've heard all the
11 evidence and the arguments of the lawyers.

12 You, ladies and gentlemen, are, also, judges. And
13 when it comes to the facts of this case, your badge might
14 as well say, judge, instead of juror. Because our
15 Constitution gives you, the jury, the sole and exclusive
16 right to determine what the facts are. I'm not going to
17 comment on what the facts may be in this case, or indicate
18 to you by anything I do or say what I think the facts are,
19 or what your decision should be, or what your verdict
20 should be. Because that's entirely your prerogative. And
21 our Constitution doesn't allow me to comment on it, and I,
22 certainly, won't.

23 So how do you determine what the facts are? You do
24 that by weighing and evaluating the evidence you're going
25 to hear during this trial. And evidence consists of two

1 sources. The first is the one you're probably most
2 familiar with, and that is sworn witness testimony. I
3 anticipate we will have people who will come in and be
4 sworn and tell you things they know about this case, or
5 that are relevant to the case. So that's the first source
6 or form of evidence, sworn witness testimony.

7 The second source or form is by way of an exhibit.
8 An exhibit is simply a physical, tangible object. It
9 might be a photograph, or a map, or something of that
10 nature. But you'll know it's an exhibit, and you'll know
11 it's something you can use to determine what the facts are
12 in this case, because it will be back in the jury room
13 with you at the end of the trial and will have a sticker
14 on it that says exhibit number so and so.

15 Now, those are the only two things you can use to
16 determine what the facts are, sworn witness testimony and
17 exhibits. Anything else is not evidence. As I told you
18 already, the indictments in this case are not evidence.

19 Mr. Hunt pled not guilty to the indictments, and that
20 put the burden of proof on the State. And the State can
21 only convict him if you unanimously find, as a jury, that
22 they have proven each and every element as to each crime
23 beyond a reasonable doubt. And you will have to weigh and
24 evaluate the evidence as to each charge separately and not
25 let your decision on one influence your decision on

1 another. Mr. Hunt has no burden of proof. He doesn't
2 have to offer any evidence or explanation whatsoever. No
3 one ever does who's charged with a crime under our system
4 of justice.

5 Now, in addition, what the lawyers say is not
6 evidence, because they're not witnesses. They are here to
7 help you understand the evidence, so pay keen attention to
8 what they're saying. And we have skilled and experienced
9 lawyers in this case. So what they say is going to be
10 very important. But bear in mind that they are not
11 witnesses. So what they say is not in itself evidence.

12 Now, by necessity, as the judge of the facts, you're
13 going to have to judge the credibility and the
14 believability of every witness who testifies and any
15 exhibits that may be introduced. So, as the judge of the
16 facts, you will have to, also, judge whether evidence is
17 worthy of belief.

18 In the case of a witness who testifies, you can use
19 some guidelines in determining their credibility. First
20 of all, you could consider whether they have some interest
21 in the outcome of this case, whether they have some bias
22 or prejudice as to someone or some issue involved. You
23 can consider their demeanor on the stand. You can
24 consider whether their testimony stacks up with the other
25 evidence in the case. And you can, certainly, use

1 whatever you use in your day-to-day life to determine
2 whether you think something is truthful. Because you
3 didn't surrender your common sense when you walked into
4 this courthouse.

5 Now, ladies and gentlemen, how many of y'all have
6 served on a jury in a criminal trial before? If you'll
7 just raise your hands for me.

8 (WHEREUPON, there was no response.)

9 THE COURT: Well, you may know just from your own
10 experience a little bit about how a civil -- a criminal
11 trial works. So let me tell you a little bit about the
12 structure of it so you'll know what to expect. And,
13 perhaps, I can demystify the surroundings a little more
14 for you.

15 In just a few minutes, we're going to have the
16 opening statement, or statements. The State, as I've
17 said, bears the burden of proof. Mr. Moyer, for the
18 State, will give an opening statement, which is just a
19 brief summary of what he thinks the evidence is going to
20 be, and what the issues will be in the case.

21 Mr. Farnsworth, on behalf of the Defendant, Mr. Hunt,
22 will have the opportunity, but not the obligation, to give
23 an opening statement as well. Because, remember, Mr. Hunt
24 has no burden of proof whatsoever.

25 After you hear the opening statement or statements,

1 we will have the presentation of evidence, again, with the
2 State going first, because they bear the burden of proof.
3 Mr. Hunt will have the opportunity to confront that
4 evidence and cross-examine the witnesses. And then after
5 you've heard the State's presentation of evidence,
6 Mr. Hunt will have the opportunity, but not the
7 obligation, to present any evidence he wishes to, which
8 the State may confront.

9 And then after you've heard all the evidence, the
10 lawyers will give you their closing arguments. And then
11 after you hear that, I'll give you the instruction on the
12 law that you are to apply to the facts of the case. And
13 then the case will be in your hands for a decision, and
14 for a verdict where you will apply the law I gave you to
15 the facts as you find them.

16 Now, until we reach that point, ladies and gentlemen,
17 please, don't talk about this case. We spent a lot of
18 time this afternoon, and so did you, trying to find a jury
19 that could be fair and impartial and open minded. So,
20 please, keep an open mind. Don't discuss the case with
21 anyone. Don't do any kind of outside investigation.
22 Because, remember, you must confine your decision to the
23 evidence. And trials are often like puzzles, and they
24 must be presented one piece at a time.

25 So keep an open mind throughout the proceedings. And

1 remember that while these lawyers are fine advocates for
2 their clients, you and I are not advocates. Our job is to
3 be fair and impartial. And your job is to determine
4 whether the State has met its burden of proof.

5 So, with that, Mr. Moyer you may give your opening
6 statement.

7 OPENING STATEMENTS

8 MR. MOYER: Thank you, Your Honor.

9 May it please the Court.

10 Good afternoon, ladies and gentlemen.

11 I'll reintroduce myself. My name is Mark Moyer. I
12 am an assistant solicitor for the Thirteenth Circuit. If
13 you're not familiar with our prosecutorial system in South
14 Carolina, we call -- what most states call district
15 attorneys, we call them solicitors in South Carolina. And
16 the head solicitor is Walt Wilkins. I'm one of his
17 assistants.

18 It's my duty, it's my responsibility to represent the
19 State in cases for which the Grand Jury has handed down
20 indictments. And you've heard the indictments read to you
21 today. So I will be calling for witnesses here in just a
22 few moments to present this case to you.

23 Now, what I'm going to do in just the next couple of
24 minutes is just give you a brief overview of the testimony
25 that you're going to hear in this trial, and tell you just

1 a little bit about the law that's applicable.

2 What we are here about today is the events of
3 December 14th of 2010, that happened to Ms. Juanita Banks.
4 Ms. Banks is seated on the second row back here, second
5 from the right. Ms. Banks, on December the 14th of 2010,
6 was 60 years old. She lived, ladies and gentlemen, in a
7 tent. You may have passed it one day because it was near
8 one of the busiest intersections in west Greenville, the
9 intersection of White Horse Road and Blue Ridge Drive.
10 There's a lot of shopping district right there. There are
11 fast-food restaurants. There's a strip mall with a
12 Goodwill in it. And back behind that Goodwill are some
13 heavy trees and shrubbery. And that is where Ms. Banks
14 lived on that day. She had a tent.

15 She was saving up her money to get a trailer. She
16 wanted to be able to move out of that tent and move into a
17 trailer. And she was saving her money. She was hoarding
18 her money. She was collecting it.

19 You're going to hear that because of those features,
20 Ms. Banks was a perfect target for this Defendant on
21 December the 14th of 2010. She was homeless. She was by
22 herself. The Defendant knew her and knew she had money.

23 You're going to hear that this happened in the early
24 morning hours of December 14th of 2010, right about
25 7:00 -- between 7:00 and 7:30 in the morning. Ms. Banks

1 had a routine. She would get up every morning. And she
2 would walk down to the McDonald's there at the
3 intersection. And she would sit there, and hang out, and
4 talk to other people who were there.

5 But when she got up on this morning, she noticed this
6 Defendant walking towards her through the parking lot of
7 the Goodwill. She knew the Defendant. She had known him
8 for several months. She had seen him around. He was not
9 a close friend or anything like that, but she had spoken
10 to him. She knew who he was. He came walking up to her
11 on this morning. And for this -- on this date, it was not
12 a friendly call.

13 After a brief altercation, he pulled out a knife.
14 And he swung that knife at Ms. Banks. Fortunately for
15 Ms. Banks, she saw the knife coming and she was able to
16 turn away. It still struck her, but it struck her in the
17 back, about square in the back. You're, also, going to
18 hear that fortunately for Ms. Banks on that date, it was a
19 very cold day, and she was bundled up. She had multiple
20 layers of clothing on, including a couple of coats, which
21 further hampered the ability of that knife to do too much
22 damage.

23 When she got struck in the back, she fell to the
24 ground. As she landed on the ground, her wrist was
25 broken, further injuring herself, and she laid there. She

1 asked the Defendant not to kill her. You're going to
2 hear, at that time, the Defendant took the victim's purse,
3 a little satchel in which she had all this money. He took
4 it and he left.

5 Well, Ms. Banks laid there for a few moments. And
6 she got up and realized she had to go somewhere to look
7 for help. And, fortunately, when she got to the road,
8 there was a highway patrolman on an unrelated call sitting
9 in the Walgreens parking lot. And she went up to him.
10 Ambulances were called, law -- Greenville County deputies
11 were called. And Ms. Banks was taken to the hospital.
12 She identified this Defendant as the person who did it.
13 And, later that day, you will hear testimony that he was
14 arrested.

15 Now, His Honor is going to instruct you fully on the
16 law at the end of the case. But I want to take just a
17 moment in closing to just tell you briefly what to expect
18 about the law in this case. I'll start with the easiest
19 one. One of the indictments is for possession of a weapon
20 during the commission of a violent crime. Very simply, it
21 is against the law in South Carolina to have either a
22 knife or a pistol on your person while committing a
23 violent crime. Both armed robbery and attempted murder
24 are by law in South Carolina violent crimes. So if you
25 have a weapon while committing either one of those

1 offenses, you're guilty of that charge.

2 Now, armed robbery is a robbery in which a person has
3 either a deadly weapon, or some kind of representation of
4 a deadly weapon. It can be a fake gun. A robbery means
5 to take goods, or property, or money from the person of
6 another or from their immediate surroundings by force or
7 intimidation. So if you do that and you're armed with a
8 weapon, it is armed robbery.

9 And the final charge is attempted murder. And, once
10 again, this is very straightforward. It is attempting to
11 murder somebody. It is assaulting somebody accompanied
12 with malice, malice aforethought either expressed or
13 implied.

14 Now, malice is a term of art. And it means -- it
15 imports ill will or hatred. It's the intentional doing of
16 a wrongful act without just cause or excuse. Now, what
17 malice does not mean, malice aforethought, is that it has
18 to be planned out in advance, or it has to be thought
19 about, or even considered up until the fatal blow. In
20 other words, malice can be -- malice can exist even if it
21 accompanies the actual blow that either kills a person or
22 attempts to kill a person.

23 Now, in closing, ladies and gentlemen, this is going
24 to be a very short trial. This is not the kind of case --
25 not the kind of circumstance where there are witnesses.

1 Obviously, an armed robbery takes place when other people
2 aren't watching. It's not the kind of crime that leaves
3 behind forensics, scientific, or the CSI kind of evidence.
4 This is the kind of evidence that is proven to you by the
5 person to whom it happened, Ms. Banks. And you're going
6 to hear some -- several other witnesses who are going to
7 give some corroborating testimony as well.

8 But although it's short, it's important. And I know
9 you realize that. At this time, what I want to ask you to
10 do is just listen closely, weigh the evidence using your
11 common sense and your good judgment, and then at the end
12 of this case, do justice.

13 Thank you.

14 THE COURT: Thank you, Mr. Moyer.

15 Mr. Farnsworth.

16 MR. FARNSWORTH: May it please the Court, Your Honor.

17 Ladies and gentlemen of the jury, I, certainly,
18 appreciate your service here today and this week.

19 And, as Mr. Moyer told you, this case is not going to
20 be a real long case. But, of course, it doesn't take away
21 from the importance of it to both the State and to the --
22 to my client, too. And I hope that you'll have a -- this
23 will be a rewarding experience for you, hopefully, anyway.
24 None of you said you have served on a criminal case
25 before, so I think you'll -- it will be a good experience.

1 Now, I'm going to -- I'm not going to get into the
2 facts of the case. As the Judge told you, we don't have
3 to prove our innocence. The State has the burden of
4 proving the guilt of the accused beyond a reasonable
5 doubt.

6 I'm just going to -- you know, Mr. Hunt was
7 introduced to you as we were picking the jury. And
8 he's -- Mr. Hunt is a lifelong Greenville resident of
9 Greenville County. He was a mechanic for years. And he's
10 50 years old. So that's just a little bit about him.

11 Now, we already know there are three indictments in
12 this case. And I hate to repeat some of what's been said,
13 but both of these -- I'm the third one to speak to you
14 about all this. So I am going to be repeating probably a
15 little bit, but I'm not going to take an awful long time.
16 There's three indictments: Attempted murder, the armed
17 robbery, and possession of a weapon during the commission
18 of a violent crime.

19 And, as Judge Hill told you, the indictment is just a
20 piece of paper, a charging paper that gets these charges
21 into court. They contain the allegations of what the
22 Defendant is supposed to have done. And we deny the
23 allegations in the complaint. As I say, we don't have to
24 prove anything in this case. We don't have to prove our
25 innocence. And so Mr. Moyer, that's his job as the --

1 having the burden of proof.

2 Now, in connection with that burden -- and Judge Hill
3 will charge you at the end of the trial that the State
4 must prove the guilt of the accused to your satisfaction
5 beyond a reasonable doubt. They must prove each and every
6 element of each offense. And these offenses are, of
7 course, in the indictments.

8 Now, simply put, in other words, if you hear this
9 case and you're satisfied that the State has not met their
10 burden, it would be your -- under the law, you would be --
11 you would find the Defendant not guilty. And the other
12 way around, if you felt they had, you would be -- under
13 the law and your oath you took, you would be obligated to
14 find the Defendant guilty. But, anyway, that's the way
15 that works.

16 Judge Hill told you about your juror role. You're
17 the finders of the facts. He's the judge of the law. He,
18 at the end of the trial -- and after you hear -- there
19 will be various testimony, as Mr. Moyer told you. And, at
20 the end of all that testimony when that's concluded, Judge
21 Hill will charge you the law that applies in this case.
22 And what your function is, as he suggested to you, you'll
23 take the law and apply it to the facts as you determine
24 those facts to be, and then, hopefully, reach a verdict.
25 So that's the way you reach a verdict. It's not real

1 complicated. Sometimes, it can get right drawn out.

2 But, in any event, we, Mr. Hunt and I, have every
3 confidence -- and you've taken an oath to well and truly
4 try this case based only on the law and the evidence. And
5 we have every confidence in you that you will do that,
6 that you will listen to both sides, that you -- since
7 you're not going to know what the law is until all the
8 facts are in, you would not be abiding by your oath if you
9 decided the case before you heard the law. So you've got
10 to listen to the law that applies. That's reasonable
11 doubt, burden of proof, presumption of innocence, all
12 these things you've got to listen to before you decide
13 this case.

14 And so we, as I said, have every confidence in you
15 that you'll be fair and impartial. And we just ask that
16 you bring back a verdict that's consistent with the law
17 and the evidence, or the lack of evidence in the case.
18 And if you do that, you will have done your job. And we
19 appreciate your service.

20 THE COURT: Thank you, Mr. Farnsworth.

21 Mr. Moyer, you may call your first witness.

22 MR. MOYER: Thank you, Your Honor.

23 May it please the Court.

24 The State would call Juanita Banks to the stand.

25 THE CLERK: Ms. Banks, if you'll, please, place your

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1 left hand on the Bible and raise your right hand.

2 WHEREUPON,

3 JUANITA BANKS,

4 after first having been duly sworn, testified as follows:

5 THE CLERK: Thank you, ma'am.

6 Please be seated.

7 Please state your full name for the record.

8 THE WITNESS: Juanita Banks.

9 THE CLERK: Thank you.

10 DIRECT EXAMINATION

11 BY MR. MOYER:

12 Q Ms. Banks, I'm going to ask you to make sure you're

13 close enough to that microphone so we all can hear you.

14 I'm going to stand back here, so I know if I can hear you,

15 then everybody back here can hear you.

16 Will you state your name once again for us?

17 A Juanita Banks.

18 Q Okay. Ms. Banks, is that your full name?

19 A Yes, it is.

20 Q How old are you?

21 A I'm 61.

22 Q And how old were you back on December the 14th of

23 2010, when this incident happened?

24 A 60.

25 Q Okay. How far did you go in school?

1 A I finished the eleventh grade.

2 Q Where did you go to school?

3 A Toucan [phonetic] River High School.

4 Q And where -- is that -- that's in North Carolina?

5 A Yes, sir.

6 Q After that, you ended up moving down here to
7 Greenville?

8 A Yes, I did.

9 Q And you worked for a while, didn't you?

10 A Yes, for a long time.

11 Q Yeah. Where did you work?

12 A I worked for J.P. Stevens for about 20 years.

13 Q And that's the mill?

14 A Yes.

15 Q And why did you stop working at the mill?

16 A It was closed.

17 Q So the mill closed?

18 A Yes.

19 Q Do you remember when it closed?

20 A I think it was in '92.

21 Q Okay. And you were married for a little while?

22 A Yes, I was.

23 Q And how long were you married?

24 A Eleven years.

25 Q Okay. What is your health like right now?

- 1 A It's good.
- 2 Q Okay. Now, you were living on the streets for a
- 3 while back in -- around the time this happened, weren't
- 4 you?
- 5 A Yes, sir.
- 6 Q You didn't have a house to live in; right?
- 7 A Not at that time.
- 8 Q And where were you living in December of 2010?
- 9 A At Goodwill.
- 10 Q At the Goodwill?
- 11 A Uh-huh.
- 12 Q Okay. And you didn't live in the Goodwill; right?
- 13 A No.
- 14 Q Okay. What did you live in?
- 15 A I lived in a tent.
- 16 Q Okay. How big was your tent?
- 17 A It was kind of small. It wasn't real big.
- 18 Q Would it fit in -- back here back where you're
- 19 seated?
- 20 A Yes.
- 21 Q And you said you lived at the Goodwill. So did you
- 22 live near the Goodwill?
- 23 A Right at the store.
- 24 Q Okay. And what -- kind of behind the Goodwill?
- 25 A Yes.

JUANITA BANKS-DIRECT BY MR. MOYER

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1 Q What is back behind the Goodwill?

2 A It's like a wooded area with land.

3 Q Okay. So there's a lot of trees?

4 A Yes, there was.

5 Q And bushes?

6 A Yes.

7 Q Now, did other homeless people live back there, too?

8 A Yes, they had been.

9 Q And, around that time, were there a number of other
10 people living back in there?

11 A Yes, there were, kids and a lady, and some other
12 guys.

13 Q Okay. Was anybody real close to where you were?

14 A Yes.

15 Q Okay. Now, how were you getting by? How were you
16 able to get money to live on?

17 A I have church friends. I have a lady that's a pastor
18 friend.

19 Q So people used to give you some money?

20 A Yes, they did.

21 Q And what would you do with the money that you were
22 given?

23 A I would usually buy food, or try to help other people
24 with it.

25 Q And you, also -- you were saving money, too; right?

1 A Yes, I was.

2 Q And how much money had you saved up on December the
3 14th, when this incident happened?

4 A I had over \$400.

5 Q Okay. Where did you keep your money?

6 A In my pocketbook.

7 Q Now, is -- the person who did this to you, stabbed
8 and robbed you on December the 14th of 2010, is he here in
9 this courtroom?

10 A Yes, he is.

11 Q Would you point him out to the jury?

12 A Yes.

13 Q Okay. I want you to point him out.

14 A Larry Hunt.

15 Q And you've pointed to the man in the blue shirt who's
16 seated over here at this -- at defense counsel table?

17 A Yes.

18 Q Now, when this incident happened, did you know his
19 name?

20 A Yes, I did.

21 Q How long had you known him?

22 A About two months.

23 Q And how did you get to know him?

24 A We had -- we kind of started talking.

25 Q Where would you see him?

1 A He was -- when I first met him, he was like on the
2 street.

3 Q And so you would see him around on the streets?

4 A Yes.

5 Q Would you see him a lot?

6 A Sometimes -- maybe two or three times a week.

7 Q Was he ever your boyfriend, or anything like that?

8 A No, sir, no.

9 Q So he was just somebody you would talk to
10 occasionally?

11 A Yes.

12 Q Now, you used to go somewhere every morning, didn't
13 you?

14 A Yes, I did.

15 Q Where would you go?

16 A To McDonald's.

17 Q Would you see him there sometimes?

18 A Yes, I had seen him.

19 Q Okay. Now, let me direct your attention to that
20 morning, December the 14th of 2010. Around what time of
21 day was it that you first saw the Defendant, Larry Hunt?

22 A It was about 7:00 in the morning.

23 Q And where did you see him?

24 A He was coming up the parking lot where the Goodwill
25 is.

1 Q And where were you?

2 A I was at the tent on the property there at the
3 Goodwill.

4 Q So you were standing near your tent?

5 A (There was no response.)

6 Q You were standing close to your tent?

7 A I was up, yeah.

8 Q And what were you doing when you saw him?

9 A I was getting ready to go to McDonald's to have
10 breakfast.

11 Q And that's what you did about every morning?

12 A Yes, sir.

13 Q And what was he doing when you saw Mr. Hunt? When
14 you saw the Defendant, what was he doing?

15 A He was acting like mad.

16 Q Okay. Did he come over to where you were?

17 A Yes, he did.

18 Q And what happened when he came over to where you
19 were?

20 A He started talking at me and grabbing stuff that
21 belonged to me, throwing it, and --

22 Q Okay. Well, let me stop you right there for a
23 minute. You said he was talking at you?

24 A Yeah.

25 Q What was he saying?

1 A Saying bad words, calling me names.

2 Q Say -- what bad words did he say to you?

3 A Calling me a "B," and an "H," and accusing me of
4 stuff.

5 Q Okay. And the "B," you're -- like bitch, is that the
6 word?

7 A Yeah.

8 Q And what was the other word he called you?

9 A An "H."

10 Q An "H." Whore?

11 A Uh-huh.

12 Q And what was he -- you said he was accusing you of
13 stuff. What was he accusing you of?

14 A He thought I was seeing other men.

15 Q And was he even your boyfriend?

16 A No, no.

17 Q Okay. And then you said he started doing -- throwing
18 your stuff around?

19 A Yes, sir.

20 Q Tell me what kind -- what stuff of yours?

21 A My clothes, and just things that belonged to me.

22 Q Okay. Did you try to stop him?

23 A Yes.

24 Q What did you do to try to stop him?

25 A I was grabbing.

1 Q Okay. And what did he do? What happened after that?

2 A He took a cigarette lighter and was trying to burn
3 them, my clothes.

4 Q Okay. And what happened then?

5 A Then we kind of got like into a face-to-face
6 altercation. And I didn't know that he had a knife.
7 That's when he...

8 Q What did he do?

9 A That's when he pulled the knife out and had it like
10 straight over me right at me.

11 Q Okay. When you saw the knife, he was holding it up
12 over you?

13 A Yes, sir.

14 Q How close was he to you?

15 A We was like face-to-face.

16 Q Face-to-face, close enough for you to touch?

17 A Yeah.

18 Q And what -- could you see where he got the knife
19 from?

20 A He pulled it out of his pocket.

21 Q Had you ever seen him with a knife before that day?

22 A No.

23 Q And you said he held it up over his head?

24 A Over me.

25 Q Over you?

JUANITA BANKS-DIRECT BY MR. MOYER

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1 A Yeah.

2 Q Where was he pointing the knife at you?

3 A Right straight at me.

4 Q Was he saying anything while he was holding it at
5 you?

6 A No.

7 Q What did you do when you saw the knife coming at you?

8 A I turned around.

9 Q You turned around?

10 A Uh-huh.

11 Q And what happened when you turned around?

12 A He stabbed me in my back and my shoulder.

13 Q He stabbed you in the back and your shoulder?

14 A Yes.

15 Q When you got stabbed, what did you -- what happened
16 to you?

17 A I kind of lost consciousness and I fell. And when I
18 fell, I broke my arm.

19 Q Okay. So you landed on your arm?

20 A Yes.

21 Q Okay. And what happened once you fell on the ground?
22 What did you see him do?

23 A He got my bookbag -- my pocketbook that I had my
24 stuff in and started walking off toward Pendleton Street.

25 Q Okay. You saw him do this?

1 A Yes, I did.

2 Q And this is while you were laying on the ground?

3 A Yes.

4 Q Where was your pocketbook that he took?

5 A It was kind of like near beside me like where my tent
6 was.

7 Q And how close was it to you?

8 A I could probably like -- probably reached and got it.

9 Q Okay. What did your pocketbook look like?

10 A It's a black book bag with straps like with -- on it.

11 Q And what was in your pocketbook?

12 A It had my flashlight, my billfold. It had my Bible.
13 It had my money in it.

14 Q I'm sorry. It had your what?

15 A My money. My money was in it.

16 Q The money you just told us about that you were
17 saving?

18 A Yes.

19 Q What were you saving that money for?

20 A I was trying to get a trailer.

21 Q And you saw him pick up your pocketbook?

22 A Yes, I did.

23 Q When you were on the ground, do you remember saying
24 anything to him?

25 A Yeah. I asked him not to kill me.

JUANITA BANKS-DIRECT BY MR. MOYER

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1 Q Did he say anything back to you?

2 A No.

3 Q What were you wearing that day -- well, first of all,
4 let me ask you this. Do you remember whether -- what the
5 weather was like that morning?

6 A It was cold.

7 Q Pretty cold?

8 A Yes, it was cold.

9 Q Do you remember what you had on?

10 A Yes. I had on a sweatshirt. I had a -- my coat and
11 a flannel sweatshirt with a hood on it.

12 Q Okay. So you had -- tell us again what you had on.
13 What were you wearing?

14 A I had a sweatshirt that had a hood on it. It's got
15 an Oakley design on it. And I had a purple coat. It's
16 a -- got a -- like a deep purple color on it, and it's got
17 some light purple on it. And it had like a gold
18 drawstring on it.

19 Q Okay. Is that what was on the outside of you?

20 A Yes.

21 Q And then underneath those two coats, did you have
22 anything on?

23 A Yes. I had my sweatshirts.

24 Q How many sweatshirts did you have on?

25 A One sweatshirt, and two other shirts.

1 Q So you had five different items -- layers of clothing
2 on. It was that cold?

3 A It was cold.

4 (WHEREUPON, State's Exhibit Nos. 2 and 3 were marked
5 for identification only.)

6 BY MR. MOYER:

7 Q Now, were you able to keep your coats?

8 A Some of them, they threw away, the ones that had the
9 blood on them.

10 Q They got thrown away?

11 A Yeah, the ones that had the blood on it.

12 Q But the other ones, you were able to keep?

13 A Those two.

14 Q And wash them?

15 A Those two were washed.

16 Q Okay.

17 A No. The purple coat wasn't washed. But I think the
18 sweatshirt with the hood was washed.

19 Q Okay. Now, I'm going to show you what's been marked
20 as State's Exhibit No. 2. Okay.

21 A Okay.

22 Q I'm going to put it down here. And I want you to
23 take a look inside there, and see if you can recognize
24 what's in there? Can you --

25 A Yes. That's mine.

JUANITA BANKS-DIRECT BY MR. MOYER

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1 Q Okay. What do you recognize it as?

2 A That's my sweatshirt with a hood on it.

3 Q Okay. And do you remember when the officer took it
4 and put it in this bag?

5 A Yes.

6 Q Okay. And that's the sweatshirt you were wearing
7 when you got stabbed by the Defendant?

8 A Yes, it was.

9 MR. MOYER: Your Honor, I'd move, at this time, to
10 have State's Exhibit No. 2 entered into the record.

11 MR. FARNSWORTH: Without objection.

12 THE COURT: It's in evidence.

13 (WHEREUPON, State's Exhibit No. 2 was admitted into
14 evidence.)

15 BY MR. MOYER:

16 Q I'm going to hold this up. And I want you to tell
17 the jury what I'm holding up here. What is that?

18 A That's my sweatshirt.

19 Q Now, if I look on the back left corner, there's a
20 hole in this sweatshirt. Was that hole in there before
21 this Defendant stabbed you?

22 A No, sir.

23 Q Is that hole as a result of him stabbing you?

24 A Yes, sir.

25 Q And was this coat on the outside?

1 A It was underneath the purple one.

2 Q Now, I'm going to show you State's Exhibit No. 3.
3 Can you just take a look in that bag? And can you
4 recognize what is in this bag?

5 A Yes. It's my coat.

6 Q Is that the coat you were wearing when you were
7 stabbed?

8 A Yes, it was.

9 MR. MOYER: Your Honor, I move to have State's
10 Exhibit No. 3 entered into the record.

11 MR. FARNSWORTH: No objection.

12 THE COURT: It's in evidence.

13 (WHEREUPON, State's Exhibit No. 3 was admitted into
14 evidence.)

15 BY MR. MOYER:

16 Q Ms. Banks, I'm going to hold State's Exhibit No. 3
17 up. Can you tell the jury what I'm holding up?

18 A That's my coat.

19 Q That's the coat you were wearing?

20 A Yes.

21 Q Once again, there's a hole in the back left shoulder
22 area. Can you tell us what -- how that came about?

23 A By being stabbed.

24 Q Okay. Now, Ms. Banks, tell me again what was in
25 this -- your purse that he took from you.

1 A My -- it had my Bible in it. It had my pocketbook in
2 it. It had my money. I had an LED flashlight in it. And
3 I had some of my personal stuff in it.

4 Q Okay. Had you ever bought anything for the
5 Defendant? Have you ever spent any money on him?

6 A Yes, I had.

7 Q Tell us about that.

8 A I had bought some food for him at McDonald's.

9 Q Okay. And so was he standing with you when you
10 bought the food for him?

11 A Do what now?

12 Q Was he with you, standing there with you when you
13 bought the food for him?

14 A He was -- yeah, at the restaurant.

15 Q And you opened the purse to get the money out?

16 A Yes.

17 Q This is the same purse that he stole from you?

18 A Yes.

19 Q So he was standing right there as you got the money
20 out to pay for the food?

21 A Yeah.

22 Q Okay. Now, when this happened, Ms. Banks, was there
23 anybody else around to see what took place?

24 A There was some people in there, but I don't think
25 they noticed.

1 Q There wasn't anybody standing close by watching
2 anything?

3 A No.

4 Q Okay. Now, after you saw him leave with your purse,
5 what did you do?

6 A I -- after the incident happened?

7 Q Yes.

8 A I got up, and I walked across the parking lot there
9 to the Walgreens. And I met this gentleman right here --

10 Q This trooper right here?

11 A -- and I told him -- yeah -- what had happened to me.

12 Q Okay. And what was he doing?

13 A He was -- at the time, he was sitting there, but I
14 was glad he was sitting there.

15 Q And you went up to him and you told him what happened
16 to you?

17 A Yes, I did.

18 Q And what did he do with you?

19 A He called the ambulance for me. And he had them take
20 me to the hospital.

21 Q Okay. And did you -- where did you wait while the
22 ambulance was --

23 A In his car.

24 Q In his car. So you sat there in his car --

25 A Yes, I did.

1 Q -- until the ambulance got there?

2 A Yes.

3 Q Then you went to the hospital; right?

4 A Yes.

5 Q And is that where -- did they take care of your back
6 there?

7 A Yes.

8 Q What did they do for your back?

9 A They had to clean the wound. And they put staples in
10 it.

11 Q Okay. And what about your arm?

12 A They had to reset the bone.

13 Q Did they put it in a cast?

14 A Yeah. They put it in a cast.

15 Q Now, you, also, had some cuts and scrapes on your
16 face?

17 A Yes.

18 Q And is that from when you fell down on the ground
19 after being stabbed?

20 A Yeah. My teeth was knocked loose, and my lip was all
21 cut on the inside.

22 Q Okay. Where did you go after you got released from
23 the hospital?

24 A I went to the Salvation Army for a little while.

25 Q You stayed there for a little while?

1 A Yes, I did.

2 Q And then you went and stayed with your daughter for a
3 little while after that, didn't you?

4 A Yes.

5 Q And do you have a place to stay right now?

6 A Yes, I do.

7 Q Okay. Now, do you remember -- while you were in the
8 hospital, do you remember an officer coming to talk to
9 you?

10 A Yes.

11 Q Do you remember this officer right here?

12 A Yes, I do.

13 Q Okay. And did you tell him what had happened to you?

14 A Yes, I did.

15 Q Did you tell the officer the name of the person who
16 did this to you?

17 A Yes.

18 Q What name did you tell the officer?

19 A Larry Hunt.

20 Q Okay. Is that -- did he go by the first name,
21 "Larry"? Is that the name he went by, "Larry"?

22 A Yeah.

23 Q Do you remember the officer then getting some
24 photographs to show you?

25 A Yes.

JUANITA BANKS-DIRECT BY MR. MOYER

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1 Q And he brought those to you while you were there in
2 the hospital?

3 A Yes, he did.

4 Q And this -- was this the same day as when this
5 incident happened that you got stabbed and robbed?

6 A Yes, it was.

7 Q Do you remember what the officer told you when he
8 showed you those photographs? What do you remember the
9 officer saying?

10 A He asked me if I could identify him.

11 Q Did he put any pressure on you to try to pick
12 somebody out of that photo lineup?

13 A No, he didn't.

14 Q Did he influence your decision in any way?

15 A No.

16 Q Did he make you feel like you had to or that you
17 should pick somebody out of those pictures?

18 A No.

19 Q Okay. So he didn't influence your decision at all?

20 A No, he didn't.

21 Q Now, when you looked over those photographs, did you
22 see the person -- did you see a picture of the person who
23 did this to you?

24 A Yes, I did.

25 Q And when you saw that picture, what did you do? Did

1 you tell the officer?

2 A Yes.

3 Q And what did the officer ask you to do after you told
4 him?

5 A To draw a circle around it, and to initial it.

6 Q Were you sure --

7 A Yes.

8 Q -- when you circled that picture?

9 A Yes.

10 Q How long after this stabbing was it that you were
11 shown these pictures? I know you don't know exactly,
12 but...

13 A Probably about two hours.

14 Q Okay. I'm going to show you what's already been
15 marked as State's Exhibit No. 1. Would you take a look at
16 those -- at this document?

17 A Yes.

18 Q Do you recognize what that is?

19 A Yes, sir.

20 Q What do you recognize that as?

21 A That's what I identified him.

22 Q Are these the photographs that the officer showed
23 you?

24 A Yes, sir.

25 Q On December the 14th of 2010?

JUANITA BANKS-CROSS BY MR. FARNSWORTH

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1 A (Witness nodded.)

2 Q How do you recognize it?

3 A I knew him.

4 Q Okay. And do you see your initials on that form?

5 A Yes.

6 Q Do you see the circle that you made?

7 A Yes.

8 Q And whose picture did you circle?

9 A Larry Hunt.

10 Q And is that the Defendant who you identified earlier?

11 A Yes, sir.

12 MR. MOYER: Your Honor, at this time, I move to have
13 State's Exhibit No. 1 entered into evidence.

14 MR. FARNSWORTH: Without objection.

15 THE COURT: It's in evidence.

16 (WHEREUPON, State's Exhibit No. 1 was admitted into
17 evidence.)

18 MR. MOYER: Ms. Banks, I want you to answer any
19 questions that the Defense attorney asks you now.

20 Thank you.

21 CROSS-EXAMINATION

22 BY MR. FARNSWORTH:

23 Q Ms. Banks, as I understand it, you gave a statement.

24 You told this gentleman right here what had happened, and
25 everything. And that was at the hospital?

1 A Yes, sir.

2 Q Okay. And you talked to the gentleman seated over
3 here from the highway patrol, Lance Corporal Moon. You
4 sat in his car until the ambulance got there; is that
5 right?

6 A Yes, sir, I did.

7 Q And you told him about what had happened to you?

8 A Yes, sir.

9 Q Okay. Now, tell me again, you said -- you referred
10 to your pocketbook as a book bag, I believe, with straps?

11 A With straps on it.

12 Q Okay. So, in other words, that's -- when you say the
13 money was in your pocketbook, do you mean --

14 A A change purse, a pocketbook.

15 Q Okay. A pocketbook, a smaller pocketbook?

16 A Yes, sir.

17 Q Inside your backpack?

18 A Yes, sir.

19 Q Okay. Well, I just wasn't quite clear on that. And
20 I believe you had some other things in there, too?

21 A Yes, I did.

22 Q Of value. And this incident occurred, you said,
23 about -- was it close to daybreak?

24 A 7:00.

25 Q 7:00 in the morning on December the --

JUANITA BANKS-CROSS BY MR. FARNSWORTH

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1 A 14th.

2 Q -- 14th of 2010, I believe.

3 And were there -- you said other people lived around
4 there near you. You mentioned some young people, and then
5 another woman or two. Did anybody see what happened with
6 you and Mr. Hunt as you've said is the person that did
7 this to you? Was anybody else around there?

8 A No, sir.

9 Q Nobody?

10 A No.

11 Q Okay. Now, going back to -- you said you talked
12 to, I believe, it's Officer McGaya [phonetic].

13 Is that right?

14 OFFICER MIKE MCGAHA: McGaha.

15 MR. FARNSWORTH: McGaha. I'm sorry.

16 BY MR. FARNSWORTH:

17 Q You testified today that you had over \$400 saved up
18 in that purse?

19 A Yes, I did.

20 Q And do you remember telling this officer that you had
21 around \$300 that morning?

22 A Yeah.

23 Q And how is it different now than it was then? In
24 other words --

25 A I had got some more money.

1 Q You got some more money?

2 A I had got some more money.

3 Q When did you get that more money?

4 A From a friend of mine.

5 Q Okay. In other words, you're saying from the time
6 you told him how much you had, you got some more money
7 after that?

8 A Yes, sir, I did.

9 Q When? That same day, or what?

10 A Yes, sir, a friend of mine.

11 Q Okay. Gave you \$100?

12 A Yes, sir.

13 Q Okay. Now, as I understand it, you're not on any
14 governmental disability, or anything like that?

15 A Not yet.

16 Q Okay. And you -- do you do any kind of work at all,
17 though, to help support yourself?

18 A I can do some work, yeah.

19 Q Okay. But you had been saving up that money, though,
20 for a trailer?

21 A Yes, sir, I had.

22 Q Okay. Now, you said a little bit ago in your
23 testimony that you knew -- had known Mr. Hunt here for a
24 couple of months; is that correct?

25 A Yes, sir.

1 Q And isn't it true you told the officer with the
2 Sheriff's Department you had only known him a couple
3 weeks? Do you remember saying that right after this
4 incident occurred?

5 A No.

6 Q Okay. And, again, you remember sitting in the
7 highway patrol car with Officer -- Lance Corporal Moon,
8 don't you?

9 A Yes, I do.

10 Q And you told him what had happened to you; is that
11 correct?

12 A Yes, sir.

13 Q And you told him that you had been robbed, and
14 stabbed, and that your -- all your valuables were taken
15 from your bag and into the woods?

16 A Uh-huh.

17 Q And do you remember telling him that the name of the
18 person that did this to you was either "Mark" or "Frank"?

19 A No, sir.

20 Q Okay. You don't remember that?

21 A No, sir.

22 Q Okay. That wouldn't be true, would it?

23 A No.

24 MR. FARNSWORTH: That's all I have.

25 MR. MOYER: Nothing further for this witness.

1 THE COURT: Thank you, ma'am.

2 You can step down.

3 MR. MOYER: The State would call Keri Finley to the
4 stand.

5 THE CLERK: Ma'am, if you'll, please, place your left
6 hand on the Bible and raise your right hand.

7 WHEREUPON;

8 KERI FINLEY,
9 after first having been duly sworn, testified as follows:

10 THE CLERK: Thank you.

11 Please be seated.

12 Please state your full name for the record.

13 THE WITNESS: Keri Finley.

14 THE CLERK: Thank you.

15 DIRECT EXAMINATION

16 BY MR. MOYER:

17 Q Where are you employed?

18 A Greenville County EMS.

19 Q What is your position at Greenville County EMS?

20 A An EMTI.

21 Q What does that mean? What are your duties as an
22 EMTI?

23 A Patient care, and emergency and non-emergency
24 situations.

25 Q How long have you been in emergency medical services?

KERI FINLEY-DIRECT BY MR. MOYER

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1 A Approximately six years.

2 Q Six years. How much of that has been with Greenville
3 County?

4 A Four years in August.

5 Q And then you worked at other places prior to that?

6 A Yes, sir.

7 Q Now, did you receive a call on December the 14th of
8 2010?

9 A Yes.

10 Q And to what address was that call?

11 A 3499 West Blue Ridge Drive.

12 Q And what is at that location?

13 A I believe it's Walgreens.

14 Q Okay. What time did you get the call?

15 A 07:41:39.

16 Q So that's 7:41 in the morning?

17 A Yes, sir.

18 Q Okay. And when did you depart for that location?

19 A To go to the hospital?

20 Q No. To go over to that -- to Walgreens?

21 A Oh, that's when we left to go there. We received the
22 call at 07:41:09.

23 Q And what time did you arrive there at the Walgreens?

24 A 07:49:38.

25 Q Okay. So close to 10 minutes to 8:00 in the morning;

1 is that right?

2 A Yes, sir.

3 Q Now, when you arrived there, there were police
4 officers there?

5 A Yes, sir.

6 Q And did you meet with anybody -- did you meet with
7 somebody for the purpose of providing care?

8 A We just showed up. And the highway patrol and
9 Greenville County Sheriff's Office were there.

10 Q Okay. And were you directed to somebody when you got
11 there?

12 A The patient.

13 Q And who was the patient?

14 A Juanita Banks.

15 Q And is that the woman who just testified a few
16 moments ago?

17 A Yes, sir.

18 Q Where was she when you saw her?

19 A She was sitting in the front seat -- passenger seat
20 of one of the patrol cars.

21 Q Now, did you observe any signs of trauma or injury to
22 her?

23 A She had on multiple layers, and she complained of
24 being stabbed.

25 Q Okay.

1 A We couldn't see anything.

2 Q Because of all the clothing she had on?

3 A Yes, sir.

4 Q Okay. And so what did you do with her?

5 A Due to the multiple layers, multiple vehicles, and,
6 you know, several people could see, we got her in the
7 truck, plus, with it being cold, so we could expose her to
8 see what was going on.

9 Q And what -- and so you took her into the -- into your
10 ambulance?

11 A Yes. We got her on the stretcher, and secured her,
12 and got her into the ambulance.

13 Q When you say that you exposed her, you took her
14 clothing off to see what --

15 A Uh-huh.

16 Q And what did you observe when you took her clothing
17 off?

18 A There was an approximate -- what appeared to be an
19 approximate one-inch stab wound to her upper left back.

20 Q Okay. Did she complain of any other injuries?

21 A She did complain of some pain to her left wrist.

22 Q Okay. And did you notice anything with her wrist at
23 that time?

24 A Some swelling.

25 Q You did notice swelling. Now, she was conscious and

1 responsive during the time you met with her?

2 A Yes, sir.

3 Q Her vital signs were good?

4 A Yes, sir.

5 Q And you mentioned about her having some clothes on.
6 Can you -- what do you remember about what she was wearing
7 up top?

8 A I remember there were several -- she had -- the top
9 one was a thick jacket. There was a sweatshirt. There
10 were several -- two or three others. I didn't count. I
11 did put several shirts and jackets in my report.

12 We peeled them -- you know, we took them off of her,
13 instead of cutting them because we weren't sure if she was
14 home -- we didn't want to pass judgment. We just, you
15 know, to keep from destroying them, we took them off of
16 her, instead of cutting them.

17 Q Normally, you would have cut off clothing in this
18 situation; is that right?

19 A (Witness nodded.)

20 Q Okay. And what sort of treatment did you provide
21 Ms. Banks, and what did you do with her?

22 A Well, we mainly focused on the injury on her back.
23 Because it could have been life threatening. So we
24 stopped the bleeding, made sure there was no bubbling in
25 the blood indicative of air coming from her lungs, which

KERI FINLEY-DIRECT BY MR. MOYER

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1 there wasn't. We stopped the bleeding. We started an IV,
2 put some oxygen on her. Her lung sounds were clear.
3 Basically, we just kept an eye on her vitals. She was
4 able -- she had a pulse, motor, sensory, all to her wrist.
5 We kept her warm.

6 Q Okay. And then you took her to the hospital?

7 A Yes, sir.

8 Q To the emergency room?

9 A To intermediate care.

10 Q What time did you arrive at the hospital?

11 A 08:21:48.

12 (WHEREUPON, State's Exhibit No. 4 was marked for
13 identification only.)

14 BY MR. MOYER:

15 Q I'm going to show you what's been marked as State's
16 Exhibit No. 4. Do you recognize what I've just shown you?

17 A Yes, sir.

18 Q And what do you -- what is shown in that photograph?

19 A It looks to me to be consistent with a stab wound.

20 Q Okay. And is that the stab wound that you saw on
21 Ms. Juanita Banks back on December the 14th of 2010?

22 A Yes, sir.

23 Q That's an accurate depiction of how it appeared to
24 you when you saw it that day?

25 A Yes, sir.

1 MR. MOYER: Your Honor, I move to have State's
2 Exhibit No. 4 entered into evidence.

3 MR. FARNSWORTH: Without objection.

4 THE COURT: It's in evidence.

5 (WHEREUPON, State's Exhibit No. 4 was admitted into
6 evidence.)

7 MR. MOYER: Please answer any questions that the
8 Defense may have.

9 THE WITNESS: Yes, sir.

10 MR. FARNSWORTH: Just one question.

11 CROSS-EXAMINATION

12 BY MR. FARNSWORTH:

13 Q You indicated she was in pain because of her -- not
14 only for the stab, but for the wrist. Do you know at what
15 point she was given anything for that pain?

16 A At the hospital.

17 Q At the hospital?

18 A Our main concern was any life-threatening injuries.

19 Q So y'all don't administer that?

20 A We do --

21 Q But you didn't in this case, I mean?

22 A No, sir. She wasn't complaining too much of the
23 wrist.

24 MR. FARNSWORTH: That's all I have.

25 MR. MOYER: Nothing on redirect, Your Honor.

KERI FINLEY-CROSS BY MR. FARNSWORTH

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1 THE COURT: All right. Thank you, ma'am.

2 Ladies and gentlemen, we're going to take a brief
3 recess, just about five minutes. And don't talk about the
4 case. And continue to keep an open mind.

5 Thank you.

6 (WHEREUPON, the jury was excused from open court at
7 approximately 4:28 p.m.)

8 (WHEREUPON, a break was taken.)

9 (WHEREUPON, State's Exhibit Nos. 5, 6, 7, and 8 were
10 marked for identification only.)

11 THE COURT: You can bring the jury on in.

12 (WHEREUPON, the jury came into open court at
13 approximately 4:44 p.m.)

14 THE COURT: Mr. Moyer, you may call your next
15 witness.

16 MR. MOYER: Your Honor, may it please the Court.

17 The State would call Wanda Jean Howard to the stand.

18 THE CLERK: Ms. Howard, place your left hand on the
19 Bible and raise your right hand.

20 WHEREUPON,

21 WANDA JEAN HOWARD,

22 after first having been duly sworn, testified as follows:

23 THE CLERK: Thank you.

24 Please be seated.

25 Please state your full name for the record.

1 THE WITNESS: Wanda Jean Howard.

2 THE CLERK: Thank you.

3 DIRECT EXAMINATION

4 BY MR. MOYER:

5 Q Ms. Howard, how old are you?

6 A 50.

7 Q Where do you live?

8 A 17 Arch Street Extension.

9 Q And where did you live on December the 14th of 2010.

10 A I was homeless in the woods beside the laundromat.

11 Q I'm sorry?

12 A I was homeless in the woods.

13 Q Okay. For a while?

14 A For about six months.

15 Q Okay. And, during that time, did you get to know
16 this Defendant, Lynn Larry Hunt?

17 A Yes.

18 Q Or did you already know him before that?

19 A No.

20 Q Okay. So how -- did you know him pretty well?

21 A Pretty good, not real well, but just from the woods.

22 Q Okay. And where were you staying? Did you go to a
23 residence on December the 14th of 2010?

24 A Yeah. I done went home. My brother wasn't living in
25 his house.

WANDA JEAN HOWARD-DIRECT BY MR. MOYER

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1 Q Okay. And where was that residence?

2 A On -- 19 Arch Street Extension.

3 Q That's in Greenville County?

4 A Yes.

5 Q And your brother lived there, you said?

6 A No, me and my fiancé did.

7 Q And how long had you been living there on December
8 the 14th of 2010?

9 A About a month.

10 Q Okay. Now, did this Defendant ever come over there?

11 A Yeah. He come over early that morning, and it was
12 about 9:00.

13 Q Okay. So tell me about -- and you're talking about
14 December the 14th of 2010?

15 A Yes.

16 Q The date he got arrested?

17 A Yeah.

18 Q The day he got arrested at --

19 A At my house.

20 Q At your house?

21 A Yes.

22 Q Tell me about when you first saw him --

23 A He --

24 Q -- how did --

25 A -- had some blood on him --

1 THE COURT: Wait.

2 BY MR. MOYER:

3 Q Hold on one second.

4 How did he get inside your house?

5 A He just come on in the back door.

6 Q Okay. Did he knock or anything?

7 A No.

8 Q Where were you?

9 A In the bed asleep.

10 Q Okay. And who else was in the house?

11 A My fiancé.

12 Q And y'all both were in the bed?

13 A Uh-huh.

14 Q And what did he do when he came in your house?

15 A He had some homemade wine and -- I didn't drink the
16 wine. He said he had some money, that he'd buy me a beer,
17 but I didn't accept it.

18 Q So tell me about this -- about him having money. How
19 was he -- what was he talking about money --

20 A Well, he just said he had money. He didn't say how
21 much. He said he had money.

22 Q Did he talk about like having a lot of money, or a
23 little bit of money?

24 A Well, he was bragging a little bit about it, but he
25 didn't say how much money.

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1 Q Did you ever know him to have money before?

2 A No.

3 Q You never knew him to have any money?

4 A Maybe about \$5 or \$10 when the laundromat man gave it
5 to him.

6 Q Did he have a job?

7 A He used to clean the laundromat up there. And the
8 man that owned the laundromat would give him a few
9 dollars.

10 Q Okay. But he didn't have a regular job where he made
11 a lot of money?

12 A No.

13 Q Okay. But, on this date, he was talking about having
14 money?

15 A Yeah.

16 Q And did you notice anything else about him when he
17 came in?

18 A No.

19 Q Did you ask him how he got the money?

20 A No.

21 Q Did he tell you how he got the money?

22 A No.

23 Q Had he ever been over to this house before?

24 A No.

25 Q Did he know you stayed there?

1 A Yes.

2 Q How do you know he knew you stayed there?

3 A Because my fiancé was homeless. And he knowed [sic]
4 where we stayed. And when I left the woods with my
5 brother -- because he went up to my Aunt Dianne's.

6 Q You told him where you were going to go stay?

7 A Yeah.

8 Q Okay. Did he say anything like how long he had had
9 the money?

10 A No.

11 Q He just said he had money?

12 A (Witness nodded.)

13 Q Now, did he stay there long, or did he leave?

14 A Well, no, I told him my brother wanted him out on the
15 street, because he was acting like a little weird. And I
16 got scared because my fiancé was asleep and wouldn't wake
17 up.

18 Q And so he left for a little while?

19 A Yes.

20 Q Did he come back?

21 A Uh-huh.

22 Q How long was he gone before he came back?

23 A Like maybe three hours.

24 Q Now, after he left this first time, did you see any
25 law enforcement around the area?

- 1 A Yes. They come looking for him.
- 2 Q They came looking for him?
- 3 A Uh-huh.
- 4 Q Was there a lot of police officers?
- 5 A Yes, four or five carloads of them.
- 6 Q And they were just driving through?
- 7 A Yeah. They even -- they came in the house.
- 8 Q They came and talked to you?
- 9 A Yeah. And then he come back and --
- 10 Q Well, don't get ahead of me.
- 11 A Okay.
- 12 Q When they came and talked to you, did you tell them
- 13 you had see him?
- 14 A I told them he had been there.
- 15 Q Okay. And you told them he had been there that
- 16 morning?
- 17 A Yes.
- 18 Q Do you remember -- you said you remember police
- 19 officers driving around. Do you remember helicopters, or
- 20 anything like that?
- 21 A Well, I don't remember helicopters.
- 22 Q Okay. You didn't see that?
- 23 A No.
- 24 Q But you remember all the police officers?
- 25 A Yes.

1 Q Now, you said about three hours later, he came back
2 to your house?

3 A Uh-huh.

4 Q And what did you do when he came back to your house?

5 A I told him the police was looking for him. And then
6 the police come and busted in my house and got him.

7 Q Okay. Do you know why the police came there?

8 A No. They didn't say why they was looking for him.

9 Q No. I mean, do you know how they knew to come back
10 to your house?

11 A No.

12 Q Okay. Did you make any phone calls?

13 A Yes. That's when I called the police and told them
14 that he was there.

15 Q Okay. So when he came back, you got on the phone?

16 A Yes.

17 Q A cell phone?

18 A Yeah, it's my brother's.

19 Q Did you call in front of Larry Hunt or did you --

20 A No. I walked outside.

21 Q Did you tell him that you were calling the police?

22 A No.

23 Q And do you remember officers coming shortly
24 afterwards?

25 A Yes.

1 Q And they arrested --

2 A It was like five minutes, and they was there.

3 Q Okay. Now, have you ever seen this Defendant with a
4 knife?

5 A Yes.

6 Q And what have you -- where did you see him with a
7 knife?

8 A In the woods up there at the laundromat.

9 Q And what did you see him doing with the knife?

10 A Sharpening it on the cement of the sidewalk.

11 Q Do you know where the Goodwill is on White Horse Road
12 and Blue Ridge Drive?

13 A Yes, sir.

14 Q Are you familiar with that location?

15 A Yes, sir.

16 Q How long would it take to walk from where you were
17 staying over there to that Goodwill?

18 A Five minutes.

19 Q Five minutes. It's pretty close?

20 A Uh-huh.

21 MR. MOYER: One moment, please.

22 (Pause.)

23 MR. MOYER: Please answer any questions the Defense
24 attorney may have.

25 MR. FARNSWORTH: Just a few questions.

CROSS-EXAMINATION

BY MR. FARNSWORTH:

Q Ms. Howard, now, you knew Ms. Banks, too, you said?

A I know her just from McDonald's. I don't know her personally.

Q Did you know that she lived in the woods, though, behind the Goodwill?

A No.

Q Okay. How long had you known her through McDonald's?

A Well, about five or six months. I'd go up there and she'd be sitting in the corner at McDonald's every morning.

Q Okay. But when you were living in the woods, you didn't live down there where she was living? Is that what you're saying?

A No.

Q Okay. Now, you said Mr. Hunt came over to your house about 9:00, and stayed a few minutes?

A That morning.

Q Okay. And that's when he told you he might buy you a beer or something?

A Yes.

Q And he had some wine with him?

A Yeah, homemade wine.

Q Okay. And he said he had some money, and he'd buy

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1 you a beer. But he didn't say how much money he had?

2 A No.

3 Q Or where he got it?

4 A No.

5 Q Okay. And I believe when the police came over
6 there -- and they came over there a little after 9:00 and
7 then about three hours later, they came over there?

8 A Yeah. I don't know about what time it was. They
9 come that morning looking for him. And then later on, the
10 police come back when I called them and told them where he
11 was at. I don't know exactly what time it was.

12 Q You called them on -- you called them after he came
13 back the second time, the police?

14 A Yes.

15 Q To say that he was there?

16 A Yeah. He was there because --

17 Q Because they told you they were looking for him?

18 A Yeah.

19 Q And you -- I believe you consented to let them search
20 your house?

21 A Yes.

22 Q Okay. And you didn't see anything found or anything,
23 did you --

24 A No.

25 Q -- that was -- has anything to do with this case?

1 A No.

2 MR. FARNSWORTH: That's all I have.

3 MR. MOYER: Nothing further for this witness.

4 THE COURT: Thank you, Ms. Howard.

5 MR. MOYER: The State would call Deputy McGaha to the
6 stand.

7 THE CLERK: Sir, please, place your left hand on the
8 Bible and raise your right hand.

9 WHEREUPON,

10 MICHAEL MCGAHA,
11 after first having been duly sworn, testified as follows:

12 THE CLERK: Thank you.

13 Please be seated.

14 State your full name for the record.

15 THE WITNESS: Michael McGaha.

16 DIRECT EXAMINATION

17 BY MR. MOYER:

18 Q Where are you employed?

19 A The Greenville County Sheriff's Office.

20 Q What is your position with the Sheriff's Office?

21 A I'm a master deputy in the uniform patrol division.

22 Q How long have you been with the Sheriff's Office?

23 A It will be 12 years next month.

24 Q How long have you been in law enforcement?

25 A 12 years next month.

1 Q What is your position now with the Sheriff's Office?

2 A I'm a master deputy in uniform patrol.

3 Q What are your duties in that position?

4 A I'm assigned a pre-specified beat area. I, also,
5 have a field-level supervision role for other deputies
6 that are assigned within a certain area.

7 Q And what beat area are you assigned to?

8 A The county is divided up into 10 pre-specified beat
9 areas. I'm assigned to beat area nine.

10 Q Okay. Does that include the area that we're talking
11 about here today?

12 A No, it does not.

13 Q Okay. But is that where you were working back in
14 December of 2010?

15 A It's an adjacent beat over.

16 Q Okay. That's how you got involved in the case?

17 A Yes, sir. It's not uncommon for deputies, although
18 they're assigned a pre-specified beat area, to go within
19 another beat assignment to assist with other deputies when
20 there are calls for service.

21 Q Now, you were working on the morning of December the
22 14th of 2010?

23 A Yes, sir.

24 Q And did you respond to this call that we've been
25 talking about today?

1 A Yes, I did.

2 Q And what location did you respond to?

3 A I responded to the intersection of White Horse Road
4 and West Blue Ridge Drive, specifically, in the parking
5 lot of Walgreens.

6 Q And what did you find when you arrived there?

7 A Upon my arrival, there was Trooper Moon. He advised
8 me he was working an unrelated traffic accident. And I
9 met with Ms. Banks.

10 Upon my arrival, she was still seated in the
11 passenger seat of Trooper Moon's car. He told me that he
12 was working an accident, and that she had approached him
13 and said that she had been assaulted. I asked her a
14 couple of preliminary questions. When the ambulance
15 arrived, at that point, I felt it more important for her
16 to seek medical treatment. And I would conduct my
17 investigation at the hospital since I was advised she was
18 going to be transported.

19 Q Okay. What time did you arrive at the Walgreens that
20 morning?

21 A It was almost 7:45 in the morning.

22 Q Okay. And did you then follow the ambulance -- or
23 arrive over at the hospital after Ms. Banks was taken over
24 there?

25 A I did.

1 Q And is that when you spoke to her about what
2 happened?

3 A I spoke to her preliminarily while she was in the
4 ambulance. And then I did follow the ambulance to the
5 hospital and conduct my investigation there.

6 Q Did she give you the location of where this happened?

7 A Yes, sir. She said that she was stabbed behind the
8 Goodwill store on West Blue Ridge Drive.

9 Q Okay. How close is that to this area at the
10 Walgreens where you saw her?

11 A A couple hundred yards.

12 Q And that's in Greenville County?

13 A Yes, sir.

14 Q When you were speaking to her there, did she give you
15 the name of the person who did this?

16 A Yeah. She, specifically, mentioned the name Larry
17 Hunt.

18 Q All right. Did you then show her a photo lineup?

19 A At the hospital, I did, yes, sir.

20 Q How long after -- roughly how long after the incident
21 took place was it that you showed her this photo lineup?

22 A It was two to three hours after the actual incident
23 from the Walgreens.

24 Q Okay. And I'm going to hand you State's Exhibit
25 No. 1 that's already in evidence, and ask you if you

1 recognize that?

2 A Yes, sir, I do.

3 Q What is that?

4 A That's the photo lineup that was shown to Ms. Banks
5 on December 14, 2010.

6 Q And did you include the photograph of this Defendant,
7 Lynn Larry Hunt, in that photo --

8 A In this six-picture lineup, a photograph of Lynn
9 Larry Hunt was included in this photo lineup.

10 Q And where did you place him?

11 A The photograph of Larry Hunt -- Lynn Larry Hunt was
12 placed in the #4 position.

13 Q And that -- it's arranged in two row of three; right?

14 A Yes, sir. There's two rows of three, so he would
15 have been the first one on the bottom row.

16 Q Now, when you showed -- well, let me ask you this
17 first. Are -- the other five people in that photo lineup,
18 are they all similar in description to this Defendant?

19 A Yes, they are.

20 Q And in what way?

21 A They all have the same similar appearance, white
22 males, similar hair, facial features, similar appearance
23 to the Defendant.

24 Q Rough -- same rough age, and so forth?

25 A Yes, sir.

MIKE MCGAHA-DIRECT BY MR. MOYER

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1 Q Now, when you showed Ms. Banks that lineup, what did
2 you tell her when you showed it to her?

3 A I told Ms. Banks that I had a series of pictures I
4 wanted to show her that may or may not be the person that
5 was involved in the incident. And, if so, that she could
6 point to that individual.

7 Q Okay. And did you in any way influence her decision
8 who to pick out of that lineup?

9 A No, I did not.

10 Q Did you tell her that -- or lead her to believe that
11 she had to and that she should pick someone out of the
12 lineup?

13 A No, I did not.

14 Q Now, when you showed her that lineup, what was her
15 reaction upon seeing it?

16 A Immediately without any kind of hesitation or delay,
17 she sat up and pointed to #4, which was Lynn Larry Hunt.

18 Q And how confident and certain did she appear to you?

19 A Based on the fact that she displayed no hesitation or
20 delay, she appeared to have the upmost confidence in that
21 individual. Plus, she had, also, identified that
22 individual by name.

23 Q And did you ask her to make any marks on that form to
24 indicate her choice?

25 A Yes, I did. I asked her to circle the photograph of

1 the person she had pointed to, and put her initials
2 underneath it.

3 Q Okay. And she did so?

4 A She did.

5 Q And she circled this Defendant?

6 A Yes.

7 Q Okay. Now, did you take the Defendant into custody?

8 A The Defendant was taken into custody by another
9 deputy.

10 Q Okay.

11 A After he was taken into custody, I did respond to the
12 incident where he was arrested and take him into my
13 custody, and transport him to the law enforcement center.

14 Q And what was that location?

15 A 19 Arch Street Extension.

16 Q And is that the location where Ms. Howard was, who
17 just testified here?

18 A Yes, it is.

19 Q And around what time was it that this took place?

20 A I don't recall the specific time. It was after
21 lunch. I would say sometime around 2:00.

22 Q What was -- between the time y'all began the
23 investigation of this incident and the time of this
24 Defendant's arrest, was there much effort taken to try to
25 locate him?

1 A Yes, sir, absolutely. Any time we have an incident
2 of this magnitude, we try to utilize all the resources we
3 can to try to capture this person or apprehend this
4 person. We notified our dog tracking team. We have a
5 series of patrol dogs, as well as blood hounds. Our
6 entire tracking team was dispatched out, as well as our
7 helicopter in an attempt to locate this individual.

8 Q Okay. And the dog team, that was unsuccessful; is
9 that correct?

10 A That is correct.

11 Q And were -- other deputies who were working that
12 area, were they helping to try to find him?

13 A Yes, sir. There was approximately eight to 10
14 deputies that were directly involved, whether it be
15 perimeter units or the actual track of the individual with
16 the assistance of the dog team and the helicopter. And
17 then other deputies pending additional calls for service
18 were, also, responding for perimeter units to try to
19 assist with any kind of help they could. It was extremely
20 cold that day, so we were trying to transition out
21 personnel as we needed.

22 Q And just driving through the area, canvassing the
23 neighborhood, and so forth?

24 A Yes, sir.

25 Q Now, when you saw Ms. Banks at the hospital, did you

1 call for somebody to come and take photographs of her?

2 A Yes, sir. One of our standard policies is to notify
3 a forensics officer to have forensic documentation of the
4 evidence.

5 Q And I'm going to hand you State's Exhibit Nos. 5, 6,
6 7, and 8, and ask, if you would, to just take a quick look
7 through those pictures and see if you recognize what is
8 depicted?

9 A State's Exhibit No. 5 is a photograph of Ms. Banks as
10 I met with her in the hospital. State's Exhibit No. 6 is
11 a closer up photograph of Ms. Banks documenting some
12 injuries and dried blood that she had to her face. And
13 the same for State's Exhibit No. 7. State's Exhibit No. 8
14 is a prominent puncture wound in the middle of the back,
15 which would be consistent with the injury to Ms. Banks.

16 Q Now, are these -- these different exhibits, are they
17 true and accurate representations of the way Ms. Banks
18 looked as you saw her on December the 14th of 2010?

19 A Yes, sir.

20 MR. MOYER: I move to have State's Exhibit Nos. 5
21 through 8 entered into evidence.

22 MR. FARNSWORTH: Without objection.

23 THE COURT: They're in evidence.

24 (WHEREUPON, State's Exhibit Nos. 5, 6, 7, and 8 were
25 admitted into evidence.)

1 BY MR. MOYER:

2 Q I'm just going to ask you to step aside, because
3 we're going to show these photographs.

4 Okay. We're going to start with -- actually, let's
5 start with State's Exhibit No. 7. And can you tell the
6 jury -- can you point out to the jury what we're seeing
7 right now on State's Exhibit No. 7?

8 A Yes, sir. When I met with Ms. Banks, she had some
9 abrasions and stuff on her face. This is documentation of
10 some of the scratches and injuries that she sustained that
11 day.

12 Q Okay. State's Exhibit No. 5, can you tell the jury
13 what you see in that photograph?

14 A This was Ms. Banks when I met with her at the
15 hospital. She was in one of the emergency care rooms.

16 MR. FARNSWORTH: Your Honor, I'm going to object to
17 his testimony. The jury can determine what they see, and
18 not what he's telling them to see. He's describing the
19 thing. I mean, that's what the picture is for, for the
20 jury to decide what's there, not the officer to tell them.

21 THE COURT: Overruled.

22 BY MR. MOYER:

23 Q And State's Exhibit No. 6, would you tell the jury
24 what is depicted in that photograph?

25 A Once again, it's just a photograph documenting the

1 injuries she sustained to her facial area on that day.

2 Q State's Exhibit No. 8?

3 A This was a photograph taken that would be consistent
4 with the injuries to her back.

5 Q Okay. And I'm using the laser pointer to point out
6 something. Can you tell us what was -- what you observed
7 when you saw that particular area of her back?

8 A What I observed was a puncture wound that would be
9 consistent with being stabbed.

10 Q And then State's Exhibit No. 4, that's -- what is
11 shown in State's Exhibit No. 4?

12 A Once again, it's an injury that was taken with and
13 without scale. This is, obviously, a picture with scale
14 documenting what appears to be consistent with a stab
15 wound.

16 Q To her back?

17 A To the back, yes, sir.

18 Q And State's Exhibit No. 1, can you tell the jury what
19 is -- what we're seeing in State's Exhibit No. 1?

20 A This was a six-picture photo lineup that was shown to
21 Ms. Banks on that day.

22 Q That's the lineup you just described to us a few
23 minutes ago?

24 A Yes, sir.

25 Q And this is picture #4, as you described it?

MIKE MCGAHA-CROSS BY MR. FARNSWORTH

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1 A Yes, sir. Once again, without any kind of hesitation
2 or delay, she pointed to picture #4, and stated that was
3 the individual that stabbed her, and stated that that was
4 Larry Hunt.

5 MR. MOYER: Okay. Thank you.

6 You can have a seat.

7 Please answer any questions that the Defense may
8 have.

9 CROSS-EXAMINATION

10 BY MR. FARNSWORTH:

11 Q Officer, just a few questions. You were involved in
12 the -- getting the consent to search on Ms. Howard's house
13 over there on Arch Street, weren't you?

14 A No, sir, I was not.

15 Q Oh, you weren't involved in that?

16 A No.

17 Q One of the other officers did get a consent to search
18 from her, though?

19 A A consent to search was obtained from the residence
20 at 19 Arch Street Extension.

21 Q Okay. And nothing of any evidentiary value to this
22 case was found, I believe; is that correct?

23 A Not to my knowledge. I was not involved in the
24 search.

25 MR. FARNSWORTH: That's all I have.

1 THE COURT: Redirect?

2 MR. MOYER: Nothing further for this witness, Judge.

3 THE COURT: Thank you, sir.

4 MR. MOYER: And, Your Honor, at this time, the State
5 would rest.

6 THE COURT: Ladies and gentlemen, the State is
7 resting their case at this time as they conclude their
8 presentation of evidence for now. And it's 10 after 5:00.
9 So we're going to go ahead and break for the evening.

10 Just be back in the jury room at 9:15, and we're
11 going to resume the trial at that time. Don't talk about
12 the case. Continue to keep an open mind. And I hope you
13 have a good evening.

14 (WHEREUPON, the jury was excused from open court at
15 approximately 5:10 p.m.)

16 THE COURT: Any motions?

17 MR. FARNSWORTH: No, Your Honor.

18 I think there's, obviously, enough evidence to go to
19 the jury in this case.

20 THE COURT: Okay. We'll start at --

21 Do you know how many witness you plan on calling?

22 MR. FARNSWORTH: Your Honor, at the most, it would be
23 two.

24 THE COURT: Okay. Mr. Hunt, let me ask you some
25 questions, sir. I'm going to ask that you be placed under

1 oath while I go over some questions concerning your
2 rights.

3 MR. FARNSWORTH: Your Honor, do you want him to come
4 up there, or sit here?

5 THE COURT: Yes, that's fine.

6 MR. FARNSWORTH: Do you want him to stand?

7 THE COURT: He can stay right where he is, if he can
8 hear me.

9 THE CLERK: Please raise your right hand.

10 WHEREUPON,

11 LYNN LARRY HUNT,
12 after first having been duly sworn, testified as follows:

13 THE CLERK: Thank you.

14 Please be seated.

15 THE COURT: All right. Mr. Hunt, I'm going to just
16 go over some of your rights that you have to testify or
17 not testify. And if you don't understand anything I say,
18 or if I'm just not making sense to you, or you want me to
19 repeat something, just let me know.

20 Is that okay with you?

21 DEFENDANT HUNT: (Defendant Hunt nodded.)

22 THE COURT: You have to say "yes" or "no."

23 DEFENDANT HUNT: Yeah.

24 THE COURT: All right. You're going to have the
25 right to testify in this trial. And the State has

1 finished the evidence they want to present. So it's now
2 your turn to present any evidence you want to present.

3 And that can include your own testimony up here on
4 the stand. But I just need to advise you that if you do
5 take the stand and tell your side of the story, the State
6 could cross-examine you as to anything that may be
7 relevant to the case, or might bear on your credibility,
8 or show any kind of bias on your part.

9 Is there any kind of prior record the State would use
10 to try to impeach him?

11 MR. MOYER: Yes, Your Honor.

12 He does have a record. And going back 10 years, in
13 2010, he was convicted of receiving stolen goods; 2007, he
14 was convicted of shoplifting and involuntary manslaughter;
15 in 2006, shoplifting; 2003, burglary third degree, grand
16 larceny, common law robbery; in 1999, he was sentenced to
17 a burglary third degree for which he received five years.
18 So he was released within the 10-year time frame.

19 THE COURT: Okay. So the jury may learn about those
20 prior convictions. And you could be asked about them
21 during your testimony, if you did testify, Mr. Hunt. But
22 if you remain silent and didn't testify, the jury would
23 not know about any prior record you might have.

24 Do you understand that, sir?

25 DEFENDANT HUNT: Yeah.

1 THE COURT: And if you chose to remain silent, I
2 would tell the jury, as I've already told them, that you
3 have the absolute right to do so, and it's guaranteed by
4 law, and they cannot hold it against you in any way or
5 take it into account whatsoever in determining the
6 verdict.

7 Do you understand that, Mr. Hunt?

8 DEFENDANT HUNT: Yeah.

9 THE COURT: Well, the decision to testify is a
10 personal decision, one you have to make on your own with
11 the advice of your lawyer. It's your right, and nobody
12 else's. So you can decide in the morning about what you
13 want to do as far as testifying. I just need to make sure
14 you understand all of that.

15 Did you understand everything I told you, sir?

16 DEFENDANT HUNT: Yeah.

17 THE COURT: Thank you, Mr. Hunt.

18 We'll see you back in the morning.

19 Thank you.

20 (WHEREUPON, the proceedings were concluded at
21 approximately 5:13 p.m., to be reconvened on
22 Wednesday, February 8, 2012.)
23
24
25

1 WEDNESDAY, FEBRUARY 8, 2012

2 THE COURT: Anything before we bring the jury in?

3 MR. MOYER: Nothing from the State.

4 MR. FARNSWORTH: Judge, we just -- I guess that you
5 went over his rights to testify yesterday. And I've
6 talked with him, and he has chosen not to testify.

7 THE COURT: Okay. Do you plan to have any other
8 witnesses?

9 MR. FARNSWORTH: Judge, I'm going to have one short
10 witness.

11 THE COURT: Very well.

12 You can bring the jury in.

13 (WHEREUPON, the jury came into open court at
14 approximately 9:19 a.m.)

15 THE COURT: Good morning, ladies and gentlemen.

16 We're going to resume the trial at this time. As you
17 saw, the State rested and completed their presentation of
18 evidence yesterday. And the Defense, Mr. Hunt, has the
19 opportunity, but, again, not the obligation, to present
20 any evidence he wishes to.

21 So, yes, sir, Mr. Farnsworth.

22 MR. FARNSWORTH: Your Honor, we would call Lance
23 Corporal T.J. Moon.

24 THE CLERK: Sir, if you'll, please, place your left
25 hand on the Bible and raise your right hand.

T.J. MOON-DIRECT BY MR. FARNSWORTH

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1 WHEREUPON,

2 T.J. MOON,

3 after first having been duly sworn, testified as follows:

4 THE CLERK: Thank you.

5 Please be seated.

6 DIRECT EXAMINATION

7 BY MR. FARNSWORTH:

8 Q Corporal Moon, I believe you and I spoke briefly
9 yesterday morning before the trial about the report that
10 you had prepared?

11 A Yes, sir, the statement that --

12 Q The statement?

13 A Yes, sir.

14 Q Okay. And I believe I just talked with you briefly
15 this morning, too; is that correct?

16 A Uh-huh.

17 Q Now, you were in the courtroom all day, particularly
18 during the testimony of Ms. Banks; is that correct.

19 A Yes, sir.

20 Q So the -- I think the testimony was that Ms. Banks
21 came to your patrol car, you saw her, and saw that she
22 was -- something was wrong, and y'all had a conversation
23 after that?

24 A Yes, sir.

25 Q Okay. And would you tell me about that

1 conversation and -- first of all, what did you observe
2 about her?

3 A I was working a collision at Highway 253 and White
4 Horse Road.

5 Q And did you observe anything unusual about her?

6 A Once she approached my car, like I said, I was in the
7 middle of investigating a collision. Ms. Banks approached
8 the car and said, Sir, I need some help.

9 I said, Ma'am, what do you need? What's wrong?

10 She said, I've been stabbed and robbed.

11 And she -- I said, Where have you been stabbed at?

12 And she said, In my back. And then she said, I've
13 hurt my arm, also.

14 Q All right. Did she give you any kind of description
15 of the suspect?

16 A She gave me a -- and, at that time, when she was --
17 as she was talking to me, I had immediately got on my
18 hand-held radio and advised dispatch to advise the county
19 of what I've got. And everything that I said -- when she
20 was telling me the description, everything she said was
21 going through the radio through our dispatch, which was
22 carrying over to the county dispatch to give them all the
23 particulars.

24 Q Well, let me ask you this. When you put this report
25 together, did you state that the information she gave you

1 was that a white male named -- that goes by the name of
2 Mark or Frank --

3 A I did on the report.

4 Q You did on this report?

5 A I did on the report.

6 Q Do you remember when you prepared that report?

7 A It was quite a time afterwards.

8 Q Okay.

9 A We don't investigate or handle assault cases.

10 Q Okay. I understand that.

11 A And so we don't do a lot of paperwork on stuff like
12 this.

13 Q But she did, according to your report, provide those
14 two names to you.

15 A She provided a name, which is on the official report
16 that's recorded, yes. On this report, that's the best of
17 my recollection is the names that's on that report,
18 which is just a statement of what they wanted to know
19 happened.

20 Q Okay. But there's no question that the name Mark or
21 Frank is on your report?

22 A On that report. But on the one that's recorded, it's
23 Larry, yes, sir.

24 MR. FARNSWORTH: All right. That's all I have.

25 THE COURT: Mr. Moyer.

CROSS-EXAMINATION

BY MR. MOYER:

Q I want to make sure we understand exactly what we're talking about here. First of all, as I understand it, highway patrol, y'all don't handle assault cases; is that right?

A No, sir, we don't.

Q And so in a situation like this where Ms. Banks came to you, you referred this to the Greenville County Sheriff's Office?

A Right. The first thing to do is to call the Sheriff's Department and EMS to get help for the subject.

Q Okay. So you didn't want to spend a whole lot of time talking to her; is that right?

A Not much. I got the description and put her in my car, because it was cold. And I had -- I still had multiple people out there with a collision that I had to get them --

Q Sure.

A -- out of the -- I had to cut them loose and get them out so they could go on about their business.

Q So pretty much what you were trying to accomplish was just making sure she was okay?

A Right.

Q And keeping her warm in your car?

- 1 A Yes, sir.
- 2 Q Until Greenville County got there?
- 3 A That and get a description, which I --
- 4 Q You got a description. What was the description that
- 5 you got from her?
- 6 A The description, which is -- and everybody has a copy
- 7 of it, which is --
- 8 Q Well, just --
- 9 A The description -- basically, this here is the record
- 10 of everything that we say or --
- 11 Q Over the radio; right?
- 12 A Over the radio.
- 13 Q Okay.
- 14 A And it's recorded and typed in at the same time. So
- 15 you can pull the times and -- you know, 07:42 or 07:40:58
- 16 is about the time that Ms. Banks approached me. And on
- 17 my -- what I stated to the radio, I said, Hey, I need an
- 18 ambulance out here in reference to a subject being
- 19 stabbed. I'm in the parking lot of the Walgreens, and
- 20 everybody is 10-4. The subject took off towards the
- 21 Goodwill. Larry was the name, a white male, a brown coat,
- 22 long pants, white male.
- 23 Q Okay.
- 24 A And about two minutes later is, actually, when the
- 25 Sheriff's Department's arrived, and the ambulances

1 arrived.

2 Q Okay. So you made the call at about 7:40 in the
3 morning?

4 A It was 7:40 and 58 seconds, to be exact.

5 Q Okay. And so she had just come up to you just maybe
6 a moment or two before that?

7 A Probably 30 seconds.

8 Q Okay. And just to make sure I've got this right,
9 you're now looking at a transcript of the radio traffic
10 from that day; is that right?

11 A Yes, sir.

12 Q And what you're telling us is that on the day this
13 happened, you told the radio operatives that it was -- she
14 told you it was a white male, and his name is Larry?

15 A Yes, sir.

16 Q Now, the confusion comes from you then later wrote a
17 memo; right?

18 A Yeah, a statement of several -- I don't even know how
19 many months -- a couple of months later.

20 Q All right. So what I understand is that you did not
21 write a report for this case on the day this happened,
22 because it wasn't your case?

23 A Exactly.

24 Q Okay. And so since it was a Greenville County case,
25 they wrote all the reports?

1 A Yes, sir.

2 Q And then later, you got -- you were requested from
3 our office to write a memo about what you remembered?

4 A Yes, sir.

5 Q That was months later, would you say?

6 A It was probably a good couple of months, yes, sir.

7 Q And when you wrote that memo to us, you didn't go
8 back and look at that transcript, did you?

9 A No. We couldn't -- we have to have certain -- you
10 have to have a subpoena, which was this case here, to be
11 able to get these records.

12 Q Okay. And so, at that time, months later, you were
13 just going on your memory?

14 A Right.

15 Q And when you did that, in your memo, you put that --
16 you wrote down that she gave the name Mark or Frank;
17 right?

18 A Yes, sir.

19 Q Now, you told us you were working a wreck that day?

20 A Yes, sir.

21 Q What was the name of the people involved in the
22 wreck?

23 A It's right here. Let me get to that page. One of
24 them was a Michael, one was a Richard, one was a Mark,
25 which he goes by Marco, and Franco.

1 Q So there was a Marco and Franco, who were involved in
2 that wreck?

3 A Yes, sir.

4 Q So is it logical to assume that months after the fact
5 when you were writing that memo about this case that you
6 got mixed up with the names, and put the name of the
7 person in the wreck, as opposed to the name that Ms. Banks
8 told you?

9 A Absolutely.

10 Q Okay. And so there's no question then that on the
11 morning this happened, you told radio dispatch that she
12 told you that the person who stabbed her was a white male
13 named Larry?

14 A Yes, sir. It's right there in black and white.

15 MR. MOYER: I have nothing further.

16 Thank you.

17 MR. FARNSWORTH: Just one question.

18 REDIRECT EXAMINATION

19 BY MR. FARNSWORTH:

20 Q This information that you read off of that you said
21 dispatch transcribed for you, when did you get this
22 transcription?

23 A Yesterday morning.

24 Q Yesterday before the trial started?

25 A Yes, sir.

1 MR. FARNSWORTH: Okay. Thank you.

2 THE COURT: Any further questions?

3 MR. MOYER: Nothing further.

4 MR. FARNSWORTH: That's all I have, Your Honor.

5 THE COURT: Thank you, Trooper Moon.

6 THE WITNESS: Thank you, sir.

7 THE COURT: Yes, sir. You may call your next
8 witness.

9 MR. FARNSWORTH: Your Honor, the Defendant rests.

10 THE COURT: Does the State have any reply?

11 MR. MOYER: I do not, Judge.

12 THE COURT: All right. Ladies and gentlemen, we've
13 reached the end of all the testimony in the case. And the
14 next phase will be the closing arguments of the lawyers.
15 I need to confer with the lawyers momentarily about that.
16 And then after we take a short break, we'll have the
17 closing arguments. And then I'll give you the
18 instructions on the law, and then the case will be ready
19 to be put in your hands to deliberate on.

20 So just go back to the jury room, and don't talk
21 about the case.

22 Thank you.

23 (WHEREUPON, the jury was excused from open court at
24 approximately 9:29 a.m.)

25 THE COURT: Is there any specific requests to charge

1 either side wishes to present?

2 MR. MOYER: Judge, I have a couple that I will hand
3 up to you just regarding the definition of malice, and it
4 very well could be that Your Honor charges this. What I'm
5 including in my request is what is sometimes referred to
6 as the felony murder rule. So I would ask that Your Honor
7 has some -- includes some language that incorporates that
8 principle of law that someone involved in a crime for
9 which death or great bodily injury is a foreseeable result
10 that that can be enough for malice.

11 And, Your Honor, regarding my second request, I know
12 the language that -- from a 1985 case uses the word
13 "implied," and, obviously, I would agree that "infer"
14 would be the language that would be used now.

15 THE COURT: Mr. Farnsworth, any --

16 MR. FARNSWORTH: Your Honor, I just leave it up to
17 Your Honor to charge what you want to do with it.

18 THE COURT: All right. Anything else before we bring
19 the jury back out?

20 MR. MOYER: Not from the State.

21 MR. FARNSWORTH: No, Your Honor.

22 THE COURT: You can bring the jury on out.

23 MR. MOYER: So it's just going to be guilty or not
24 guilty on the three indictments that go before --

25 THE COURT: Are you requesting any kind of lesser

1 included?

2 MR. FARNSWORTH: No, Your Honor.

3 THE COURT: Okay. Bring the jury in.

4 (WHEREUPON, the jury came into open court at
5 approximately 9:35 a.m.)

6 MR. MOYER: Your Honor, may we approach?

7 THE COURT: Yes.

8 (WHEREUPON, a bench conference was held.)

9 THE COURT: Ladies and gentlemen, the Defense has now
10 rested. So we're going to have the closing arguments.

11 Mr. Moyer.

12 MR. MOYER: Your Honor, I will waive opening on the
13 law.

14 THE COURT: Okay. Mr. Farnsworth.

15 CLOSING ARGUMENTS

16 MR. FARNSWORTH: May it please the Court, Your Honor.

17 Ladies and gentlemen of the jury, again, we
18 appreciate your service. As we told you yesterday, it
19 wouldn't be a very lengthy trial. But if we had started
20 in the morning, which we weren't able to do because
21 another case was going on, we could have probably finished
22 yesterday. But, in any event, we do appreciate your
23 service for these two days.

24 Now, all the testimony and the evidence is in in the
25 case. You've heard all that. You've seen the evidence,

1 the exhibits, and the things, the clothing, and this type
2 thing. And so now is the time where I speak to you. And
3 then when I get through, Mr. Moyer will speak to you. And
4 then the Judge will charge you the law that applies in the
5 case.

6 Now, yesterday, I'm not -- there were either four or
7 five State witnesses in the case. And, as I remember,
8 only Ms. Banks was -- her testimony was that she said this
9 was Larry Lynn Hunt that did this to her. Besides her,
10 there were no other witnesses to whatever happened. There
11 were no eyewitnesses. There were no witnesses that
12 testified as to what was taken from her, and whether it
13 was found. There was no testimony it was, of course,
14 found on Mr. Hunt, any of the items, the book bag. And
15 there was just no question about that being the case.

16 Also, I think you remember they searched Ms. Wanda
17 Howard's house, you know, thinking something may be there.
18 And, as I understand it from the testimony or lack of
19 testimony, there was nothing found at her home that would
20 indicate that it related towards this case.

21 Now, you heard the officer testify, Trooper Moon,
22 this morning. And I'm going to get to that in a second.
23 But I want you to imagine that the -- Mr. Hunt has elected
24 not to testify in this case. And the Judge is going to go
25 into more detail. But he has a Constitutional right to

1 testify or not testify. And if he chooses not to testify,
2 the jury -- you, the jury, cannot, you know, consider that
3 in any manner whatsoever. So just because somebody
4 doesn't testify, there's no inference that comes from it.
5 The only one would be a positive inference that you can't
6 consider. Judge Hill will tell you a little bit more
7 about that in detail.

8 Now, there's not a lot of dispute over the facts. I
9 don't think there's any question that Ms. Banks was -- she
10 was robbed, she was stabbed. She -- her book bag was
11 taken, the money that was in it, the valuables that were
12 in it. And there's no question that she told Officer
13 McGaha that Larry Hunt had done this to her. Now, so the
14 only issue left for you to decide today is whether or not
15 the State has presented sufficient evidence to satisfy you
16 beyond a reasonable doubt that Mr. Hunt was, in fact, the
17 person that did this to her. So that's really, basically,
18 what you're going to need to decide.

19 Now, the only evidence we put up was this morning.
20 And, of course, we're not obligated to put up evidence or
21 prove our innocence. But the testimony from Trooper Moon,
22 as you heard, was she came up to his car, Ms. Banks did,
23 right after this -- apparently minutes after this incident
24 occurred. And she saw his car sitting over there on the
25 other side of White Horse Road. So she somehow made it

1 across White Horse Road and went up to his car. And he,
2 of course, let her in to keep her warm. He called EMS.
3 He called the Sheriff's Department.

4 And, also, they had a conversation about what had
5 happened to her, and this type thing. And you heard his
6 testimony this morning. It was some -- it was, yeah, I
7 prepared this report, and, yeah, in that report, I say
8 that Ms. Banks told me that it was somebody by the name of
9 Mark or Frank. But, later on, I found out that on the
10 dispatch records that I said that she told me Larry.

11 Well, that's -- you know, that's something you,
12 ladies and gentlemen, are going to have to decide whether
13 that's credible or not. He -- this thing happened 14
14 months ago in December of 2010. And I asked him, my last
15 question to him was, What about these dispatch records
16 that made you realize that she told you Larry, when did
17 you get those?

18 Oh, I got them yesterday.

19 So 14 months has gone by with this Mark and Frank on
20 this report. So I'm not saying that he's -- I'm not even
21 suggesting that he's not telling everything that's
22 truthful in the case. He says he was busy. He wrote this
23 report up. He did put those two names on there. And she
24 told him it was a white male, you know, that went by the
25 name of Mark or Frank.

1 And later, 14 months later, yesterday, he finds out
2 that, oh, I didn't hear that from her. I heard it from
3 dispatch that she said Larry. Well, I think that,
4 certainly, if nothing else, creates some kind of
5 reasonable doubt in this case that leads to something for
6 you, ladies and gentlemen, to consider when you go back
7 and deliberate.

8 This is a very, very serious case. It's about as
9 serious as it gets. We are sorry that this thing happened
10 to Ms. Banks. Fortunately, it wasn't any worse than it
11 was. And my client is standing trial on some very, very
12 serious charges. So I would ask you to consider not
13 all -- everything you've heard, but, also, what the
14 trooper testified to this morning.

15 Now, if you -- and I don't think there's any reason
16 to believe he didn't put that on his report. So if you
17 believe that, Ms. Banks is -- she's the first one he
18 talked to. So her testimony from what she gave yesterday
19 would be just totally different and inconsistent with what
20 she testified to in this trial yesterday.

21 All right. When I sit down, Mr. Moyer will get up
22 here. What we say is not evidence in this case. So Judge
23 Hill is going to keep telling you -- from yesterday, he's
24 going to charge you the law. And, finally, you'll get to
25 hear it. I know we've been saying that. He's going to

1 tell you about reasonable doubt. He's going to go in
2 detail and define burden of proof. He's going to define a
3 person's right to take -- to testify or not, credibility
4 of witnesses. The fact that you're the -- also, the
5 finders of the facts in this case and him the law. He's
6 going to give you all those in detail. He's going to
7 define the elements of all the crimes. And so I'd ask you
8 to listen closely.

9 Let me again say that if there's a substantial
10 reasonable doubt in this case, a verdict of not guilty
11 would be consistent. But you've got to find a substantial
12 reasonable doubt to do that. And I submit to you, if
13 nothing else, the testimony that you heard this morning
14 would be sufficient to do that.

15 So, in closing, again, I appreciate your service.
16 And I hope you -- I think this is your last one this week,
17 so you can go home.

18 Thank you.

19 THE COURT: Thank you, Mr. Farnsworth.

20 Mr. Moyer.

21 MR. MOYER: Thank you, Your Honor.

22 May it please the Court.

23 Ladies and gentlemen, when you begin your
24 deliberations in just a few minutes, I think you're
25 analysis is going to come down to two questions. The

1 first question is, were these crimes committed? The
2 second question you're going to have is, is this the
3 person who committed these crimes?

4 So let's start my discussion with you this morning by
5 talking about that second question first, the question of
6 identity. As I told you at the beginning of this case,
7 this isn't the kind of case that's solved by eye witness
8 testimony, or scientific forensic CSI kind of evidence.
9 It's the kind of case that's solved by the victim, by the
10 victim telling us about what happened.

11 An armed robbery with a serious assault like this
12 isn't the kind of crime that happens on Main Street in the
13 view of a bunch of people. It's going to happen on a
14 quiet side street. It's going to happen where a woman
15 like Ms. Banks was staying off in the woods off by herself
16 where nobody sees. So you're not going to have witnesses.

17 As I said, you're not going to have the scientific
18 CSI kind of evidence. You can't get DNA or finger prints
19 out of the air. So it's going to come down to Ms. Banks'
20 testimony today and she -- or from yesterday. And she
21 testified to you very clearly that this Defendant is the
22 person who did the crime. She identified him in a photo
23 lineup the day this happened. And then yesterday, in
24 court, she looked at this Defendant and she said, He is
25 the person that did this to me.

1 So in order for it not to be this Defendant, she was
2 either mistaken or she lied. And so let's think about
3 that. Could she have been mistaken? Could she have been
4 mistaken about who did this? Well, we know this is not
5 the situation where an unknown person comes up to a victim
6 on a side street and commits a crime like this. She knew
7 who he was. You heard her testimony how she had seen him
8 for several months on the streets, at McDonald's. She'd
9 be walking to McDonald's or in that little community where
10 she lived back behind the Goodwill, she would see him a
11 couple times a week. She knew him. She knew his name.
12 She identified him from the very outset of this case from
13 the very beginning.

14 You heard Deputy McGaha testify to you yesterday how
15 when he met her at the hospital, she told him immediately
16 that the person who did this to her was Larry Lynn Hunt.
17 And that's how he was able to get the photo lineup,
18 because of that name.

19 I think we cleared up the confusion that involved
20 Trooper Moon this morning. As you heard, a couple months
21 after the incident, he wrote a report in which he confused
22 the name. He said that Ms. Hunt told him -- I'm sorry,
23 that Ms. Banks told him that it was a Frank or a Mark. He
24 simply got those names wrong, because he was thinking back
25 to the persons who were involved in the accident he was

1 looking at. On the date this happened, Trooper Moon told
2 dispatch that the victim told him that the person who
3 assaulted her was Larry, and he was a white male. So she
4 was saying it from the beginning. So she could not have
5 been mistaken, I would argue to you.

6 So was she lying? Was she lying about who did this?
7 Was she framing this man seated in the courtroom today?
8 And I want you to think about that for a minute. Did
9 she -- was there any testimony in the record that would
10 give you a reason for her to lie? There was no testimony.
11 There was no evidence presented at all that they had had
12 any kind of feud, that they didn't like each other. On
13 the contrary, Ms. Banks told you that she had, actually,
14 bought him some food before at McDonald's when they were
15 there together. She had no reason to lie. And let's not
16 breeze past this point too quickly.

17 I want you to think about it. For her to be lying
18 about this and to be lying about one of the most traumatic
19 harrowing experiences a person can go through, what that
20 would mean is that she would have been lying from the
21 beginning to officers, to prosecutors for over a year, to
22 you in court to frame an innocent man and to allow the
23 real person who did this to go free. It makes no sense
24 whatsoever. How much would you have to hate a person to
25 frame them for a crime like this and to allow the real

1 perpetrator, the real attacker to go free? So it makes no
2 sense that she would be lying. And it makes no sense that
3 she would be mistaken.

4 In this case, in addition to Ms. Banks' testimony,
5 there, actually, is corroborating evidence as well. Do
6 you remember Wanda Jean Howard who testified yesterday?
7 She's the woman at whose home this Defendant was arrested.
8 What do we remember about what happened? She testified --
9 and, once again, she has no reason to lie either. We
10 heard no reason why she did not like this Defendant, or
11 why she would try to be framing him or setting him up
12 either.

13 What did she testify to? She testified that that
14 morning, the morning that this crime took place, this
15 Defendant barged into her house. He didn't knock. He
16 didn't ask to come in. He just barged in. Why was he
17 doing that? Ladies and gentlemen, I would argue to you
18 because he wanted somewhere to hide. He'd never been
19 there at that time of day before. He, certainly, wasn't
20 staying there. Why was he there? Because he was hiding.

21 And what was he doing when he got there? He was
22 bragging about having money. Remember what she testified
23 to, this is a man who, apparently, had no means to get
24 large sums of money by himself. But what was he doing?
25 He was talking, talking big. He had some money. And what

1 else do we know? That he kept a knife, and that he kept
2 it sharp. She testified that she had seen him with that
3 knife. And she had seen him sharpening it on the
4 sidewalk.

5 And I want to bring up one point that the Defense
6 mentioned to you, and that you may have picked up on
7 during the trial and be wondering about. And that is the
8 fact that when this Defendant was arrested, he didn't have
9 any of Ms. Banks property on him, did he? And you may be
10 wondering about that. And I would argue to you that that
11 is logical, that it would be illogical to expect it to be
12 on him. And that's for this reason, what do we know about
13 what was going on from the time this Defendant first went
14 to Wanda Jean Howard's house to when he was arrested? We
15 know that there was a three- to five-hour window. We know
16 that he left her house. And we know that there was a
17 large manhunt going on.

18 You heard testimony that there was a helicopter out
19 there. There were dogs out there. There were police
20 officers combing that neighborhood, going up to people
21 saying, do you know where Larry Lynn Hunt is? Do you know
22 who he is? Have you seen him? They're canvassing the
23 neighborhood. Every available officer is going through
24 that area looking for him. He had to have known that. He
25 had to have seen that. He had to have known that if he

1 continues wandering around, at some point, an officer is
2 going to find him. And what's the last thing you want on
3 your person if an officer comes up and says, Hey, can we
4 talk to you for a minute? You fit the description. You
5 don't want that property on you.

6 So I would argue to you that it's logical to assume
7 that during that window of time, the Defendant stashed
8 that money somewhere and he stashed that property
9 somewhere. So I would argue to you, ladies and gentlemen,
10 there's no question this Defendant is the person who did
11 this to Ms. Howard [sic].

12 The second question you're going to have to decide
13 is, were these crimes committed? And let's go through the
14 three different charges before you very quickly. We'll
15 start with the easiest one first, possession of a weapon
16 during the commission of a violent crime. There are,
17 essentially, two elements to that charge. Did the person
18 commit a violent crime? And while doing so, did that
19 person have a knife or a pistol on him?

20 Well, His Honor is going to instruct you that both
21 attempted murder and armed robbery are both under the
22 law -- South Carolina law violent crimes. So if you find
23 him guilty of either one of those charges and you believe
24 he had that knife on his person while he did so, then he
25 is guilty of this charge.

1 The second charge in front of you is armed robbery.
2 Armed robbery is the taking of goods or property. That's
3 the first element. We know that Ms. Banks had her purse,
4 including \$300 to \$400, stolen. From the person of
5 another or from their immediate surroundings, and that's
6 what distinguishes robbery from, say, larceny.

7 If someone were to steal your car out in the parking
8 lot, that would be larceny because you're not 'right there.
9 If somebody grabbed you out of your car and jumped in,
10 well, it would be car jacking as well, but it would, also,
11 be robbery. Because they're using -- it's from your
12 person and it's using force or intimidation. And,
13 finally, what makes a robbery armed robbery is, once
14 again, if the person has a gun, or a knife, or some deadly
15 weapon on their person.

16 I would argue to you there's no question that's what
17 happened to Ms. Banks. Her purse was right there. She
18 testified that it was within -- she could have reached out
19 and touched it. It was right in her presence. This
20 Defendant using that knife, that was, certainly, force or
21 intimidation and he was armed.

22 In closing, let's talk about that final charge,
23 attempted murder. The key to both murder and attempted
24 murder is this principle called malice. His Honor is
25 going to instruct you on what that means. There's several

1 definitions of malice. Malice is defined as the
2 intentional doing of an unlawful act without just cause or
3 excuse. The intentional doing of a wrongful act without
4 just cause or excuse. It's called, under the law, malice
5 aforethought. Some people have some confusion about that
6 that think -- and think that it means it has to be planned
7 out, or plotted, or thought about. It doesn't have to be.
8 Malice can happen at the very moment of the blow, of
9 either the fatal blow or the attempted fatal blow. As
10 long as it is concurrent with that actual act, malice is
11 included.

12 Malice is, also, defined as -- has the connotation of
13 ill will or hatred. It is defined as importing wickedness
14 and excluding a just cause or excuse. It is defined as
15 being a wicked condition of the heart doing something with
16 a wicked purpose.

17 And I want to finish with just this last point,
18 ladies and gentlemen. Based on that description of
19 malice, another way to look at this idea of malice is
20 meanness. It is meanness. And I want you to think, as I
21 close my remarks, about exactly what this Defendant did to
22 Juanita Banks. Ms. Banks was a 60-year-old woman. She
23 had worked in the mill for over 20 years of her hard life.
24 She worked a hard life. She lost her job. And she became
25 homeless. She was just getting by. She was saving her

1 pennies. She's not a burden on anyone. She wasn't even
2 getting a check from the government. She's saving her
3 money.

4 What does this Defendant see of her? He doesn't see
5 her that way. He saw her as a target. He saw her as an
6 easy target. No one is going to care about her. Nobody
7 is going to miss her. In fact, nobody may even find her
8 where he left her in those woods, at least, for a while.
9 That's the way he saw her. And for no other reason than
10 to enrich himself at her expense, he took a knife and he
11 stabbed this 60-year-old woman in the back. He stabbed
12 her so hard, ladies and gentlemen, that it went through
13 five layers of clothing and did this to her. You'll be
14 able to see the jacket that that knife wound -- that knife
15 went through to inflict this wound on her. That's how
16 hard he stabbed her.

17 She came out of it pretty well. But it didn't have
18 to happen that way. If she hadn't turned when she did,
19 and if that knife had struck her in the front, if she
20 hadn't had all those layers of clothing on, what would
21 have happened? If she would have died, this case would be
22 murder. There's no question about that.

23 And after he stabbed Ms. Banks and she laid on the
24 ground with a broken arm bleeding on that cold -- brutally
25 cold December morning, what does he do? He left her there

1 on the ground by herself and took her money and left.

2 Ladies and gentlemen, that's meanness. And that's malice.

3 And I ask you to find him guilty of this charge.

4 Thank you.

5 CHARGE ON THE LAW

6 THE COURT: Thank you, Mr. Moyer.

7 All right. Ladies and gentlemen, you've heard all
8 the evidence you're going to hear in the trial, and you've
9 heard the closing arguments. And, now, it's my duty to
10 instruct you on the law that applies to this case. It's
11 your duty to find the facts from the evidence in this
12 trial. And, to those facts, you must apply the law as I
13 give it to you. And you should not be concerned with what
14 the law should be, but with what it is. And you should
15 not be influenced by any personal likes or dislikes, or
16 opinions, or prejudices, or undue sympathy. And that
17 means you must decide this case solely on the evidence
18 before you, and according to the law. And you will recall
19 you took an oath to do just that when we began this trial
20 yesterday.

21 Now, in following my instructions, you must follow
22 all of them and not single out some and ignore others,
23 because they're all equally important. And, please, do
24 not read into these instructions or into anything I may
25 have said or done during the course of this trial as any

1 indication as to what I think the facts are, or what your
2 verdict should be. Because, as I told you at the outset,
3 you are the sole and exclusive judge of the facts. And
4 I'm not going to interfere with your exclusive prerogative
5 to determine what the facts are. Our Constitution and
6 system of justice leaves that entirely up to you.

7 You, and you alone, are the judge of what the facts
8 are. You decide what the facts are by evaluating or
9 weighing the evidence before you. And there's no way for
10 you to weigh the evidence in a literal sense. I can't
11 give you a set of scales to weigh the evidence. That,
12 certainly, wouldn't be practical. It is, instead, a
13 mental process. And you weigh and evaluate evidence
14 simply by using your good common sense, your sense of
15 logic and reason, and your life experiences. And you
16 bring those things to bear on what you've heard in the
17 form of testimony and exhibits.

18 Keep in mind that evidence is just that, it's
19 testimony and exhibits, and anything else is not evidence.
20 You must confine your decision as to what the facts are to
21 the testimony, and the evidence, and the exhibits that
22 have been admitted into evidence.

23 Now, there are two different types of evidence. And
24 what I'm talking about now is direct and circumstantial
25 evidence. Direct evidence is the testimony of a person

1 who claims to have actual and direct knowledge of a fact,
2 such as an eyewitness. It is evidence that, if believed,
3 immediately establishes a fact.

4 Circumstantial evidence, on the other hand, is
5 indirect evidence. Or, put another way, circumstantial
6 evidence is proof of a chain of facts and circumstances
7 from which you could find that another fact exists, even
8 though it has not been proven to you directly. The law
9 makes no distinction between the weight or value to be
10 given either direct or circumstantial evidence. You're
11 entitled to consider both kinds of evidence. There's not
12 a greater degree of certainty required of circumstantial
13 evidence than direct evidence. And after weighing all the
14 evidence, if you're not convinced of the guilt of the
15 Defendant beyond a reasonable doubt, you must find him not
16 guilty.

17 I told you at the beginning, as well, that as the
18 judge of the facts you would have to by necessity gauge
19 the credibility or believability of all the evidence. And
20 I'm not going to go back over that with you, because I
21 know you heard me the first time. But I will tell you
22 this, in the case of evaluating the credibility of a
23 witness who testifies, you may believe everything a
24 witness says. You may believe nothing a witness says.
25 You may believe parts of a witnesses testimony and

1 disbelieve other parts. You may believe one witness over
2 several, or several over one. But I know you will
3 determine this matter of credibility on a sound and
4 logical basis and not arbitrarily.

5 Now, ladies and gentlemen, the fact that Mr. Hunt has
6 been arrested and indicted in this case is not evidence.
7 As I told you at the beginning, the indictment is simply
8 the formal way the case begins. It's simply a piece of
9 paper. It doesn't even create a suspicion of guilt.
10 Mr. Hunt has pled not guilty to the indictment, and that
11 put the burden of proof on the State. Mr. Hunt has no
12 burden of proof. And he is not required to prove himself
13 innocent or not guilty.

14 It is a fundamental rule of our law that the
15 Defendant in a criminal case is never required to prove
16 themselves innocent. And they will always be presumed
17 innocent, unless and until guilt has been proven by
18 evidence that satisfies you of that guilt beyond a
19 reasonable doubt. This presumption of innocence does not
20 end when your deliberations begin, but it accompanies the
21 Defendant throughout the trial and until you, the jury,
22 reach a verdict of guilt based on evidence satisfying you
23 of that guilt beyond a reasonable doubt if that is, in
24 fact, your verdict.

25 The presumption of innocence is not a legal

1 technicality. It is a substantial and vital right that
2 everyone is entitled to. And it cannot be removed, unless
3 you are satisfied from the evidence of guilt beyond a
4 reasonable doubt.

5 Now, what is a reasonable doubt? Under the law, a
6 reasonable doubt is defined as the kind of doubt that
7 would cause a sincere, honest, conscientious, and
8 reasonable person to hesitate to act in an important
9 matter in their own affairs. Proof beyond a reasonable
10 doubt is proof that leaves you firmly convinced of the
11 Defendant's guilt. There are few things that we know with
12 absolute certainty. And, in criminal cases, the law does
13 not require proof that overcomes every possible doubt.

14 If, based on your view of the evidence, you are
15 firmly convinced of Mr. Hunt's guilt, you must find him
16 guilty of the crime charged. On the other hand, if you
17 think there is a real possibility that the Defendant is
18 not guilty, you must give him the benefit of that doubt
19 and find him not guilty.

20 A reasonable doubt may arise from the evidence or
21 from a lack of evidence. And you are required to give
22 Mr. Hunt every reasonable doubt that may arise in this
23 case. And that simply means that if upon any issue of
24 fact that is essential to a conviction you have a
25 reasonable doubt as to how that issue should be resolved,

1 it is your duty to resolve that doubt in Mr. Hunt's favor.

2 Now, ladies and gentlemen, our Constitution
3 guarantees all of us the right to remain silent. Our
4 state and federal Constitutions guarantee that fundamental
5 right. And the fact that Mr. Hunt did not testify is not
6 something you can consider in determining whether he is
7 guilty or not guilty. The right to remain silent cannot
8 be considered by you in any way in your deliberations.
9 Under your oath, you're to draw no conclusion from the
10 fact that Mr. Hunt did not testify, and you should not
11 even discuss that in the jury room. The burden of proof
12 is entirely on the State. And, as I've explained to you,
13 Mr. Hunt has no burden to prove himself innocent or prove
14 himself not guilty, or offer any evidence or explanation
15 whatsoever.

16 In order to establish criminal liability, criminal
17 intent is required. Now, criminal intent must be proven
18 by the State beyond a reasonable doubt. It is always a
19 matter that must be determined by the jury from the
20 circumstances. And there's no way to prove intent to a
21 mathematical certainty. We, certainly, cannot dissect
22 someone's brain and determine what they had in mind at a
23 certain point in time.

24 So the law says that criminal intent may be inferred
25 from the circumstances. It is not necessary to establish

1 intent by direct and positive evidence, but intent may be
2 established by inference. It's the same way as any other
3 fact taking into consideration the acts of the parties and
4 all the facts and circumstances. Criminal intent is a
5 mental state of conscious wrongdoing. It is up to you to
6 determine what the Defendant intended to do based on the
7 circumstances shown to have existed.

8 Now, ladies and gentlemen, there are three
9 indictments: Armed robbery, attempted murder, and
10 possession of a weapon during the commission of or the
11 attempt to commit a violent crime. I'm going to go over
12 the elements of each one of these offenses with you, and
13 tell you what the State has to prove beyond a reasonable
14 doubt in order to obtain a conviction.

15 But I want to remind you, as I've already told you,
16 that Mr. Hunt is entitled to your individual and separate
17 consideration as to each charge. So you will have to
18 evaluate and weigh the evidence as to each one of these
19 indictments separately, and not let your decision on one
20 influence your decision on the other.

21 The first charge is armed robbery. And in order to
22 prove Mr. Hunt guilty of this crime, the State must first
23 prove beyond a reasonable doubt that he took personal
24 property from the person or presence of another person.
25 Property is in the presence of a person if it is within

1 the person's reach, inspection, observation, or control so
2 that the person could, if not overcome by violence or
3 prevented by fear, keep possession of the property.

4 The State must, also, prove beyond a reasonable doubt
5 that the Defendant carried the property away intending to
6 permanently deprive the owner of the property, and to keep
7 the property for the Defendant's own use. The slightest
8 removal of the property or the complete possession of the
9 property, even for an instant, by the Defendant is
10 sufficient to show a taking and carrying away of the
11 property. The taking and carrying away of the property
12 must have been done with violence, or by putting the owner
13 of the property in fear of violence.

14 And, finally, the State must prove beyond a
15 reasonable doubt that the Defendant committed the robbery
16 while armed with a pistol, a slingshot, metal knuckles, a
17 razor, or other deadly weapon, or while alleging either by
18 action or words he was armed while using a representation
19 of a deadly weapon, or any object which a person present
20 during the commission of the robbery reasonably believed
21 to be a deadly weapon. A deadly weapon is any instrument
22 or substance that is likely to cause death or great bodily
23 harm. Whether an instrument has been used as a deadly
24 weapon depends on the facts and circumstances.

25 Now, as to the attempted murder charge, South

1 Carolina Code of Law Section 16-3-29 states that a person
2 who with intent to kill attempts to kill another person
3 with malice aforethought, either expressed or implied,
4 commits the offense of attempted murder. Malice is
5 defined as hatred, ill will, or hostility towards another.
6 It is the intentional doing of a wrongful act without just
7 cause or excuse, and with an intent to inflict an injury,
8 or cause an injury under circumstances that the law will
9 infer an evil intent.

10 Malice aforethought is a word that suggests
11 wickedness, hatred, and a determination to do what one
12 knows to be wrong without just cause or excuse, or legal
13 provocation. Malice implies wickedness and excludes just
14 cause or excuse. And it is something which springs from
15 wickedness from depravity and from a heart devoid of
16 social duty and fatally bent upon mischief.

17 Now, malice aforethought does not require that malice
18 exists for any particular time before the act is
19 committed. But malice must exist in the mind of the
20 Defendant just before and at the time the act is
21 committed. Therefore, there must be a combination of the
22 previous evil intent and the act. Malice aforethought may
23 be expressed or inferred. This does not mean different
24 kinds of malice, but merely the manner in which malice may
25 be shown to exist. That is either by direct evidence or

1 an inference from the facts and circumstances.

2 Expressed malice is shown when someone speaks words
3 that express hatred or ill will for another, or when a
4 person prepares beforehand to do the act that was later
5 accomplished, for example, lying in wait for a person or
6 other acts of preparation that demonstrate the deed was
7 within the Defendant's mind. These would be the types of
8 things that would constitute expressed malice. Malice
9 may, also, be inferred from showing conduct that exhibits
10 a total disregard for human life.

11 Inferred malice may, also, arise when the deed is
12 done with a deadly weapon. A deadly weapon is any
13 article, instrument, or substance 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.
16 If facts are proved beyond a reasonable doubt sufficient
17 to raise an inference of malice to your satisfaction, this
18 inference would simply be an evidentiary fact that you
19 could consider, if you wish. You could accept it, or
20 reject it, or give it whatever weight you decide it should
21 deserve. You're, certainly, not required to accept the
22 inference of malice.

23 Now, ladies and gentlemen, if one intentionally kills
24 or attempts to kill another during the commission of a
25 felony, an inference of malice may arise. If facts are

1 proved beyond a reasonable doubt sufficient to raise an
2 inference of malice to your satisfaction, again, this
3 inference would simply be an evidentiary fact you could
4 take into consideration or you could reject, along with
5 all the other evidence in the case. You could give it the
6 weight that you decide it should receive.

7 Now, the final crime that Mr. Hunt is charged with is
8 possession of a weapon during the commission of or the
9 attempt to commit a violent crime. In order to prove
10 Mr. Hunt guilty of this crime, the State must prove beyond
11 a reasonable doubt that he visibly displayed a weapon
12 during the commission of a violent crime. A weapon can
13 include a knife, which is an instrument or tool with a
14 sharp cutting blade, whether or not fastened to a handle
15 which can be used to inflict a cut, slash, or wound.

16 In order to find the Defendant guilty of possession
17 of a weapon during the commission of a violent crime, you
18 must, first, find Mr. Hunt guilty of either committing a
19 violent crime or attempting to commit a violent crime.
20 And I will tell you that armed robbery and attempted
21 murder are both defined as violent crimes under our
22 state's law.

23 Now, ladies and gentlemen, that covers all the
24 substantive law that applies to this case. And I'm going
25 to go over with you just a few things about your

1 deliberations.

2 First of all, you were not chosen as jurors in this
3 case to be partisans or advocates for either the State or
4 Mr. Hunt. You were chosen because both sides believed you
5 could be fair and impartial, and you could decide this
6 case without any kind of bias or prejudice whatsoever.

7 Remember, you are judges, judges of the facts. And
8 your sole interest is to determine whether the State has
9 met its burden of proof, and determine what the facts of
10 this case are. And then you take the law I've just given
11 to you and you apply it to those facts and, ultimately,
12 you'll be able to reach a verdict.

13 Now, I've prepared a verdict form.

14 And, Ms. Reid, I'm going to appoint you the Forelady
15 of the jury. And if you'll just take a look at that,
16 that's the verdict form. And it will be pretty
17 self-explanatory.

18 But, first of all, it asks you to determine whether
19 the Defendant is guilty or not guilty of the charge of --
20 let me see it one second and make sure I put the right --
21 of armed robbery. And then after you've answered that
22 question, you go to the second charge of attempted murder.
23 And if you found Mr. Hunt not guilty of both of those
24 charges, then you wouldn't even answer the third question,
25 because you would have found he is not guilty of a violent

1 crime. But the third question asks you whether he is
2 guilty or not guilty of possession of a weapon during a
3 violent crime.

4 So if you answered either the first question or the
5 second question guilty, you wouldn't answer the third
6 question. And I put an explanation on there about that.
7 But don't pay any attention to which option I put first as
8 to each question. I have to put one first. It,
9 certainly, doesn't mean anything.

10 And you're only authorized to sign that, ma'am, when
11 the verdict is unanimous.

12 Now, each of you has a vote in this case. And your
13 vote is just that, it's your vote and no one else's. This
14 case has been relatively short. But, as the lawyers have
15 already pointed out, it's still a very important case to
16 these parties. And this is their day in court. And
17 they're entitled to your fair and impartial consideration.

18 You may find yourselves going back and forth in the
19 jury room, because jury's often do. But remember that if
20 you have a sincerely and conscientiously held belief about
21 what your verdict should be, don't change it simply to get
22 the case over with, or reach a unanimous verdict. On the
23 other hand, if the discussion persuades you that you
24 should change your mind, don't hesitate to do that.

25 The genius of our jury system is it allows 12 people

1 from different walks of life and different life
2 experiences to come together, discuss the evidence, and
3 share each others points and points of view.

4 So I'm going to, also, tell you that the record is
5 closed. There are not going to be any more witnesses.
6 There are not going to be any more exhibits. So, if you
7 don't have something back there that's been referred to, I
8 can't give it to you. But when you get the exhibits back
9 in the jury room, that will be your signal that you can
10 start talking about the case.

11 So I'm going to ask you to go back to the jury room
12 at this time.

13 And thank you for your attention.

14 And, Mr. Godfrey, if you'll just hang back. I'll
15 talk to you separately.

16 UNIDENTIFIED FEMALE JUROR: Judge Hill, I would --

17 THE COURT: I can't talk to you unless it's on the
18 record.

19 UNIDENTIFIED FEMALE JUROR: But I would --

20 THE COURT: Ma'am, if you want to just write me a
21 note, I can --

22 UNIDENTIFIED FEMALE JUROR: I already --

23 THE COURT: Hold on. Why don't you just write me a
24 note. That will probably be the best way --

25 UNIDENTIFIED FEMALE JUROR: I have it right here.

1 THE COURT: Oh, you do?

2 UNIDENTIFIED FEMALE: Yes.

3 THE COURT: Great.

4 Thank you.

5 (WHEREUPON, the jury was excused from open court at
6 approximately 10:18 a.m.)

7 THE COURT: Okay. This is, actually, for you.

8 THE COURT REPORTER: Yes, sir.

9 THE COURT: Mr. Godfrey, you are excused, sir.

10 You're not allowed to go back in the jury room at this
11 time.

12 But I want to thank you for your service.

13 Does he need to call back?

14 THE CLERK: Call back after 6:00.

15 THE COURT: Okay.

16 JUROR #66, ROBERT GODFREY: Can I sit and listen?

17 THE COURT: Yes, sure you can.

18 JUROR #66, ROBERT GODFREY: And, after court, after
19 everything is over, may I have a private word with you? I
20 have a question.

21 THE COURT: Yes, sure.

22 JUROR #66, ROBERT GODFREY: Unrelated to --

23 THE COURT: Absolutely.

24 Y'all can come and look at the note from the juror.
25 That's a new one.

1 (Pause.)

2 THE COURT: We'll be at ease until we hear something
3 else.

4 Thank you.

5 (WHEREUPON, Court's Exhibit No. 7 was marked for
6 identification and admitted into evidence.)

7 (WHEREUPON, the proceedings were recessed at
8 approximately 10:19 a.m.)

9 (WHEREUPON, Court's Exhibit No. 1 was marked for
10 identification and admitted into evidence.)

11 QUESTIONS FROM THE JURY

12 THE COURT: We received a note from the jury, which
13 has been marked as Court's Exhibit No. 1. They asked for
14 the transcript from Ms. Banks' testimony. They asked to
15 define burden of proof. And they asked for the definition
16 of reasonable doubt.

17 I will reply and tell them, first of all, we can let
18 them hear the testimony again. And if they have a
19 specific portion, just to let us know.

20 Secondly, I can give them the written copy of the
21 reasonable doubt charge, which I believe encompasses the
22 burden of proof.

23 Is there any objection to that?

24 And I'll be glad to give them presumption of
25 innocence, too, just in case that's what they're referring

1 to as burden of proof.

2 MR. MOYER: That's fine with me, Your Honor.

3 MR. FARNSWORTH: That's fine with us, Your Honor.

4 THE COURT: All right. It's almost noon. I don't
5 know if we ought to ask them if they want lunch or not,
6 but I can do that, too. I think I know how they'll reply.

7 (Pause.)

8 THE COURT: I'll let y'all look at this and see if
9 it's appropriate.

10 We'll make that a Court's Exhibit, too.

11 Does it look okay?

12 MR. MOYER: Yes.

13 MR. FARNSWORTH: Yes, sir.

14 THE COURT: Okay. We'll make that a Court's Exhibit
15 and just send that back.

16 Thank you.

17 (WHEREUPON, Court's Exhibit No. 2 was marked for
18 identification and admitted into evidence.)

19 (WHEREUPON, the proceedings were recessed at
20 approximately 11:58 a.m.)

21 (WHEREUPON, Court's Exhibit Nos. 3, 4, 5, and 6 were
22 marked for identification and admitted into evidence.)

23 THE COURT: The jury indicated they wanted to listen
24 to the testimony of Ms. Banks. So we'll bring them in to
25 do that.

1 And they had, also -- I had asked them about whether
2 they wanted to listen to the testimony and, if so, what
3 portion, because they didn't answer that before. And I
4 sent a note in there and they sent a note out. They've
5 been made Court's Exhibits.

6 And I think y'all have seen those, haven't you?

7 MR. MOYER: Yes.

8 MR. FARNSWORTH: Yes, sir.

9 THE COURT: Okay. So bring them on out.

10 (WHEREUPON, the jury came into open court at
11 approximately 12:36 p.m.)

12 THE COURT: All right. Ladies and gentlemen, we're
13 going to replay the testimony of Ms. Banks based on your
14 request. Ms. Jenkins has estimated that the entire
15 testimony takes about 26 minutes. If at some point you've
16 heard all you need to hear, just raise your hand and let
17 Ms. Reid notify us that you've heard all you need to hear.
18 But you're, certainly, welcome to hear it all.

19 So, with that, we can start playing it.

20 (WHEREUPON, a portion of the testimony of Juanita
21 Banks was played in open court.)

22 JUROR #140, MAMIE REED: That's all we need to hear.

23 THE COURT: Does anybody wish to hear anything
24 further on that?

25 (WHEREUPON, there was no response.)

1 THE COURT: Okay. Thank you very much.

2 (WHEREUPON, the jury was excused from open court at
3 approximately 12:44 p.m.)

4 THE COURT: So the lunch will probably be here in --
5 I don't know -- 20 or 30 minutes.

6 We'll be in recess.

7 (WHEREUPON, the proceedings were recessed at
8 approximately 12:45 p.m.)

9 THE COURT: I understand we have a verdict.

10 Is there anything either party wishes to raise before
11 we bring the jury in?

12 MR. MOYER: Not from the State, Your Honor.

13 MR. FARNSWORTH: No, Your Honor.

14 THE COURT: Yes, sir. You bring the jury in.

15 (WHEREUPON, the jury came into open court at
16 approximately 12:58 p.m.)

17 THE COURT: Madam Forelady, has the jury reached a
18 unanimous verdict?

19 JUROR #140, MAMIE REID: Yes.

20 THE COURT: Okay. If you'll hand it to Ms. Sims,
21 we'll receive it and publish it.

22 Thank you.

23 (Pause.)

24 THE COURT: Okay. I don't -- do you mind writing
25 over this in pen?

1 I didn't tell you not to put it in pencil, but we
2 need to take those pencils out of the jury room.

3 (Pause.)

4 THE COURT: All right. Thank you.

5 You didn't know not to do that with a pencil. That's
6 just the second time this week that's happened. I've
7 never had it happen before. That's why I'm so startled by
8 it.

9 VERDICT

10 THE CLERK: Your Honor, in the case of the State of
11 South Carolina v. Lynn Larry Hunt, number one, as to the
12 charge of armed robbery, indictment 2010-GS-23-1871, we,
13 the jury, unanimously find the Defendant, Lynn Larry Hunt,
14 guilty.

15 Number two, as to the charge of attempted murder,
16 indictment 2010-GS-23-1872, we, the jury, unanimously find
17 the Defendant, Lynn Larry Hunt, guilty.

18 Number three, as to the charge of possession of a
19 weapon during the commission of a violent crime,
20 indictment 2010-GS-23-1873, we, the jury, unanimously find
21 the Defendant, Lynn Larry Hunt, guilty.

22 These are all signed by Ms. Reed, our Forelady.

23 Ladies and gentlemen of the jury, if you agree these
24 are the verdicts you reached in your deliberation room,
25 would you, please, raise your right hand?

1 (WHEREUPON, all of the jurors raised their hand.)

2 THE CLERK: Thank you.

3 THE COURT: Any matters or motions before the jury is
4 discharged from the State?

5 MR. MOYER: No, Your Honor.

6 THE COURT: From the Defense?

7 MR. FARNSWORTH: No, Your Honor.

8 THE COURT: Do you wish to have the jury polled?

9 MR. FARNSWORTH: No, Your Honor.

10 THE COURT: Ladies and gentlemen, thank you for your
11 service.

12 And I don't believe we have any other cases this
13 week.

14 Is that right?

15 THE CLERK: No, sir.

16 THE COURT: No, we do. We've got some tomorrow maybe.

17 So just call back after 6:00, and they'll tell you
18 about tomorrow. And I appreciate your service. And I
19 hope you have a good afternoon.

20 And your lunch is still coming. You, certainly,
21 earned it, so I'd wait around for it, if you want to, but
22 you don't have to.

23 Thank you.

24 (WHEREUPON, the jury was excused from open court at
25 approximately 1:03 p.m.)

1 THE COURT: Okay. Are you ready for sentencing?

2 MR. FARNSWORTH: Yes, Your Honor.

3 THE COURT: Yes, sir, Mr. Moyer.

4 MR. MOYER: May it please the Court, Your Honor.

5 I'd like to instruct -- or inform Your Honor of the
6 Defendant's criminal history and, also, the victim would
7 like to address the Court, also, about sentencing.

8 THE COURT: Sure.

9 MR. MOYER: So I don't know what you want to hear
10 first.

11 THE COURT: Ms. Banks, you can tell me whatever you'd
12 like to say, ma'am.

13 MS. JUANITA BANKS: Your Honor, I'd just like to say
14 that I'm thankful for the people that are involved in this
15 case. And I'm thankful that -- a lot of pain and harm was
16 done to me, and I feel like justice has been served, and
17 I'm pleased.

18 THE COURT: Thank you, ma'am.

19 I'm sure it's all been quite an ordeal for you. And
20 we appreciate you being up here today. It takes a lot of
21 courage.

22 All right. What's his record?

23 MR. MOYER: In 1978, he was convicted of arson; 1980,
24 public disorderly conduct; 1982, assault and battery of a
25 high and aggravated nature, two counts of housebreaking,

1 breaking into a motor vehicle, and two counts of malicious
2 damage; 1984, DUI, and failure to stop; 1985, two counts
3 of grand larceny, public disorderly conduct, auto
4 breaking, petit larceny, use of a vehicle without
5 permission, and escape; in 1990, DUI, no driver's license,
6 simple assault, use of a vehicle without consent, and DUS;
7 1991, DUI, DUS, failure to stop, receiving stolen goods;
8 1995, petit larceny, malicious damage, auto breaking, and
9 petit larceny; 1999, DUI, burglary third degree, two
10 counts of petit larceny; 2003, burglary third degree,
11 grand larceny, common law robbery. He was, actually,
12 indicted for armed robbery, and pled to common law robbery
13 in that case. In 2006, shoplifting, and public disorderly
14 conduct; 2007, shoplifting and involuntary manslaughter;
15 2010, receiving stolen goods.

16 Regarding, Your Honor, the involuntary manslaughter,
17 he was, actually, charged and indicted for murder in that
18 case. By the time it came to trial, one of the witnesses
19 was dead, another witness was gone. I've spoken to the
20 prosecutor in that case. And they had to reduce it to
21 involuntary manslaughter. It was a situation, also, with
22 a homeless person who was killed in that situation. He
23 was given a five-year sentence on that. He was released
24 in March of 2010. And then Your Honor knows when these
25 incidents happened.

1 THE COURT: Okay. Thank you, sir.

2 Mr. Farnsworth.

3 MR. FARNSWORTH: May it please the Court, Your Honor.

4 Again, I think I made mention of it during either my
5 closing argument or one of the questions. But we are
6 sorry for what happened to Ms. Banks. And it's just a
7 shame that it had to happen.

8 He is 50 years old, Your Honor. He has worked as
9 a -- worked in a machine shop for a few years. He worked
10 as a mechanic. He went to only the tenth grade. He went
11 to a special school for -- I think where they had some
12 retardation problems back when he was coming up, or
13 mentally challenged, anyway, Your Honor. And if you
14 remember we did a -- just a -- not a thorough, but a
15 little bond -- a mental evaluation before you.

16 What day was it, Mark?

17 MR. MOYER: Monday.

18 MR. FARNSWORTH: Monday. We did it Monday afternoon.
19 And you ruled that he was competent. And I even told you
20 that I hadn't had any problem, you know, representing him,
21 or the fact that he's been cooperative. But he felt like
22 that he did, or has had, and is having some mental
23 problems. I don't think he's ever, actually, been
24 evaluated or anything.

25 But, in any event, the jury has spoken. And he does

1 have a pretty substantial record.

2 Is there anything you want to tell the Judge?

3 DEFENDANT HUNT: (Defendant Hunt shook his head.)

4 THE COURT: Mr. Hunt, this is your opportunity to say
5 anything you would like to, sir.

6 Do you wish to say anything?

7 (WHEREUPON, there was no response.)

8 THE COURT: Is there anything you'd like to say, sir?

9 DEFENDANT HUNT: No.

10 (WHEREUPON, the jury entered the courtroom and were
11 seated in the jury box at approximately 1:09 p.m.)

12 THE COURT: Can you go over his record one more time?

13 MR. MOYER: Yes, Your Honor.

14 Thank you.

15 MR. MOYER: In 1978, he was convicted of arson; 1980,
16 public disorderly conduct; 1982, assault and battery of a
17 high and aggravated nature, two counts of housebreaking,
18 breaking into a motor vehicle, two counts of malicious
19 damage; 1984, DUI, and failure to stop; 1985, two counts
20 of grand larceny, public disorderly conduct, auto
21 breaking, petit larceny, use of a vehicle without
22 permission, and escape; in 1990, DUI, simple assault, use
23 of a vehicle without consent, and DUS; 1991, DUI, driving
24 under suspension, failure to stop, receiving stolen goods;
25 1995, petit larceny, malicious damage, auto breaking, and

1 petit larceny; 1999, DUI, burglary third degree, two
2 counts of petit larceny; 2003, burglary third degree,
3 grand larceny, common law robbery. Your Honor, the
4 Defendant was indicted for armed robbery in that case
5 while using a knife. It was reduced to common law robbery
6 for that plea. In 2006, shoplifting, and public
7 disorderly conduct; 2007, shoplifting, involuntary
8 manslaughter; 2010, receiving stolen goods.

9 And regarding the involuntary manslaughter, that,
10 also, involved a homeless person in the same area where
11 this incident took place. The Defendant was, actually,
12 indicted for murder. But by the time the case came around
13 to be tried, one of the witnesses was deceased, and
14 another witness could not be located. And so the charge
15 had to be reduced to involuntary manslaughter. He was
16 released from prison on that charge in March of 2010. And
17 then he was arrested for this case, as Your Honor knows,
18 in December.

19 THE COURT: Thank you, Mr. Moyer.

20 Well, Mr. Hunt you indicated you didn't wish to say
21 anything. And I would note that your attorney represented
22 you well in the case given the circumstances.

23 SENTENCE

24 THE COURT: And, based on your record, the sentence
25 of the Court is on the attempted murder that you be

1 committed to the Department of Corrections for a period of
2 30 years. On the armed robbery, case number 1871, you are
3 to be committed to the Department of Corrections for 15
4 years to be served consecutively. And on the possession
5 of a weapon charge, it's five years.

6 *****END OF TRANSCRIPT OF RECORD*****
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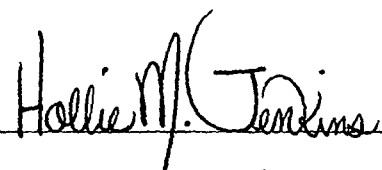
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

I, HOLLIE JENKINS, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville County, South Carolina, on the 6th, 7th, and 8th days of February, 2012.

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

June 8, 2012


Hollie M. Jenkins, Court Reporter
My Commission Expires: 09/24/20

Feb 1 2012 10:10am P002/007

13TH CIRCUIT SOLICITOR Fax: 864-467-8643

WITNESSES

M.W. McGaha

Greenville County Sheriffs Office

12/14/2010

ARREST WARRANT NUMBER

1484806

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2011-GS-23-

LMM

001872

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

TERM 2011

June

THE STATE

vs.

LYNN LARRY HUNT

Indictment for

3410

ATTEMPTED MURDER

VIOLATION § 16-03-0029

RECEIVED

MAR 17 2011

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ATTEMPTED MURDER

JUN 07 2011

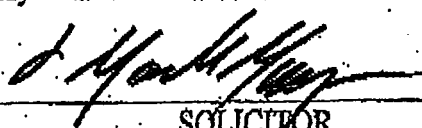
At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

That LYNN LARRY HUNT did in Greenville County on or about the 14th day of December 2010,
unlawfully, with malice aforethought, and with the intent to kill, attempt to kill JUANITA BANKS. This
is in violation of § 16-03-0029 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

Feb 1 2012 10:10am P004/007

13TH CIRCUIT SOLICITOR Fax: 864-467-8643

WITNESSES

M.W. McGaha

Greenville County Sheriffs Office

12/14/2010

ARREST WARRANT NUMBER
1484807

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2011-GS-23-

LMM

001873

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

TERM 2011

June

THE STATE

vs.

LYNN LARRY HUNT

Indictment for

8549

POSSESSION OF A WEAPON DURING THE
COMMISSION OF A CRIME

VIOLATION § 16-23-0490

RECEIVED

MAR 17 2011

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

INDICTMENT FOR
POSSESSION OF A WEAPON DURING THE COMMISSION OF A
CRIME

At a Court of General Sessions, convened on

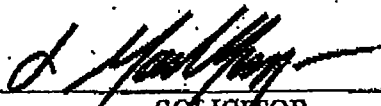
JUN 07 2011

the Grand Jurors of Greenville

County present upon their oath:

That LYNN LARRY HUNT did in Greenville County, on or about the 14th day of December, 2010, possess or visibly display a knife during the commission or attempted commission of a violent crime, to wit: armed robbery and/or attempted murder. This is in violation of §16-23-490 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

Feb 1 2012 10:11am P006/007

13TH CIRCUIT SOLICITOR Fax: 864-467-8843

WITNESSES

M.W. McGaha

Greenville County Sheriffs Office

12/14/2010

DOCKET NO. 2011-GS-23-

LMM

001871

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

June

TERM 2011

THE STATE

VS.

LYNN LARRY HUNT

ARREST WARRANT NUMBER

1484808

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Indictment for

0139

ARMED ROBBERY

VIOLATION § 16-11-0330

Foreperson of Petit Jury

Date:

RECEIVED

MAR 17 2011

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ARMED ROBBERY

JUN 07 2011

At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

That LYNN LARRY HUNT did in Greenville County, on or about the 14th day of December, 2010, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies described as: a pocketbook and/or U.S. currency, from the person or presence of JUANITA BANK. This is in violation of §16-11-330 of the South Carolina Code of Laws (1976) as amended.

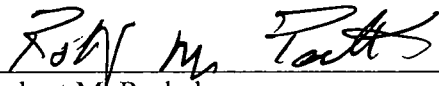
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

August 13th, 2012


Robert M. Pachak
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT