

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
FEB 27 2015
SC Court of Appeals

Appeal From Charleston County
The Honorable R. Markley Dennis, Circuit Court Judge
Appellate Case No.: 2013-002659

THE STATE,

Respondent.

v.

KENNAN COAKLEY,

Appellant.

RECORD ON APPEAL

William L. Runyon, Jr., Esquire
SC Bar No.: 4838
#3 Gamecock Avenue, Suite 303
Charleston, SC 29407
(843)571-3515
Attorney for Appellant

Honorable Alan Wilson
Attorney General for South Carolina
Honorable Deborah R. J. Shupe
P. O. Box 11549
Columbia, SC 29211
(803)734-3797
Attorney for Respondent

INDEX

	Pages
1. Index to Transcript of Record	1
2. Title Page of Original Transcript	2
3. Index to Original Transcript	3, 4
4. Index to Exhibits	5-10
5. Designated Portions of Original Transcript	11 et seq.
6. Certificate of Court Reporter	167
7. Certificate of Counsel	168

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF CHARLESTON	)	
State of South Carolina,	)	
	)	
	)	
v.	)	Case No. 11-GS-10-2078
	)	
Keenan Coakley,	)	
	)	
Defendant	)	

TRANSCRIPT OF JURY TRIAL

The within jury trial in the above-captioned matter was held December 2 through December 6, 2013, before The Honorable R. Markley Dennis, Jr. in Courtroom 4C of the Charleston County Courthouse, 100 Broad Street, Charleston, South Carolina; attended by counsel as follows:

APPEARANCES:

Jennifer Shealy, Assistant Solicitor
 Emmanuel Ferguson, Assistant Solicitor
 9TH CIRCUIT SOLICITOR'S OFFICE
 101 Meeting Street, 4th Floor
 Charleston, South Carolina 29401
 Appearing for State of South Carolina

William L. Runyon, Jr.
 3 Gamecock Avenue, Suite 303
 Charleston, South Carolina 29407
 Appearing for Defendant Coakley

Deborah Garrison
Circuit Court Reporter – 9th Judicial Circuit
 P O Box 901
 Johns Island, South Carolina 29457
dgarrison@sccourts.org

ALSO APPEARING:

Andrew Grimes, Esq.

John Kowelski, Esq.

CHARLESTON COUNTY PUBLIC DEFENDER

100 Broad Street, Suite 500

Charleston, South Carolina 29401

Appearing for Defendant Jarrett Graddick

James W. Smiley, IV

178 King Street

Charleston, South Carolina 29402

Appearing for Defendant Kevin Smalls

INDEX

Index of Testimony	5-8
Index of State's Exhibits	9-11
Index of Defendant's Exhibits	
Defendant Graddick	12
Defendant Coakley	12
Defendant Smalls	12
Index of Court's Exhibits	13
Motion to Sequester Granted	111
Jury Qualification	14
Welcome by Court	112
Opening by Solicitor	112
Opening for Defendant Graddick	135
Opening for Defendant Coakley	139
Opening for Defendant Smalls	141
Defendant Coakley Motion for Mistrial	538
Ruling on Motion for Mistrial	627
Stipulations	668
Defendant Graddick Motion for Directed Verdict	721
Defendant Coakley Motion for Directed Verdict	722
Defendant Smalls Motion for Directed Verdict	725

INDEX (Continued)

Examination of Defendant's Rights

Defendant Graddick	768
--------------------	-----

Defendant Coakley	761
-------------------	-----

Defendant Smalls	765
------------------	-----

Charge Conference	785
-------------------	-----

CLOSING ARGUMENTS

Defendant Graddick	788
--------------------	-----

Defendant Coakley	803
-------------------	-----

Defendant Smalls	816
------------------	-----

Solicitor	833
-----------	-----

CHARGE	858
--------	-----

VERDICTS - Graddick & Coakley	905
-------------------------------	-----

SENTENCE

Defendant Graddick	969
--------------------	-----

Defendant Coakley	969
-------------------	-----

Defendant Coakley Motion for New Trial	952
--	-----

GUILTY PLEA

Defendant Smalls	973
------------------	-----

INDEX OF TESTIMONY

JAMES BLAIN

Direct by Solicitor	147
Cross by Mr. Grimes	169
Cross by Mr. Runyon	175
Cross by Mr. Smiley	178
Redirect by Solicitor	186

HARLEE LYNN

Direct by Solicitor	209
Cross by Mr. Grimes	215
Cross by Mr. Runyon	218
Cross by Mr. Smiley	222
Redirect by Solicitor	224

JESSICA LYONS

Direct by Solicitor	226
Cross by Mr. Grimes	230
Cross by Mr. Runyon	234
Cross by Mr. Smiley	234
Redirect by Solicitor	251
Recross by Mr. Grimes	252

EDWARD STUNKARD

Direct by Solicitor	258
Cross by Mr. Grimes	273
Cross by Mr. Runyon	
Cross by Mr. Smiley	275
Redirect by Solicitor	290

INDEX OF TESTIMONY

(Continued)

JOSEPH DAVIS

Direct by Solicitor	294
Cross by Mr. Grimes	308
Cross by Mr. Runyon	315
Cross by Mr. Smiley	316
Redirect by Solicitor	329
Recross by Mr. Runyon	333
Recross by Mr. Smiley	334

ANDREW DeCAMP, Mount Pleasant Police Department

Direct by Solicitor	336
Cross by Mr. Grimes	351
Cross by Mr. Runyon	354
Redirect by Solicitor	356

JOSEPH ZEITNER, Mount Pleasant Police Department

Direct by Solicitor	362
Cross by Mr. Grimes	379
Cross by Mr. Runyon	
Cross by Mr. Smiley	382

DEBRA ALFARO, Mount Pleasant Police Department (Retired)

Direct by Solicitor	386
Cross by Mr. Grimes	405
Cross by Mr. Runyon	398
Cross by Mr. Smiley	400
Redirect by Solicitor	402

INDEX OF TESTIMONY

(Continued)

TYRONE SIMMONS, Mount Pleasant Police Department

Direct by Solicitor	410
Cross by Mr. Grimes	418
Cross by Mr. Runyon	
Cross by Mr. Smiley	422
Redirect by Solicitor	424

RAY HAUPT, Mount Pleasant Police Department

Direct by Solicitor	426
Cross by Mr. Grimes	
Cross by Mr. Runyon	479
Cross by Mr. Smiley	480

BRIAN MAYZCK

Direct by Solicitor	485
Cross by Mr. Grimes	531
Cross by Mr. Runyon	559
Cross by Mr. Smiley	575
Redirect by Solicitor	606
Recross by Grimes	611
Recross by Runyon	613
Recross by Smiley	616

SARA LIPPI, South Carolina Law Enforcement Division

Direct by Solicitor	619
Cross by Mr. Runyon	622

DORIS YARBROUGH, South Carolina Law Enforcement Division

Direct by Solicitor	623/665
Cross by Mr. Grimes	
Cross by Mr. Runyon	
Redirect by Solicitor	

BETTY BUTLER , South Carolina Law Enforcement Division - via Skype

Direct by Solicitor	639
Cross by Mr. Grimes	661
Cross by Mr. Runyon	661

PAUL MEEH, South Carolina Law Enforcement Division DNA Analyst

Direct by Solicitor	670
Cross by Mr. Grimes	698
Cross by Mr. Runyon	711
Cross by Mr. Smiley	715
Redirect by Solicitor	719

REBECCA GRADDICK

Direct by Solicitor	733
Cross by Mr. Grimes	744
Cross by Mr. Smiley	744

MELVIN WHITE

Direct by Solicitor	753
Cross by Mr. Smiley	760

INDEX OF STATE'S EXHIBITS

<u>No.</u>	<u>Description</u>	<u>Marked</u>
1-20	Photographs	150
21	Void	
22	Void	
23	Photograph	432
24	Photograph	433
25	Photograph	433
26	Void	
27	Void	
28-31	Photographs	433
32	Void	
33-39	Photographs	473
40	Void	
41	Void	
42	Void	
43	Photograph	473
44	Photograph	473
45-51	Void	
52	Photograph	473
53	Void	

Index of State's Exhibits Continued

54	Void	
55	Void	
56	Photograph	169
57	Shirts (2)	435
58	T-shirt (black)	463
59	Pants w/belt	437
60	Plastic gloves (2)	483
61	Swab from Glock handle	452
62	Pair of shoes	440
63	Plastic gloves (4)	646
64	Void	
65	Void	
66	Void	
67	Glock .45 - Serial KF1668	446
68	Swab from Glock trigger guard	451
69	Package of U.S. Currency	ID
	Represented by Solicitor to be \$1,095 -	
	remained sealed throughout trial and	
	returned to Solicitor	
70	Bullets .45 caliber (9)	447
71	Cash Register drawer	459

Index of State's Exhibits Continued

72	1 pair jeans, 2 shirts	166
73	Sunglasses	466
74	Void	
75	Shirts (3)	465
76	Buccal swab (Smalls)	478
77	Buccal swab (Coakley)	478
78	Buccal swab (Graddick)	478
79	Buccal swab (Mazyck)	478
80	Plastic gloves (2)	472
81	Talhak shirt	464
82-93	Swabs	645-649
94	Sunglasses	466
95-101	Swabs	651
102	Walmart surveillance	264
102	CD of traffic stop	371
104	Photograph - Hamlin Road	339
105-109	Void	
110	SLED DNA report	697
111	SLED DNA report	696
112	Conviction Record	620
113	Conviction Record	620
114	Mazyck statement	ID
115	Lynn statement	212
116	Blain statement	163

INDEX OF DEFENDANT COAKLEY'S EXHIBITS

(None Entered)

INDEX OF DEFENDANT SMALLS EXHIBITS

1	Statement of Kevin Smalls	616
---	---------------------------	-----

INDEX OF DEFENDANT GRADDICK'S EXHIBITS

1	Statement of Lynn	742
2	Photograph	742
3	Photograph	742
4	Photograph	742
5	Photograph	742
6	Photograph	742
7	Photograph	742

INDEX OF COURT'S EXHIBITS

1	Stipulation	670
2	Stipulation	670
3	Graddick Request to Charge	883
4	Jury Note re: Charge	885
5	Jury Note re: Davis Testimony	887
6	Jury Note re: Verdict	899
7	Jury Note	903

1 anything wrong. We know with certainty that
2 he didn't go into that store. He wasn't the
3 robber. Your job for him is to determine
4 whether there was a preplan that he was part
5 of, whether he was acting in concert with the
6 robbers. The answer to that, after the
7 evidence comes back will show that he was
8 not. He was not. He is not guilty. Thank
9 you.

10 THE COURT: Call your first witness.

11 SOLICITOR SHEALY: The State calls Jim
12 Blain.

13 (WITNESS TAKES STAND)

14 JAMES BLAIN, having been sworn to tell
15 the truth, and nothing but the truth,
16 testified as follows:

17 DIRECT EXAMINATION

18 BY SOLICITOR SHEALY:

19 Q. Mr. Blain, if you would, please,
20 tell the jury where you currently work?

21 A. I work at a store that I own and
22 operate. It's called TS Wireless. It is the
23 Oakland Plantation Shopping Center. People
24 know it as the Super Walmart Plaza.

25 Q. Do people call your store by

1 something other than its official name?

2 A. Well, we sell cellular phones and
3 services. The biggest signage over the door
4 is "CRICKET", so people call it the Cricket
5 Store, but we well other stuff besides that.

6 Q. Okay. Were you the owner of that
7 store back in September of 2010?

8 A. Yes, ma'am.

9 Q. If you would, can you describe your
10 store for us? How many doors do customers
11 have the ability to walk in?

12 A. Well, it's a classic modern strip
13 mall store with the exception that it was
14 built with glass on either end. So it's an
15 eleven hundred square feet, very small retail
16 store. People can enter from the Walmart
17 parking lot and they also can pull up on
18 South Morgans Point Road, which is the road
19 behind the store and enter through there.
20 There is parking in both front and back of
21 the store that people use.

22 Q. Okay. I am going to show you a
23 number of photographs and ask you, first, if
24 you can identify those?

25 A. Well, the first one ---

1 Q. If you will, just look at them and
2 see if they -- if you recognize what is
3 depicted in those photographs.

4 A. (Upon review), yes. I certainly
5 recognize what's in the photographs.

6 Q. Okay. Are those accurate depictions
7 of a certain location on September 15th, 2010?

8 A. Yes.

9 Q. What place was that?

10 A. This would be the -- they are photos
11 of the interior of my store and also a shot
12 of the exterior.

13 SOLICITOR SHEALY: Your Honor, at this
14 time -- and I will show these to defense
15 counsel -- we would move to introduce State's
16 Exhibits previously marked two (2) through
17 ten (10).

18 THE COURT: Any objection?

19 ANDREW GRIMES: No, sir.

20 WILLIAM RUNYON: No objection from
21 Defendant Coakley.

22 JIM SMILEY: No objection, Your Honor.

23 THE COURT: Without objection, State's
24 Exhibits 2 through 10 are admitted, each
25 being a photograph.

1 (SO ENTERED AS STATE'S EXHIBITS 1 - 10)

2 DIRECT EXAMINATION CONTINUED

3 BY SOLICITOR SHEALY:

4 Q. I want you to kind of orient the
5 jury. If you look at that, what has been
6 marked as State's Exhibit 2, what does that
7 picture show?

8 A. This is what I would call our back
9 door. It is actually, technically, according
10 to the Town of Mount Pleasant, the front door
11 but -- there's a street address of 3014 South
12 Morgans Point Road. About a third of our
13 customers come in through this door.

14 You can see by the signage the various
15 products that we have: Cricket, low left;
16 Boost Mobile, T-Mobile, the spokes model
17 there.

18 Q. Okay. And you said that while the
19 Town of Mount Pleasant called it your front
20 door that you call it your back door?

21 A. Yes.

22 Q. Why is that? Do you get more
23 traffic from the other door?

24 A. We get more traffic from the front
25 door, (affirmative nod). About two-thirds of

1 our people come in from the Walmart Plaza,
2 the larger parking area in the front of the
3 store.

4 Q. And the other door deposits into the
5 Walmart parking lot area, is that right?

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

7 Q. Showing you State's Exhibit 3, could
8 you describe to the jury what this shows?

9 A. This is just inside the same door.
10 First on the left are -- the first door on
11 the left is a bathroom.

12 There's a little TV on the wall where
13 people have to wait, a courtesy TV.

14 A storage closet (indicating).

15 Then you're into the main sales area of
16 the store.

17 Q. Okay. State's Exhibit 4?

18 a. Now you're standing in the main
19 sales area.

20 To the left, off screen, you can see a
21 bit of the counter in the low left. That is
22 the cashier selling station. That is where I
23 spend most of my time.

24 Q. Let me show you what has been marked
25 as State's Exhibit 5. That shows just kind

1 of a larger picture of that area?

2 A. Yes, this is a good perspective.
3 You're seeing almost ninety percent of the
4 store. The only thing behind you is the door
5 coming in.

6 I typically stood around the corner to
7 the left. That's one sales/cashier area.

8 Q. Let me show you a photo that high-
9 lights that area. Showing you State's
10 Exhibit 6 and State's Exhibit 7, is this the
11 area where you're indicating that you spend
12 most of your time?

13 A. That's where I typically spend my
14 day, yes.

15 Q. Now, where do you keep money that
16 you collect during the day?

17 A. You can see in this photo, just
18 beneath the computer monitor a white drawer,
19 just ---

20 Q. Showing you State's Exhibit 8, does
21 that reflect the white drawer?

22 A. Please repeat the question?

23 Q. State's Exhibit 8, does that show
24 the white drawer?

25 A. That's the drawer in close up.

1 Q. Is there something missing in this
2 photograph?

3 A. My cash box where I'd put the bills
4 and -- I think that the change drawer might
5 be visible, the little black thing.

6 Q. On the bottom shelf?

7 A. No, that's a credit card machine on
8 the bottom shelf.

9 Q. Okay. That evening, did something
10 unusual happen?

11 A. Most unusual.

12 Q. Could you tell you first who else
13 was inside the store with you?

14 A. At approximately 6:15 in the
15 evening, -- we're open until 7:00 -- it had
16 gotten dark by that point, dusky kind of
17 evening. And I was there with one other
18 employee in the store with me, a young lady
19 by the name of Harlee Lynn. She and I were
20 -- it was slow, there was nobody else was in
21 the store.

22 So I had moved forward to her cashier/
23 sales station, in the front of the store near
24 Walmart, ---

25 Q. Showing you State's Exhibit 4, does

1 this you her area?

2 A. Yes. I was seated in the chair --
3 there is a chair on the side near the wall --
4 not that chair. I was seated in the chair up
5 close to the desk. Miss Lynn was seated in
6 the farthest chair. She was actually seated
7 facing in the direction of the camera.

8 She said, 'Jimmmmmm!' in a rather oddball
9 way. I turned and saw two men coming into
10 the store who had hats on and masks, who were
11 waving a gun. I said to Harlee, 'Let's get
12 out of here.'

13 Not a word was spoken between the robbers
14 and us. We could see clear trouble coming
15 and we were out the front door in -- I don't
16 know. Ten seconds, flat. If I could get
17 some sense of the adrenalin pumping that
18 evening, it was -- it was shocking. I've
19 been in the cell phone business for twenty-
20 three years, in the retail end in various
21 locations in the area for seven years -- at
22 that point, now ten years. We saw trouble
23 and we vacated the door as fast as possible.

24 Q. And does that photograph reflect the
25 door that you exited out of?

1 A. Yes, ma'am.

2 SOLICITOR SHEALY: I beg the Court's
3 indulgence just a moment.

4 THE COURT: All right.

5 SOLICITOR SHEALY: With the Court's
6 permission, may I just hand him a pointer so
7 that in the future you can show the jury
8 where we are talking about -- (tenders
9 pointer to witness).

10 DIRECT EXAMINATION CONTINUED

11 BY SOLICITOR SHEALY:

12 Q. So did the two guys come into the
13 store prior to y'all leaving the store? Had
14 they made their way in?

15 A. Yes, they were entering as we were
16 exiting.

17 Q. When you and Miss Lynn got out of
18 the store, what did y'all do?

19 A. I thought that I would be a hero, I
20 thought that I would be tricky. All of the
21 stores are through-and-throughs, front door
22 and back door. There was a Sprint cellular
23 store two doors down. I thought that I'd run
24 down there, run through the Sprint store and
25 watch them leave, maybe see how they were

1 getting away.

2 Sprint closes at 6:00. I ran slap into a
3 closed door at the Sprint store.

4 I was trying to -- you would think
5 dialing 911 on a cell phone would be easy,
6 but I -- I tried three times and I couldn't
7 manage 911.

8 I cut through the store which was next to
9 us, called Jersey Mike's submarine sandwich
10 store, and I ran -- I ran yelling through
11 there, "Armed robbery! Everybody stay
12 inside!" Exited out the back of the Jersey
13 Mike's store in time to see two people
14 running through the field across the street.
15 Across South Morgans Point Road from us is a
16 wide-open field, an undeveloped field. It
17 was covered with underbrush at the time. It
18 was covered with waist-high brush. I could
19 see people running through the field, two
20 guys.

21 Again, I thought 'hey, this is the time
22 to think and act.' I jumped into my little
23 car, which was parked out back, and thought
24 that I would cut them off. I drove a block
25 and by this time I'd managed to call 911 and

1 reported the robbery. I drove down five
2 hundred yards on Porchers Bluff and cut left
3 to where I thought that they might pop out of
4 the woods, pop out of the field. I didn't
5 see any activity that I thought was
6 suspicious.

7 I also thought, 'what am I going to do if
8 I do see them?' The operator for 911 was
9 saying this was a bad idea, 'We don't advise
10 you to pursue. If they are armed, don't
11 pursue.' So I hit a driveway, turned around
12 and came back to the store. The total
13 elapsed time was three or five minutes. It's
14 hard to really tell exactly.

15 By that time, I was totally impressed.
16 A Mount Pleasant policeman was already at my
17 store. He was talking with my sales
18 assistant, Miss Lynn.

19 Q. Let me see if I can just recap. So
20 when you went looking for them, you saw no
21 sign of them?

22 A. I saw them running through the field
23 and that's when I jumped in the car. That's
24 the last that I saw of them.

25 Q. And you told us that that field kind

1 of had brush. Does it still have that amount
2 of brush?

3 A. No. I think that the developer has
4 cut it clear because of that particular
5 incident -- or maybe he wants to develop the
6 land, I don't know. But it is clear-cut now.

7 Q. Let me show you what has been
8 previously marked as State's Exhibit 12 and
9 just ask you if you are -- if that is a
10 familiar area for you?

11 A. (Upon review), yes.

12 Q. What does that depict?

13 A. You can see in this aerial
14 photograph the roof of the big Walmart. That
15 oriented me. The streets are labeled
16 Porchers Bluff and South Morgans Point Road.
17 The parking lot, (indicating). I can
18 actually see the building where my store is
19 and the field across the street.

20 SOLICITOR SHEALY: Your Honor, I have
21 shown this to defense counsel. I think
22 without objection, I move to admit State's
23 Exhibit 12.

24 THE COURT: Without objection, it is
25 admitted.

1 (SO ENTERED AS STATE'S EXHIBIT 12)

2 DIRECT EXAMINATION CONTINUED

3 BY SOLICITOR SHEALY:

4 Q. Taking a look at that, can you
5 orient the jury?

6 A. Here's ---

7 SOLICITOR SHEALY: Your Honor, -- just a
8 second. Would the Court allow him to
9 approach ---

10 WITNESS: Or if I could simply stand.

11 If CLERK: I have a rule if that will
12 help, just hold it off (screen).

13 WITNESS: Good enough. I will try to
14 speak up.

15 SOLICITOR SHEALY: Try not to turn your
16 back to the court reporter, and just make
17 sure that you are speaking loud enough for
18 the jury.

19 DIRECT EXAMINATION CONTINUED

20 BY SOLICITOR SHEALY:

21 Q. What is State's Exhibit 12?

22 A. Up there is Highway 17.

23 This is obviously the big Walmart
24 roof.

25 This is South Morgans Point Road

1 where my store is, and this is the building
2 with my store. I am probably around midway
3 in the building.

4 The robbers entered through this back
5 door and exited out into this field. I was
6 hoping to --

7 I'm sorry to draw on the screen.

8 I was hoping to cut them off coming out
9 of there and drove all the way down to here
10 before returning back to the store.

11 Q. And the road that you are showing
12 they cut across to, what is the name of that
13 road?

14 A. This is South Morgans Point Road.
15 This is Porchers Bluff.

16 The big parking lot, that's the front of
17 the store.

18 Q. Now, prior to your seeing them when
19 you ran through Jersey Mike's and saw them
20 exiting, did you ever go back to look and see
21 what was going on in the store?

22 A. Yes. I said earlier that I ran into
23 the closed door at the Sprint and then cut
24 through Jersey Mike's. But as I was coming
25 back from trying to cut through Sprint, I

1 came to the front of my store and looked
2 around the -- through the front window, the
3 Walmart parking lot side window into the
4 store to see if they were still in there.

5 They were at that cash station where I
6 told you that I stood and worked. One of the
7 guys still saw me and raised his gun. I
8 thought, 'uhhhh' and I ducked away from the
9 window out of what might have been a line of
10 fire. That's when I cut through the Jersey
11 Mike's.

12 I think that I also bumped into Miss Lynn
13 outside where she was in the front on the
14 phone, and I then cut through Jersey Mike's.

15 Q. Showing you State's Exhibit 7, is
16 this the work station that -- sorry.

17 A. No (sic).

18 Q. That's the work station where you
19 saw the two individuals?

20 A. Yeah, they were behind the counter.
21 At least one of them was behind the counter
22 where the cash box was.

23 Q. With the Court's permission, could
24 you stand and show us what the person who had
25 the gun did towards you?

1 A. The person who had the gun was in
2 this area and was generally aiming in the
3 direct that I was looking into the store
4 from.

5 Q. Okay, you can take your seat again.

6 A. (Complies).

7 Q. Would you describe for us, please,
8 what you can about how they appeared?
9 Height? Size?

10 A. My -- my sighting of the robbers was
11 very brief. They were -- they seemed to be
12 young, athletic men, tall and thin. They had
13 masks on their face, ball caps on. I
14 wouldn't be able to recognize them at all,
15 really.

16 Q. Okay. Now, regarding the 911 calls,
17 you started making your 911 call at what
18 point?

19 A. I tried to dial as I ran towards
20 Sprint. At some point -- I can only
21 recollect that I was talking to 911 as I was
22 driving, trying to head them off running
23 through the field.

24 Q. And you indicated that Miss Lynn was
25 already on the phone before you went to look

1 for the gentlemen?

2 A. As I -- as we fled the store, I
3 shouted to Harlee "call 911" and then did my
4 crazy run-around.

5 Q. And you told us -- what time did
6 your store close?

7 A. Seven o'clock.

8 Q. Did you give a statement to the
9 police that evening?

10 A. Yes, I did.

11 Q. Do you recall what time that you
12 told them that this event occurred?

13 A. I recollect that it was 6:15'ish but
14 I don't have an exact recollection ---

15 Q. Would it assist you to look at your
16 statement?

17 A. It would.

18 SOLICITOR SHEALY: With the Court's
19 permission, ---

20 THE COURT: Yes. Mark it for
21 identification, please.

22 COURT REPORTER: State's Exhibit 116
23 for identification.

24 DIRECT EXAMINATION CONTINUED

25 BY SOLICITOR SHEALY:

1 Q. Mr. Blain, if you would, take a look
2 at what has been marked as State's Exhibit
3 116 for identification purposes and tell us
4 whether or not you recognize that document?

5 A. I recognize it. It's my statement
6 that I gave to the police shortly after the
7 incident.

8 Q. If you would take a moment to look
9 at it, please do so, but tell us what time
10 you told the police that evening that this
11 happened?

12 A. I said approximately 6:30.

13 Q. Now, did you have the occasion to go
14 back into the store that evening to see what,
15 if anything, had been taken?

16 A. Yes. When I returned after my drive
17 down the road and back, there was a policeman
18 already here. I moved to go into the store
19 and they said, 'don't go in, it's a crime
20 scene, let us do out thing.' They were
21 there, it seemed, like an hour or more taking
22 fingerprints and such. Then we went into the
23 store after that.

24 Q. What did you find was missing from
25 the store?

1 A. I found that the cashbox was miss-
2 ing, with the day's proceeds, approximately a
3 thousand dollars.

4 Q. When you say "cashbox", could you
5 describe for us what you mean by that term?

6 A. Yes. The -- we don't really use a
7 formal cash register. There is a drawer to
8 organize money, dollar bills and change. I
9 typically go to Office Depot and Staples and
10 get a metal cashbox, but they are too tall
11 for the drawer. So I take the cashbox and
12 bust the hinge on it, throw away the lid and
13 use the portion that holds dollar bills.
14 They have the spring clips and you put ones,
15 fives, tens, twenties. Then I take out the
16 plastic change tray and use a little plastic
17 change tray and a metal dollar bill tray. It
18 fits nicely into the desk drawer arrangement
19 that came with the work station.

20 Q. Showing you what has been previously
21 marked as State's Exhibit 71, I ask you
22 whether or not you can recognize the item --
23 that item?

24 A. Yes, I certainly recognize it. This
25 is the missing cash drawer.

1 SOLICITOR SHEALY: Your Honor, at this
2 time we would move to introduce this as
3 State's Exhibit 71. As I understand, it's
4 without objection.

5 THE COURT: Without objection, State's
6 Exhibit 71 is admitted.

7 (SO ENTERED AS STATE'S EXHIBIT 71)

8 DIRECT EXAMINATION CONTINUED

9 BY SOLICITOR SHEALY:

10 Q. Now, you were telling us that when
11 you buy it that you change it what fashion?

12 A. I pull the hinge ---

13 Q. The pin?

14 A. No, no. There's a peg that goes
15 through. It's the drawer/door hinge pin.
16 The -- there is a wire that secures the lid
17 to that. On that model it was easy to pull
18 out, separate, and just use the cash drawer.
19 There was also a Scotch-taped or a piece of
20 cardboard on the bottom of that, uh, -- if
21 you hold it up by the handle -- if you set
22 that flat, that thing will spin. So I cut
23 some cardboard out and now it sits flat.

24 Q. In addition to telling the police
25 that this was missing and the money, was

1 there anything unique about the money that
2 was taken?

3 A. Yes. Yes, ma'am. The -- this was
4 three years ago, understand. The typical
5 routine at that time was for me to take the
6 daily proceeds and do a -- prior to -- about
7 that time I would do a night deposit drop at
8 the Bank of America at the corner of the Isle
9 of Palms connector and 17.

10 But the ATM's were changed at the Bank of
11 America so that they -- you have to put cash
12 in, as well as take cash out; a very
13 innovative kind of novelty. Rather than bag
14 up the cash at the end of the evening, I
15 would ten to count it and stack it and go to
16 the ATM and put the money in. I thought it
17 was kind of cool. The machine would go
18 "bbbrruppp" and it would count the dollars
19 accurately and give me a receipt. Very new.

20 The night before the robbery, when I put
21 the money in, it -- if the money is marked,
22 defaced or anything, it gets rejected by the
23 ATM machine. A hundred dollar bill came back
24 out. I smoothed it out and put it back it.
25 I held it up the light, it looked good. I

1 put it back in three times. I held it up and
2 looked at it, 'why isn't this going in?' It
3 looked like a real bill to me, didn't look
4 counterfeit in any way. I flipped it over
5 and on the back were two round marks as if
6 somebody had taken a rubber stamp -- or the
7 end of a pencil maybe, even, that size -- and
8 made marks on the back of the bill.

9 Q. Let me interrupt you for a second.
10 Showing you what has been previously marked
11 as State's Exhibit 56, I ask you whether you
12 can identify the items identified in that
13 photograph?

14 A. I can.

15 SOLICITOR SHEALY: Your Honor, I ---

16 WITNESS: It's, uh, ---

17 SOLICITOR SHEALY: --- would ---

18 WITNESS: --- the back side of the
19 dollar -- of the hundred dollar bill that I
20 tried to put into the machine the day before.

21 SOLICITOR SHEALY: Your Honor, as I
22 understand it, without objection, I would
23 move State's Exhibit 56 into evidence.

24 THE COURT: State's Exhibit 56 into
25 evidence, being a photograph, without

1 objection.

2 (SO ENTERED AS STATE'S EXHIBIT 56)

3 DIRECT EXAMINATION CONTINUED

4 BY SOLICITOR SHEALY:

5 Q. Showing you State's Exhibit 56, can
6 you stand up and point to the area that you
7 were talking about?

8 A. Evidentially these marks on the bill
9 prevented it from being accepted the previous
10 evening by the ATM machine.

11 Q. You may take your seat again.

12 A. (Complies).

13 SOLICITOR SHEALY: I beg the Court's
14 indulgence just a moment.

15 THE COURT: Yes, ma'am.

16 SOLICITOR SHEALY: Thank you. Mr.
17 Blain, I have no further questions for you.
18 Please answer any that the defense attorneys
19 may have.

20 WITNESS: Okay.

21 THE COURT: Cross-examine, Mr. Grimes?

22 ANDREW GRIMES: Yes, sir. Thank you,
23 Your Honor.

24 THE COURT: Yes, sir.

25 CROSS EXAMINATION

1 THE COURT: Call your next witness.

2 SOLICITOR SHEALY: Jessica Lyons.

3 (WITNESS TAKES STAND)

4 JESSICA LYONS, having been sworn to tell
5 the truth, and nothing but the truth,
6 testified as follows:

7 DIRECT EXAMINATION

8 BY SOLICITOR SHEALY:

9 Q. Ms. Lyons, if you would, I would
10 like for you to focus your attention back to
11 September 15th, 2010. Could you tell the jury
12 where you were that evening?

13 A. I was at Walmart.

14 Q. Do you recall where you had parked
15 your vehicle, approximately?

16 A. Yeah. I was at the front of the
17 store. My car was facing the group of stores
18 adjacent to Walmart.

19 Q. And within that group of stores was
20 there the Cricket store?

21 A. Yes.

22 Q. Tell us if anything struck your
23 attention when you were exiting the store and
24 going to your car.

25 A. I was putting the groceries in my

1 car and I heard a man yelling for help, so I
2 looked up.

3 Q. What did you do?

4 A. I asked him if he was okay. She
5 said, "No, I'm being robbed. Call 911!"

6 Q. What did you do as a result of that?

7 A. I called 911.

8 Q. Did you see where the gentleman
9 went?

10 A. When I looked up, he was near the
11 stores and he ran into the Jersey Mike's.

12 Q. When you were calling 911, at some
13 point did any car strike your attention?

14 A. What -- yeah. Well, what struck my
15 attention is that there was a gentleman
16 standing by a car. He was looking very
17 nervous.

18 Q. In what way was he looking nervous?

19 A. He had his hand on the car, he was
20 looking around the parking lot, just looking
21 very nervous, seemed really anxious.

22 Q. Based on your observations, what
23 did that vehicle do? What did you do as a
24 result?

25 A. Well, I looked over at the gentleman

1 and we caught eyes, and I decided that I
2 wanted to get into my car. I turned around
3 and got into my car and that's when I dialed
4 911.

5 Q. Okay. Did the red-and-black Impala
6 stay parked or did it leave?

7 WILLIAM RUNYON: I don't believe that
8 the witness established the color of the
9 vehicle.

10 JIM SMILEY: I ---

11 SOLICITOR SHEALY: I'm sorry.

12 WILLIAM RUNYON: Objection to the color
13 of the vehicle.

14 THE COURT: I sustain the objection.

15 SOLICITOR SHEALY: I apologize.

16 THE COURT: Rephrase your question.

17 DIRECT EXAMINATION CONTINUED

18 BY SOLICITOR SHEALY:

19 Q. The car that you're indicating where
20 the man was acting nervous, what color was
21 that car?

22 A. It was red and black.

23 Q. And did that car stay parked or did
24 it in fact leave?

25 A. No, after a short period of time, he

1 got into the car and left.

2 Q. Could you tell whether or not there
3 was a passenger in that car?

4 A. Yeah, there was one other gentleman
5 in the car.

6 Q. Based on your observations, did you
7 do anything when that car left?

8 A. Yeah. From where I was sitting in
9 my car, as the car backed up out of the
10 space, I could see the license plate number,
11 so I jotted down the license plate number.

12 Q. And did you in fact -- have you had
13 the opportunity to listen to your 911 tape?

14 A. Yes, I did.

15 Q. Did you relay the information to the
16 911 dispatcher as to what the tag number was?

17 A. Yes, I did.

18 Q. Do you know what that tag number
19 was?

20 A. It was FPV 808.

21 Q. And you finished your phone
22 conversation with 911?

23 A. Um-humm.

24 Q. And did you stick around ---

25 THE COURT: Was that a "yes"?

1 WITNESS: Yes. I'm sorry.

2 DIRECT EXAMINATION CONTINUED

3 BY SOLICITOR SHEALY:

4 Q. Did you stick around after that, or
5 did you leave?

6 A. No, the operator told me that I
7 could leave.

8 Q. Okay. And did you in fact at some
9 other date give a statement to the police
10 about what you saw?

11 A. Yes. The next morning, I went to
12 the police station and gave a written
13 statement.

14 Q. So that would have been on September
15 16th?

16 A. Correct.

17 Q. Did anything draw your attention
18 once the red and black vehicle was leaving?

19 A. (No verbal response).

20 Q. As it was driving off?

21 A. Well, the vehicle drove around the
22 side of the store, the right side of the
23 group of stores, and then a couple of seconds
24 later I heard tires screeching and the
25 vehicle drove away.

1 SOLICITOR SHEALY: Beg the Court's
2 indulgence just a moment, (sidebar with Mr.
3 Ferguson). I have no further questions.
4 Please answer any questions that the defense
5 attorneys may have. Thank you.

6 THE COURT: Cross examine, Mr. Grimes?

7 ANDREW GRIMES: Yes, Your Honor.

8 CROSS EXAMINATION

9 BY ANDREW GRIMES:

10 Q. Good morning, Ms. Lyons.

11 A. Hello.

12 Q. How are you doing today?

13 A. Good, thank you.

14 Q. As I understand, back on September
15 15th, 2010, you were coming out of Walmart?

16 A. Yes.

17 Q. You were putting your groceries into
18 the car?

19 A. Yes.

20 Q. And you heard somebody yelling that
21 he was being robbed, asking for help?

22 A. Right.

23 Q. And you called 911?

24 A. Yes.

25 Q. At that point, I guess that you said

1 THE COURT: Thank you. You may call
2 your next witness.

3 SOLICITOR SHEALY: The State would call
4 Joseph Davis.

5 (WITNESS TAKES STAND)

6 JOSEPH DAVIS, having been sworn to tell
7 the truth, and nothing but the truth,
8 testified as follows:

9 DIRECT EXAMINATION

10 BY SOLICITOR SHEALY:

11 Q. If you would, please tell the jury
12 where you live.

13 A. I live at 41 Sam Edwards Road, Mount
14 Pleasant, South Carolina.

15 Q. And, if you would, tell the jury how
16 long you have lived there?

17 A. I'm forty-three now. I'd say I've
18 lived there about -- I'd say about forty
19 years.

20 Q. Forty years?

21 A. About.

22 Q. Are you working right now?

23 A. No, ma'am.

24 Q. What work did you previously do?

25 A. Everything from -- Firecracker, Bo's

1 Shem Creek Bar & Grill, Sullivan's Island,
2 about everything, anything.

3 Q. Okay. Let me ask you about some
4 trouble that you got into in the past.

5 A. Okay.

6 Q. Did you have some forgeries that you
7 were convicted of?

8 A. Yes, ma'am.

9 Q. And those were back in the '90s?

10 A. Yes, ma'am.

11 Q. And those were back in the '90s?

12 A. Yes, ma'am.

13 Q. Now I'm going to show you what has
14 been previously marked as State's Exhibits 14
15 -- 13, 14 and 17, and ask if you recognize
16 the areas depicted.

17 A. This is down my street.

18 This is the beginning ---

19 COURT REPORTER: Exhibit number?

20 SOLICITOR SHEALY: I'm sorry.

21 DIRECT EXAMINATION CONTINUED

22 BY SOLICITOR SHEALY:

23 Q. State's Exhibit -- as to State's
24 Exhibit 13, that's -- you indicated that's
25 what?

1 A. This is Sam Edwards Road. This is
2 going back to the back gate.

3 Q. Okay.

4 A. This is going back to the back gate,
5 the dead end.

6 Q. Okay, we will go over that a little
7 bit more fully in just a minute.

8 State's Exhibit 17?

9 A. That is my house.

10 Q. And State's Exhibit 14?

11 A. That's the same road, Sam Edwards
12 Road.

13 SOLICITOR SHEALY: Your Honor, I believe
14 without objection that I would at this time
15 move State's Exhibits 13, 14 and 17 into
16 evidence.

17 THE COURT: Exhibits 13, 14 and 17 are
18 admitted without objection.

19 (SO ENTERED AS STATE'S EXHIBIT 13)

20 (SO ENTERED AS STATE'S EXHIBIT 14)

21 (SO ENTERED AS STATE'S EXHIBIT 17)

22 DIRECT EXAMINATION CONTINUED

23 BY SOLICITOR SHEALY:

24 Q. In just a second, Mr. Davis, you'll
25 be able to look at these pictures on that

1 screen right there.

2 A. Okay. That's my road.

3 Q. Now, let me ask you something about
4 the road. If you're standing looking at that
5 photograph, are you looking at the end of the
6 road?

7 A. I'm looking at the dead end.

8 Q. Showing you State's Exhibit 14,
9 which way are you looking here?

10 A. You are looking towards the highway.

11 Q. Towards 17?

12 A. Yes, ma'am.

13 Q. And State's Exhibit 17, what is
14 that?

15 A. You're looking at my house, the
16 front.

17 Q. So let's go back to the one with the
18 dead-end. State's Exhibit 13. Do you see an
19 antenna-looking thing up there with you?

20 A. (Negative gesture).

21 Q. (Tenders pointer to witness). If
22 you could stand up, Mr. Davis, using this
23 pointer -- you're almost tall enough, but
24 using this pointer show the jury on that
25 photo where your house is.

1 A. My house is right here at the
2 mailbox.

3 Q. Okay.

4 A. That black mailbox right there.

5 This is another house.

6 There is a house right there.

7 This is a dead-end.

8 This is a private property that has no
9 way out except one way that's coming down
10 this road, Sam Edwards Road.

11 Q. Okay. Now, you've told you that you
12 have lived over there for forty-one years?

13 A. Yes, ma'am.

14 Q. Can you show us whether there are
15 some cut-throughs over to Porchers Bluff?

16 A. You've got to come back. You've got
17 to turn back around.

18 Q. In my photo?

19 A. Yes, ma'am. This right here is a
20 dead end. You can't get no way through
21 there.

22 Q. So going back to State's Exhibit 14,
23 where ---

24 A. This is my house.

25 This is my next-door neighbor's house.

1 This is my yard.

2 There is a telephone pole in the area
3 right here and you can see a little path --
4 if you look at the road, you can see that
5 there is a little path where you can get in
6 there.

7 Q. Showing you State's Exhibit 12 --
8 pull that up. Can you show us on here -- can
9 you find your road and the Walmart?

10 A. Yeah. If you put it up on the
11 screen, I can show you.

12 Q. Okay. Showing you State's Exhibit
13 12, ---

14 A. This is Sam Edwards Road right here.
15 This is the dead end.

16 Excuse me, I'm kinda blind so it will
17 take a minute.

18 Porchers Bluff is right here.

19 Walmart is right here.

20 This is an electricity fence.

21 There is a shortcut to Sam Edwards Road,
22 there's a shortcut right here.

23 You can go around here and move all the
24 way through to Porchers Bluff.

25 You cross over and you can get to

1 Walmart.

2 Q. You can be seated now.

3 A. (Complies).

4 Q. I would like for you to focus your
5 attention back to September 15th, 2010. Would
6 you tell the jury whether or not something
7 drew your attention that evening?

8 A. Yeah, a red and black car. My
9 little son was sitting in the front car,
10 playing in the dirt.

11 Q. What about the red-and-black struck
12 your attention?

13 A. It's a dead-end. Why you coming
14 down that road if you know that it's a dead-
15 end. And the sign that was there before that
16 sign was there, the sign was at the head of
17 the road.

18 Q. Telling you that it was a dead end?

19 A. Yes.

20 Q. Well, let's talk about the head of
21 the road just a second. Is it different now
22 than it was in 2010?

23 A. No, it's still the same.

24 Q. Up on 17?

25 A. Except that they got sidewalks and

1 trees, that's it.

2 Q. What about the entrance to Sam
3 Edwards Road?

4 A. It's still about the same.

5 Q. So what did you see the red and
6 black car do?

7 A. Go to the back area and into the
8 fence.

9 Q. When you say the fence, can you
10 point to us where the fence is?

11 A. Okay. You can see that this is a
12 brick here and a brick here, and there's a
13 fence. This was supposed to be closed off.
14 You can't see it, but on the brick wall it
15 says "Private Property, Do Not Enter."

16 Q. Okay.

17 A. And they had it closed off.

18 Q. Who lives in that residence at the
19 end of that street?

20 A. The Coakleys, Jamie Coakley.

21 Q. The Coakleys?

22 A. (Affirmative nod).

23 Q. At that fence, what did the car go?

24 A. The car went in, went halfway in,
25 disappeared, then it turned around and came

1 back down that road.

2 Q. Can you tell the jury how many
3 people were in that car when it came down
4 that road?

5 A. At first there was four of them.

6 Then when they turned around and came
7 back out, there was two and two of them was
8 then on foot.

9 Q. The two that were on foot, can you
10 describe to us what they did?

11 A. They were walking. They went
12 through the path like they was going to the
13 store.

14 Q. What do you remember about their
15 appearance?

16 A. They had on jeans, a hoodie cap --
17 both of them had on hoodies, and white
18 gloves.

19 Q. They had on gloves?

20 A. Yes.

21 Q. What did the red-and-black car do
22 after those two got out?

23 A. It left right off.

24 Q. Did you have the occasion later that
25 evening to see that vehicle?

1 A. It came back down, I'd say about
2 twenty to thirty-five minutes later,
3 speeding.

4 Q. You know what? Could you put your
5 hands down from your mouth, just so that
6 everybody can hear you?

7 A. Oh, sorry, (complies).

8 Q. When they went -- when they came in
9 first -- they came in slow at first.

10 Then they went back out like how you
11 drive normally to leave out.

12 But I'd say about twenty-five to thirty-
13 five minutes later that the car back flying
14 through.

15 Q. Where were you when it came back
16 flying through?

17 A. I been in the front yard with my
18 son.

19 Q. What did you see happen at that
20 point?

21 A. I saw the two fellas coming running
22 out of the woods. The same spot that they
23 went in through, they came back out the same
24 area.

25 Q. Can you show us on this picture --

1 can you see it on this picture, or do you
2 have to have the other picture?

3 A. No, you gotta go on back.

4 Q. Gotta go back?

5 A. Yeah, you gotta go back to where you
6 show all the Walmart and everything. Back to
7 Number 12.

8 Q. Okay, State's Exhibit 12.

9 A. Okay, this area right here
10 (indicating). The same spot that they went
11 into, this area right here, they came back
12 flying -- they came back through the same
13 area, went right back down the road to the
14 fence that is cut off, which you can't get
15 through.

16 Q. The one that you showed us earlier
17 at the dead-end?

18 A. Uh-huh, (affirmative nod).

19 Q. At any point is there any connection
20 between those two guys and the red-and-black
21 car again?

22 A. No.

23 Q. So when they're coming back through
24 the shortcut, what happened to the car with
25 the two guys?

1 A. They went inside the fence. The two
2 fellows immediately followed after then, and
3 then the car came back flying.

4 Q. When they came back of the woods,
5 can you tell the jury how they appeared?

6 A. Okay, they was like -- they was in a
7 hurry. It looked like one of them was
8 tucking something like a football.

9 Q. Can you show us what you mean?

10 A. Like they was tucking something
11 under their coat and they was running very
12 quickly.

13 Q. Did you see anything be thrown at
14 any point?

15 A. Yes. It was -- they right here,
16 there's a ditch right there and they threw
17 something in the ditch.

18 Q. Going back to State's Exhibit 13.

19 A. The ditch is right here by the
20 fence. You can't tell where that's at right
21 now because it's grew up so much.

22 Q. Okay. But you saw what? What
23 exactly happened there?

24 A. I saw somebody toss something. I
25 don't know what it was, it was something

1 shiny like. But after the policeman came
2 down the road, they showed me what it was.

3 Q. The police did?

4 A. Yes.

5 Q. So did you have the occasion to talk
6 to the police that night?

7 A. Yes, I did.

8 Q. Did you call them or were you out
9 there when they ---

10 A. I was out there when they came down
11 the road.

12 Q. Did you in fact give a statement to
13 the police that evening?

14 A. Yes, I talked to them.

15 Q. So that would have been on September
16 15th?

17 A. Yes.

18 Q. And it was a written statement?

19 A. Yes.

20 SOLICITOR SHEALY: Beg the court's
21 indulgence just a moment.

22 THE COURT: Okay.

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR SHEALY:

25 Q. The two guys that you saw come out

1 of the woods, did you see where they went in
2 connection with the car?

3 A. They went to the back area, right
4 where the car had went to but I didn't see
5 anybody after they tossed the thing.

6 Q. That was the last thing -- the last
7 part that you saw of them?

8 A. Yes, ma'am.

9 SOLICITOR SHEALY: Beg the court's
10 indulgence just a moment, (sidebar with Mr.
11 Ferguson).

12 DIRECT EXAMINATION CONTINUED

13 BY SOLICITOR SHEALY:

14 Q. You told us, Mr. Davis, how the car
15 comes down Sam Edwards Road the second time?

16 A. The first time it went in, turned
17 and came back out.

18 The second time they came back
19 speeding.

20 Q. Speeding?

21 A. Yes.

22 Q. Then did the car stay at the end of
23 Sam Edwards Road or did it go back towards
24 17?

25 A. It went back towards 17. It didn't

1 stay back there. It just went in real fast
2 and went right back out, as quick as it went
3 in it went out.

4 Q. Thank you very much. Answer any
5 questions that the defense might have.

6 SOLICITOR SHEALY: Thank you.

7 THE COURT: Cross examine?

8 ANDREW GRIMES: Thank you, Your Honor.

9 CROSS EXAMINATION

10 BY ANDREW GRIMES:

11 Q. Good afternoon, Mr. Davis.

12 A. How you doing?

13 Q. Doing pretty good. How you doing
14 today?

15 A. Alright.

16 Q. You said that what caught your
17 attention back on September 15th of 2010 was
18 that the red car came down ---

19 A. It was a red-and-black car. It was
20 black ---

21 Q. Thank you.

22 A. --- at the bottom and red on the
23 top.

24 Q. So this red-and-black car came down
25 a one-way street.

1 road being outside while y'all were looking
2 for stuff?

3 A. I do. There was actually a network
4 of trails that run through the wooded area on
5 this side of Porchers Bluff Road. There are
6 dirt trails, walking trails. While we were
7 canvassing this area, we came up to the area
8 of Sam Edwards Road where other units were
9 looking as well, which is where I came into
10 contact with Mr. Joseph Davis, who is
11 actually a local resident of the area. He
12 had pertinent information with reference to
13 his observations of possible suspects,
14 staging the robbery and then also fleeing the
15 scene.

16 Q. Okay. And did you in fact speak
17 with Mr. Davis?

18 A. I did. I spoke to him. After we
19 talked about -- after he reported to me the
20 information that he had, I actually recorded
21 a written statement from Mr. Davis.

22 Q. Did he point out any areas to y'all
23 while he was out there with you?

24 A. He did. He showed us the general
25 area on Sam Edwards Road, or to the side of

1 Sam Edwards Road, where he thought an object
2 was discarded. That is also, later once we
3 searched that area, where we found the
4 missing cash tray from the register.

5 Q. During the time that y'all were
6 taking a statement from him, were y'all
7 outside of your vehicle or inside of your
8 vehicle?

9 A. We were inside my vehicle.

10 Q. And you've explained that there were
11 also a number of other officers out on Sam
12 Edwards Road?

13 A. There were. At that point, in the
14 aftermath of the event and the aftermath of
15 the traffic stop, during the area canvas
16 there was both Charleston County units as
17 well as Mount Pleasant units out on that
18 road.

19 SOLICITOR SHEALY: I beg the court's
20 indulgence, (sidebar with Mr. Ferguson).

21 THE COURT: Certainly.

22 SOLICITOR SHEALY: I have no further
23 questions right now. Answer any that the
24 defense may have. Thank you.

25 THE COURT: Mr. Grimes?

1 SOLICITOR SHEALY: Thank you, Your
2 Honor. The State calls Joseph Zeitner.

3 (WITNESS TAKES STAND)

4 JOSEPH ZEITNER, having been sworn to
5 tell the truth, and nothing but the truth,
6 testified as follows:

7 DIRECT EXAMINATION

8 BY SOLICITOR SHEALY:

9 Q. Officer Zeitner, if you would,
10 please tell the jury where you are currently
11 employed.

12 A. I am currently employed with the
13 Town of Mount Pleasant.

14 Q. In what capacity are you employed in
15 there?

16 A. I am a traffic officer. I work in
17 the traffic bureau. I respond to collisions.
18 I work primarily the night shift, so I do a
19 lot of the law enforcement too.

20 Q. Okay. Back in September, specific-
21 ally September 15th, 2010, were you working
22 for Mount Pleasant?

23 A. Yes, ma'am.

24 Q. And you've worked there how long?

25 A. I have been there for almost eight

1 years now.

2 Q. In what capacity were you working on
3 that occasion?

4 A. On that occasion I was actually
5 under a grant position, the Highway Enforce-
6 ment of Aggressive Traffic, which is a
7 driving-while-impaired position.

8 Q. Okay. Would you tell the jury
9 whether or not you heard a dispatch and where
10 you were when you heard it, regarding
11 something that occurred at South Morgans
12 Point Road.

13 A. Yes. We heard a dispatch come out
14 that there was an armed robbery at the
15 Cricket store at the Oakland Market. Myself
16 and Lieutenant Kaufman were actually on a
17 traffic stop towards -- past Wando High
18 School, as you go down 17 towards Myrtle
19 Beach. You past Wando High School and you're
20 going toward Awendaw, McClellanville.
21 There's Wando Farms, Bulls Bay, and there's
22 like a bulls head on the side of the road.
23 We were in that area.

24 Q. Okay. Showing you what has been
25 marked as State's Exhibit 104. Can you see

1 it on the screen that's behind you?

2 A. Yes, ma'am.

3 Q. Can you point out to the jury what
4 -- did you start traveling after you heard
5 that dispatch?

6 A. Yes. When I heard the dispatch come
7 out, I started traveling down 17 into the
8 area.

9 Q. You can stand up.

10 A. I started traveling down 17 towards
11 Porchers Bluff Road. As I got down here, I
12 got into the left turn lane.

13 Q. Okay. Did anything draw your
14 attention as you were getting into the left
15 turn lane?

16 A. As I was getting down in that area,
17 over the radio they dispatched the
18 description of a red car with black on it.

19 As I was sitting here, a Charleston
20 County cruiser came off of Porchers Bluff
21 Road and turned southbound onto 17. At that
22 time, they gave a plate number of FVP 808 for
23 that vehicle.

24 As I was writing that down, I saw a car
25 come across the intersection that was a red

1 Impala with a black stripe. As it went
2 past, I could see that it matched the
3 description. I caught up with the car and it
4 had the same tag on it that was dispatched
5 out.

6 Q. You can have a seat.

7 A. Thank you, (complies).

8 Q. At that intersection is there a
9 business?

10 A. Yes, there's a business on one side.
11 It's Guy C. Lee, it's like a lumber place.

12 Q. Now, tell us a little bit about your
13 car. Does it have the capacity to video
14 record what is being depicted from your --
15 from within your car?

16 A. Yes. Being in Traffic, what we have
17 is -- we have to videotape all of our stops
18 and everything. So I have a digital camera
19 system that's installed in the car. When I
20 activate my blue lights, it actually records
21 thirty seconds in the past and then the audio
22 turns on from when I turn on the blue lights,
23 from that point on.

24 Q. Okay. When you take your car back
25 to the police station, do they download the

1 videotape?

2 A. Yes. When we take our car back to
3 the police station, if you park in between --
4 there are two antennas on the back of the
5 station. As soon as you park, that video
6 starts downloading. So you can't do anything
7 with it. It downloads to a server at that
8 point.

9 Q. If you would, please describe for
10 the jury what occurred once you put your
11 lights on.

12 A. Once I put my lights on, -- I knew
13 that other officers were coming because it
14 was a suspect stop, a high risk stop because
15 it was a suspect vehicle from an armed
16 robbery.

17 I got out of my car and gave the driver
18 verbal -- I gave everybody in the car verbal
19 commands to put their hands up.

20 I gave the driver verbal commands to put
21 his hands up.

22 I waited for another unit to get behind
23 me. At that time, we had the driver turn off
24 the car. We started having people exit the
25 car. We had the driver come out first.

1 In the car -- as I was looking at the
2 car, at moments you could see the car shake
3 and the two occupants of the vehicle in the
4 back of the car -- the one on the left, on
5 the driver's side, actually disappeared out
6 of my sight three times in the entire time
7 that we were calling the driver out of the
8 car.

9 And the second passenger, you could see
10 the passenger on the right jumping around the
11 car. At one point it looked like he was
12 between the seats and almost to the front of
13 the car.

14 So we called out the back seat
15 passengers, left and right, and then we
16 called out the front seat passenger after
17 that.

18 Q. Why did you make the decision to
19 take them out one at a time and in what
20 order? Why was that decided?

21 A. Because it was a high risk stop that
22 came out with the possibility of weapons,
23 guns and such, you take one person out at a
24 time so that you can see your threats. It's
25 an officer safety thing. It was also an

1 issue because it was in the afternoon on a
2 busy roadway.

3 So we took the driver out first.
4 Basically you take the driver out first and
5 that way the person that is in control of the
6 car is out of the car, so that you can ensure
7 that that car is not going to go anywhere
8 else.

9 Usually you like to only have one door
10 open on the car, so that everybody exits the
11 same way. So if anything is going to happen,
12 if you have a precursor to an event, to where
13 if somebody is going to try to attack or
14 anything, another door would come open.

15 But because of all the movement in the
16 car, we actually had the back seat passenger
17 behind the driver open the door and we had
18 those back seat passengers exist before we
19 had the occupant in the front passenger seat
20 exit.

21 Q. Okay. Do you remember now the order
22 in which the individuals -- did y'all
23 identify the individuals after you got them
24 out of the car?

25 A. Yes. After we got the out of the

1 car and got them back to the station, we were
2 able to identify all of the individuals.

3 Q. Can you testify from memory as to
4 who got out first, second, third and fourth?

5 A. Yes.

6 Q. Who got out on the driver's side?

7 A. The driver of the car, Kevin Smalls,
8 got out first.

9 Q. Then who was the next person that
10 got out?

11 A. That would have been Jarrett
12 Graddick, who was behind the driver, in the
13 backseat of the car.

14 Q. And then who was the third person
15 that got out of the vehicle?

16 A. It would have been Keenan Coakley,
17 who was the other side of the right seat --
18 on the right of the back seat.

19 Q. And the fourth person who got out?

20 A. It would be Brian Mazyck.

21 Q. Okay. And you had indicated that
22 after you had stopped the vehicle is when
23 those movements that you were talking about
24 were going on?

25 A. Yes, ma'am.

1 Q. I'm going to show you what has been
2 previously marked as State's Exhibit 103 and
3 ask if you can identify that?

4 A. Yes, this is the CD from the in-car
5 video of my vehicle.

6 Q. Are your initials reflected on the
7 front of it?

8 A. Yes. I reviewed it this morning
9 before I came in to ensure that it's ---

10 Q. I'm sorry. I think that I
11 interpreted you when you were going to say
12 what it is labeled.

13 A. It is labeled "Kevin Smalls." The
14 way that we label it, it only gives you a
15 certain amount, so it was labeled as the
16 first person that I took out of the car.

17 Then the case number for us, which would
18 be 2010-T-12283, Armed Robbery. Then JA are
19 my first two initials, because it didn't
20 label it all the way through my last name
21 because of the title, the lack of room. Then
22 the date that it was record, September 15th,
23 2010 and on here it says 9/15/2010.

24 Q. You indicated that you had looked at
25 this today?

1 A. Yes, ma'am.

2 Q. Had you also looked at it
3 previously?

4 A. Yes, ma'am.

5 Q. Could you tell the court, please,
6 whether or not this is an accurate depiction
7 of the traffic stop that day?

8 A. Yes, that's an accurate depiction of
9 the traffic stop that day.

10 SOLICITOR SHEALY: Your Honor, it is my
11 understanding that without objection I can
12 now move this into evidence.

13 THE COURT: State's Exhibit 103 is
14 admitted without objection, being a CD.

15 (SO ENTERED AS STATE'S EXHIBIT 103)

16 SOLICITOR SHEALY: Permission to publish
17 it?

18 THE COURT: You may publish it.

19 DIRECT EXAMINATION CONTINUED

20 BY SOLICITOR SHEALY:

21 Q. Officer Zeitner, as it is beginning
22 to play, tell the jury what -- (video
23 playing) -- the start time for it was.

24 A. The start time for it is September
25 15th, 2010 at 1841, which would be 6:41 p.m.

1 Q. (Video playing) -- is that the
2 vehicle in front of you?

3 A. Yes, that's the vehicle in front.
4 It was the red Impala with a black stripe,
5 and you can see the tag is the same tag that
6 dispatch gave out -- FVP 808.

7 Q. (Video playing) -- Officer Zeitner,
8 one of the things that you described earlier
9 was someone looking as if they were trying to
10 get into the front seat, was that just
11 depicted on the tape?

12 A. Yes, ma'am, you can see that the
13 right back seat passenger was actually trying
14 to go through the middle of the two front
15 seats, to get to the front of the car at that
16 time. That's why we directly yelled commands
17 at him.

18 Q. (Video playing) -- when you began
19 yelling more loudly there, what was your
20 concern?

21 A. My concern is that because it was an
22 armed robbery -- when you have people that go
23 out of sight, you don't know what is going to
24 happen when they come back up. So as the
25 left rear seat passenger was ducking, I

1 specifically told him to put his hands on the
2 roof because I wanted to be able to have
3 sight of his hands and the top of his body.

4 Q. And who, again, was the left rear
5 seat passenger?

6 A. I believe that would have been
7 Jarrett Graddick.

8 Q. (Video playing) -- the female
9 officer that you're getting directions from,
10 who was that?

11 A. That was Lieutenant Debbie Alfaro.

12 Q. (Video playing) -- was she in a
13 supervisory capacity that day?

14 A. Yes.

15 Q. (Video playing) -- okay. Is that
16 the last involvement with the defendants on
17 your camera?

18 A. Yes, that's the last involvement on
19 my camera.

20 Q. Officer Zeitner, I am not sure if
21 the jury heard you because the recording kept
22 going -- who was the female officer at the
23 scene?

24 A. Lieutenant Debbie Alfaro.

25 Q. And she was there in a supervisory

1 capacity?

2 A. Yes, she was.

3 Q. And she was the one giving you
4 direction as to which order to do it?

5 A. Yes.

6 Q. At one time you said, "Do you have
7 me covered."

8 A. Yes.

9 Q. What did you mean by that?

10 A. At one time she asked me if I had a
11 PA in my car instead of screaming, because as
12 you scream you get hoarse because your throat
13 gets dry and everything. It's easier for
14 them to hear us on a PA and everything. The
15 way that the PA is set up in my car, I
16 actually have to turn a button to turn it on,
17 turn off the siren to be able to turn on the
18 PA. Then you have to pull the PA off the
19 front of the dash. So I would have actually
20 have had to lean into my car, drop my head
21 below the dashboard to do all of that. I
22 asked her is she had me covered with the car
23 so that I could do that, engage the PA.

24 Q. Meaning to keep you out of harm's
25 way?

1 A. Yes.

2 Q. And the two individuals in the back
3 seat that got out in undershirts, that was
4 which to people again?

5 A. Jarrett Graddick and Keenan Coakley.

6 Q. Having just looked at the video
7 tape, because the lights are a little funny
8 in here, would you describe to the jury what
9 behavior on the part of the back seat
10 occupants was of concern to you?

11 A. The behavior of the back seat
12 occupants was them -- the left back seat
13 passenger actually dropped out of sight. I
14 believe that it was three times to where I
15 couldn't see him at all.

16 The right back seat passenger kept making
17 movement to the point where it actually shook
18 the car, where he was trying -- it appeared
19 that he was trying to get through the two
20 front seats to get to the front of the car.

21 Q. After all four individuals were
22 taken out of the vehicle, were they
23 ultimately arrested?

24 A. Yes.

25 Q. And where were they taken from the

1 excused?

2 SOLICITOR SHEALY: Please.

3 THE COURT: Any objection?

4 WILLIAM RUNYON: No objection from
5 Defendant Coakley.

6 ANDREW GRIMES: No, sir.

7 JIM SMILEY: None, Your Honor.

8 THE COURT: Thank you. You are free to
9 leave. Solicitor, call your next witness.

10 SOLICITOR SHEALY: The State calls
11 Debbie Alfaro.

12 (WITNESS TAKES STAND)

13 DEBRA ALFARO, having been sworn to tell
14 the truth, and nothing but the truth,
15 testified as follows:

16 DIRECT EXAMINATION

17 BY SOLICITOR SHEALY:

18 Q. Ms. Alfaro, if you would, please,
19 tell the jury whether you were previously
20 employed with the Mount Pleasant Police
21 Department?

22 A. I was. Twenty-two years with Mount
23 Pleasant Police and six years with Charleston
24 County.

25 Q. Tell the jury what you are doing

1 now?

2 A. I retired and I have a business over
3 on -- in Mount Pleasant.

4 Q. In 2010 -- September 15th, 2010, you
5 were employed with Mount Pleasant?

6 A. Yes, ma'am.

7 Q. In what capacity?

8 A. I was the lieutenant in charge of
9 the road and also the SWAT commander.

10 Q. Could you tell the jury whether you
11 remember getting a dispatch regarding an
12 armed robbery that took place at the Cricket
13 store in Oakland Plantation?

14 A. Yes, ma'am. They put it out on the
15 radio. I was the supervisor that responded
16 to that location.

17 Q. Okay. So, if you would, describe --
18 when something comes out like that over
19 dispatch, as a supervisor what is your role?
20 What do you do?

21 A. My role is that when a call goes
22 out, I basically start delegating officers
23 where they need to be. We want to cover the
24 exits out of Mount Pleasant as well as
25 sending a unit to the incident location. We

1 go ahead and start getting information as
2 quickly as we can.

3 Q. Do you recall where you were when it
4 came out?

5 A. Yes, ma'am. I was on Highway 17
6 North, just passing the Towne Center.

7 Q. Just passing Towne Center?

8 A. Yes, headed towards 17 North.

9 Q. And what do you do after you send
10 out your commands, after the dispatched.
11 What is the next thing that you do regarding
12 this incident?

13 A. Actually we are listening to
14 information as we get it across tele-
15 communications as well as from the officers
16 responding on scene.

17 As they are getting information, I am
18 filtering it and deciding on where to send
19 people or on what needs to be done next.

20 Q. If you would, do you at some point
21 stop somewhere?

22 A. No. No, our priority is to get on
23 scene and to, again, send officers to other
24 locations, to make sure that victims are
25 safe, trying to get information.

1 Q. Meaning that you're doing this as
2 you're driving?

3 A. Yes, ma'am. Multitasking.

4 Q. What I mean is that at some point
5 you arrive on scene and stop?

6 A. Yes, ma'am.

7 Q. Tell the jury about that.

8 A. Once we get on scene, obviously --
9 are you wanting me to talk about what I did
10 or just in general what we do?

11 Q. What you did in this case.

12 A. Okay. On this particular incident,
13 we had officers responding to the location.

14 We received information of a tag and
15 vehicle description. Shortly after that, one
16 of my officers, Officer Zeitner, located the
17 vehicle and he was behind it. He asked did I
18 want him to go ahead and initiate the traffic
19 stop. He'd confirmed the tag and everything.
20 His location was 17 and 41.

21 I did not want them to turn onto 41 so
22 that we would get into a pursuit. I was so
23 close, I told him to go ahead and initiate it
24 and I would be responding there as his backup
25 for the felony car stop.

1 Q. When you arrived, how did you
2 approach the vehicle?

3 A. When we arrive on a scene, uh,
4 basically there are two cars positioned for
5 a felony car stop, for officer safety. One
6 officer is going to be calling out the
7 commands for the vehicle and for all the
8 people in the vehicle to respond. The other
9 person basically is cover and to protect the
10 officer calling it out.

11 For a felony car stop, we will bring each
12 suspect back, one at a time, so that we can
13 search them and pass them on to another
14 officer so that they search them and secure
15 them until we finish with the crime scene.

16 Q. Okay. The female -- have you had a
17 chance to listen to and see ---

18 A. Yes, I have.

19 Q. --- the in-car video?

20 A. Yes, I have.

21 Q. The female voice that we hear ---

22 A. That would be me.

23 Q. --- is ---

24 A. A little high-pitched but that's me.

25 Q. Was there anything about the

1 behavior within the car that caused you
2 concern?

3 A. Yes, ma'am. The two gentlemen that
4 were in the back seat kept moving around,
5 they kept ducking down, they were moving
6 around the car -- it was like nonstop
7 movement. I was concerned over officer
8 safety, with the weapon in the car. We
9 didn't know what they were going to do at
10 that point, so it was a high risk, felony car
11 stop.

12 Q. How long did you stay at that scene
13 before leaving?

14 A. My role at that scene was Zeitner's
15 backup, making sure that we got all four of
16 the suspects secured in that location.

17 I also had to make sure that we had no
18 crossfire at that intersection. There were
19 several citizens out there.

20 Once we were able to secure the four
21 suspects, we pulled the car out of the
22 roadway. We had to search it prior to towing
23 it.

24 From that location, I was back and forth
25 in communication with Detective Tyrone

1 Simmons over there. We discussed what needed
2 to be done at that sc.

3 From there, I went to a dirt road, Sam
4 Edwards Road, where we'd heard information
5 that there might be a gun or something left
6 from the scene.

7 Q. Okay.

8 A. So that's where I headed.

9 Q. Now, regarding the vehicle that was
10 -- that had been moved into the parking lot.

11 A. Yes, ma'am.

12 Q. Were you there when Ray Haupt
13 arrived there to search the vehicle?

14 A. Yes, ma'am.

15 Q. Had you had the opportunity to look
16 into the vehicle?

17 A. Yes, ma'am.

18 Q. Were there anything -- was there
19 anything readily apparent to you when you
20 looked in it?

21 A. When we were -- when we looked in
22 the vehicle, there was a Glock on the
23 passenger side. It was not quite underneath
24 it. And then the back seat where the arm
25 rest went, the money was in there.

1 Q. You could just see that by just
2 looking in the vehicle?

3 A. Yes, ma'am.

4 Q. From the outside of the vehicle?

5 A. Yes.

6 Q. And then you left there and went to
7 Sam Edwards Road?

8 A. Yes, ma'am.

9 Q. What -- how did you know to go to
10 Sam Edwards Road? How did you learn about
11 it?

12 A. Investigations had been speaking
13 with -- they had obtained information. They
14 said that if we went down those paths over
15 right after where the location was, that we
16 might find a gun or we were looking for a
17 cash till.

18 Q. Okay. Do you recall who else went
19 on that road?

20 A. Corporal Mauldin, Dunbar, DeBroi
21 (phonetic), and -- I'm not sure if -- we were
22 standing by, waiting on Charleston County to
23 bring their dogs also.

24 Q. Okay. The dogs were coming to see
25 if they ---

1 A. To see if they could locate a weapon
2 for us. Right.

3 Q. Do you recall whether or not there
4 was a resident on the street that was out
5 there when y'all were out there?

6 A. Yes, ma'am. There was a gentleman
7 on the street and he said, 'I saw two guys
8 running through the area and they threw
9 something towards the ditch area.' There was
10 a fenced area and all. So that's where we
11 went. He was just a citizen on the road. I
12 don't recall his name right now, but -- he
13 just pointed to the ditch area, there were a
14 lot of ditches back there and that's where we
15 found the till.

16 Q. Okay. Showing you what has been
17 previously marked as State's Exhibit 13. It
18 will come up on the television and behind
19 you.

20 A. Okay.

21 Q. Do you recognize that road?

22 A. Yes, ma'am.

23 Q. Using the pointer -- is there one up
24 there?

25 A. Yes.

1 Q. Can you show us the general area
2 where you found the till?

3 A. It was at the dead-end road.
4 There's a fence back there, and I don't know
5 if you can see the fence in the picture. It
6 was on the right-hand side in a ditch down in
7 that area, right past this house. We went
8 into the wooded area, checked all the area.
9 It was right in here (indicating) to the
10 right side.

11 Q. You can take your seat.

12 A. (Complies).

13 Q. Showing you what has been previously
14 marked as State's Exhibit 16, State's Exhibit
15 15, and State's Exhibit 11. Do you recognize
16 those depictions?

17 A. Yes, ma'am.

18 Q. Could you tell us what those are?

19 A. This is -- it's the ditch area near
20 the trail that comes right out of the
21 location where the -- the shopping center
22 where the store is located that was robbed.

23 SOLICITOR SHEALY: Your Honor, my
24 understanding is that without objection we
25 would move to introduce State's Exhibits 15,

1 16 and 11.

2 THE COURT: State's Exhibits 11, 15 and
3 16 are admitted without objection.

4 (SO ENTERED AS STATE'S EXHIBIT 11)

5 (SO ENTERED AS STATE'S EXHIBIT 15)

6 (SO ENTERED AS STATE'S EXHIBIT 16)

7 DIRECT EXAMINATION CONTINUED

8 BY SOLICITOR SHEALY:

9 Q. Showing you first State's Exhibit
10 16, can you tell us what that picture
11 depicts?

12 A. Yes, ma'am. It is the ditch area
13 that leads past where the trial that comes
14 out of the field across from the location in
15 the shopping center that was robbed, the
16 Cricket store.

17 Q. Okay. All right. Then showing you
18 State's Exhibit 15, what does that depict?

19 A. That is the till prior to us putting
20 it in evidence.

21 Q. Okay. Then State's Exhibit 11?

22 A. Same thing.

23 Q. Just a closer view?

24 A. Yes.

25 Q. Showing you what has been previously

1 marked as State's Exhibit 71, this is the
2 till that was out there?

3 A. Yes, ma'am.

4 Q. When you saw the till, did you move
5 it or change its location?

6 A. No, ma'am. We waited for the
7 evidence tech to get there and take photo-
8 graphs of it. Plus, with the dogs en route,
9 we were hoping that they could pick up a
10 scent and help them a little better in
11 finding the gun for us.

12 Q. Okay. While you were out there that
13 evening, did any of the defendants come to
14 Sam Edwards Road?

15 A. Yes, ma'am. One of the investiga-
16 tors brought one out there and they were
17 going back through the trails that we'd
18 previously walked through looking for
19 evidence.

20 SOLICITOR SHEALY: Beg the court's
21 indulgence just a moment.

22 THE COURT: All right.

23 SOLICITOR SHEALY: I have no further
24 questions. Please answer any that the
25 defense may have.

1 (WITNESS TAKES STAND)

2 RAY HAUPT, having been sworn to tell the
3 truth, and nothing but the truth, testified
4 as follows:

5 DIRECT EXAMINATION

6 BY SOLICITOR SHEALY:

7 Q. Mr. Haupt, please tell the jury
8 where you are employed?

9 A. With the Mount Pleasant police
10 department in Mount Pleasant, South Carolina.

11 Q. And how long have you been employed
12 there?

13 A. A little over ten years.

14 Q. In what capacity are you working
15 there?

16 A. Crime scene investigator and as a
17 property and evidence room technician.

18 Q. I'm sorry, what was the last thing?

19 A. Evidence & Property room technician.

20 Q. How long have you been doing that
21 type of work for Mount Pleasant?

22 A. About eight years.

23 Q. So September 15th, 2010, you were
24 working in that capacity?

25 A. Yes.

1 Q. Were you called out to an incident
2 at South Morgans Point Road at Oakland
3 Plantation?

4 A. Uh, -- I was later.

5 Q. Did you go to another location
6 initially?

7 A. Yes.

8 Q. You went to Highway 41 and 17?

9 A. Yes.

10 Q. Before we get there, could you
11 explain what you do as a technician. What is
12 your role.

13 A. Crime scene, it's pretty much that I
14 respond to service calls where crime scene is
15 requested. I mainly will photograph,
16 identify items of evidence, collect and
17 preserve them. Take them back to the Mount
18 Pleasant police department and enter them
19 into the evidence room.

20 Q. And when you take photographs, do
21 you take them initially of where the evidence
22 is actually found?

23 A. I do photographs all over the scene
24 and then work my way in to items of the
25 evidence.

1 Q. And the purpose of that is to
2 memorialize where a piece of evidence is
3 located?

4 A. Yes.

5 Q. Now, you -- when you bring it back
6 to the police station, is it part of your
7 role to make sure that that evidence stays
8 secure?

9 A. Yes.

10 Q. How do you protect for that when
11 you're actually collecting evidence?

12 A. (No verbal response).

13 Q. Do you have evidence in a certain
14 way when you're at a different location?

15 A. I try to package it in the same bag
16 that I want it to stay in at the evidence
17 room. I have different bags and different
18 boxes that I can use. So, yes.

19 Q. Now, some items -- could you tell
20 the jury what SLED is?

21 A. The South Carolina Law Enforcement
22 Division.

23 Q. Is part of its function to perform
24 analyses on certain types of evidence?

25 A. Yes, if requested to do so by the

1 agency.

2 Q. If requested to do so?

3 A. Yes.

4 Q. So part of your role, are you also
5 transporting evidence to SLED?

6 A. I did.

7 Q. And once evidence has been analyzed,
8 do you receive it back from SLED?

9 A. Yes.

10 Q. Do you go there to pick it up?

11 A. Yes.

12 Q. Prior to it going and when it gets
13 back, where is it located at the police
14 department?

15 A. In the evidence room.

16 Q. What kind of security do you have in
17 the evidence room?

18 A. Our room is double-locked. We have
19 the lock going into our office and then we
20 have another locked door going into the
21 actual evidence room.

22 There are only four keys that are
23 available to be used. There are four
24 technicians. We all have our own key
25 assigned out to us.

1 We also have an alarm code for the
2 evidence room that every time we turn the
3 alarm On or Off, it is registered.

4 Q. Do you do any type of initial work
5 on pieces of evidence before they are sent to
6 SLED?

7 A. Some.

8 Q. Do you do swabbing?

9 A. Yes.

10 Q. Explain to the jury what you mean by
11 swabbing.

12 A. Swabbing is when we're trying to
13 locate DNA evidence. It can be anything from
14 touch DNA, saliva, blood.

15 What we first to is open a sterile swab
16 package. It usually contains two cotton-
17 tipped applicators. We moisten that with
18 some distilled water and apply it to the area
19 that we are trying to collect DNA from. We
20 rub it in like a little circular motion in
21 the area that we want it. Then we allow it
22 to air dry, then package it. We use a manila
23 envelope. It's then placed in the evidence
24 room.

25 Q. When you're taking things out of

1 your agency to SLED, do you memorialize who
2 you take it to at SLED?

3 A. (No verbal response).

4 Q. Do you write down who you've taken
5 it to at SLED?

6 A. When I drop evidence off?

7 Q. When you drop it off, (affirmative
8 nod).

9 A. Yes, they have it on their chain of
10 custody.

11 Q. And then when you go back to SLED to
12 pick things up, do you know who you received
13 it from?

14 A. Yes, it's printed on the chain of
15 custody as well.

16 Q. Okay. That's to show who'all has
17 had any contact with the item of evidence?

18 A. The chain of custody that I receive
19 when I drop an item off for testing at SLED
20 it's -- it is their evidence in-take person
21 that is on our paperwork.

22 Then when I pick it up, it's one of the
23 in-take personnel that will give it back to
24 us. So it's not everybody.

25 Q So focusing your attention on this

1 investigation, ---

2 A. Yes.

3 Q. --- tell the jury where the first
4 place that evening was.

5 A. Okay. 2910 Highway 17 North, Mount
6 Pleasant, South Carolina.

7 Q. And when you got there, what was
8 your -- what did you do first?

9 A. I first spoke with Lieutenant
10 Alfaro, who advised me of what they had.
11 Then I photographed the vehicle.

12 Q. And showing you what's been marked
13 as State's Exhibits 18, 19, 20, 24 and 25,
14 are these photographs that you are familiar
15 with?

16 A. (Upon review), yes.

17 Q. Then also photographs, State's
18 Exhibits 33, 34, 35, 31, 30, 29 and 28.
19 Do all of those reflect your photography at
20 Seel's?

21 A. (Upon review), yes.

22 Q. And one other, 23.

23 A. (Upon review), yes.

24 SOLICITOR SHEALY: Your Honor, at this
25 time I would move to introduce, without

1 objection, State's Exhibits 24, 25, 20, 19,
2 18, 33, 34, 35, 31, 30, 29 and 28.

3 THE COURT: Without objection, State's
4 Exhibits 18, 19, 20, 23 (sic), 24, 25, 28,
5 29, 30, 31, 33, 34 and 35 are admitted with-
6 out objection.

7 (SO ENTERED AS STATE'S EXHIBIT 18)

8 (SO ENTERED AS STATE'S EXHIBIT 19)

9 (SO ENTERED AS STATE'S EXHIBIT 20)

10 (SO ENTERED AS STATE'S EXHIBIT 24)

11 (SO ENTERED AS STATE'S EXHIBIT 25)

12 (SO ENTERED AS STATE'S EXHIBIT 28)

13 (SO ENTERED AS STATE'S EXHIBIT 29)

14 (SO ENTERED AS STATE'S EXHIBIT 30)

15 (SO ENTERED AS STATE'S EXHIBIT 33)

16 (SO ENTERED AS STATE'S EXHIBIT 34)

17 (SO ENTERED AS STATE'S EXHIBIT 35)

18 DIRECT EXAMINATION CONTINUED

19 BY SOLICITOR SHEALY:

20 Q. Mr. Haupt, showing you what has been
21 marked as State's Exhibit 25. It's going to
22 appear on that screen and on this screen.

23 A. Okay.

24 Q. Could you tell us what is depicted
25 in that photograph?

1 A. That's the parking lot of 2019
2 Highway 17 North and the red-and-black Impala
3 that I was requested to process.

4 Q. Okay. And State's Exhibit 18 is
5 just from the other angle?

6 A. Correct.

7 Q. When you are processing a car, could
8 you describe for the jury what that process
9 involves? Where do you start?

10 A. Pretty much like a mentioned
11 earlier. I take overall photographs,
12 pictures of the car and then I work my way
13 into the vehicle identifying items of
14 evidence as I go.

15 Q. Okay. As you are taking those items
16 out, you then put them into the bags that
17 you've told us about?

18 A. Not all the time. Sometimes they
19 will stay there a little bit as I still try
20 to identify it as evidence.

21 If it is an item that is being, by
22 necessity, collected at that time, then I
23 will go ahead and collect it, bag it.

24 Q. Okay. If you could, walk us around
25 this vehicle with the photographs.

1 Showing you State's Exhibit 19, what is
2 depicted in that photograph?

3 A. It's the front driver's seat of the
4 Impala. On the seat are some items of
5 clothing. It's a blue shirt, a black shirt,
6 a pair of pants and a belt.

7 Q. Okay. Showing you what has been
8 marked as State's Exhibit 57, can you tell
9 the jury whether or not those items are
10 within that bag?

11 A. As to which item?

12 Q. If you could look at it and ---

13 A. I have to open the bag.

14 Q. You can pull that out.

15 A. This is still sealed.

16 Q. I can open that up, I have some
17 scissors.

18 SOLICITOR SHEALY: Your Honor, this is
19 without objection from the defense. I will
20 move in item 57 (State's Exhibit 57).

21 THE COURT: Without objection, State's
22 Exhibit 57 is admitted.

23 (SO ENTERED AS STATE'S EXHIBIT 57)

24 DIRECT EXAMINATION CONTINUED

25 BY SOLICITOR SHEALY:

1 Q. The writing that is on this paper,
2 is that your writing or is that from SLED?

3 A. That would be from SLED.

4 Q. (Opening State's Exhibit 57), if you
5 could, pull those items out for us.

6 A. (Complies), okay.

7 Q. Could you hold those up for the jury
8 and describe what we have there.

9 A. That is two shirts, one inside the
10 other. The outside shirt is a black shirt,
11 on the inside is a blue shirt.

12 Q. Is that the way that those shirts
13 were found the day that you found them?

14 A. No.

15 Q. Okay. What has changed in that?

16 A. They were inside out the day that I
17 found them, as you can see in the picture.

18 Q. When you say inside out, they were
19 together but ---

20 A. Yes. They were still together but
21 they were -- the blue shirt was on top and
22 the black was underneath.

23 SOLICITOR SHEALY: State's Exhibit 59,
24 Your Honor. I understand without objection.

25 THE COURT: State's Exhibit 59 admitted

1 without objection, items of clothing.

2 (SO ENTERED AS STATE'S EXHIBIT 59)

3 DIRECT EXAMINATION CONTINUED

4 BY SOLICITOR SHEALY:

5 Q. (Opening State's Exhibit 59).

6 A. You want me to do the same thing?

7 Q. Yes. Could you stand up and hold
8 those up for the jury?

9 A. (Displaying), it's a black pair of
10 pants and a belt that were also found on the
11 seat right there. You can see the buckle on
12 that part of the seat.

13 Q. Okay. Was there any other item
14 found in that particular area?

15 A. There were the two gloves that were
16 found underneath the seat.

17 Q. Underneath which seat?

18 A. That same seat, the front driver's
19 seat.

20 Q. And did you put those gloves in this
21 package?

22 A. Yes.

23 Q. And these items that we have just
24 talked about ----

25 SOLICITOR SHEALY: And, Judge, this is

1 State's Exhibit 60 that I would like to move
2 in, without objection.

3 THE COURT: State's Exhibit 60 is -- is
4 that the bag containing clothing?

5 SOLICITOR SHEALY: It is, Your Honor.

6 THE COURT: Admitted without objection,
7 a bag containing clothing.

8 (SO ENTERED AS STATE'S EXHIBIT 60)

9 DIRECT EXAMINATION CONTINUED

10 BY SOLICITOR SHEALY:

11 Q. As it relates to State's Exhibit 57,
12 59 and then 60, did all of these items go to
13 SLED?

14 A. I believe so, (reviewing). Yes.

15 Q. And who did you deliver them to at
16 SLED?

17 A. It would have been two different
18 people.

19 Q. Okay. As it relates to the two
20 shirts?

21 A. The two shirts would have been
22 forensic technician Nikki Hughes.

23 Q. And the black pants and the belt?

24 A. The same person.

25 Q. Nikki Hughes?

1 A. Forensic technician Nikki Hughes,
2 yes.

3 Q. And then the two gloves from
4 underneath the seat?

5 A. That would have been forensic
6 technician Doris Yarbrough.

7 Q. The gloves currently are still
8 sealed; is that correct?

9 A. Yes.

10 Q. Okay. So I'm going to leave that
11 like that for another witness. But did you
12 receive all of these items back from SLED?

13 A. Yes.

14 Q. Who did you receive them back from?

15 A. One person would have been Amy
16 Stephens at SLED. She is also one of the
17 forensic technicians.

18 Q. That was as to which item?

19 A. That is for the two gloves that were
20 found underneath the front passenger seat.

21 Q. Okay. Was there a pair of shoes
22 found near the front passenger seat?

23 A. Yes.

24 Q. Okay. Showing you what has been
25 previously marked as State's Exhibit 62.

1 SOLICITOR SHEALY: Without objection,
2 Your Honor.

3 THE COURT: State's Exhibit 62,
4 admitted without objection.

5 (SO ENTERED AS STATE'S EXHIBIT 62)

6 DIRECT EXAMINATION CONTINUED

7 BY SOLICITOR SHEALY:

8 Q. Can you identify this?

9 A. (Upon review), yes.

10 Q. Could you show this to the jury,
11 please?

12 A. (Displaying).

13 Q. And those were found where?

14 A. The floorboard of the ---

15 Q. Was it the front passenger seat or
16 the back passenger seat?

17 A. Front passenger.

18 Q. Okay. Put those in here.

19 A. (Complies).

20 Q. Those did not go to SLED?

21 A. No, they did not.

22 Q. Let me clarify something real quick.
23 As to the earlier items that we were talking
24 about, you said that you got them back from
25 SLED from two different people?

1 A. (Affirmative nod).

2 Q. You indicated that you got one back
3 from -- whom?

4 A. Two of the gloves were from forensic
5 technician Amy Stephens.

6 Q. And the other items?

7 A. Forensic Technician Doris Yarbrough.

8 Q. Say that again?

9 A. Forensic Technician Doris Yarbrough.

10 Q. Okay. Now showing you -- was there
11 anything else found in the front seat, of
12 value?

13 A. (No verbal response).

14 Q. Or have you testified to those?

15 A. (No verbal response).

16 Q. The black shirt?

17 A. (Affirmative nod).

18 Q. The blue shirt?

19 A. Right.

20 Q. The pants with the belt? And the
21 two gloves?

22 A. Correct.

23 Q. Now focusing your attention to the
24 rear passenger back seat. Showing you
25 State's Exhibit 24, that might -- you might

1 be able to see it better on that one than on
2 that one. What does that reflect?

3 A. That is the back seat of the Impala,
4 the red-and-black Chevy Impala. You can see
5 the cash money on top of the center console
6 for the back seat. Then some clothing items
7 on the floorboard, rear driver's side seat.

8 Q. Okay. Regarding the rear passenger
9 seat, did you also locate any gloves in that
10 area?

11 A. Yes, in the back pocket of the -- of
12 the front passenger seat, the pocket of the
13 seat.

14 SOLICITOR SHEALY: Beg the Court's
15 indulgence for just a moment.

16 THE COURT: Okay.

17 SOLICITOR SHEALY: I'm sorry, Judge.
18 I'm missing some photos. I will be just a
19 second.

20 Judge, I had them on my PowerPoint. I
21 don't know why they aren't in my stack. Just
22 a moment, please.

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR SHEALY:

25 Q. Which pocket of the back of the seat

1 did you locate the gloves in?

2 A. May I?

3 Q. (Tenders photograph).

4 A. (Indicating).

5 Q. And did you in fact collect those
6 gloves?

7 A. I did. I photographed them and
8 collected them.

9 Q. Showing you State's Exhibit 39, ---
10 SOLICITOR SHEALY: This is without
11 objection, Your Honor.

12 THE COURT: State's?

13 SOLICITOR SHEALY: Exhibit 39.

14 THE COURT: Into evidence. State's
15 Exhibit 39 is admitted without objection.

16 (SO ENTERED AS STATE'S EXHIBIT 39)

17 DIRECT EXAMINATION CONTINUED

18 BY SOLICITOR SHEALY:

19 Q. Does that depict where you found the
20 gloves?

21 A. Yes, it is. That's the inside of
22 the pocket on the front passenger seat.

23 Q. Showing you State's Exhibit 63,
24 could you tell the jury what is in that bag?

25 A. It's the four plastic gloves that's

1 shown in the picture behind me.

2 Q. Were those then sent to SLED?

3 A. Yes, they were.

4 Q. Who did you give those to?

5 THE COURT: Do you want Exhibit 63

6 admitted?

7 SOLICITOR SHEALY: Yes, Your Honor.

8 THE COURT: State's Exhibit 63, a bag
9 containing plastic gloves is admitted without
10 objection.

11 DIRECT EXAMINATION CONTINUED

12 BY SOLICITOR SHEALY:

13 Q. Who did you give those to?

14 A. Forensic Tech Doris Yarbrough.

15 Q. And did you receive those items back
16 from SLED?

17 A. Yes, I did.

18 Q. Who did you receive them back from?

19 A. Patricia Crooks.

20 Q. And the way that the internal part
21 of the bag is, that packaging, that was done
22 by SLED?

23 A. Correct.

24 Q. Under the front passenger seat --
25 now, when you say under the front passenger

1 seat, the back area is the same as under the
2 front passenger seat?

3 A. I ---

4 Q. The area where you would put your
5 feet?

6 A. Correct.

7 Q. So that's the same location?

8 A. Correct.

9 Q. Did you find something under the
10 front passenger seat that was of interest?

11 A. I did.

12 Q. What was that?

13 A. It was a Glock handgun, Model .45
14 caliber. It also contained a magazine with
15 nine rounds.

16 Q. When you are at the scene, what do
17 you do when you first see the gun? Do you
18 check to see if there's ammunition?

19 A. (Affirmative nod), and I photograph
20 it in place, both from where I located it
21 underneath, where I could see it from the
22 back passenger area and then from the front
23 passenger area as well.

24 Q. Then do you unload it while you were
25 there?

1 SOLICITOR SHEALY: I cannot get it in
2 sequential order.

3 (SO ENTERED AS STATE'S EXHIBIT 33)

4 (SO ENTERED AS STATE'S EXHIBIT 34)

5 (SO ENTERED AS STATE'S EXHIBIT 35)

6 (SO ENTERED AS STATE'S EXHIBIT 36)

7 (SO ENTERED AS STATE'S EXHIBIT 37)

8 DIRECT EXAMINATION CONTINUED

9 BY SOLICITOR SHEALY:

10 Q. So showing how it first appeared
11 when you located the gun, uh, -- State's
12 Exhibit 33.

13 A. Okay.

14 Q. Could you point out in that photo-
15 graph where the gun is?

16 A. Yes.

17 Q. This is the underneath area of the
18 front passenger seat. You can see the sight,
19 the rear sight from the handgun right here.
20 It is that little u-shaped area.

21 This is the slide for the handgun.

22 The handle is right here.

23 Q. And explain to the jury where you
24 are taking that photograph from, where is
25 that camera?

1 A. It's on the floorboard of the rear
2 seat.

3 Q. Of the rear seat?

4 A. (Affirmative nod), pointing towards
5 the front passenger seat.

6 Q. And as you pull it out, (State's
7 Exhibit) 35?

8 A. (Affirmative nod).

9 Q. It is sort of dark in that photo-
10 graph but can you see it in there?

11 A. Yes, ma'am. The whole handgun is
12 right there, after I pulled it out from
13 underneath the seat.

14 Q. Okay. Now, when you took the gun
15 back to the station, did you do anything with
16 the gun?

17 A. I did at a later date.

18 Q. All right. Tell the jury what you
19 did.

20 A. First I entered it into evidence
21 after I got back to the station.

22 Q. Is that what you do with all the
23 items that you collect?

24 A. Correct -- (reviewing).

25 Q. Are you looking for the date?

1 A. Yes.

2 Q. Let me show you what have been
3 previously marked as (State's Exhibit) 68 and
4 see if that helps you.

5 A. (Upon review), okay. Yes. August
6 3rd, 2012, around noon, I took the swabbings
7 of the handgun -- I took it from the trigger
8 guard and, uh, as well as the handle.

9 Q. When you saw that you took
10 swabbings, describe that process for us.

11 A. It is the process that I described
12 earlier where I would take an unused sterile
13 cotton Q-tip. I open the package and moisten
14 it with sterile water. Then I swab the area
15 that I deem to be -- then I let it air-dry
16 and package it in a manila envelope.

17 Q. Looking at the gun, holding it up,
18 could you show the jury where it was that you
19 swabbed?

20 A. (Indicating), the trigger right here
21 and then the trigger guard area and then the
22 handled, front and back and the sides.

23 Q. Okay. So the swabbing that you did
24 of the handle area, did you package it
25 separately?

1 A. Yes.

2 SOLICITOR SHEALY: Your Honor,
3 State's Exhibit 61, we'd move into evidence
4 -- without objection.

5 THE COURT: State's Exhibit 61 is
6 admitted without objection.

7 (SO ENTERED AS STATE'S EXHIBIT 61)

8 DIRECT EXAMINATION CONTINUED

9 BY SOLICITOR SHEALY:

10 Q. And that reflects the swabbing of
11 the handle?

12 A. Correct.

13 Q. And then State's Exhibit 68, what
14 type of swab is in here?

15 A. It's from the trigger guard and the
16 trigger.

17 Q. And, both of those items were taken
18 by you where?

19 A. At the Mount Pleasant Police Depart-
20 ment headquarters.

21 Q. And then where did you take them to?

22 A. To SLED.

23 Q. Who did you give those to at SLED?

24 A. Forensic Technician Doris Yarbrough.

25 Q. Did you later receive those back

1 from SLED?

2 A. I did.

3 Q. Did you pick them up?

4 A. I did.

5 Q. From whom did you pick them up?

6 A. Patricia Crooks.

7 Q. Patricia Crooks?

8 A. Yes.

9 Q. Okay. Also from the back seat of
10 the vehicle, was there any currency that was
11 taken at that time?

12 A. Yes.

13 Q. Showing you State's Exhibit 24, does
14 that reflect where you found the currency?

15 A. Correct.

16 Q. And also State's Exhibit 29?

17 A. Correct.

18 Q. Can you describe that area? Some of
19 the currency is out of our view. Where all
20 did you collect the currency?

21 A. The one you can see here and then up
22 here, some of it is was kind of hanging over
23 the side but pretty much in that area.

24 Q. Did you -- in total, how much
25 currency was in the vehicle?

1 A. I did. It was a thousand and
2 ninety-five dollars (\$1,095) in U.S.
3 currency.

4 Q. And State's Exhibit 69 ---

5 SOLICITOR SHEALY: I am just going to do
6 this part, Judge, as ID, without objection.

7 THE COURT: Okay.

8 (SO ENTERED AS EXHIBIT 69 - ID ONLY)

9 DIRECT EXAMINATION CONTINUED

10 BY SOLICITOR SHEALY:

11 Q. Does this reflect the container with
12 the currency?

13 A. Yes, it does.

14 Q. Did you later take photographs of
15 the currency?

16 A. I did.

17 Q. And was there one item of currency
18 that was distinguishable?

19 A. Yes.

20 Q. Did you take a photograph of that as
21 well?

22 A. I did.

23 Q. Showing you what has been marked as
24 State's Exhibit 56, ---

25 THE COURT: Has that been introduced?

1 SOLICITOR SHEALY: I think that has
2 already been introduced, Judge. State's
3 Exhibit 56.

4 THE COURT: Okay.

5 DIRECT EXAMINATION CONTINUED

6 BY SOLICITOR SHEALY:

7 Q. Showing you that item, did that item
8 draw your attention?

9 A. It did.

10 Q. Okay. That is contained within the
11 packet of currency right here?

12 A. Correct.

13 Q. Okay. Now, after the inventory of
14 the vehicle at Seel's, did you actually leave
15 that location at that point and go somewhere
16 else?

17 A. I did.

18 Q. Where did you go next?

19 A. I followed the vehicle as it was
20 being towed to 1333 Sweetgrass Basket
21 Parkway. It's an evidence impound building.

22 Q. Was that the same evening?

23 A. Correct.

24 Q. And did you do further inventory of
25 the truck at that time -- of the vehicle at

1 that time?

2 A. I did not.

3 Q. So you followed it there for safety
4 precautions, security precautions?

5 A. Security precaution of the evidence
6 as well as to open up the building. It is
7 another building that is locked and alarmed
8 and there's only the four evidence
9 technicians with the Mount Pleasant Police
10 Department that have access to it. So in
11 order to get in the building, I can to be
12 there to unlock it and relock it.

13 Q. Why was it that you decided to take
14 it at that point to somewhere else?

15 A. I was requested to respond to
16 another scene, related to the same incident.

17 Q. And when you had it towed to that
18 location, can you later go back and search
19 it?

20 A. Yes.

21 Q. In fact, was a search warrant later
22 done in this case to allow you to do so?

23 A. It was.

24 Q. Let's stay on September 15th, if we
25 can. Where did you go after you left the

1 impound?

2 A. I responded to the Cricket store at
3 3014 South Morgans Point Road in Mount
4 Pleasant, South Carolina.

5 Q. And what was the purpose of your
6 going there?

7 A. To photograph and process that scene
8 as well.

9 Q. When you say "process" the scene,
10 what do you typically look at in a place
11 where a crime has occurred? What are you
12 looking for?

13 A. In this case, I was photographing
14 the scene to document everything overall and
15 then inside the business, but mainly for
16 fingerprint evidence.

17 Q. Okay. And can you tell the jury
18 whether it's successful unusually if people
19 wear gloves?

20 A. Not usually. Q. Okay. Did you in
21 fact locate any fingerprints that have been
22 compared in this case?

23 A. I did not.

24 Q. What else did you do other than
25 photograph the area and look for fingerprints

1 there?

2 A. I just looked for any other evidence
3 that might be in the area. Basically just to
4 document the business.

5 Q. Did you find anything?

6 A. I found that one of the tills had
7 been opened, or one of the -- I guess it was
8 the cash register that had been opened and
9 the till was missing.

10 Q. Okay. Showing you State's Exhibit 8
11 that's already in evidence, is that the area
12 that you are talking about?

13 A. It is.

14 Q. Showing you State's Exhibit 9, was
15 there anything significant about that photo-
16 graph?

17 A. Yes, that's one of the work
18 stations, I guess, for the employees of the
19 business. It is not normally open like that,
20 but that's how I found it.

21 Q. Okay. After finishing at the actual
22 location, where did you then go?

23 A. I then responded to the area of Sam
24 Edwards Road in Mount Pleasant, South
25 Carolina.

1 Q. Okay. And when you arrived at Sam
2 Edwards Road, were there other officers
3 there?

4 A. There were.

5 Q. What was your role there that
6 evening?

7 A. We were looking for any kind of
8 evidence in the area. I was notified by
9 Lieutenant Alfaro that a possible till,
10 register till, had been located. I was there
11 to photograph and collect it.

12 Q. Did you in fact photograph it?

13 A. I did.

14 Q. Okay. Showing you State's Exhibit
15 15, does that photograph depict the till that
16 you found?

17 A. It does.

18 Q. And showing you State's Exhibit 71,
19 is this the till that you found?

20 A. It is.

21 Q. After leaving Sam Edwards Road, did
22 you do anything further that evening
23 regarding this case?

24 A. I responded to the Mount Pleasant
25 Police Department and logged in all the items

1 Honor.

2 (WITNESS TAKES STAND)

3 BRIAN MAZYCK, having been sworn to tell
4 the truth, and nothing but the truth,
5 testified as follows:

6 DIRECT EXAMINATION

7 BY SOLICITOR SHEALY:

8 Q. Mr. Mazyck, would you please tell
9 the jury how old you are.

10 A. Twenty-eight (28).

11 Q. Where did you grow up?

12 A. Mount Pleasant, Seven Mile.

13 Q. Seven Mile?

14 A. Yes, ma'am.

15 Q. What road does your family live on?

16 A. Yough Hall.

17 Q. Where do you live now? That same
18 address?

19 A. Yes, ma'am.

20 Q. Who do you live with?

21 A. My grandmother.

22 Q. Who raised you?

23 A. My grandmother.

24 Q. Was she here yesterday with you?

25 A. Yes, ma'am.

1 Q. Is your father here with you today?

2 A. Yes, ma'am.

3 Q. And the person sitting next to your
4 father, is that your attorney?

5 A. Yes, ma'am.

6 Q. What is her name?

7 A. Martha Kent Runey.

8 Q. Martha Kent Runey?

9 A. Yes, ma'am.

10 Q. Let's start by talking about your
11 relationship with Mr. Graddick, Mr. Coakley
12 and Mr. Smalls.

13 A. Yes, ma'am.

14 Q. Could you tell the jury how you know
15 Keenan Coakley?

16 A. He's my cousin.

17 Q. So you have known him all of your
18 life?

19 A. Basically.

20 Q. Okay. How does that relationship --
21 how close is that relationship?

22 A. His father and my father are first
23 cousins.

24 Q. Did Mr. Coakley grow up in the same
25 area that you did?

1 A. Yes, ma'am.

2 Q. And what road does he live on?

3 A. Coakley Road.

4 Q. What about Jarrett Graddick? How
5 long have you known him?

6 A. For a while.

7 Q. When you say for a while, are you
8 talking about a number of years or a ---

9 A. Yes, --

10 Q. --- number of months or ---

11 A. --- years.

12 Q. Now would you describe your
13 relationship with Jarrett Graddick? Are
14 y'all friends?

15 A. Yes, ma'am.

16 Q. What about Kevin Smalls, how are
17 y'all related?

18 A. We're cousins down the line.

19 Q. Down the line?

20 A. Yes, ma'am.

21 Q. How did you know him? Did he grow
22 up in the same area?

23 A. School, yeah. Basically the same
24 area.

25 Q. What schools did you go to in Mount

1 Pleasant?

2 A. Jenny Moore, I think Lang Middle.

3 Q. Where did you go to high school?

4 A. Wando.

5 Q. Wando?

6 A. (Affirmative nod).

7 Q. Now, Mr. Graddick lives where?

8 A. Hamlin Road and Linnen Lane.

9 Q. Hamlin Road and Linnen Lane?

10 A. Yes, ma'am.

11 Q. Before we got further, would you
12 tell the jury, do you have a record for
13 burglary in the third degree from 2006?

14 A. Yes, ma'am.

15 Q. Do you have a record for eight
16 breaking and entering motor vehicles, from
17 2006?

18 A. Yes, ma'am.

19 Q. And do you have a record for
20 malicious injury to personal property from
21 2008?

22 A. Yes, ma'am.

23 Q. Let's focus our attention back to
24 September 15th, 2010. Could you tell the jury
25 what started out that morning happening?

1 A. I believe that before the four of us
2 were together, I believe that we went to
3 North Charleston. We went to the Trident
4 campus, just walking around.

5 Q. Why would y'all do that? What was
6 the interest in the Trident campus?

7 A. There was no interest. I guess just
8 walking through talking to females.

9 Q. Okay, that's what I was going to ask
10 you, were y'all looking for girls?

11 A. Yes, ma'am.

12 Q. After that, did y'all return to
13 Mount Pleasant?

14 A. No, ma'am. We went to the C&W, the
15 Chinese restaurant off Rivers.

16 Q. Did y'all have lunch there?

17 A. Yes, ma'am.

18 Q. Then what happened?

19 A. We met a couple of females in there,
20 talked to them to say 'hey', and that's when
21 we left. After we left there, we went to
22 Mount Pleasant, to Kevin's house.

23 Q. Okay. What were y'all doing when
24 you went to Kevin's house?

25 A. They were playing a PlayStation.

1 Q. Who was playing the PlayStation?

2 A. Kevin and Keenan.

3 Q. While you were there, did anything
4 happen to you?

5 A. Yeah, I started to feel kinda sick
6 'cause I'm a diabetic and I didn't have my
7 insulin on at the time.

8 Q. How old were you when you were
9 diagnosed with diabetes?

10 A. Ten.

11 Q. Since you were ten years old?

12 A. Yes, ma'am.

13 Q. Does that run in your family?

14 A. Yes, ma'am.

15 Q. When you started feeling poorly,
16 what happened?

17 A. I asked Kevin to take me home so
18 that I could take some more insulin.

19 Q. And did he in fact take you home?

20 A. Yes, ma'am.

21 Q. And that would have been to your
22 grandmother's house?

23 A. Yes, ma'am.

24 Q. What happened after you went home?

25 A. After I went home, I took some

1 insulin and sat for like, maybe, ten minutes
2 and then I went to my brother's house.

3 Q. How did you get to your brother's
4 house?

5 A. My cousin Jessica.

6 Q. Okay. Had she been at your grand-
7 mother's?

8 A. She'd just came over. She'd just
9 stopped through and I asked her to give me a
10 ride to my brother's house.

11 Q. I'm sorry, I didn't -- you might
12 have to talk up just a little bit for us.
13 Okay?

14 A. She stopped through and I, uh, --

15 Q. She did what?

16 A. She came over and ---

17 Q. Okay, so she came over?

18 A. Yes, ma'am. I asked her if she
19 could give me a ride to my brother's house.

20 Q. Tell the jury, if you would, where
21 your brother's house is.

22 A. It's Awendaw. I guess it's labeled
23 as Awendaw, Tisha's Road.

24 Q. If you are going up Highway 17
25 towards Awendaw, would you have already

1 passed Oakland where the new Walmart is
2 before you get to your brother's house?

3 A. Yes, ma'am.

4 Q. Why did you decide to go over to
5 your brother's house?

6 A. I usually go over there and hang out
7 with him. And he had a bunch of dogs at that
8 time, so I was going over there to help him
9 clean his yard and feed the dogs.

10 Q. Did he sell dogs?

11 A. Yes, ma'am.

12 Q. While you were at your brother's
13 house, did you hear from any of the
14 defendants?

15 A. Yes, ma'am.

16 Q. Tell the jury about that.

17 A. I can't remember if I had a call fro
18 -- it was either Keenan or Jarrett, one of
19 the two, I don't remember. But I remember
20 that I got a text call from Kevin saying that
21 they were going to the mall that day. So
22 while I was at my brother's house -- you
23 know, he was about to go get his wife from
24 work, so sure I'll go. He came over and paid
25 my brother for some dogs, two dogs that he

1 got from my brother. From there, I left with
2 him.

3 Q. When you left from your brother's
4 house with Smalls, where did y'all go?

5 A. We went to the Walmart, to the
6 Redbox.

7 Q. The Redbox, is that one of those
8 movie -- where you check out a movie?

9 A. Yes, ma'am.

10 Q. Where was the Redbox located?

11 A. Inside the Walmart.

12 Q. Who was driving the vehicle?

13 A. Kevin.

14 Q. What color was the vehicle?

15 A. Red and black.

16 Q. When you got to Walmart about the
17 Redbox, did you get out of the car?

18 A. No, ma'am.

19 Q. Who got out of the car?

20 A. Kevin.

21 Q. Do you know how long -- do you know
22 if he went into the Walmart after that or did
23 he go back to the car?

24 A. He went into the Walmart.

25 Q. What happened after he went into the

1 Walmart.

2 A. While he was in the Walmart, I was
3 sitting the car, just texting random people
4 -- I couldn't tell you who I was texting.
5 Then probably like ten minutes later he came
6 back out.

7 Q. He came back out?

8 A. Yes, ma'am.

9 Q. What did y'all do when he came back?

10 A. When he came out, we went to the
11 McDonald's.

12 Q. Okay. Tell us what happened at the
13 McDonald's.

14 A. We went to McDonald's and ---

15 Q. First of all, let me interrupt you.
16 Tell us where that McDonald's is located.

17 A. It's on the other side of the
18 Oakland Market, on the side of the Walmart
19 parking lot.

20 Q. Next to the McDonald's, is there
21 also a Chick-Fil-A?

22 A. Yes, ma'am, and a bank.

23 Q. Okay. So you went to McDonald's and
24 then what happened?

25 A. Well, he didn't want to come in.

1 Because a female that he knew worked there,
2 and I guess that he didn't want to, you know,
3 fool around with her or see her.

4 So I went in and I was like, you know,
5 okay, -- I didn't have any money. It was
6 like, 'you okay to buy me some food?' It was
7 like, 'okay.' So I went in and I ordered
8 food, then I told him that the girl was not
9 in there. So he came in and sat by the door.
10 He was texting on his phone, I don't know
11 who. So when my food order came up, I went
12 back to him and I was, like, 'you got the
13 money for the food?' He was like, 'I don't
14 have any money.' So when he said that, I was
15 like, 'Oh. Why did you let me order the
16 food?'

17 So from there we left, we got back in the
18 car. At this time we went back to the
19 Walmart parking lot and we pulled up by a
20 truck. He was texting -- I believe that it
21 was one of the females from earlier that day,
22 from the restaurant, saying 'get some crabs,
23 some alcohol and a movie.'

24 So after that, we went around to liquor
25 store part of the road, in front of the

1 Cricket. Then ---

2 Q. Let me interrupt you there just
3 because that is a little confusing.

4 A. Yes, ma'am.

5 Q. When you were by the truck, what
6 area of the parking lot was that?

7 A. On the Walmart side.

8 Q. Closer to the Walmart side?

9 A. Yes.

10 Q. Then you say that the vehicle was
11 moved, that y'all moved ---

12 A. We moved.

13 Q. You moved and parked near what?

14 A. It was in front -- a little over
15 from the Cricket store, but basically in
16 front of the Cricket store, a couple of rows
17 ahead, maybe a row or two in front of the
18 Cricket store.

19 Q. And what happened -- you said that
20 he was texting when y'all parked there?

21 A. Yes, ma'am.

22 Q. Let me ask you, when you got in his
23 car when he came to pick you up at your
24 brother's house, was there anything unusual
25 about what was in his car?

1 A. Yes, ma'am. There was clothing that
2 I saw that the other guys had. So while I am
3 sitting there, I'm looking around -- so I was
4 like, 'where are they?' 'They getting ready.
5 When they finish, they're going to call me.'
6 And I was like, 'How are they going to call
7 you if their cell phones are in the back
8 seat?'

9 Q. Let me interrupt you for a second
10 and show you what been marked previously as
11 State's Exhibit 29. It's going to come up
12 there and it's going to come up behind you.

13 A. Okay.

14 Q. Do you recognize the clothing in
15 that picture?

16 A. Yes, ma'am.

17 Q. When you say that it was the other
18 guys, what are you talking about?

19 A. Graddick and Coakley.

20 Q. Whose shirt is the one with the
21 cartoon on it?

22 A. That's Coakley's.

23 Q. All right Were there other items in
24 the car at that -- this picture was taken
25 later, but were there other items in the car

1 at the time that he picked you up from your
2 brother's that you didn't understand?

3 A. There was the cell phones, the two
4 cell phones, the shoes and the clothing.

5 Q. Showing you State's Exhibit 30, are
6 you talking about that pair of shoes?

7 A. Yes, ma'am.

8 Q. Did you know who owned that pair of
9 shoes?

10 A. Yes, ma'am.

11 Q. Who?

12 A. Keenan.

13 Q. Did you ask Brian (sic) about the
14 shoes?

15 A. No, ma'am.

16 Q. Did you ask Kevin about the shoes?
17 I'm sorry, you are Brian. Did you ask Kevin
18 about those shoes?

19 A. No, I just asked where were they
20 when I saw their stuff in the car. It was
21 like 'they're home, gathering up.'

22 ANDREW GRIMES: Objection, calls for
23 hearsay.

24 THE COURT: Sustained.

25 DIRECT EXAMINATION CONTINUED

1 BY SOLICITOR SHEALY:

2 Q. Showing you State's Exhibit 31, that
3 is just a closer photograph of those shoes?

4 A. Yes, ma'am.

5 Q. So y'all parked over and a little
6 down from the Cricket store?

7 A. Yes, ma'am.

8 Q. What did Kevin tell you about what
9 y'all were going to be doing at that point?

10 A. He was still texting. He was
11 waiting on the female to reply back. I
12 believe that it was the female that worked at
13 the Walmart. He was like, uh, he was waiting
14 for the females earlier to reply back so that
15 he could know what type of liquor to go get
16 out of the liquor store.

17 Q. And would you describe for the jury
18 where the liquor store is compared to where
19 the Cricket store is?

20 A. The liquor store is like three to
21 four stores from the right where we were
22 parked.

23 Q. Going down further away from
24 Walmart?

25 A. Yes, ma'am.

1 Q. Was there anything about where you
2 parked -- where he parked -- that you were
3 questioning?

4 A. Yes, ma'am.

5 Q. What was that?

6 A. Well, we parked like maybe a little
7 over from the Cricket store instead of
8 parking in front of the liquor store.

9 Q. As y'all waited in the vehicle,
10 could you tell us how Kevin was behaving?
11 What did he do?

12 A. He reclined his seat and adjusted
13 the mirrors. You know, (hand gesture). So
14 while he's adjusting the mirrors, looking in
15 the mirrors, I'm looking back -- because I
16 don't know what's going on. I was like,
17 'okay, why we park here instead of the liquor
18 store.'

19 Q. When you say he -- I'm sorry to
20 interrupt you. When you say that he adjusted
21 the mirror and did the seat back, can you
22 demonstrate that for the jury?

23 A. Like he adjusted, you know, the side
24 mirror; reclined his seat; was just texting
25 and looking in the mirrors.

1 Q. And what would have been in the
2 mirror?

3 A. The Cricket store.

4 Q. Did something draw your attention
5 from the Cricket store area?

6 A. No, ma'am.

7 Q. At some point do you hear anybody
8 screaming?

9 A. Yes, ma'am.

10 Q. Tell us about that.

11 A. Probably like -- I'd say like five
12 minutes after we parked and all of that went
13 down, he adjusted the mirrors and whatnot, I
14 heard a scream -- a guy scream out, "Help,
15 we've been robbed!" So when I looked back,
16 he ran out of his store and I think he ran to
17 the Jersey Mike's next door to his store. He
18 said, 'somebody call the cops.'

19 So the female on the side of the car, she
20 was like, 'What happened?' He was like, 'We
21 just got robbed! Call the cops.'

22 So as she said to call the cops, I got my
23 cell phone out and Mr. Smalls told me don't
24 get involved.

25 Q. When you saw the woman run out, did

1 you say that you also saw a man run out of
2 the Cricket store?

3 A. No, I saw a guy run out.

4 Q. Did you recognize him?

5 A. Yes, ma'am.

6 Q. Where did you recognize him from?

7 A. From that store.

8 Q. Had you been in that store
9 previously?

10 A. Yes, ma'am.

11 Q. So when you took your cell phone
12 out, what did Kevin Smalls say?

13 A. He told me, "don't get involved."

14 Q. What happened next?

15 A. After that, we backed up and we
16 pulled off.

17 Q. You pulled off which way?

18 A. As we backed out, we turned and when
19 we came to the stop sign we made that right
20 and that put us right in front of Walmart.
21 When we're riding through the front side of
22 Walmart and we got to the lawn and garden,
23 that's when we made that left. That's going
24 to bring you out on the tire and lube express
25 side on the back side of Walmart.

1 Q. Go ahead.

2 A. From there, that takes you to
3 Porchers Bluff where we made that right and
4 got on 17.

5 Well, we made a right and then we made a
6 left onto 17.

7 Q. When y'all were traveling through
8 the parking lot, could you describe for the
9 jury how quickly or how slowly that y'all
10 were traveling?

11 A. We were going at a nice pace, a nice
12 little speed.

13 Q. When you got to the stop light on
14 Porchers Bluff, you said that y'all turned
15 left.

16 A. Yes.

17 Q. What happened after you turned left?

18 A. When we turned left -- it was before
19 they torn Highway 17 up to where it is now.
20 There was a median that you could turn in.
21 So when we got on 17, we dipped through the
22 median and went down Sam Edwards Road.

23 Q. Let me interrupt you for a second.

24 A. Okay.

25 Q. When you got on 17, before you

1 turned on Sam Edwards Road, ---

2 A. Yes, ma'am.

3 Q. --- did y'all travel down to Jarrett
4 Graddick's house and pick him up?

5 A. No, ma'am.

6 Q. So when you turned left onto Sam
7 Edwards Road, tell the jury what happened at
8 that point.

9 A. As we turned left on Sam Edwards
10 Road, we went to the end of the road and he
11 turned around.

12 Q. Let me show you what has been marked
13 as State's Exhibit 13. Is that a photograph
14 of Sam Edwards Road?

15 A. Yes, ma'am.

16 Q. Are you familiar with that road?

17 A. Yes, ma'am.

18 Q. And could you tell the jury whether
19 you have ever used any cut-throughs on that
20 road.

21 A. Yes, ma'am.

22 Q. So as y'all were driving down the
23 road, tell the jury again what happened.

24 A. Okay. To the back side, as you can
25 see, we turned around to the back. As we

1 were approaching coming forward, off the road
2 like up in this area right here ---

3 Q. Hang tight for just a second. I'm
4 going to get you a pointer -- (tendering).
5 And you can stand up.

6 THE COURT: You need to keep your voice
7 up.

8 SOLICITOR SHEALY: You're soft-spoken and
9 you're going to have your back turned to
10 them. So speak up. Okay?

11 WITNESS BRIAN MAZYCK: Okay.

12 DIRECT EXAMINATION CONTINUED

13 BY SOLICITOR SHEALY:

14 Q. Okay, you may continue.

15 A. Yes, ma'am. As we approached coming
16 back up this side -- like it's not on this
17 (indicating_) but up like closer to the
18 highway part, a little inbetween, that's when
19 he hit the brakes. When he hit the brakes, I
20 saw him look in the mirror -- once he looked
21 in the mirror and backed up, I saw Coakley
22 and Graddick -- there is a path over here,
23 (indicating). You can't see it. But they
24 were coming out waving, so ---

25 Q. Let me show you another photograph

1 and see if that helps us a little bit.

2 Showing you State's Exhibit 14. That is

3 turned the other way, going towards 17.

4 A. Yes, ma'am.

5 Q. Does that show you the area of the
6 pathway?

7 A. Still -- it's up in this area right
8 here.

9 Q. Okay. We will go back to State's
10 Exhibit 13. Y'all had already turned around?

11 A. Yes, ma'am.

12 Q. And -- go ahead, continue describing
13 what happened.

14 A. Like I said, we turned and were
15 going back up. As we were going back up Sam
16 Edwards Road, they came out of the path
17 flagging him down. When he backed up, they
18 got in the car.

19 After they got in the car, that's when we
20 went back to the head of Sam Edwards Road and
21 made a right.

22 Q. Go ahead and take your seat again.

23 A. (Complies).

24 Q. Let's slow down just a little bit.

25 Could you see from where -- and when you say

1 "they", who are you talking about?

2 A. Coakley and Graddick.

3 Q. When you say that they came out,
4 where -- y'all had already turned around and
5 were heading back towards the front?

6 A. Yes, ma'am.

7 Q. And then you say that Kevin Smalls
8 did what with his rearview mirror?

9 A. Oh, he looked in his rearview mirror
10 as he was riding back out of that road. He
11 was looking in the mirror.

12 Q. And what did he do with his car at
13 that point?

14 A. He stopped. He stopped and put in
15 reverse, I guess. That's when they came out
16 flagging, so he backed up towards them.

17 Q. Okay. Did you see them at that
18 point?

19 A. Yes, ma'am.

20 Q. Could you tell that it was Graddick
21 and Coakley?

22 A. Yes, ma'am.

23 Q. Can you remember how they appeared?
24 What they had on?

25 A. Not quite but I know that they had

1 gloves and shades on, and I think hats.

2 Q. Okay. And they then get where --
3 where did they go once y'all flagged them
4 down and Kevin has backed up?

5 A. Oh, they got in the car.

6 Q. Where did they get in the car, who
7 got on what side?

8 A. Coakley got in behind me and
9 Graddick got in behind Smalls.

10 Q. Prior to their getting in the car,
11 did you see any type weapon?

12 A. I saw a black gun.

13 Q. Okay. Who had the weapon as they
14 were getting in the car?

15 A. I can't remember.

16 Q. Was there anything covering their
17 faces when you saw them come out of the path?

18 A. Yes, ma'am.

19 Q. What was that?

20 A. Shades. And I don't know whether it
21 was a shirt pulled up over the faces or a
22 bandanna.

23 Q. What part of the face whatever it
24 was covering?

25 A. Oh, it was covering like the nose

1 piece, that piece (indicating).

2 Q. When they got in the car, can you
3 tell the jury whether or not anyone said
4 anything?

5 A. No one said anything right then, at
6 that moment.

7 Q. What happened then?

8 A. After that we headed out to Sam
9 Edwards Road and -- we got on 17. Once we
10 got on 17, we went to the far left lane.

11 Q. Let me interrupt you again. Sorry.
12 But when they got in the back seat, do you
13 know if the windows were up or down?

14 A. I don't remember.

15 Q. Did you see anything be thrown
16 anywhere before they got in the car?

17 A. The cash register.

18 Q. Where do you think that the cash
19 register was thrown? You can stand up and
20 point it out to us -- or is it not in that
21 photograph?

22 A. It is not in that photograph but
23 it's like ---

24 Q. Showing you State's Exhibit 14, ----

25 A. --- over in that area. There's a

1 gate over there, but you can't see it -- off
2 screen.

3 Q. So as y'all approached 17 again, was
4 there any discussion in the car about how
5 quickly y'all should go?

6 A. Yes, ma'am. Well, after we made
7 that turn, the U-turn at the light, coming
8 back up 17, uh, they were like, 'Okay, take
9 Clements Ferry Road...' ---

10 ANDREW GRIMES: Objection. Hearsay.

11 WILLIAM RUNYON: Your Honor, may we
12 take up a matter of law at this time?

13 THE COURT: All right. Ladies and
14 gentlemen, I will let you go to your jury
15 room. There is a matter that I need to
16 discuss out of your presence. Do not begin
17 your deliberations.

18 (JURY OUT @ 10:03 A.M.)

19 THE COURT: All right. What is your
20 objection or matter of law?

21 ANDREW GRIMES: I will let Mr. Runyon
22 got first.

23 WILLIAM RUNYON: Your Honor, what she's
24 on the threshold of doing is -- I don't mean
25 to object prematurely but it's better

1 prematurely than too late. She's now going
2 to have this witness start testifying about
3 what people have said.

4 All three of these people are on trial.
5 There's no way for us to cross examine,
6 necessarily, and we're getting into the area
7 of *Bruton*, Judge.

8 THE COURT: *Bruton*?

9 WILLIAM RUNYON: *Bruton* and hearsay.

10 THE COURT: Well, first of all, it's
11 not *Bruton*, because it's not a statement
12 being offered. I would agree with you that
13 if it was a statement that you couldn't
14 challenge that, but the witness is here.

15 Tell me why 801(d)(2) doesn't apply.

16 WILLIAM RUNYON: Well, Your Honor,
17 quite frankly it doesn't apply because we
18 don't -- Mr. Coakley doesn't have the ability
19 to cross examine Mr. Graddick or Mr. Smalls.

20 THE COURT: He does if they take the
21 stand, but he's got the ability to cross
22 examine this witness as to whether those
23 statements are current.

24 801(d)(2) says that if it is a statement
25 of someone that's adverse to that person,

1 being offered against them, which is it, and
2 that person is a defendant in this case, then
3 -- then why is it not admitted? And the
4 witness is available to testify.

5 WILLIAM RUNYON: Judge, he is
6 available.

7 THE COURT: I understand that. He's
8 testifying as to the statement attributed to
9 your -- which is classic 801(d)(2) talks
10 about.

11 WILLIAM RUNYON: Well, Judge, I am not
12 going to argue with the Court.

13 THE COURT: No, I'm just saying that --
14 801(d)(2) says that it is not hearsay.
15 That's what it says. So I disagree with your
16 argument that it is hearsay.

17 WILLIAM RUNYON: We've made the record,
18 Judge. Thank you.

19 THE COURT: Thank you, sir.

20 ANDREW GRIMES: Your Honor, if I may
21 put on the record, ---

22 THE COURT: Sure.

23 ANDREW GRIMES: It is our position
24 that Mr. Coakley may have been saying 'Go,
25 Go, Go!' but that's a statement that we

1 cannot cross Mr. Coakley on that. We don't
2 believe that he ---

3 THE COURT: But he is saying that
4 Coakley said that. You can challenge him
5 that Coakley said that. You don't have to
6 cross examine Coakley. And Coakley can
7 testify if he wants to, that's up to him.

8 I mean, Folks, this is really nothing
9 more than -- there are no statements being
10 offered. But if you can offer the statement
11 of a person -- and we know that we have to go
12 through a *Jackson v. Denno* hearing for that;
13 for obvious reasons, because they have
14 Constitutional rights not to testify.

15 But this is not an interrogation. This
16 is a conversation with a citizen. This is
17 nothing more than anything that comes into
18 court. The fact that it is a trial for a
19 criminal case doesn't change the evidentiary
20 application.

21 So I appreciate your position. You can
22 argue that up the road and maybe we will make
23 some new law.

24 I don't think that 801(d)(2) makes this
25 hearsay and, therefore, none of that applies.

1 The witness who is saying these things is
2 here to be challenged. That is precisely
3 what (d)(1) talks about. It says that you
4 can offer it if they've been present and have
5 testified. The whole purpose of that is so
6 that you can challenge that testimony itself.
7 That's the challenge. That's the
8 confrontation. You're confronting the
9 witness.

10 It's not a *Bruton* issue, it has nothing
11 to do with *Bruton*. It's not -- now, I would
12 agree with you that if we're talking about a
13 statement that this person made that is being
14 offered against that person and that -- that
15 has to pass muster concerning the *Jackson v.*
16 *Denno* hearing and now -- now we've got a
17 different ballgame.

18 But that's not what this is. This is a
19 witness who was present, who heard the
20 conversation and he's testifying, which is
21 adverse to your party. That's clearly that.

22 The distinction -- for instance, to give
23 you the distinction, I sustained an objection
24 -- you want to offer a statement which your
25 client made that was beneficial. Clearly it

1 says that it has to be offered again. Years
2 ago when I went to law school, it had to be
3 an adverse party -- you could throw it in, it
4 didn't matter. A statement against interest
5 by a party or -- you could offer anything
6 that a party said. They changed the Rule and
7 said that it has to be offered against a
8 person. Clearly that's what we do.

9 So, Solicitor, is there anything else
10 that you'd like to supplement the record as
11 being your basis for ---

12 SOLICITOR SHEALY: No, Your Honor.

13 THE COURT: --- being able to ask the
14 question.

15 SOLICITOR SHEALY: No, Your Honor.

16 THE COURT: Thank you. The record has
17 been made. Thank you very much. I overrule
18 the objection, but I appreciate ---

19 ANDREW GRIMES: Thank you, Your Honor.

20 THE COURT: And, Mr. Runyon, thank you
21 for raising it. You say prematurely, I think
22 that it needed to be raised and arrested.
23 Thank you very much..

24 All right, let's bring in the jury.

25 And the objection will continue through

1 out and it is protected for the purposes of
2 review so that we don't have to interrupt.
3 Each time that a statement is made by a
4 defendant, it is noted that your objection
5 continues for each individual. The State
6 agrees with that approach ---

7 SOLICITOR SHEALY: Yes, sir.

8 THE COURT: --- for purposes of review?

9 SOLICITOR SHEALY: Yes, Your Honor.

10 THE COURT: And the defendants, each is
11 comfortable with that for protecting the
12 record?

13 ANDREW GRIMES: Yes, sir.

14 WILLIAM RUNYON: For Defendant Coakley,
15 that's fine.

16 THE COURT: Okay.

17 JIM SMILEY: Yes, sir.

18 THE COURT: Thank you. Invite the jury
19 to return.

20 (JURY IN @ 10:10 A.M.)

21 THE COURT: Thank you, ladies and
22 gentlemen. As you know, as I mentioned to
23 you that our Rules are well-defined, that
24 they don't overlap. You have the
25 responsibility of determining the facts and

1 it is my responsibility to determine the law.
2 Occasionally we don't have to have a matter
3 -- and you've heard me tell an attorney that
4 'we will place that on the record at the next
5 recess.' The reason for that is that that is
6 not a matter for your concern.

7 So in order to facilitate those
8 discussions, sometimes we need to excuse you.
9 Please understand that's the normal process.
10 Also please understand that as officers of
11 the Court that the attorneys are entitled to,
12 and should, raise those matters as they
13 occur. It is very important that they do
14 that during the process. That's very normal,
15 and very proper as well. So don't read
16 anything into that either. Thank you.

17 You may continue, Ms. Shealy.

18 SOLICITOR SHEALY: Thank you, Your
19 Honor.

20 DIRECT EXAMINATION CONTINUED

21 BY SOLICITOR SHEALY:

22 Q. Brian, I believe that we were
23 talking about that y'all were heading back
24 down Sam Edwards Road towards 17.

25 A. Yes, ma'am.

1 Q. If you would, please tell the jury
2 if anyone was saying anything.

3 A. When they got in the car, they were
4 like, 'Go, Go, Go!' That's when we went --
5 we were on 17, now we're U-turning, now we're
6 going up 17, ---

7 Q. Let me slow you down there just so
8 they will understand what you mean by a U-
9 turn. When y'all got to the end of the
10 street here (indicating Sam Edwards Road),
11 which way did Mr. Smalls turn?

12 A. He turned right.

13 Q. When you say that y'all U-turned it,
14 where was that?

15 A. Actually when you come off this
16 road, there's a light like right there. He
17 went to the far left lane and he U-turned at
18 the light.

19 Q. So when you U-turned, were you still
20 on Highway 17?

21 A. Yes, ma'am.

22 Q. You were heading back towards the
23 bridge?

24 A. Yes, ma'am.

25 Q. If you would, describe to the jury,

1 please, what was going on in the backseat as
2 y'all were traveling back down 17 South.

3 A. As we were traveling back down 17,
4 they were in the back seat trying to take the
5 clothes off that they had on during the
6 robbery and put the clothes that were in the
7 car on.

8 Q. And when you say that's what they
9 were doing, could you see them doing that?

10 A. Yes, ma'am.

11 Q. How were you feeling about that?

12 A. I was scared and nervous. I wanted
13 to get out of the car.

14 Q. Okay. Tell the jury -- they were
15 changing clothes?

16 A. Yes, ma'am.

17 Q. At any point did you see a weapon?

18 A. Yes, ma'am. The gun was under the
19 armrest in the back seat.

20 Q. Tell the jury what other behavior
21 was happening in the back of the car.

22 A. Nothing at that moment. But when we
23 got pulled over by the heat car, -- Mr.
24 Smalls brought it to the attention of
25 everyone that the heat car was behind us.

1 When he said the heat car was behind us, I
2 looked back in the rearview I saw the heat
3 car that had came out of nowhere. So we were
4 just sitting at the light now, no one is
5 moving.

6 He just threw on the lights. Once he
7 threw on the lights, he told us to put our
8 hands up. So now we have our hands up in the
9 car.

10 You know, as he started telling us to
11 turn the car off, don't move, I think that it
12 was Mr. Coakley said, "Go! I'm not going
13 back to jail. Go!"

14 When I looked at the passenger side --
15 any movement to your left side, you can see.
16 So, you know, as I glanced over he had the
17 gun to the back of Mr. Smalls seat.

18 Q. Who had the gun?

19 A. Mr. Coakley.

20 Q. And when you say that he had it to
21 the back of Mr. Smalls' seat, are you talking
22 about the back of Mr. Smalls' seat?

23 A. Yes, ma'am.

24 Q. And what was Mr. Coakley saying?

25 A. He was like, 'Drive! I'm not going

1 back to jail.'

2 WILLIAM RUNYON: Your Honor, may I ---

3 THE COURT: What is the objection?

4 WILLIAM RUNYON: To the statement that

5 he just made that he said was said by Mr.

6 Coakley.

7 THE COURT: All right. Thank you, sir.

8 Your objection is overruled.

9 DIRECT EXAMINATION CONTINUED

10 BY SOLICITOR SHEALY:

11 Q. Let's go back just a little bit,

12 A. Yes, ma'am.

13 Q. --- did anyone in the car indicate
14 where y'all should travel?

15 A. Yes, ma'am.

16 Q. Who did that?

17 A. They both said that we should take
18 Clements Ferry.

19 Q. And when you say "they both", you
20 mean who?

21 A. Coakley and Graddick.

22 Q. And for those on the jury who aren't
23 familiar with Clements Ferry, do you have to
24 go down 41 to get to Clements Ferry?

25 A. Yes, ma'am.

1 Because it's important.

2 A. Okay.

3 Q. Between the time that you gave your
4 statement and the time that you signed the
5 proffer agreement, did the State drop any
6 charges for you?

7 A. Yes. When I went to court, yes,
8 sir.

9 Q. And what charges did they drop?

10 SOLICITOR SHEALY: Your Honor, I have
11 an objection and a matter of law.

12 THE COURT: All right. Ladies and
13 gentlemen, I need for you to go out and go
14 to your jury room. We will be with you as
15 quickly as we can.

16 (JURY OUT @ 10:26 A.M.)

17 THE COURT: Before -- Mr. Runyon, you
18 made an objection concerning the statement
19 about the jail. You want to go ahead and
20 supplement your objection?

21 WILLIAM RUNYON: Your Honor, I would
22 like to supplement that by not only objection
23 but that in his identification he said Mr.
24 Coakley said 'I don't want to go back to
25 jail' or 'I'm not going back to jail.' That

1 indicates that there was some prior
2 conviction or some prior offense. That
3 introduces the defendant's record. And,
4 therefore, not only do I object to that,
5 Judge, but I would append to that objection
6 a Motion for a mistrial as to Mr. Coakley.

7 THE COURT: What is the State's
8 response?

9 SOLICITOR SHEALY: Your Honor, I think
10 that statement was so minimal that it
11 probably didn't draw the jury's attention.

12 THE COURT: Oh, I think that it drew it
13 several times. What is your position
14 concerning the admissibility?

15 SOLICITOR SHEALY: I think if that's
16 what he said, that's what he said. It
17 doesn't in any way indicate that he's been
18 convicted of a crime. He said 'I don't want
19 to go back to jail.'

20 THE COURT: Well, it does imply that
21 he was convicted of a crime.

22 SOLICITOR SHEALY: I don't think that
23 it implies that he was convicted of one, just
24 that he was in jail. He didn't say, 'I don't
25 want to go back to prison.' I think that if

1 any discussion with any of the counsel.

2 Thank you.

3 Ms. Shealy, you indicated that you wanted
4 to make further argument concerning the issue
5 of the Motion by Mr. Runyon for a mistrial.

6 SOLICITOR SHEALY: Yes, Your Honor. Is
7 there any way that I could have over the
8 lunch hour to look at the case law that we
9 have pulled.

10 THE COURT: Let me go ahead and rule
11 then. I appreciate it.

12 I've done some research during the
13 examination as well. There are two cases
14 that I find interesting on the issue, both of
15 which deal with the fact that the error, if
16 it is, is harmless. But I am not even sure
17 that it is error in this case because --
18 there's nothing in the testimony that suggest
19 any type of conviction, first of all. He
20 could have been in jail for traffic
21 violation(s), Family Court, could have been
22 anything under the sun. We don't know. So
23 it is very, very vague. The Court, in one of
24 the cases, noted vagueness of the testimony.

25 *State v. Thompson* at 352 South Carolina

1 552, the Court of Appeals 2003.

2 *State v. Singleton*, 284 South Carolina
3 388, a 1985 case. That one was Judge
4 Moore's, a death penalty case. The Court
5 found the error to be harmless, considering
6 all the other efforts.

7 But one of the factors that we have here
8 is that he simply said 'I am not going back.'
9 It was a motivation factor, but he didn't
10 move this car forward.

11 It also goes, and I have to -- this is
12 something that I was thinking about as I
13 heard more testimony. It has significant
14 probative value as to Mr. Smalls' involvement
15 in this case. That he is saying -- and
16 therefore it lends some credibility to his
17 statement that, 'I want out of here. You
18 need to go, because I've got some involvement
19 though you may not.'

20 There are all sorts of inferences that
21 can be drawn from the statement.

22 Furthermore, and this is noted in the
23 Thompson case and in several cases cited in
24 the Thompson case, the State never attempted
25 to prove any other prior bad acts concerning

1 this defendant. The only mention is from
2 this person.

3 And we go back then to the original
4 objection of hearsay. He's here to be
5 challenged. I understand that you don't
6 challenge him on the statement. I wouldn't
7 either.

8 The record is protected because,
9 obviously, there's post-conviction relief
10 cases that I've read that failure to raise
11 that issue creates a potential problem. So
12 that's preserved for -- not that you did it
13 for that reason. You did it because, as you
14 said in your Motion, you believe that there
15 is undue prejudice.

16 I don't think that the prejudice is that
17 significant, if there is prejudice.
18 Certainly it's not -- it doesn't change or in
19 any way, I think, render this an unfair
20 proceeding, overly, from the standpoint of
21 violating Mr. Coakley's situation.

22 For those reasons, I decline your Motion.

23 Certainly there is a case -- notwith-
24 standing your request, I could cure it with
25 a curative instruction. But given the fact

1 that it is a matter that you don't want the
2 jury to hear, that you didn't want the jury
3 to hear in the first place, I believe that a
4 curative instruction would be -- first of
5 all, it would be inconsistent with what I
6 just said. So I will stand by that. It will
7 rise or fall on that basis, unless the State
8 demands a curative instruction.

9 I will allow you to look at it over
10 lunch, should you consider it to be an error.
11 There are cases where, notwithstanding your
12 strenuous objection to it, went and ahead and
13 granted it -- went ahead and gave a curative
14 instruction. The Court in review said that
15 it corrected the wrong. So -- (pause).

16 WILLIAM RUNYON: Judge, I am not
17 arguing with that. I'd never argue with the
18 Court.

19 THE COURT: No, you can certainly --
20 that's my -- I am now at the point where you
21 can supplement or further argue your
22 position.

23 WILLIAM RUNYON: As a practical matter
24 -- I haven't read too many hand's decisions
25 but a curative instruction and -- and I would

1 vigorously suggest to the Court that if the
2 State suggests it and the Court considers it,
3 that it not be done. It merely would
4 reinforce what -- frankly we could, in all
5 candor to the Court, you know, it could get
6 lost in this morass of exhibits, what-have
7 you. But if you're going to give a curative
8 instruction, it'd just reinforce it.

9 THE COURT: You've stated precisely
10 what has been observed, was observed by Judge
11 Moore and observed by Judge -- in fact, my
12 classmate and colleague -- Tommy Cooper in
13 trying the *Thompson* case. It was just an
14 incidental comment that was -- granted, it
15 was repeated. It was a single mention in
16 that. I mentioned to you that that was my
17 concern.

18 But, again, it was -- the witness who is
19 not a sophisticated witness is not -- you
20 have law enforcement and -- in I think both
21 cases. I know that there was in the *Thompson*
22 case because there was talk about warrants.
23 That was the suggestion, that he had other
24 warrants, which certainly talks about -- that
25 suggests a crime. We don't even know if this

1 was a crime. It could have been a civil
2 matter. It could have been anything. It
3 could have been, 'I just don't want to go to
4 jail', period.

5 The statement itself, I don't believe
6 rises to the level required for a mistrial.
7 So I am denying your Motion on that basis.
8 The rationale for my allowing the testimony,
9 I think that I have fully stated that.
10 Thank you.

11 SOLICITOR SHEALY: Your Honor, one
12 scheduling matter that I want to see how you
13 want to handle it. When we get back, we will
14 finish up with her (Yarbrough), I can read
15 the two stipulations into the record and then
16 we will need a minute to test up the Skype.

17 THE COURT: Why don't we do this?
18 Let's -- you can't have the Skype set up and
19 then ready to go?

20 SOLICITOR SHEALY: I don't know.

21 THE COURT: Well, let's look at that.

22 SOLICITOR SHEALY: I think that they
23 were putting it on the podium. I don't know
24 if that makes a big difference but ---

25 THE COURT: It doesn't bother me that

1 the evidence is sufficient to establish that
2 he was involved in the robbery. The State
3 has a circumstantial case and there is no
4 evidence that there was an actual armed
5 robbery, because Mr. Blain and Ms. Harlee
6 were outside the store at the time and the
7 robbery wasn't necessarily viewed. The
8 property wasn't under immediate control, so
9 therefore it would be more larceny than armed
10 robbery. Thank you, Your Honor.

11 THE COURT: Considering the evidence in
12 the light most favorable to the State, there
13 is substantial circumstantial evidence to
14 suggest his involvement. The fact that they
15 were not in the store, that they had ran for
16 their safety, which probably makes it more
17 one of the strongest things, that they were
18 in fear. They did a prudent and practical
19 thing, went and called the police. They
20 protected themselves and said, 'take it.'
21 They proceeded to take it. So I disagree
22 with you wholeheartedly that all the evidence
23 does not reflect an armed robbery. But,
24 thank you. Mr. Runyon?

25 WILLIAM RUNYON: Your Honor, I would

1 THE COURT: Very well. If you will
2 pass the verdict forms to Mr. Pryor
3 (bailiff). We will be in the process of
4 resolving that -- and we'll get the videos
5 cued up for your review.

6 BAILIFF: (Tenders forms to Judge
7 Dennis).

8 THE COURT: (Upon review), the verdict
9 forms have been properly completed. If you
10 would, please publish the verdicts.

11 I would ask the defendants Mr. Coakley
12 and Mr. Graddick to please rise.

13 DEFENDANT GRADDICK: (Complies)

14 DEFENDANT COAKLEY: (Complies)

15 CLERK: Case Number 2011-GS-10-02078,
16 the State of South Carolina versus Keenan
17 Coakley, "We, they jury, by unanimous consent
18 find the Defendant, Keenan Coakley, on the
19 charge of armed robbery, Guilty." Signed by
20 David Watcher, December 6th, 2013.

21 Case Number 2011-GS-10-02074, State of
22 South Carolina versus Jarrett Graddick, "We,
23 the jury, by unanimous consent find the
24 Defendant, Jarrett Graddick, on the charge of
25 armed robbery, Guilty." Signed David

1 Motion for a directed verdict.

2 THE COURT: Very well, I believe that
3 the court has responded to all the issues.
4 Certainly the evidence supports the verdict
5 and I would deny the Motion.

6 WILLIAM RUNYON: On behalf of Defendant
7 Coakley, Your Honor, we would renew our
8 Motion for a directed verdict and move for a
9 mistrial -- excuse me, move for a new trial.
10 We also renew our Motions for a mistrial as
11 we previously stated on the record.

12 THE COURT: Thank you, sir. Those
13 Motions are noted and preserved. The Court
14 again, as to Mr. Coakley, finds the evidence
15 adequate to support the verdict and would
16 respectfully deny your Motions, for a new
17 trial and for a mistrial.

18 All right. Are we ready for sentencing
19 or do you want to wait? Whatever your
20 pleasure.

21 SOLICITOR SHEALY: We are ready to go
22 forward with sentencing.

23 THE COURT: Do you have sentencing
24 sheets?

25 SOLICITOR SHEALY: I do.

1 feelings, I really do. You put them through
2 hell that day.

3 I'll take into consideration the lack of
4 record or the type of record that you have.

5 I will also take into consideration the
6 ages.

7 I believe Mr. Graddick, that the firearm
8 was tied to you. I understand that you don't
9 have to say -- but that was the evidence in
10 this case.

11 And you were on probation for two years.

12 You are the older. I am going to hold
13 you accountable.

14 The sentence of the Court in Mr.
15 Graddick's case is twenty (20) years, and he
16 is to be given credit for eight hundred and
17 ninety-one (891) days.

18 The sentence for Mr. Coakley is sixteen
19 (16) years and he is to be given credit for
20 time served since July 5th, 2011.

21 God bless you, good luck to both of you.

22 (DEFENDANT GRADDICK IN CUSTODY)

23 (DEFENDANT COAKLEY IN CUSTODY)

24 THE COURT: Gentleman, we have another
25 note. I think that this is where this case

COUNTY OF CHARLESTON)

I, the undersigned Deborah Garrison, Circuit Court Reporter for the 9th Judicial Circuit, hereby certify that the foregoing is a complete and accurate transcript of the jury trial held in the within action heard on December 2nd through December 6th, 2013, before The Honorable R. Markley Dennis, Jr.;

I further certify that I am neither kin nor counsel to any of the parties and have no interest in the outcome of this action.



Deborah Garrison

Charleston, South Carolina
June 4, 2014

Appeal From Charleston
The Honorable R. Markeley Dennis, Circuit Court Judge
Appellate Case No.: 2013-002659

THE STATE,

Respondent.

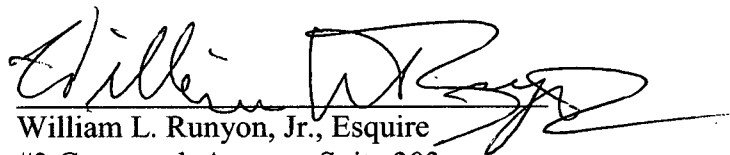
v.

KEENAN COAKLEY,

Appellant.

CERTIFICATION OF COUNSEL

The undersigned Counsel for Appellant hereby certifies that there are no matters included in the Record on Appeal not designated by the Parties saving the Transcript indexes and Court Reporter certification.



William L. Runyon, Jr., Esquire
#3 Gamecock Avenue, Suite 303
Charleston, SC 29407
(843)571-3515
SC Bar No.: 4838
Attorney for Appellant

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Honorable Markley Dennis, Jr., Circuit Judge
Appellate Case No.:2013-002659

The State

v.

Respondent

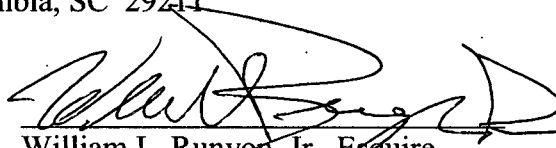
Keenan Coakley,

Appellant.

CERTIFICATE OF MAILING

I, William L. Runyon, Jr., do hereby certify that on the 26th day of February, 2015 I served a copy of the Appellant's **RECORD ON APPEAL** on Honorable Deborah R. J. Shupe, South Carolina Attorney General in the within matter, by mailing a copy to her by way of the United States mail, with sufficient postage attached thereto and addressed as follows:

Honorable Alan Wilson
Honorable Deborah R. J. Shupe
Office of the Attorney General
P. O. Box 11549
Columbia, SC 29211



William L. Runyon, Jr., Esquire
#3 Gamecock Avenue, Suite 303
Charleston, SC 29407
(843)571-3515
SC Bar No.: 4838
Attorney for Appellant

RECEIVED

FEB 27 2015

Dated this 26th day of February, 2015
in Charleston, South Carolina.

SC Court of Appeals

3

William L. Runyon, Jr.

Attorney At Law

#3 Gamecock Avenue, Suite 303

Charleston, SC 29407

Telephone: (843) 571-3515 Facsimile: (843) 766-5085

February 26, 2015

Honorable Clerk of Court
The South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

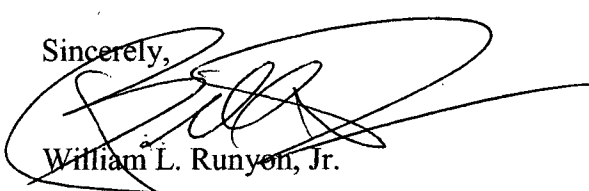
RE: The State v. Keenan Coakley
Appellate Case No.: 2013-002659

Dear Madame Clerk:

Please find enclosed 15 copies of **RECORD ON APPEAL** together with original unbound copy pursuant to the Rules together with a **CERTIFICATE OF MAILING. CERTIFICATION OF COUNSEL** as to Record is the last page of the Record on Appeal. Please file same at your earliest convenience. Please file original **CERTIFICATE OF MAILING** and return certified copies to me in the stamped, self-addressed envelope provided for your convenience

Thanking you, I remain

Sincerely,



William L. Runyon, Jr.

WLR, JR. / bb

Cc: Honorable Deborah Shupe

RECEIVED

FEB 27 2015

SC Court of Appeals