

STATE OF SOUTH CAROLINA

In The Court of Appeals

RECEIVED

APPEAL FROM ORANGEBURG COUNTY

MAY 26 2015

Edgar W. Dickson, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DESHAWN LEE POWELL,

APPELLANT

APPELLATE CASE NO. 2012-212140

SUPPLEMENTAL RECORD ON APPEAL

KATHRINE H. HUDGINS
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

Attorney for Appellant

ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211
(803) 734-3727

DAVID M. PASCOE, JR.
Solicitor, First Judicial Circuit
140 N. Main Street, Suite 102
Summerville, SC 29483-6443
(843) 871-2640

Attorneys for Respondent

INDEX

INDEX.....i
TRANSCRIPT OF JURY QUALIFICATIONS AND *VOIR DIRE*.....1
CERTIFICATE OF COUNSEL.....31

1 STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
2 COUNTY OF ORANGEBURG) No. 2011 GS 38 0015

3

4 STATE OF SOUTH CAROLINA)
)
5)
)
6 versus) TRANSCRIPT OF RECORD
) (Jury selection)
7)
)
8 DESHAWN LEE POWELL)
)
9 Defendant)

10 Orangeburg, South Carolina
11 May 15, 2012

12

13 B E F O R E :

14 HONORABLE EDGAR W. DICKSON, Presiding Judge

15

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

17 For the State: D. SORENSON, Esq.
 H. BELL, Esq.
18 Solicitors
19 For the Defendant: HINES, Esq.
 MULLER, Esq.
20 Public Defender's Office
21 Reporter present: HARRY DOT WALKER

22

23 HARRIET P. BENNETT
24 Reporter, S. C. Court Administration
 46 Regency Oaks Drive
25 Summerville, S. C. 29485

I N D E X

1

2 Jury Voir Dire page 3

3 Jury selection 29

4 (Request only for

5 jury selection)

6

7

8

9

10

11 NO EXHIBITS MARKED OR FILED

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 (The within matter came before the Court for hearing
2 on May 15, 2012)

3 THE COURT: All right. Solicitor, do you want to call
4 your case?

5 SOLICITOR: Yes, sir. The State calls the case of the
6 State of South Carolina versus Deshawn Powell, Indictment
7 2011 GS 38 0015, and it is for one count of murder.

8 THE COURT: All right, sir. Ladies and gentlemen,
9 I am going to ask you some questions about the case that
10 the Solicitor's Office has just called. Thank you, sir.
11 The first thing I'm going to do is ask the State -- Mr.
12 Sorenson, if you would identify yourself and Mr. Bell and
13 other members of your staff and attorneys in the Solicitor's
14 Office.

15 SOLICITOR: Yes, Your Honor. May it please the Court?

16 THE COURT: Yes, sir.

17 SOLICITOR: My name is Don Sorenson, and I am a Soli-
18 citor here in Orangeburg County, and this is Harrison Bell
19 who is also an Assistant Solicitor.

20 (Naming other attorneys in his office)

21 THE COURT: Thank you, sir.

22 Is any member of the jury panel related by blood or
23 marriage, or a close personal friend of any of the people or
24 the attorneys who were named by Mr. Sorenson? If so, please
25 stand.

1 (No response from jurors)

2 No one is standing.

3 Wait. Hold on a second. Your name, please.

4 (Juror standing)

5 JUROR: Thomas Pooser.

6 THE COURT: You are -- are you related to any of the
7 attorneys in this case?

8 JUROR: No, sir.

9 THE COURT: Are you a close personal friend?

10 JUROR: Yes, sir.

11 THE COURT: The fact that you are a close personal
12 friend of some of the attorneys in the Solicitor's Office,
13 would that affect your ability to listen to the evidence in
14 this case and render a fair and impartial verdict?

15 JUROR: No, sir.

16 THE COURT: All right. If you'd stay with us, please,
17 sir. Thank you.

18 All right. Mr. Deshawn Powell -- would you please stand
19 and face the jury? Thank you, sir.

20 You may be seated.

21 Is any member of the jury panel related by blood or
22 marriage or a close personal friend of Mr. Deshawn Powell?
23 If so, please stand.

24 (No response from jurors)

25 All right, no one is standing.

1 The Defendant is represented by Ms. Hines and Mr.
2 Muller of the Public Defender's Office, and, Ms. Hines, if
3 you will introduce any other members of your staff?

4 (Ms. Hines naming members of her office)

5 THE COURT: Any member of the jury panel related by
6 blood or marriage or a close personal friend of any of the
7 attorneys in the Public Defender's Office? If so, please
8 stand at this time.

9 (No response)

10 All right, no one is standing.

11 Ladies and gentlemen, there are a number of witnesses
12 who may be called in this trial. I'm going to go through
13 them one by one -- go through the list one by one and ask
14 you to stand if you know them or are related to them, and
15 if any of them are present in the Courtroom if they would
16 stand.

17 A possible witness in this case is Deputy Frank Williams
18 of the Orangeburg County Sheriff's Department. Is any mem-
19 ber of the jury panel related by blood or marriage or a
20 close personal friend of Deputy Frank Williams? If so,
21 please stand.

22 (No response)

23 No one is standing.

24 Investigator John Stokes with the Orangeburg County
25 Sheriff's Department may also be called as a witness. Is

1 any member of the jury panel related by blood or marriage
2 or a close personal friend of Investigator John Stokes? If
3 so, please stand.

4 (No response)

5 Sergeant Philip Burdik, Orangeburg County Sheriff's De-
6 partment, may be called as a possible witness in this case.
7 If any member of the jury panel is related by blood or mar-
8 riage or a close personal friend of Sergeant Burdik, please
9 stand.

10 (No response)

11 No one is standing.

12 Commander Wanda Bamberg, Orangeburg County Sheriff's
13 Office, may be called as a possible witness. Is anyone on
14 the jury panel related by blood or marriage or a close per-
15 sonal friend of Commander Wanda Bamberg? If so, please stand
16 at this time.

17 (No response)

18 No one is standing.

19 Deputy Ryan Hart of the Orangeburg County Sheriff's
20 Office, may be called as a possible witness. Any member of
21 the jury panel related by blood or marriage or a close
22 personal friend of Deputy Hart please stand?

23 (No response)

24 No one is standing.

25 Lieutenant Joel Carter, Orangeburg County Sheriff's

1 Office, is a possible witness. Anyone on this jury panel
2 related by blood or marriage or a close personal friend of
3 Lieutenant Carter, please stand at this time.

4 (No response)

5 No one is standing.

6 Investigator Jared Kittrell, Orangeburg County Sher-
7 iff's Office, is a possible witness. Anyone on this jury
8 panel related by blood or marriage or a close personal
9 friend of Investigator Kittrell, please stand.

10 (No response)

11 No one is standing.

12 Lieutenant James Sheppard, Orangeburg County Sheriff's
13 Department, is a possible witness. Anyone on this jury
14 panel related by blood or marriage or a close personal friend
15 of Lieutenant Sheppard, please stand at this time.

16 (No response)

17 No one is standing.

18 Kimberly Pugh, Orangeburg County Sheriff's Department,
19 may be called as a witness in this case. Any member of the
20 jury panel related by blood or marriage or a close personal
21 friend of Kimberly Pugh, please stand at this time.

22 (No response)

23 No one is standing.

24 Dr. Janice Ross, a pathology doctor in Newberry, may
25 be called as a possible witness in this case. Any member

1 of the jury panel related by blood or marriage or a
2 close personal friend of Dr. Janice Ross, please stand at
3 this time?

4 (No response)

5 No one is standing.

6 Amanda Webb who works with SLED is a possible witness
7 in this case. Any member of the jury panel related by
8 blood or marriage or a close personal friend of Amanda
9 Webb, please stand at this time.

10 (No response)

11 No one is standing.

12 Sherry Brown also works at SLED. Any member of the
13 jury panel related by blood or marriage or a close personal
14 friend of Sherry Brown, please stand.

15 (No response)

16 No one is standing.

17 Mary Sevales also works at SLED. Any member of the
18 jury panel related by blood or marriage or a close personal
19 friend of Mary Sevales please stand.

20 (No response)

21 No one is standing.

22 Zan Wysome also works for SLED, and, again, if any
23 member of the jury panel is related by blood or marriage
24 or a close personal friend of Zan Wysome, would you please
25 stand?

1 (No response)

2 No one is standing.

3 Marilyn Key may also be called as a witness. If any
4 member of the jury panel is related by blood or marriage or
5 is a close personal friend of Marilyn Key, would you please
6 stand?

7 (No response)

8 No one is standing.

9 Annette Stevenson may be called as a witness. Any
10 member of the jury panel related by blood or marriage or a
11 close personal friend of Annette Stevenson, please stand.

12 (No response)

13 No one is standing.

14 Darrel Jones may be called as a witness. Any member
15 of the jury panel related by blood or marriage or a close
16 personal friend of Darrel Jones, please stand.

17 (No response)

18 No one is standing.

19 Todd Wise may be called as a witness. Any member of
20 the jury panel related by blood or marriage or a close per-
21 sonal friend of Todd Wise, please stand.

22 (No response)

23 No one is standing.

24 Linda Miller may be called as a witness. If any mem-
25 ber of the jury panel is related by blood or marriage or a

1 close personal friend of Linda Miller, would you please
2 stand?

3 (No response)

4 No one is standing.

5 Carmen Kipp may be called as a witness. If any member of
6 the jury panel is related by blood or marriage or is a close
7 personal friend of Carmen Kipp, would you please stand?

8 (No response)

9 No one is standing.

10 Anthony Garvin may be called as a witness. If any
11 member of the jury panel is related by blood or marriage or
12 is a close personal friend of Anthony Garvin, would you
13 please stand?

14 (No response)

15 No one is standing.

16 Marlowe Stevenson may be called as a witness. Is any mem-
17 ber of the jury panel related by blood or marriage or a
18 close personal friend of Marlowe Stevenson? If so, please
19 stand at this time.

20 (No response)

21 No one is standing.

22 Investigator (inaudible) of the Solicitor's Office
23 may be called as a witness, who is here -- thank you. You
24 may sit down. If any member of the jury panel is related
25 by blood or marriage or a close personal friend of Investigator

1 Turber, please stand.

2 (No response)

3 No one is standing.

4 Sylvia Battick may be called as a witness. Any member
5 of the jury panel related by blood or marriage or a close
6 personal friend of Sylvia Battick? If so, please stand.

7 (No response)

8 No one is standing.

9 Maurice Tucker may be called as a witness. Any mem-
10 ber of the jury panel related by blood or marriage or a
11 close personal friend of Maurice Tucker? If so, please
12 stand.

13 (No response)

14 No one is standing.

15 Thank you. Finally, Wylvie Brown may be called as a
16 witness. Any member of the jury panel related by blood or
17 marriage or a close personal friend of Wylvie Brown, would
18 you please stand?

19 (No response)

20 No one is standing.

21 All right, thank you. I've got more questions for
22 you.

23 Has anybody -- has any member of the jury panel or
24 related by blood or marriage or has a close personal friend
25 who is employed with any law enforcement agency? If so,

1 please stand.

2 (Juror standing)

3 Okay, hold on one second. Your name, please?

4 JUROR: (Inaudible)

5 THE COURT: Juror 102. Ms. Johnson, you have rela-
6 tives or family members?

7 JUROR: (Inaudible)

8 THE COURT: Okay. The fact that your father works for
9 a law enforcement agency, would that affect your ability to
10 listen to the evidence in this case and bring back a fair
11 and impartial verdict?

12 JUROR: No.

13 THE COURT: Okay, if you would stay with us, please,
14 maam.

15 (Another juror standing)

16 THE COURT: Your name, please, sir?

17 JUROR: (Inaudible) Stack.

18 THE COURT: Okay, Mr. Stack, you have family members
19 working for law enforcement?

20 JUROR: My dad is a retired highway patrolman.

21 THE COURT: The fact that your dad is a retired patrol-
22 man, would that affect your ability to listen to the evidence
23 in this case and render a fair and impartial verdict?

24 JUROR: No, sir.

25 THE COURT: Stay with us then, please.

1 (Another juror standing)

2 THE COURT: Yes, sir, your name?

3 JUROR: James Bolton.

4 THE COURT: Hold on one second, Mr. Bolton. All right,
5 Mr. Bolton, is it a member of your family in law enforce-
6 ment?

7 JUROR: My cousin.

8 THE COURT: A cousin? Okay. The fact that you have a
9 cousin who works in law enforcement, would that affect
10 your ability to listen to the evidence in this case and to
11 render a fair and impartial verdict?

12 JUROR: No, sir.

13 THE COURT: All right. If you would stay with us,
14 please.

15 (Another juror standing)

16 JUROR: (Inaudible)

17 CLERK: He's a transfer.

18 THE COURT: I'm sorry, Mr. Chaplin. The fact that
19 you have family members who work in law enforcement, or your
20 wife is related to . . .

21 JUROR: Yes, sir, but it won't affect my ability to
22 be fair and impartial.

23 THE COURT: All right, stay with us, sir.

24 (Another juror standing)

25 THE COURT: Yes, ma'am, your name?

1 JUROR: (Inaudible) Robinson. I used to work for the
2 Sheriff's Department a long time ago.

3 THE COURT: Would that affect your ability to listen
4 to the evidence in this case and render a fair and impartial
5 verdict?

6 JUROR: No, sir.

7 THE COURT: Thank you, maam. That's Ms. Robinson, in
8 case you all didn't hear her.

9 All right. Ms. Hines, you want me to ask about the
10 Attorney General's Office?

11 MS. HINES: Yes, sir.

12 THE COURT: All right. Is any member of the jury panel
13 related by blood or marriage or a close personal friend or
14 employed by the Attorney General's Office, or any prosecut-
15 ing attorney's office anywhere? If so, please stand.

16 (No response)

17 All right, no one is standing.

18 Okay, has any member of the jury panel ever been em-
19 ployed by any military law enforcement agency? Let's see.
20 Ms. Robinson . . .

21 JUROR: I'm no longer there.

22 THE COURT: You're no longer there?

23 JUROR: No, sir. Those people have probably left.

24 THE COURT: Okay. Anyone else?

25 (No further response)

1 (Juror standing)

2 THE COURT: Your name?

3 JUROR: Patrick Jackson.

4 THE COURT: All right, Mr. Jackson. Hold on one sec-
5 ond.

6 Mr. Jackson, you have been employed by a civilian law
7 enforcement agency?

8 JUROR: Yes.

9 THE COURT: Which agency?

10 JUROR: Orangeburg County, back in the eighties.

11 THE COURT: Okay, the fact that you were employed by
12 Orangeburg County back in the eighties, would that affect
13 your ability to listen to the evidence and render a fair
14 and impartial verdict?

15 JUROR: No, sir.

16 THE COURT: Please stay, Mr. Jackson. I appreciate
17 it.

18 (Another juror standing)

19 THE COURT: Yes, maam, your name?

20 JUROR: I don't know if it applies, but I was with the
21 military police.

22 THE COURT: You were with the military police? Thank
23 you, maam.

24 Okay, I've already asked -- let's see. Has any member
25 of the jury panel read or heard anything about this case

1 before today? Do you know anything about this case other than
2 what I have just told you?

3 (No response)

4 All right, no one is standing.

5 Has any member of the jury panel discussed this case
6 or heard anyone else discuss this case today or before to-
7 day? If so, please stand.

8 (No response)

9 All right, no one is standing.

10 Has any member of the jury panel formed an opinion
11 about this case? You haven't heard any of the testimony,
12 but if you have an opinion I need to know that.

13 (No response)

14 All right, no one is standing.

15 Has any member of the jury panel or any member of your
16 family or close personal friend been the victim of a crime?
17 If so, please stand at this time.

18 (Juror standing)

19 THE COURT: Your name, please, maam?

20 JUROR: (Inaudible) Johnson.

21 THE COURT: Hold on a second. Ms. Johnson, were you
22 the victim of a crime?

23 JUROR: My uncle.

24 THE COURT: Ms. Johnson, the fact that your uncle has
25 been a victim of a crime, would that affect your ability to

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

3 JUROR: No.

4 THE COURT: Okay, Ms. Johnson, please stay with us.

5 (Another juror standing)

6 THE COURT: The lady in the yellow -- yes, ma'am? Your
7 name?

8 JUROR: (Inaudible) Wright.

9 THE COURT: Ms. Wright, have you been the victim of a
10 crime?

11 JUROR: My grandson.

12 THE COURT: The fact that your grandson has been a victim
13 of a crime, would that affect your ability to listen to the
14 evidence in this case and give a fair and impartial verdict?

15 JUROR: No, sir.

16 THE COURT: If you'd stay with us, Ms. Wright, I would
17 appreciate it.

18 (Another juror standing)

19 THE COURT: Your name, please, sir?

20 JUROR: Castle.

21 THE COURT: You or a member of your family?

22 JUROR: Myself.

23 THE COURT: The fact that you have been a victim of a
24 crime, would that affect your ability to listen to the evi-
25 dence in this case and render a fair and impartial verdict?

1 JUROR: No, sir.

2 THE COURT: All right, sir. If you'd stay with us.

3 (Another juror standing)

4 THE COURT: Yes, sir, your name?

5 JUROR: (Inaudible)

6 CLERK: Number 92.

7 THE COURT: All right, Mr. Jennings, have you been a
8 victim of a crime?

9 JUROR: No, sir, my son.

10 THE COURT: Mr. Jennings, the fact that your son was a
11 victim of a crime, would that affect your ability to listen
12 to the evidence in this case and render a fair and impartial
13 verdict?

14 JUROR: No.

15 THE COURT: You said no?

16 JUROR: Yes, sir, I did.

17 THE COURT: If you'd stay with us.

18 (Another juror standing)

19 THE COURT: Ms. Mims, you've been the victim of a
20 crime?

21 JUROR: No. My uncle.

22 THE COURT: Ms. Mims, the fact that your uncle has
23 been a victim of a crime, would that affect your ability to
24 listen to the evidence in this case and render a fair and
25 impartial verdict.

1 JUROR: No, sir.

2 THE COURT: Stay with us, please. Thank you.

3 Anybody else? Nobody else is standing.

4 Is any member of the jury panel or member of your fam-
5 ily, a close personal friend, a member of MADD, CAVE or
6 any other similar organization which has as its goal the
7 promotion of law enforcement? If so, please stand.

8 (No response)

9 No one is standing.

10 Is there anything in the nature of the allegations of
11 this case that would cause any member of the jury panel any
12 problem with acting as an impartial juror? If so, please
13 stand.

14 (No response)

15 No one is standing.

16 Okay. I think I left out 11. Twelve relates to the
17 victim. Is that correct?

18 MS. HINES: Yes, sir.

19 THE COURT: Okay. Ladies and gentlemen, the victim in
20 this case is Arthur Wiley. Is any member of the jury panel
21 related by blood or marriage to Mr. Arthur Wiley, the victim
22 in this case? If so, please stand at this time.

23 (No response)

24 No one is standing.

25 Does any member of the jury panel know Mr. Arthur Wiley?

1 If so, please stand at this time.

2 (No response)

3 No one is standing.

4 I'm going to modify 13 just slightly.

5 Does any member of the jury panel or a member of your
6 immediate family -- is any member of the jury panel or any
7 member of your immediate family opposed to private citizens
8 owning or possessing firearms, including handguns or other
9 weapons? If so, please stand at this time.

10 (No response)

11 All right, no one is standing.

12 Is any member of the jury panel, a member of your family
13 or close personal friend a member of the National Rifle As-
14 sociation? If so, please stand. The NRA.

15 (Juror standing)

16 THE COURT: You or a member of your immediate family a
17 member of the NRA? Mr. Castle?

18 JUROR: Yes, sir.

19 THE COURT: Would that affect your ability to listen to
20 the evidence in this case and render a fair and impartial
21 verdict?

22 JUROR: No, sir.

23 THE COURT: You can sit down.

24 (Another juror standing)

25 THE COURT: Yes, maam.

1 JUROR: Anscroft.

2 THE COURT: Juror Number 2. You or a member of your
3 family a member of NRA?

4 JUROR: My husband.

5 THE COURT: The fact that your husband is a member of
6 the NRA, would that affect your ability to listen to the evi-
7 dence in this case and render a fair and impartial verdict?

8 JUROR: No, it wouldn't.

9 THE COURT: Okay.

10 Okay, Mr. Garrett, Number 56. You are a member of the
11 NRA?

12 JUROR: Yes.

13 THE COURT: The fact that you are a member of the NRA,
14 would that affect your ability to listen to the evidence and
15 render a fair and impartial verdict?

16 JUROR: No,, sir.

17 THE COURT: Stay with us, then.

18 Anyone else? No one else is standing.

19 Has any member of the jury panel or a member of your
20 immediate family or close personal friend ever known anyone
21 who has been killed by another person? If so, please stand.

22 (Juror standing)

23 THE COURT: On the front row, your name?

24 JUROR: Virginia Sweatman.

25 THE COURT: Juror 177. You have known someone who has

1 been killed by another person?

2 JUROR: My father.

3 THE COURT: By another person?

4 JUROR: Yes, sir.

5 THE COURT: The fact that your father was killed by
6 another person, would that affect your ability to listen to
7 the evidence in this case and be fair and impartial?

8 JUROR: No, sir.

9 THE COURT: Okay.

10 (Another juror standing)

11 THE COURT: Your name, please, maam?

12 JUROR: I'm number 156.

13 THE COURT: Ms. Morris, you know someone who was killed
14 by another person?

15 JUROR: Yes.

16 THE COURT: The fact that you know someone who has been
17 killed by another person, would that affect your ability to
18 listen to the evidence in this case and render a fair and
19 impartial verdict?

20 JUROR: No, sir, I don't think so.

21 THE COURT: Stay with us, please, maam.

22 (Another juror standing)

23 THE COURT: Your name, please, maam?

24 JUROR: Juror Number one, Alston.

25 THE COURT: Ms. Alston, you know someone who was killed

1 by another person?

2 JUROR: My nephew.

3 THE COURT: The fact that your nephew was killed by
4 another person, would that affect your ability to listen to
5 the evidence and render a fair and impartial verdict in the
6 case?

7 JUROR: No.

8 (Another juror standing)

9 THE COURT: Yes, maam, your name?

10 JUROR: (Inaudible)

11 THE COURT: Number 55. You know someone who has been
12 killed by another person?

13 JUROR: My father and brother.

14 THE COURT: The fact that your father and brother were
15 killed by another person, would that affect your ability to
16 listen to the evidence and render a fair and impartial ver-
17 dict in this case?

18 JUROR: No, sir.

19 THE COURT: Stay with us, please.

20 (Another juror standing)

21 JUROR: My uncle.

22 THE COURT: The fact that your uncle was killed by
23 another person, would that affect your ability to listen
24 to the evidence and render a fair and impartial verdict?

25 JUROR: No.

1 THE COURT: Okay. Stay with us, please, ma'am.

2 (Another juror standing)

3 THE COURT: You know someone who was killed by another
4 person?

5 JUROR: Yes, sir.

6 THE COURT: Would that affect your ability to listen
7 to the evidence in this case and render a fair and impartial
8 verdict?

9 JUROR: No, sir.

10 THE COURT: Stay with us then, please.

11 (Another Juror standing)

12 THE COURT: Ms. Johnson, Number 97. You know someone
13 who has been killed by another person?

14 JUROR: Yes.

15 THE COURT: Would that fact affect your ability to listen
16 to the evidence and render a fair and impartial verdict?

17 JUROR: No.

18 THE COURT: Stay with us, then.

19 And Ms. Wright, you know someone who was killed by another
20 person?

21 JUROR: My grandson was.

22 THE COURT: Okay. The fact that your grandson was killed
23 by another person, would that affect your ability to listen to
24 the evidence and render a fair and impartial verdict?

25 JUROR: No.

1 THE COURT: Stay with us, please, Ms. Wright.

2 Anyone else?

3 (No response)

4 Ladies and gentlemen, this case involves some testimony
5 about the use of alcohol and/or drugs. Does any member of
6 the jury panel have any moral or religious opposition to the
7 use of alcohol or drugs? If so, please stand.

8 (Juror standing)

9 THE COURT: Yes, ma'am, your name?

10 JUROR: Vaughan.

11 THE COURT: You have a moral or religious opposition to
12 the use of alcohol or drugs?

13 JUROR: Yes, sir.

14 THE COURT: Would that affect your ability to listen to
15 the evidence in this case and render a fair and impartial ver-
16 dict?

17 JUROR: No, sir.

18 THE COURT: Stay with us, please.

19 And Ms. Castle -- you have a moral or religious opposition
20 to the use of alcohol and drugs?

21 JUROR: Yes, sir.

22 THE COURT: Would that affect your ability to listen to
23 the evidence in the case and render a fair and impartial verdict?

24 JUROR: No, sir.

25 THE COURT: Stay with us, please.

1 Ms. Wright, you have a moral or religious opposition to
2 the use of alcohol or drugs?

3 JUROR: Yes.

4 THE COURT: Would that affect your ability to listen to
5 the evidence in this case and render a fair and impartial ver-
6 dict?

7 JUROR: No, sir.

8 THE COURT: Thank you, maam. Please stay with us.

9 Has any member of the jury panel ever sat on a jury be-
10 fore? If so, please stand? We'll just take your names
11 down and I won't ask you any questions.

12 (Names given by jurors; not audible on cassette)

13 THE COURT: Is that everybody? Okay.

14 Has any member of the jury panel ever received assist-
15 tance from the Victim's Advocacy Program? If so, please
16 stand.

17 (No response)

18 No one is standing.

19 Has any member of the jury panel or member of your im-
20 mediate family ever been prosecuted here or anywhere else?
21 If you've ever been prosecuted, please stand.

22 (No response)

23 No one is standing.

24 Ms. Hines, is that all the questions?

25 MS. HINES: Yes, sir.

1 THE COURT: Any other questions from the State?

2 SOLICITOR: May we approach?

3 (Conference at the bench between counsel and the Court
4 off the record)

5 THE COURT: All right, ladies and gentlemen, has any
6 member of the jury panel or member of their immediate fam-
7 ily been represented by the Public Defender's Office -- any
8 member of that staff? If so, please stand.

9 (Juror standing)

10 THE COURT: Your name, please, maam?

11 JUROR: (Inaudible) My son.

12 THE COURT: Hold on one second. You are Number 35.

13 Your son was represented by them?

14 JUROR: Yes, sir, by Ms. Hines.

15 THE COURT: Would the fact that your son was represented
16 by Ms. Hines, would that affect your ability to listen to the
17 evidence in this case and render a fair and impartial verdict?

18 JUROR: No, sir.

19 THE COURT: Okay, stay with us.

20 (Juror standing)

21 THE COURT: Your name, please?

22 JUROR: (Inaudible)

23 THE COURT: You're a transfer. Ms. Walters, was it you
24 or a member of your family?

25 JUROR: My son was represented by a member of the Public

1 Defender's Office.

2 THE COURT: Would that affect your ability to listen to
3 the evidence and render a fair and impartial verdict in
4 this case?

5 JUROR: No.

6 THE COURT: Stay with us, please.

7 (Another juror standing)

8 THE COURT: Your name, sir?

9 JUROR: Walter Mims.

10 THE COURT: You or a member of your family was repre-
11 sented by the Public Defender's Office?

12 JUROR: Yes, sir, I was.

13 THE COURT: The fact that you were represented by the
14 Public Defender's Office, would that affect your ability to
15 listen to the evidence and render a fair and impartial ver-
16 dict in the case?

17 JUROR: No, sir.

18 THE COURT: Stay with us then, please.

19 (Juror standing)

20 THE COURT: Ms. Seals, you or a member of your family
21 has been represented by the Public Defender's Office?

22 JUROR: My son.

23 THE COURT: Juror Number 47. The fact that your son
24 was represented by the Public Defender's Office, would that
25 affect your ability to listen to the evidence and render a

1 fair and impartial verdict?

2 JUROR: No, sir.

3 THE COURT: Okay, if you'd stay with us.

4 Ladies and gentlemen, congratulations. You have all made
5 the final cut.

6 What's going to happen is all of your names are in the
7 computer, and they will now be put into an entirely different
8 order.

9 You'll be called to come up one at a time to the front.
10 Then you will turn and face the attorneys, and they will say
11 whether they are going to have you be seated or are going to
12 excuse you from the trial.

13 We will select twelve jurors and two alternates. It's
14 going to take about five minutes, so we'll take a quick
15 break and ask you to be back in here at five after twelve.

16 (Whereupon, the Court took a brief recess, after which
17 a jury of twelve and two alternates were selected to serve
18 on this case.)

19 TRANSCRIPTION NOTE: Nothing further concerning this
20 case on this cassette tape:

21 -----END OF REQUESTED TRANSCRIPT OF RECORD-----

22

23

24

25

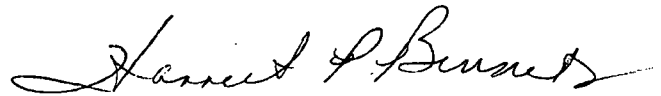
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

I, HARRIET P. BENNETT, Court Reporter for South Carolina Court Administration, hereby certify that the foregoing Transcript was prepared from the records of Harry Dot Walker to the best of my ability, having been heard in the Court of General Sessions for Orangeburg County, South Carolina, on May 15, 2012.

FURTHER, I certify that I am neither of kin nor counsel to any party to this action, nor do I have any interest in the same.

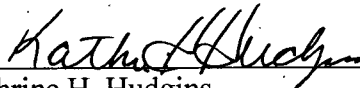
May 12, 2014



CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

May 26, 2015



Kathrine H. Hudgins
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

RECEIVED
MAY 26 2015
SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Orangeburg County

Edgar W. Dickson, Circuit Court Judge

RECEIVED

MAY 26 2015

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DESHAWN LEE POWELL,

APPELLANT

APPELLATE CASE NO. 2012-212140

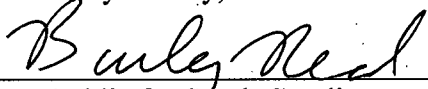
CERTIFICATE OF SERVICE

I certify that a true copy of the Supplemental Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 26th day of May, 2015.



Cruise Mitchell
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 26th day of May, 2015.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: October 24, 2021