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S.C. Supreme Court

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Lexington County

Brian M. Gibbons, Circuit Court Judge

EDDIE C. GOLSON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-002166

APPENDIX

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STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA)
)
-vs-) TRANSCRIPT OF RECORD
)
EDDIE CLAY GOLSON,) 08-GS-32-3181, et al
)
)
Defendant.)

March 30-31, 2000
Lexington, South Carolina

B E F O R E:

HONORABLE R. KNOX MCMAHON, Judge; and a jury.

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

DAVID SHAWN GRAHAM, Deputy Solicitor
Attorney for the State

ELIZABETH C. FULLWOOD, Deputy Public Defender
BENNETT E. CASTO, Asst. Public Defender
Attorneys for the Defendant

L. COCONUT PANTSARI, R.P.R.
Circuit Court Reporter

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Lexington County Courthouse
RANDOM STRIKE SHEET

JUDGE NAME : McMahon, R. Knox
TRIAL TYPE : Criminal
PANEL ID : 2008-GS-32-3181
COURTROOM CTR

DESCRIPTION : The State v. Eddie Golson

Sorted by: Random Nbr
Trial

	NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	CRT	REMARKS
1	Sharpley, Carla E	147	W	F	( )	( )	( )	✓ (1)
2	Viano, John W	171	W	M	( )	(1) (✓)	( )	
3	Johnson, Danny L	83	W	M	( )	( )	( )	✓ (2)
4	Mcroberts, Deborah H	101	W	F	( )	(2) (✓)	( )	
5	Ward, Cynthia L	24	W	F	( )	( )	( )	✓ (3)
6	Andress, Gwendolyn R	3	W	F	( )	( )	( )	✓ (4)
7	Martin, Janie K	95	W	F	( )	( )	( )	✓ (5)
8	Sharpe, Kayla R	141	W	F	( )	( )	( )	✓ (6)
9	Compton, Brooke L	30	W	F	( )	(3) (✓)	( )	
10	Shaw, Joshua D	148	W	M	(1) (✓)	( )	( )	
11	Bell, Joseph P	7	W	M	( )	( )	( )	✓ (7)
12	Mccartha, Howard L	98	W	M	( )	( )	( )	✓ (8)
13	Mixson, Janet H	108	W	F	( )	(4) (✓)	( )	
14	Wittlinger, Patricia J	182	W	F	( )	( )	( )	✓ (9)
15	Anderson, Monica L	2	B	F	( )	( )	( )	✓ (10)
16	Stewart, William Aaron JR	160	W	M	( )	( )	(✓)	
17	Holcombe, Steve A	76	W	M	( )	( )	( )	✓ (11)
18	Freeman, Angela G	56	B	F	( )	( )	( )	✓ (12)
—	Alternate							
19	Stroy, Sharelle L	161	B	F	( )	( )	( )	✓ (13)
20	Flowers, Amber L	51	W	F	( )	( )	( )	
21	Brull, Jodie E	17	W	F	( )	( )	( )	
22	Bedenbaugh, Autumn L	6	W	F	( )	( )	( )	
23	Groscost, Wendy D	69	W	F	( )	( )	( )	
24	Muir, Thompson Lorna L	112	B	F	( )	( )	( )	

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(The following proceedings are reported on March 30, 2009).

THE COURT: Solicitor, if you would please call your first case for trial.

MR. GRAHAM: Thank you, Your Honor. The State calls for trial indictment 2008-GS-32-3181, the State versus Eddie Clay Golson, an indictment for burglary in the first degree. Indictment 2008-GS-32-3183, the State versus Eddie Clay Golson, indictment for possession of a weapon during a violent crime.

(Hands to Court).

THE COURT: Ms. Fullwood, is the Defendant, Mr. Golson, present?

MS. FULLWOOD: He is, Your Honor.

THE COURT: Are you ready for trial?

MS. FULLWOOD: We are, Your Honor.

THE COURT: Thank you. Ladies and gentlemen of the jury panel, if you would please give me your complete and undivided attention. We are now going to go through a process to determine your eligibility to serve as jurors on a particular case.

I am going to publish or read to you the indictments in this case. The indictments are the formal charging documents by which a defendant is placed on notice of the charges that have been brought against

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him or her. They are in no way any evidence of the allegations contained therein.

2008-GS-32-3181, a true bill indictment, that reads that Eddie Clay Golson, G-O-L-S-O-N, did in Lexington County, South Carolina, on or about August 18, '07, knowingly and willfully enter a dwelling, to wit, being the dwelling of Matthew Olsen, O-L-S-E-N, located at [redacted] Charleston Highway without consent and with the intent to commit a crime therein, to wit, larceny.

And when in effecting entry or while in the dwelling or in immediate flight, he or another participant in the crime was armed with a deadly weapon, to wit, a pistol, and/or the entering or remaining occurred in the nighttime in violation of 16-11-311 of the Code of Laws of South Carolina, 1976, as amended. That is a true bill indictment for burglary in the first degree.

2008-GS-32-3183 reads that Eddie Clay Golson did in Lexington County, South Carolina, on or about August 18, 2007, knowingly and willfully possess a firearm, to wit, a pistol during the commission of a violent crime or attempt to commit a violent crime, to wit, burglary in the first degree in violation of Section 16-23-490 of the Code of Laws of South Carolina.

Again, ladies and gentlemen, the indictments

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are merely the formal charging documents by which an individual is placed on notice of the charges against him or her.

In asking you these questions, please consider yourselves still under oath from being sworn previously by the clerk. Responses to any questions that I ask should be full and complete.

The State in this case is represented by Assistant Solicitor Graham. Solicitor Graham, if you would introduce yourself and any other members of the Solicitor's Office staff that are going to assist you in the prosecution of this case.

MR. GRAHAM: Thank you, Your Honor. I'm Shawn Graham, Deputy Solicitor, with the Lexington County Solicitor's Office, and assisting me is Matt Martin. He also with the Lexington Solicitor's Office.

THE COURT: Thank you. The Defendant in this case is represented by Ms. Fullwood. Ms. Fullwood, if you would please stand and introduce yourself and any other members of your staff that are going to assist you in the prosecution and also introduce your client.

MS. FULLWOOD: Ladies and gentlemen, I'm Beth Fullwood. This is Bennett Casto. We work together and we are representing Eddie Golson.

Mr. Golson, if you would stand. This is our

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client, Eddie Golson.

THE COURT: Thank you, Ms. Fullwood, Mr. Casto, Mr. Golson.

Is any member of the jury panel related by blood or marriage or close personal friends of either Deputy Solicitor Shawn Graham or Investigator Martin with the Eleventh Judicial Circuit Solicitor's Office? If so, please stand.

(Juror stands).

THE COURT: Yes, ma'am, your name and number, please?

PROSPECTIVE JUROR: Deborah Jernigan, Number 81.

THE COURT: Friends, related?

PROSPECTIVE JUROR: Friends. My husband works with the Solicitor's Office here in Lexington. I guess they are my friends.

THE COURT: I'm sorry, I couldn't hear.

PROSPECTIVE JUROR: I said I guess they are my friends.

THE COURT: Ms. Jernigan, given the fact that your husband is employed with the Eleventh Circuit Solicitor's Office, and you are friends with Mr. Graham and Mr. Martin, could you still be a fair and impartial juror to both the State and the defense in this case?

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PROSPECTIVE JUROR: I believe so.

THE COURT: When you say I believe so, that may be semantics. Would that be a yes or would that be a maybe or would that be a no?

PROSPECTIVE JUROR: Honestly it's a no.

THE COURT: Thank you. Thank you, Ms. Jernigan. You may be seated. We will set her aside for the trial of this case, Madame Clerk.

Is any member of the jury panel related by blood or marriage or close personal friends of either Ms. Fullwood or Mr. Casto, the attorneys for the Defendant in this case? If so, please stand.

(There is no response).

THE COURT: Has any member of the jury panel been represented by or a member of your immediate family been represented by Mr. Graham or Ms. Fullwood or Mr. Casto? If so, please stand.

(There is no response).

THE COURT: Is any member of the jury panel related by blood or marriage or close personal friends of the Defendant in this case, Eddie Clay Golson, who stood before you previously? If so, please stand.

(There is no response).

THE COURT: The victim listed in the indictment is Matthew Olsen. Is Mr. Olsen present?

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This is Mr. Olsen standing to my front right. Thank you, Mr. Olsen.

Is any member of the jury panel related by blood or marriage or close personal friends of the victim listed in the indictment, Mr.Matthew Olsen? If so, please stand.

(There is no response).

THE COURT: The indictments allege an incident that occurred on or about August 18, 2007, at [redacted] Charleston Highway in Lexington County involving a burglary and possession of a pistol. Does any member of the jury panel have any knowledge about the case? If so, please stand.

(There is no response).

THE COURT: Does any member of the jury panel have any bias or prejudice towards the parties or the subject matter involved in the case? If so, please stand.

(There is no response).

THE COURT: Has any member of the jury panel heard or know anything about the case from any source whatsoever? If so, please stand.

(There is no response).

THE COURT: I will call out a list of names of potential witnesses in the case. If any of them are

present when your name is called, I would ask you to please stand and face the jury panel.

I would advise the jury panel that the potential witnesses do not have to be present during this stage of the proceeding. Again, Mr. Olsen, you do not have to stand again.

Matthew Olsen, Melissa Byron, B-Y-R-O-N, Shametra McMillan, Eric Washington, Willis Lowman. Is any member of the jury panel related by blood or marriage or close personal friends of any of those individuals whose names I just called? If so, please stand.

(There is no response).

THE COURT: The next five names are employed with the Lexington County Sheriff's Department. The question, of course, is any member of the jury panel related by blood or marriage or close personal friends with any of these individuals who names I now call.

Shannon Lovell, Jim Hickman, Brian Anderson. Beth Harmon. This is Mr. Anderson to my front right. Thank you, Deputy Anderson. Beth Harmon, Duane Johnson.

(Juror stands).

THE COURT: Yes, ma'am, your name and number?

PROSPECTIVE JUROR: I do dispatch for those individuals. I do not know them personally.

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THE COURT: Tell me your name and Number .

PROSPECTIVE JUROR: Jennifer Wilfong, Number 177.

THE COURT: The fact that you are a dispatcher with the -- that would be with the Lexington County Emergency Services? You are not employed with the Sheriff's Office?

PROSPECTIVE JUROR: My husband is but I am not.

THE COURT: Your husband is a deputy?

PROSPECTIVE JUROR: He has been there eight months.

THE COURT: Let me ask you a couple of questions. The fact that you are employed with the emergency services, could you still be a fair and impartial juror to both the State and the defense in this case?

PROSPECTIVE JUROR: Absolutely.

THE COURT: And how long has your husband been employed as a deputy?

PROSPECTIVE JUROR: Eight months.

THE COURT: The fact that your husband is employed as a Lexington County sheriff's deputy, could you still be a fair and impartial juror to both the State and the defense in this case?

PROSPECTIVE JUROR: Absolutely.

THE COURT: Thank you. You may be seated.

(Juror stands).

THE COURT: Yes, sir, your name and number, please?

PROSPECTIVE JUROR: Ninety-nine, Fred McCurdy. I know Mr. Hickman and Mr. Johnson. I'm kin with Johnson by marriage.

THE COURT: I have got some kin like that, too. The fact that you know those two individuals and are kin to Mr. Johnson by marriage, could you still be a fair and impartial juror to both the State and the defense in this case?

PROSPECTIVE JUROR: I believe -- I know I could.

THE COURT: When you say you believe --

PROSPECTIVE JUROR: I know I could.

THE COURT: Thank you. Mr. McCurdy. You may be seated.

(Juror stands).

THE COURT: Yes, ma'am, your number and name, please?

PROSPECTIVE JUROR: Sixty-nine, Wendy Groscost.

THE COURT: Are you related or are you

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friends?

PROSPECTIVE JUROR: I know Mr. Anderson but...

THE COURT: How long have you known Mr. Anderson?

PROSPECTIVE JUROR: Just a few years.

THE COURT: How do you know him?

PROSPECTIVE JUROR: Through a coworker.

THE COURT: The fact that you know Mr. Anderson, could you still be a fair and impartial juror to both the State and the defense in this case?

PROSPECTIVE JUROR: Yes.

THE COURT: Thank you. You may be seated. Any others?

(There is no response).

THE COURT: The next six names that I'm going to call are all employed with the State Law Enforcement Division, with S.L.E.D. Maryann E. Shehan, S-H-E-H-A-N. Amy Stephens, Selena Kinard, Doris Yarbrought, Pat Crooks.

Is any member of the jury panel related by blood or marriage or close personal friends with any of those individuals whose names I just called? If so, please stand.

(There is no response).

THE COURT: Next is Sheree Brown with S.L.E.D.

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and Robert Slice. Is any member of the jury panel related by blood or marriage or close personal friends with any of those individuals? If so, please stand.

(There is no response).

THE COURT: Any additional witnesses, Solicitor?

MR. GRAHAM: No, Your Honor.

THE COURT: Ms. Fullwood?

MS. FULLWOOD: None that haven't already been read out by Your Honor.

THE COURT: Thank you. Any additional requested voir dire?

MR. GRAHAM: No, Your Honor.

THE COURT: Has any member of the jury panel ever been employed in the field of law enforcement? If so, please stand.

(Juror stands).

THE COURT: This is number 99, Mr. McCurdy. Tell me your prior occupation.

PROSPECTIVE JUROR: Deputy Coroner with Lexington County with Harry Harmon.

THE COURT: Do you still do that?

PROSPECTIVE JUROR: No, sir, I retired on disability two years ago.

THE COURT: How long were you Deputy Coroner?

PROSPECTIVE JUROR: Eight years.

THE COURT: The fact you were employed in that capacity for eight years, could you still be a fair and impartial juror to both the State and the defense in this case?

PROSPECTIVE JUROR: Yes, sir.

THE COURT: Thank you. You may be seated. Any others?

(There is no response).

THE COURT: Is any member of the jury panel a member of or contributor to any group which has as its primary concern the promotion of law enforcement or victims' rights?

These group would include but not be limited to M.A.D.D., S.A.D.D., C.A.V.E., or C.A.D.R.E. If you are a member of or a contributor to, if so please stand.

(There is no response).

THE COURT: Thank you. Is any member of the jury panel or a member of your immediate family or close personal friend been a victim of a burglary? If so, please stand.

(Jurors stand).

THE COURT: Yes, ma'am, your number and name, please?

PROSPECTIVE JUROR: One-twenty-eight, Kristen Queen.

THE COURT: When was that, ma'am? Can you tell me about when it occurred?

PROSPECTIVE JUROR: About 18 years ago.

THE COURT: It was a residential burglary?

PROSPECTIVE JUROR: It was.

THE COURT: The fact that you were a victim of a residential burglary, could you still be a fair and impartial juror to both the State and the defense in this case?

PROSPECTIVE JUROR: Sure, absolutely.

THE COURT: Thank you. You may be seated.

(Juror stands).

THE COURT: Yes, ma'am, your number and name, please?

PROSPECTIVE JUROR: One-0-eight, Janet Mixson.

THE COURT: And it was a residential burglary?

PROSPECTIVE JUROR: Yes.

THE COURT: About when?

PROSPECTIVE JUROR: Four to five years ago.

THE COURT: And the fact you were a victim of a residential burglary, could you still be a fair and impartial juror to both the State and the defense in this case?

PROSPECTIVE JUROR: Yes, sir.
THE COURT: Thank you. You may be seated.
(Juror stands).
THE COURT: Yes, sir, your number and name, please?
PROSPECTIVE JUROR: One-seventy-one, John Viano.
THE COURT: A residential burglary?
PROSPECTIVE JUROR: Yes, sir.
THE COURT: When?
PROSPECTIVE JUROR: About 25 years ago.
THE COURT: The fact you were a victim of a residential burglary 25 years ago, could you still be a fair and impartial juror to both the State and the defense in this case?
PROSPECTIVE JUROR: Yes, Your Honor.
THE COURT: Thank you.
(Jurors stand).
THE COURT: Yes, ma'am, your number and name, please?
PROSPECTIVE JUROR: One-forty-six, Mary Sesler.
THE COURT: A residential burglary?
PROSPECTIVE JUROR: Yes, sir.
THE COURT: About when?

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PROSPECTIVE JUROR: 1993.

THE COURT: The fact that you were a victim of a residential burglary in 1993, could you still be a fair and impartial juror to both the State and the defense in this case?

PROSPECTIVE JUROR: Yes, sir.

THE COURT: Thank you. You may be seated.

Yes, sir, your number and name?

PROSPECTIVE JUROR: One-sixty, William Stewart. It was 2007.

THE COURT: I'm sorry, I didn't hear that last part.

PROSPECTIVE JUROR: 2007.

THE COURT: A residential burglary?

THE DEFENDANT: Yes.

THE COURT: The fact you were a victim of a residential burglary, could you still be a fair and impartial juror to both the State and the defense in this case?

PROSPECTIVE JUROR: No, sir, I have a C.W.P.

THE COURT: Thank you. I will set you aside for the trial of this case.

Yes, ma'am, your number and name, please?

PROSPECTIVE JUROR: One-0-nine, Ethel Montgomery.

THE COURT: A residential burglary?

PROSPECTIVE JUROR: Yes, sir, 1995.

THE COURT: And the fact you were a victim of a residential burglary in 1995, could you still be a fair and impartial juror to both the State and the defense in this case?

PROSPECTIVE JUROR: Yes, sir.

THE COURT: Thank you. You may be seated.

Yes, sir, your number and name, please.

PROSPECTIVE JUROR: Sixty-two, Ernest Godbold. I had a burglary in 2007 and 2008.

THE COURT: Let me ask you that question. I think I heard your answer, but let me make sure. The fact you were a victim of burglary in '07 and '08, could you still be a fair and impartial juror to both the State and the defense in this case?

PROSPECTIVE JUROR: Yes, sir.

THE COURT: Thank you. You may be seated.

Yes, ma'am, your number and name, please?

PROSPECTIVE JUROR: Eighty-four, Sara Jones.

THE COURT: A residential burglary?

PROSPECTIVE JUROR: Residential.

THE COURT: When was this?

PROSPECTIVE JUROR: 1975.

THE COURT: '75?

PROSPECTIVE JUROR: Yes.

THE COURT: The fact you were a victim of a burglary in '75, could you still be a fair and impartial juror to both the State and the defense in this case?

PROSPECTIVE JUROR: Yes.

THE COURT: Thank you. You may be seated.

Yes, sir, in the back.

PROSPECTIVE JUROR: Twenty-two, Roger Carr, a residential burglary in 1982/83 and more recently a theft of my property about two years ago.

THE COURT: The fact that you have been a victim a number of years ago and within the last two years, could you still be a fair and impartial juror to both the State and the defense in this case?

PROSPECTIVE JUROR: Honestly, I don't think so.

THE COURT: Sir?

PROSPECTIVE JUROR: Honestly, I cannot say I can.

THE COURT: Thank you. I will set you aside for the trial of this case.

Yes, ma'am, your name?

PROSPECTIVE JUROR: Barbara Burgess, number 20.

THE COURT: Was it a residential burglary?

PROSPECTIVE JUROR: 2005, residential. In 2004 -- and I don't think you want me to discuss 2004. That's private.

THE COURT: If you would come forward for me, please, Ms. Burgess. Y'all may be seated I will get back to you in just a second. Thank you very much.

(The juror comes forward, and a bench conference is reported with the juror and counsel as follows).

THE COURT: Good morning, how are you?

PROSPECTIVE JUROR: I'm good. I was here in October for jury duty, and I came forward then. My cousin was a police officer in Orangeburg and he was murdered, and his murderer is on death row.

He burglarized -- anyway, he broke into his property and when my cousin came home, came back to the property, he shot him and killed him. He tried to set his body on fire.

When I was here in October for that trial, it also had violence. I just told them I can't do violence. So I called when I got this jury duty again. I called and said, Is this going to be violence? And they wouldn't tell me, so I'm here today, but I do not think I could be fair.

THE COURT: Thank you for telling me. I

apologize that I didn't remember. I can't see that far.

PROSPECTIVE JUROR: I can't either.

THE COURT: I will transfer Ms. Burgess to a common pleas term of court. That is civil court.

PROSPECTIVE JUROR: That's what I asked for. I can't do it anymore this year. I have missed three days of school. I can't do it this year.

THE COURT: I will tell you what, we will say she has served this year. I will excuse Ms. Burgess.

PROSPECTIVE JUROR: Thank you.

(Whereupon the bench conference is concluded).

THE COURT: Let see, there was three others, two gentlemen and a young lady over here. Yes, sir, your number and name, please?

PROSPECTIVE JUROR: One-seventy-two, Alan Walker.

THE COURT: Mr. Walker, you were a victim of a residential burglary?

PROSPECTIVE JUROR: Residential burglary in '92 or '94.

THE COURT: Could you still be a fair and impartial juror to both the State and the defense in this case?

PROSPECTIVE JUROR: Yes, sir.

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THE COURT: Thank you. You may be seated.

Yes, sir, your number and name, please?

PROSPECTIVE JUROR: Juror 93, Ejothian Litman. It was a residential burglary 20 and 30 years ago. I can be fair, but my mother, I can't forgive that. I don't think I can. I won't.

THE COURT: Step up here for a moment. I misunderstood.

(Whereupon a bench conference with the juror and counsel is reported as follows).

PROSPECTIVE JUROR: Ninety-three, Ejothian Litman.

THE COURT: Tell me your situation. I couldn't quite hear.

PROSPECTIVE JUROR: Christmas 20 years ago for myself and when I was married. I can get over that. But my mother was old. She is deceased now. She never got over it. I never got over it.

They kicked her door in, sir, and I felt -- I guess that's one of the reasons I didn't join law enforcement. I've worked with law enforcement, so I would be bias towards that.

THE COURT: So you don't feel you would be fair and impartial to both the State and the defense?

PROSPECTIVE JUROR: Sir, I would listen to the

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facts, but I know where I am going to lead. Any time anybody has a weapon and taking somebody else's property that they worked hard for, I know what side I will be on, sir. If you need me here, I will be here. I know it sounds very complicated.

THE COURT: I will set you aside for the trial of this case. Thank you very much. I will set Mr. Litman aside for the trial of this case.

(Whereupon the bench conference is concluded).

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

PROSPECTIVE JUROR: Carla Sharpley, Number 147. We had a residential burglary in 1989.

THE COURT: The fact that you had a residential burglary in 1989, could you still be a fair and impartial juror to both the State and the defense in this case?

PROSPECTIVE JUROR: Yes, I can.

THE COURT: Thank you. You may be seated any others?

(There is no response).

THE COURT: One further potential witness in the trial of the case is the custodian of the records for the City of Columbia Police Department. I do not have a name to go along with that position or

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occupation.

Is any member of the jury panel related by blood or marriage or close personal friends with an individual who holds a position of custodian of records with the City of Columbia Police Department? If so, please stand.

(There is no response).

THE COURT: Any additional requested voir dire from the State?

MR. GRAHAM: No, Your Honor.

THE COURT: From the defense?

MS. FULLWOOD: No, Your Honor.

THE COURT: Finally, ladies and gentlemen of the jury panel, is there any member of the jury panel who knows any reason whatsoever why you feel like you could not be a fair and impartial juror to both the State and the defense in this case? If so, please stand.

(There is no response).

THE COURT: Thank you. I find the panel is qualified. Madame Clerk.

CLERK: The strikes, Your Honor?

THE COURT: Strikes, Solicitor?

MR. GRAHAM: Five and ten, Your Honor.

THE COURT: Strikes are five for the State and

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ten for the defense.

(The jury is impaneled at 11:15 a.m.)

(During the jury selection process, the jurors were called forward and peremptory strikes were exercised as noted by the attached voir dire sheet made a part of this record at page 6).

THE COURT: Any motions regarding the jury selection process from the State?

MR. GRAHAM: Not from the State, Your Honor.

THE COURT: From the defense?

MS. FULLWOOD: No, Your Honor.

THE COURT: Ladies and gentlemen of the jury panel, momentarily I am going to have you step to your jury room which the bailiff will show you to. During this and any other recess, I would advise you that you are not to discuss the case with anyone. That includes your fellow jurors, family, friends or anyone else.

If anyone tries to talk with you about the case, please let me know immediately. You would not be authorized to discuss the case until you have heard all the evidence, all the testimony, closing arguments by the attorneys, and the charge on the law by the Court and then directed to begin your deliberations with your fellow jurors in your jury room.

I would ask you, however, during this brief

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recess if you would select among yourselves a foreperson of the jury. That can be any one of your number except Ms. Stroy. I am sure Ms. Stroy would make a fine foreperson, but right now she is in the status of an alternate so she would not be authorized to serve as the foreperson of the jury.

So if you would select among yourselves a foreperson of the jury during this break that you take. Once you have made that selection, write the name out, knock on the jury room door, and give that name to the bailiff.

I am going to allow you to take about a 15-minute recess to refresh yourself and to select the foreperson of the jury, and then we will get you back out here. With that being said, ladies and gentlemen, if you would please go with your bailiff to the jury room.

(The jury retires to the jury room).

(The jury panel is excused).

THE COURT: Is Mr. Golson in custody?

MS. FULLWOOD: He is, Your Honor.

THE COURT: Thank you very much. Court will be in recess. Thank you very much.

(Whereupon there was a recess).

THE COURT: Solicitor, Ms. Fullwood, what is

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our schedule as far as the jury is concerned?

MR. GRAHAM: What I would propose, Your Honor, Ms. Fullwood has subpoenaed personnel reports from the City of Columbia for Mr. Olsen, the victim in my case. I know that the records custodian from the City of Columbia Police Department and the attorney is here.

I thought that matter, we would take up prior to. I have not looked at the contents nor has Ms. Fullwood, and I think the attorney is going to object to turning it over and probably ask for you to review it in camera.

After that I would ask that we take an early lunch recess because of witness issues and start back early. The only pretrial hearing that I'm aware of that we need to do is a Neil v. Biggers hearing on a photo lineup.

THE COURT: Can we do the Neil v. Biggers before lunch?

MR. GRAHAM: I would prefer to do it after if we can.

THE COURT: How long is this motion going to take?

MR. GRAHAM: Less than 15 minutes probably.

THE COURT: When do you want me to bring the jury back?

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MR. GRAHAM: At 1:15 maybe.

THE COURT: Ms. Fullwood?

MS. FULLWOOD: That's fine. It's not going to be a long hearing.

THE COURT: So when do you want us to start back?

MR. GRAHAM: I would say 1:00 o'clock or a few minutes before one. An hour after we quit with this hearing, Your Honor.

THE COURT: If you would bring the jury, please.

(The jury returns to the courtroom).

THE COURT: Thank you very much for agreeing to serve as the foreperson of the jury, Ms. Ward.

Madame Forelady, ladies and gentlemen of the jury, as with most trials, I have some motions to take up pretrial outside of your presence. Rather than holding you captive in your new temporary home, I am going to release you to go on to your luncheon recess.

I would remind you that during this lunch break, you are not to discuss this case with anyone. This includes your fellow jurors, your lunch mates, your friends, family or anyone else. If anyone tries to talk with you about this trial, please let me know immediately.

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Remember should there be any, do not read, watch or listen to any news report about the trial. Do not do any independent investigation or any investigation on the internet. Remember to keep an open mind about the case and not begin your deliberations until I instruct you to do so.

I would ask you to please be back in your jury room promptly at 1:30. Please be back promptly at 1:30. I think we should have the decks cleared by then of the pretrial motions, and we should be ready to start promptly thereafter.

Again, thank you very much for your service, Madame Forelady, and all members of the jury. With that you are excused for your lunch, and we will see you at 1:30. Thank you very much.

(The jury is excused for lunch at 11:45 a.m.)

THE COURT: There is a motion; is that correct?

MR. GRAHAM: Yes, Your Honor. My understanding that Ms. Fullwood for the defense issued a subpoena to the City of Columbia Police Department for the personnel file of the victim, Matthew Olsen, in the case. Present for the City of Columbia is Gary Johnson from the legal department. It's my understanding he has a copy of that file in his hand and wishes to address

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the Court.

THE COURT: I haven't seen the motion. Does somebody have a copy of the motion?

MS. FULLWOOD: There is no written motion, Your Honor.

MR. JOHNSON: It would be a verbal motion. The subpoena was only served on Friday on the City of Columbia. It requires production today of the personnel file, the officer's personnel file.

Because this is not a case he made as a police officer, we feel is not relevant to the issues before the Court. Absent a Court order or an in camera review by the Court, the City is not willing to turn over the records in response to the subpoena.

Specifically, Your Honor, I have spoken to Ms. Fullwood. I understand the general nature of what she is looking for. I would be happy to let the Court review the information itself.

But the City's point of view is even if the material she is looking for is in the report, is in the file, it wouldn't be relevant to the issues before this jury and before this Court and therefore should not be subject to disclosure.

THE COURT: Thank you. Thank you, Mr. Johnson. Ms. Fullwood.

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MS. FULLWOOD: Your Honor, through the discovery process, I learned that in January of this year, Mr. Olsen was involved in an incident in Lexington County.

That incident involved some of his neighbors calling the Sheriff's Department to investigate allegations that shots were being fired from his property into another residential area.

According to those incident reports, Mr. Olsen was uncooperative with our county's deputies. He told them that he was a City of Columbia police officer. It got to the point where his supervisors and watch commanders had to be called and ended up coming to Lexington County to talk with him.

He still refused to cooperate with law enforcement. It is my understanding -- and here it is getting a little sketchy since I don't have the personnel records itself. It's my understanding that there was some sort of hearing or meeting that Mr. Olsen was supposed to go to with the City of Columbia Police Department.

As a result of something that occurred at that meeting, I do not know if it was his demeanor, the way he presented himself, his refusal, continued refusal to cooperate, he ended up being discharged from the City of

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Columbia Police Department.

It's my position that these records are relevant because they go to the witness' truthfulness, his veracity, and to his bias in giving truthful testimony in this case.

We would ask the Court to direct the City to give us a copy of those personnel records. At a minimum we would ask the Court to conduct an in camera review to see if any of the materials that the records contain is relevant to this proceeding.

THE COURT: There are Lexington County Sheriff's Department incident reports?

MS. FULLWOOD: Yes, Your Honor.

MR. JOHNSON: Your Honor, it's my understanding the defense has that material. They have got what is commonly considered a public record. What is in the City of Columbia's personnel file is a different matter altogether.

The incident involving the issue over in Lexington was investigated by the Sheriff's Department. She has that. This is something that was conducted internally by the City of Columbia Police Department.

It would be at the most impeachment on a collateral matter. It's not an issue directly before the Court. She can't even use this as intrinsic

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evidence.

It is our position the material in the file is not relevant, wouldn't be admissible, but we would be happy to let the Court review what is in the file so that the Court will know specifically what we are talking about.

THE COURT: May I see the Lexington County Sheriff's Department incident report?

MS. FULLWOOD: Yes, Your Honor.

MR. JOHNSON: That is public record. There are copies of that incident report in the personnel file.

MS. FULLWOOD: I am wondering if he can hand them to you from the file. I only have one copy.

THE COURT: I don't care who gives me a copy.

MR. JOHNSON: I would be glad to. May I approach, Your Honor?

THE COURT: You can have the clerk make me some copies. I wasn't trying to crack the door open on the file. I just wanted to see it. I just want to see the incident report.

MR. JOHNSON: I will separate it.

(Hands to Court).

THE COURT: Thank you.

MR. JOHNSON: The back page is not, Your

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Honor.

(Pause).

THE COURT: Ms. Fullwood, it appears I have reviewed a four-page report, case number 09002876 with the Lexington County Sheriff's Department. There is some references in the report to some written statements and follow-up written statements. Do they exist?

MS. FULLWOOD: Not to my knowledge. That was never provided to me in the discovery process.

THE COURT: Do you know if they exist, Solicitor, written statements taken by the Lexington County Sheriff's Department?

MR. GRAHAM: Your Honor, when we went over to the Sheriff's Department, I think I have five pages of a report that was issued by them. There is a written statement that is very hard to read. I don't even know who that written statement --

THE COURT: Is that from Mr. Greene?

MR. GRAHAM: Yes, Your Honor.

THE COURT: Could I see that, Solicitor, and could you provide a copy of that to Ms. Fullwood.

MS. FULLWOOD: I have a copy of that.

THE COURT: You have that?

MS. FULLWOOD: Yes, sir.

THE COURT: That's what I was asking. Then

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there are some references to some follow-up statements, but they don't exist?

MR. GRAHAM: It's my understanding, Your Honor, that Detective Anderson, who is present in the courtroom, went over to the record's department and had them look through their microfiche and look for documents for everything related to that case number.

THE COURT: Does the City have objections, Mr. Johnson, if I look at the file?

MR. JOHNSON: Absolutely not, Your Honor. We would be more than happy to provide it for the Court to examine.

THE COURT: All right.

MR. JOHNSON: If I may approach.

THE COURT: Yes, sir.

(Hands to Court).

(Pause).

THE COURT: I have reviewed these records in the City of Columbia file. I am going to deny your motion. The incident reports that have been provided to the Defendant through the Solicitor's Office or through the Lexington County Sheriff's Department -- I'm not sure who actually provided them to the Defendant -- by my ruling, however, that would not in any way -- my ruling on the admissibility of the information at this

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point.

I would ask that the incident summary, which is a two-page document, and the employee status change form personnel report and the three forms that are attached to those documents --

MR. JOHNSON: Yes Your Honor.

THE COURT: -- be marked as Court's exhibits and sealed so that if some appellate court somewhere wants to review that issue, if it ever gets to that stage, they would certainly be able to do so.

MR. JOHNSON: Your Honor, we have a lieutenant from the City of Columbia Police Department in terms of the status of those documents, it being records kept in the ordinary course of business for the City of Columbia. She is here for the sole purpose of providing that information.

Without in any way requesting a stipulation on the admissibility of those documents, the City would request that the parties to the litigation here stipulate they are, in fact, business records kept in the ordinary course of City of Columbia so the lieutenant's presence is no longer needed.

She certainly can proffer that testimony in and of itself. Again, it's reserving any other objections to the documents that may be applicable.

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MR. GRAHAM: Under those limitations, Your Honor, the State would stipulate.

MS. FULLWOOD: We would stipulate.

THE COURT: Yes, sir, Mr. Johnson.

MR. JOHNSON: Your Honor, there are several other aspects of the employment file. I believe the Court's ruling only touches on the termination document and the investigative document.

THE COURT: The other files concern, as I understand it, retirement, initial application. I have not reviewed those documents, Ms. Fullwood. It's my understanding that Mr. Johnson had a previous conversation with you concerning those?

MS. FULLWOOD: That is correct, Your Honor.

THE COURT: As I say, Madame Clerk, if you could make copies of these. They will be marked as a Court's exhibit.

(Court's Exhibit Number 1 is marked for purposes of the record).

THE COURT: Solicitor, here is your copy of the document.

MR. GRAHAM: Your Honor, the State had actually subpoenaed another person to bring these same records. We would ask for a copy of whatever you are releasing from that as well.

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THE COURT: I'm not releasing them.

MR. GRAHAM: For review you are releasing the termination part?

THE COURT: No, sir.

MR. GRAHAM: I misunderstood. I apologize.

THE COURT: I denied the motion. I denied the motion. Maybe I misspoke.

MR. JOHNSON: It was the City's motion, Your Honor, to not turn over the records, I apologize.

THE COURT: I am quashing the subpoena, perhaps is what I am doing.

MR. JOHNSON: Thank you, Your Honor.

THE COURT: I apologize. That's what happens when I don't have a written motion to keep me focused.

MR. JOHNSON: The City did make a motion to quash.

THE COURT: I was wondering why you went into the custodial issue.

MR. JOHNSON: We thought you were allowing the motion to allow access to the records.

THE COURT: No, sir.

MR. JOHNSON: I apologize.

THE COURT: I am making copies of the records that the City provided me sealed in case there is ever any appellate issue. My review is that it is covered,

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the documents of the Lexington County Sheriff's Department that have already been provided, either through discovery or through public record -- I'm not sure if you provided them, Solicitor, or if it was the Sheriff's Department -- so I am not turning over the documents from the City of Columbia to the defense. I am protecting them on the record in that regard.

MR. JOHNSON: Thank you, Your Honor.

THE COURT: We wouldn't need a custodian anyway.

MR. JOHNSON: I misunderstood the Court's ruling, I apologize. Thank you, Your Honor. Y'all have a good day.

THE COURT: Thank you. Anything further, Ms. Fullwood?

MS. FULLWOOD: No, Your Honor.

THE COURT: Solicitor?

MR. GRAHAM: Your Honor, I don't know whether you prefer to deal with it as a motion in limine regarding her question or do you want me to object when she is questioning.

I don't believe that what is contained in that report is relevant to this case and would provide any impeachment evidence that would go to credibility or bias, nor do any questions as far as the termination

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involving the same matter.

THE COURT: Do you care to address that now, Ms. Fullwood?

MS. FULLWOOD: It's probably something that would be more developed in the trial, but I think it clearly goes to truthfulness. It's my understanding that ultimately the young male who was out there was either a son or a stepson.

Apparently he told the police, That's not my son. That would be the instance of lying. The refusal to talk, the evasiveness, the demeanor, I think, do go to truthfulness and to bias and would be a proper line of questioning under Rule 608 (b) and (c).

THE COURT: Rule 608, that's what I was looking at, (b).

MS. FULLWOOD: And (c).

THE COURT: I will look at that. Court will be in recess until 1:15.

(Whereupon there was a luncheon recess).

THE COURT: Do you have an identification matter?

MR. GRAHAM: Yes, Your Honor.

THE COURT: You may call your first witness.

MR. GRAHAM: The State would call Detective Brian Anderson to the stand.

THE COURT: Come around and be sworn, please, Detective.

JAMES BRIAN ANDERSON, being first duly sworn, testified as follows:

CLERK: State your full name, spelling your last, please.

THE WITNESS: Detective James Brian Anderson.

IN CAMERA EXAMINATION

BY MR. GRAHAM:

Q Detective Anderson, where are you employed?

A With Lexington County Sheriff's Department.

Q Were you the assigned case officer regarding the burglary at Matthew Olsen's house on August 18, 2007?

A Yes.

Q During the course of your investigation, were you able to develop a suspect?

A Yes.

Q Who was that suspect?

A Mr. Eddie Clay Golson.

Q Do you see Mr. Golson in the courtroom today?

A I do.

Q Where is he at?

A He is seated at the defense table.

Q Did it come to your attention that there was a

potential witness who could identify Mr. Golson as being involved potentially in the burglary in this case?

A It did.

Q What was your understanding of why he was a potential suspect?

A His name had come up as a person who purchased a beverage at a local store near the burglary, and the clerk was familiar with him. Information was provided of a person named Eddie from the neighborhood on some supplemental reports that came in the following day after the burglary.

Q When you said a beverage, would that be a Hurricane beer?

A Yes.

Q And was there a Hurricane beer recovered at Mr. Olsen's residence?

A Yes, it was.

Q What was your understanding of whether that beverage was cold or hot?

A I was informed it was cold at the time. When the crime scene investigator collected it, it was cold.

Q Once you developed Mr. Golson as a suspect, did you direct that a photo lineup be created?

A I did.

Q Do you have a copy of that photo lineup that was created in front of you?
A I do.
Q After it was created, did you review the photo lineup?
A Yes.
Q Looking at the nature of the photographs used, do any of the people stand out to you? Is there anything about any of the people -- what's the purpose of a photo lineup as far as selecting six photographs?
A So as not to prejudice the witness to one particular person, all the photos should be people with similar characteristics.
Q And after you reviewed this lineup, did they appear to be of similar characteristics to you?
A Yes.
Q In your glancing or your looking at it and reviewing it, was there anything that made any one person stand out anymore than the others, as far as clothes that were worn or physical characteristics or skin color or anything like that?
A No.
Q Is it a color photo lineup or a black and white photo lineup?

A It's black and white.
Q And, in fact, did you show that photo lineup to Melissa Byron, the store clerk at the Kangaroo Express who was working the night of August 17 and the morning of August 18, 2007?
A I did.
Q When and where did you show her that lineup?
A I showed her the lineup on September 18 of 2007, and it was at the Kangaroo Express. I'm not sure what the address is. It's right down the street from the incident location.
Q Was there anybody else present when you showed her the photo lineup?
A No.
Q What, if anything, did you tell her to suggest that the person that she might potentially be able to identify would or would not be in that lineup?
A I didn't suggest at all that anybody she would recognize would be in there.
Q What did you say to her when you showed her the lineup?
A I don't remember my exact words. What I normally do with a photo lineups, I will tell the witness that I will show them some photograph, and there may be someone in there that they recognize. What

I usually do from that point is place it in front of them and ask them if anybody jumps out or if they recognize anybody in the photographs.

Q Did you do anything to suggest that she should pick out a particular photo in that lineup?

A No.

Q Did she in fact pick out someone?

A Yes.

Q Did she hesitate in picking that person out?

A Not in the identification, no.

Q And what number did she pick out?

A She picked out photo number four.

Q Who is photo number four?

A It is a photograph of Mr. Eddie Clay Golson.

Q How did she indicate or did you have her indicate on the photo lineup who she selected?

A I had her circle that photograph that she picked out and place her initials inside that circle, and she also signed at the bottom as a witness.

Q And the other handwriting that is on that document, whose handwriting is that?

A The rest of it is mine.

Q Would you read it and put in your handwriting as well?

A I'm sorry?

Q Would you read the typed part, I have viewed, as well as what you wrote in?
A What it says is: I have viewed the above photographs, and I have selected photo number four, which the number four is written in my handwriting, as being the person in question. This is in reference to case -- and then there is a case Number, 07-07-0513, which is written in my handwriting.
Q And where it says date shown?
A Date shown is my handwriting. It's 9/18/07 and my signature is on the block that is labeled investigator.
Q Above that it says witness, whose signature is that?
A That's Ms. Byron.
Q Did you observe her write that?
A I did.
Q Did she seem to hesitate in picking out number four?
A She immediately knew who -- she went right to that photo. There was no hesitation in the identification at all.
Q Did you actually have the original photo lineup in front of you right now?

A Yes.

MR. GRAHAM: Your Honor, the State would mark this as State's Number 1 for identification.

THE COURT: State's 1 for identification.

(State's Exhibit Number 1 is marked for identification).

BY MR. GRAHAM:

Q Detective, as to why this identification might be important, what is your understanding of whether a D.N.A. swab was taken from the Hurricane beer can that was collected at Mr. Olsen's residence?

A I'm sorry, repeat it.

Q The Hurricane beer can that was recovered from Mr. Olsen's residence, was a D.N.A. swab taken from that to the best of your knowledge?

A To the best of my knowledge, yes.

Q And was that sent to S.L.E.D.?

A Yes.

Q Are you aware that they developed a partial profile that matched Mr. Golson's blood standard profile?

A I am.

MR. GRAHAM: Your Honor, there would be no further questions as to this matter.

THE COURT: Thank you, Solicitor. Ms. Fullwood.

MS. FULLWOOD: Thank you, Your Honor.

IN CAMERA EXAMINATION

BY MS. FULLWOOD:

Q Detective Anderson, when was this case assigned to you?

A I don't remember the exact date. It would have been a couple of days or the following day after the report came in.

Q Okay. And when was it that Eddie Golson was developed as a suspect?

A It was within a few days of the case being assigned to me.

Q And you testified that his name or the name Eddie came up on supplemental reports?

A Uh-huh. (Indicating affirmative response). Yes.

Q And who prepared those supplemental reports?

A The patrol officers that met with Mr. Olsen the following day.

Q Which ones?

A I would have to look at the bottom of the report to give you that.

Q Did Mr. Olsen give you the name Eddie?

A He didn't give it directly to me. It came off of the supplemental reports that came in. He had called the Sheriff's Department back the following

day.
Q The next day?
A After this name had come up, yes, ma'am.
Q And he came up with the name Eddie?
A That was the name that he had developed, yes.
Q And the burglary happened August 18; is that right?
A Yes.
Q And so by about the 20th, you had the name Eddie out there?
A I can't say for sure by the 20th, but, yes, within a few days of the 18th, yes.
Q Between August 20, which is more or less when the name Eddie came up, and September 20, which is the day you showed Ms. Byron the lineup, what work did you do that corroborated the fact that a person named Eddie might be involved in this burglary?
A At one point I believe I spoke to Ms. Byron about this person that came into the store buying the beer. There was also information from other patrol deputies that worked that area that I spoke to that were familiar with Mr. Golson, and we developed him as a likely suspect.
Q Was it based on anything other than the fact that his name was Eddie? Was there anything directly that tied him to this burglary?

A He fit the physical description.
Q Well, wasn't the physical description of a black male between the ages of 18 and 50?
A Yes.
Q So it was a very general description, wasn't it?
A Yes.
Q So, again, other than maybe speculation because the name was the same, did you do any work that corroborated that he was, in fact, the person involved in this burglary?
A Other than the photo lineup?
Q Well, between August 20 and September 20?
A No.
Q Okay. And, in fact, the first time you talked to Ms. Byron was September the 18th; right?
A It may have been.
Q If your supplemental report says that you talked to her on that day, that would have been the day you first talked to her?
A Yes.
Q Did you ever go out to the Kangaroo where she worked and talk to her about that?
A I did, on the day she was shown the lineup. There was another day I went to the Kangaroo and spoke to another clerk there. Ms. Byron wasn't present.

Q Was that the day you spoke to the manager?
A I believe so.
Q Do you remember what day that was?
A No.
Q When did you have the lineup prepared?
A I couldn't say. Somewhere in between the time Mr. Golson's name came up and the day I showed it to Ms. Byron.
Q When was the lineup prepared closer in time to the burglary or closer in time to the day you talked to Ms. Byron?
A Likely closer to the day I talked to Ms. Byron.
Q Did you yourself prepare that lineup?
A No.
Q Who did it for you?
A I believe it was Jonathan Garris with our intelligence unit.
Q And you testified about its importance vis-a-vis a D.N.A. swab or a swab taken from the beer can; is that correct?
A Yes.
Q But, in fact, those materials weren't sent out to S.L.E.D. for analysis until either late last year or the early part of this year; is that correct?
A That's correct.

Q So at the time you showed Ms. Byron the photo lineup, you did not know that anybody's D.N.A. had actually been collected; did you?
A No.
MS. FULLWOOD: That's all the questions I have.
THE COURT: Thank you. Any on redirect, Solicitor?
MR. GRAHAM: Not at this time.
THE COURT: Thank you, Detective Anderson. You may step down.
(Witness leaves the witness stand).
THE COURT: You may call your next witness, Solicitor.
MR. GRAHAM: Thank you, Your Honor. The State would call Melissa Byron.

MELISSA BYRON, being first duly sworn, testified as follows:

CLERK: Once you are seated, please state your name, spelling your last name for the record.
THE WITNESS: Melissa Byron, B-Y-R-O-N.

IN CAMERA EXAMINATION

BY MR. GRAHAM:
Q Ms. Byron, where are you employed?
A Kangaroo.

Q When you say the Kangaroo, is that the Kangaroo Express, the B.P. station that is on Charleston Highway?
A Yes, sir, the truck stop.
Q In Lexington County?
A Uh-huh. (Indicating affirmative response).
Q How long have you worked there?
A About two years or so.
Q What shift do you work?
A Third shift.
Q Have you always worked the third shift?
A Yes, sir.
Q August 17, August 18, 2007, you were working the third shift that night?
A Yes, sir.
Q When does third shift start and when does third shift end?
A 11:00 p.m. to 7:00 a.m.
Q At some point in the early morning hours of August 18, did a black female come in and ask you about a Hurricane beer being sold at your store?
A Yes, sir.
Q What specifically did she ask you, do you remember?
A She asked me had anybody come in recently and purchased one.

Q Do you remember what time of the morning that was?
A To be honest, no, sir.
Q Had somebody come in to purchase a Hurricane beer on your shift starting at 11 o'clock or after August 17, 2007?
A Yes, sir.
Q Did you know that person's name at the time?
A No, sir.
Q Did you know that person who brought that beer then?
A Just from coming in and out of the store.
Q Was it a male or female?
A Male.
Q White or black?
A Black.
Q When you say coming in and out of store, had you seen him before the time that he bought the Hurricane beer?
A Yes, sir.
Q How many times do you think you had seen him?
A Hard to say.
Q Was he a regular customer?
A Yes, sir.
Q Was there any question in your mind that the person who purchased that Hurricane beer was somebody you

had seen numerous times before?
A Yes, sir.
Q When he came to purchase that Hurricane beer, how long did you have a chance to look at his face?
A A couple of minutes.
Q In fact, after that person bought the Hurricane beer, did he, in fact, come back again the morning of August 18, 2007?
A Yes, sir.
Q Do you remember approximately what time that would have been?
A To be honest, no, but I was still on shift.
Q When he came back that time, what, if anything, did you notice about him?
A He had a cut on his arm, on his wrist area.
Q And did you have an opportunity to speak with him again at that point?
A I asked him what happened.
Q What did he tell you?
A Somebody was trying to test him, so I guess he just --
THE COURT: Somebody was what, ma'am?
THE WITNESS: Test him, you know, I guess try to start a fight with him.
THE COURT: Thank you.

BY MR. GRAHAM:

Q And that's the same person who purchased the Hurricane beer who was a regular customer?

A Yes, sir.

Q Again later that morning before you got off shift, did that person come back?

A Yes, sir.

Q And do you remember approximately what time that was?

A I was doing the parking lot. So I would say about maybe -- had to be no later than five or six, something like that.

Q Did he come back by himself that time or with somebody else?

A With somebody else.

Q Was the person he was with, was it a male or female?

A Male.

Q White or black?

A White.

Q Did you know him, the other person?

A No, sir.

Q Were they on foot or in a vehicle?

A Vehicle.

Q Do you know what kind of car or truck it was?

A Small truck.
Q Were you able to get a tag number?
A Yes, sir.
Q And did you provide the information of the type of vehicle and the tag number to law enforcement?
A Not...
Q Did you provide it to Mr. Olsen?
A No, sir.
Q Did you provide it to -- well, who did you provide it to?
A The girl that was working with me.
Q What did you tell her to do?
A To call the lady, I guess Mr. Olsen's daughter.
THE COURT: What did you tell her to do? I couldn't understand.
THE WITNESS: To call Mr. Olsen's daughter.
BY MR. GRAHAM:
Q September 18, 2007, do you remember Detective Brian Anderson with the Sheriff's Department, sitting back there on the bench? Do you recognize him?
A Yes, sir.
Q Did he come out to the Kangaroo Express on Charleston Highway where you worked?
A Yes, sir.
Q And did he show you a photo lineup?

A Yes, sir.
Q Did he do anything to tell you that the person who came and bought the Hurricane beer from you would be in that lineup?
A No, sir.
Q Do you remember what he did tell you before showing you the lineup?
A He just asked me if I recognized anybody, I guess, out of the lineup who purchased the Hurricane. I may not have understood your question.
Q Prior to showing you the lineup, did he give you any directions about --
A Which one to pick or anything like that?
Q Yes, ma'am.
A No, sir.
Q Let me show you what has been marked as State's Exhibit Number 1 for identification and ask if you recognize that.
A Yes, sir.
Q Is that the photo lineup that Detective Anderson showed you?
A Yes, sir.
Q When he showed it to you, and I am looking at it now, number four has a circle and some initials by it. Whose circle is that?

A Mine.
Q Whose initials are those?
A Mine.
Q Was there any writing on there when he first showed it to you to indicate that you should select number four?
A No, sir.
Q Why did you select number four?
A Because that's the one that bought the Hurricane beer.
Q Any question in your mind?
A No, sir.
Q Did you hesitate at all when you picked number four out?
A No, sir.
Q There is also a signature where it says witness. Do you recognize that?
A Yes, sir.
Q Whose handwriting is that?
A Mine.
Q Is that your signature?
A Yes, sir.
Q Prior to showing you that lineup, had anybody showed you any photographs of Mr. Golson or that person?

A No, sir.
Q After the person who brought the Hurricane beer, who you selected out of the photo lineup, came back at 5 o'clock or six o'clock on the morning of August 18, did you have a chance to ever see that person again?
A Later on, yes, sir.
Q Just as a customer in the store?
A Uh-huh. (Indicating affirmative response). Yes, sir.
Q And looking around the courtroom today, do you see the person that bought the Hurricane beer from you?
A Yes, sir.
Q Where is he seated?
A The Defendant's table.
Q That would be the black male sitting next to the white male at the defense table?
A Yes, sir.
Q Please answer any questions that the defense attorney has. Thank you, Ms. Byron.
A Yes, sir.
THE COURT: Thank you, Solicitor. Ms. Fullwood.
MS. FULLWOOD: Thank you, Your Honor.

IN CAMERA EXAMINATION

BY MS. FULLWOOD:

Q Ms. Byron, a woman came in and asked you about this Hurricane beer?

A Yes, ma'am.

Q And was this a person who had been in the store before?

A Not that I remember, no, ma'am.

Q What was your understanding of why this person wanted that information about who had been buying Hurricane beer?

A She said something had happened at her house or her father's house.

Q Do you remember anything more about that?

A To be honest with you, no, ma'am.

Q Was she with law enforcement or anything?

A No, ma'am.

Q Did law enforcement ever come to talk to you at the Kangaroo that night or the next night?

A No, ma'am.

Q And do you have any general idea of what time this woman came to the store?

A Not really, no, ma'am.

Q When you work third shift, is it just you by yourself or do you have another person with you?

A They have a subway open, so there is someone else there. So there's two people.
Q So the subway is right inside the Kangaroo?
A Yes, ma'am.
Q How long do you think you had been working at the Kangaroo before this night?
A Let's see, maybe a year or less, something like that.
Q All right. But you had been at it several months?
A Oh, yes, ma'am.
Q And in those months before this night --
A Uh-huh. (Indicating affirmative response).
Q -- had you seen Eddie in there a fair amount?
A Off and on, yes, ma'am.
Q And what kind of stuff would he buy at the Kangaroo?
A Just different items, something to drink or snack on, a pack of cigarettes or something like that.
Q And beer?
A Yes, ma'am.
Q How many times a week do you figure he came into the store?
A Probably a couple of times a week. I'm not really sure.
Q Did you know his name?

A Not really, no, ma'am.
Q He never told you his name?
A He may have but I'm not too good with names.
Q I sympathize, I'm the same way. Did you ever sort of just friendly like chitchat with him when he was at the register?
A Yes, ma'am.
Q And Hurricane, that's one of those high gravity beers; isn't it?
A Yes, ma'am.
Q One of those beers that has --
A It's a newer can now. It actually says high gravity.
Q And correct me if I'm wrong, does that mean it has more alcohol it in, a higher alcohol content, than a regular beer?
A From what I understand, Hurricane beer is malt beverage, the same as a King Cobra or Old English.
Q What size can does it come in?
A A 24-ounce.
Q So it's a big beer, too?
A I don't think so, at least not in our store. All we have is the 24-ounce cans.
Q Y'all don't sell 6-packs or the 12-packs of the 12-ounce bottles or cans?

A Not of the Hurricane, no, ma'am.
Q Of any of other kinds of beer?
A Yes, ma'am.
Q So I guess what I'm saying is it's bigger -- the size of the can is bigger than a regular size beer can?
A Yes, ma'am.
Q About twice as much?
A Yes, ma'am.
Q And it's not very expensive either, is it?
A No, ma'am.
Q So it's kind of popular with people because, I guess, they get more bang for their buck with a Hurricane?
A Yes, ma'am.
Q And Eddie Golson isn't the only person who has walked into the Kangaroo and bought Hurricane beer; right?
A No, ma'am.
Q How do you know -- was that the only Hurricane beer you sold that night?
A From the time Mr. Olsen's daughter came into the store, from the time I clocked in until the time she came there and questioned me about it, that was the only one I had sold at that time, yes,

ma'am.
Q How do you remember that?
A That's the only one I had sold at that time.
Q And does the Kangaroo company keep track of its purchases through either a computer when people buy something or a register tape?
A They have a register tape and video.
Q So a register tape would have been available if law enforcement had asked for it?
A Yes, ma'am.
Q And Eddie came back to the store two more times that night?
A Yes, ma'am.
Q And why did you take the license number of the truck the third time he came by?
A To be honest with you, I don't know.
Q Well, had the lady asked you to --
A No, ma'am.
Q -- help her?
A She asked me did anybody purchase a beer and if I seen him again to let her know.
Q So she said if you saw them again, let her know?
A Yes, ma'am.
Q Did she leave you her name and number?
A Yes, ma'am.

Q And why, once you got that number, why didn't you call her or the Sheriff's Department once they left?
A We tried calling her. Well, I didn't. The lady I was working tried calling her.
Q While you were still there?
A Yes, ma'am.
Q Why couldn't she reach her?
A There was just no answer. She left a message, I think, but no one ever called back.
Q Why did you have the girl who was working with you call rather than you?
A Because I was outside and she was inside.
Q Were you doing some work outside?
A I was sweeping the parking lot, yes, ma'am.
Q How about law enforcement, y'all didn't think to call them?
A No, ma'am.
Q Now, after that night Eddie continued to be a customer at the store?
A I remember like one other time. He could have been in and out. Like I said, I only be there at 11 at night till 7 in the morning.
Q So you saw him at least one other time at the store?

A Yes, ma'am.

MS. FULLWOOD: No further questions. Thank you.

THE COURT: Redirect, Solicitor.

MR. GRAHAM: No, Your Honor.

THE COURT: Let me ask you something.

THE WITNESS: Yes, sir.

THE COURT: Were you the only counter person that night?

THE WITNESS: Yes, sir. There is usually one on the store side and one on the Subway side.

THE COURT: So when this individual you described and identified as Mr. Golson came in, did you pay attention to him?

THE WITNESS: Yes, sir.

THE COURT: Could you see him clearly?

THE WITNESS: Yes, sir.

THE COURT: Were there other people in the store at that time?

THE WITNESS: Not that I remember.

THE COURT: And you could see him clearly, nothing obstructed your view?

THE WITNESS: No, sir.

THE COURT: How many other times did you say this individual came in there that night?

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THE WITNESS: Two more after that one.

THE COURT: What did you notice about the individual on the second time that you did not notice the first time?

THE WITNESS: He had a cut on his arm.

THE COURT: That was the second time?

THE WITNESS: Yes, sir.

THE COURT: How much time past from the first time he was in there until the second time?

THE WITNESS: To be honest, probably a couple of hours or so, something like that.

THE COURT: A couple of hours?

THE WITNESS: Uh-huh. (Indicating affirmative response).

THE COURT: And how much from the second to the third?

THE WITNESS: Probably about the same.

THE COURT: So you saw him three times at least in an eight-hour shift?

THE WITNESS: Yes, sir.

THE COURT: And less than that because it was all after midnight?

THE WITNESS: Yes, sir.

THE COURT: Let's see, you come to work at 11:00 p.m. and get off at 7:00 a.m. So in less than

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seven hours, you saw this individual three times?

THE WITNESS: Yes, sir.

THE COURT: Thank you. I don't have any further questions.

MR. GRAHAM: That's the last witness on this matter, Your Honor.

THE COURT: I would be glad to hear from you, Solicitor.

MR. GRAHAM: Your Honor, the State would state that the testimony would show that she had ample opportunity to see him that night. She knew him as a regular customer in the store. There is no question as to identification.

The Hurricane beer was the only beer purchased, and a 24-ounce Hurricane beer was recovered from the residence. A partial D.N.A. profile was developed from that. That matched or is consistent with Mr. Golson.

The beer itself is circumstantial evidence. There is no indication that her selection of Mr. Golson was tainted in any way by anything that the officer did, and she actually identified him in court as well. I believe that the photo lineup is admissible, as well as the in-court identification.

THE COURT: Thank you, Solicitor.

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Ms. Fullwood.

MS. FULLWOOD: Thank you, Your Honor. Your Honor, my position is that the photo lineup itself is suggestive. If Your Honor would take a look at it, you will see that Mr. Golson, as opposed to the other five men in the lineup, has a very gaunt looking face, very thin.

The other men have much more fleshy faces. He is noticeably older than the other men that are in the lineup. Four of the six men -- number one, number two, number five, and number six -- have much courser features than does Mr. Golson.

The only other man who has finer features is number three, but he looks a good 10 to 15 years younger in that photo than Mr. Golson does in his. Just to sum it up, Mr. Golson sticks out in that lineup.

For that reason it's impermissibly suggestive, and Ms. Byron's testimony should be suppressed, both as to testifying that she identified Mr. Golson in the lineup and identifying him in court. If a lineup itself is suggestive, then her in-court identification would be irreparably tainted as a result of the bad lineup.

THE COURT: Thank you. Anything in response, Solicitor?

MR. GRAHAM: No, Your Honor.

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THE COURT: Thank you. Looking at the two-prong test from Neil v. Biggers, first I would determine whether or not the identification process was unduly suggestive.

Based on the testimony presented before the Court, there is no suggestiveness as far as the procedure is concerned from Detective Anderson and the witness. It's clear that the officer did not suggest in any manner who she should or should not pick, if anyone. That is consistent between those two witnesses.

Further, I would find that the photo lineup itself is not suggestive. All of the individuals appear to be of the African-American race. They appear to be within the same general age range, general hair description, facial hair, also general skin tone. Of course, this is in black and white.

There is no indication that the witness picked out number four as a result of any of the issues which Ms. Fullwood raises, although I quite frankly don't see those issues.

There are a number of cases, one of which is State versus Turner, 644 S.E.2d 693, a 2007 case, where the background was actually different, the background colors.

Even though they were different, it did not

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cause the individual in that case to stand out. I would further note that the background on all these individuals appears to be the same. Some type of cinderblock material appears to be behind all of them.

Also, as far as the totality of the circumstances, I find that the witness had an opportunity to view the Defendant three separate occasions at least within a seven-hour period in a well lit retail store area.

Based on the totality of the circumstances, I would find that the photo lineup is admissible, as is the in-court identification. I do not take into account, however, the Hurricane beer at the scene as far as making my determination on the admissibility of the photo lineup.

I think that is irrelevant for the Court's purposes. Ms. Byron didn't know about the Hurricane beer at the scene. She doesn't know anything about D.N.A. It may be admissible. I am just saying that I don't take it into account as far as making my determination on the admissibility of this evidence.

Anything further, Solicitor?

MR. GRAHAM: No, Your Honor.

THE COURT: Ms. Fullwood?

MS. FULLWOOD: Your Honor, I do have a couple

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of short matters.

THE COURT: All right.

MS. FULLWOOD: First of all, I would ask that the State produce rap sheets on all the witnesses they intend to call. Ms. Graham has given me rap sheets for, I believe, three witnesses. One would be Ms. Byron's that he gave me today.

On his witness list, Your Honor, is a man named Robert Slice. I checked the Lexington County Judicial index and found out that he has a prior burglary conviction, but he also has a conviction for failure to register as sex offender, which leads me, of course, to believe he has got a lot more on his rap sheet than just shows up in our jurisdiction.

So I would ask for a rap sheet on all the witnesses they have that have prior criminal convictions but especially Mr. Slice since it looks like he would have impeachable convictions.

THE COURT: Solicitor.

MR. GRAHAM: I will get her a copy of Mr. Slice's rap sheet, Your Honor.

THE COURT: Any there others besides Mr. Slice, Ms. Fullwood?

MS. FULLWOOD: Not that I know of.

MR. GRAHAM: The only other one that I am

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aware of, Your Honor, one of the witnesses has an arrest for fraudulent check, but it was dismissed. I can show it to her, but there is nothing impeachable.

THE COURT: If you would provide that to her also, please. Thank you so much. That motion is granted.

MS. FULLWOOD: Yes, sir.

THE COURT: All right.

MS. FULLWOOD: The second thing is a motion in limine. I don't want to pretry this case, but this is something crucial enough that I would like to get it straight before we start to avoid a big problem.

This is what I'm referring to. It goes to the D.N.A. They developed a D.N.A. profile off of a swab from some glass and a swab from that beer can you heard speak of.

THE COURT: This beer can was found at the Olsen residence?

MS. FULLWOOD: Yes, sir.

THE COURT: All right.

MS. FULLWOOD: They ran it through C.O.D.I.S. and came back with a match on Mr. Golson. Then we went through a Schmerber hearing, and he provided a second sample. That's the one they are going to use for court purposes.

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I would move in limine to exclude any testimony that they ran it through C.O.D.I.S. and it came back with him because it would raise the implication that he's got prior convictions, that he's in the D.N.A. registry. It would be evidence of bad character, and it doesn't fall within any of the exceptions.

THE COURT: Solicitor?

MR. GRAHAM: I would agree that it's prejudicial, Your Honor, and have no intention of offering that.

THE COURT: That was easy enough, wasn't it?

MR. GRAHAM: Yes, Your Honor.

THE COURT: He agrees with you, Ms. Fullwood.

MS. FULLWOOD: That might be the first and only time in this case.

THE COURT: I won't tell you whether I agree or disagree with you, but the solicitor does. We will just leave it at that. Next?

MS. FULLWOOD: In a similar vein -- in a similar vein -- on their witness list are two S.C.D.C. inmates, basically your jailhouse snitch type of testimony.

But they are going to testify that Mr. Golson allegedly told them all this stuff while at R.& E.

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Again, it raises the same type of problems that it's evidence he has prior convictions, it goes to character, and would not otherwise be admissible.

I would either move to A., exclude the testimony of both of these witnesses because it raises the implication of bad character, and there is no way around it. That would be my first motion.

Otherwise, I would ask that they be limited to asking: Were you incarcerated with him? Without saying where, without saying S.C.D.C., at R.& E. You know, if we could make so it at least they could construe it that they were maybe pretrial detainees together, something like that.

THE COURT: Solicitor?

MR. GRAHAM: I think that it is admissible evidence, Your Honor. I don't have a problem with trying to craft something up to not reflect on his character.

THE COURT: I think her point, at least what I'm hearing, is if the jury was well versed, I would take it that they would think he was at R.& E. for some reason besides the burglary for which he is on trial. While he was being held pretrial, you can just lead on that particular point, Solicitor.

That will cure it, Ms. Fullwood?

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MS. FULLWOOD: Yes, sir, but of course not giving up my objection to the entire testimony.

THE COURT: I understand.

MS. FULLWOOD: Otherwise, yes, sir.

THE COURT: Anything further?

MS. FULLWOOD: No, Your Honor.

THE COURT: Thank you. Thank you very much. If you would bring our jury, please, Mr. Bailiff.

(The jury returns to the courtroom at 2:04 p.m.)

THE COURT: Welcome back.

Madame Clerk, if you would swear our jury, please.

CLERK: Yes, sir.

(The jury is duly sworn).

THE COURT: Thank you very much. Ladies and gentlemen, probably the first thing you may find out is judges are not very good at estimating time. Your time is very important to me. We do try to start on time; we try to stop on time. Please do not hold it against the parties. They have been out here working very diligently in your absence.

The case we are about to try is the case of the State versus Eddie Clay Golson. What I now say is intended to serve as an introduction to the trial.

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These remarks are not a charge on the law. I will instruct on the law at the end of the trial. This is merely an explanation of the procedure that we will follow.

The Defendant is charged by indictments filed in this court with the crimes of burglary in the first degree and possession of a weapon during the commission of a violent crime, the elements of which will be explained to you later.

Again, these indictments are simply the charges by which the case is brought into court. They are not in any sense evidence of any of the allegations they contain.

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

It will be your duty to decide whether the State has met that burden. Your purpose as jurors is to find and determine the facts. You are the sole judge of the facts.

If at any time I make any comment regarding the facts, you must disregard it. You are to determine the facts from the testimony you hear and the other evidence introduced in this courtroom.

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It is up to you to determine the inferences which you feel may properly be drawn from the evidence. It's especially important that you perform your duties of determining the facts diligently and conscientiously because ordinarily there is no way to correct an erroneous determination of the facts by a jury.

On the other hand and with equal emphasis, the same law that makes you the judges of the facts makes me the judge of the law. The law as given by the Court is the only law you may consider. You must accept and follow it even though you may disagree with it. I cannot tell you what the facts are, and you cannot disagree with me about what the law is or should be.

Your job is to take the law as I give it to you and to apply it to the facts as you find them from the testimony of the witnesses and any other evidence that is introduced. After doing that you will render your verdict, a true and just verdict, under the solemn oath that you have just taken.

Until I advise you to begin your deliberations, you must not discuss this case with anyone. This includes your fellow jurors, your friends, your family members, anyone involved in the case. After the case is submitted to you, you must discuss it only in the jury room with your fellow jurors.

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The attorneys and parties in the case have been advised they are not to talk to you at all. If you see someone involved in the case and they do not even say hello, they are not being unfriendly. They are just following my instructions.

It is important that you keep an open mind and not decide any issue in the case until all of the evidence has been presented, the parties have made their closing arguments, and I have instructed you on the law.

It is your solemn responsibility to determine the guilt or the innocence of the Defendant. Your verdict must be based solely on the evidence as it is presented to you in this trial and on the law as I instruct you during and at the close of the trial.

In just a moment, the solicitor will make what is called an opening statement in which the solicitor will explain to you the issues in the case or at least what the solicitor thinks the issues are in the case.

Ms. Fullwood or Mr. Casto, the attorneys for the Defendant, may also make an opening statement although they are not required to do so. What the attorneys tell you during their openings is not evidence in the case.

It is only their contention as to what the issues are. The evidence will be presented by the

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testimony of sworn witnesses from this witness stand and by any exhibits that may be introduced into evidence.

Ladies and gentlemen, from time to time during the trial, you may hear one of the lawyers say something like, Your Honor, I believe we have a question of law or a matter of law to discuss with you or Your Honor, may we approach the bench.

Sometimes I myself might find it necessary to excuse you from the courtroom for a short while so the attorneys and I can discuss a matter of law. The reason for this is because you are the judges of the facts in this case.

Sometimes when I am discussing matters of law with the attorneys, it may be necessary for me to make some comment as to the facts in connection with ruling whether a particular law applies or not.

I'm not supposed to tell you what I think the facts are, so I will excuse you from the courtroom while these discussions take place so that in no way will you be influenced by anything that I might say or do in connection with the facts.

In determining what the true facts are in this case, in using your common sense and good judgment, you must decide whether or not the testimony of the witnesses is believable.

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It will be my responsibility to rule as a matter of law as to whether certain testimony is admissible at all or not, but once the testimony is admitted, whether or not you believe it is solely for you to determine.

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

You have a right to consider anything that is in the record that will help you evaluate the testimony of the witnesses. That means it will be your duty to pay close attention to these witnesses, to observe the witnesses, to listen to the witnesses, and to pay close attention to the attorneys and to the Court.

Don't let your thoughts wander but give strict attention to the testimony in the case, so that at the end of all the testimony, after the closing arguments and the charge on the law, you will then be in a position to determine what the true facts are and to apply the law to those facts and thus render a true and just verdict.

It will be your added duty, Madame Forelady,

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to preside in the jury room and be the jury's spokesperson here in court. It will also be your duty to write the verdict, but I will give you further instructions about that at the conclusion of the case.

Ladies and gentlemen, several points by way of housekeeping. I tell jurors every week when I want to take a break, we take a break. Well, this isn't some type of judicial marathon.

If you sit out here too long and you need a break, just please raise your hand and let me know. You get to fidgeting in your chair, your thoughts will wander.

You won't be able to focus and you won't be able to determine what the true facts are. If any of you need a break and we haven't taken one yet, please raise your hand. Y'all will take your break and we will take our break.

If you cannot hear -- we have a sound system in here, of course -- but if you cannot hear a particular witness, particularly those jurors further away from the bench, please get my attention or the attention of one of the bailiff, and we will have the witnesses speak up.

Also, I don't know what evidence may be presented in this case. It could be documents,

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diagrams, photographs or none of the above. I don't know.

But if an item of evidence is introduced -- a document, a photograph -- many times it will be handed to the foreperson of the jury and passed among the jury while you are out here in the courtroom.

You may look at it as long as you wish out here in the courtroom, but remember if it's introduced into evidence, you will have it with you in the jury room at the time of your deliberations.

So out here in the courtroom will not be the only time you will get the opportunity to look at whatever particular item of evidence has been offered into evidence.

If you have any questions or concerns during the course of the trial, you, Madame Forelady, or any members of the jury, if you would write out a note for me during the break and knock on the jury room door, give it to bailiff, and they will certainly get it to my attention.

In order to preserve everyone's rights, I give the parties an opportunity to object to anything I have told the jury. Any exceptions from the State?

MR. GRAHAM: None from the State, Your Honor.

THE COURT: From the Defendant?

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MS. FULLWOOD: No Your Honor.

THE COURT: With that being said, Solicitor, you may address the jury.

OPENING STATEMENT

MR. GRAHAM: Thank you, Your Honor. Woken from a sound sleep, a noise in the dark, a thief in the night, a nightmare that was reality for Matthew Olsen. On August 18, 2007, he was asleep in his house. He awoke and he heard a noise.

Then he heard more noises and he realized somebody was in his house. Mr. Olsen was a City of Columbia police officer. When he heard the noise, he went down to investigate, and he confronted a black male in his house.

He went to go get his gun and he did, and the black male tried to go out the front door, opened up a window and ended up breaking out a storm window and going outside and fleeing in the night.

Mr. Olsen called dispatch on his radio, City of Columbia officer but living in Lexington County. Lexington County responds. He also called his daughter and family members to come over.

Lexington County arrives. They begin processing the crime scene looking for clues. They find broken glass, a little bit of blood or what they think

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is blood. They find a Hurricane beer can outside by a car in the yard, and there was also a brick and damage to the car.

They find out the beer is cold. Mr. Olsen's daughter goes to the local convenience store that is just down the road and finds out that one person had bought that kind of beer earlier that night.

Outside of the residence they find a luger, a pistol, a World War II pistol of Mr. Olsen's that was taken from inside the house and some medals that he had from the military.

You are going to hear from the store clerk who is going to tell you who bought that Hurricane beer. You will hear from the people who collected that evidence, and you will hear from people at S.L.E.D. who are going to tell you that a partial profile that was developed out of that Hurricane beer can matched Eddie Golson.

You are going to hear the blood on the glass is Eddie Golson's blood, nobody else in the entire world. Woken from a sound sleep, a noise in the dark, a thief in the night, and the thief is Eddie Golson.

THE COURT: Thank you. Thank you, Solicitor. Ms. Fullwood. Mr. Casto.

OPENING STATEMENT

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MR. CASTO: Thank you, Judge. May it please the Court. Ladies and gentlemen of the jury, my name is Bennett Casto, and I have the pleasure of sitting with Elizabeth Fullwood. We are both lawyers in the Lexington area.

Together we have the pleasure of representing our client, Mr. Eddie Golson, seated at the defense table. Now, from the outset I thank you in advance for your service.

This will not be an episode of Perry Mason, of Matlock, of Law and Order, and the recently popular C.S.I., but unlike all those other television shows, the case before you is real life, and Eddie's life is at stake.

Who is Eddie Golson? Ultimately Eddie Golson lives very simply. He is a lifelong resident of Calhoun County. He has worked odd jobs throughout his entire life, carpentry, done some welding. He lives very simply.

Ultimately what he would like to do at the conclusion of this case is return back to work and be with his friends and his family. Returning back to your role in this trial as jurors, it is no understatement to say that ultimately his life or ultimately his freedom rather is in your hands.

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Historically with the role of the jury, acting as somewhat of a buffer between the awesome power of the State of South Carolina and it's fellow citizens, Eddie is essentially one of you.

The role of the jury protects folks from unjust prosecution, from false charges, false accusations, and a sheer lack of evidence to strip somebody of their liberty.

Now, at this point in the trial, you have only heard one side of the story from the solicitor. Their job is to find Eddie Golson guilty of the crime alleged. The law places on the State, the solicitor, and only the solicitor the burden of proof.

In other words, it's the burden of proving it happened. In every crime alleged in this case and every crime charge, there are several elements that exist. If we lack just one element of every crime, you must find Eddie Golson not guilty.

The elements act very much as puzzle pieces. If you don't have all of the pieces, you must find Eddie Golson not guilty. Another way of stating it is if you have reasonable doubt about any one of those pieces, you must find him not guilty.

Reasonable doubt under our laws has been defines as that type of doubt that would cause a

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reasonable person to hesitate or pause before they act. It's that type of doubt that would cause a person to hesitate or pause before they act.

Only the State under the law has that burden of proof. We don't have to prove anything. We don't have to prove that Eddie is innocent, don't have to prove that he didn't do it.

This is the deliberate intention of the founders of our country. It's a deliberate right that Eddie has. It's a further departure from our beloved television shows and what we see in all the movies that we watch. We need not prove anything.

How, how to analyze this case? Ultimately your job as the jury is not to solve the case. That's the role of law enforcement but rather find whether reasonable doubt exists.

If there is enough evidence -- to find out whether there is enough evidence, to strip Mr. Golson of his liberty. Your analysis, what I kindly ask you to do is this.

As the witnesses are paraded before you and seated in the witness stand, as the physical evidence is paraded before you, question everything. Question every single word that you hear from the witness stand.

In addition, you are allowed to factor in

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their body language, their motivation, their bias, any reason to deceive. Also think about things that are not said.

Keep an open mind and keep an open mind from the beginning of the questioning today, all the way through the last words of your jury instructions uttered by Judge McMahon himself. A case that seems straightforward initially could turn out to be anything but.

Lastly, most importantly, use your common sense. Do not check that at the door but rather embrace your common sense. Use that as your chief tool as you analyze and pick apart and scrutinize every shred of evidence in this case.

In conclusion, reasonable doubt does exist in this case, and we would ask you to find Eddie Golson not guilty and send him home to his friends and send him home to his family. Thank you for your service and thank you for listening.

THE COURT: Thank you, Mr. Casto. Solicitor, you may call your first witness.

MR. GRAHAM: Thank you, Your Honor. The State calls Matthew Olsen.

THE COURT: Mr. Olsen, if you would come around and be sworn, please.

MATTHEW THOMAS OLSEN, being first duly sworn, testifies as follows:

CLERK: Once you are seated, I need you to state your full name, spelling your last.

THE WITNESS: Matthew Thomas Olsen, [redacted] Charleston Highway, West Columbia, 29172.

DIRECT EXAMINATION

BY MR. GRAHAM:

Q Mr. Olsen, that address you just gave, is that where you currently reside?

A Yes, sir.

Q Is that where you resided back on August 18, 2007?

A Yes, sir.

Q Let me show you a map and ask you if you recognize that map.

A Yes, sir, that's a map of where I live, about a mile out.

Q Would that assist you in explaining to the jury where the location of your residence is?

A Yes, sir.

MR. GRAHAM: Your Honor, the State would offer this map into evidence at this time.

MS. FULLWOOD: No objection, Your Honor.

THE COURT: That would be State's 2?

COURT REPORTER: Yes, sir.

(State's Exhibit Number 2 is received into evidence).

BY MR. GRAHAM:

Q Mr. Olsen, looking at State's Exhibit Number 2 would you describe what that shows.

A That shows my house in between Goff Court and Charleston Highway. It shows the B.P. station kind of like adjacent through the woods to my house. I call it the B.P, station. It's Kangaroo Express on there.

Q What is labeled as 26 right here (indicating), what is that?

A Highway 26 leading towards Charleston.

Q Twenty-one and 176, the road right there (indicating), what is that?

A Charleston highway.

Q August 18, 2007, around midnight, what were you doing?

A At that time I was sleeping. I had just worked that day. I got off at 19:00 hours and had to go to work the next morning at 6:00 a.m. or a little bit earlier.

Q One question I didn't ask you, your residence at [redacted] Charleston Highway, West Columbia, is that in Lexington County?

A Yes, sir.

Q Describe to the jury what happened around midnight.

A At midnight I was sleeping and I heard some noises up in the attic and the second floor. I thought a bunch of raccoons were moving into my second floor. I just wanted to go to bed.

I stayed in bed and then I started to hear more of a racket. It seemed to be downstairs. So I got up and I listened, and I wasn't sure what it was. I turned on the light. I was still thinking that it was an animal inside my house.

I walked over to the adjacent bedroom. The light was behind me, and I walked up to my front room where the front door is, and the light was behind me so that he could see me and I couldn't see him.

I stopped there. My shadow was in front of me, and the front door knob was pulled off of my front door. I walked a little bit further out and saw a black man in a do-rag that was placed over his face.

I was sleeping in the nude that night. So I screamed and I don't know whether it was to give myself courage or to scare him or whatever. I was like I never expected this. I work for the

Columbia Police Department, and I ran to get my pistol belt. I grabbed the gun out of it. I ran back.

He had busted through the -- he had lifted up one of the windows and crashed the other, broke through the other window. He had one arm and one leg inside my house.

I put the .45 from the Columbia Police Department on him, and he tumbled down the concrete stairway. Then I went out the window with the gun. He was coming back for something, and I didn't know what it was because I am looking from the inside out, and it's dark out there.

I pointed the gun to him, and he looked at me and then he turned around and left. I got on the radio, turned on my radio and I called the Columbia Police Department dispatch to get someone from Lexington County out here, I needed help. My house was just burglarized.

I went outside and went down the area that he had fled and I heard a car screech off or whatever, and I went back into the house, and I thought there was another guy in there. I directed Lexington County to my house.

Q Let me stop you for a second. Where was your .45,

your duty weapon at?

A I was at one end of the house sleeping, and the .45 was in the kitchen area in my pistol belt at the other end.

Q Is that a gun -- how do you draw that .45 out of the holster?

A You have got to release a couple of safety features. Every police holster is kind of different. You have to know how to do it. This one you had a thumb piece that you push forward, and then you take and push it back and then take it out at an angle.

Q Did you later realize that something was missing off your duty belt?

A My handcuffs weren't there when I later noticed that they were gone.

Q Were they there when you went to bed?

A Yes.

Q Approximately when did you notice they were missing?

A I guess the investigator or deputy sheriff asked me to take an inventory of what was gone. During the inventory, I noticed they were gone.

Q In addition, when you were looking around the house, did you realize that some other items had

been taken?

A Well, when he went through the picture glass window, in front of the picture glass window, there was a Kuwaiti liberation medal, a Saudi Arabian defense medal, and I believe the bronze star case but the bronze star was gone.

I didn't realize until later when one of the sheriff's deputies said, Is this yours? I said, Is what mine? He said, This gun right here. I looked at it, and my luger was sitting on the front steps, the concrete steps.

Q Let me show you some photographs and ask if you recognize these photographs.

A This is my front room. Laying on the floor is a doorknob and the Kuwaiti liberation medal, and the ribbon is on the floor.

Q Mr. Olsen, at this point if you would just look at them and see if you recognize them.

A Yes, sir. They are all pictures of the crime scene.

Q Would they assist you in explaining to the jury what you found that night?

A Yes, sir.

Q Do their fairly and accurately represent the way they did when you observed them?

A Yes, sir.

MR. GRAHAM: Your Honor, the State would offer these into evidence at this time as well.

MS. FULLWOOD: No objection, Your Honor.

THE COURT: Thank you.

(State's Exhibits Number 3-11 are received into evidence).

BY MR. GRAHAM:

Q Mr. Olsen, looking at State's Exhibit Number 11, would you describe it to the jury.

A That's the front of the house. The ladder, when I went to bed, it was up against a tree that I was pruning.

Q This window up here (indicating), are you able to tell from the photograph whether it's opened or closed?

A I am not, sir.

Q Let me ask you to look at the actual photograph itself.

A Yes, sir.

Q What can you tell about that window?

A That window and the three adjacent to it don't have locks on it. If you get up there, you can just open up the window and get right in. I wasn't really aware of that before the incident.

Q Did you leave it open like that that night?
A I did not, sir.
Q Where was that ladder located?
A That ladder was located to the left over a tree that I was pruning.
Q You didn't leave it there on your porch, did you?
A No, sir.
Q State's Exhibit Number 3, do you recognize that photograph?
A Yes, sir. That's an open window which I believe to be the entry point. The box was there. It appeared like it was stepped on to get in.
Q Is that the window that corresponds --
A That was the window open in the picture, sir.
Q State's Exhibit Number 4, do you recognize that?
A That's my living room, my luger, and the medals were in that cabinet in the middle. Also, a Spencer Civil War rifle that wasn't taken in there. That is still there.
Q The Civil War rifle, is that where my finger is right now?
A Yes, sir.
Q That was not taken?
A No, sir.
Q Prior to the burglary, what was in that cabinet?

A Just the luger, the Spencer, and my medals from various wars.
Q When you say a luger, what is a luger?
A A luger is a 9-millimeter pistol made in Germany. This was a 1912 Erfurt.
Q State's Exhibit Number 9, what does that show?
A That shows my front room. The window is open and busted. There is that medal case on the floor.
Q How about the doorknob?
A I can't see the doorknob from here.
Q I will show you the actual photograph.
A Yes, sir, the doorknob is there.
Q Is this the room where you confronted the intruder?
A Yes, sir, that's the room.
Q When you say the window is raised, is that how you left it?
A No, sir, it was closed and it had a storm window on the outside. Now the storm window is busted out and the window is raised.
Q State's Exhibit Number 8, do you recognize that?
A Yes, sir, it's just another picture of the window at a closer angle.
Q State's Exhibit Number 7?
A That's a picture of the luger that's on the steps.
Q The luger that was in the display case in the

house?
A Yes, sir.
Q State's Number 6?
A That's another picture of the luger that's on the steps and broken glass, and I believe that was my bronze star case out there.
Q The luger was recovered. Was there a part of the luger that actually was not recovered?
A It's a luger and it had a walnut clip that was not recovered. I kept the bullets separate from the gun, so the bullets were in the clip next to the weapon and I never recovered that.
Q Was the clip in the cabinet the night before the burglary?
A Yes, it was in the cabinet a few hours before the burglary.
Q And then after the burglary, you never recovered the clip or the bullets within the clip?
A No, sir, I never found the clip. I looked all around the yard.
Q For people who are unfamiliar with guns, was this gun a revolver?
A No, sir, it's a semiautomatic.
Q What does that mean?
A That means it's fed by a magazine or clip of

ammunition that comes up through the butt plate.
Q State's Exhibit Number 5, is that just another picture --
A Yes, sir.
Q -- from a different angle. Did you know, prior to this burglary, did you know Mr. Olsen? I mean, Mr. Olsen, did you know Mr. Golson?
A No, sir, I never met Mr. Golson before.
Q Did he have permission to be in your house?
A No, sir.
Q Did he have permission to take your things?
A No, sir.
Q Let me show you State's Exhibit Number 10 and ask if you recognize that photograph.
A That's an 2002 Corvette that was mine. The brick next to it was used to try to break in the window. There is a car vac box out there with a car vac in it that he took -- that someone placed there, and there is also a Hurricane beer in a bag that is closer to the car.
Q That Hurricane beer, is that yours?
A No, sir, I never had a Hurricane beer.
Q After the Sheriff's Department arrived, what, if anything, did you learn about the temperature of that beer?

A I learned that the beer was still cold --

MS. FULLWOOD: Objection, unless it's of his own personal knowledge. Otherwise it's hearsay.

THE COURT: I would sustain the objection.

BY MR. GRAHAM:

Q Based on what you learned about that beer, what, if anything, did you ask your daughter Shametra to do?

A I asked her to go to the Kangaroo/B.P. station and ask the clerk there if she or he had sold a Hurricane beer to anyone recently.

Q And to the best of your knowledge, did she go there?

A Yes, sir, she did that.

Q At some point later, did you go and talk with the clerk at the Kangaroo Express or the B.P. station as you call it just down the road from you?

A Could you repeat the question, sir?

Q At some point later after the burglary, did you go have a conversation with the clerk?

A Yes, sir, two conversations with the clerk.

Q Based on your conversations with the clerk, did you ever come in contact with an individual who you later learned was Robert Slice?

A Yes, sir.

Q Describe the circumstances of how you came in

contact with Mr. Slice?
A I had asked the clerk on the second visit if she could possibly get a description, a name or a license plate number on the vehicle that the person was driving that I described to her. I haven't had a chance to talk to my daughter, but I think she told --
MS. FULLWOOD: Objection, hearsay.
THE COURT: Yes, ma'am, I would sustain the objection. He can't go into what his daughter may have told him. He can certainly go into what he did.
BY MR. GRAHAM:
Q After you talked to the clerk, did you come in contact with an individual named Robert Slice?
MS. FULLWOOD: Objection, leading.
THE COURT: I overrule that objection.
A Yes, sir.
Q Describe why and how that happened.
A I had an identification of the person that I saw, I had a first name, I had a partial on the truck --
MS. FULLWOOD: Your Honor, I am going to object. This is based on hearsay.
THE WITNESS: Can I say something, Your Honor?
THE COURT: No, sir.
Madame Forelady, ladies and gentlemen, if you

would please step momentarily to your jury room. Do not discuss the case during this brief recess.

(The jury retires to the jury room).

THE COURT: You can say something now if you want to, Mr. Olsen.

THE WITNESS: This was based on my getting a description of the vehicle and the person on the second visit to the lady that worked at the Kangaroo/B.P. station.

She saw the car and went outside to sweep the parking lot and got me that. Then I had -- looked through the two trailer parks for the vehicle, and I found the vehicle in the Rolling Springs Trailer Park parked out there with a white man that I later identified as Robert Slice sleeping in the vehicle.

THE COURT: Ms. Fullwood.

MS. FULLWOOD: Your Honor, this is still hearsay because he is saying, I had a description. The only way that comes, I had a partial tag or I had a tag, again based on hearsay. I had a partial name based on hearsay.

I think he can tell about, at least within the grounds or rules of evidence, his contact with Robert Slice, but all this extraneous stuff as to why he did what he did can't come in because it's based on hearsay.

It's the same as hearsay.

THE COURT: Solicitor.

MR. GRAHAM: Your Honor, I am doing my best to stay away from hearsay. The little bit that he is saying, the State is not offering for the truth of the matter. It's to explain why he did what he did.

It goes to the res gestae of the whole situation that explains how this case developed and how the investigation came along. Mr. Olsen did a lot of the investigation.

He stops and speaks with Mr. Slice because of the information he got from the clerk that a black male matching the description who bought the Hurricane beer was in a car with Mr. Slice on that third and final time that the clerk testified to earlier.

That's why he stopped and talked with Mr. Slice after he got the tag number from her. He then talks to Mr. Slice, and he gets the name Eddie. He then takes that information and gives that to law enforcement and that goes on the development of Mr. Golson as a suspect for them to do a photo lineup. I don't know how else to do it, Your Honor.

THE COURT: Yes, ma'am.

MS. FULLWOOD: Your Honor, it's just getting worse as far as the hearsay goes. He can say all day he

talked to Robert Slice, but he can't say what Robert Slice said.

If he wants Robert Slice to say what he said, he can bring Robert Slice in here and let Robert Slice say what he said. That is hearsay. This is all hearsay.

I mean, he can say he talked to a guy named Robert Slice, I think, and that's it. He can't say why he decided he wanted to talk to Robert Slice. It's based on hearsay. He can't repeat the hearsay.

He can't talk about what Robert Slice said during this conversation he had. That's hearsay. He can bring it in through other witnesses, but I will insist on the other witnesses, not it coming in through this witness.

THE COURT: It's like a catch 18.

MS. FULLWOOD: Eighteen?

THE COURT: You need to look that up. Well, hear is what he can say. The solicitor can ask him, Did you go to the Kangaroo Express and talk to the clerk? Yes, I did. As a result of that, what did you do?

What he did is he went to -- I thought it was Rolling Meadows. Is it Rolling Springs? Are there two different trailer parks? Anyway, he went to Rolling Springs Trailer Park.

What, if anything, did you observe? I observed a guy identified as Robert Slice sleeping in his truck. Did you have a conversation with Robert Slice? Yes, I did.

As a result of that, what did you do? I called Sheriff Metts and told him Eddie was a suspect. None of that is hearsay. It's what he did. You can't prove everything on a pencil point. The solicitor knows that, Ms. Fullwood knows that.

You can't go into the details of the conversation. He can say why he took this action, as a result of the conversation with, I take it it's Ms. Byron. I don't know whether it's Ms. Byron or another clerk.

He goes looking for a particular described vehicle, finds it, finds Mr. Slice, if that's what he is going to testify to, asleep in the vehicle, has a conversation with Mr. Slice.

As a result of that, as I understand it if I am tracking it right, he then gives the name Eddie to the Sheriff's Office. You may have objections to that as it comes up, Ms. Fullwood.

MS. FULLWOOD: Yes, sir.

THE COURT: Will there be anything further like this, Solicitor?

MR. GRAHAM: No, Your Honor, as you suggested, Your Honor.

THE COURT: If you would bring us the jury, please.

(The jury returns to the courtroom).

THE COURT: Thank you very much. We are continuing with the trial of the case with the presentation of the direct testimony of Mr. Olsen by the solicitor. You may proceed.

MR. GRAHAM: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. GRAHAM:

Q Mr. Olsen, did you have an opportunity to speak with the clerk at the Kangaroo Express?

A Yes, sir, twice.

Q Based on your conversations with her, what, if anything, did you do?

A Based on my conversations with her, I searched the two adjacent trailer parks for a vehicle which looked like the description --

MS. FULLWOOD: Objection, Your Honor, hearsay.

THE COURT: I would sustain your objection. Again, Solicitor, you may continue.

BY MR. GRAHAM:

Q Based on the information that she gave you, without

describing what she said to you, what did you do?
A I searched the two adjacent trailer parks.
Q When you searched those two adjacent trailer parks, what, if anything, did you find?
A I found a man sleeping in his vehicle.
Q Did you have an opportunity to find out who that individual was?
A Yes, sir, after I called Lexington County Sheriff's Department.
Q Did you have a conversation with the man who was in that vehicle?
A Yes, sir.
Q Was that man white or black?
A He was a white man.
Q Based on your conversations with that individual, were you able to provide a name to the Lexington County Sheriff's Department?

MS. FULLWOOD: Objection, Your Honor, hearsay.

THE COURT: I think if you rephrase the question, Solicitor, what, if anything, did he do as a result of the conversation.

BY MR. GRAHAM:
Q Did you have a conversation with the man in the vehicle?
A Yes, sir.

Q Based on your conversation with that man, what, if any, information did you provide to the Lexington County Sheriff's Department?

MS. FULLWOOD: Objection, hearsay.

THE COURT: That's overruled.

A I passed on the first name of the subject.

Q That name was?

A Eddie.

MS. FULLWOOD: Objection, hearsay.

THE COURT: Overruled.

BY MR. GRAHAM:

Q Thank you, Mr. Olsen. Please answer any questions the defense has.

THE COURT: Thank you, Solicitor.

Ms. Fullwood.

MS. FULLWOOD: Thank you, Your Honor.

CROSS EXAMINATION

BY MS. FULLWOOD:

Q Mr. Olsen, how long have you lived out there on Charleston Highway?

A I moved in about three months prior to the burglary.

Q So --

A April 3rd of 2007.

Q So you have been there about two years now?

A Yes, ma'am.
Q But were you more or less a new comer to that area when this happened?
A Yes, ma'am.
Q Mr. Olsen, this (indicating) is your home on the map?
A Yes, ma'am, that's my home.
Q And am I correct in stating that your home is located on a two acre tract of land?
A Yes, ma'am.
Q And your two acres, am I correct also in believing, that it's surrounded by about 90 acres?
A Yes.
Q And that's undeveloped land?
A Yes, ma'am.
Q And also in this area is a place called Rolling Meadows Mobile Home Park; is that correct?
A Yes, ma'am.
Q And would it be in this general area where it says Rolling Meadow Lane?
A Yes, ma'am.
Q So it's basically across the street from your house?
A Yes, ma'am.
Q Is it back from Charleston Highway or more front?

A It's more right up on 26. As you go by 26, a lot of it is there. Charleston Highway just gives an entrance to go to Rolling Meadows. It's mostly adjacent to 26.

Q Would this little road here (indicating) be the entrance to Rolling Meadows?

A No, ma'am. It's the entrance by the 176 there on the map, and there is another one further -- actually there are three entrances over there.

Q Would this be one of the entrances right there (indicating)?

A No, ma'am, it's a dead-end road.

Q Somewhere in here (indicating) then?

A No, ma'am, somewhere by the 176.

Q Okay. And isn't your home also near a place called Silver Lake Mobile Home Park?

A Yes, ma'am.

Q And where in relation to your house is Silver Lake Mobile Home Park?

A Silver Lake is that big lake there.

Q Right here (indicating)?

A Yes. That small water there is the septic system for Silver Lake. Silver Lake Trailer Park goes from the front portion of Charleston Highway, all the way back about two, a mile and a half further

back.
Q So is it between your house and Silver Lake?
A Goff Court -- on the other side of Goff Court, my house is there. Then there is the Goff Court. On the other side of Goff Court is the Silver Lake Trailer Park.
Q Is it correct that you have had ongoing problems with people from Silver Lake and Rolling Meadows coming onto your property?
A No, ma'am. There's only been three people on my property since I have owned it that I haven't known.
Q Have you had ongoing problems with stealing?
A No, ma'am. The only time anyone ever took anything was on the weekend of that incident.
THE COURT: Was that incident this incident?
THE WITNESS: The burglary incident.
BY MS. FULLWOOD:
Q Now, after this incident happened and you were driving around like you say, didn't you tell the police you found some sort of pipe or something that had been stolen from your residence at an earlier time but you hadn't bothered to report it?
A Yes, ma'am.
Q So you have had other times of stealing, correct?

A No, ma'am. Because the ant mound went over the top of that piece of pipe that I said was taken. Then I called back and said I found that piece. There were two heater type units that were stainless steel or something, and I put it in an area in an ant mound, and it had gone over the top of it.

Q But didn't you find something that belonged to you but you found it not on your land?

A I thought those were mine, but it turned out that was not the case. Two identical ones were at a trailer down the way, but they were not mine.

Q At the time didn't you tell the police they were yours?

A Yes, I think they were mine.

Q And you told the police then they had been stolen, but you hadn't bothered to report it? Is that what you told them at the time?

A I don't like the word bother, but I will say, yes, ma'am.

Q So you had noticed they were missing prior to this occasion?

A No, ma'am.

Q No?

A No. I was doing an inventory of my stuff. My 50-pound bag of aluminum cans I had noticed missing

prior.
Q All right. You have testified you worked for the City of Columbia Police Department at the time this happened?
A At the time this happened, yes, ma'am.
Q And did you make a point of letting people in that area around you know that you were a law enforcement officer?
A I told them I worked for the City of Columbia and have no jurisdiction in this matter, that my house was just burglarized, and I would like to know anything that you might have to help me out with who burglarized my home.
Q No, sir. I'm sorry, I misphrased my question. I meant in general once you moved out to that area and saw the type of neighbors you had, did you sort of make a point of letting your neighbors know, Hey, I'm a cop?
A No, ma'am.
Q You did not?
A Absolutely not.
Q Okay. Did you drive a marked unit to and from work?
A No, ma'am.
Q On the night that this happened, do you remember

what time you had gone to bed?
A It has been a year and a half ago. I believe it was about 9:00 o'clock.
Q So it would be shortly after you got home?
A Right.
Q You were alone at the house?
A Yes, ma'am.
Q Had you left on any of your inside lights?
A No, ma'am.
Q Did you have any exterior lights on?
A There is one exterior light underneath the picture of the Corvette. It's a light that is provided by Tri-county Electric. It's on a pole. It's always on.
Q It's underneath a picture of a Corvette?
A The Corvette that's in the picture.
Q Oh.
A It's lighted up by that light. It's underneath that light which is a pole light.
Q I see. So you have a pole light and it shines over where you parked your Corvette?
A Yes, ma'am.
Q And what sort of noise woke you up at first? What did it sound like?
A My house was built in 1795, and it has boards all

through it, and it sounded like boards creaking.
Q And you believe that it came from upstairs?
A Yes, ma'am.
Q And then later you heard a noise downstairs and went out to see what was going on; is that correct?
A Yes, ma'am.
Q So at that point the only lights on in the house was the light that you turned on in the bedroom prior to going out?
A When I got out of my bed, I turned on the light, yes, ma'am.
Q And I believe you told us that while that light illuminated you, you could not see out into the darkness; is that correct?
A No, ma'am. I said that my shadow went forward so that he could see me coming, but I didn't know what was there.
Q So you couldn't see him well, could you?
A Before I went around the corner, I could not see him well because the light was behind me, and I stopped when the door handle went onto the floor. I thought that maybe someone is breaking in from the outside.
Q And this person was wearing black clothing; is that correct?

A He was wearing dark clothing.
Q And a do-rag?
A A do-rag mask over his face.
Q Once the police got there, didn't you tell them that he was about five-foot-eleven tall, five feet eleven inches?
A Yes, ma'am.
Q And you had estimated his weight at about 200-pounds?
A No, ma'am, he was very, very skinny.
Q Think back. Are you sure that's not the information you gave the reporting officer?
A I don't believe -- it's probably on your thing that says 200-pounds, but I don't believe I said 200-pounds.
Q But that might be on the incident report?
A The incident report that you are looking at is probably 200-pounds because you asked me about 200-pounds, but I don't think he weighed 200-pounds.
Q And you estimated his age at anywhere between 18 and 50 years of age?
A Yes, ma'am. He was wearing a mask.
Q All right. This man basically jumped through your front window?

A By the time I ran to get my pistol belt, I don't know what he did through the front window. But I know that when I came out, he had an arm and a leg in my house, and his back was showing to me as he was leaving the house.

Q So by that do you mean he was sort of straddling the window and kind of turning toward the outside of the house as he was going out the window? Is that what you mean?

A I could say what probably happened, ma'am, but I didn't see him break through the window and get out of it. I just ran to get my gun, and by the time I got back, there was a hand, there was part of his leg, and his back was showing.

Q So one arm and one leg were outside of the house?

A Most of his body was outside of the house.

Q And his head, too, then and shoulders?

A Yes, ma'am.

Q So it was his back?

A (Witness nods). (Indicating affirmative response).

Q Then did he just fall out of your window or step out of your window? How did he do that?

A I put up the gun to him and he tumbled down the stairs.

Q So you got right up on him?

A Yes, ma'am.
Q What part of his body did you put the gun up on?
A His back area. I don't think I touched him with the gun.
Q You did not touch him with the gun?
A I don't think I touched him with the gun, but he knew I was there and that I had a gun and it was a big gun.
Q Did you say to him, I have a gun?
A No. He looked at me and he knew I had a gun.
Q I thought you said his head was out of the window.
A What was coming at me (indicating).
Q At that point --
A He tumbled down the stairs.
Q Down the stairs?
A Yes, ma'am.
Q So did he land on the stairs on your porch?
A It's not really a porch, ma'am. It's kind of like stairs that come up, and then there is the entry way, the flat part, that goes into the house. He landed down at the bottom, approximately five stairs.
Q And you said he tried to come back in your house?
A No, he tried to come back for -- at that time I stuck the whole gun out and my head and arms, and I

had the gun pointed down towards him, and then --
Q Were you saying anything to him?
A I don't think so at that point.
Q And he was on the ground and you were hanging out of the window?
A He was -- he tumbled down real quick and then he got up real quick, and then he made a position back for something. I didn't know it was until later, and I was pointing the gun at him.
Q And at any point did you say anything to him?
A Yes, ma'am.
Q When was that?
A I think when he was running away, I said, Come on back.
Q Which way did this man run when he ran off?
A Towards Goff Court.
Q That would be up towards the left on this map?
A Yes, ma'am.
Q And how long were you able to maintain sight of him or is that the point that you started chasing him?
A I maintained sight of him. When I saw which direction he was leaving and then I couldn't get out of the front door because he broke the knob off, so I had to go to the side and then pursued, but I really only heard the vehicle.

Q So you don't know whether this man got into a vehicle or not, right?
A No, ma'am.
Q You just heard a vehicle?
A Yes, ma'am.
Q How long do you think it took you to get from your front door where all this activity was going on to your back or side door to get out of the house?
A I was running so it didn't take me long.
Q You didn't call the Sheriff's Department before you did that.
A Yes, I did. I got right on the radio and I called for help.
Q When you say you got on the radio, exactly what are you referring to?
A Police radio issued by Columbia P.D.
Q And it was some sort of mobile police radio? I always think of them as being in cars. Was it hand held?
A Right, hand held.
Q Is it battery operated? Does it work on satellite or what?
A It's battery operated.
Q And even though it's a City of Columbia radio, can you hook up with any law enforcement band or

something? How does that work?
A You can if you have the right codes to do that, if you have a high enough range.
Q So you had the codes?
A I didn't have the codes. I'm just a patrolman.
Q Then how did you get the codes to use the radio?
A I got Columbia P.D. on my radio, and our dispatch is calling Lexington County dispatch. Columbia P.D. had the same dispatch with Richland County but not Lexington.
Q So you called City of Columbia --
A Yes, sir.
Q -- and they called dispatch for Lexington?
A Yes, ma'am, on the radio.
Q Did you have a land line at your house?
A No, ma'am.
Q How about a mobile phone?
A Yes, ma'am.
Q You would have to use that to call your daughter, right?
A Right.
Q And who did you call first, your daughter or dispatch over in the City of Columbia?
A I didn't call the dispatch of the City of Columbia. I let them know on the radio what my phone number

was. I believed I answered a phone call from the patrol supervisor from Columbia who said, I'm on my way to help you.

Q Did you talk to the Columbia police before or after you talked to your daughter?

A I believe -- well, I know I talked to Columbia police before I talked to my daughter.

Q And did you call your daughter before or after you used the police radio?

A Way after I used the police radio.

Q And why did you call your daughter?

A I needed my family members there at the time. I was a victim of a crime.

Q And about what time did your daughter get there?

A I think about 1:30 at night. I think the incident happened at 12, and the sheriff's deputies showed up and did their preliminary investigation. Sometime during that I called her up, and I think it was about 1:30.

Q So are you telling us you didn't call your daughter until after Lexington County units had gotten to your house?

A Right, Lexington County had already got there.

Q The crime scene people came out to your house, right?

A Yes, ma'am.
Q And the canine unit came out to your house?
A I'm not sure.
Q How did it develop that your daughter went down to the Kangaroo? Did you ask her to go check that out for you?
A Yes, ma'am. I was with the crime scene investigator going through the house taking inventory and fingerprints and pictures and stuff. So I really couldn't leave. I asked her, since I knew that there was a beer on the lawn and it was that late at night, within five miles of my house you couldn't get a beer. So I figured it was bought at the Kangaroo, and I sent her to check with the clerk.
Q Why didn't you leave that for Lexington County to take care of? It's their jurisdiction, right?
A Yes, it is their jurisdiction.
Q Why didn't you let them take care of that aspect of things?
A I was an investigator in the Army, and I know that things don't get done or go to investigations for a time. Time is not on the side of a case like this, so I did what I could do.
Q So you decided to do it on your own?

A Well, I did it on my own, and I made two supplemental reports with Lexington County that day, that night.

Q And that very night you went down to the Kangaroo twice?

A Yes, ma'am. Once was in the early morning and once was, I would say, about 3:00 o'clock and one was about 5:00 o'clock.

Q So did you not go to work the next day then?

A No, ma'am.

Q All right. Did you pull a vehicle or talk to a person in the vehicle at one of these mobile home parks?

A I'm not sure what pull a vehicle means.

Q I mean, stop a vehicle that is in motion.

A Yes, ma'am.

Q You did. And how did you effectuate that stop?

A I stopped next to it at a stop sign, and then I got out and said the Lexington County sheriff's deputy is right there, and she needs to talk to you. I was on the phone with 9-1-1 or emergency dispatch.

The Lexington County sheriff's deputy and I was like going across lines. I was on the line with dispatch, and she just wasn't coming over to where I was. So I pulled out on the side of the

vehicle, jumped out, and said, Stop, Lexington County sheriff's deputy wants to talk to you.

Q So you pulled out in front of the vehicle?

A On the side of the vehicle.

Q On the side of the vehicle and you jumped out and said, Stop?

A Yes.

Q What vehicle were you in?

A I was in the black Corvette.

Q In the Corvette. Did you have any police equipment with you, blue lights, flashing lights, anything of that nature?

A No, ma'am.

Q Did you have your badge out?

A No, ma'am.

Q Did you identify yourself to that man as a police officer?

A No, ma'am.

Q So this person just stopped for you when you did that?

A Correct.

Q Of course, you wouldn't have any police jurisdiction to stop people and investigate crimes or do anything of that nature outside of the City of Columbia; would you?

A I think I have a legal right to investigate my own crime as a victim of crime.
Q That's your interpretation of the law?
A Uh-huh. (Indicating affirmative response).
Q Now, you also were involved with some contact with the Lexington County Sheriff's Department this past January; weren't you?
A Yes, ma'am.
Q And in that situation some people from Silver Lake Mobile Home Park were complaining that some shots were coming from your property into the park; is that correct?
A I have a copy of the incident report, and that is not correct.
Q Well, they heard -- they were concerned about some gunshots, weren't they?
A They were concerned.
Q And the gunshots were supposedly coming from your property, right?
A Yes, ma'am.
Q And the Lexington County Sheriff's Department came out to discuss this with you, didn't it?
A They did.
Q And a marked unit came out?
A Yes, ma'am.

Q And you told those deputies that you weren't going to talk to them about that, didn't you?
A Can you repeat that, ma'am?
Q You told those deputies that you weren't going to talk to them about it, didn't you?
A No, ma'am.
MR. GRAHAM: Objection, Your Honor.
BY MS. FULLWOOD:
Q You did not tell them that?
THE COURT: Wait just a minute. The solicitor has an objection on the table.
Madame Forelady, ladies and gentlemen, step to your jury room. Why don't you take about a 15-minute recess while I take this matter up. Do not discuss the case during this brief recess.
(The jury retires to the jury room).
THE COURT: Solicitor, your objection?
MR. GRAHAM: One of relevance, Your Honor.
THE COURT: Ms. Fullwood?
MS. FULLWOOD: Well, we haven't really developed it to the point I am going, but I think it goes to this witness' veracity. I think it goes to his truthfulness.
I think I am going to be able to demonstrate that he lied to the Lexington deputies when they were

investigating a crime on his property and that he refused to cooperate with law enforcement. I think it goes to truthfulness, to credibility, to bias, and I think it's admissible under 806 (b) and (c).

THE COURT: How is the fact of whether he did or did not talk to Lexington County sheriffs' deputies relevant to his truthfulness or untruthfulness? I mean, if he says, I don't want to talk, he is not telling a lie. He has got no responsibility to talk. I thought his answer was no. What was the last question?

MS. FULLWOOD: I said didn't you refuse to talk to them.

THE COURT: And what was your answer, Mr. Olsen?

THE WITNESS: No, I talked to them but not at the length they wanted.

MS. FULLWOOD: Judge, where I'm going with this, if I may, is they asked him -- apparently there was a young black male, who I believe is his stepson or son, and he told them that he didn't know who the person was and he had run that person off. In fact, I believe it ended up it was his son. So it would be a lie that he told the police. That's where I am leading up to.

THE COURT: Solicitor?

MR. GRAHAM: I want to make sure I heard what

he said. The lie that Mr. Olsen supposedly said is what?

MS. FULLWOOD: They asked him about the witnesses that called -- that made this report, complaining that there was a young black male out there, either his son or stepson, who they had ongoing problems with, I think, target shooting and things of that nature.

According to the report, he told them when they asked him about it, the responding officer asked the subject who the young male was shooting, and he acted as if he did not know and only stated that some 14-year-old boy named Tony from down the street was shooting but he ran him off. It's my understanding that it actually was his son or somebody he knew.

MR. GRAHAM: It's my understanding from my conversation with Mr. Olsen that he told me and would testify under oath if asked that that was not his son nor stepson, so I don't see that there is a lie. I don't think he can be impeached by anything.

THE COURT: That's the problem with that is whether or not -- I mean, obviously if he says I don't know who that person is, and that's his son or stepson, you would think, Well, you do know who that person was.

But if it wasn't his son or stepson and he

told them it was Tony. I don't know his last name. He's a 14 year old who lives down the street. I ran him off. I don't see where there is a lie involved in that, wherever the truth is at now.

MS. FULLWOOD: I understand. Here is where I am sort of handicapped. I don't know for sure what is in those sealed records, but I think that -- and Your Honor has seen them -- there might be something to enlighten us as to whether this incident did, in fact, have something to do with his son, and he was trying to protect him or something.

THE COURT: Ms. Fullwood, my ruling was that there is sufficient documentation through the Lexington County Sheriff's Department records, that there is nothing additional in that regard in my opinion based on my review.

MS. FULLWOOD: I understand, Judge.

THE COURT: I would not allow it to go on if it said -- if there were records out there. Hypothetically, if I knew there were records where his son or stepson had been adjudicated a juvenile as a result as a result of this incident, I would -- that would be significant. That would be relevant. I would tell you that and I would tell the solicitor that, but right now I know of no evidence.

MS. FULLWOOD: That's the point I am trying to make is I believe that the sealed records might contain information that, in fact, this incident and what he did and what he said and didn't say and what he said true and what he said false did boil down to being something about a teenage son or stepson.

THE COURT: I don't see any difference though between those records and what has already been presented through the incident reports of the Lexington County Sheriff's Department. That's the point I'm making.

MS. FULLWOOD: I guess the point I am trying to make is if he says, no, it wasn't, and it turns out that's really not so, then those records would contradict it.

THE COURT: If that were correct, I think my ruling would have been different. I think my ruling would have been different. Right now what you have is Frank Greene and others, per the incident report, telling an officer they think -- I don't have the exact language, and I don't have it in front of me -- they think this person shooting is either Mr. Olsen's son or stepson.

Then you have Mr. Olsen saying, No, it's not. It's Tony. I don't know his last name. He's a black

male, 14 years old, that lives -- I think he said in the trailer park. I don't have the incident report in front of me.

So the credibility is a tie at best between Mr. Greene and others who have not given a statement and Mr. Olsen. I don't see where there is any impeachment unless -- I don't see the impeachment. The question is and here is what it boils down yo, Did you lie to the police?

His answer is, No, I didn't. I don't think there is any proof that he did from my review of all the documentation.

MS. FULLWOOD: Can I ask him the question in camera?

THE COURT: Certainly you can ask him in camera.

IN CAMERA EXAMINATION

BY MS. FULLWOOD:

Q They talked to you about some teenagers shooting guns on your property; is that correct?

A Never, ma'am. They being the neighbors?

Q No, the police, the Lexington County Sheriff's Department.

A Yes.

Q So they did?

A Yes, they did.
Q And they asked you if you knew the teenagers who might be on your land, right?
A The teenager, yes.
Q And what did you tell them?
A I told them I knew his first name, that I really don't know a whole lot about him, which they said there is no way a grown adult would allow a kid to shoot on your property if you don't know everything about them.

The trailer park is segregated across the street between white and black. The white part is across the street. I'm sure that some of them don't like that. I have a lot of -- I do have black kids on my property shooting, but that is not my son or my stepson. Investigators from Lexington County went to my ex-wife's house, looked at pictures of them, and then closed down the investigation.

Q Let me ask you this. Was your teenage stepson there that day when all this was going on?
A No, he was not.
Q So this other adolescent was there that day?
A Yes, a 14 or 15 year old.
Q And he was shooting guns on your property?

A Yes, ma'am.
Q Okay.
A I set up a target with him the first part of the little episode.
Q You basically told the police that he wasn't doing that with your blessing or your permission or that you were setting up the targets and all that for him, right? You didn't tell them that, did you?
A Once I got questioned a thousands times, like you are questioning me about it, I said, I don't want to talk anymore about that. I told you my piece. His is not my son. He is not my stepson.

That guy has my telephone number down at the bottom of the hill. He should have called me direct and I would have straightened out the whole thing. By the time the police got there, the sheriff's deputy, the incident was over by an hour and a half.

Q Weren't you telling them -- the police that is - from Lexington and then later when they brought your supervisor from Columbia that you didn't know anything about the teenager shooting on your property?
A No, ma'am, I always said I knew. I gave permission to the teenager to shoot on my property. I just

didn't have a line by line of what his Social Security number was and everything like that.

MS. FULLWOOD: Beg the Court's indulgence.

(Pause).

MS. FULLWOOD: Your Honor, that's all the questions I have for the witness in camera. I would say again that I nevertheless believe that this line of questioning goes to the witness' honesty, to his forthrightness, and to his bias in general and should be admissible.

THE COURT: Thank you, Ms. Fullwood. I think it's different. I think testimony under 608, particularly 608 (B) has to be clearly probative for truthfulness and untruthfulness.

This may clearly be probative for truthfulness quite frankly. There is no showing that the other side is truthful. So under my understanding under State versus Kelsey, which is 502 S.E.2d 63, I would grant the solicitor's -- I would sustain the solicitor's objection to this line of questioning. I also do not see where it goes to bias or prejudice under 608 (c).

Why don't we take about 15 minutes. You may step down, Mr. Olsen, and refresh yourself. You are subject to -- just a minute, Mr. Olsen. You are subject to continuing cross examination and perhaps redirect,

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and you may not discuss your testimony.

THE WITNESS: Yes, sir.

THE COURT: Thank you. Thank you very much. We will be in recess 15 minutes.

(Whereupon there was a recess).

THE COURT: Mr. Olsen, if you would come back around, please, sir.

MATTHEW THOMAS OLSEN, having been previously duly sworn, resumed the witness stand and testified as follows:

THE COURT: Anything before we bring in our jury, Solicitor?

MR. GRAHAM: Yes, Your Honor. It's my belief, after having a conversation with Ms. Fullwood, that she plans to ask Mr. Olsen about being terminated and the grounds for the termination. I would object to that under relevance as well and ask that we deal with that in camera at this time.

THE COURT: Do you object?

MR. GRAHAM: I object to the question of if he was terminated and why, if those are the questions Ms. Fullwood plans on asking.

THE COURT: Is that questions you are going to ask?

MS. FULLWOOD: I was going to ask: Were you

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terminated? Why were you terminated? When were you terminated?

THE COURT: Yes, ma'am.

MS. FULLWOOD: If I may point out this, Your Honor.

THE COURT: Yes, ma'am.

MS. FULLWOOD: I think, among other reasons, that I should be able to ask these questions. Under the particular facts of this case, they have taken someone who is essentially just a fact witness to an incident and kind of turned it so that based on his employment at the time the incident happened, what was essentially vigilantism, they are trying to elevate it to the level of police investigation and that it should carry all the weight of some investigation or some testimony that an officer might have.

So I think under these particular, unusual circumstances of how they tried to use what is really a lay witness here that I should be able to ask about his termination from law enforcement.

THE COURT: I don't see the relevancy of it. I think it may be relevant that he is no longer employed as a police officer. I don't know, he may still be a police officer somewhere. I don't know what his current employment is.

fired, isn't automatic; is it?
A I could go back to a review board and get my job back.
Q Did you go in front of a review board and then as a result of that you got fired?
A No, I haven't made the decision whether I want to go back to that department or not.
Q So it's your testimony that a person who is suspended without pay automatically gets fired under the policy of the Columbia Police Department?
A Yes, ma'am.
Q Without exception?
A That's the policies from Mr. Austin. You go a certain amount of time with suspension with pay, then you go a certain amount of time of suspension without pay. Then once that time lapses, you are gone, and you can reapply if you would like.
Q What are those time periods, how much time?
A I never saw the policy, ma'am. They put me on two weeks suspension with pay. Then after that they brought me back, and I thought I was getting my job back, and they said, Here is your letter of firing or...
Q Discharge or whatever?
A Discharge.

THE COURT: May I see Court's Exhibit Number 1.

Why do you say you were fired, Mr. Olsen?

THE WITNESS: I was fired because I had a shooting incident at my house. I was told by Major Swisher that it was not resolved in a timely manner. I was originally told I would have six months and then that was shortened quite a bit.

THE COURT: Were you told that on 3/3/09?

THE WITNESS: I went on March 3rd, 2009. I was told to sign the paperwork.

THE COURT: The paperwork that you signed was paperwork indicating why you were terminated?

THE WITNESS: Just that I was discharged from the Columbia Police Department. The major said I had ample time to get the shooting incident squared away and I didn't.

THE COURT: Solicitor, I want somebody from personnel with the Columbia Police Department back over here.

MR. GRAHAM: When do you want them, Judge?

THE COURT: Well, I can't rule on this until they tell me why he was terminated.

MR. GRAHAM: Do you want Mr. Johnson here or do want him on the phone?

THE COURT: No, sir, I want him here. I want somebody who can testify about these records as to why he was terminated.

MR. GRAHAM: Do you want me to do that now, have somebody here now?

THE COURT: I guess what I'm saying is I'm not going to make a jury sit around and wait for probably an hour or so for that person, whoever it may be, to get here.

Either I don't understand the records or it's something else. I think I understand the records, but I want somebody that has more knowledge about personnel records to come explain them to me.

Mr. Olsen, you may step down.

Did you have other areas of cross examination, Ms. Fullwood?

MS. FULLWOOD: No, sir, actually I was finishing up.

THE COURT: Did you have redirect, Solicitor?

MR. GRAHAM: Not yet, Your Honor.

THE COURT: Do you have another witness you can call today?

MR. GRAHAM: I do have another witnesses we can call today, Your Honor.

THE COURT: Why don't we press on with another

witness, and we will just have the City of Columbia witness over here tomorrow at two on the termination issue. I am going to allow her potentially to recall him based on whatever that witness says, all right?

MR. GRAHAM: Yes, sir.

THE COURT: We will bring our jury back in and press on.

(The jury returns to the courtroom).

THE COURT: It appears our jury is back present in the courtroom.

Ladies and gentlemen, because of a ruling of mine, we are going to suspend, so to speak, Mr. Olsen's testimony and go to the next witness for purposes of timing, kind of press on some this afternoon.

Solicitor, you may call your next witness.

MR. GRAHAM: Thank you, Your Honor. The State calls Shametra McMillan.

THE COURT: Ms. McMillan, if you would come around for me, please.

SHAMETRA McMILLAN, being first duly sworn, testifies as follows:

CLERK: Please state your name, spelling your last name for the record.

THE WITNESS: My name is Shametra McMillan, M-C-M-I-L-L-A-N. My address is [redacted],

[redacted], Columbia, South Carolina, 29204.

DIRECT EXAMINATION

BY MR. GRAHAM:

Q Ms. McMillan, are you related to Matthew Olsen?

A Yes, I am.

Q How are you related to him?

A I'm his stepdaughter.

Q Do you remember the early morning hours of August 18, 2007?

A Yes.

Q What do you remember about it?

A I remember my father calling me late in the night, frantic, said his house was just burglarized and he needed me to come out.

Q After speaking with him, did you go over to his house?

A Yes, I did.

Q That's the one on Charleston Highway in Lexington County?

A Yes.

Q Do you remember when you got there?

A I remember when I pulled up, it was a tall, older deputy. He was there and I believe he was coming in to do the fingerprints. We both pulled up at the same time.

Q How was your dad acting?
A He was upset --
MS. FULLWOOD: Objection, relevancy.
THE COURT: I would allow it. You may answer the question, Ms. McMillan.
A He was upset. He was almost like kind of confused -- not confused, but just kind of like out of it because he was upset to the fact he just kept saying, You know, I could have just killed that man.
MS. FULLWOOD: Objection to hearsay.
THE COURT: When was this, Solicitor?
MR. GRAHAM: It was the morning of the burglary when the crime scene investigator from the Sheriff's Department showed up on scene, Your Honor.
THE COURT: I would allow it for a limited nature, Solicitor. The objection is overruled.
BY MR. GRAHAM:
Q Did your father ask you to do something?
A Yes, he did.
Q Based on his request to you, where did you go?
A I went to the Kangaroo/B.P. gas station.
Q While you were there, did you have a conversation with the clerk --
A Yes, I did.

Q -- that worked at the Kangaroo gas station?
A (Witness nods). (Indicating affirmative response).
Q Without saying what she told you, did she answer your question?
A Yes, she did.
Q Once you got the answer to that question, what, if anything, did you do with that? Who did you tell?
A I told my father. I went back to his home and I told him. I will back up a little bit. Before I left the store, there were two deputies sitting outside the store, and I did stop and let them know the information because those two deputies had just came from the house. So I let them know, and I went back home and I let my father know, too.
Q Please answer any questions the defense has, Ms. McMillan. Thank you.
THE COURT: Thank you, Solicitor. Ms. Fullwood.
MS. FULLWOOD: Beg the Court's indulgence.
THE COURT: Yes, ma'am, certainly.
(Pause).
MS. FULLWOOD: No questions, Your Honor.
THE COURT: Thank you very much, Ms. McMillan. You may step down.
(Witness leaves the witness stand).

THE COURT: Solicitor, you may call your next witness.

MR. GRAHAM: The State calls Jim Hickman to the stand.

THE COURT: Mr. Hickman, if you would come around for us and be sworn.

JAMES L. HICKMAN, being first duly sworn, testified as follows:

CLERK: Once you are seated, please state your name, spelling your last name for the record.

THE WITNESS: James L. Hickman, H-I-C-K-M-A-N.

DIRECT EXAMINATION

BY MR. GRAHAM:

Q Mr. Hickman, where are you employed, sir?

A Lexington County Sheriff's Department.

Q What do you do there?

A I'm a senior crime scene officer.

Q How long have you worked in law enforcement?

A Approximately 38 years.

Q And how long have you been with the Sheriff?

A Approximately 24.

Q In those 24 years with the sheriff, how long have you been involved in crime scene?

A Twenty-four.

Q In general terms what does crime scene involve?

A. Crime scene is where a crime occurs. We go to the scene and what we call process it. We look for fingerprints. We photograph it. We record it. We record the location of the items that we find, say, the gun that was used.

We collect the evidence and then we transport it back and log it into the evidence room. We also fill out reports to give to the investigator and anyone else that is necessary to do and also come to court and testify as to our results of what we find.

Q. In the early morning hours of August 18, 2007, were you on work or were you at home?

A. I was at home.

Q. Were you on call?

A. Yes, sir, I was on call.

Q. Did you receive a call related to the case involving the burglary at Mr. Olsen's residence on Charleston Highway?

A. Yes, sir, I did.

Q. Do you remember approximately what time you received the call?

A. I received the call at 40 minutes after midnight.

Q. And when did you arrive on the scene at the incident location on Charleston Highway?

A At 14 minutes after 1:00 a.m.

Q In general terms would you describe what you did when you got to Mr. Olsen's residence on Charleston Highway?

A The first thing I usually do is I talk to the officer or one of the officers that has responded to the scene that is familiar with what happened. I obtain certain facts from him as to what happened.

He might have saw some evidence. Then he points that out to me, walks me through the scene to show me what he has discovered while he was present.

I then take my notes, I go back and photograph the scene as he described it to me. I walk through it again to see if I can discover anything that he has not told me and other things that may be in place.

Then I go through and mark the evidence, the items which I will take. Then I collect those items and record those items and then take them back to the Sheriff's Department and log them into evidence.

Q Let me show you some photographs, Investigator Hickman, and ask if you recognize these

photographs.
A Yes, sir, I do.
Q Are those the photographs that you took when you were collecting evidence and processing the crime scene?
A Yes, sir, they are.
Q Referring to State's Number 11 that is already in evidence, you took that photograph?
A Yes, sir, I did.
Q What does this photograph show us?
A This is the front of residence. It is showing the ladder that goes up to the second floor. If you look at the photograph, I think it's the window directly above the ladder, is where the point of entry, where the entry was made into the dwelling. At the bottom of the ladder to the right, you will see the steps that goes up to the front. That's where the glass was broken at.
Q As far as what we can see in here, specifically the ladder, what, if anything, did you do as far as trying to collect evidence from that?
A I checked it for latent fingerprints. If I am correct, I think I found two latent prints that were on the ladder itself.
Q How about the upstairs window, did you do anything

there?
A I processed the inside and outside of the upstairs windows, and I found no latents at all.
Q State's Exhibit Number 4, Investigator Hickman, what does that depict?
A That's in what I refer to as the living room. It's a cabinet where the luger that was outside the window was supposed to have been kept, along with some other items that was in that.
Q State's Exhibit Number 3, what does that show?
A That is the window on the second floor. That's where entry was made into the building. There's a set of stairs that goes directly from the window straight up into the attic and then from where I'm standing back into the room there and then downstairs.
Q What, if anything, did you do as far as processing that window?
A I processed the window itself. I processed the box, cardboard box, that was leaning there, and I think there was another item but I don't remember exactly what that was I processed. I found no latents there.
Q You found what, I'm sorry?
A I found no prints there.

Q State's Exhibit Number 9, do you recognize that one?
A Yes, sir, this is the front of the house. Inside the window directly in front of us is the exit point where the suspect went out the window. To the left there is what I referred to as the front door.

On the floor you will see a little black object which is the doorknob that came off of that door. There is also, I believe, a ribbon there but I'm not sure.

Q Did you process the inside of this window in that area?
A Yes, sir. I processed the inside and the outside, the glass inside and the glass outside.
Q What did your -- what were the results of that?
A I found four latent prints, four lifts, on the glass found on the outside.
Q Let me show you an item, Investigator Hickman, and ask if you recognize that item.?
A Yes, sir, I do.
Q What is that item?
A This is the doorknob that was laying on the floor in the living room. It's a brass doorknob.
Q Is that the one that is depicted in the picture?

A Yes, sir, it is.

MR. GRAHAM: The State would offer the doorknob into evidence at this time.

MS. FULLWOOD: No objection.

THE COURT: State's Exhibit 12 is in evidence.

(State's Exhibit Number 12 is received into evidence).

BY MR. GRAHAM:

Q Did you process State's Exhibit Number 12, the doorknob?

A Yes, sir, I did. I found no latents on it either.

Q When you say process, what do you mean?

A Processing is we take it, and on this particular incident, I applied what was commonly referred to as superglue on it and then dusted it with the fingerprint powder to try to see if there was any prints on it. In this case there was none.

Q The black on the front, what is that?

A That's the black fingerprint powder.

Q When you processed Number 12 for fingerprints, what did you find?

A Nothing.

Q State's Exhibit Number 8?

A Yes, sir. This is a close-up of the same window showing that the window had been raised and the

storm window had been broken out.

Q And did you process the exit area of that window and the area around it?

A Yes, sir, the window sill, the broken glass in it, and also the aluminum that was on the storm window frame.

Q What did you find when you processed it?

A No prints.

Q State's Exhibit Number 7, what does that depict?

A That's the window where the glass was broken out. That's looking out the window. You see the broken glass, the window sill. You see the steps outside. The black object there is the luger which is laying out on the steps.

Q State's Number 6?

A Again, this is another photograph. I photographed it from the outside standing on the steps. Back up on the left side up at the top would be the window where the glass was broken out. You will see a black case, a dark colored case there, and the luger laying and glass scattered out that's on the landing.

You will also see about in the center of the photograph in the background a doorway. That would be the front door where the doorknob had come off

of it on the inside.
Q State's Number 5?
A Again another photograph of the landing that is a little bit closer up showing the broken glass, the case, the luger right up underneath the wincow that was broken out.
Q The medal case or the cases for the medal and the luger itself, what did you do with those?
A I processed those at the scene and returned them to the victim.
Q Did you find anything on those?
A No, sir, there were no prints on those.
Q When you looked at the glass that is depicted in this picture, what, if anything, did you notice about one of the pieces of glass?
A One of the pieces of glass is what had blood on it. I think it was a drop or maybe two drops of blood on it.
Q Let me show you an item and ask if you recognize this.
A Yes, sir, I do.
Q What is that?
A This is a piece of broken glass that had the blood on it.
MR. GRAHAM: Your Honor, the State would offer

this into evidence at this time.

MS. FULLWOOD: No objection.

THE COURT: State's 13 is in evidence without objection.

(State's Exhibit Number 13 is received into evidence).

BY MR. GRAHAM:

Q Investigator Hickman, when you collected State's Number 13, which is the glass that appeared to contain blood, what did you do with it? When you collected it, did you process that?

A No, sir, I did not. I collected it, put it in this what we call a sharpie tube. It's just anything that is sharp we put in there to keep it from cutting ourselves and hurting ourselves or anyone else. I took it back to the office and turned it into the property room.

Q Do you remember who you turned it in to?

A Beth Harmon.

Q Beth Harmon?

A Yes, sir.

Q There is a ticket, I guess for lack of a better word, that is stapled to State's Number 13. At the very top it says Lexington County Sheriff's Department evidentiary chain of custody. It has a

case number and it's written in blue ink. Do you recognize that?

A Yes, sir. It's my handwriting.

Q You would have started this card by filling this out?

A Yes, sir, this is our chain of custody card. Whoever discovers any piece of evidence signs it first, puts the time and date on it that they discovered it and the case number. Then we turn it over to someone else. They sign it, date it, and then it continues on. Every person who takes hold of a piece of evidence has to sign it.

Q Does this show in your own handwriting when you collected that piece of glass?

A Yes, sir, it shows 8/18/07 at 01:15. That's 1:15 in the morning.

Q Once you took that piece of glass and put it in inside this sharpie container, State's 13, what, if anything else, did you do with it?

A Nothing.

Q Did you tamper with it in any way?

A No, sir, I did not touch it, did not bother it, didn't tamper with it. I just turned it into the property room.

Q Specifically you turned it into?

A Beth, yes.
Q Beth Harmon?
A Beth Harmon.
Q Do you remember what date and time you would have turned that in to her?
A Yes, sir, it was on 8/23/07 at 10:00 a.m.
Q In addition to processing inside the house and directly around the house, did you also have an opportunity to take this photograph of State's Exhibit Number 10?
A Yes, sir, I did.
Q What does that show?
A This shows a car. You will see the car parked there beside the bush. There is a brick laying down to the side of it. You will see what appears to be on the side of the car the window red stuff, and it matches the brick.

In the background a little bit further back on the ground, you will see what is a beer can in a brown paper bag. Then there is another object a little bit further back.

Q Let me show you an object and ask if you can identify it, Investigator Hickman.
A Yes, sir, I can.
Q What is that?

A This is the Hurricane High Gravity Lager beer can that you see and the brown paper bag which you see in the photograph there.

MR. GRAHAM: Your Honor, at this time the State would move this into evidence.

MS. FULLWOOD: No objection, Your Honor.

THE COURT: State's 14 is in evidence without objection.

(State's Exhibit Number 14 is received into evidence).

BY MR. GRAHAM:

Q Referring to State's Exhibit Number 14, Investigator Hickman, what, if anything, did you do to process this can?

A I processed it with a chemical called ninhydrin. I processed the bag with ninhydrin. I processed the can itself with the same superglue procedures I used on the other, on the doorknob, and I also swabbed the top of the beer can itself where you drink from it.

Q Taking it one thing at a time, the purple that is on the bag, what is that?

A That's the ninhydrin stain.

Q What is the purpose of using that?

A Ninhydrin, you apply ninhydrin to non-porous items

-- excuse me -- to porous items. It adheres to the amino acids that you leave off your fingers whenever you touch stuff.

Q What are you looking for?

A Fingerprints.

Q When you processed the bag in item 14, did you find any fingerprints?

A No, sir, I did not.

Q Referring to the can inside, the Hurricane High Gravity Lager depicted in the photograph, what did you do to process this can?

A I used the same procedure I used on the doorknob. That's the superglue and the powder, and I found no latent prints on it either.

Q Once you were done processing for latent prints, you said you did something else?

A I swabbed the hole which the beer comes out of and the top of the beer can.

Q What was the purpose of collecting the swab?

A To find D.N.A.

Q Describe to the jury how you would have done a swab. Where does that come from and how do you actually do it?

A It's basically a Q-tip. We take a Q-tip and we just rub it around the top of the can where you

know that -- I'm sure everybody is familiar with drinking from a can where your lips may touch or your tongue may touch the can. We just swab that area there. You will leave your D.N.A. there.

Q How do you make sure -- how do we know that the Q-tip wasn't contaminated?

A It's a special Q-tip that we buy. It's sent to us. It's sterilized at the time. It's in a container at the time we get it. It stays in that container until we use it. Once we use it, it goes back into the same container.

Q When you first got that swab out, was there any evidence that the swab was not in the condition it was supposed to be?

A No, sir, it was exactly the way it's supposed to be.

Q If the packaging had been tampered with, would you have used that swab.

A No, sir, I would not have.

Q Let me show you an item and ask if you recognize this Investigator Hickman.

A Yes, sir, I do.

Q What is that?

A This is the swab that I used on the beer can.

MR. GRAHAM: Your Honor, the State would offer

this into evidence at this time.

MS. FULLWOOD: No objection, Your Honor.

THE COURT: State's 15 is in evidence without objection.

(State's Exhibit Number 15 is received into evidence).

BY MR. GRAHAM:

Q Investigator Hickman, referring to State's Exhibit Number 14, what did you do with this once you collected it and processed it?

A I turned it into the property room.

Q Again, do you know when?

A It was on the same date as I turned the rest of it in, on 8/23/07 at 10:00 a.m.

Q And you turned that in to?

A Beth Harmon.

Q Again, there is a chain of custody card. Do you recognize your handwriting on there?

A Yes, sir, I do. It's a chain of custody card I filled out.

Q Referring to State's Exhibit Number 15, that's the swab that you took from the Hurricane can, do you recognize your handwriting on the chain of custody card on that as well?

A Yes, sir, I do.

Q Did you turn that in at the same time?
A Yes, sir.
Q Other than collecting and processing these items, did you do anything to tamper with them in any way?
A No, sir, I did not.
Q Did you change them in any way from the way you collected them?
A No, sir.
Q When you collected the beer can, was there -- was it full, was it empty? Can you describe what you found when you collected the beer can.
A The beer condition was about half empty. It was in the paper bag sitting on the ground. It was cool to the touch when I picked it up.
Q What time of the year are we at, August of 2007? Do you remember what the temperature was like?
A It was hot that night. It was clear and hot.
Q So when you said the beer was cool, how does that relate as far as the temperature of the night, as if it had been sitting outside?
A To me it meant it hadn't been there very long.
Q Please answer any questions the defense has.
THE COURT: Thank you, Solicitor. Ms. Fullwood.
MS. FULLWOOD: Thank you, Your Honor.

CROSS EXAMINATION

BY MS. FULLWOOD:

Q Hi, Mr. Hickman.

A Yes, ma'am.

Q As I understand it, you were able to get fingerprints from six different places; is that correct?

A Yes, ma'am.

Q And two of those places were on the ladder that was up against the house, right?

A Yes, ma'am.

Q And the other four were on the inside on the glass at the point of exit; is that right?

A Yes, ma'am.

Q All right. The Sheriff's Department has its own fingerprint analyst, doesn't it?

A Yes, ma'am.

Q He is in your C.S.I. division?

A Yes, ma'am.

Q And even though four of those lifts were usable, they did not match Eddie Golson's fingerprints; did they?

A No, ma'am, they did not.

Q The glass fragment that you collected, that was on the stoop or the steps below the window?

A Yes, ma'am.
Q And that is the fragment that you took that swab off of?
A No, ma'am.
Q No, ma'am?
A The swab came off the beer can. The fragment of glass I didn't touch.
Q You did not swab the glass?
A I did not swab it.
Q You got there about 1:14 I think you testified?
A Yes, ma'am.
Q Did you see -- I hope I pronounce this right -- Sergeant Xanthakis and his canine team out there?
A I'm not sure whether I did or not. I just don't remember seeing them. I know in the report they were there, but I don't remember seeing them.
Q So they were there but you don't know when?
A No, ma'am, I don't.
Q This car -- well, let me ask this first. Sometimes when you do your type of work, do you draw a diagram of either the scene, including the interior of the building and the outside or just the inside of the building? Did you ever do like a scene diagram?
A Yes, ma'am, it's commonly referred to as a crime

scene sketch.

Q Did you do it in this case?

A No, ma'am, I did not.

Q Is there a particular reason why?

A No, ma'am.

Q What I'm curious about is where was this Corvette parked in relation to the house?

A If I remember correctly, to the house it was probably a hundred, 150 feet away from the house in the driveway next to a bush. I am referring to a driveway as just where it looks like the car had been pulled up in there.

Q Do you mean driveway like the driveway that you would use to go to and from the main road or just another sort of area road thing?

A Yes, ma'am, it's the same driveway that you would use to go back out.

Q To Charleston Highway?

A Yes, ma'am.

Q So the car is a hundred, 150 feet away from the house?

A I would say so.

Q And there was a light pole by the car, utility pole?

A Yes, ma'am.

Q And was the front of the car facing the house or facing Charleston Highway?
A No. The front of the car was facing -- there was another outbuilding where another vehicle was in, and it was actually facing that outbuilding. With the door that you see here (indicating) with the brick and all was actually on the house side.
Q So it wasn't pointed towards the house or the road, it was on the side?
A No, ma'am, it was sort of on the side of the house.
Q But hundred, 150 feet away?
A Yes, ma'am, I would say so.
Q And it's hard to tell from this picture, but how far is that beer can from the car?
A Less than five feet.
Q So it's real close?
A It's real close.
Q And what we are seeing back here (indicating) like chairs, that's stuff in that building that you were talking about?
A Yes, ma'am.

MS. FULLWOOD: Your Honor, I think that's all the questions I have.

THE COURT: Thank you, Ms. Fullwood. Redirect?

MR. GRAHAM: No questions, Your Honor.

THE COURT: Thank you Detective Hickman. You may step down.

(Witness leaves the witness stand).

MR. GRAHAM: The State calls Beth Harmon.

THE COURT: Ms. Harmon, if you would come around for us and be sworn, please.

MARGARET ELIZABETH HARMON, being first duly sworn, testified as follows:

CLERK: State your name for the record.

THE WITNESS: Margaret Elizabeth Harmon, H-A-R-M-O-N.

DIRECT EXAMINATION

BY MR. GRAHAM:

Q Ms. Harmon, where are you employed?

A Lexington County Sheriff's Department.

Q What is your full name, ma'am?

A Margaret Elizabeth Harmon.

Q What do you do for the Sheriff's Department?

A I am currently an evidence custodian.

Q What is an evidence custodian?

A I am responsible for receiving property from officers or investigator who are working on cases to verify that their paperwork is correct. We enter that item into a computer system, assigning

them a bar code and storing them until they are sent to be tested or brought to court.

Q When you all are maintaining that evidence, do you do anything to it?

A No, sir, we do not.

Q You don't manipulate it and change it, mess with it?

A No, sir. The only thing we might do is sign it out to be processed.

Q Once the evidence is received into evidence, is there anybody else, other than somebody like you who is an evidence custodian, that can access it?

A No. There are only three evidence custodians: Myself, Candy Kyzer, and Sergeant Barbara McMullen. We are the only people that have access to the evidence room.

Q Did you receive some evidence in this case?

A I did.

Q State's Number 12, did you receive this into evidence in this case?

A Yes, I did.

Q And you received that from Investigator Hickman?

A I did.

Q State's Exhibit Number 14 is a beer can and a brown paper bag. Did you receive these items into

evidence?
A Yes, I did.
Q Again, from Investigator Hickman?
A Yes, sir.
Q State's Exhibit Number 15 is a swab. Do you recognize that?
A Yes, sir, I do.
Q Did you receive that from Investigator Hickman in relation to this case?
A I did.
Q Once you received it from him, did you manipulate it or change it in any way?
A No, I did not.
Q What did you do with that swab?
A This particular swab was requested to be sent to S.L.E.D. S.L.E.D. is the South Carolina Law Enforcement Division. They do ballistic testing, D.N.A. testing, and other things we are not capable of doing at the Sheriff's Department itself. This particular item was taken over there September the 18th of 2008.
Q Who took the swab to S.L.E.D.?
A I did.
Q Would you describe to the jury how this swab was handed from you and given to S.L.E.D.?

You may ask him if is he still employed with the Columbia Police Department, but I don't see the relevancy of the fact that he was terminated in 2009. I would sustain the solicitor's objection in that regard.

MS. FULLWOOD: Your Honor, if I could make a record in camera.

THE COURT: Certainly.

MS. FULLWOOD: Briefly.

IN CAMERA EXAMINATION

BY MS. FULLWOOD:

Q You were terminated from the Columbia Police Department?

A Fired, yes, ma'am.

Q You were fired. And when?

A March 3 of 2009.

Q Why?

A There was a shooting incident at my house and Manager Charles Austin has a policy which entails that anyone that is in a criminal investigation gets suspended without pay and then terminated.

Q Is this the shooting incident we were talking about in front of the jury earlier?

A Yes, it was, ma'am.

Q Now, Chief Austin or City Manager Austin or whatever he is now, that dismissal, that being

A S.L.E.D. has their own paperwork we must fill out and answer their questions in order of the relevancy of us bringing an item over. That paperwork is filled out, most of the time by the investigator, sometimes by the crime scene.

We take that paperwork over there, along with a copy of the report. It's taken to their evidence log-in area. Their log-in area has four evidence custodians that actually receive evidence and one that releases evidence primarily. This particular swab I took over there and delivered it to one of their custodians.

Q Let's talk about how you actually oelivered. When you came with this swab, looking at State's Number 15 itself, it's in a plastic bag now?

A Yes, it is.

Q And that bag is a S.L.E.D. bag?

A It is.

Q So did you just hand the swab to an evidence custodian there?

A No.

Q How does it work?

A They give us the bag. We put the item in. They heat seal it in front of us. We initial the heat seal, as well as fill out any information on the

front of the bag. That information that we fill out is the officer. That's who actually sealed it. That would be my name, the date, what agency I work for, and a case number.

Q So when I look on the front of this bag where it says S.L.E.D. here and there is handwriting here, and the dark pen, whose handwriting is that?

A That's mine.

Q When it says sealing official?

A That's my signature.

Q The date?

A That's my handwriting.

Q It says September 18th of?

A 2008.

Q Underneath it what does that say?

A L.C.S.D.

Q Which stands for?

A Lexington County Sheriff's Department.

Q There is a number here, what is that number for?

A That's a case number that is generated through Lexington County communications. Each case numbers is individual and only assigned to that particular incident.

Q When the person at S.L.E.D. gave you this bag, was it shut closed, was it opened or how does it work?

A Initially it was open until I put the actual swab inside. Then I hand it back to them. They heat seal it in front of me, and I initial across the top and date it.

Q I see a part here where it looks like it's kind of crinkled, is that a heat seal?

A Yes, sir, it is.

Q And then across here (indicating), I see some initials and date, what does that represent?

A Those are my initials and the date in which it was sealed.

Q Do you know whether this bag is tamper proof or not?

A It is tamper proof or tamper evident.

Q What does that mean?

A Tamper evident means that if you were to pull on any of the writing on it, you would be able to see that it had been stretched. It does not have any type of picture type identification devices that would show you that, but you would be able to definitely tell. It's a plastic bag. If you pull, it's going to stretch. It's not like elastic. It's not going back.

Q From your paperwork are you aware who at S.L.E.D. you gave this to?

A Yes.
Q Who is that?
A Amy Stevens.
Q When it left your care, it was in this plastic bag heat sealed with your initials across the top?
A That's correct.
Q There appears to be other marks on one of the sides. In general terms, not whose signature it is, but do you understand what that represents?
A Yes.
Q What does that represent?
A Typically any time a piece of evidence is heat sealed by either a custodian or another person, you don't cut across that seal that that person has put on there. You will make another seal or another cut on another side of that bag.
Q When you relinquished control of this swab and put it in the bag when it was sealed with your signature, was this (indicating) here?
A No, it was not.
Q So at that time there was nothing to show that it had been cut or reheat sealed at that time?
A No.
Q State's Exhibit Number 13, do you recognize that?
A Yes, I do.

Q And where did you receive that?
A I received this from Jim Hickman.
Q That's described as broken glass?
A Yes, sir, it is.
Q When you received that from Investigator Hickman, what did you do with it?
A It was logged into evidence and then it was stored.
Q When it came to you, was it in this sharp's container that is in here right now?
A It was.
Q Did you ever open that sharp's container?
A No, I did not.
Q Did you ever manipulate or change anything that was contained within that sharp's container?
A No, I did not.
Q In fact, other than looking through this container, did you ever look at the glass?
A No.
Q What, if anything, did you do with that sharp's container?
A I signed this particular container out to Investigator Anderson.
Q What date and time was that?
A October 31, 2008, at 8:53 in the morning.
Q When you gave it to Investigator Anderson, was it

materially and substantially in the same condition as when you received it from Investigator Hickman?

A Yes, it was.

Q Thank you, Ms. Harmon. Please answer any questions the defense has.

THE COURT: Thank you, Solicitor. Ms. Fullwood.

MS. FULLWOOD: No questions, Your Honor.

THE COURT: Thank you, Ms. Harmon. You may step down.

(Witness leaves the witness stand).

THE COURT: How long will your next witness be, Solicitor?

MR. GRAHAM: Probably 30 minutes maybe, Your Honor. She would be the witness that we had on the hearing earlier.

THE COURT: All right. You can call your next witness.

MR. GRAHAM: The State calls Melissa Byron.

THE COURT: Ms. Byron, if you would come around, please.

MELISSA BRYON, being first duly sworn, testified as follows:

CLERK: Please state your full name, spelling your last name for the record.

THE WITNESS: Melissa Byron, B-Y-R-O-N.

DIRECT EXAMINATION

BY MR. GRAHAM:

Q Ms. Byron, where are you employed, ma'am?

A The Kangaroo Express on Charleston Highway.

Q And how long have you worked for the Kangaroo Express?

A About two years, going on.

Q What do you do there?

A Cashier.

Q Ms. Byron, looking at State's Exhibit Number 2 -- let me actually hand it to you.

A I can't see that far.

Q There is a notation on that map that says Kangaroo Express. Is that your Kangaroo Express?

A Yes, sir.

Q On Charleston Highway?

A Yes, sir.

Q What do you do as a cashier there?

A Ring up customers, clean, stock.

Q August 17, August 18, 2007, did you work that night?

A Yes, sir.

Q Do you work third shift?

A Yes, sir.

Q Did you just work third shift last night?
A Yes, sir.
Q What is third shift?
A Eleven at night until seven in the morning.
Q In the early morning hours of August -- well, let's say the late hours of August 17 from 11:00 o'clock on -- before I ask you that, looking at State's 14, a Hurricane High Gravity beer, is that a product, the 24-ounce product, is that a product that you sold there on August 17, August 18, 2007?
A Yes, sir.
Q From when you came on shift at 11:00 o'clock, prior to midnight, do you know if you sold any of those?
A The one that I knew of before the victim's sister -- daughter -- came to the store.
Q So when she came to the store, you had sold one before she had come?
A Yes, sir.
Q Had you sold anymore than one?
A After that probably but before the time I started up until the time she came in there, no, sir.
Q So you had sold one Hurricane beer prior to the victim's daughter coming to talk to you?
A Yes, sir.
Q Are those warm or cold when they are sold?

A Cold.
Q The person who bought that Hurricane beer, was it a male or a female.
A Male.
Q Black or white?
A Black.
Q Did you know him?
A From coming in and out the store, yes, sir.
Q He was a customer?
A Yes, sir, pretty regular.
Q A regular customer?
A Uh-huh. (Indicating affirmative response).
Q How long of a time period when he came in and bought the beer, how long did that transaction take? When he bought the beer from you, how long was he in your presence?
A Probably a couple of minutes.
Q Did you talk with him?
A Yeah. Yes, sir.
Q Inside the store or outside the store?
A Inside the store.
Q The lighting was good?
A Yes, sir.
Q You had a good look at his face?
A Yes, sir.

Q Any question that the person who brought that beer was a regular customer of yours and you knew who it was?
A No question.
Q After the victim's daughter came to speak with you, did you again see the person who bought the beer from you?
A Yes, sir, later on.
Q Describe to me what happened that time when that person came back.
A The second time he came in when he was walking into the store and he was on the outside, I noticed that he had a cut on his arm..
Q Did you ask him about that cut?
A Yes, sir, I asked him what happened to him.
Q What did he say?
A He said somebody was trying to test him, so he had to stand up for himself.
Q Any question that that person was the same person who bought the beer who was a regular customer?
A No, sir.
Q Do you remember what time that would have been?
A I will say probably about up until 3:00 o'clock. I'm not really sure.
Q Did that same person come back again while you were

still on shift?
A Yes, sir, later on that night or early that morning.
Q Do you remember approximately what time that was?
A Not really. It was still dark outside.
Q What were you doing when you saw him this time?
A I was going to go outside and sweep the parking lot.
Q And, again, did you see him that time?
A Did I see him?
Q Yes, ma'am.
A Yes, sir.
Q Did you have a good opportunity to observe him?
A Yes, sir.
Q Was there any question that was the same person who had been earlier there with the cut and who had been there earlier and bought the beer and who was a regular customer of yours?
A No, sir.
Q Was he alone or with somebody that time?
A He was with somebody.
Q Was that a male or a female?
A Male.
Q White or black?
A White.

Q The first time you saw him and the second time you saw him, do you know whether he was on foot or in a vehicle?
A The very first time when he bought the beer, I'm not sure. The second time I think he was in a vehicle. I know definitely the third time he was riding with the guy.
Q When you say riding, what were they riding in?
A A small, dark-colored truck.
Q Were you able to get a tag number off that vehicle?
A Yes, sir.
Q When the victim's daughter came and asked you the question and he came back again, at some point later what, if any, information did you convey to either law enforcement or Mr. Olsen about a Hurricane beer?
A Just the fact that that was the first one I sold from the time I clocked in to the time she came up there.
Q As far as the vehicle that that same individual who bought the beer, the vehicle and the person they were with, who, if anybody, did you tell about that?
A To be honest with you I'm not sure.
Q Did you tell somebody?

A I believe so.
Q September 18, 2007, let me ask you a question. Investigator Anderson who I have got my hand on sitting at the table, do you recognize him?
A Yes, sir.
Q Did he come out and see you on September 18, 2007?
A Yes, sir.
Q And did he come out to show you a photo lineup?
A Yes, sir.
Q Prior to showing you a photo lineup, did he do anything to imply that there would be a person in that photo that you should recognize?
A No, sir.
Q Did he do anything to suggest that you should pick out a particular person?
A No, sir.
Q Did he ask you to look and see if the person who brought the beer and who was a regular customer of yours was in this lineup?
A Yes, sir.
Q Looking at State's Exhibit Number 1 for identification, do you recognize that?
A The person? Yes, sir.
Q The lineup itself.
A Yes, sir.

Q When you looked at the lineup, was there any -- other than the printed words on there, was there any handwriting on there?
A No, sir.
Q Were you asked to see -- when you were asked, did you, in fact, pick somebody out?
A Yes, sir.
Q Who did you pick out?
A Number four, Mr. Golson.
Q How did you indicate on the form that you picked number four?
A He had me circle the picture and initial it.
Q So the circle on there and the initials on there around number four is your handwriting?
A Yes, sir.
Q In addition, did you sign it?
A Yes, sir.
Q Where it says witness, is that your signature?
A Yes, sir.
Q Any question in your mind that number four who you selected there is the person who bought that Hurricane beer?
A No, sir, same person.
Q Do you see that person in the courtrcom today?
A Yes, sir.

Q Where is he?
A The Defendant's table.
Q The black male sitting next to --
A Yes, sir.
Q The white male at the Defendant's table?
A Yes, sir.

MR. GRAHAM: Your Honor, I ask that the record reflect she has identified the Defendant, Mr. Eddie Golson.

THE COURT: So reflected.

BY MR. GRAHAM:

Q Thank you, Ms. Byron. If you would please answer any questions the defense has.
A Yes, sir.

THE COURT: Thank you, Solicitor. Ms. Fullwood.

CROSS EXAMINATION

BY MS. FULLWOOD:

Q Ms. Byron, when you make sales, your cash register keeps a tape of the sales you make; right?
A Yes, ma'am.
Q And those tapes would be available to law enforcement if they chose to get them from your bosses, right?
A Yes, ma'am.

Q And also the Kangaroo has video cameras, doesn't it?
A Yes, ma'am.
Q It shows what goes on inside the store, right?
A As well as outside.
Q And outside. And those videotapes would be available to law enforcement, wouldn't they?
A You have to go through my manager.
Q Not from you personally but if law enforcement wanted those --
A Yes, ma'am.
Q -- they could get them from Kangaroo, right?
A Yes, ma'am.

MS. FULLWOOD: No further questions.

THE COURT: Redirect, solicitor?

MR. GRAHAM: No, Your Honor.

THE COURT: Thank you Ms. Byron. Thank you very much for being with us.

THE WITNESS: Thank you.

(Witness leaves the witness stand).

MR. GRAHAM: Your Honor, that's all the witnesses the State has today.

THE COURT: Thank you. Thank you very much, Solicitor. Perhaps now would be a good time to take our evening recess.

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Ladies and gentlemen of the jury, we are now going to take our evening recess. I would remind you that during this recess you are not to discuss this case with anyone. That includes your fellow jurors, your family, friends or anyone else.

If anyone tries to talk with you about the case, please let me know. Remember, do not do any independent investigation or any investigation on the internet. Do not read, watch or listen to any news report about this trial, should there be any. Remember to keep an open mind about this case and do not begin your deliberations until I instruct you to do so.

Ladies and gentlemen, because of another commitment that I have tomorrow morning in Columbia, we will not start or restart the trial of this case until 2:00 p.m. tomorrow afternoon. It has been scheduled for quite a while, and it is a commitment that I must make and must attend to.

So you will be off in the morning. I guess that's the good news, but you will be working tomorrow afternoon. This good news, too, as far as jury service is concerned as far as what you are doing for both the State and the Defendant in this case.

But please if you would be back promptly at 2:00 p.m. tomorrow in your new temporary home, your jury

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room. I will look forward to seeing you then. I hope you all have a pleasant evening and a please morning. See you tomorrow afternoon. Thank you very much.

(The jury is excused for the day at 5:01 p.m.)

THE COURT: Anything, Solicitor, before we break for the evening?

MR. GRAHAM: Not from the State, Your Honor.

THE COURT: Ms. Fullwood?

MS. FULLWOOD: No, Your Honor.

THE COURT: Solicitor, if you will make sure you have someone here tomorrow. I may be back a little earlier than 2:00 o'clock. I may say 1:30 for us.

MR. GRAHAM: Yes, Your Honor.

THE COURT: If you will let my law clerk know if you have someone available. Thank you very much. Court will be in recess until 1:30.

(Whereupon the proceedings were concluded for March 30, 2009).

(The following proceedings were reported on March 31, 2009).

THE COURT: Yesterday during an in camera hearing, Mr. Olsen was asked the reason why he was terminated from the Columbia Police Department.

Solicitor, I had asked you if you could have the custodian of records or someone to explain the

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personnel records to me in that record. Do you have that person here?

MR. GRAHAM: Yes, Your Honor. Captain Isa Greene with the City of Columbia Police Department is present, along with legal counsel for the City of Columbia.

THE COURT: That's not Mr. Johnson. That's Mister?

MR. COOPER: Bob Cooper.

THE COURT: Yes, Mr. Cooper. How are you, Mr. Cooper? Thank you. I appreciate y'all being back here today. Mr. Cooper, I heard Mr. Johnson's motion yesterday to protect these records, and I granted that motion.

As a result of some testimony in camera, however, I think I have to adjust my ruling. However, I would be glad to hear from the City in that regard. I don't mean to be secretive about it. I haven't discussed this with anyone, any of the parties in this matter.

MR. COOPER: Your Honor, if I might.

THE COURT: Yes, sir.

MR. COOPER: As I view our role in this matter, it's primarily to be good stewards of the records of our employees and ex-employees. We made the

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motion yesterday because there is a whole lot in the personnel file that could not be possibly be relevant in a case of this nature.

Generally when we get motions, if they are subpoenas or freedom of information requests, if they are on issues that could be relevant or germane to the proceedings in court, we will produce evaluations, disciplinaries, that sort of thing.

We sometimes move to quash when we don't think they can be germane or relevant. We will be guided by whatever Your Honor thinks with regard to this personnel file.

We would like to protect the parts though involving beneficiaries, checking accounts, insurance, medical information. If Your Honor thinks there are parts that would be relevant to this proceeding, we certainly are happy to make them available.

THE COURT: Well, I hadn't made the decision as far as relevancy concerning admissibility at all, but there are two sets of documents that were stapled together and sealed yesterday by the Court, only for purposes of appellate review should it ever get to that point.

I have a question about one page of the first stapled of five pages as to the reason for Mr. Olsen's

termination. If the Captain can explain that to me, I want to make sure I understand that correctly.

MR. COOPER: Yes, sir, I think she can.

THE COURT: Fine. Captain, if you would come around and be sworn for us, please.

ISA GREENE, being first duly sworn, testified as follows:

CLERK: Please state your name, spelling your last name for the record.

THE WITNESS: My name is Isa Greene, G-R-E-E-N-E.

EXAMINATION

BY THE COURT:

Q Captain, I will hand you these documents that were turned over yesterday by Attorney Johnson with the City of Columbia. That's a five-page document and ask if you can identify that document for us, please.

A Yes, I can, sir. This is a separation of employment form, a disciplinary action for our department.

Q On what employee?

A On Officer Olsen.

Q Does it give the reason -- does it indicate that he was terminated?

A Yes, sir, it does.
Q On what date?
A He was terminated on March the 3rd, 2009.
Q And can you tell us the reason for his termination?
A He violated employee handbook directive 14, drug-free work place. He came to work intoxicated.
Q Is there any indication on the disciplinary action form that he was terminated because the policies of Chief Austin is you get a certain amount of time of suspension with pay, then go a certain amount of time with suspension without pay. Then once that time lapses, you are gone, and you can reapply if you would like. Is that indicated on there anywhere?
A It's not indicated. There is a policy but it is not indicated on this right here, on this sheet right here.
Q Is there any indication that he was terminated because it was a shooting incident at his house and Manager Charles Austin has a policy which entails that anyone that is in a criminal investigation gets suspended without pay and then terminated?
A No, sir. He was not terminated because of the incident at his house at all.
Q He was terminated again for what reason?

A For violation of employee handbook directive 14, drug-free work place.

THE COURT: Solicitor, do you have any questions you would like to ask Chief Green -- excuse me -- Captain Greene? I apologize.

MR. GRAHAM: No, Your Honor.

THE COURT: Thank you. I guess that was a Freudian slip, Captain. I apologize. Ms. Fullwood.

MS. FULLWOOD: No, Your Honor.

THE COURT: Thank you. Thank you very much. You may step down.

THE WITNESS: Thank you, sir.

(Witness leaves the witness stand).

THE COURT: Before I release the Captain and Mr. Cooper, my concern yesterday, having reviewed the documents in camera, is that it appeared to me the witness' testimony was not consistent with the paperwork that I saw. The Court, of course, did not want to maintain sealed records that may have been inconsistent with the testimony of a witness.

Solicitor, do you have any position in the matter.

MR. GRAHAM: As far as you releasing the documents or are you asking me whether I think it falls under -- or whether she can do it in front of the jury?

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THE COURT: I think that's what I am doing, Solicitor, is asking you if you think that's admissible. Maybe I should go to Ms. Fullwood first to see if she is even going to attempt to offer it.

MS. FULLWOOD: I do think it's admissible, Your Honor. What we have learned this afternoon shows that yesterday Mr. Olsen basically perjured himself under oath when he was examined in camera during this particular trial. I think I am entitled to show the jury that he did perjure himself under oath yesterday in the trial of this case.

THE COURT: Solicitor.

MR. GRAHAM: I would say that she needs to put him back on the stand in camera and ask him a few more questions. I don't know whether he believes -- he could very well believe what he testified yesterday, and that doesn't mean he is lying.

I don't know whether -- he may not be aware of why he was terminated. He may not understand it. I don't believe that constitutes perjury or goes to his untruthfulness under 608 (b) of a specific instance that needs to be brought in front of the jury.

THE COURT: She may not want to recall him. I don't know. Do you want to recall Mr. Olsen in camera, Ms. Fullwood?

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MS. FULLWOOD: I don't think that it's necessary to recall him in camera. I think it's pretty clear. He gave a detailed explanation yesterday as to why he was terminated, and I don't know how a person -- I don't have the personnel records, but I would imagine that they state the reason for his dismissal is in black and white for him and anybody else to read, that it was for violating the drug-free work place policy. I don't see how a person could reasonably take that to mean the complicated employment policy that he described on the stand yesterday.

THE COURT: Solicitor, I guess it's back to your court.

MR. GRAHAM: I don't know that even the fact that he was terminated, according to Captain Greene's testimony, for violation of the work place policy, that he showed up intoxicated or under the influence or whatever she was saying, I don't think that is admissible.

The question is whether it's truthful or not truthful. I don't think the circumstances of what it was is admissible. I think if she starts going to that, I think that it is improper.

Why he was terminated still is not relevant. The question is whether what he said is a truthful or

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untruthful statement. I don't know that the substance of his termination is still relevant in any manner.

THE COURT: Yes, ma'am.

MS. FULLWOOD: If Your Honor please. I do think the reason it's relevant is for this. In this particular case, we have Mr. Olsen trying to testify as a de facto investigator in this case and trying to convince the jury that he was qualified to do so because of extensive law enforcement experience.

In fact, he tried to allude to that yesterday when I questioned him about his activities in connection with this case. When they put up a witness who in part is trying to convince the jury that his part of this investigation is as good as the Lexington County Sheriff's Department, then, yes, I think I am entitled to bring out his actual job performance and legitimate employment as a law enforcement officer.

THE COURT: I don't agree with that analysis as far as his job performance is concerned. My concern was, of course, as I said, having reviewed the records in camera, it appeared to be inconsistent with his testimony.

Of course, the Court did not want to secrete that information from the parties. It's for the parties to flesh that out. I think the solicitor is correct.

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In fact, both of you are correct in the analysis of whether or not it goes clearly to the witness' truthfulness or untruthfulness.

It appeared to me he testified, A., yesterday, and that's inconsistent with what is in the record and then what Captain Greene has testified to. That's why I want to make sure there was a witness to explain to the Court why he was terminated.

I don't want to mislead the jury. We are not trying a case of why Mr. Olsen was or was not terminated. The only issue is his truthfulness and how this goes to his truthfulness.

If you can craft a very narrowly drafted question of Mr. Olsen that, Yesterday you testified that you were terminated for a particular reason when, in fact, that was not correct. That was not truthful. You were terminated for an entirely different reason.

The fact that he was terminated for violation of the drug-free policy of the Columbia Police Department is not so much the issue but what he testified to is not correct as to why he was terminated. So you have to craft that very narrowly.

We are not trying whether or not he violated the drug-free policy of the Columbia Police Department. The only way it could be relevant is only as to the

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issue of Mr. Olsen's truthfulness or untruthfulness. He may be confused I don't know. I'm not the fact finder.

I am going to reseal part of these records, which is a seven-page document. It's captioned incident report -- excuse me -- instance summary, Officer Matt Olsen, West Region, Squad B. That will be sealed. It's not discoverable.

Then there is five pages stapled together. The first page is Employee Status Change Form. The second page, Personnel Report, I do not see any identifying information on the individual except his name, Matthew T. Olsen. It also has an employee I.D. number. Perhaps that should be redacted. I don't see any Social Security number or D.O.B.

MS. FULLWOOD: Your Honor?

THE COURT: I will provide that to both parties. Y'all can review. That would be Court's Exhibit 2.

(Court's Exhibit Number 2 is marked for purposes of the record).

MS. FULLWOOD: Is Mr. Olsen still under the Court's directive not to discuss his testimony? Does he still understand?

THE COURT: I haven't changed my directive.

MS. FULLWOOD: I just noticed as you were

making his ruling, he went over to try to talk to Mr. Anderson. I would like to in camera lay out the questions I would like to ask him, understanding of course, your ruling. I would like to make a record of what I would like to ask him.

THE COURT: Why don't we make copies of this and y'all both look at that before we do that, and then we will take it up in camera.

(Pause).

THE COURT: Do you want to ask Mr. Olsen some more questions in camera?

MS. FULLWOOD: Yes, sir, briefly to establish what I would like to ask him.

THE COURT: Mr. Olsen, if you would come around for me, please, sir. You are still under oath.

MATTHEW THOMAS OLSEN, having been previously duly sworn, resumed the witness stand and testified as follows:

THE COURT: Ms. Fullwood.

IN CAMERA EXAMINATION

BY MS. FULLWOOD:

Q Mr. Olsen, yesterday you testified you were fired from the Columbia Police Department because of a shooting incident at your house; correct?

A Yes, ma'am.

Q All right. And, in fact, that's not the reason you were fired; is it?
A According to the Captain, no, it's not. But as I stated yesterday, Major Swisher said I had ample time to get the shooting incident resolved, and I did not so I was terminated.
Q In fact, you were terminated because you showed up to a hearing at the department intoxicated; didn't you?
A Ma'am, I believe intoxicated is .80 and above. Impaired is .80 and below. So the answer would be, no, it would be impaired and not drunk. I received the first copy of that and not the other four underneath it. So I never seen those other four copies.
Q What have you seen?
A I have seen the top page which I signed.
Q Well, you showed up to that hearing with a .08 alcohol level; didn't you?
A Point seven four and then 20 minutes later after, .80. So it was two breath tests.
Q Point eight zero or .08? You would be dead if it were 80.
A Depending on what Intoxilyzer you are talking about and what state. It could be .80 or .08.

Q As a former law enforcement officer in the State of South Carolina, you know the threshold for driving under the influence is .08; don't you?
A I've been in --
Q Yes or no.
A No, ma'am.
Q You do not know that?
A I am not Intoxilyzer certified in this State right now. I was eight years ago. Then four different states Intoxilyzer qualified.
Q While you worked for the City of Columbia, did you ever arrest people for drunk driving?
A Yes, ma'am.
Q And you arrested them when they had a .08 or above, didn't you?
A I arrested them when they failed the field sobriety test and then they are taken to the Intoxilyzer.

THE COURT: Actually to be precise, you don't arrest somebody for drunk driving. I don't know of such a charge. It's driving under the influence of intoxicating liquors and/or drugs. You may ask your next question.

BY MS. FULLWOOD:

Q You were suspended from the Columbia Police Department and ultimately fired for a reason

different than the one you stated under oath yesterday, weren't you?

A No, ma'am.

Q You testified under oath yesterday that you were terminated as a result of events that followed from a shooting incident at your house, didn't you?

A That is correct.

Q And that is not the reason you were terminated, fired; is it?

A It's not according to the Captain, but it is according to me.

MS. FULLWOOD: That's about what I would ask him, Your Honor.

THE COURT: Thank you. Ms. Fullwood. Solicitor, do you have any questions in camera?

MR. GRAHAM: No, Your Honor.

THE COURT: Thank you, Mr. Olsen. You may step down.

(Witness leaves the witness stand).

THE COURT: Anything further, Ms. Fullwood?

MS. FULLWOOD: No, sir. I would just say that if this witness wants to get in front of the jury and then waffle about the truth of the matter, I think I should be allowed to get into the matter. It's, you know, my interpretation of the reason I think I got

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fired and continue to believe I got fired.

THE COURT: Mr. Olsen brings up an interesting point. The document and Captain Greene may say that he was terminated for a particular reason, and in his mind the termination is the result of the shooting incident.

If you connect the dots, on the 10th the incident happened, 10 January '09. On the 11th he was notified to be in the Captain's office, the Watch Commander's Office -- I'm not sure whose office -- on the 12th I believe.

On the 12th is when he goes to the Watch Commander's office or the Captain's office, and that's when ultimately they give him a breathalyzer or perhaps nowadays they call it the Intoxilyzer. I don't know.

The document shows 0.08. I don't believe extrinsic evidence is admissible, and I don't believe I will try a case of burglary first and possession of a firearm and get into the levels of what constitutes being under the influence of alcohol, what a particular breathalyzer reading does.

However, again, I will allow you to ask if he gave a reason different yesterday then what appears on the document. I make that decision based on 608 (b) and Rule 403.

I think although it may be relevant, it may be

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extrinsic, the probative value is substantially outweighed by the danger of unfair prejudice or confusion of the issues or misleading to the jury or by consideration of undue delay or waste of time. I don't want this jury trying an intoxication case.

Anything further before we bring in our jury?

MS. FULLWOOD: No, Your Honor.

THE COURT: Solicitor?

MR. GRAHAM: No, Your Honor.

MR. COOPER: Your Honor?

THE COURT: Yes, sir.

MR. COOPER: I'm sorry.

THE COURT: That's quite all right.

MR. COOPER: Do you still need us? We are happy to stay if you need us.

THE COURT: I am happy for you to leave, Mr. Cooper, and the Captain. Do either one of the parties want either one of them to remain?

MR. GRAHAM: Are we going to start with Mr. Olsen on the stand?

THE COURT: That would be my preference, to finish him up.

MR. GRAHAM: What I would suggest is we do that, and that should be short because of my understanding of the only questions she had. Then they

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can leave if we don't need them.

THE COURT: If y'all would remain during his testimony. Thank you. If you would bring our jury, please.

(The jury returns to the courtroom at 2:10 p.m.)

THE COURT: Good afternoon, ladies and gentlemen of the jury. Welcome back. We missed you this morning. I appreciate y'all allowing me that time to take care of that other matter.

We are continuing the trial of the case. There was -- we didn't quite finish with the examination, cross examination, of Mr. Olsen.

Mr. Olsen, would you come back around for us, please. That was based on some scheduling matters yesterday also.

MATTHEW THOMAS OLSEN, having been previously duly sworn, resumed the witness stand and testified as follows:

THE COURT: You are still under oath, sir.

THE WITNESS: Yes, Your Honor.

THE COURT: We are continuing with the trial of the case. I believe the point we were at is, Ms. Fullwood, you were cross examining the witness; is that correct?

MS. FULLWOOD: Yes, sir.

THE COURT: You may proceed.

MS. FULLWOOD: Thank you, Your Honor.

CROSS EXAMINATION

BY MS. FULLWOOD:

Q Mr. Olsen, yesterday you gave some sworn testimony in this courtroom outside of the presence of the jury; didn't you?

A Yes, ma'am.

Q And during that testimony you were asked why you were suspended and ultimately fired from the West Columbia Police Department, correct?

A No, ma'am, it was the Columbia Police Department.

Q I'm sorry, that's right, the Columbia Police Department.

A Could you restate the question?

Q You were asked why you were fired from the Columbia Police Department, correct?

A I was asked why I was suspended and terminated, and I gave the word fired, but, yes, I did give testimony on that yesterday.

Q And you testified it was a result of a shooting incident at your house, correct?

A Yes, ma'am.

Q In fact, according to the records of the Columbia

Police Department --

MR. GRAHAM: Objection, Your Honor.

THE COURT: I haven't heard the question. Approach the bench, please.

(Whereupon there was a bench conference off the record in the presence of the jury but out of the hearing of the jury).

THE COURT: Thank you, Solicitor. You may proceed, Ms. Fullwood.

BY MS. FULLWOOD:

Q In fact, according to the records of the Columbia Police Department, that is not the reason you were fired; is it?

A The records that I didn't see that the Captain brought forward today, yes, that is not the reason she stated, but it's the reason I gave yesterday was the reason, the shooting incident.

Q But that's not the reason, is it?

A According to the Captain, it's not the reason.

MS. FULLWOOD: No further questions.

THE COURT: Anything on redirect, Solicitor?

MR. GRAHAM: No, Your Honor.

THE COURT: Thank you. Thank you very much, Mr. Olsen. You may step down.

(Witness leaves the witness stand).

THE COURT: Solicitor, I know you had another witness present. Do you still need the Captain to remain?

MR. GRAHAM: No, Your Honor.

THE COURT: Ms. Fullwood, do you need the Captain to remain?

MS. FULLWOOD: No, Your Honor.

THE COURT: Thank you very much, Captain, and thank you, Mr. Cooper, for being here with us today. Y'all may be excused.

Solicitor, you may call your next witness.

MR. GRAHAM: Thank you, Your Honor. The State calls Investigator Brian Anderson.

THE COURT: If you would come around for us and be sworn.

JAMES BRIAN ANDERSON, being first duly sworn, testified as follows:

CLERK: Once you are seated, please state your name, spelling your last name for the record.

THE WITNESS: Detective James Brian Anderson, A-N-D-E-R-S-O-N --

DIRECT EXAMINATION

BY MR. GRAHAM:

Q Detective Anderson, where are you employed, sir?

A I am employed with the Lexington County Sheriff's

Department.
Q What do you do there?
A My current position is a criminal investigator.
Q How many years of law enforcement experience do you have?
A Approximately 12 and a half.
Q And over that 12 and a half year law enforcement career, what agencies have you worked for?
A Lexington County is the only law enforcement agency I have been with.
Q How long have you been a criminal investigator?
A I started in December of 2006, so right at about two and a half years.
Q In general terms what does a criminal investigator do?
A An investigator is who will be assigned a case. A responding deputy will go out and take a report from a victim and do a preliminary investigation, write a report. If there is something to follow up upon or if it's a major case, it will be assigned to an investigator for follow-up to try and develop leads and apprehend the people responsible.
Q Would it be fair to say that you were assigned to the burglary case involving the Defendant, Eddie Golson?

A Yes.
Q In fact, when were you assigned to be the investigator on this case?
A I believe the case assignment was on August 18 if I recall correctly. It was assigned to me the following day after the report was written.
Q That would be the morning of the burglary?
A Yes.
Q That's back in 2007?
A Correct.
Q What are some of the things you would have done as far as talking to people or viewing incident reports or supplemental reports as part of your investigation?
A The first thing I would do with any case is review any kind of reports that have come in on that case, any kind of follow-up reports that come in. In this particular case, of course, interview witnesses that are involved in it.
Q Based on your review of reports or speaking to witnesses, were you able to discover a first name of a potential suspect?
A Yes.
Q What was the name that you discovered?
A The name was Eddie.

Q One you discovered the name Eddie, what, if anything, did you do to determine the full name of the potential suspect or a potential suspect?
A I spoke to officers that work in the area where this burglary occurred --
MS. FULLWOOD: Your Honor, may we approach?
THE COURT: Yes, ma'am.
(Whereupon there was a bench conference off the record in the presence of the jury but out of the hearing of the jury).
THE COURT: Thank you, Ms. Fullwood. Solicitor, you may proceed.
BY MR. GRAHAM:
Q Detective Anderson, based on your investigation and the first name Eddie, were you able to develop a full suspect's name of Eddie Clay Golson?
A Yes.
Q And once you had Mr. Golson's full name, were you able to prepare a photo lineup?
A Yes.
Q What was the purpose of you preparing a photo lineup?
A The purpose of that was to meet with one of the witnesses and show them that lineup to positively identify Mr. Golson.

Q Let me show you what has been marked as State's Exhibit 1 for identification and ask if you recognize that.
A Yes, I recognize it.
Q Did you have that photo lineup created yourself?
A Our intelligence unit at the Sheriff's Department created the lineup for me.
Q And how many faces are shown in that lineup?
A A total of six.
Q And what kind of criteria was used? Once you had the photograph of Mr. Golson, what was the criteria used to select the other five individuals?
A The criteria used is to place five other individuals with similar physical characteristics, such as, race, gender, hairstyle, facial hair, things of that nature.
Q After the photo lineup was created but before you showed it to the witness, did you review it?
A Yes.
Q And to the standard that you just described, was there anything that you didn't -- was there any reason that you felt that wasn't a good photo lineup?
A No.
Q In your opinion did any one person stand out more

than any other person to indicate who the witness should select?

A No.

Q After that photo lineup was created and you reviewed it, who did you go show that photo lineup to?

A I met with Melissa Byron at the Kangaroo Express.

Q Ms. Byron was the clerk who worked at the Kangaroo Express?

A She is.

Q Do you remember the date that you showed her that photo lineup?

A It was on September 18, 2007.

Q Was there anybody else present, other than you and her, when you showed her the photo lineup?

A At the time it was just Ms. Byron and I.

Q What, if anything, did you tell Ms. Byron prior to showing her that photo lineup?

A In preparation to show her the lineup, we discussed the case, and I told her that I was going to be showing her a series of photographs. I told her that she may or may not know someone in those photographs. The term I usually use when I present a lineup to somebody is take a look at this and does anybody jump out at you or do you recognize

someone.
Q Prior to showing her that photo lineup, did you show her any pictures of Mr. Golson?
A No.
Q Did you do anything to indicate who she should select?
A No.
Q Once you made the statements that you just testified to to her, did you, in fact, show her that photo lineup?
A I did.
Q And what was her reaction?
A At first she was reluctant to look at it.
MS. FULLWOOD: Objection, Your Honor.
THE COURT: I will overrule the objection. He is describing his observations of Ms. Byron.
BY MR. GRAHAM:
Q After her reluctance to view it, when she did actually look at it, did she pick somebody out?
A She did.
Q Was there any hesitation in her picking someone out?
A Once she looked at it, there was no hesitation whatsoever.
Q And how did she indicate who she selected?

A She circled the photograph and placed her initials beside the circle.
Q That was based under your direction?
A Yes.
Q Looking at State's Exhibit Number 1 for identification, the circle, that's her handwriting and the initials are her handwriting?
A Correct.
Q What number did she select?
A She selected photo number four.
Q Whose photograph is that?
A It's a photograph of Mr. Eddie Clay Golson.

MR. GRAHAM: Your Honor, at this time the State would move State's Exhibit Number 1 for identification into evidence.

MS. FULLWOOD: Subject to my previous motion, Your Honor.

THE COURT: Subject to the previous objections, State's 1 is in evidence.

(State's Exhibit Number 1 is received into evidence).

BY MR. GRAHAM:

Q In addition to having her circle and initial it, is there any other handwriting on that sheet?
A Yes, her signature is in the block that is marked

witness. I also filled out portions of the form which shows that photo number four was selected, the case number, a date, and my signature.

Q There is a signature that says witness, whose handwriting is that?

A It's Ms. Byron's.

Q Again, did you do anything to suggest to her who she should select?

A No.

Q After Ms. Byron selected Mr. Golson from the photo lineup on September 20, 2007, did you obtain warrants for burglary first and possession of a weapon during the commission of a violent crime against Mr. Golson?

A Yes.

Q And you are aware that on November 6, 2007, those warrants were served?

A I am.

Q October 31, 2008, did you make a trip to S.L.E.D.?

A I did.

Q Let me show you what has been marked State's Exhibit Number 13 for identification -- excuse me -- in evidence and ask if you recognize that.

A Yes.

Q What is that?

A It's actually called a sharp's container with a piece of glass in it from the crime scene.
Q The bag that it's in, the bag that says S.L.E.D. evidence on it, when you took possession of this, and I believe -- well, how did you get this? Where was this when you got it before you took it to S.L.E.D.?
A It was in the Lexington County Sheriff's Department evidence room.
Q And how did you get it? Who did you get it from?
A It was signed out from -- I refer to her as Beth Harmon.
Q Margaret Harmon?
A Yes, signed out from her to me.
Q And when you took the sharp's container from Ms. Harmon, you went to S.L.E.D.?
A Yes.
Q In between the time you got it from Ms. Harmon and the time you turned it over to S.L.E.D., did you do anything to manipulate or change the sharp's container or the glass contained within the container?
A No.
Q In fact, did you even open the container?
A No.

Q When you took the sharp's container to S.L.E.D., tell me about how you turned it over to S.L.E.D. and what the bag is and how this bag came into play.

A I went through S.L.E.D.'s normal evidence log-in procedure, which is to meet with one of their folks that log in evidence over there. I filled out some paperwork, they placed it in the bag in front of me, and heat sealed it.

Q So the sharp's container that is in here was placed inside this bag, and it was sealed. When you say sealed, what do you mean?

A Heat sealed.

Q Do you see the heat seal on there?

A Yes.

MR. GRAHAM: Your Honor, can I have the witness step down?

THE COURT: Certainly. Just keep your voice up, Detective, when you are away from the microphone.

(Witness leaves the witness stand).

BY MR. GRAHAM:

Q Looking at State's Exhibit Number 13, the sharp's bag and discussing the sharp's container and discussing the S.L.E.D. plastic bag, when the sharp's container was put in the bag, how was the

bag, opened or sealed?
A It was open.
Q Were there any cuts on any of the sides?
A No.
Q The handwriting that is on the side, on the right side of the bag, was that cut and resealed at the time you originally put it in the bag?
A There was no writing.
Q After the sharp's container was put in the bag, was it done in your presence?
A Yes.
Q After that was placed in there, you were talking about a heat seal. What are we talking about? Will you show the jury where you are referring to.
A At the time it was a solid bag. This portion (indicating) was open. They place it in a heat seal machine, and it melts this plastic together.
Q Once that plastic was melted together, what, if anything, did you do?
A I placed my initials here (indicating) and dated it.
Q Then also looking down lower on the bag, do you recognize your handwriting?
A Yes, my signature and the date once again.
Q Please have a seat back on there again.

A (Witness resumes the witness stand).
Q Detective Anderson, do you remember the log-in technician at S.L.E.D. that you turned that evidence over to?
A It's written in my notes. I'm sorry, I don't remember her name right off the top of my head.
Q Do you have your notes with you?
A Not in front of me, no.
Q After you took the broken glass to S.L.E.D. and turned it in, did you have an occasion on January 12, 2009, to be present when a blood sample was taken from the Defendant, Mr. Golson?
A Yes.
Q And would you describe -- was that done by medical personnel?
A It was.
Q And as far as the blood draw, describe it. How was that done?
A It was drawn very similar to like what would happen in a doctor's office. Mr. Golson had a needle placed in his arm and a vial connected to it, and blood was drawn out of his arm.
Q Were you present when that was done?
A Yes.
Q Did you see the needle actually go into his arm?

A I did.
Q Did you see the blood from Mr. Golson go into the vial?
A I did.
Q After the blood was taken and placed in the vial, what, if anything, happened to that vial?
A It was placed into a collection kit, into an envelope that was obtained from S.L.E.D. prior to that. It was placed into that and put into my custody, and I took it directly to S.L.E.D.
Q You said it was taken from a kit that you obtained from S.L.E.D.?
A Yes.
Q Was that kit sealed?
A I believe they are sealed when they -- prior to being used it is sealed, yes.
Q Do you know the purpose of why that would be sealed?
A To prevent the evidence from being tainted in any other way, from any other object being placed in it.
Q Was the packaging that contained that vial, was that opened in your presence?
A Yes.
Q It was opened in your presence?

A Yes.
Q Once it was opened, did that tube ever leave your presence?
A No.
Q Once you obtained the vial full of Mr. Golson's blood, did it go back into that? Did it go back into that same packaging?
A The vial is sealed, was sealed up. If I recall correctly, I believe Mr. Golson actually signed on the seal. The technician signed. I believe I signed also, but I know Mr. Golson and the technician certainly signed it.
Q Do you have an item in front of you, in fact, that has to do with the kit that you are talking about?
A I do.
Q Do you recognize that?
A Yes.
Q Is that the kit that was used that you obtained from S.L.E.D. that you took to Mr. Golson that actually ended up transporting back the sample?
A It is.

MR. GRAHAM: Your Honor, the State would offer this into evidence at this time.

(Attorneys confer).

MS. FULLWOOD: Your Honor, I would have a

chain of custody objection.

THE COURT: Mark it for identification purposes at this point. What number would that be?

COURT REPORTER: Number 16, Your Honor.

(State's Exhibit Number 16 is marked for identification).

BY MR. GRAHAM:

Q Detective, looking as State's Exhibit Number 16 for identification, it is a S.L.E.D. bag and inside the S.L.E.D. bag is a, I guess, a small manila envelope and a white bigger envelope that states S.L.E.D. Do you recognize the S.L.E.D. -- the white interior S.L.E.D. envelope?

A I do.

Q Is that, in fact, the kit that you obtained from S.L.E.D. that you put in Mr. Golson's test tube vial, containing Mr. Golson's blood?

A Correct, yes.

Q And was that sealed? Was that package sealed?

A Yes, it was sealed, yes.

Q Is there handwriting on there that you recognize?

A Yeah, my handwriting is on there, as well as the technician that took the blood.

Q Once you obtained that blood sample and it was placed back into that white S.L.E.D. envelope,

what, if anything, did you do with it?
A I took the envelope directly back to S.L.E.D. and submitted it to their evidence room.
Q And was the procedure of you turning that blood sample over to S.L.E.D. similar to the testimony you gave on the broken glass?
A Yes.
Q Prior to turning that over to S.L.E.D., did you do anything to change or manipulate Mr. Golson's blood sample?
A No.
Q When you turned it over to S.L.E.D., the plastic bag that is containing the white bag which you were testifying to, were there any slits on the side?
A No.
Q Were there any showing to be a reseal, heat seat, back on the side?
A No.
Q Was it open on the top when you first saw it?
A Yes, it was open on the top.
Q Did you place the white suspect evidence collection kit inside this bag?
A I believe the custodian put it in there, but it was done in my presence.
Q Once it was placed in your presence, was it heat

sealed in your presence?
A It was.
Q Once it was heat sealed, did you again initial and sign across the top?
A Yes.
Q Once you did that, did you then also fill out the black ink on the front about sealing official, the date, the agency, and the case number?
A I did.
Q Once you did that, what did you do with this bag?
A I gave it to the evidence custodian.
Q Did you do anything at any time to manipulate the contents or Mr. Golson's blood sample?
A No.
Q Please answer any question the defense has, Detective.

THE COURT: Thank you, Solicitor. Ms. Fullwood.

MS. FULLWOOD: Thank you, Your Honor.

CROSS EXAMINATION

BY MS. FULLWOOD:

Q Detective Anderson, you started working on this case on August 18?
A I was assigned the case on August 18.
Q And you first went out to the Kangaroo gas station

that we have been talking about on August the 24th; is that correct?

A Yes.

Q And at that time you talked to a manager?

A Yes, ma'am.

Q And she gave you a videotape?

A She did.

Q And according to your report, that videotape showed Mr. Golson entering the store?

A I reviewed the video on their system, yes.

Q And she also gave you a video?

A She gave me a disk, yes.

Q And you say that in your report, correct?

A Yes.

Q And you say that in your case summary, do you not?

A Yes.

Q All right. And then a month later you talked to Ms. Byron who testified yesterday, right?

A Yes.

Q And you prepared a report from talking to her, right?

A Yes, in my investigative report.

Q That's what I mean.

A Yes.

Q As you told us when Mr. Graham was examining you,

as part of your work, you review other officers' reports who have been working on the case; right?

A Correct.

Q I believe Officer Lovell was the responding officer; is that right?

A I believe he was.

Q What does a responding officer mean?

A That's when somebody picks up the phone and calls law enforcement, that is usually the first officer on the scene.

Q The man on the scene?

A Right.

Q Getting the first word about the case?

A Right.

Q And according to his report, what is the age range and the height and the weight of the man Mr. Olsen described?

A In the initial report, the suspect is described as a black male, 18 to 50 years of age, and a height of five-eleven and 200-pounds, unknown on hair and eye color.

Q So anywhere from a young to middle-aged black male?

A Yes.

Q About five feet eleven?

A (Witness nods). (Indicating affirmative response).

Q And 200-pounds?
A Yes.
Q Now, I want to hand you the incident report or the investigative report you prepared when you talked to Ms. Byron on September the 18th. You have Mr. Golson's name on that report, right?
A Yes.
Q What is his age?
A On this report it's 40 years old.
Q And what is his height?
A It's showing five-eight, 160.
Q Did you interview Mr. Olsen?
A I did not.
Q Did you interview Robert Slice whose name was talked about yesterday?
A No.
Q As the case officer, you are aware that fingerprints were taken from the ladder and the point of exit on the glass on the inside?
A Yes.
Q All right. So there were prints on the ladder and prints on the glass inside the house on the window that the burglar went out of right, right?
A Investigate Hickman testified to that yesterday, yes.

Q You heard him testify, right?
A Yes.
Q And that's what he testified to?
A Uh-huh. (Indicating affirmative response).
Q And the Sheriff's Department's fingerprint man looked at those prints, didn't he?
A He did.
Q And those were not Eddie Golson's prints, were they?
A Correct.

MS. FULLWOOD: Your Honor, that's all the questions I have at this time. I would like to reserve the right to recall Detective Anderson if anything that might not be relevant now becomes relevant, but that would be for that very limited purpose.

THE COURT: Thank you, Ms. Fullwood. Solicitor, any redirect?

MR. GRAHAM: No, Your Honor.

THE COURT: Thank you, Detective. You may step down.

(Witness leaves the witness stand).

THE COURT: Solicitor, you may call your next witness.

MR. GRAHAM: The State would call Maryann Shehan to the stand.

THE COURT: Ms. Shehan, if you would come around for us and be sworn, please.

MARYANN SHEHAN, being first duly sworn, testified as follows:

CLERK: State your name, spelling your last name for the record.

THE WITNESS: My name is Maryann Shehan, S-H-E-H-A-N.

DIRECT EXAMINATION

BY MR. GRAHAM:

Q Ms. Shehan, where are you employed?

A I am employed at the South Carolina Law Enforcement Division, commonly known as S.L.E.D.

Q And how long have you worked for S.L.E.D.?

A Approximately three years.

Q What do you do there?

A I am assigned to the serology and D.N.A. unit.

Q What is serology and D.N.A.?

A Serology is the identification of biological stains or fluids, such as blood, semen or saliva. D.N.A. is a chemical found in most of our cells of our body, except for red blood cells.

It is basically our genetic blueprint. It gives our physical features, such as our hair color and our eye color. It's also responsible for

passing along traits from generation to generation. We get half of our D.N.A. from our mother and half from our father.

With the exception of identical twins, no two people have the same D.N.A. In forensic science we are interested in the portion of that D.N.A. that differ from individuals. We test 15 different locations, and the results of the 15 tests make up the D.N.A. profile.

Q Would you tell the jury about your educational background.

A Yes, I received a Bachelor of Science in Integrated Science and Technology with a concentration in Biotechnology from James Madison University in Harrisonburg, West Virginia.

Q Do you have any other experience in working at S.L.E.D. in the field of D.N.A. or serology?

A I was previously employed at Orchid Cell Mark, which is a private D.N.A. firm or company. There I trained with a D.N.A. analyst for approximately two and a half years.

Q As a analyst with S.L.E.D. working with D.N.A. and serology, what do you do?

A I develop D.N.A. profiles from evidence found at crime scenes, and then I develop D.N.A. profiles

from known standards and compare them.

Q Have you ever been qualified as an expert in the State of South Carolina in the field of D.N.A. and serology?

A Yes, I have.

Q Approximately how many times?

A Six times.

MR. GRAHAM: Your Honor, at this time the State would offer Ms. Shehan as an expert in D.N.A. and serology.

THE COURT: Thank you. Any questions, Ms. Fullwood?

MS. FULLWOOD: No, Your Honor.

THE COURT: Thank you. Madame Forelady, ladies and gentlemen of the jury, normally a person cannot give opinion testimony. Normally when a person testifies, they must testify as to what they either saw, heard or sensed by smell or something of that nature.

However, there is an exception when someone is qualified because of education or experience or background. They are permitted to give their opinion in certain areas if the Court qualifies them that way.

This witness, Maryann Shehan, will be qualified in the area of D.N.A. and serology to give opinion testimony in that area. That does not mean that

you must accept the opinion, but it is evidence for you to use in any way you the jury sees fit.

Thank you, Solicitor. You may continue.

MR. GRAHAM: Thank you, Your Honor.

BY MR. GRAHAM:

Q Ms. Shehan, did you have an occasion to perform some analyses in the field of D.N.A. and serology in the case involving Mr. Eddie Golson?

A Yes, I did.

Q Let me start by showing you some items in evidence. State's Exhibit Number 15, do you recognize that?

A Yes, this is item 1 from that case.

Q If I talked about a certified chain of custody, what is that?

A A certified chain of custody is basically a record of who had the evidence in their possession as soon as it walked into door, from when it leaves the door of S.L.E.D.

Q The fact it is certified, what does that mean?

A That it is correct, official.

Q Prior to -- let me ask you a question. Prior to a certified chain of custody being released from S.L.E.D., do you and every person who touches it have to review and sign off on what is recorded on that chain of custody?

A Yes, sir, we do.
Q And, in fact, do you have the certified chain of custody for Mr. Golson's case with you today?
A Yes, I do.
Q Referring to the swab which I just asked you about which you identified as S.L.E.D. item number 1, do you have the chain of custody on that item?
A Yes, sir.
Q On September 18, 2008, what does the chain of custody reflect as to who turned that item over to S.L.E.D.?
A Margaret E. Harmon of Lexington County Sheriff's Department.
Q After Ms. Harmon turned that item over to S.L.E.D., where did that bag containing the swab go?
A It went to our forensic technician, Amy Stevens, who works in our log-in department.
Q Would Ms. Stevens have had any reason to go into the contents of that bag?
A No, sir.
Q After Ms. Stevens touched it on September 18, 2008, where did it go?
A It went to the D.N.A. evidence intake storage room.
Q So Ms. Amy Stevens being the log-in technician that the swab had been turned over to?

A Yes, sir.
Q Once it went into D.N.A. evidence intake storage, who touched it next?
A Selena Kinard on September 19, 2008.
Q What did Ms. Kinard do with it?
A She gave it to another forensic technician who works for the D.N.A. department, Sherry Brown.
Q What did Ms. Brown do with it?
A She then transferred it to the D.N.A. refrigerator on the fourth floor, the D.N.A. department storage area.
Q And all of that was done on September 19, 2008?
A Yes, sir.
Q After it was placed in the -- describe the D.N.A. refrigerator on the fourth floor for us.
A It's a secured refrigerated area. Inside it's a large walk-in refrigerator. Each D.N.A. analyst has their own bin of what evidence is received.
Q After it was placed into the D.N.A. refrigerator on September 19, 2008, who was the next person to have touched it?
A I touched the evidence on October 6, 2008.
Q And would that have been the time that you went and retrieved it from the refrigerator?
A Yes, sir.

Q Would you describe how the bag appeared when you retrieved it from the refrigerator?
A It was sealed, just the one seal at the top. There's an individual's initials and date, and then the information on the front was also filled out with our lab number and item number and all the submitting agency's information.
Q If I stated that was a tamper evident bag, do you know what that means?
A Yes, you can tell if someone had opened it.
Q When you retrieved the swab from the D.N.A. refrigerator on October 6, 2008, did you do a visual inspection of that bag?
A Yes, sir.
Q Was there any evidence that that bag had been tampered with?
A No, sir.
Q If it had been tampered with, what would you have done?
A I would have called the agency to notify them, and I would not have done a D.N.A. analysis.
Q Did you, in fact, perform an analysis on the swab at that time?
A Yes, I did.
Q Would you describe to the jury how you -- what you

did with that swab.
A Using a sterile technique, I basically cut a portion of that swab off to do D.N.A. analysis. Then through a series of instruments and adding chemicals, I developed a D.N.A. profile.
Q Were you able to develop a profile in this case?
A I developed -- on the case or what?
Q On the swab.
A I developed a partial profile on that swab.
Q In addition to the swab, did you also have an occasion to work with a piece of broken glass?
A Yes, sir.
Q State's Exhibit Number 13 in evidence, let me ask you if you recognize the bag and its contents?
A Yes, this bag has our lab number and the item number, as well as my initials on it.
Q What is the S.L.E.D. number on it?
A It's item 2. Our case number is L.L.L.81487.
Q That's the broken glass?
A Yes, sir.
Q Looking at the chain of custody again on that piece of evidence, October 31, 2008, who turned that evidence over to S.L.E.D.?
A Detective James Brian Anderson of Lexington County.
Q Who did he turn that over to?

A Selena Kinard.
Q What date did he turn it over to her?
A October 31, 2008.
Q At the same time that he relinquished control, she took possession of it?
A Yes, sir.
Q What did Ms. Kinard do with it?
A She put it into the D.N.A. intake storage.
Q And then what happened next with that item?
A Then Pat Crooks or Patricia Crooks took that evidence and transferred it to Sherry Brown's possession. Then Sherry transferred it to the D.N.A. refrigerator on the fourth floor for storage.
Q What date were those transfers made?
A That was on November 3rd, 2008.
Q And who is the next person to take possession of it out of the refrigerator?
A I was the next person. On November 5, 2008, I took possession of it.
Q Once again, when you took a possession of it, did you do a visual inspection of the bag?
A Yes, sir.
Q Was there any evidence that the bag had been tampered with or manipulated in any way?

A No, sir.
Q Again, if it had been, you wouldn't have worked with it; would you?
A That is correct.
Q Once you did your visual inspection of the bag and found out that is had not been tampered with, what, if anything, did you do with the contents of the bag?
A First I did a visual inspection under sterile techniques. I saw there was a red stain on a portion of the glass. So I took a sterile swab and swabbed it for D.N.A. analysis.
Q What did you see on your visual inspection?
A A red stain on the glass.
Q Did that appear to be consistent with blood?
A Yes, and I performed a serology test, too.
Q What do you mean by performed a serology test?
A Serology test in this case is a phenolphthalein test. It is a test to determine if blood is present on items, and in this case it gave me a positive test result, meaning that blood was indicated.
Q After you did the phenolphthalein, the serology test, and you had an indication that blood was indicated, what did you do next?

A I then performed D.N.A. analysis on it. I cut the remaining portion of the swab from the glass, and with the same chemicals and different instruments, I created or developed a D.N.A. profile from that swab of the glass.

Q And in this case in regards to the swab from the glass, were you able to develop a full profile?

A Yes, sir, I did.

Q Let me show you what has been marked as State's Exhibit Number 16 for identification and ask if you recognize that.

A This is our lag item number 3. It is the blood standard of Eddie Clay Golson.

Q And do you recognize the contents of the bag as well?

A Yes, sir.

Q Let's talk about the chain of custody on that. The S.L.E.D. number you said was S.L.E.D. number 3?

A Yes.

Q What is S.L.E.D. number 3?

A It is a blood standard from Eddie Clay Golson.

Q On January 12, 2009, what does your certified chain of custody reflect as far as that evidence being transferred?

A Detective James Brian Anderson of the Lexington

County Sheriff's Department transferred it to Doris Yarborough, one of our forensic technicians down in log-in.

Q And that was on January 12, 2009?

A Yes, sir.

Q What did Ms. Yarborough do with that?

A She then placed it in the D.N.A. evidence intake storage.

Q On what date was that done?

A January 12, 2009.

Q After it was placed into the D.N.A. evidence intake storage, what, if anything, happened to it?

A Patricia Crooks took possession of it so she could give it to Sherry Brown, who then placed it into the D.N.A. refrigerator on the fourth floor for storage.

Q That was all done on January 12, 2009?

A Sherry took possession of it on the 12th of January, 2009, but placed it into the refrigerator on the 15th of 2009.

Q Once it was placed in the refrigerator on the 15th of January of 2009, who was the next person who came in contact with it?

A I took possession of it on January 27, 2009.

Q Again, when you took possession of that item, did

you do a visual inspection of the bag?
A Yes, sir, I did.
Q What did you find upon your visual inspection?
A It was intact, not tampered with, heat sealed, and the officer's initials and date at the top of the seal where it had been sealed.
Q Was there any evidence that the S.L.E.D. bag had been tampered with?
A No, sir.
Q Once you opened that bag -- did you open that bag?
A Yes, I did.
Q What did you find inside?
A I found a vial of blood within the suspect kit submitting envelope.
Q And was the envelope a sealed envelope itself?
A Yes, it was sealed as well.
Q Was there any evidence that that seal had been broken?
A No, sir.

MR. GRAHAM: Your Honor, at this time the State would offer the bag and its contents into evidence.

MS. FULLWOOD: Your Honor, I do have an objection. I would like to place it on the record.

THE COURT: All right. Madame Forelady,

ladies and gentlemen, if you would please step momentarily to your jury room. Do not discuss the case during this brief recess. Why don't you take about 15 minutes.

(The jury retires to the jury room).

THE COURT: Ms. Fullwood.

MS. FULLWOOD: Your Honor, my objection is that we have not heard testimony from the medical personnel who took the blood sample. I believe that is necessary because they have to show that it was taken by medical personnel who were qualified to do so, using the proper procedures for getting body fluids to be used in a D.N.A. test and using methods that would ensure that the sample wasn't contaminated.

So I think where the chain is lacking here is on the front end, and I think that is important for them and necessary for them to show that the sample was obtained in a medically and scientifically correct manner.

THE COURT: Thank you. Solicitor.

MR. GRAHAM: Your Honor, I don't believe -- I don't have the case law in front of me, but I don't believe it's required that I have a nurse or a technician or the actual person who drew the blood testify.

I believe that it is sufficient that Detective Anderson was present when the blood was collected. It never left his sight. He described it as being done as it is in a doctor's office with the needle going in the arm and the test tube collecting the blood.

He described how the blood never left his sight, how it was placed in a sealed container, and how he took it and transmitted it to S.L.E.D.

THE COURT: Where is the medical personnel?

MR. GRAHAM: She is probably down in S.C.D.C. She is not present, Your Honor.

THE COURT: Well the classic case is Benton versus Pellum, P-E-L-L-U-M, 100 S.E.2d 534, 1957. While proof need not negate all possibilities of tampering, it is generally held the party offering such testimony is required to establish, at least as far as practical, a complete chain of custody, tracing the possession of the time the specimen was taken from the human body to the final custodian by whom it is analyzed.

Stated in Rogers versus Commonwealth: Where the substance analyzed is passed through several hands, the evidence must not leave it to conjecture as to who had it and what was done with it between the taking and the analysis.

Also Sligh versus Johnson, 342 S.E.2d 620, is

a case in which the technician, in that case a physician, took the sample and died prior to the case going to court.

I think based on the testimony of Detective Anderson that it was taken by medical personnel in his presence, as it would have been in a doctor's office, that he saw the needle plunged into the vein, the vial fill up with the blood, and it was then turned over to him, and it was sealed by him or sealed by the technician.

Unless there is a case specifically requiring a technician that I'm not aware of -- there may be, Ms. Fullwood. If you will point me in that direction, I would be glad to look at it -- I think they have a sufficient chain of custody.

Did you want to look further, Ms. Fullwood?

MS. FULLWOOD: Yes, sir, I'm looking here. I'm sorry, I'm using the computer to do something for me. I see a case where it was okay to put something in even though the nurse drawing the blood didn't testify, but in that case, State v. Williams, 376 S.E.2d 773 --

THE COURT: State versus what?

MS. FULLWOOD: Williams.

THE COURT: Which Williams?

MS. FULLWOOD: Let me see.

THE COURT: 376 S.E.2d 773.

MS. FULLWOOD: Yes, sir, State v. David Williams, Jr.

THE COURT: Yes, ma'am.

MS. FULLWOOD: In that case it looks like they had forms that she had filled out here, that she had filled out, the initial form which complies with hospital protocol, and there is testimony that sufficiently established a chain of custody.

There actually the nurse drawing the blood didn't testify, but another nurse testified about the hospital protocol. There was a form that the nurse drawing the blood had signed and had left with a sample. I think that case sort of distinguishes some of the law Your Honor is discussing.

THE COURT: I would agree with you, except for this point. State versus Williams cites Benton versus Pellum, which I just cited.

MS. FULLWOOD: Yes, sir.

THE COURT: Benton versus Pellum cites the Rochester case. So I think it still goes back to Benton versus Pellum ultimately. I have Williams in front of me and I have read that. That then turned me to Sligh, which I also cited, which was the case where the doctor was deceased.

MS. FULLWOOD: Yes, sir.

THE COURT: It appears to me that the standard is still that they have to establish the chain as far as practical. I don't think it stands for the proposition that you have to have medical personnel -- nurse, technician, doctor -- who actually drew the blood.

At least I'm not aware of such a case. If there is one, I will certainly revisit my ruling. Why don't you take a minute to look and let's take about a 15-minute break.

MS. FULLWOOD: Yes, sir.

THE COURT: You may step down, Madame Witness. Do not discuss your testimony during this brief recess.

THE WITNESS: Yes, sir.

THE COURT: Thank you.

(Whereupon there was a recess).

THE COURT: Yes, ma'am.

MS. FULLWOOD: Well, I had no luck, Your Honor, finding any cases during the break. I would point out though that in talking about chain of custody, most of these cases deal with breaks in the chain between the taking and the final result that they are trying to testify about in court.

My objection goes to the chain insofar as without the testimony of the medical personnel, they

haven't established the integrity of the sample and its appropriateness for use for scientific tests, that they took the sample using the appropriate medical and scientific precautions that would rule out contamination and other such issues that could arise. That's the basis of my objection.

THE COURT: Thank you. Thank you very much. I am going to overrule your objection. I think they have complied with the various cases which I previously cited, and they have shown an adequate chain of custody to negate the possibility of tampering of the sample.

Anything further before we bring in our jury, Solicitor?

MR. GRAHAM: No, Your Honor.

THE COURT: Ms. Fullwood?

MS. FULLWOOD: No, Your Honor.

THE COURT: If you would bring our jury, Mr. Bailiff.

(The jury returns to the courtroom).

THE COURT: Give me just a moment, Solicitor.

Madame Forelady, I received your note, Are we allowed to take notes during the case, personal notes for reference? You may certainly do so. I believe the Clerk's Office advised me that they have provided you some pads and pencils.

I would remind you, please remember that some people are better note takers than others. Jurors' notes should not be given any great weight than the recollection of other jurors.

The recollection of individual jurors should not be considered -- let me start that one over. The recollection of individual jurors should be considered as reliable as notes taken by any other jurors.

I would also advise you that when you are taking notes, you may not notice the body language or demeanor of the witness which could be used by you in deciding the witness' credibility.

What we do is when you take a break, if you will take your notes and turn them upside down on your chair. You cannot take them into the jury room with you now until time for your deliberations.

When we break for the evening, the Clerk's Office, I have them secure them during the evening hours. They will be provided back to you the next morning. Does everyone have note pads and pens that want them? Very good.

Solicitor, you may proceed with the direct examination of our witness, Ms. Shehan.

MR. GRAHAM: Your Honor, I believe where we left off -- I'm not sure whether your ruling is on the

record or not -- I had offered State's Number 16 into evidence.

THE COURT: Ms. Fullwood?

MS. FULLWOOD: Over my objection, Your Honor.

THE COURT: Subject to previous objection, State's 16 is in evidence.

(State's Exhibit Number 16 is received into evidence).

BY MR. GRAHAM:

Q Ms. Shehan, State's 16, once you retrieved it from the D.N.A. refrigerator and you visually inspected it and there was no evidence of tampering, what did you do with the bag and its contents?

A I opened the bag and inside the envelope and packaging, there was a vial of liquid blood. The normal procedure at S.L.E.D. is to pour that blood on a sterile piece of cloth in order to preserve it and stabilize that blood. That's what I did.

Q Let me back up for just a second. The plastic bag that you visually expected had no evidence of tampering, and inside there was a white suspect collection kit?

A That's correct.

Q Was that bag sealed, that envelope?

A Yes, sir.

Q Was there any evidence that that had been tampered with?
A No, sir.
Q Inside that you stated there was a vial of blood?
A Yes, sir.
Q Was there a label over the vial of blood?
A Yes, there was a label with an individual's name whose blood that was.
Q And how is that labeled affixed to the tube?
A We try to take off, as best we can, the label that is stuck on the blood tube. It's hard. We try to keep it on. Because of heating and cooling, we try to keep that label on. To the best that I could, I took it off and placed it on top of the coin envelope, this manila envelope. That is what the dried-down blood standard went into.
Q Did that label actually go over the glass of the tube and the rubber top of the tube?
A It just went on the side of the tube, I believe.
Q Once you removed the tube of blood, you said you poured it on what?
A Sterile paper.
Q What was the purpose of that?
A To stabilize and preserve the blood for testing and future testing.

Q The remainder of the blood in the test tube itself, what happened to that?
A It's discarded.
Q Because?
A It's empty now so there is no need, and it's more of a biohazard if it is kept.
Q Once you poured the blood on the paper, what happened?
A I left it for 24 hours for it to dry. Then I took a small portion of that sample for D.N.A. analysis.
Q Did you perform a D.N.A. analysis on that sample?
A Yes, I did.
Q Were you able to develop a profile on that?
A Yes, sir, I did.
Q Let me show you a chart and ask if you recognize this chart.
A Yes, this is page 3 of my supplemental report. It is the chart with the D.N.A. profile on it.
Q That's the D.N.A. profiles and partial profiles for item 1, which was the swab, item 2, which is the glass, and S.L.E.D. item 3, which is the blood standard from Eddie Golson; is that correct?
A Yes, sir.
Q Would that assist you in explaining to the jury what your findings were and your D.N.A. analysis

and comparison?
A Yes, it would.
MR. GRAHAM: Your Honor, at this time the State would offer this into evidence.
MS. FULLWOOD: No objection, Your Honor.
THE COURT: State's 17 is in evidence.
MS. FULLWOOD: Other than the objection I previously made.
THE COURT: Subject to objection as to State's 16, that would only go to item 3 --
MS. FULLWOOD: Yes, sir.
THE COURT: -- on the chart.
MS. FULLWOOD: Yes, sir.
THE COURT: State's 17 is admitted.
(State's Exhibit Number 17 is received into evidence).
MR. GRAHAM: Your Honor, request to publish to the jury.
THE COURT: Certainly.
BY MR. GRAHAM:
Q Ms. Shehan, looking at State's Exhibit Number 17, is this chart a summary of your findings?
A Yes, sir, it is.
Q Looking at S.L.E.D. number 1, which is the swab, just in general what are these columns? Can you

describe what this chart shows.

A Sure. This chart, first the items 3, 1, and 2 down on the first column are the items I tested. Across the top are the locations of D.N.A. That varies between individuals. These are the test results for the specific cases.

Q What do those represent?

A They are different locations on the D.N.A. strand. I tested all three items for the same locations, and those are the results of the test.

Q And referring specifically to item number 1, the swab.

A Item 1 is a partial D.N.A. profile. As you can see, not all 16 locations gave me a result. The dash is equal to no result. So you can see there's 10 results versus the 16.

Q In general terms the last columns over here, what is the label on that column?

A It's called amelogenin. It's basically used to determine the sex of the sample or individual who provided that.

Q I noticed there is an X. and Y. on sample number 1, the swab, what does X and Y. mean?

A Male individual.

Q On that point on the D.N.A. chain or on any point

on the D.N.A. chain, how many numbers or letters are there?

A There are two because you have two copies of each D.N.A. gene or strand. So it was a potential to have two numbers up there.

Q So the X. and Y. determining the sex, is that a male or a female?

A A male. A female would be an X. or two X.s.

Q If it was two X.s, how would it have been shown? Would it have been shown as two X.s?

A Just one X. on the table.

Q The D.N.A., does that come from one parent or both parents?

A Half of your D.N.A. comes from your mother and half comes from your father.

Q So looking back at column number 1 where it says swab, and it says a 13. Is that one 13 or two 13s?

A It's two 13s meaning that individual or their D.N.A. had a 13 given to them by his mother and by his father.

Q In column number 2 on the swab, there is a parentheses and a 30. What does that mean?

A The parentheses means that we interpret with caution since it is a low level of D.N.A. There could be some dropout, meaning that all the test

results may not be there. So we interpret that with caution.

Q The next two columns over have dashes. Again, what does a dash mean?

A No results.

Q Item number 2, the glass, that was the glass that you performed the phenolphthalein on, and there was blood present?

A Yes, sir.

Q When you developed a profile off of that, off the blood, what were you able to do?

A Can you state that question again?

Q Were you able to develop a full profile?

A Yes, sir, I was.

Q Is that indicated in the row along number 2?

A Yes, sir.

Q And finally, number 3, the blood standard of Eddie Clay Golson, were you able to develop a full profile of that?

A Yes, sir.

Q Comparing the swab, which is the swab from the beer can collected at the crime scene to Mr. Golson's D.N.A. profile, your number 3, what were you able to determine?

A That it was a match between the two.

Q When you say a match, what does that mean?
A That the test results were the same at each location for the evidence sample, as well as the standard I was comparing it to.
Q Was there any place on any part of the D.N.A. strand where you developed a profile on item number 1 that is inconsistent with Mr. Golson's standard?
A Not necessarily inconsistent. Portions, like the second row on item 1, the swab is only a 30. Mr. Golson has a 30, but like I said, the parentheses means to interpret with caution. Therefore, we kind of disregard it in a way when doing interpretation.
Q Looking at item number 2, S.L.E.D. item number 2, the glass, and comparing the blood that you found on the glass to Mr. Golson's blood standard, your S.L.E.D. lab number 3, what, if anything, are you able to determine?
A That item 2 matches the D.N.A. profile of Eddie Clay Golson.
Q Is there any part of item number 2, the broken -- or the glass with the blood -- that does not directly match Mr. Golson's blood standard, your number 3?

A No, sir.
Q Were you able to determine a probability of those standards matching?
A Yes, I provided a probability of item 2 matching Eddie Clay Golson.
Q What is that probability?
A The probability of randomly selecting an unrelated individual having a D.N.A. profile matching item 2 is approximately 1 in 3.4 quadrillion.
Q How much is a quadrillion?
A It is a 3 with 12 zeros behind it.
Q How many people roughly live on this planet?
A Six point five billion.
Q What is bigger, a billion or a quadrillion?
A A quadrillion. It's approximately a million times greater.
Q Please answer any questions the defense has.

THE COURT: Thank you, Solicitor.

Ms. Fullwood.

MS. FULLWOOD: Thank you, Your Honor.

CROSS EXAMINATION

BY MS. FULLWOOD:

Q Ms. Shehan, these locations that you looked at, are those the part of D.N.A. also called alleles?
A No, ma'am, they are not. They are called -- our

technical word for the locations are loci.

Q Loci. And how many loci is on a piece of human D.N.A.

A Probably thousands.

Q Do you know the exact number?

A I don't recall.

Q Now, you testified that we all have D.N.A. in all the cells in our bodies; right?

A Except for red blood cells, that's correct.

Q And how many cells do you need to be able to conduct this test?

A In theory we only need one cell, but in reality it's more along the lines of 300 cells.

Q But you can get results from what looks to the eye to be a really small sample?

A Yes.

Q And is D.N.A. fairly stable? Is it a fairly stable substance?

A It can denature, which is break apart, under extreme conditions, like heat or moisture.

Q Have you run tests in your experience where you get results even though the D.N.A. had been out in the open for a long period of time?

A I believe so. I have done degraded samples. It results also in such as a partial profile. But

when you -- there is a step in the D.N.A. analysis where you quantify how much D.N.A. you have, and those kinds of samples will quantify having a lot of D.N.A., but it doesn't give you a full profile. In this case, to quantify, there was a lot of D.N.A. for item 1.

Q Do you think the fact that you didn't get a complete profile, was it because of the time frame or because it was a small amount or can you tell why you got a partial profile?

A I can only tell you that there was a small amount of D.N.A. there. I don't know what the time frame was or how it affected the D.N.A.

Q But do you know it was a small amount of D.N.A.?

A From what I quantified, yes, ma'am.

Q A person's D.N.A. can be transferred from them to another object or to a person or to an animal, right?

A Sure, yes.

Q And maybe even if you rubbed your fingers hard enough on some surface, you could shed some skin cells; is that right?

A It's possible.

Q For somebody spitting, it would transfer their saliva; right?

A It's possible, yes.
Q Say one person scratched another, they would get the other person's D.N.A. under their fingernails; right?
A It's possible, yes.
Q And someone injured and bleeding could bleed onto a surface or onto a person or wherever the blood dropped; is that right?
A That's correct.

MS. FULLWOOD: No further questions.

THE COURT: Thank you, Ms. Fullwood. Redirect, Solicitor?

MR. GRAHAM: No questions, Your Honor.

THE COURT: Thank you. Thank you very much. You may step down.

(Witness leaves the witness stand).

THE COURT: Solicitor, you may call your next witness.

MR. GRAHAM: Thank you, Your Honor. The State would ask that Ms. Shehan and her fellow employees from S.L.E.D. be released from their subpoenas.

THE COURT: Any objections?

MS. FULLWOOD: No, Your Honor.

THE COURT: That's fellow employees. You don't need any of them anymore, Ms. Fullwood?

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MS. FULLWOOD: I do not, Your Honor.

THE COURT: Thank you very much. They are excused.

MR. GRAHAM: Your Honor, that would be the State's last witness, and with that we would rest.

THE COURT: Thank you.

Madame Forelady, ladies and gentlemen of the jury, I know you just came back from your break. This is probably not good news, but I am required to take a brief matter up outside of the presence of the jury when a party rests.

The State has now rested. So I will ask you to please step back to your jury room momentarily. Leave your notes upside down on your chair. Do not discuss the case during this brief recess.

(The jury retires to the jury room).

THE COURT: Any motions, Ms. Fullwood?

MS. FULLWOOD: Yes, sir. At this time I would move for a directed verdict on both indictments on grounds that there is no competent evidence that reasonably tends to prove Mr. Golson's guilt. That's the complete motion.

THE COURT: Thank you. I would respectfully deny your motion. I think there is ample direct or substantial circumstantial evidence, I perhaps should

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say. Although the description is very, very general from the victim as far as the black male, 18 to 50 years old, five foot eleven, 200-pounds, according to Lovell's incident report, it's clear the Defendant is a black male. He fits that age range.

But given the blood on the glass from the exit, point of exit, and the D.N.A. on the Hurricane beer and the testimony of Ms. Byron, I think there is substantial circumstantial evidence. Applying the standard I must apply at this stage, I respectfully deny your motion.

Are you going to present any evidence, Ms. Fullwood?

MS. FULLWOOD: No, sir. In fact, I would like to release my witness.

THE COURT: You are going to release your witnesses?

MS. FULLWOOD: Yes, I just wanted -- I have a fellow subpoenaed back there, Mr. Johnson, and I just want him to know that he can go.

THE COURT: Mr. Johnson, I understand you are released from your subpoena. Thank you for being with us.

Mr. Golson, would you please stand.

Madame Clerk, will you place Mr. Golson under

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oath.

CLERK: Yes, Your Honor.

EDDIE CLAY GOLSON is first duly sworn.

THE COURT: Mr. Golson, I need to go over some things with you. I do this with everyone who is on trial.

THE DEFENDANT: Yes, sir.

THE COURT: I need your responses to be under oath. That's why I had the clerk place you under oath. We have reached the stage of the trial where the State has rested, and your side, the defense, now has the opportunity to present evidence for the jury to consider. Do you understand where we are at in the trial?

THE DEFENDANT: Yes, sir.

THE COURT: How old are you, Mr. Golson?

THE DEFENDANT: Forty-three years old.

THE COURT: How much education do you have?

THE DEFENDANT: Eleventh grade education as far as school wise, yes, sir.

THE COURT: Ms. Fullwood, do you mind if Mr. Golson could step around to the microphone? Perhaps that would be easier on our court reporter.

MS. FULLWOOD: That's fine, yes, sir.

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(Pause).

THE COURT: As far as where we are at in the trial, Mr. Golson, in that regard you may call witnesses to testify. If you choose to testify yourself, you may do so. Do you understand?

THE DEFENDANT: Yes, sir, I do.

THE COURT: No one can force you to testify. You have an absolute right to remain silent, and if you choose not to testify, I will tell the jury that they cannot hold your silence against you in any way. I will tell them they are not even to discuss that in the jury room. Do you understand?

THE DEFENDANT: Yes, sir, I do.

THE COURT: If your side offers no evidence at all, in other words, if neither you or anyone on your behalf testifies or offers any exhibits, then your attorney will get to make the last argument to the jury. Otherwise, the prosecutor gets to make the last argument. Do you understand?

THE DEFENDANT: Yes, sir, I do.

THE COURT: Solicitor, does Mr. Golson have a record that would subject him to impeachment?

MR. GRAHAM: He does, Your Honor. It would be the State's intention to offer the following convictions if Mr. Golson testifies: A 1999 possession of cocaine,

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a 2004 distribution of cocaine, a 2005 failure to stop for a blue light, a 2005 shoplifting, and a 2007 possession of a stolen vehicle.

THE COURT: Ms. Fullwood, do you have any questions about those being admissible for impeachment purposes under 609?

MS. FULLWOOD: I do not.

THE COURT: In that regard, Mr. Golson, if you were to testify, the law would allow the prosecutor to ask you in front of the jury whether you have been convicted of those offenses which he just notified the Court of.

The prosecutor cannot go into the details of the prior convictions, but they can ask you if you have been convicted of possession of cocaine in '99, distribution of cocaine in 2004, failure to stop for a blue light in 2005, shoplifting in 2005, and possession of a stolen motor vehicle in 2007.

If that were to happen, I would then tell the jury that they can only consider that evidence against you, that is, those past convictions, if they consider it at all, on the issue of whether your testimony is believable and for no other purpose. Do you understand?

THE DEFENDANT: Yes, sir, I do.

THE COURT: Mr. Golson, the decision about

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whether you testify or not is your decision to make and yours alone. I expect that you may confer with your attorneys or others whose opinions you value, but the decision whether you testify or not is your call, your decision to make. Do you understand?

THE DEFENDANT: Yes, sir.

THE COURT: Has anyone exercised any undue influence over you to get you to choose to testify or not to testify?

THE DEFENDANT: No, sir.

THE COURT: Today are you under the influence of any drug, alcohol, medication or anything that affects your thinking ability?

THE DEFENDANT: No, sir.

THE COURT: Do you suffer from any physical or mental problems that affect your thinking today?

THE DEFENDANT: No, sir.

THE COURT: Whatever decision you have made about whether to testify or not to testify, is it your decision made of your own free will?

THE DEFENDANT: Yes, it is.

THE COURT: Do you have any questions you would like to ask me about your right to testify or not to testify?

THE DEFENDANT: No, sir, I do not.

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THE COURT: I find that Mr. Golson understands his right to testify or not to testify. He has no questions of the Court.

What decision have you made, Mr. Golson?

THE DEFENDANT: About this?

THE COURT: Yes, sir.

THE DEFENDANT: To go forward and have Ms. Fullwood represent me as an attorney.

THE COURT: Speak up.

THE DEFENDANT: To go forward with this case and have Ms. Fullwood represent me as an attorney.

THE COURT: What decision have you made about whether or not you wish to testify?

THE DEFENDANT: I wish not to, sir.

THE COURT: All right. And that is your decision?

THE DEFENDANT: Yes, sir, it is.

THE COURT: Made freely, knowingly, and voluntarily?

THE DEFENDANT: Yes, sir.

THE COURT: Thank you, Mr. Golson. You may go back and have a seat.

THE DEFENDANT: Yes, sir.

(Pause).

THE COURT: Are y'all ready to proceed,

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Solicitor, Ms. Fullwood?

MR. GRAHAM: The State is ready, Your Honor.

MS. FULLWOOD: We are ready, Your Honor.

THE COURT: If you would bring us our jury, please. Do y'all have any particular requests to charge?

MR. GRAHAM: No, sir.

MS. FULLWOOD: No, Your Honor.

THE COURT: Thank you.

(The jury returns to the courtroom).

THE COURT: It appears our jury is back present in the courtroom.

Ladies and gentlemen, the State has rested. The defense may present evidence if they choose to do so; however, they do not have to do so. The State has the burden of proving its case beyond a reasonable doubt, and the Defendant is presumed to be innocent. However, they will be given that opportunity if they choose to do so.

Ms. Fullwood?

MS. FULLWOOD: The defense rests.

THE COURT: Thank you. Thank you very much, Ms. Fullwood.

Madame Forelady, ladies and gentlemen of the jury, as you heard, the defense has now rested. So you

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have heard all the testimony that you are going to hear in the trial of this case. All the exhibits that are going to be introduced have been introduced.

Where we are at now is the stage of the closing arguments. The closing arguments are very different from the opening statements. They are true arguments.

The attorneys will have the opportunity to address you for one final time each. They may comment on the facts, the inferences to be drawn from the facts, and the law and how the facts and the inferences to be drawn from the facts apply to the law of burglary first degree and possession of a firearm during the commission of a violent crime.

I would ask you to please give the attorneys your complete and undivided attention during their closing arguments. After the closing arguments, I will then charge you the law that you are to apply to the facts of the case, and then it will be submitted to you for your deliberations to reach your verdict, a true and just verdict, based on the law and the facts. Again, I would ask you to please give the attorneys your complete and undivided attention.

With that being said, Solicitor, you may address the jury.

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CLOSING ARGUMENT

MR. GRAHAM: Thank you, Your Honor. Awoken from a sound sleep, a noise in the dark, a thief in the night. Eddie Golson was the thief in the night, and the evidence and the testimony that you heard from the witness stand proves that Eddie Golson was a thief, was a burglar at Matthew Olsen's residence, on August 18, 2007.

How do we know that? You will have pictures, pictures that show you that a burglary happened. You have a ladder moved over to the entrance in a second story window that was opened.

You have evidence of a cabinet, of a gun cabinet, where a gun was, and the pictures showing the doorknob taken from the front door consistent with Mr. Olsen's testimony, pictures of the broken window with glass being broken out. It's consistent with Mr. Olsen's testimony.

Outside on the landing, you find some of the things that were stolen. The luger pistol, which is a weapon, which goes to it being a burglary first. It happened at night and a weapon was involved. Either one of those make it a burglary first.

The gun was stolen from the house. Mr. Golson may not have walked away with it that night, but he did

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steal it. The clip that was in that gun, the bullets, were never recovered, and that was the gun in the display case at the time.

The handcuffs taken from Mr. Olsen's duty belt were stolen and never recovered. The medals in the medal boxes were taken from Mr. Olsen's house outside of his house, and it was larceny and Mr. Golson did it.

How do we know Mr. Golson did it? Well, we can start with the Hurricane beer can that was found by the corvette out in Mr. Olsen's yard. It was cold to the touch on an August morning, colder than the outside temperature.

Mr. Hickman, the crime scene investigator, said it had to have been recently purchased. It was cold. He collected it and he dusted it for prints and didn't find any fingerprints, but he did take a swab from around the lip where someone would have been drinking it, where Eddie Golson was drinking it.

We know it was Eddie Golson because of the D.N.A. analyst later. We will talk about her. But in addition to the D.N.A., what else do we have? We have Ms. Byron, the store clerk at the Kangaroo Express.

She told you it was in walking distance of that house, just down the street of Mr. Olsen's residence. One person had come in and bought a

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Hurricane beer. She sold a 24-ounce Hurricane beer, just like that one. She had sold one since 11:00 o'clock until Mr. Olsen's daughter came in to check with her.

The one she sold was to Eddie Golson. She knew it was Eddie Golson because Eddie Golson was a regular customer that night. He came in and purchased that Hurricane beer. He went to Mr. Olsen's residence, he broke in, and he robbed from him.

Not only did Ms. Byron say that he came in and bought a Hurricane beer, just like that one, but he came back later. So he bought the beer before the burglary, the burglary happened, the beer is still cold. Mr. Golson, for whatever reason, goes back later, and this time he has got a cut on his wrist, on his arm. He is bleeding.

Where did he get the cut? He got the cut in the broken glass out of the house. He came back again with a bandage. She recognized him. No question he was there. He bought a Hurricane beer, and he came back after buying the beer with a cut, just like the thief that robbed Mr. Olsen's house.

She knew him as a customer. She picked him out of a lineup. She identified him in court. Mr. Golson is the person who bought the Hurricane beer.

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That by itself would be enough for you to convict him, that beer present at the house. It's circumstantial evidence. You can find him guilty on that.

But that's not what we have. We have D.N.A. evidence that says it is him. Blood was taken from his arm, taken to S.L.E.D., and it was analyzed. They developed a full profile, and that full profile matched the blood on the glass that was collected by Jim Hickman, the crime scene investigator, from the broken glass from the window of Mr. Olsen's house on the morning of August 18, 2007.

That blood was Eddie Golson's, no question. The only person in the world statistically that could have that D.N.A. profile on that blood was Eddie Golson. The partial profile that Ms. Shehan, the analyst, testified to matched the D.N.A. that was collected off of here (indicating).

It wasn't a full profile, but it was a partial profile, and it matched Eddie Golson. Eddie Golson that night went to the store, he bought that beer can, and he went to Mr. Olsen's residence. He took the ladder, he put it on the house, he climbed in the second floor while Mr. Olsen was home, while he was asleep, and he stole from him.

He broke out the glass, he cut himself, and he

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ran away in the night, a thief in the night. He didn't only steal the handcuffs and the gun and the clip and the medals, he stole Mr. Olsen's safety and security.

MS. FULLWOOD: Objection, inflammatory.

THE COURT: Yes, Solicitor, if you would rephrase, please.

MR. GRAHAM: He stole from him that night while he was home in the house asleep. Eddie Golson is guilty of burglary in the first degree, and he is guilty of possession of a weapon during a violent crime.

The judge will instruct you that burglary first is a violent crime. Having a weapon, that luger, makes him guilty of both of those. Eddie Golson is a thief in the night, and he is guilty of burglary. Thank you all for your time.

THE COURT: Thank you very much, Solicitor. Ms. Fullwood.

CLOSING ARGUMENT

MS. FULLWOOD: May it please the Court.

Madame Forelady, ladies and gentlemen of the jury, what the prosecutor seems to be trying to tell you is we got his D.N.A. That's all we need. Case closed. You don't need to look at anything else.

I'm up here to tell you that just ain't necessarily so. There are many things you need to be

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looking at and asking yourself about. Because when you look at it, when you question it, when you do what you are supposed to do, you are going to see that there is plenty of reasonable doubt about Eddie Golson being the burglar. In fact, you are going to see that the evidence is more reasonably interpreted as being he is not.

They say we've got D.N.A. Well, look at what they don't have. Where are the tapes, both from the cash register and from the video camera from the Kangaroo store? Couldn't that have helped you figure out exactly what times he was supposedly in and out of the store?

Would that have corroborated Ms. Byron's testimony as to really when he was there, whether he bought beer, what kind of beer he bought, and the different things he was supposedly doing that night? This stuff happened two years ago. She seemed like a very nice lady, but she didn't seem that pleased to be here.

You also have heard Detective Anderson testify that she was kind of reluctant to even look at a lineup. Could that be because she was really kind of concerned about her recollections and her accuracy and getting involved and getting somebody in trouble?

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Because if you've got a reluctant person, and you have documentary evidence that could verify whether their recollection is right, why aren't you using it? Why aren't you being shown these things that could very simply and in a visual way show you exactly what happened and when? Why don't you have that before you today?

A couple of witnesses said they thought the dogs came out to run a trail. Mr. Olsen said that this fellow who came into his house ran off. Why haven't you heard from the dog handlers? Ask yourself, what don't they want us to hear about the dogs tracking that would point away from Eddie Golson as being the burglar?

Here is what else they don't have. They don't have a defendant in this courtroom who matches the physical description of the burglar that Mr. Olsen saw in his house that night.

They wanted to make a big thing about him being a Columbia police officer and his years of training and this and that. He supposedly at least possesses some degree of expertise in this area.

On that incident report that night, you heard from Detective Anderson today that the burglar was described as a black male with a large age range, but

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very specifically five feet eleven inches tall, 200-pounds. That was a pretty good size guy, okay?

But what did Detective Anderson also tell you? When he was doing his follow-up investigation and he was getting data on Eddie Golson, Eddie's five-six, 160. He is not a big man at all. That's a huge discrepancy. It's just one of many things that should make you have a reasonable doubt that Eddie is the burglar.

Where is Robert Slice? We don't have the benefit of his testimony. Robert Slice, he is the man that Mr. Olsen decided to stop on his own and who supposedly came up with the name of Eddie Golson.

Why didn't they bring him in here this week to talk to you so you could hear him, eyeball him, and see what he is like, what you think of him, whether he was being honest in what he supposedly said. What don't they want you to know about Robert Slice?

Here is the most important thing that they don't have. They don't have any direct evidence that Eddie Golson was in that house. Mr. Olsen described a man that's different from Eddie's description.

The beer can is outside of the house. The blood on the glass was outside of the house. The one thing the burglar left that was inside of the house and on the ladder were his fingerprints.

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Mr. Hickman told you about that. Both he and Detective Anderson told you that those fingerprints that were found in the house and on the ladder where the burglar went out the window, those aren't Eddie's fingerprints. How could he be the man who went in the house? He cannot be.

I would suggest to you that Hurricane beer doesn't have the significance that Mr. Graham hopes to convince you it does. Maybe Eddie did buy a Hurricane beer, but so what? I mean, is the Kangaroo the only grocery store in the county that sells Hurricane beers? I don't think so.

There is no evidence that Hurricane beer was bought at the Kangaroo store. Just because she happens to know a black man that drinks Hurricane beer doesn't mean he is the burglar.

And remember this about the glass. They want you to think that Eddie cut himself on that glass going out of the house. But first of all, what did Mr. Hickman tell you yesterday? He said he saw one or two little drops of blood on that glass.

Like Ms. Shehan said, you don't need very much D.N.A. to get a result, just a tiny, tiny little amount. Maybe he did have a cut on his arm like Ms. Byron said, but don't you think that there are doctors that could

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look at a cut and tell you:

This is consistent with being cut by a piece of window pane or is it more like a knife cut or could at least give you some idea of what type of object produced the cut. There are, but those types of experts were not presented to you.

Ms. Byron told you that Eddie told her, when she remarked on the cut that he had, What happened to you, and he basically said, Somebody tried to start something with me, and I had to stand up for myself.

You know what? What if that was exactly what did happen? What if he did get into it with somebody, had a fight? I mean, apparently he was drinking that evening. You know, things I think in that area tend to happen.

You have a large number of people living in that Rolling Meadows Mobile Home Park and Silver Lake Mobile Home Park. I think those places attract some pretty rough customers. So what if that is exactly what happened?

What if he did get into a fight with somebody and bled, bled on them, the fellow leaves with Eddie's blood on them, takes his beer to boot since he beat him up? What if that person then went and burglared Mr. Olsen's residence?

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And in leaving the house, he transferred Eddie's blood that he had previously gotten on his person or his clothes, leaving one or two little tiny, tiny traces of blood.

Because you think if somebody went through a window and really cut themselves, there would be a fair amount of blood. They would be bleeding. This was just a couple of drops.

So it would be consistent with him fighting with someone, that person getting Eddie's blood on him, and then leaving it. Like Agent Shehan said, you can transfer D.N.A. from one person to another.

That's not farfetched, not in that environment and in that type of neighborhood that was described to you folks yesterday. It's not farfetched, and it's certainly not as farfetched as expecting you folks to believe that the burglar who left his fingerprints on the inside of the window --

MR. GRAHAM: Objection, Your Honor, that's facts not in evidence. There is no testimony that those fingerprints were the thief's fingerprints.

THE COURT: The facts and the reasonable inferences to be drawn from the facts, ladies and gentlemen, are for you to determine. The facts are not as the attorneys say, whether it's defense attorney or

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the solicitor. The facts are as you remember them from the witnesses testifying under oath, the inferences to be drawn, and any items of evidence. Thank you.

You may proceed, Ms. Fullwood.

MS. FULLWOOD: Thank you, Your Honor. It is no more farfetched then expecting you to believe that fingerprints found at the point of exit of the burglar aren't Eddie's. I mean, did we have the fingerprints of one man and the blood of Eddie Golson? Is that supposed to be who the burglar is? No, no.

Why did they collect those prints if they didn't think that were the burglar's prints? They are not Eddie Golson's. They are the burglar's. If he really cut himself on that glass, don't you think he would have bled more than two little drops? Use your common sense.

Like Mr. Casto told you yesterday in his opening remarks, you are going to find and see things are not as they appear. If that's the case in this situation, there is overwhelming reasonable doubt about Eddie's guilt. Your obligation and your duty as a jury in this case is to find him not guilty. Thank you very much.

THE COURT: Thank you, Ms. Fullwood.

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(Whereupon the Court charged the jury as follows).

THE COURT: Madame Forelady, ladies and gentlemen of the jury, if you would please give me now your complete and undivided attention. I am going to charge you the law, as it is known.

The way I charge it is I generally give you the law that applies to all criminal cases first. I will give you a caption of the paragraph I am going to cover. I will cover that paragraph. When I change from one paragraph to another, I will give you the next caption.

After I cover the general criminal law, I will then charge you the law of burglary in the first degree and possession of a firearm during the commission of a violent crime. Then finally I will charge you the form of the verdict.

Charge, arrest, and indictment not evidence. The indictments in this case allege different offenses against the Defendant, burglary in the first degree and possession of a firearm during the commission of a violent crime.

Each indictment charges a separate and distinct offense. You must decide each indictment separately on the evidence and the law applicable to

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it, uninfluenced by your decision as to any other indictment.

I remind you that the fact the Defendant was arrested, charged, and indicted in this case is not evidence in this case and cannot be considered by you as evidence of guilt in the case, nor does it create any presumption or inference of guilt.

These documents, these indictments, are simply the formal written instruments which contain the charges made against the Defendant. They are the formal documents by which the case has been brought into court.

Presumption of innocence. The Defendant has pled not guilty to these indictments, and that plea puts the burden on the State to prove the Defendant guilty. A person charged with committing a criminal offense in South Carolina is never required to prove himself innocent.

I charge you that it is an important rule of the law that the Defendant in a criminal trial, no matter what the seriousness of the charges may be, will always be presumed to be innocent of the crimes for which the indictments were issued unless guilt has been proven by evidence satisfying you of that guilt beyond a reasonable doubt.

This presumption of innocence does not end

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when you begin your deliberations. It accompanies the Defendant throughout the trial, until you reach a verdict of guilt based on the evidence satisfying you of that guilt beyond a reasonable doubt.

The presumption of innocence is like a robe of righteousness placed about the shoulders of the Defendant which remains with the Defendant until it has been stripped from the Defendant by evidence satisfying you of the Defendant's guilt beyond a reasonable doubt.

The presumption of innocence is not a mere legal theory. It is not just a legal phrase. It is a substantial right to which every defendant is entitled, unless you the jury are satisfied from the evidence of the Defendant's guilt beyond a reasonable doubt.

Reasonable doubt. The State has the burden of proving the Defendant guilty beyond a reasonable doubt. Some of you may have served as jurors in civil cases where you were told that it is only necessary to prove that a fact is more likely true than not true, such as by the greater weight or the preponderance of the evidence.

In criminal cases the State's proof must be more powerful than that. It must be proof beyond a reasonable doubt. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the

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Defendant's guilt.

There are very few things in this world that we know with absolute certainty, and in criminal cases the law does not require proof that overcomes every possible doubt.

If based on your consideration of the evidence you are firmly convinced that the Defendant is guilty of the crime charged, you must find the Defendant guilty. If, on the other hand, you think there is a real possibility that the Defendant is not guilty, you must give the Defendant the benefit of the doubt and find him not guilty.

Duties of jury and trial judge. I remind you that during this trial, you and I have certain duties to perform. As the trial judge, it's my responsibility to preside over the trial, and I also have the duty to rule on the evidence offered. You are to consider only the competent evidence before you.

If there was any testimony ordered stricken from the record in this case, you must disregard that testimony. You are to consider only the testimony which has been presented from the witness stand and any exhibits which have been made a part of the record.

I have the additional duty to charge you the law that applies to this case. As the presiding judge,

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I am the sole judge of the law of this case, and it is your duty as jurors to accept and apply the law as I now state it to you.

If you have any idea as to what the law is or what the law ought to be and it does not agree with what I now tell you the law is, you must abandon your idea because you are sworn to accept and apply the law exactly as I state it to you.

In every case tried in this court before a jury, the jury becomes the sole and exclusive judge of the facts in a case. A trial judge cannot intimate, state, comment on or make any statement to a trial jury about the facts in a case.

Since you the jury are the sole judge of the facts, you are not to infer from what I have said during the progress of the trial, in ruling upon the admissibility of evidence or otherwise, or anything that I say now during the course of this instruction to you that I have any opinion about the facts in this case.

The law does not allow me to have an opinion about the facts in this case. This is a matter solely for you the jury to determine. As jurors it is your duty to determine the effect, the value, the weight, and the truth of the evidence that has been presented during this trial.

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Direct and circumstantial evidence. There are two types of evidence which are generally presented during a trial, direct evidence and circumstantial evidence.

Direct evidence is the testimony of a person who claims to have actual knowledge of a fact, such as, an eyewitness or an ear witness. It is evidence which immediately establishes the main fact to be proved.

Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact. It is evidence which immediately establishes collateral facts from which the main facts may be inferred.

Circumstantial evidence is based on inference and not on personal knowledge or observation. The law makes absolutely no distinction between the weight or the value to be given to either direct or circumstantial evidence, nor is there a greater degree of certainty required of circumstantial evidence than of direct evidence.

You should weigh all the evidence in the case. After weighing all of the evidence if you are not convinced of the guilt of the Defendant beyond a reasonable doubt, you must find the Defendant not guilty.

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Credibility of witnesses. Necessarily you must determine the credibility of witnesses who have testified in the case. Credibility simply means believability. It becomes your duty to analyze and to evaluate the evidence and determine which evidence convinces you of its truth.

In determining the believability of witnesses who have testified in the case, you may believe one over several or several over one. You may believe part of the testimony of a witness and reject the remaining part of the testimony of that same witness.

You may believe the testimony of a witness in its entirety or reject the testimony of a witness in its entirety. You may consider whether any weapon has exhibited to you any interest, bias, prejudice or other motive in this case. You may also consider the appearance and manner of the witness while testifying on the witness stand.

Expert witnesses. The rules of evidence ordinarily do not permit witnesses to testify to opinions or conclusions. An exception to this rule exists for witnesses that we call expert witnesses.

A witness who by education and experience has become expert in some art, science, profession or calling may state an opinion as to relevant and material

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matter in which the witness claims to be an expert and may also state the reasons for the opinion.

You should consider any expert opinion received in evidence in this case and like any other evidence, give it the weight you think it deserves. If you decide that the opinion of an expert witness is not based on sufficient education or experience or if you conclude that the reasons given in support of the opinion are not sound or that the opinion is outweighed by other evidence, you may disregard the opinion in its entirety.

An expert opinion's testimony is to be given no greater weight than that of other witnesses simply because the witness is an expert. Further, you are not required to accept an expert's opinion even though it is not contradicted.

I instruct you and emphasize that the fact the Defendant did not testify is not a factor to be considered by you in any way in your deliberations and in your consideration of the question of the guilt or innocence of the Defendant.

It must not be considered by you in any manner whatsoever. A defendant has the constitutional right to remain silent, and the assertion of this constitutional right must not be considered by you in your

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deliberations.

I repeat, under your oath you are to draw no conclusions whatsoever from the fact that the Defendant in this case did not testify. The fact that this Defendant did not testify should not even be discussed in the jury room.

The burden of proof, as I have stated to you, is on the State. The Defendant is not required to prove his innocence. The burden of proof remains on the State to prove guilt beyond a reasonable doubt.

Ladies and gentlemen, as to the charge of burglary in the first degree, the Defendant is charged with first degree burglary. The State must prove beyond a reasonable doubt that the Defendant entered a dwelling without consent.

A dwelling is defined as any building or a portion of a building in which a person ordinarily sleeps. A building constructed as a dwelling that has never been occupied cannot be considered a dwelling for purposes of burglary, but a building is a dwelling even if the residents are temporarily absent from the building.

In order to prove that the Defendant entered the dwelling, the State does not have to show that the Defendant's entire body entered the dwelling. The

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smallest entry is sufficient.

It may be any part of the body, such as, a hand or foot or even an instrument, such as, a hook or other instrument. In addition, the State does not have to prove that force was used to gain entry.

Next, the State must prove beyond a reasonable doubt that the Defendant intended to commit a crime, either a felony or a misdemeanor, at the time of the entry. The mere entry into a dwelling without consent is not burglary. If the intent to commit a crime is formed after the entry, it is not burglary.

On the other hand, if the Defendant intended to commit a crime at the time of the entry, it is a burglary even if the intent was abandoned after the entry. It does not matter that the intended crime was not committed.

Intent, criminal intent, may be shown by acts and conduct of the Defendant and other circumstances from which you may naturally and reasonably infer intent. Intent does not have to be proved by positive evidence but can be proved by inference, as any other facts may be.

Finally, the State must prove beyond a reasonable doubt that either, one, when entering or while in the dwelling or when fleeing, the Defendant was

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armed with a deadly weapon.

A deadly weapon is any article, instrument or substance which is likely to cause death or great bodily harm. The following are examples of instruments which may be deadly weapons: A shotgun, a pistol, a rifle, a knife, a razor.

The Defendant -- that's one. Or, two, the Defendant entered or remained in the dwelling in the nighttime. Nighttime is the period between sunset and sunrise during which there is not enough daylight to recognize the person's face, except by artificial light or moonlight.

That is the charge of burglary in the first degree. The next charge, possession of a weapon during the commission of or an attempt to commit a violent crime, is a statute in South Carolina, 16-23-490.

The Defendant is charged with possession of a weapon during the commission of or attempt to commit a violent crime. The State must prove beyond a reasonable doubt that the Defendant was in possession of a firearm or visibly displayed what appeared to be a firearm during the commission of a violent crime.

A firearm means any machine gun, automatic rifle, revolver, pistol or any weapon which will or is designed to or may be readily converted to expel a

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projectile.

In order to find the Defendant guilty of possession of a weapon during the commission of a violent crime, you must first find the Defendant guilty of either committing a violent crime or attempting to commit a violent crime. First degree burglary is a violent crime.

Ladies and gentlemen, if you will bear with me a few more minutes, we are now at the form of the verdict. There are two possible verdicts as to each indictment which you may find in this case. There is no significance whatsoever in the order in which I state these possible verdicts. It's simply that one must be stated first.

Your verdicts must be unanimous, ladies and gentlemen. All 12 of you must agree on the verdicts. If after your deliberations and your determination of the facts and the inferences to be drawn from the facts and applying those to the law, as I have told you the law is, on the charge of burglary in the first degree, you may find the Defendant guilty or not guilty.

Again, there is no significance whatsoever in the order in which I have explained those. Madame Forelady, ladies and gentlemen of the jury, your verdict cannot be based on sympathy, passion, prejudice, emotion

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or any other consideration not in evidence in the case.

Madame Forelady, when the jury has reached the verdict as to burglary in the first degree, if your verdict is guilty, you would write under verdict, guilty. Then it has foreperson of the petit jury. You would sign your name and date it, whatever date you return your verdict. I think today is 31 March of '09.

If you recall in my charge to you, on the charge of possession of a weapon during the commission of a violent crime, that is the second indictment. Again, your verdict can be one of two, guilty or not guilty, based on your determination of the facts and the inferences and applying those to the law.

Again remember, you must first find the Defendant guilty of either committing a violent crime or attempting to commit a violent crime before you can find him guilty of possession of a weapon during a violent crime.

Your verdict would be as to possession of a weapon during a violent crime either guilty or not guilty. Once you have reached that unanimous verdict, sign your name, Madame Forelady, and date it the appropriate date. You will then knock on the jury room door and inform the bailiff that you have reached a verdict. At that time we will receive you back into the

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courtroom.

Madame Forelady, if you or any members of the jury have any questions during the course of your deliberations, if you would just write me out a note and knock on the jury room door. The bailiff will be posted outside. They will get it timely to my attention.

I will ask you now to return to the jury room, but do not begin your deliberations until you are told to do so by the clerk or the bailiff. I must discuss one final matter outside of the presence of the jury.

What will happen, if I do not have to bring you back out here, you will receive all the items of evidence, the indictments. Everyone looks fine so our alternate will be excused from the jury room.

When the evidence is brought in, you will then be directed to begin your deliberations by the clerk or the bailiff. With that being said, if you would please go with your bailiff to your jury room.

(The jury retires to the jury room).

THE COURT: Any exceptions or additions, Solicitor?

MR. GRAHAM: No, Your Honor.

THE COURT: Ms. Fullwood?

MS. FULLWOOD: No, Your Honor.

THE COURT: Thank you very much. If y'all

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would check the exhibits.

(Pause).

(The jury commences its deliberation at 4:40 p.m.)

(The following occurred at 5:30 p.m.)

THE COURT: If you would bring our jury, please.

(The jury returns to the courtroom).

THE COURT: Madame Forelady, I received your note and the questions. I think to respond to that question fully and completely, I am just going to revisit or reread the charge on burglary and the charge on possession of a weapon during the commission of violent crime. That won't take 22 minutes like my first charge did. It's just about four pages.

First degree burglary. The Defendant is charged with first degree burglary. The State must prove beyond a reasonable doubt that the Defendant entered the dwelling without consent. A dwelling is any building or a portion of the building in which a person ordinarily sleeps.

In order to prove that the Defendant entered the dwelling, the State does not have to show the Defendant's entire body entered the dwelling. The smallest entry is sufficient. It may be any part of the

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body, such as, a hand or foot or even an instrument.

In addition, the State does not have to prove that force was used to gain entry. Next, the State must prove beyond a reasonable doubt that the Defendant intended to commit a crime, either a felony or a misdemeanor, at the time of the entry.

The mere entry into a dwelling without consent is not burglary. If the intent to commit a crime is formed after the entry, it is not burglary. On the other hand, if the Defendant intended to commit a crime at the time of the entry, it is a burglary even if the intent was abandoned after the entry.

It does not matter that the intended crime was not completed. Intent may be shown by acts and conduct of the Defendant and other circumstances from which you may naturally and reasonably infer intent.

Finally, the State must prove beyond a reasonable doubt that either when entering or while in the dwelling or when fleeing, the Defendant was armed with a deadly weapon. A deadly weapon is any article instrument or substance which is likely to cause death or great bodily harm.

The following are examples of instruments which may be deadly weapons: A shotgun, a pistol, a rifle, a knife. A gun may be a deadly weapon even if it

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is not operating.

Or, two, the Defendant entered or remained in the dwelling in the nighttime. Nighttime is the period between sunset and sunrise during which there is not enough daylight to recognize a person's face except by artificial light or moonlight.

The next charge is possession of a weapon during the commission of or attempt to commit a violent crime. The Defendant is charged with possession of a weapon during the commission of or attempt to commit a violent crime.

The State must prove beyond a reasonable doubt that the Defendant was in possession of a firearm or visibly displayed what appeared to be a firearm during the commission of a violent crime.

A firearm means any machine gun, automatic rifle, revolver, pistol or any weapon which will or is designed to or may be readily converted to expel a projectile.

In order to find the Defendant guilty of possession of a weapon during the commission of a violent crime, you must first find the Defendant guilty of either committing a violent crime or attempting to commit a violent crime. First degree burglary is a violent crime.

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Ladies and gentlemen, that is the charge on both burglary in the first degree and possession of a weapon -- possession of a firearm during the commission of a violent crime.

If you have any further question, if that did not respond fully to your request, if you would write me out another note, Madame Forelady, I will respond to that. Thank you very much. If you would please return to your jury room and continue your deliberations.

(Court's Exhibit Number 3 is marked for purposes of the record).

(The jury retires to continue its deliberations at 5:37 p.m.)

THE COURT: Any exceptions, Solicitor?

MR. GRAHAM: Not from the State, Your Honor.

THE COURT: Ms. Fullwood?

MS. FULLWOOD: No, Your Honor.

THE COURT: Thank you.

(The following occurred at 6:00 p.m.)

THE COURT: I have been informed the jury has a verdict. If you will bring the jury, please.

(The jury returns to open court to report its verdict).

THE COURT: Madame Clerk.

CLERK: Madame Forelady, have you reached a

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verdict?

FOREMAN: Yes, ma'am.

CLERK: Will you please pass it to the bailiff.

(Hands to Court).

THE COURT: The verdicts appear to be in the proper form. If you would please publish our verdicts.

CLERK: Yes, sir.

(Whereupon the verdicts of the jury are published as follows).

CLERK: Indictment Number 2008-GS-32-3181, the State of South Carolina versus Eddie Clay Golson, indicted for burglary first, we the jury unanimously find the Defendant guilty of burglary in the first degree, and that is signed by the foreperson this 31st day of March.

Indictment Number 2008-GS-32-3183, the State of South Carolina versus Eddie Clay Golson, indicted for possession of a weapon during a violent crime, we the jury unanimously find the Defendant guilty of possession of a weapon during a violent crime, and it is signed by the foreperson of the jury on the 31st day of March.

THE COURT: Thank you, Madame Clerk. Anything further for the jury from the State?

MR. GRAHAM: No, Your Honor.

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THE COURT: From the defense?

MS. FULLWOOD: I would ask that the jury be polled, Your Honor.

THE COURT: Ladies and gentlemen, the clerk is going to go through a process where she will ask you some questions. She will call your name individually. When she calls your name, if you will please raise your right hand. She will ask you, Are these your verdicts? Your answer will be yes or no. The second question, Are they still your verdicts? Your answer will be yes or no.

Madame Clerk.

CLERK: Carla Sharpley?

JUROR: Yes.

CLERK: Was this your verdict?

JUROR: Yes.

CLERK: Is it still your verdict?

JUROR: Yes.

CLERK: Danny Johnson, was this your verdict?

JUROR: Yes, ma'am.

CLERK: Is it still your verdict?

JUROR: Yes, ma'am.

CLERK: Cynthia Ward, was this your verdict?

JUROR: Yes, ma'am.

CLERK: Is it still your verdict?

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JUROR: Yes, ma'am.
CLERK: Gwendolyn Andress, is this your verdict?
JUROR: Yes, ma'am.
CLERK: Is it still your verdict?
JUROR: Yes, ma'am.
CLERK: Janie Martin, was this your verdict?
JUROR: Yes, ma'am.
CLERK: Is it still your verdict?
JUROR: Yes, ma'am.
CLERK: Kayla Sharpe, was this your verdict?
JUROR: Yes, ma'am.
CLERK: Is it still your verdict?
JUROR: Yes, ma'am.
CLERK: Joseph Bell, was this your verdict?
JUROR: Yes, ma'am.
CLERK: Is it still your verdict?
JUROR: Yes, ma'am.
CLERK: Howard McCartha, was this your verdict?
JUROR: Yes, ma'am.
CLERK: Is it still your verdict?
JUROR: Yes, ma'am.
CLERK: Patricia Wittlinger, was this your verdict?

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JUROR: Yes.
CLERK: Is it still your verdict?
JUROR: Yes.
CLERK: Monica Anderson, was this your verdict?
JUROR: Yes.
CLERK: Is it still your verdict?
JUROR: Yes.
CLERK: Steve Holcombe, was this your verdict?
JUROR: Yes.
CLERK: Is it still your verdict?
JUROR: Yes.
CLERK: Angela Freeman, was this your verdict?
JUROR: Yes.
CLERK: Is it still your verdict?
JUROR: Yes.
CLERK: Was there anyone I left out?
(There is no response).
CLERK: All jurors are polled, Your Honor.
THE COURT: Thank you. Thank you, Madame Clerk.
Anything further for the jury, Ms. Fullwood?
MS. FULLWOOD: No, Your Honor.
THE COURT: Thank you. Thank you very much.
Thank you, ladies and gentlemen of the jury,

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for your service this week. I never criticize nor commend a jury for their verdict or verdicts. However, I do appreciate your patience and your attention throughout the course of these last two days. Your participation is vital to the administration of our -- of your -- criminal and civil justice system.

I hope that you never find yourself a part of the system in the future, but if do you, by way of witness, party or otherwise, I hope the jury that is selected for the trial of that case is as hard working and as focused and as dedicated as you have been -- and patient I may add -- as you have been throughout the trial of this case.

Shortly, we only have one further trial to try this week, so I am going -- I guess there is some good news. I am going to excuse you for your jury service for the remainder of the week. I have the other panel coming back in the morning to select from, and that would give us the rest of the week's work to do, so I won't need you back.

You certainly have protection from jury service in State circuit court of record for the remainder of this calendar year. In fact, you are disqualified. I don't know if hanging out in the courthouse makes you disqualified for jury service or

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what, but that is as far as State circuit court of record.

As far as the check, I'm sure it's not even in the mail, but if it were, I wouldn't go home and book a cruise or anything like that waiting on the check. It wouldn't even get you to Shull Island. If we paid you what you were worth, we wouldn't be able to have court.

It is my pleasure and privilege to be with y'all this week. Give your buttons to the bailiff as you leave. You are now excused, and you are excused for the remainder of the week. Your jury service is now ended. Thank you very much.

(The jury is excused).

THE COURT: Ms. Fullwood, any motions?

MS. FULLWOOD: Yes, sir. Your Honor, at this time we would move for a new trial on grounds of all objections made and exceptions taken during the course of this trial.

THE COURT: I would deny the motion. I would reaffirm all my trial rulings based on the reasons given during the course of the trial. Any other motions?

MS. FULLWOOD: No, Your Honor.

THE COURT: Any reason why sentence should not be imposed at this time?

MS. FULLWOOD: No, Your Honor.

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THE COURT: Mr. Golson, if you would come around, please.

(Pause).

THE COURT: Solicitor, anything further from the State?

MR. GRAHAM: Just the Defendant's full record, Your Honor.

THE COURT: Yes, sir.

MR. GRAHAM: He has a 1995 conviction for -- excuse me -- 1990 for driving under the influence, driving under suspension, in '93 for driving under suspension, a shoplifting from '95, a criminal domestic violence from '96, public disorderly conduct in '98, trespassing in 1998, possession of cocaine in 1999, public disorderly conduct in 1999, distribution of cocaine in 2004.

Then, Your Honor, the failure to stop for a blue light in 2005, another shoplifting in 2005, and possession of a stolen vehicle in 2007. There are two inmates, Your Honor, that we had contacted who claim they met Mr. Golson in R.& E. and that Mr. Golson was bragging about the robbery.

One of them, whether true or not, I don't know, but would have testified that Mr. Golson knew that the residence was a residence of a police officer. I

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know that Mr. Olsen would like to address the Court at the appropriate time as well, Your Honor.

THE COURT: Anything further from you, Solicitor?

MR. GRAHAM: The only thing I would ask Your Honor is that you sentence him to a sentence that is appropriate to the crime, taking into light his past record, as well as the fact that he entered a residence at night when someone was at home.

THE COURT: Thank you. I would be glad to hear from Mr. Olsen.

MR. OLSEN: Your Honor, when my house was burglarized, I was more scared then than any time in my life. Any time a crack or a creek, I just couldn't sleep. The alarm company couldn't get out there quick enough to give me an alarm system.

I called my daughter and had her drop the kids off for a week until I had an alarm system. Going home, going to work with the alarm system every time something happened, it's another burglar in my house.

It's pretty tough to go through that, and there's a lot of hardships and a lot of lost sleep. I'm pretty much just getting over it now. I also would like the consideration of his record and whatever you deem fit, sir.

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THE COURT: Thank you. Thank you, Mr. Olsen. Anything further, Solicitor?

MR. GRAHAM: No, Your Honor.

THE COURT: Thank you. Ms. Fullwood.

MS. FULLWOOD: Thank you, Your Honor. Your Honor, as you have heard, Mr. Golson is 43 years old. He has an 11th grade education. He is from Calhoun County, and at the time of his arrest he was living there with his sister. He had been working for Bledsoe Construction off and on for about seven years prior to his arrest.

Your Honor, he does not have any previous convictions for violent crimes. I will tell Your Honor this. He has had a very bad substance abuse problem since his late teens, and I think his prior record does indicate that that would be the case. It's the type of record typical of somebody with addiction type problems.

As far as these S.C.D.C. inmates that Mr. Graham referred to, for what it's worth, what they were claiming was pretty absurd. They learned about them when one wrote Detective Anderson basically, Hey, I can help you if you will help me.

Basically what they were after were recommendations to the parole board. One of them produced some notes he supposedly took while Mr. Golson

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was telling him this, supposedly coinciding with the day he arrived at R.& E.

If you could even accept the fact that he would talk about this to somebody he didn't even know, it was using words like the intruder, and a lot of it seemed to be taken directly out of the discovery materials. So I think that's what that was all about.

I personally do not believe he was over at S.C.D.C. talking to anybody about anything. I think he has enough sense to keep his mouth shut about pending charges.

THE DEFENDANT: Yes, ma'am.

MS. FULLWOOD: In any event it's very unfortunate for him he is where he is today. We would ask Your Honor to give him every consideration in determining his sentence.

THE COURT: Thank you. Thank you, Ms. Fullwood.

Anything you would like to say, Mr. Golson?

THE DEFENDANT: Yes, sir, Your Honor. The crime that was committed, Mr. Olsen, I really do apologize to you, sir. I just had a bad drug condition, and I am glad it finally came to an end. I hope you can have some mercy on me.

THE COURT: Thank you, Mr. Olsen. Do I have

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the sentencing sheets? I think I called you, Mr. Olsen. Thank you, Mr. Golson. I apologize.

(Pause).

THE COURT: I note you went five years without any charges. You went from '99 where you have a crack cocaine charge and public disorderly conduct, and your next charge was in '05 for distribution of cocaine. What happened during those five years?

THE DEFENDANT: I had a failure between a relationship, and I just took it out on drugs and alcohol. I got to feeling sorry for myself.

THE COURT: I mean, those five years you were stable. What caused you to be stable for those five years is my question?

THE DEFENDANT: Oh, okay. I was living with my supposed-to-be wife doing good, working two jobs, and I had a bad relationship, me and her. She left me and I went into a depression stage.

THE COURT: That happened in '04?

THE DEFENDANT: Yes, sir.

THE COURT: When you broke up with your wife?

THE DEFENDANT: Yes, sir, common-law wife.

THE COURT: Do you have children?

THE DEFENDANT: No, sir, just step kids.

THE COURT: 2008-GS-32-3181, 2008 -- do you

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have the indictment on possession of a weapon. Madame Clerk?

(Hands to Court).

THE COURT: 2008-GS-32-3183, the jury having found the Defendant guilty of burglary in the first degree and possession of a firearm during the commission of a violent crime, as to the burglary in the first degree, the Defendant is committed to the State Department of Corrections for a determinate term of 25 years. As to possession of a weapon, five years. Those are concurrent and given credit for all time served. Thank you. Good luck to you, Mr. Golson.

THE DEFENDANT: Thank you, sir, too.

MS. FULLWOOD: Thank you, Your Honor.

THE COURT: Court will be in recess.

*** END OF REQUESTED TRANSCRIPT OF RECORD ***

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C E R T I F I C A T E

I, the undersigned L. Coconut Pantsari, Official Reporter for the Eleventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of all the proceedings had and the evidence introduced in the trial of the captioned cause, relative to appeal, in the Criminal Court for Lexington County, South Carolina on the 30th and 31st days of March, 2009

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

July 24, 2009

_____

Court Reporter

ORIGINAL

FORM 5

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF Lexington)

FILED
2012 JAN 14 P 12:28
BETH A. CARRIGG
CLERK OF COURT
LEXINGTON SC

Eddie C. Golson 305014
Full name and prison number (if any) of Applicant.

v.

State of South Carolina

APPLICATION FOR
POST-CONVICTION RELIEF

VW 2012CP3202479

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Lieber Correctional Insitution
2. Name and location of Court which imposed sentence General Session lexington
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
   (a) 2008 GS3203181 2008 GS3203182
   (b) _____
   (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
   (a) March 31 2009 25 Years
   (b) _____

A TRUE COPY
Lex. Co. C.C.C.P., G.S. & F.C.

Rev. 1/2003

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(c) _____

6. Check whether a finding of guilty was made:

(a) after a plea of guilty FILED

(b) after a plea of not guilty V

(c) after a plea of nolo contendere 2012 JUN 14 > 12:28

7. Did you appeal from the judgment of conviction or the imposition of sentence? Yes

DE'TRA CARRIGG
CLERK OF COURT
FLORENCE SC

8. If you answered "yes" to (7), list:

(a) the name of each Court to which you appealed:

i. Court of Appeal

ii. _____

iii. _____

(b) the result in each such Court to which you appealed:

i. Affirmed

ii. _____

iii. _____

(c) the date of each such result:

i. May 16 2012

ii. _____

iii. _____

(d) if known, citations of any written opinion or orders entered pursuant to such results:

i. UnPublished Opinion No. 2012-UP-246

ii. Sumitted April 12, 2012-Filed April 25 2012

iii. _____

9. If you answered "no" to (7), state your reasons for not so appealing:

(a) N/A

(b) _____

(c) _____

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) Impeachment Evidence-Finger Print Analysis-

(b) DNA Results-Schmerder Hearing-Identification

(c) Preliminary Hearing-Brady Violation-Sealing of Record-

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

(a) Finger Prints did Not/Blood did not match-Was

(b) Not Identified-Charges dismiss At Preliminarly

(c) Hearing-After discovery Evidence-Forensic-F.O.I.A.

12. Prior to this application have you filed with respect to this conviction:

(a) any petition in a State Court under South Carolina Law? _____

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? V

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? _____

(d) any other petitions, motions or applications in this or any other Court? _____

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

i. U.S. Department Of Justice Federal Bureau of

ii. Investigation Washington, D.C.

iii. D.N.A. Result Affidavit's Rule(b)(E)

iv. Burglary Case 07-070513

(b) the name and location of the Court in which each was filed:

i. _____

ii. _____

iii. _____

iv. _____

(c) the disposition thereof:

i. _____

ii. _____

iii. _____

FILED
2012 JUN 14 P 12:28
BETH A. CARRIGG
CLERK OF COURT
LEXINGTON S.C.

1. B22er Discovery Evidence
2. U.S. Department of Justice Federal Bureau of Investigation on DNA Result Washington D.C.
3. Administrative Court order
4. Rule 1., Affidavit did not support Arrest Warrant
5. No True Bill Indictment

iv. _____

(d) the date of each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

Yes

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. Blood Sample did not match-Finger Prints did

ii. Not match-All Burglary Charges dismiss at

iii. Preliminary Hearing

(b) the proceedings in which each ground was raised:

i. _____

ii. _____

iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) N/A

(b) N/A

(c) N/A

17. Were you represented by an attorney at any time during the course of:

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2012 JUN 14 P 12:28
BETTY A. CARRIGG
CLERK OF COURT
LIVINGSTON CO.

ORIGINAL

STATE OF SOUTH CAROLINA)
) VERIFICATION
County of)

I, , being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Eddie C. Lolan

SWORN to and subscribed before me this 11th day of June, 2012

Sylvia Jones (L.S.)
Notary Public

My Commission Expires: 1/24/2018

2012CP3202479

FILED
2012 JUN 14 P 12:28
BETH A. CARRIGG
CLERK OF COURT
LEXINGTON SC

ORIGINAL 325

APPLICATION TO PROCEED WITHOUT PAYMENT OF COSTS AND AFFIDAVIT IN SUPPORT THEREOF

I, , hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

(1) I am the applicant in this action and I believe I am entitled to redress.

(2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Eddie C. Folson
Applicant

SWORN or affirmed to and subscribed before me this 11th day of June, 2012

Sylvia Jones
Notary Public

My Commission Expires: 1/24/2018

2012CP3202479

FILED
2012 JUN 14 P 12:28
BETH A. CARRIGG
CLERK OF COURT
LEXINGTON SC

STATE OF SOUTH CAROLINA	)	IN THE COMMON PLEAS COURT
	)	
COUNTY OF LEXINGTON	)	
	)	DOCKET NO.: 2012-CP-32-2479
EDDIE C. Golson	)	
	)	
Applicant	)	AMENDED APPLICATION FOR POST
	)	CONVICTION RELIEF
	)	
	)	
STATE OF SOUTH CAROLINA	)	
	)	
Respondent,	)	
	)	

COPY

The Applicant through undersigned Counsel wishes to add the following to his PCR application filed on June 14, 2012:

1. Magistrate Judge William G. Shockley did not issue an arrest against Applicant.

2. Judge did not issue a commitment order.

3. Judge did not issue a Certificate of Transmittal Order.

RESPECTFULLY SUBMITTED ON BEHALF OF APPLICANT, Eddie Clay Golson

Charles T. Brooks, III
Attorney for Applicant
309 Broad Street
Post office Box 3512
Sumter, South Carolina, 29150
(803) 418-5708

April 18, 2013

COPY

STATE OF SOUTH CAROLINA	)	IN THE COMMON PLEAS COURT
	)	
COUNTY OF LEXINGTON	)	DOCKET NO.: 2012-CP-32-2479
	)	
Eddie C. Golson, 303012	)	
	)	
Applicant	)	CORRECTED AMENDMENT TO POST CONVICTION RELIEF APPLICATION
	)	
	)	
STATE OF SOUTH CAROLINA	)	
	)	
Respondent,	)	
	)	

FILED
2013 MAY -8 A 11:51
BETTIA CARRIGAN
CLERK OF COURT

The Applicant through undersigned Counsel wishes to correct the Amended Application for Post Conviction Relief filed on April 22, 2013.

1. Magistrate Judge William G. Shockley did not issue an arrest warrant against Applicant.

2. Judge did not issue a commitment order.

3. Judge did not issue a Certificate of Transmittal Order.

RESPECTFULLY SUBMITTED ON BEHALF OF APPLICANT, Eddie C. Golson

Charles T. Brooks, III
Attorney for Applicant
309 Broad Street
Post office Box 3512
Sumter, South Carolina, 29150
(803) 418-5708

May 6, 2013

STATE OF SOUTH CAROLINA	)	IN THE COMMON PLEAS COURT
	)	
COUNTY OF LEXINGTON	)	
	)	DOCKET NO.: 2012-CP-32-2479
Eddie C. Golson, 303012	)	
	)	
Applicant	)	AMENDMENT TO PCR
	)	
	)	
	)	
STATE OF SOUTH CAROLINA	)	
	)	
Respondent,	)	
	)	

2012 JUN 14 A 9:19
BETH A. CARRIGG
CLERK OF COURT
LEXINGTON, SC
ORIGINAL

The Applicant through undersigned Counsel wishes to Amend his PCR Application filed on June 14, 2012 as follows:

Applicant was released from Lexington County Detention Center on November 19, 2007 by a discharge from Judge George Nicholson.

Applicant was not admitted to the County Jail on any Burglary charges.

Applicant did not plead guilty which makes his trial/conviction/ sentence and commitment order invalid as well as his Post Conviction Relief Application.

Applicant request that the Presiding Judge over hi Post Conviction Relief Enter his docket number in the data base to prove that his Post Conviction Case file is invalid/2012-CP-32-2479.

That on November 20, 2007, Detective James B. Anderson obtained arrest warrants. He issued/signed/filed and forged Judge William G. Shockley's name on false warrants.

Applicant has a pending complaint with the Lexington County Sheriff's Department Professional Standard Division which was conducted by Captain

Brian Currence and the United States Department of Justice, Federal Bureau of Investigation.

RESPECTFULLY SUBMITTED ON BEHALF OF APPLICANT, Eddie C. Gelson

Charles T. Brooks, III
Attorney for Applicant
309 Broad Street
Post office Box 3512
Sumter, South Carolina, 29150
803) 418-5708

June 10, 2013

ORIGINAL

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	ELEVENTH JUDICIAL CIRCUIT
COUTNY OF LEXINGTON	)	
	)	Case No. 2012-CP-32-2479
Eddie C. Golson,	)	
S.C.D.C. No. 303012,	)	
Applicant,	)	
v.	)	RETURN
State of South Carolina,	)	
Respondent.	)	

The Respondent, making its Return to the Application for Post-Conviction Relief (PCR) filed June 14, 2012, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Lexington. The Lexington County grand jury indicted Applicant at the October 2008 term for burglary, first degree (2008-GS-32-3181); intimidation of court officials, jurors, or witnesses (2008-GS-32-3182); and possession of a firearm during the commission of a violent felony (2008-GS-32-3183). He was represented by Elizabeth C. Fullwood, Esquire, and Bennett E. Casto, Esquire. The State called its case to trial on March 30, 2009. On March 31, 2009, the jury found Applicant guilty for burglary, first degree, and the possession of a firearm during the commission of a violent offense. He was sentenced by the Honorable R. Knox McMahon, to confinement for a period of twenty-five years for burglary and five years for the possession conviction. The sentences were to be served concurrently. Years.

A timely Notice of Appeal was filed on Applicant's behalf on April 14, 2009. Applicant was represented by Celia M. Robinson, Esquire, of the Office of Appellate Defense on appeal. Applicant's conviction and sentence was affirmed in an unpublished opinioned filed April 25, 2012. The Remittitur was issued on May 15, 2012.

Attached herewith and incorporated herein by reference are the records of the Lexington County Clerk of Court regarding the subject conviction(s), the Applicant's records from the Department of Corrections, the transcript of the proceeding against Applicant, and Applicant's appellate records. Respondent reserves the right to amend its return upon the receipt of other relevant records.

II.

In his Application, Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Impeachment evidence
   a. "finger print did not/blood did not match";
2. DNA results
   a. "Schemerder Hearing"
3. Preliminary hearing
   a. "Brady violation"

Applicant filed amendments to his PCR Application on June 14, 2012 and included the following allegations:

4. Magistrate Judge William G. Shockley did not issue an arrest warrant
5. Judge did not issue a commitment order
6. Judge did not issue a certificate of transmittal order

Applicant filed subsequent amendments to his PCR Application on June 10, 2013 and included the following allegations:

7. Applicant was released from Lexington County Detention Center by a discharge by Judge George Nicholson
8. Applicant was not admitted to the county jail on any burglary charges
9. Applicant did not plead guilty
10. Applicant request the Presiding PCR Judge properly docket this action
11. Arrest warrants were obtained by fraud

III.

Respondent construes Applicant's first allegation as ineffective assistance of counsel for failure to investigate impeachment evidence. Respondent contends that the Applicant's trial counsel rendered adequate assistance and provided representation within the range of competence required by attorneys in criminal cases. See Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

In a post-conviction relief proceeding, the applicant bears the burden of proving the allegations in their application. Id. Where ineffective assistance of counsel is alleged as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 80 L.Ed.2d 674. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

The Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. The Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

Respondent submits Applicant's remaining allegations without merit because Applicant failed to state a claim cognizable under the Post-Conviction Procedure Act, S.C. Code Ann. § 17-27-10 to -160. An applicant may commence a post-conviction relief action on the following grounds:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;

2. That the court was without jurisdiction to impose sentence;

3. That the sentence exceeds the maximum authorized by law;

4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or

sentence in the interest of justice;

5. That his sentence has expired, his probation, parole or conditional release [was] unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or

6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy.... S.C. Code Ann. § 17-27-20 (1976).

Even if the facts alleged by Applicant are true, these facts do not support a cognizable claim for post-conviction relief under any of the statutory grounds. Therefore, the Court should summarily dismiss this application for post-conviction relief.

V.

The Respondent therefore requests that this Court convene an evidentiary hearing solely on the issue of ineffective assistance of counsel. As to all other allegations, the Respondent moves for summary dismissal pursuant to S.C. Code Ann. § 17-27-70 on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that those allegations should be dismissed as a matter of law.

VI.

Applicant must specify any claims he intends to raise at the PCR trial. Any claims not **specifically** laid out in this PCR application or in amendments will be opposed by the State **not made within seven (7) days of the scheduled evidentiary hearing**. S.C. Code '17-27-10 et seq; SCRCP 71.1. All claims should be made well in advance of the PCR hearing. If Applicant has an attorney appointed, the attorney, and not the inmate, is the only one authorized to file amendments. SCRCP Rule 11. Filings by inmates will not be considered at the PCR hearing.

VII.

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied.

VIII.

WHEREFORE, having made its Return, the Respondent requests that a hearing be held.

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Assistant Deputy Attorney General

WALT WHITMIRE
Assistant Attorney General

By: _____
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

June 24th, 2013

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	IN THE ELEVENTH CIRCUIT
COUNTY OF LEXINGTON)	
)	
)	2012-CP-32-2479
Eddie C. Golson, # 303012)	
)	
Applicant,)	
)	
vs)	AFFIDAVIT OF SERVICE BY MAIL
)	
STATE OF SOUTH CAROLINA,)	
)	
Respondent)	
)	

1. I am an employee of the Respondent in the above-captioned action.

2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.

3. I have this day served a copy of the **Return** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Charles T. Brooks, Esq.
309 Broad St.
Sumter, SC 29150

DATED this 24th day of June, 2013

Troyeshi Brailey, Legal Assistant
For Respondent

STATE OF SOUTH CAROLINA	)	
	)	COURT OF COMMON PLEAS
COUNTY OF LEXINGTON	)	2012-CP-32-02479
EDDIE C. GOLSON	)	
APPLICANT	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
STATE OF SOUTH CAROLINA	)	
RESPONDENT	)	

January 21, 2014
Lexington, South Carolina

B E F O R E:

THE HONORABLE BRIAN M. GIBBONS, JUDGE.

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

CHARLES BROOKS, ESQ.
Attorney for the Applicant

WALTER WHITMIRE, ASSISTANT ATTORNEY GENERAL
Attorney for the State

CAROL M. THUEME, RPR
Official Court Reporter

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MR. WHITMIRE: May it please the Court, Your Honor.

THE COURT: Yes, sir.

MR. WHITMIRE: This matter before the Court today is Eddie Golson versus State of South Carolina, 2012-CP-32-2479. Mr. Golson was indicted for burglary first degree and possession of a weapon during the commission of a violent offense.

The State called its case to trial. At trial Mr. Golson was represented by Beth Fullwood. The jury returned a guilty verdict. Mr. Golson was sentenced to 25 years in prison for the burglary first and five years for the possession of a weapon. He did file a notice of appeal. The Court of Appeals affirmed Mr. Golson's sentencing conviction. He currently is here today.

Mr. Golson has filed an application for post-conviction relief and two amendments through his attorney dated April 13, 2013, and June 10, 2013.

Your Honor, all of his records, appellate records and these amendments should be in your judge's packet. Respondent moves to dismiss every allegation except the newly-discovered evidence allegation, that being taken in the light most favorable to Mr. Golson regarding DNA. The rest of the allegations dealt with Section 17-27-20 that are incognizable pursuant to

Al-Shabazz V State, 338 S.C. 354.

At this time I would turn matters over to Mr. Brooks.

THE COURT: Mr. Brooks.

MR. BROOKS: May it please the Court, Judge.

We would respectfully ask the Court to take testimony from my client before making any such ruling on behalf of the State. We are ready to proceed at this time.

THE COURT: All right. I will deny the motion at this point in time and proceed with an evidentiary hearing on the issues presented. You may proceed.

MR. BROOKS: We would call Mr. Golson to the stand.

THE COURT: Sir.

THE CLERK: Place your left hand on the Bible and raise your right.

EDDIE GOLSON, after being duly sworn, testified as follows:

THE CLERK: Have a seat at the witness stand and state your name for the record.

MR. BROOKS: Are you ready, Judge?

THE COURT: I'm ready.

THE WITNESS: My name is Eddie Clay Golson.

DIRECT EXAMINATION

BY MR. BROOKS:

Q Mr. Golson, how are you today?

A I'm fine.

Q Now, you've had an opportunity to watch other people testify here this morning, so I want to make sure you answer questions with a yes or no because the lady that's seated before you is a court reporter and she can't take down unh-unh or uh-huh. You understand that, correct?

A Yes, sir, I do.

Q Okay. Now you brought a post-conviction relief application in this case; is that correct?

A Yes, sir.

Q You're currently serving a 25-year sentence?

A Yes, I am.

Q Okay. Now you've raised certain allegations in post-conviction relief. One of those allegations dealt with your arrest warrants; is that correct?

A Yes, sir.

Q Okay. Can you tell the Court what you mean by your arrest warrants and why that's important in your PCR.

A It's very important to me because the magistrate judge, William G. Shockley, didn't actually issue the warrants for my arrest, and I have an NCIC report with a certificate of transmittal order to prove that those warrants were not legally issued.

Q And as a matter of fact, you were still sitting in the county detention center after some magistrate's court charges had been disposed of; is that correct?
A Yes, sir, it is.
Q And it was several months that you continued to remain incarcerated?
A Yes, sir.
Q Okay. And nobody ever came out and basically officially said, hey, you're under arrest for this burglary case; is that correct?
A That's true, sir.
Q Okay. And basically you feel that since you had not been arrested, that you never officially knew what you were going to trial for and therefore the State didn't have jurisdiction to take you to trial; is that correct?
A That is correct, sir.
Q That's one of your allegations?
A It is, sir.
Q Okay. Now, am I stating that correctly?
A Yes, sir, you are.
Q Is there anything else you want to say about that allegation that you haven't said?
A No, sir, that's everything.
Q Okay. Now, one more -- you also had another allegation. Do you recall what that is?

A The magistrate judge warrants from Judge Shockley, a discharge order.

Q Okay. Explain that to the Court.

A Your Honor, that November 6 of 2007, I was arrested by the Springdale Sheriff's Department and transported to the Lexington County Detention Center by Officer Bauknight. I was charged with public drunkenness, failure to stop for a police command, and malicious injury to personal property. Judge George Nickerson granted me a judge discharge and gave me credit for time served for 13 days in the detention center.

As I was detained at the detention center on November 23 of 2008 --

MR. WHITMIRE: Objection, Your Honor. What is Mr. Golson reading from, just for the Court to see the record?

MR. BROOKS: Basically he's reading where -- if you recall, I asked him had he done this time. He had finished his magistrate's court time, and this is the magistrate court time that he's referring to, which is a public drunk and failure stop for police command.

MR. WHITMIRE: What document in particular is he reading from right now? What is that?

THE WITNESS: It's a judge discharge. I was supposed to have been released from the detention center.

THE COURT: Are those your notes that you're reading from?

THE WITNESS: No, sir, it's a discharge, a judge discharge.

MR. WHITMIRE: Your Honor, I object to authentication.

THE COURT: All right. Overrule the objection.

MR. BROOKS: I will go ahead and show it to him.

THE COURT: Okay.

BY MR. BROOKS:

Q Eddie, what you're reading is a report from the Lexington County Detention Center?

A Yes, sir.

Q Where it has the magistrate having sentenced you to those three magistrate's court charges?

A No, sir, I pled guilty.

Q Well, he sentenced you to those charges as a result of your guilty plea?

A From the incident, yes, sir.

Q Okay. And on it, it has time served and a fine?

A Yes, sir.

Q That's what you're referring to; is that correct?

A That's correct.

Q And after you had the time served, you continued to sit in the Lexington County Detention Center for several

months?
A Yes, sir, 11 months.
Q And you were never arrested on the burglary?
A Never arrested. Was never served any arrest warrants.
Q And that's what you're contending here in this court as a part of your PCR; is that correct?
A Yes, sir, it is.
Q Okay. Now, I think we covered that unless there's something else about the arrest. Is there something else we didn't tell the Judge?
A No, sir, there's nothing else about it.
Q Okay. Now, any other allegations that you wanted to tell the Judge about?
A About these warrants, yes.
Q Okay. What else do you want to tell the Judge about those warrants? And what warrants are you referring to?
A The burglary first degree. I have three counts of first degree burglary.
Q And what is it that you want to tell the Court about those warrants?
A That the magistrate judge, William G. Shockley, did not have territorial jurisdiction to issue these warrants for a crime that happened in the city of West Columbia, which is a totally different area of Lexington County.

West Columbia is the 6th district and Swansea, Judge Shockley, would be the 4th district magistrate court judge.

Q So you're saying that the magistrate didn't have the authority to issue the arrest warrant?

A Yes, sir. He would not have, and he didn't.

Q Okay. Is there anything else about the arrest warrants that you want to tell Judge Gibbons here today?

A Yes, sir. I would like Judge Gibbons to please, sir, review these warrants, that Judge Shockley did not sign or issue these warrants against me.

Q And you have those with you there, Mr. Golson?

A Yes, sir, I do.

Q Okay. Now, Mr. Golson, what you handed me is blank copies of warrants; is that correct?

A Yes, sir.

Q And these are the things that you wrote and obtained on your own; is that correct?

A Yes, sir, from the Clerk of Court.

Q And it's your contention that these things were never signed?

A Exactly. He never issued a warrant, yes, sir.

Q Okay. And these are the ones that you got back that are not signed?

A Exactly.

Q And you wish for these things to be considered by the Court; is that correct?

A Yes, sir, I do.

MR. BROOKS: Your Honor, at this time we would ask to submit this into evidence, these three arrest warrants that are not signed, two of them for -- one of them for burglary and another one -- another two for possession of a weapon, one for the sale and delivery of a pistol. I've shown them to opposing counsel.

THE COURT: All right. Mr. Whitmire.

MR. WHITMIRE: Just for the record, Your Honor, objection to authentication again. Furthermore, best evidence. The clerk's records are at Your Honor's disposal in the packet, including a signed arrest warrant and indictment.

THE COURT: The argument really goes to admissibility rather than -- excuse me -- credibility rather than admissibility. I'm going to allow them in. I'm not a jury, but I am the finder of fact, but I will allow them in and give them what deference they need to be given. So let's mark them then as one exhibit collectively.

THE WITNESS: Mr. Brooks, I also have a --

MR. BROOKS: Hold on.

(WHEREUPON, Applicant's Exhibit No. 1 was marked for identification and received into evidence.)

BY MR. BROOKS:

Q Mr. Golson, you had something else to say?

A Yes, sir. I apologize for the interruption.

Q That's all right.

A I also have the certificate of transmittal order, Rule 3, magistrate court. And also a commitment order, which Judge Shockley did not sign, to commit me to the detention center as well as the documentation from the detention center where I was never accepted or committed to the detention center.

Q And that goes further towards your argument that you were never arrested on these charges?

A Yes, sir, it does.

Q Okay.

A It's all related.

Q And you got those documents there?

A Yes, sir, I do.

Q May I see them?

A Yes, sir.

Q This is a warrant?

A Yes, sir.

Q This is all of it?

A Yes, all that's pertaining to the warrant.

Q Okay. Mr. Golson, just for clarification, this is the judge's discharge of the magistrate's court charges, the booking reports from the Lexington County Sheriff's Department, the detention center detainer, certificate of transmittal, commitment, a letter from Judge Whittle, the magistrate, in regards to a preliminary hearing, the warrants division of the Lexington County Sheriff's Department, and the index from the General Sessions Clerk of Court here in Lexington County?

A Yes, sir.

Q And it's your desire to move these into evidence so the Judge Gibbons can consider them as to your claim; is that correct?

A Yes, sir, that's correct.

MR. BROOKS: Okay.

Your Honor, we'd move them into evidence.

THE COURT: Same objection, Solicitor? Or, excuse me, Mr. Attorney General?

MR. WHITMIRE: Yes, sir. I'd renew my objection, correct.

THE COURT: All right. Objection overruled. It's admitted into evidence collectively as Applicant's 2.

(WHEREUPON, Applicant's Exhibit No. 2 was marked for identification and received into evidence.)

BY MR. BROOKS:

Q All right. Mr. Golson, we covered the arrest discharge issue. Are there any other issues that you wanted to raise here today?
A Yes, sir, I do.
Q Okay.
A It would be that I have the Lexington County Sheriff's Department investigators that was called on the crime scene from August 18, the night the burglary happened.
Q Yes, sir.
A And the case number, which would be 07070513, the beginning of the series is nonexistent and end of the series is nonexistent. And I also have a Lexington County Sheriff's Department evidence property, which nobody at the -- the custodian at the sheriff's department received any evidence pertaining to this case.
Q Okay. So what you're saying is, you're saying that Lexington County didn't have any evidence?
A They didn't have any from the location of the incident at all. It never existed.
Q Okay. And you want the Court to consider those documents you have as part of your case?
A Yes, sir, I do. They were provided to me by the Clerk of Court, Beth Ann Carrig.
Q Okay. What documents you want me to present to the

Court?
A This would be dated June 10th, where she provided me with the information that we do not have this case number and that we do not have a copy of your Rule 6.
Q Basically the letters from the Clerk of Court?
A Yes, to verify this case.
Q Is there another letter?
A Yes, sir. There's four documents from the Clerk of Court.
Q You want to hand me those documents?
A Okay. You want me to explain them?
Q We'll come to that in a minute.
A Okay. There you go. Thank you, sir.
Q All right. Now, Mr. Golson, these documents are the letters that you have written to the Clerk of Court; is that correct?
A Yes, sir.
Q Asking for, I believe, evidence in your case?
A Information pertaining to that criminal case.
Q And their response to you was what?
A That they do not have a Rule 5 or a Rule 6.
Q Now you took this to mean they did not have a case against you; is that correct?
A Exactly.
Q And this is after you had gone to trial and had been

convicted and in the Department of Corrections that you wrote for this information?
A Yes, sir, I did.
Q Okay. And it's your desire to have these things submitted as a part of Judge Gibbons' review of your post-conviction relief application here today; is that correct?
A Yes, sir, I do.
MR. WHITMIRE: Judge, are those letters directed to the applicant?
MR. BROOKS: Your Honor, we would move it into evidence. I believe the Attorney General has the same objection.
THE COURT: Same objection?
MR. WHITMIRE: No, Your Honor. Mr. Golson's the recipient of those letters, they're directed to him.
THE COURT: Okay. Entered then collectively, staple it together as Applicant's 3.
(WHEREUPON, Applicant's Exhibit No. 3 was marked for identification and received into evidence.)
BY MR. BROOKS:
Q Mr. Golson?
A Yes, sir.
Q Anything else we haven't covered?
A Yes, sir. I would like to cover the fingerprint

analysis that was lifted from the crime scene.
Q Fingerprint analysis that was lifted from the crime scene?
A Yes, sir.
Q And what's the issue with that? Explain that to the Court.
A Okay. During the night of the burglary of August 18, 2007, there was six fingerprints and two palm prints lifted from the crime scene; that Officer W.G. Johnson with the Lexington County Sheriff's Department examined them and they came back negative, they did not match my fingerprints or my palm prints.

MR. WHITMIRE: Objection, hearsay.

THE WITNESS: I have the results.

THE COURT: Hang on. He's objected as hearsay.

MR. BROOKS: It's his position that these are the documents that he received that he wrote the --

THE WITNESS: The Office of General Counsel at the sheriff's department.

MR. BROOKS: That's what he's testified to.

THE COURT: All right. I'm going to overrule the objection. I will allow it in.

BY MR. BROOKS:
Q Now, let me ask you this, Mr. Golson: These are documents that you wrote the general counsel at the

sheriff's department and they sent back to you; is that correct?
A Yes, sir. I requested them under the Freedom of Information Act from Mr. John Tate with the Lexington County Sheriff's Department.
Q And this is what they sent to you?
A Yes, sir.
Q And basically these are the documents showing the fingerprints that were taken as a part of your case?
A Yes, sir, it is.
Q Okay. And why is that important in your case?
A Because these fingerprints prove that I was not the person that was inside of the house. These fingerprints were found at six different locations inside this residence, but they did not match my fingerprints or palm print.
Q Okay.
A But I was accused of these charges.
Q Okay. All right. And you got this information after you had gone to prison; is that correct?
A Yes, sir.
Q Okay. Can I see those documents?
A Yes, sir. As well as footprints.
Q These are documents you want to get into evidence, fingerprints and shoe prints taken by the sheriff's

department in the investigation of the case?

A Yes, sir, I do.

MR. BROOKS: Your Honor, we'd ask to move this in. I believe this would be number four.

THE COURT: Same objection?

MR. WHITMIRE: Yes, Your Honor.

THE COURT: All right. Introduced over objection as Applicant's 4.

(WHEREUPON, Applicant's Exhibit No. 4 was marked for identification and received into evidence.)

BY MR. BROOKS:

Q Mr. Golson?

A Yes, sir.

Q We have got the arrest warrants, the fingerprints. What else do we need? Are we missing anything else?

A Yes, sir, Mr. Brooks.

Q All right. What else we got?

A DNA results.

Q Okay. Who did you write to about the DNA results?

A Mr. Thomas Berry, Thomas W. Berry at SLED, Freedom of Information Act coordinator.

Q You did that under the Freedom of Information Act?

A Yes, sir, I did.

Q And what did you get?

A He gave me the results from the blood and the swabs

from the beer can that was collected from the crime scene.
Q Okay. And why is that important in your case?
A Because the blood that was collected from the crime scene and the swab from the beer can did not match my DNA --

MR. WHITMIRE: Objection, hearsay.

THE WITNESS: -- profile that was on record.

THE COURT: Objection overruled. Go ahead.

BY MR. BROOKS:
Q Go ahead and finish answering.
A Okay. The blood from the broken glass and the swab from the beer can that was collected from the crime scene was entered into the state database and it did not match my DNA profile. These results were conducted on November 25th of 2008. The crime happened on August 18th of 2007. And my DNA was submitted to the State database in the year of 2004. So this would have been impossible for me to escape that.
Q And these are the documents that you received from SLED when you wrote off after you were incarcerated?
A Yes, sir. I have them with me.
Q And it's your desire to put these documents in evidence for consideration by the Judge today?
A Yes, sir, I do.

MR. BROOKS: Okay.

MR. WHITMIRE: Your Honor, just for the record, I'm going to object on foundation. There is no one from SLED here to authenticate these.

THE COURT: Objection overruled. Introduced over State's objection as Applicant's 5 collectively.

(WHEREUPON, Applicant's Exhibit No. 5 was marked for identification and received into evidence.)

BY MR. BROOKS:

Q All right. Mr. Golson, you got DNA, you got fingerprints, the arrest warrants. Anything else?

A Yes, sir, Mr. Brooks.

Q What else we got?

A I have the remittal that was sent down from the Court of Appeals. This was handed down on May 15th. It was transferred to Ms. Beth Ann Carrig at the Clerk of Court, but she did not process it. It was never filed.

Q Are you sure you want the Judge to see that?

A If it's going to be a problem, then I guess not.

Q The only thing that document shows is that your case was on appeal?

A Yes, sir.

Q The appeal was done and exhausted and the Judge actually has it in the file.

A Okay. Well, I have one more issue I'd like to raise.

Q Okay. What issue is that?

A It's an expungement order which was granted to me by the circuit court judge, Mr. William Paul Keesley, and the circuit solicitor, Mr. Richard Herbert, signed off on it expunging the record for these charges that I'm incarcerated for.
Q Expunging you of these charges that you're incarcerated for?
A Yes, sir.
Q Are you sure that that's what it says?
A Well, two of them, both the weapon charges which was dismissed.
Q Okay. Is that the expungement order that you wrote off and asked to be expunged because those charges had then been nol prossed by the solicitor's office?
A Yes, sir.
Q Okay. And the Court signed off on that expunging that from your record?
A Yes, sir.
Q Okay. And that's the expungement order you want to show the Court?
A Yes, sir.
Q How is that important to your PCR case?
A Because it proves that during the time of my preliminary held on March 17th of 2008, even though Judge Shockley did not issue the warrant, Judge Scott Whittle

conducted a preliminary hearing and dismissed the entire case.

Q Okay. And that letter from that judge is actually in the documents we've already submitted to the Court; is that correct?

A Yes, sir.

Q Okay. So you want the Court to see this expungement; is that correct?

A Yes, sir, I do.

Q Okay. You got that?

A Yes, sir.

Q Is that it right here?

A Yes, sir.

MR. WHITMIRE: Same objection, Your Honor.

THE COURT: All right. Objection overruled. Introduced as Applicant's 6.

(WHEREUPON, Applicant's Exhibit No. 6 was marked for identification and received into evidence.)

BY MR. BROOKS:

Q All right, Mr. Golson?

A Yes, sir.

Q Missing anything else now?

A Yes, sir.

Q We've got it all in now, haven't we?

A No, sir. I have another issue.

Q What's your other issue?
A I have a South Carolina Department of Corrections memorandum, a duly sworn affidavit which was provided to me by Ms. Erlene Williams stating that on Tuesday, November 17th of 2009, at approximately 2:20, Ms. Phyliss News called -- had a phone -- received a phone call from the --

MR. WHITMIRE: Objection, hearsay. And there's no foundation to authenticate.

THE COURT: I will sustain that objection.

BY MR. BROOKS:
Q All right. You can't use that one.
A Okay.
Q Now, is that pretty much everything?
A Yes, sir.
Q All right. I'm going to go ahead and sit on down and let Mr. Whitmire ask you any question, okay?
A Okay.

THE COURT: Mr. Whitmire, your witness.

CROSS-EXAMINATION

BY MR. WHITMIRE:
Q Good morning, Mr. Golson.
A Good morning.
Q A few questions for you.

The crime for which you were convicted of

occurred, I believe, in August of 2007; is that correct?
A Yes, sir, August 18th.
Q The arrest warrant was processed and served on you in September of '07, a month later?
A No, sir. It was never served on me.
Q But you entered the Department of Corrections on September 26, 2008; is that correct?
A Yes, sir.
Q Why did you enter the Department of Corrections?
A I was sentenced by Judge Clifton Newman on September 23 of 2008, for a violation of probation, the charge that I had in Calhoun County, St. Matthews.
Q Now, was picking up this charge and subsequent conviction --
A Say that again.
Q Picking up this burglary first charge, did that lead to your probation revocation?
A No, sir.
Q Now, were you represented at this probation revocation hearing?
A Yes, sir.
Q Now, did you explain to your lawyer any issues with these arrest warrants or the numerous things that you have brought here today?
A No, sir, I haven't. I didn't think they existed.

Q Now, when's the first time you met with Ms. Fullwood?
A Back in 2009, I guess. It's been six years ago.
Q How many times do you recall meeting with her?
A Recall meeting with her?
Q Uh-huh.
A Once.
Q Just once?
A Yes.
Q Do you recall giving her your version of the facts?
A No, sir, I haven't.
Q You never told her why you were innocent?
A No. These charges didn't exist.
Q So they were --
A The only thing I discussed with her is that could she get my paperwork transferred to Lexington County so I can get this probation time behind me.
Q Now they just brought you from SCDC to stand trial on a burglary first?
A Yes, they did. But they didn't have any arrest warrants for my arrest. I have the paperwork right here on that.
Q Now, did you tell Judge McMahon or tell anybody in the courtroom that this is all happening to you?
A Say that again.
Q Did you tell anyone in the courtroom on the record

that you had no idea why you were being charged, arrested and tried?

A No, sir, I don't.

MR. WHITMIRE: No further questions, Your Honor.

THE COURT: Any redirect?

REDIRECT EXAMINATION

BY MR. BROOKS:

Q Mr. Golson, this is all information you found out after you were incarcerated; is that correct?

A Correct.

MR. BROOKS: No other questions.

THE COURT: Thank you, sir. You may step down.

Call your next witness.

MR. BROOKS: Judge, that's the Applicant's case.

THE COURT: All right. Applicant rests.

Mr. A.G.

MR. WHITMIRE: Your Honor, the respondent calls Ms. Fullwood.

THE COURT: Ma'am.

THE CLERK: Place your left hand on the Bible.

ELIZABETH FULLWOOD, after being duly sworn, testified as follows:

THE CLERK: If you'll have a seat and state your name.

THE WITNESS: Elizabeth Fullwood,

F-U-L-L-W-O-O-D.

DIRECT EXAMINATION

BY MR. WHITMIRE:

Q Good morning, Ms. Fullwood.

A Good morning.

Q I appreciate you being extraordinarily patient today. I have just a few questions for you.

How long have you been practicing law?

A Since 1979.

Q And the area of your practice is?

A Primarily criminal defense.

Q How long have you been practicing criminal defense in Lexington County?

A Exclusively since 1991.

Q And what is your current title at the Public Defender's Office?

A I am the public defender for Lexington County.

Q Now, do you recall your representation of Mr. Golson in the burglary first trial?

A Yes, sir.

Q When were you appointed on his case?

A We were appointed to represent him -- let me find the order of an appointment.

Actually, I don't see the order of appointment, but I can tell you that one of our staff members did an

intake interview with him on November 14, 2007. He had been arrested on November 7, 2007.

Q And do you recall your first meeting with Mr. Golson?

A Yes, sir. I first met with him on December 4, 2007.

Q How many more times did you meet with him leading up to his trial?

A Let me sort of -- it looks like I met with him at least four times prior to the trial.

It was sort of unusual. We were appointed on this burglary charge and the associated offenses. Then he in September of 2008 had a probation revocation hearing where he was revoked in full, so he was sent to SCDC.

I see that he at least came back in December of that year for a Schmerber hearing and I had some contact with him then.

Then I made arrangements to have him transported from SCDC to the Lexington County Jail for housing in the week or two before his trial so that we could have easier access to each other for trial preparation purposes.

Q And did he ever have any doubt that the offense for which he was charged and convicted occurred?

A Pardon me?

Q Did he ever have any doubts of why he was being called to trial for burglary first degree?

A If he did, he didn't express it to me.

Q And he was indicted, I believe, or true-billed, I believe, on March 31, 2009; is that correct?
A I don't know off the top of my head, but it would be in the record.
Q Do you recall any potential issues surrounding his arrest warrant leading up to the indictment and true bill?
A No, there weren't. The indictment -- the warrants in my file show that they were served on him. They have a return. On the return -- you know, the return section of the warrant is filled in.

We did have a preliminary hearing on March 17th of 2008, and at that time only the first degree burglary and witness intimidation charges were bound over and two other charges were not. But I don't think they resurrected those other charges that got dismissed at preliminary hearing through a direct indictment.

Q Two more questions for you.

Did you receive full discovery in this case?
A Oh, yes.
Q Supplemental amendments, too?
A Yes. And we sent him copies of all discovery.
Q Did you independently evaluate and investigate the SLED DNA reports?
A Yes.
Q Did you see any potential issue regarding those

reports?

A No. There was none.

Q And you did raise a -- I believe a collateral issue regarding chain of custody?

A I don't have any independent recollection of that trial right now. If it's in the transcript, I did.

MR. WHITMIRE: For Your Honor notes, the issue was preserved for appeal.

THE COURT: Okay.

MR. WHITMIRE: No further questions. Thank you so much, Ms. Fullwood.

THE COURT: Mr. Brooks.

MR. BROOKS: Beg the Court's indulgence.

THE COURT: Yes, sir.

(Pause.)

MR. BROOKS: No questions, Judge.

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

Call your next witness.

MR. WHITMIRE: Your Honor, respondent rests at this time. Happy to answer any questions Your Honor has.

THE COURT: Respondent rests.

Anything in reply, Mr. Brooks?

MR. BROOKS: No, sir, Your Honor.

THE COURT: All right. Let me hear argument.

Mr. Brooks, let me hear from you first.

MR. BROOKS: May it please the Court, Judge.

You heard from my client. He's testified about the issues with the arrest warrant, being notified he was actually going to trial for the burglary case. You heard from him about the results of the investigation that was sent to him that he made a request for through the Freedom of Information Act, the DNA as well as the expungement order. It's my client's contention that the State did not have jurisdiction to try him, and as such, he respectfully asks this Court to grant his post-conviction relief application and give him a new trial.

THE COURT: Mr. Whitmire.

MR. WHITMIRE: Your Honor, just addressing the jurisdictional question, pursuant to U.S. V Cotton, 535 U.S. 625, and State V Gentry, 363 S.C. 93, issues concerning indictments or arrest warrants, the defectiveness of them, does not deprive the Court of General Sessions on subject matter jurisdiction. I believe Ms. Fullwood testified that he had been properly indicted and that she saw no reason to challenge that indictment. Furthermore, the whole purpose of the law is that he is on notice to answer the accusations before the Court, and the record clearly shows that he was on notice. He met with his attorney four times.

I will let the rest of the record speak for itself.

THE COURT: All right. I reviewed all the documents submitted by applicant as well as reviewed the record, including the record on appeal where the case was affirmed by the South Carolina Court of Appeals, and based upon the testimony and evidence presented, I deny the application. If you'll prepare the order.

MR. WHITMIRE: Thank you, Your Honor.

(The proceedings were concluded.)

*** END OF REQUESTED TRANSCRIPT OF RECORD ***

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)

I, CAROL M. THUEME, RPR, Official Court Reporter for the 11th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for Lexington County, South Carolina, on the 21st day of January, 2014.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

January 8, 2015

CAROL M. THUEME, RPR
Circuit Court Reporter

ARREST WARRANT

J-830115

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Lexington

THE STATE

against

Eddie Clay Golson

Address: [redacted]

Saint Matthews, SC 29135-

Phone: SSN: [redacted]

Sex: M Race: B Height: 5 8 Weight: 160

DL State: SC DL #: 008727642

DOB: [redacted] Agency ORI #: SC0320000

Prosecuting Agency: Lexington County Sheriff

Prosecuting Officer: J. B. Anderson - 0570

Offense: Burglary / Burglary (After June 20, 1985) - First degree

Offense Code: 0079

Code/Ordinance Sec: 16-11-0311

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of . The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Swansea Magistrate Court
500 Charlie Rast Road
Swansea, SC 29160

372

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Lexington)

AFFIDAVIT

DEFENDANT COPY

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant James B. Anderson who being duly sworn deposes and says that defendant Eddie Clay Golson did within this county and state, on or about 8/18/2007 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Lexington) in the following particulars:

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on August 18, 2007 during the nighttimme hours the Defendant, Eddie C. Golson, did break and enter the dwelling of Matthew Olsen at [redacted] Charleston Hwy. in the West Columbia area of Lexington county without cnsent and with intent to commit a crime therein. during the commission of this crime the Defendant did possess a pistol and has previously been convicted of a violent crime.

App 1
1/31/14 cf

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Lexington)

Affiant's Address [redacted]
Lexington, SC 29071-
Affiant's Telephone [redacted]

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 8/18/2007 defendant Eddie Clay Golson did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Lexington) as set forth below:

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me on 9/20/2007

(L.S.)

Signature of Issuing Judge

William G. Shockley

Judge Code: 5666

Judge's Address 500 Charlie Rast Road
Swansea, SC 29160

Judge's Telephone (803)785-3616

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY

373

ARREST WARRANT

J-830116

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Lexington

THE STATE

against

Eddie Clay Golson

Address: [redacted]

Saint Matthews, SC 29135-

Phone: SSN: [redacted]

Sex: M Race: B Height: 5 8 Weight: 160

DL State: SC DL #: [redacted]

DOB: [redacted] Agency ORI #: SC0320000

Prosecuting Agency: Lexington County Sheriff

Prosecuting Officer: J. B. Anderson - 0570

Offense: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

Offense Code: 0549

Code/Ordinance Sec: 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of _____. The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant _____ on _____

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Swansea Magistrate Court
500 Charlie Rast Road
Swansea, SC 29160

AUDIT COPY AUDIT COPY AUDIT COPY AUDIT COPY

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Lexington)

AFFIDAVIT

AUDIT COPY

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant James B. Anderson who being duly sworn deposes and says that defendant Eddie Clay Golson did within this county and state on or about 8/18/2007 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Lexington) in the following particulars:

DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

that on August 18, 2007 during the nighttime hours the Defendant, Eddie C. Golson, did break and enter the dwelling of Matthew Olsen at [redacted] Charleston Hwy. in the West Columbia area of Lexington County without consent and with the intent to commit a crime therein. During commission of the this crime the Defendant did possess a pistol and has been previously been convicted of a violent crime.

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Lexington)

Affiant's Address [redacted]
Lexington, SC 29071-
Affiant's Telephone (803)785-8230

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 8/18/2007 defendant Eddie Clay Golson did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Lexington) as set forth below:

DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 9/20/2007

(L.S.)

Signature of Issuing Judge

William G. Shockley

Judge Code: 5666

Judge's Address 500 Charlie Rast Road
Swansea, SC 29160
Judge's Telephone (803)785-3616

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

AUDIT COPY AUDIT COPY AUDIT COPY AUDIT COPY

ARREST WARRANT

J-830117

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Lexington

THE STATE

against

Eddie Clay Golson

Address: [redacted]

Saint Matthews, SC 29135-

Phone: SSN: [redacted]

Sex: M Race: B Height: 5 8 Weight: 160

DL State: SC DL #: [redacted]

DOB: [redacted] Agency ORI #: SC0320000

Prosecuting Agency: Lexington County Sheriff

Prosecuting Officer: J. B. Anderson - 0570

Offense: Weapons / Sale or delivery of pistol to, and possession by, certain persons unlawful, stolen

Offense Code: 2364

Code/Ordinance Sec: 16-23-0030, 0050

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of _____. The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on _____

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Swansea Magistrate Court
500 Charlie Rast Road
Swansea, SC 29160

374

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Lexington)

AUDIT COPY

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

AFFIDAVIT

Personally appeared before me the affiant James B. Anderson who being duly sworn deposes and says that defendant Eddie Clay Golson did within this county and state on or about 8/18/2007 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Lexington) in the following particulars:

DESCRIPTION OF OFFENSE: Weapons / Sale or delivery of pistol to, and possession by, certain persons unlawful, stolen pistol

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on August 18, 2007 during the nighttime hours the Defendant, Eddie C. Golson, did break and enter the dwelling of Matthew Olsen at [redacted] Charleston Hwy. in the West Columbia area of Lexington County without consent and with the intent to commit a crime therein. During commission of the this crime the Defendant did possess a pistol and has been previously been convicted of a violent crime.

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Lexington)

Affiant's Address: [redacted]
Lexington, SC 29071-

Affiant's Telephone: (803)785-8230

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 8/18/2007 defendant Eddie Clay Golson did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Lexington), as set forth below:

DESCRIPTION OF OFFENSE: Weapons / Sale or delivery of pistol to, and possession by, certain persons unlawful, stolen pistol

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me on 9/20/2007

(L.S.)

Signature of Issuing Judge

William G. Shockley

Judge Code: 5666

Judge's Address: 500 Charlie Rast Road
Swansea, SC 29160

Judge's Telephone: (803)785-3616

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

AUDIT COPY AUDIT COPY AUDIT COPY AUDIT COPY AUDIT COPY AUDIT COPY AUDIT COPY

10/16/2009 11:09 803951[illegible] WARRANT DIVSION PAGE 04/04

SAllen 303012 May Rel 11-2005

Lexington County Sheriff's Department

Phone: 803-785-2439
Fax: 803-785-2401

Lexington County Sheriffs Department
Warrant Division
P.O. Box 639
Lexington, SC 29072

Fax - Recalled Warrants

To: SCDC Records
896-2749

From: Lexington County Sheriff's Department
Warrant Division

Contact Officer: Gail Fox
Subject: Golson, Eddie #303012

Date sent: 10/16/09
Time sent: 1100
Number of pages including cover page: 1

Please return the following Warrant(s) to this agency.

Subject:	
Warrant Number	
J830115	Burg 1st / Dismissed
J830116	Weapons / Dismissed
J830117	Stolen Gun / Dismissed
J830118	Intimidate Witness / Dismissed

Copy 2 12-14-09 GF

LCSD 150 Revised 9/08

Thanks, will not be picking up Subject

Please Contact Springdale P.D. on Ticket 4960AL, 3895302

RD

General Sessions

CASE HISTORY FOR CASE J830116

The State of South Carolina VS Eddie Clay Golson

FILED DATE: 11/16/2007 | CASE TYPE: GS | STATUS: Dismissed

JUDGE: Clerk Of Court C P, G S, And Family Court

ARRESTING AGENCY: Lexington County Sheriff

CASE PARTIES:

Defendant Golson, Eddie Clay
[redacted], Saint Matthews, SC 29135-7923

Officer Anderson, J B
P O Box 639, Lexington, SC 29071

CASE HISTORY FOR CASE J830116

Golson, Eddie Clay [redacted] Age: 46 DL#: [redacted] DOB: [redacted] SSN: [redacted]

Saint Matthews, SC 29135-7923

CHARGE		VIOL. DATE	DISPOSITION	DISP. DATE
0549	Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death	8/18/2007	Dismissed at Preliminary Hearing	3/17/2008

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
Charge: Weapons / Poss. weapon during violent crime, if not also sentenced to				
Fine to State 44%	$0.00	$0.00	$0.00	999
Fine to General Fund	0.00	0.00	0.00	999
Victim Services Asm 38.0013% / 5.783	0.00	0.00	0.00	999
Victim Conviction Surcharge $100 / $2!	0.00	0.00	0.00	999
Law Enforcement Funding Surcharge $	0.00	0.00	0.00	999
State Assessment	0.00	0.00	0.00	999
Total:	$0.00	$0.00	$0.00	

)ATE	TIME	EVENT DESCRIPTION
/18/2007	10:48 AM	Filing recorded: Filing/GS Case File
1/29/2007	12:00 AM	Filing recorded: Motion for Disclosure of Evidence Favorable to Def
/17/2008	12:00 AM	Filing recorded: Motion/Motion

General Sessions

CASE HISTORY FOR CASE J830117

The State of South Carolina VS Eddie Clay Golson

FILED DATE: 11/16/2007 | CASE TYPE: GS | STATUS: Dismissed

JUDGE: Clerk Of Court C P, G S, And Family Court

ARRESTING AGENCY: Lexington County Sheriff

CASE PARTIES:

Defendant Golson, Eddie Clay
[redacted] Saint Matthews, SC 29135-7923

Officer Anderson, J B
P O Box 639, Lexington, SC 29071

CASE HISTORY FOR CASE J830117

Golson, Eddie Clay Age: 46 DOB: [redacted]
[redacted] DL#[redacted] SSN: [redacted]

Saint Matthews, SC 29135-7923

CHARGE		VIOL. DATE	DISPOSITION	DISP. DATE
2364	Weapons / Sale or delivery of pistol to, and possession by, certain persons unlawful, stolen pistol	8/18/2007	Dismissed at Preliminary Hearing	3/17/2008

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
Charge: Weapons / Sale or delivery of pistol to, and possession by, certain pe				
Fine to State 44%	$0.00	$0.00	$0.00	999
Fine to General Fund	0.00	0.00	0.00	999
Victim Services Asm 38.0013% / 5.783	0.00	0.00	0.00	999
Victim Conviction Surcharge $100 / $2!	0.00	0.00	0.00	999
Law Enforcement Funding Surcharge $:	0.00	0.00	0.00	999
State Assessment	0.00	0.00	0.00	999
Total:	$0.00	$0.00	$0.00	

DATE	TIME	EVENT DESCRIPTION
3/18/2007	10:49 AM	Filing recorded: Filing/GS Case File
11/29/2007	12:00 AM	Filing recorded: Motion for Disclosure of Evidence Favorable to Def
3/17/2008	12:00 AM	Filing recorded: Motion/Motion
1/5/2011	12:00 AM	Filing recorded: Letter/Letter

General Sessions

CASE HISTORY FOR CASE J830118

The State of South Carolina VS Eddie Clay Golson

FILED DATE: 11/16/2007 | CASE TYPE: GS | STATUS: Nol Prossed

JUDGE: Clerk Of Court C P, G S, And Family Court

ARRESTING AGENCY: Lexington County Sheriff

CASE PARTIES:

Defendant Golson, Eddie Clay
[redacted] Saint Matthews, SC 29135-7923

Officer Anderson, J B
P O Box 639, Lexington, SC 29071

CASE HISTORY FOR CASE J830118

Golson, Eddie Clay
[redacted]
Saint Matthews, SC 29135-7923

Age: 46
DL#: [redacted]

DOB: [redacted]
SSN: [redacted]

CHARGE		VIOL. DATE	DISPOSITION	DISP. DATE
2451	Courts / Intimidation of court officials, jurors, or witnesses (after April 1, 1996)	8/18/2007	Nolle Prosequi	4/1/2009

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
Charge: Courts / Intimidation of court officials, jurors, or witnesses (after				
Fine to State 44%	$0.00	$0.00	$0.00	999
Fine to General Fund	0.00	0.00	0.00	999
Victim Services Asm 38.0013% / 5.783	0.00	0.00	0.00	999
Victim Conviction Surcharge $100 / $2!	0.00	0.00	0.00	999
Law Enforcement Funding Surcharge $	0.00	0.00	0.00	999
SC Criminal Justice Academy Training	0.00	0.00	0.00	999
State Assessment	0.00	0.00	0.00	999
Total:	$0.00	$0.00	$0.00	

DATE	TIME	EVENT DESCRIPTION
8/18/2007	10:49 AM	Filing recorded: Filing/GS Case File
11/29/2007	12:00 AM	Filing recorded: Motion for Disclosure of Evidence Favorable to Def
9/17/2008	12:00 AM	Filing recorded: Motion/Motion
3/10/2009	12:00 AM	Filing recorded: Motion/Motion
3/24/2009	12:00 AM	Filing recorded: Request for Discovery
1/6/2011	12:00 AM	Filing recorded: Letter/Letter
9/23/2008	12:00 AM	Order/Order
12/1/2008	12:00 AM	Motion/Motion
1/20/2009	12:00 AM	Filing recorded: Bench Warrant Issued for Failure to Appear

Print Date: 10/25/2012
Print Time: 11:26:34AM
Requested By: MHUGGINS

LEXIN[redacted]ON COUNTY DETENTION [redacted]TER

Receipt of Personal Property

Top Portion to be Filled out by Transporting Officer

Arrival Time: 1726 Arrival Date: 11[redacted]7 - 0762

Name: Colson, Eddie Clay DOB: [redacted]

SSN: [redacted] Race: B Sex: M

Charges: Nat Inj to Per Property <$500; Public Drunk; Fail to Stop Police Command

Comments:

COPY

Transport Officer: (print) C Burkhart Agency: Springdale

Bottom Portion to be Filled out by the Intake Officer

Inventory of Personal Property (Color and Quantity)

Purse		Wallet	
Watch		Necklace	
Bracelet		Earrings	1 (WHT)
Lighter		Belt	BLK
Knife		Keys	
Rings			
Paper Money		Coin Money	
Other	Cellphone NO BAG OR BELT BY BIM		Charge CHEN

Clothing (on person) (Color and Quantity)

Hat	WHT	Shirt	GRY (1 WHITE T")
Pants	NO PANTS HOSPITAL PANTS	Shoes	WHT
Coat	BLK/GRY	Tie	
Dress		Skirt	
Other			

Medication: Paperwork from LRC

Medication received by medical staff employee: Injection

Suitcase, bag, etc (description)

Property Bag Number: 705

Intake Officer: McClary

Supervisor:

Released/Mailed/Other

1803

380

State of South Carolina,
COUNTY OF LEXINGTON
TOWN OF SPRINGDALE

JUDGE'S DISCHARGE

- 0771

By George Nicholson Judge in and for the State and County Aforesaid.

To the Keeper of the Jail for said County, GREETING:

FORASMUCH as Eddie C. Golson

in your custody now

389520Z - Public Drunkenness $1062.50 or 13 days
389530Z - Fail to Stop on Police Command $1062.50 or 13 day
49050AC - Malicious Inj. to Personal Prop. $1087.50 or 13 day
- Credit Time Served

hath found me sufficient sureties in that behalf.

COPY

THESE ARE THEREFORE to authorize and require you that if the said Eddie C. Golson do remain in jail for no other cause, then you forebear to detain him any longer, but suffer him to go at large, and that upon the pain that will fall therein.

GIVEN under my Hand and Seal, this 19th day of November A.D. 2007

(L.S.)

Judge

Lexington Co. Sheriff's Dept.
Booking Form
Run Date: 01/23/2008 - 14:26
ORI: SC0320000

Search Officer: [E72957] Tory MCCLAINE
Warrant No.:
Civil Process: N
Resist: N
Physical Education: N
Release Date: ?
Outdate: 11/06/2007

Warrant No:
Local Check: Y
Alcohol: N
NCIC Check: Y
Total Bond: 0.00
Release Time: 00:00

Scars/Marks/Tattoos

Type	Description
NONE	NONE

Alias Info

Type	Alias Information

Next of Kin

Relation	Name	Age	Can Visit	Notif?	Address
INVESTIGATOR	CONNELLY, LEE T		Y	N	
ATTORNEY	BAX, ARIE		Y	N	
INVESTIGATOR	PATRICK, CARLA SUE		Y	N	
ATTORNEY	FULLWOOD, BETH	53	Y	N	

Lexington Co. Sheriff's Dept.
Booking Form
Run Date: 09/23/2008 - 22:12
ORI: SC0320000

Current Booking Information

Booking Date:	11/06/2007	Booking Time:	21:02
Booking Officer:	[E71185] Christine Bates		
Search Officer:	[E72857] Tory MCCLAINE	Warrant No	
Warrant No		Local Check	Y
Civil Process	N	Alcohol	N
Resist:	N	NCIC Check	Y
Physical Education	N	Total Bond	0.00
Release Date:	?	Release Time	00:00
Outdate:	11/06/2007		

Scars/Marks/Tattoos

Type	Description
NONE	NONE

Alias Info

Type	Alias Information

Next of Kin

Relation	Name	Age	Can Visit	Notify?	Address
INVESTIGATOR	CONNELLY, LEE T		Y	N	
ATTORNEY	BAX, ARIE		Y	N	
INVESTIGATOR	PATRICK, CARLA SUE		Y	N	
ATTORNEY	FULLWOOD, BETH	53	Y	N	

LEXINGTON COUNTY SHERIFF'S DEPARTMENT
DETENTION CENTER DETAINER

Telephone: 803-785-2740/41 FAX: 803-785-2742

0761

This document is to show that an official detainer has been filed on the below listed inmate by the Lexington County Sheriff's Department- Detention Center. The inmate presently has criminal charges in this county and this shall be sufficient notice to have him or her returned to this authority immediately on demand. Having read and fully understanding this.

I, _____ of the
(Receiving Officer - Print Name)

_____ Department do hereby assume custody of the below listed inmate and I assume full responsibility for his or her security, safety and welfare while he or she is in my custody. I fully understand that the inmate will be returned to this authority upon demand of the court without delay.

Inmate's Name: GOLSON, EDDIE CLAY

Charge(s) Pending: MAL INJ, FTS, BURG 1ST, WEAPONS DURING CRIM, STOLEN GUN, INTIMID WITNESS

(w/warrant #s) 49650AL, 38953DZ, J830115, 116, 117, 118;

Bond: _____

Signature of Receiving Official: _____

Date and time of Release: _____

Name of LCDC Officer upon Return: _____

Date and Time of Return: _____

Copy LCDC Inmate File

Copy Accepting Agency

LCSD 213 Revised 7/07

CERTIFICATE OF TRANSMITTAL

** Rule 3 of the South Carolina Rules of Criminal Procedure requires the transmittal of a warrant to the clerk within fifteen(15) days of defendant's arrest.

The following papers pertaining to criminal proceedings were transmitted to the Clerk of Court on this date.

of _____ _____

County: _____

** Date Transmitted: _____

By: Code Name/Title

	State vs. Defendant (Last name, First M.)	Date of Arrest	Warrant/Ticket Number (One per line)	Dismissed at Prelim.		Page Warrant or Ticket	Papers Being Transmitted on This Date (check only which apply)		
				Yes	No		Checklist	Bond	Other (describe)*
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									

For use by Clerks only

For use by Solicitors only

The above listed documents were received on:		OPTIONAL:	
Copies transmitted to the Solicitor on:		Date Received by Solicitor	
	Clerk of Court	Received by (Initials/Date)	/

SCCA/215 (3/1990)

COMMITMENT

☐ Original Commitment

☐ Additional Charge(s)

TO: Director County Detention Center Date:

You are hereby commanded by this Court to hold in your custody,

(Defendant's name)

(Address)

DOB: Race: Sex:

Arresting officer:

Classification Officer

Records Clerk

Prior Charges

S.S. Officer

F.S. Officer

Case number	Charge	Magistrate	Bond Type	Amount
			No Bond	

Bond Denied

That you are commanded by this Court to continue custody of the named person until the person in custody is ordered to be released by a Judicial Officer.

Judge

ID Pack Number

COUNTY OF LEXINGTON

SCOTT D. WHITTLE
MAGISTRATE
500 Charlie Rast Road
Swansea SC 29160
803-785-3616

July 2
~~January 13~~, 2012

To: Mr. Eddie Golson #303012AB32
c/o Lieber C.I.
[redacted]
Ridgeville SC 29472

Mr. Golson,

I hope this letter finds you well.
I received your letter requesting the copies of the dismissal of your case during Preliminary Hearing. Please be advised that upon completion of these hearings the information is transmitted back to the Clerk of Court's Office. I see in your enclosures that you have contacted that office, they should be able to help you with your request.

Sincerely,

Scott D. Whittle
Lexington County Magistrate

COUNTY OF LEXINGTON
ELEVENTH JUDICIAL CIRCUIT

LEXINGTON COUNTY JUDICIAL CENTER
205 EAST MAIN STREET SUITE #128
LEXINGTON, S.C. 29072

GENERAL SESSIONS
FAMILY COURT
COMMON PLEAS

BETH A. CARRIGG
CLERK OF COURT

JUNE 18, 2013

EDDIE CLAY GOLSON #303012
J-830115,116,117,118

We have received your inquiry:

- ☑ Enclosed you will find copies of the information that you requested.
- ☐ Your charge(s) on file here have been faxed to SCDC; they clear up detainers.
- ☐ ALL motion(s) must be filed through your attorney.
- ☐ Your request has been forwarded to your attorney of record.
- ☐ For matters concerning PCR's, please contact the SC Attorney General's Office.
- ☐ In order to obtain a transcript, you must write to SC Court Administration, 1015 Sumter Street, Suite 200, Columbia, SC 29201. You will need to have the case number, judge's name, c[illegible] and the date of trial/plea.
- ☐ This office cannot help yo[illegible]
- ☐ SCDC calculates credit f[illegible]
- ☐ The office does not provide legal advice.
- ☐ Please speak to your attorney.
- ☑ ***Other: 1. We do not have this case #07070513 2. Contact the 11th Judicial Circuit Solicitors office for the trial roster 3. We do not have a copy of your rule 6***

App 3
1-21-14 CA

LCF 952 (4-07)

COUNTY OF LEXINGTON
ELEVENTH JUDICIAL CIRCUIT

LEXINGTON COUNTY JUDICIAL CENTER
205 EAST MAIN STREET SUITE #128
LEXINGTON, S.C. 29072

GENERAL SESSIONS
FAMILY COURT
COMMON PLEAS

BETH A. CARRIGG
CLERK OF COURT

July 16, 2012

Eddie Golson

We have received your inquiry:

Enclosed you will find copies of the information that you requested.

Your charge(s) on file here have been faxed to SCDC; they clear up detainers.

Your motion(s) must be filed through your attorney of record:

Your request has been forwarded to your attorney of record:

For matters concerning PCR's, please contact the SC Attorney General's Office.

In order to obtain a transcript, write to SC Court Administration at 1015 Sumter Street, Suite 200, Columbia, SC 29201. You will need to have the case number, judge's name and the date of trial/plea as well as the court reporter's name.

This office cannot help you with this matter.

SCDC calculates credit for time served.

This office does not provide legal advice or forms.

XX There is no record of a case pending against you on file in this office. You will need to contact the charging agency for information in regards to your charge(s).

Please speak to your attorney for answers to any legal questions you may have.

Other: There is no Motion of Discovery Rule (5) in your files.

COPY

COUNTY OF LEXINGTON
ELEVENTH JUDICIAL CIRCUIT

LEXINGTON COUNTY JUDICIAL CENTER
205 EAST MAIN STREET SUITE #128
LEXINGTON, S.C. 29072

GENERAL SESSIONS
FAMILY COURT
COMMON PLEAS

BETH A. CARRIGG
CLERK OF COURT

January 28, 2013

Eddie Clay Golson

We have received your inquiry:

Enclosed you will find copies of the information that you requested.

Your charge(s) on file here have been faxed to SCDC; they clear up detainers.

ALL motion(s) must be filed through your attorney.

Your request has been forwarded to your attorney of record.

For matters concerning PCR's, please contact the SC Attorney General's Office.

OTHER:

1. ***You will be notified if and when a hearing is scheduled in Common Please court in regards to your motion for funding.***
2. ***As no warrant is accepted by our office without a transmittal, we are only required to keep transmittals for two calendar years.***
3. ***Our office does not have an affidavit like the copy you sent in.***
4. ***Proof of service: all warrants are signed and dated on the face of the warrant by the officer serving the warrant.***
5. ***Enclosed you will find a copy of your "checklist".***
6. ***We do not have a commitment order issued by Judge Shockley.***

COUNTY OF LEXINGTON
ELEVENTH JUDICIAL CIRCUIT

LEXINGTON COUNTY JUDICIAL CENTER
205 EAST MAIN STREET SUITE #128
LEXINGTON, S.C. 29072

GENERAL SESSIONS
FAMILY COURT
COMMON PLEAS

BETH A. CARRIGG
CLERK OF COURT

December 14, 2012

Eddie Clay Golson

We have received your inquiry:

Enclosed you will find copies of the information that you requested.

Your charge(s) on file here have been faxed to SCDC; they clear up detainers.

Your motion(s) must be filed through your attorney.

Your request has been forwarded to your attorney of record.

For matters concerning PCR's, please contact the SC Attorney General's Office.

In order to obtain a transcript, you must write to SC Court Administration, 1015 Sumter Street, Suite 200, Columbia, SC 29201. You will need to have the case number, judge's name, court reporter's name and the date of trial/plea.

This office cannot help you with this matter.

SCDC calculates credit for time served.

This office does not provide legal advice.

There is no case pending against you on file with this office. You will need to contact the charging agency for information in regards to your charge(s).

Please speak to your attorney for answers to any legal questions you may have.

Other: This office did not issue a warrant against you at any time. Nor are we allowed to provide you with legal forms.

LEXINGTON COUNTY SHERIFF'S DEPARTMENT
PHOTO IDENTIFICATION TAG

PHOTOGRAPHER'S NAME	UNIT NUMBER	DATE
J. L. Hickman	541	8-18-07

SUBJECT MATTER	LCSD CASE NUMBER (IF KNOWN)
Burglary	07-070513

REMARKS	BEGINNING OF SERIES ☐	TIME
4024 Charleston Hwy	END OF SERIES ☐	TIME

USE MARKER (RATHER THAN BALL POINT OR PENCIL) TO COMPLETE BLOCKS
MARK BEGINNING BOX FOR FIRST PHOTOGRAPH, MARK END BOX ON SAME FORM FOR LAST SHOT

LCS-8381 (4-97)

LEXINGTON COUNTY SHERIFF'S DEPARTMENT
Evidence / Property Record

CASE # 07-070513 Primary Incident Type: Burglary

Location Found [redacted] Charleston Hwy W Cola S C

VICTIM(S) Matthen Olsen SUSPECT(S)

Check ☐ Placed in evidence locker # :

OR:

Check ☐ Handed to Custodian

Date & Time Obtained: 8-18-07 / 0115

Date & Time turned into Evidence Room 8-23-07 / 1000

Disposition Code Definitions
D-Destroyed R-Released
A-Agency Au-Auction

Evidence Room Use Only

Item #	Quantity	Description (Include SERIAL # MAKE BRAND COLOR MODEL - WHEN APPLICABLE)	Location in Evidence Room	Disp. Code	Disposition Date
	1	Door Knob			
	1	Brown Paper Bag			
	1	Empty Hurncane High Gravity 24 o0z Beer Can			
	1	Broken Glass			
	1	Swab			
	6	3X5 Latent Print Cards			

BAR CODE

HOLD AS:

EVIDENCE ☒

RECOVERED ☐

FOUND ☐

SEIZED ☐

Found or Recovered by Officer: PRINT NAME: J. L. Hickman SIGN NAME: J. L. Hickman "E" Number: E70618

Receiving Custodian: PRINT NAME SIGN NAME DATE & TIME

LCSD 048, Revised 6/04

Sheriff
James R. Metts, Ed. D.

LEXINGTON COUNTY SHERIFF'S DEPARTMENT

Latent Print Examination

1325

DATE: 9/9/08

CASE #: 07-070513

DATE RECEIVED: 8/12/08

REQUESTED BY: Investigator Brian Anderson

VICTIM: Matthew Olsen SUSPECT:

This is an official report of the Lexington County Sheriff's Department ID Section and is to be used in connection with an official criminal investigation. This examination was conducted under your assurance that no previous examinations in this case has been conducted or will be conducted by any other agency.

ITEMS RECEIVED:

Six transparent lifts, Item #6

RESULTS:

Six latent fingerprints and two latent palm prints o[illegible]ur lifts. No latent prints of value are present on the remaining [illegible]

Copied 1.21.14 CL

The latent fingerprints are not identical with the fingerprints of Eddie C. Golson, DOB: 10/30/66, SS# 251-31-0831. No palm prints are available for this individual.

AFIS searches were conducted and no identification was effected.

EXAMINED BY: W. D. Johnson
W.D. Johnson ID Officer

Date: 8-18-07 Officer: Bwalch Case No.: 07-070513

Victim: Matthew Olson

Address of Incident: 4024 Charleston Hwy

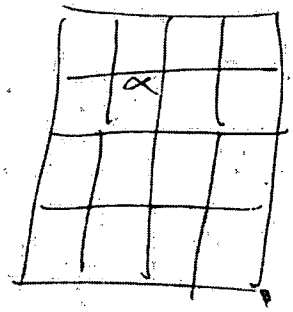
Location of Latent Prints Lifted: Inside on glass of Point of Exit

Prints Lifted by: JT ID No.:

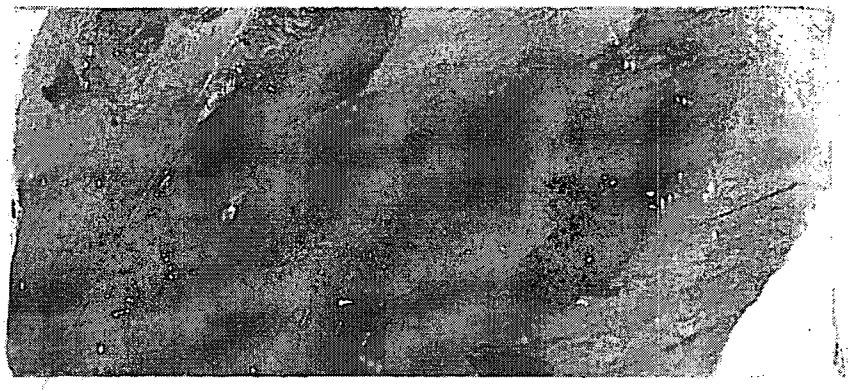
Aurial Forensics • (304) 485-1636 www.aurialforensics.com

Re-Order #: 2501

Sketch Other Impacts



JT 9/4/08 6.1



JT

8-18-07 | Burglary | 07-070373

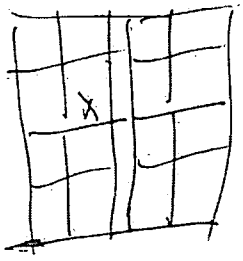
Matthew T. Olson

4024 Charleston

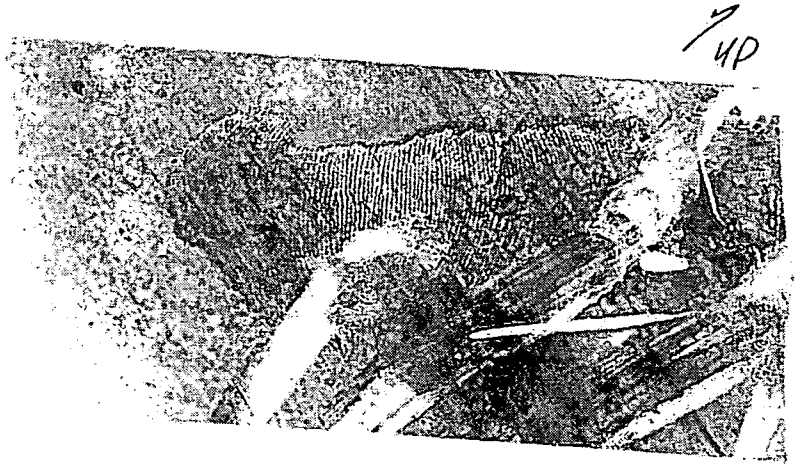
Inside on glass at Point of ent.

Prints Lifted by: JT

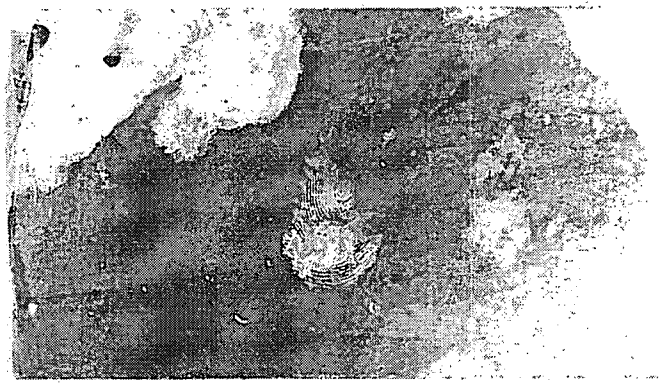
Arnold Fernandez • (916) 485-1834
www.arnoldfernandez.com



9/14/08 6.2



UP



Date	Officer	Case No.
8-18-07	Burdsall	07-010573

Owner
Matthew Olson
Address of Property
4024 Charleston Hwy
Building or Labeled Prints Added

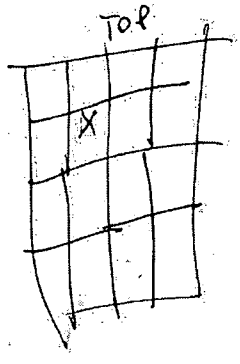
Inside glass at
Point of exit

Prints Lifted by: VH | ID No.

Arnold Fingerprints • (864) 442-1636
www.arnoldfingerprints.com

Re Order #: 1-9501

— Sketch and/or Remarks —



8/14/08
6.3

Date: 8-18-07 | Comm: Bowdoy | Case No.: 07-070513

Victim: St Matthew Place

Address of Incident: 4024 Charleston Hwy

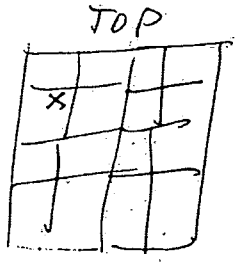
Location of Latent Prints Lifted: Inside on glass at Point of exit

Print Lifted By: JT | ID No.:

Arrow Fingerprints • (504) 488-[illegible]

Re Cards: [illegible]

Sketch and/or Remarks



9/4/08
6.4

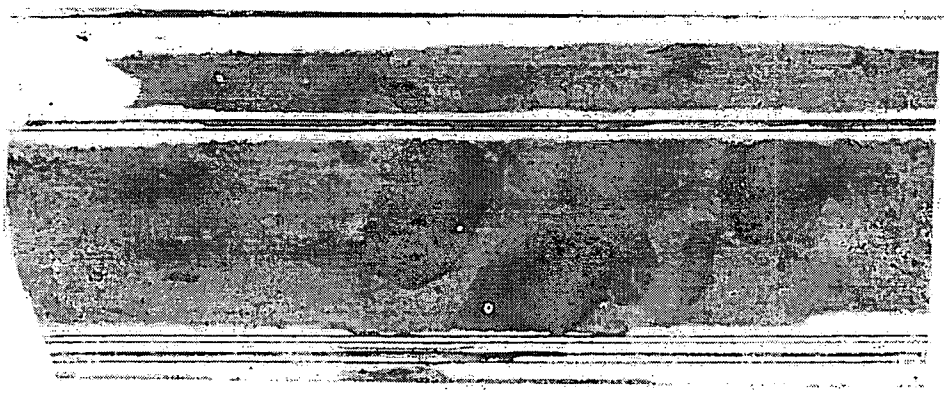
Date: 8-18-07 Garage: Burbank Claim No.: 07-090573

Matthew T. Olsen
4024 Charleston Ave

on ladder

Photos Taken by: JT ID No.:

9/4/08
6.5



8-18-07 Burglary 07-070373

Matthew T. Olsen

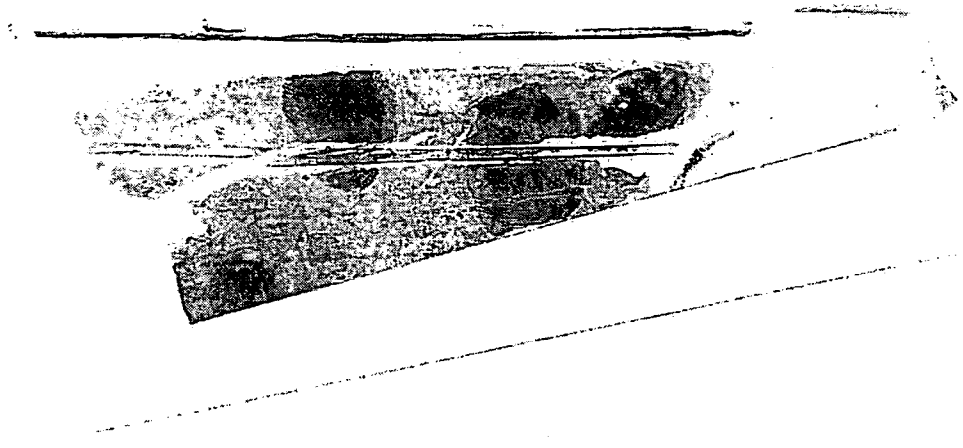
4024 Charleston Hwy

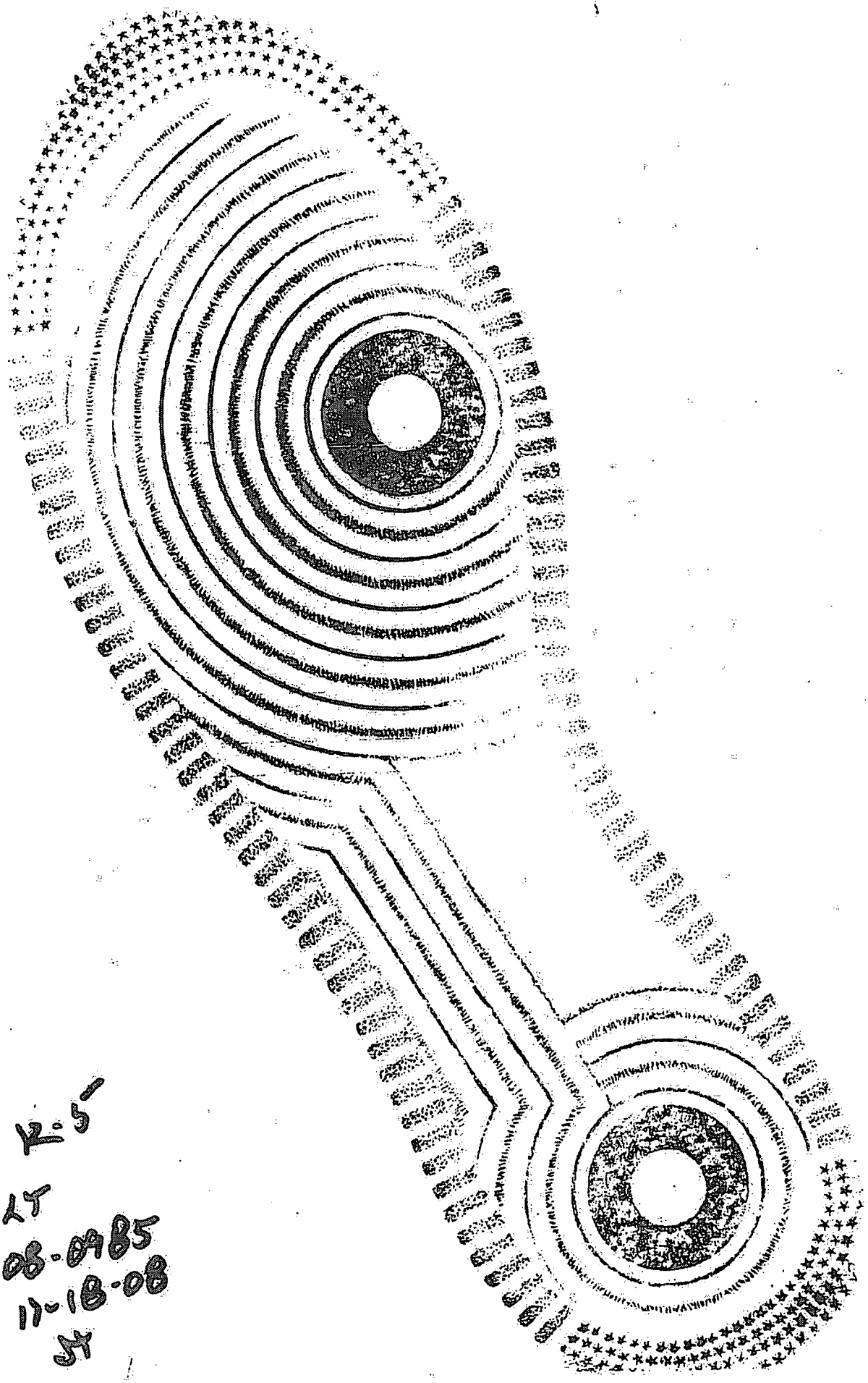
on ladder

Prints Lifted by: ID No.

Signal Forensics • (916) 485-1836
www.signalforensics.com

9/4/08
6.6





K-5

LT

08-0985

11-18-08

SP

EDDIE GOLSON POINTS

Victim cannot identify

Fingerprints do not match Golson's

No physical evidence found inside the house can be matched to Golson

Tape from the Kangaroo

Byron did not report threats prior to 9/18

No pending criminal prosecution

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

MARK SANFORD
Governor

REGINALD I. LLOYD
Director

November 13, 2008

Det. James Brian Anderson
Lexington County Sheriff's Department
521 Gibson Road
Lexington, SC 29072

Agency Case Number: 07070513
SLED Case Number: L08-14187

Dear Det. Anderson,

The Short Tandem Repeat (STR) PCR DNA profile developed from item 2 was compared to the Combi[illegible]x System (CODIS). This profile matches the STR PCR DNA profile developed from Eddie Golson, So[illegible] SC00746029.

This information is provided for investigative purposes only. If the suspect is charged, an additional bio[illegible] must be submitted for court purposes.

This search was conducted by Nancy J. Skraba, South Carolina Law Enforcement Division.

Sincerely,

Nancy J. Skraba
DNA Database Unit

P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

MARK SANFORD
Governor

REGINALD I. LLOYD
Director

Det. James Brian Anderson
Lexington County Sheriff's Department
521 Gibson Rd.
Lexington, SC 29072

DNA ANALYSIS
November 25, 2008
SLED LAB: L08-14187
Your Case No: 07070513
Incident Date: 8/18/2007
[S] Eddie Golson
[V] Matthew Olson

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Reginald I. Lloyd, Director
South Carolina Law Enforcement Division

SEROLOGY ANALYSIS

Items Submitted:		Results of Examinations:	
1	Swab	1	See DNA analysis.
2	Broken glass	2	Blood indicated. See DNA analysis.

DNA ANALYSIS

ITEMS ANALYZED:

1 Swab
2 Broken glass

EXAMINATIONS

DNA analysis was performed on the items above. The results of Short Tandem Repeat (STR) PCR DNA analysis are shown in Table 1.

RESULTS

The DNA profile developed from item 2 is from an unidentified male individual and has been entered into the Combined DNA Index System (CODIS).

The partial DNA profile developed from item 1 is consistent with the donor of DNA from item 2.

Note: Any remaining evidence and/or packaging will be returned to the requesting agency.

Maryann E. Shehan
Forensic Scientist

cc: Lexington County Solicitor's Office

Statistics Report

Database: F:\Popstats\Popdata\FBI\STR
NRC 96 Formula uses theta for each STR homozygous locus.
Case Type: Forensic Single Sample
Specimen ID: 08-14187-2
DNA Analyst: MES
Comment:
Date: January 30, 2009

8.1300E-02
2.0200E-01
2.1680E-01
1.7310E-01
3.1490E-01
0
0
0
0
2.2170E-01
1.9460E-01
5.5500E-01
3.3500E-02
1.3790E-01
1.1580E-01
4.2120E-01
9.6100E-02
7.1400E-02
1.3790E-01
0
0

NRC 96 Formula used

CAU frequency = 1 in 31,810,000,000,000,000
BLK frequency = 1 in 3,426,000,000,000,000
SEH frequency = 1 in 13,540,000,000,000,000
SWH frequency = 1 in 77,820,000,000,000,000

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

NIKKI R. HALEY
Governor

MARK A. KEEL
Chief

September 26, 2013

Charles T. Brooks, Esquire
The Brooks Law Offices, LLC
P.O.Box 3512
Sumter, SC 29150
cbrooks@ctbrooks.com

RE: FOIA 2013-616; L12-11734

Dear Mr. Brooks:

Pursuant to your letter dated August 13, 2013, we are providing some of the information requested. We have no affidavits signed by Ms. Shehan or Ms. Skraba. We are providing control information we have in the laboratory and all administrative review information. The remaining control information is archived and we must charge for expenses we will incur to fulfill the remainder of your request.

Listed below is a breakdown of the current and additional charges associated with this request. An invoice will be sent to you by our Finance Department in the next few weeks. Please remit payment upon receipt of the invoice. Once we have received this payment, we will prepare the remaining materials.

Research & Copying Time 5 hr @ $20/hr	100.00
5 Boxes retrieved from archives @ $22.00/box	110.00
TOTAL	$ 210.00

If you have any additional questions, you may contact me at (803) 896-7136 or via email at tberry@sled.sc.gov.

Sincerely,

Agent Thomas W. Berry
FOIA Coordinator

Control No._____
Print All Information Except Where Signature Is Required

FORM A (Rule 6)

AFFIDAVIT OF CHEMIST OR CHEMICAL ANALYST

RE: Report Number _____

I, _____, am a (Chemist)(Chemical Analyst)
(Name)
employed by _____,
(Name of Employing Agency)

and certified by SLED as qualified to perform testing and analysis for controlled substances or other sustances regulated by Title 44, Chapter 53 of the Code of Laws or Rule 61-4 of the Department of Health and Environmental Control.

I have had _____ years and _____ months experience as a (Chemist)(Chemical Analyst). During that period, I have been qualified as an expert witness and testified in court no fewer than _____ times. I have received the following training as a (Chemist)(Chemical Analyst):

(List schools or courses attended; other training received; organizations and honors received.)

I certify that I tested the items listed in the above referenced report using laboratory procedures approved by SLED and that the report accurately reflects my opinion regarding the results of the test or tests performed.

Sworn before me this
_____day of _____, 19____

_____
(Signature of Chemist or Analyst)

_____
(Place)

_____
(Date)

_____
Notary Public for South Carolina
My Commission expires:_____

SOUTH CAROLINA DEPARMENT OF CORRECTIONS
DIVISION OF CLASSIFICATION AND WOMEN'S FACILITIES

INMATE CORRESPONDENCE

INMATE: Eddie Clay Golson, SCDC# 303012

FROM: Stephanie Willis, Assistant Division Director, Inmate Records Office

SUBJECT: **DNA Information**

DATE: November 5, 2012

I have received and reviewed your request to information concerning your DNA test date and blood type. Based on information in the automated system, it appears that you were charged for DNA processing on July 1, 2004. This was the date the processing was entered to show the restitution of $250.00 and may not necessarily be your exact test date. Unfortunately, this office does not document blood type of inmates. That information must be requested and received from Medical Health Services. It appears that you are currently assigned to an institution that has 24 hour medical coverage and, therefore, you should be able to obtain the requested information from medical at your institution.

Continue to address matters of this nature with your assigned caseworker or case manager at your institution.

S/ Stephanie Willis
Stephanie Willis

cc: Central Record
Case Manager

DEPARTMENT OF FORENSIC DNA ANALYSIS

Case Review Checklist

CASE NUMBER 08-14187 ANALYST: MB

SEROLOGY TECHNICAL REVIEW ✓

STR DNA ANALYSIS TECHNICAL REVIEW

- Worksheets (Reagents, Quant, PCR) ✓
- Raw Data, GS250 ✓
- Controls (verified in all runs) ✓
  - Positive and Negative Amp
  - Reagent Blank
  - Allelic Ladder
- Data re-analysis ✓
- Confirmation of allele calls ✓
- Conclusions confirmed ✓
- Review of report ✓
- CODIS items 08-14187-Z ✓

Pages reviewed Page: 1 to 45

Technical review Kara Coy

Date of review 11/7/08

Administrative review R Taylor

Date of review 11/25/08

Case transferred to CODIS MB

SLED Forensics Form # DNA 036, August 2006

1 MB

410

State Match Detail Report
Match Date: 11/12/2008 08:02
Match ID: SA0000059170

Locus	Target SCLED0000 08-14187-2 Forensic, Unknown	Candidate SCLED0000 4-3006 Convicted Offender	Locus Match Stringency
Amelogenin	X, Y	X, Y	High
CSF1PO	8, 11	8, 11	High
D13S317	11, 12	11, 12	High
D16S539	10, 11	10, 11	High
D18S51	15, 16	15, 16	High
D19S433	13, 15.2		
D21S11	30, 33.2	30, 33.2	High
D2S1338	20, 23		
D3S1358	16, 17	16, 17	High
D5S818	11, 13	11, 13	High
D7S820	10, 12	10, 12	High
D8S1179	13	13	High
FGA	20, 25	20, 25	High
TH01	7, 8	7, 8	High
TPOX	8, 9	8, 9	High
vWA	17, 18	17, 18	High

Source ID:	No	Yes
Partial Profile:	No	No
Disposition:	Candidate Match	Candidate Match
Invest. Aided:	0	0

Match Summary:

14 Locus Candidates:	1
Total Candidates:	1

Match Details:
14 Loci Match
Match Stringency: High
Search Program: AutoSearcher
Minimum number of loci required to report a match: 8
Include Candidate specimens that match on all but 0 loci.
Maximum number of candidates to return from search (0 means all candidates): 0

Index	Total Searched
Forensic	4,869
Missing Person	6
Offender	127,259
Unidentified Human (Remains)	6
Totals	132,140

46 NJS 08-14187

Eleventh Judicial Circuit

Counties
Edgefield / Lexington
McCormick / Saluda

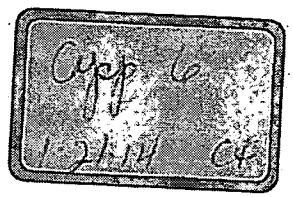
Contact Numbers
Direct: (803) 785-8037
Main: (803) 785-8197
Fax: (803) 785-8229

Donald V. Myers,
Solicitor

Ann Davidson Hubbard,
Director

Davant C. Keenan,
Expungement Coordinator

Expungement Services
Marc H. Westbrook Judicial Center
205 E. Main St. Suite 105
Lexington, SC 29072



TO: Expungement Applicant

FROM: Davant C. Keenan, DCK
Expungement Services, Eleventh Judicial Circuit

DATE: July 31, 2013

RE: Expungement Order

Please find enclosed an Expungement Order that has been filed with the Clerk of Court's Office. The certified true copies have been mailed as noted on the attached filing list to the appropriate agencies. You must allow each agency at least 4 weeks to process the order.

To verify the destruction of your records you must contact all checked agencies on the provided checklist, except Lexington County Expungement Services or any Lexington County Diversion Program that is marked. You must run a criminal history check to verify SLED's expungement. This can be done on the internet at www.sled.sc.gov. Also, you must check the public index of the county of which you were arrested. This can be done by going to www.sccourts.org/caseSearch/. Then click on the SC Judicial Department and then the county in which you were charged. Follow the directions for the court where you were charged. If you have any discrepancies in the order or the agencies filed, please contact this office immediately.

Also, attached are the receipts for the administrative fee to the Solicitor's Office and the filing fee receipt from the Clerk of Court's Office, if applicable

Should you have any questions, please do not hesitate to contact me at (803) 785-8037 or, if applicable, the Diversion Case Manager at (803) 785-8197.

412

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

ORIGINAL

IN THE COURT OF GENERAL SESSIONS
ORDER FOR DESTRUCTION OF ARREST RECORDS

THE STATE OF SOUTH CAROLINA
vs.
EDDIE CLAY GOLSON
Defendant

FILED
2013 JUL 22 A 10:00
BETTA CARRIGG
CLERK OF COURT
LEXINGTON SC

Race B Sex M Age 47
DOB 10-30-66 SSN 251-31-0831
SID # SC00746029

Charges were disposed of in the court indicated below:
☐ Magistrate ☐ Municipal ☒ General Sessions

AKA

IT APPEARS that the defendant is entitled to have all records relating to this offense expunged and destroyed according to the applicable section of the South Carolina Code of Laws indicated below:

Warrant/GS No. J830116,117 Date of Arrest 11-7-07 Place of Arrest LEXINGTON County, S.C.

Arrest Charge WEAPONS/POSSESSION OF WEAPON DURING VIOLENT CRIME, WEAPONS/SALE, POSSESSION OF STOLEN WEAPON

☒ § 17-1-40. The charge was dismissed, *nol prossed* or the defendant was found not guilty on 3-17-08.

☐ § 17-22-150(a). The charge was *nol prossed* on by the Solicitor because the defendant successfully completed the Pre-Trial Intervention Program. (*PTI Director must attest to eligibility for expungement*).

☐ § 17-22-530(A). The charge was *nol prossed* on by the Solicitor because the defendant successfully completed the Alcohol Education Program Program. (*AEP Director must attest to eligibility for expungement*).

☐ § 34-11-90(e). The defendant was convicted of a first offense misdemeanor under the Fraudulent Check Law on and no additional criminal conviction as defined by § 34-11-90(e) has taken place in one year from date of conviction.

☐ § 44-53-450(b). The defendant was charged with first offense simple possession of marijuana or hashish on , received a conditional discharge and has successfully complied with the terms as set forth by the court.

☐ § 22-5-910. The defendant was convicted of a first offense for a crime carrying a penalty of not more than 30 days on , that offense did not involve the exceptions enumerated in § 22-5-910, and no additional criminal conviction as defined by § 22-5-910 has taken place within three years from date of conviction or five years from the date of conviction for criminal domestic violence. (*Summary Court Judge must attest to eligibility*).

☐ § 22-5-920. The defendant was convicted of a first offense as a youthful offender on , that offense did not involve the exceptions enumerated in § 22-5-920, and no additional criminal conviction as defined by § 22-5-920 has taken place during a five-year period following completion of his sentence, including probation and parole as a youthful offender.

☐ § 56-5-750(F). The defendant was convicted of a misdemeanor first offense failure to stop motor vehicle on and no additional criminal conviction has taken place for three years after completion of the sentence.

SLED verifies the offense listed above is eligible for expungement: ☐ Yes ☐ No SLED Date

IT IS ORDERED that all records relating to such arrest and subsequent discharge pursuant to the above-referenced section be dismissed, expunged and immediately destroyed and that no evidence of such records pertaining to such charge shall be retained by any municipal, county or state agency except nonpublic information retained on each person accepted for Pre-Trial Intervention pursuant to § 17-22-130, nonpublic information retained by SC Law Enforcement Division (SLED) pursuant to § 34-11-90(e), nonpublic information retained by the Department of Narcotic and Dangerous Drugs Under SLED pursuant to § 44-53-450, nonpublic information retained by SLED pursuant to § 22-5-910 and § 22-5-920, and nonpublic information retained by SLED and Department of Public Safety pursuant to § 56-5-750 (F).

Solicitor: ☐ Consents
☐ Declines to Consent
☐ Determined ineligible for expungement

Circuit Solicitor

Signed this 18th day of July, 2013

I attest that the defendant is eligible for expungement pursuant to S.C. Code §17-22-150(a) (successful completion of PTI), §17-22-530(A) (successful completion of AEP), § 22-5-910 (summary court conviction) or § 44-53-450(b) (conditional discharge).

William P. Keesley
Circuit Court Judge

Director PTI / Director AEP/Summary Court Judge (circle one)

Defendant / Attorney for Defendant (Circle One)

Expunged by SLED by: _____ Date: _____ (For SLED internal use only)

A TRUE COPY
Lex. Co. S.C.D.M.S. & P.C.

SCCA 223A (11/2009)

INSTRUCTIONS FOR FILING EXPUNGEMENT ORDER LEXINGTON COUNTY

A True copy of your Expungement has been sent to the places indicated below. If you have any discrepancies in the order or the places filed please contact this office at 803-785-8037 immediately.

DATE SENT: 7-31-13

- [x] Lexington County Expungement Services, 205 E. Main Street, Suite 105, Lexington, SC 29072
- [x] General Sessions Court, Marc H. Westbrook Judicial Center, 205 E. Main Street, Suite 105, Lexington, SC 29072
- [x] Bond Court/Lexington County, 521 Gibson Road, Lexington, SC 29072, Attn: Janice Marshall
- [x] SLED SC Law Enforcement Division, PO Box 21398, Columbia, SC 29221, Attn: Records Division

Law Enforcement:

- [ ] Chief Airport Police Dept. Columbia Metropolitan Airport, #1 Aviation Way, West Columbia, SC 29169
- [ ] Chief Batesburg – Leesville Police Dept, 660 West Columbia Ave, Batesburg – Leesville, SC 29006
- [ ] Chief Cayce Police Dept. PO Box 2004, Cayce, SC 29033, Attn: Records.
- [ ] Chief Chapin Police Dept. PO Box 221, Chapin, SC 29036
- [ ] Chief Columbia Police Dept. #1 Justice Square, Columbia, SC 29201
- [ ] Chief Gaston Police Dept. Gaston Town Hall, Gaston, SC 29053
- [ ] Chief Irmo Police Dept. PO Box 406, Irmo, SC 29063
- [ ] Chief Lexington Police Dept. PO Box 397, Lexington, SC 29072
- [ ] Chief Pelion Police Dept. 1010 Main Street, Pelion, SC 29123
- [ ] Chief Pine Ridge Police Dept. 1015 Fish Hatchery Road, West Columbia, SC 29169
- [ ] Chief South Congaree Police Dept. 119 West Berry Road, West Columbia, SC 29169
- [x] Chief Springdale Police Dept. 2915 Platt Springs Road, West Columbia, SC 29169
- [ ] Chief Swansea Police Dept. PO Drawer 428, Swansea, SC 29160
- [ ] Chief West Columbia Police Dept, PO Box 4044, West Columbia, SC 29171, Attn: Records
- [ ] DHEC Bureau of Drug Control, 2600 Bull Street, Columbia, SC 29201, Attn: Records
- [ ] DNR, PO Box 167, Columbia, SC 29202
- [ ] Drivers Records, SC Dept. of Motor Vehicles, PO Box 1498, Blythewood, SC 29016
- [ ] SC State Transport Police, 101 Executive Center Drive, Saluda Bldg. Suite #120, Columbia, SC 29210
- [ ] Highway Patrol, 1626 Shop Road, Columbia, SC 29201,
- [ ] SCHP ACE Team, PO Box 1993, Blythwood, SC 29016
- [x] Sheriff James R. Metts, Lexington County Sheriff's Dept, 521 Gibson Road, Lexington, SC 29072, Attn: Records
- [x] Sheriff James R. Metts, Lexington County Sheriff's Dept, 521 Gibson Road, Lexington, SC 29072, Attn: Warrant Division
- [ ] SLED Alcohol Enforcement Unit, PO Box 21398, Columbia, SC 29221-1398, Attn: Myra

Magistrate/Traffic Court:

- [ ] CDV Court, 139 East Main Street, Lexington, SC 29072
- [ ] Nicole Howland, CDV Solicitor, 521 Gibson Road, Lexington, SC 29072
- [ ] Honorable Rebecca Adams, 111 Lincreek Drive, Columbia, SC 29212
- [ ] Magistrate Judge, 428 Oak Drive, Lexington, SC 29073
- [ ] Honorable Brian Jeffcoat, 139 East Main Street, Lexington, SC 29072
- [ ] Honorable Gary Morgan, 231 West Church Street, Batesburg, SC 29006
- [ ] Honorable Thomas H. Rawl, 139 East Main Street, Lexington, SC 29072
- [ ] Magistrate Judge, PO Box 457, Swansea, SC 29160
- [ ] Traffic Court, 139 East Main Street, Lexington, SC 29072
- [ ] Honorable Scott Whittle, 650 Knox Abbott Drive, Cayce, SC 29033

Municipal Court:

- [ ] Bond Court/Lexington County, 521 Gibson Road, Lexington, SC 29072, Attn: Janice Marshall
- [ ] City Of Columbia Judge _____ 811 Washington Street, Columbia, SC 29201
- [ ] Town Judge – Batesburg/Leesville- Judge Long, 660 West Columbia Ave., Batesburg-Leesville, SC 29006
- [ ] Town Judge – Cayce- Judge, PO Box 2004, Cayce, SC 29033
- [ ] Town Judge – Chapin- Judge Reinhart, PO Box 221, Chapin, SC 29063
- [ ] Town Judge – Irmo- Judge Epting, Town Hall, PO Box 406, Irmo, SC 29063
- [ ] Town Judge – Lexington- Judge Rakowsky , Lexington Town Hall, PO Box 397, Lexington, SC 29072
- [ ] Town Judge – Pelion Town Hall, 1010 Main Street, Pelion, SC 29123
- [ ] Town Judge – Pine Ridge- Judge Shockley, 2757 Fish Hatchery Rd., West Columbia, SC 29172
- [ ] Town Judge – South Congaree Police Dept, 119 West Berry Road, West Columbia, SC 29169
- [ ] Town Judge – Springdale, 2915 Platt Springs Road, Springdale, SC 29170
- [ ] Town Judge – Swansea, PO box 429 Swansea, SC 29160, Attn: Town Clerk -
- [ ] Town Judge – West Columbia- Judge Ebener, 1053 Center Street, West Columbia, SC 29169

Juvenile

- [ ] Department of Juvenile Justice
- [ ] Family Court Clerk of Court
- [ ] Arbitration Office

Miscellaneous:

- [x] Your Own Records
- [x] Your Attorney: P.D.
- [ ] Your Bondsman: _____
- [x] Other: Inmate Services

(9/12)

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF LEXINGTON)	THE ELEVENTH JUDICIAL CIRCUIT
)	**Case No. 2009-CP-32-2479**
Eddie C. Golson,)	
S.C.D.C. No. 303012,)	
Applicant,)	
v.)	**ORDER OF DISMISSAL**
State of South Carolina;)	
Respondent.)	

ORIGINAL

FILED
2014 SEP 24 P 12:06
BEHA A. CASHIGG
CLERK OF COURT
LEXINGTON, SC

This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed June 14, 2012. Respondent made its Responsive pleadings. An evidentiary hearing into the matter was convened on January 21, 2014 at the Lexington County Courthouse. The Applicant was represented by Charles T. Brooks, III., Esq. The Respondent was represented by Walt Whitmire, Esq., of the Office of the Attorney General. Applicant and counsel testified.

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Lexington County Clerk of Court. The Applicant was indicted for burglary, first-degree (2008-GS-32-3181) and possession of firearm during a violent felony (2008-GS-32-3183)[1]. He was represented by Elizabeth C. Fullwood, Esq., 'counsel.' On March 30, 2009, the State called its case to trial where Applicant was found guilty as indicted. The Honorable R. Knox McMahon sentenced Applicant to a term of twenty-five (25) years imprisonment for burglary, first-degree, and a term of five (5) years imprisonment for the weapons possession charge. The sentences were to be served concurrently.

[1] Applicant was also indicted for intimidation of a court officials, jurors, or witnesses (2008-GS-32-3182). The State did not proceed on this charge at trial.

A timely notice of appeal was filed on Applicant's behalf and was perfected M. Celia Robinson, Esq., of the Office of Appellate Defense. The South Carolina Court of Appeals affirmed Applicant's convictions and sentences in an unpublished opinion. State v. Eddie C. Golson, Op. No. 2012-UP-246 (filed April 25, 2012). The Remittitur soon followed.

Applicant filed a timely *pro se* PCR Application. On May 8, 2013, Applicant filed his first of four amended pleadings. The other three followed on June 14, 2013, October 20, 2013, and November 27, 2013.

At the PCR hearing, Applicant moved forward on the following claims:

1. Trial Judge lacked subject matter jurisdiction over his case:
   a. The arrest warrants were purportedly invalid based upon fraudulently procedure;
   b. The arrest warrants were purportedly invalid based upon non-compliance with Rule 3, SCrimP;
   c. The convictions were illegal based a collateral expungement order.
2. Ineffective assistance of counsel
   a. failure to quash the arrest warrants, indictments, and convictions;
   b. failure to investigate purportedly exculpatory D.N.A. evidence and latent finger print evidence.

SUMMARY OF TESTIMONY AND EVIDENCE PRESENTED AT TRIAL

Victim Olson testified that he returned to his residence at eleven p.m. to rest before he returned to work for 6 a.m. shift. He testified that he was sleeping downstairs when he was awoken to an intruder breaking into his home. He described the assailant as a black man who wore a "do rag" on his head. He located a firearm to confront the assailant; Victim Olson's posture resulted in the assailant taking one of the victim's firearms followed by his attempt to break through a window and flee. The assailant ultimately escaped; Victim Olson testified to

hearing a nearby vehicle's tire screech. The assailant stole several military metals, military memorabilia, among other things. Victim Olson testified the assailant left a Hurricane beer at the scene.

Investigator Hickman collected broken glass that contained visible blood and the Hurricane beer from the scene. A clerk of a nearby convenience clerk store identified Applicant as customer that she had three interactions with on night of the burglary. The clerk testified that Applicant was the first person to purchase a Hurricane beer that night. She testified Applicant returned to the store before three a.m. with cuts on his hands. Applicant again entered the store another time before her shift concluded.

Agent Shehan, an expert D.N.A. and serology examiner with S.L.E.D., testified that she successfully examined the blood found on the broken glass retrieved at Victim Olson's residence. Agent Shehan gave the expert opinion that Applicant's D.N.A. profile matched the profile of the blood collected at the scene with a 1 to 3.4 quadrillion chance of error.

The jury found Applicant guilty as indicted. During sentencing Applicant showed remorse and apologized to victim Olson. Applicant explained that he suffered drug addiction and was also coping with the dissolution of a romantic relationship when he burglarized victim Olson's residence.

SUMMARY OF TESTIMONY AND EVIDENCE PRESENTED AT THE PCR HEARING

Applicant testified at the PCR hearing and alleged that his convictions were illegal because the General Sessions Court purportedly lacked jurisdiction to preside over his trial. Applicant made incredible insinuations concerning his presence at trial. Applicant submitted what appeared to be magistrate clerks records, over Respondent's objection, to support his

assertion here. See Applicant's Exh 1[2]. Applicant asserted that he never served with the arrest warrants and that the police purportedly forged the magistrate's signature on the documents. In the alternative, he challenged jurisdiction in asserting that the General Sessions Court lacked jurisdiction because the wrong Magistrate Judge issued the arrest warrants. Applicant surmised that the proper venue was Gaston, South Carolina based on the location of Applicant's residence. Applicant also submitted, over Respondent's objection, what appeared to be Lexington County law enforcement documents in Applicant's Exh. 2[3], Applicant's Exh. 3[4], and an apparent

[2] Applicant Exh. 1 consisted of 3 separate arrest warrants: First, J-830115 for burglary, first-degree. This Court notes that the Record shows that Applicant was indicted on October 13, 2008. Next, Applicant submitted arrest warrens J-840116 and J-830117. Again this Court notes that the State indicted Applicant and/or proceeded on 2008-GS-32-0254; 2008-GS-32-STR-0224.

[3] Applicant's Exh. 2 consisted of 12 pages of disparate documents. **Page 1** consisted of a document issued by a "Gail Fox" of LCSD in October of 2009, months after Applicant's jury trial, to the Department of Corrections. Applicant failed to present "Gail Fox" to explain what if any import and evidentiary value the documents held. **Page 1** consisted of unidentified handwriting that denoted the LCSD, Warrant division's, purported dismissal of J830115. **Page 2** consisted of a document requested by Mona Hudgins, of the Lexington County Clerk's Office, in 2012, that detailed the status of J830116 as dismissed at a March 3,2008 preliminary hearing. Applicant again failed to present Mona Hudgins or the originator of the document to explain what if any import and evidentiary value the documents held. **Page 3** mirrored Page 2 but, it reference to J830117. **Page 4** mirrored Pages 2-3 but it referred to J830118 and noted the charge had been *nol prosed* on April 1, 2009. This Court notes that Hudgins was present and available to testify at the PCR hearing had Applicant decided to call her as a witness. **Page 5** consisted of a purported personal receipt of property from the Lexington County Detention Center dated November 6, 2007. Again, Applicant did not present its originator to explain what if any import or evidentiary value the document held. **Page 6** consisted of a document that noted Applicant's discharge from custody in County Detention on November 19, 2007 for an unrelated offense. Again, Applicant did not present its originator to explain what if any import or evidentiary value the document held. **Page 7** consisted of document that appears to be a generic booking form dated January 1, 2008. Again, Applicant did not present its originator to explain what if any import evidentiary value the document held. **Page 8** mirrored Page 7 but was dated September 23, 2008. Again, Applicant did not present its originator to explain what if any import or evidentiary value the document held. **Page 9** consists of a document that appears to be a non-specified detainer for warrants. Again, Applicant did not present its originator to explain what if any import or evidentiary value the document held. **Pages 10-11** consist of documents that appear to be an incomplete certificate of transmittal. Again, Applicant did not present its originator to explain what if any import or evidentiary value the document held. **Applicant 12** consists of a letter from Magistrate Whittle to Applicant dated July, 2, 2012. The letter appears to concern the status of indictments that had been dismissed from a preliminary hearing.

[4] Applicant's Exh. 3 consists 6 pages of unspecified disclosures made by the Lexington County Clerk of Court's Office to Applicant. **Page 1** consists of a document that appears to be correspondence regarding General Sessions discovery disclosures to Applicant dated June 18, 2013. Again, Applicant did not present a custodian from the Clerk's Office or anyone else to explain what if any import or evidentiary value the document held. **Page 2** consists mirrors Page 1 but was dated July 16, 2012. Again, Applicant did not present a custodian from the Clerk's Office or anyone else to explain what if any import or evidentiary value the document held. **Page 3** mirrors Pages 1-2 but was dated January 28, 2013. Again, Applicant did not present a custodian from the Clerk's Office or anyone else to explain what if any import or evidentiary value the document held. **Page 4** mirrors Pages 1-3 but was dated

Expungement Order in Applicant's Exh. 6[5] in support of his incredible assertion that his conviction was a purported nullity. Applicant alternatively challenges the Trial Judge's jurisdiction based on a purported Rule 3, SCrimP, violation regarding non-compliance in issuing a transmittal order. However, Applicant acknowledged that he was originally detained in Calhoun County on citation of a collateral probation violation prior. Applicant also acknowledged that entered Corrections after his probation was revoked. Applicant was represented by other counsel on the probation matter. He stated that he did not discuss his concerns regarding the Lexington County arrest warrants with his attorney.

Again in the alternative, Applicant alleges counsel's performance was ineffective in failing to object to the Trial Judge's purported lack of subject matter jurisdiction to preside over his case. He testified that he was never provided sufficient notice of the charges he faced prior to the State calling his case trial.

Applicant testified that counsel was ineffective for failing to investigate and present exculpatory evidence at his trial. He claimed counsel should have investigated the State's lack of trace evidence, in particular the collection of latent prints, that could have been used to identify the assailant. Applicant submitted, over Respondent's objection, Applicant's Exh. 4[6] that

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December 14, 2012. Again Applicant did not present a custodian from the Clerk's Office or anyone else to explain what if any import or evidentiary value the documents held. Page 5 is a cover sheet for a document titled "Lexington County Sheriff's Department Photo Identification Tag" that was issued on August 18, 2007 that named J.L. Hickman" as the photographer. Again, Applicant did not present Hickman or anyone else to explain what if any import or evidentiary value the document held. Page 6 is a purported evidence and property collection printout of a document produced by "J.L. Hickman" dated August 23, 2006. Again Applicant failed to produce Hickman or anyone else to explain what if any import or evidentiary value the document held.

[5] Applicant's Exh. 6 consists of 3 pages of a document produced by a "David C. Kennan" Expungement Services, Eleventh Judicial Circuit on July 31, 2013 directed to "Expungement Applicant." Page 2 contains of an order from the Honorable William P. Keesley that notes J830116; -0117 (original arrest warrants for weapons possession during violent crime & possession of a stolen weapon). Applicant failed to present any witness to explain how this document creates a meritorious argument concerning the validity of his convictions.

[6] Applicant's Exh. 4 consisted of 9 pages of a document titled "Latent Print Examination" issued by Investigator Brian Anderson on August 12, 2008. Pages 2-7 consist of grainy pictures of various lifted prints that appear to be smudged. Each page details a separate print along with time and location of where it was obtained. Page 8 appears

purportedly and according to Applicant, showed the State's lack of evidence against him. Applicant also testified that counsel was ineffective for failing to investigate and present evidence that, according to Applicant, showed the D.N.A. match was inaccurate. Applicant submitted, over Respondent's objection, Applicant's Exh. 5[7] to support his incredible assertion.

Counsel testified to her course of conduct during the representation. She provided the Court a summary of her professional background. Counsel recalled the representation and noted it was procedurally unusual based upon the pendency of another General Sessions matter in a separate county. She noted that Applicant was cited for a probation violation at the outset of her representation that resulted in his pre-hearing detention. The separate matter ultimately resulted in a revocation and Applicant's return to Corrections. She noted that she discovered minor defects in the charging documents at the outset of the representation. Counsel recalled moving to quash the arrest warrants at a preliminary hearing that yielded a temporary success for Applicant. She noted that the State ultimately made the decision to not pursue the intimidation charge.

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to be a nonspecified boot print. Page consists of typed notes regarding case that do not identify its originator and appear to be fraudulently attached to the exhibit. Applicant failed to present "Investigator Brian Anderson" or anyone else qualified to explain what if any import this report held.

[7] Applicant's Exh5 consists of 9 pages of an assortment of various documents purportedly produced by S.L.E.D. **Pages 1-4** consists of a letter and attached report from "Nancy J. Skraba" of the DNA Database Unit sent to Detective Anderson on November 13, 2008. **Page 1** states that a hit within the C.O.I.D.I.S. Database matched Applicant's blood to the scene. Applicant did not present Nancy Skraba or Detective Anderson to testify to what if any import or evidentiary value the document held in this collateral proceeding. **Pages 2-3** consists of Agent Maryann's report from her examination. Applicant did not present Agent Maryann or any other qualified witness to explain what if any import or evidentiary value the report held previously not developed at trial. **Page 4** is a nonspecified document titled "Statistics Report." Applicant did not present its originator or an otherwise qualified witness to explain what if any import or beneficial value the document held. **Page 5** is an invoice to PCR counsel regarding Applicant's F.O.I.A. request. The correspondence is completely irrelevant to Applicant's case and cannot act as a substitute for witness testimony to authenticate Applicant's Exhibits. **Page 6** is a blank Form A (Rule 6) affidavit of chemist. **Page 7** is correspondence from "Stephanie Willis" Assistant Division Direct, Inmate Records Office, to Applicant addressing privacy concerns regarding disclosure of Applicant's blood type that was dated November 5, 2012. Again, Applicant did not present Stephanie Wills to explain what if any import or evidentiary value this letter held. **Pages 8-9** are documents titled "Forensic DNA Analysis" dated November 25, 2008. Applicant, again did not identify its originator or present a qualified witness to explain what if any import or evidentiary value the report held previously not developed at trial.

Additionally, counsel recalled her representation at the Shermerber hearing and at an arraignment. She stated that Applicant was certainly aware of the charges he faced.

Counsel testified that she made four trips to Corrections to meet with Applicant prior to trial. Counsel testified she independently reviewed the State's evidence and discovery disclosures and formulated an impression of the State's case. During her four consultations with Applicant, counsel discussed the State's evidence with Applicant. Counsel rejected Applicant's assertion that he was not timely noticed on the charges he faced. She opined that Applicant's case was not particularly complex. Counsel further summarized her labors on behalf of Applicant at trial.

APPLICABLE LAW

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, (1984); Butler, 286 S.C. at 441, 334 S.E.2d at 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. at 668, 104 S.Ct. at 2064. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective

assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland, *supra.* Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court reviewed the Clerk of Court records regarding the subject convictions, the Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, Applicant's appellate records, the transcripts and documents from the prior proceedings, and legal arguments of the attorneys. Pursuant to S.C. Code Ann. §17-27-80 (2003), this Court makes the following findings of fact based upon all of the probative evidence presented.

As a matter of general impression, this Court's finds Applicant's testimony and assertions to be mostly incredible and farcical. He attempted to collaterally attack the Trial Judge's subject matter jurisdiction to preside over his case in about every imaginable pseudo-junk jailhouse theory of "jurisdiction" that typically originates from Corrections. Applicant presented numerous exhibits, that without any authentication or foundation, failed to establish an evidentiary basis to any of his allegations. Furthermore, Applicant utterly failed to meet his burden of proof on the few cognizable allegations that he proceeded on. See Jones v. Gomez, 66 F.3d 199, 204 (9th Cir. 1995) ("Conclusory allegations not supported by specifics do not warrant relief."). In contrast,

this Court finds counsel's testimony to be credible, convincing, and reflective of her well established reputation as an exemplary criminal defense attorney.

A.

Applicant's allegation that the Trial Judge lacked subject matter to preside over his trial and render a judgment accordingly is without merit and thereby is summarily dismissed. The indictment is a notice document, and any challenges to its sufficiency must be made in accordance with S.C. Code Ann. § 17-19-90 (2003). "An indictment is sufficient if the offense is stated with sufficient certainty and particularity to enable the court to know what judgment to pronounce, the defendant to know what he is called upon to answer, and if an acquittal or a conviction thereon may be pleaded as a bar to any subsequent prosecution." State v. Towery, 300 S.C. 86, 386 S.E.2d 462 (1989). In post-conviction relief, an Applicant wishing to raise challenges to the sufficiency of an indictment must do so in the context of ineffective assistance of counsel. Subject matter jurisdiction is the power of a court to hear a particular class of cases, and it has nothing to do with the indictment document. See Gentry, 610 S.E.2d 494; Dove v. Gold Kist, Inc., 314 S.C. 235, 442 S.E.2d 598 (1994).

This Court finds that Applicant's assertions regarding the sufficiency of his arrest warrants were incredible and solely rested upon speculation. Regardless, the subsequent indictments and conviction established the validity of his convictions and sentences. Therefore, Applicant's "Rule 3" allegation is non-availing, although it too rested upon unproven speculation. Last, Applicant produced a collateral expungement order that has no bearing on his current and legal convictions. For the sake of judicial efficiency, this Court has made the above mentioned findings despite the fact that the allegation does not support a claim for relief in this forum. Therefore, this Court summarily denies and dismisses this allegation on its various

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facially flawed grounds. For similar reasoning, Applicant's baseless attack upon this Court's jurisdiction based on a purported error in the case caption is wholly without merit.

Alternatively, Applicant has failed to meet his burden to prove counsel's performance was either deficient or ineffective for failing to attack the purported deficits regarding the Trial Judge's subject matter jurisdiction to preside over the case. In contrast to counsel's compelling testimony that she met with Applicant on four occasions prior to trial and thoroughly prepared the case with him, this Court finds Applicant's has failed to provide credible testimony that he was unaware of the charges that he was called to answer. Applicant made admissions of guilt to the Trial Judge in sentencing that show otherwise. Therefore, this Court readily denies and dismisses this allegation.

B.

This Court finds Applicant has failed to meet his burden to prove counsel's performance was deficient or ineffective for failing to adequately investigate the purportedly exculpatory evidence. "This Court has stated previously that criminal defense attorneys have a duty to undertake a reasonable investigation, which at a minimum includes interviewing potential witnesses and making an independent investigation of the facts and circumstances of the case." Edwards v. State, 392 S.C. 449, 456, 710 S.E.2d 60, 64 (2011). First, Applicant asserts that counsel failed to exploit the purportedly exculpatory DNA evidence that linked him to the crime scene. This Court finds that Applicant's assertions rested upon unqualified and conclusory speculation. See Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998) ("Failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to the result."). Applicant introduced an unauthenticated exhibit from S.L.E.D. that provides him no support here; facially it confirms the

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S.L.E.D.'s expert's trial testimony. See U.S. v. Taylor, 802 F.2d. 1108, 1119 (9th Cir. 1986) (Vague and speculative assertions are deficient.). In contrast, counsel provided credible testimony regarding her efforts in attacking the evidence at trial. This Court finds counsel's performance more than sufficient on the matter. See U.S. v. Taylor, 832 F.2d 1187, 1195-96 (10th Cir. 1987) ("The record of counsel's performance in examination and cross-examination of witnesses may show preparation and knowledge of the case."). Therefore, this Court readily denies and dismisses this allegation.

Last, this Court summarily dismisses Applicant's allegation that counsel performance was ineffective or deficient for failing to further investigate the State's lack of trace evidence, particularly latent finger print evidence, that failed to connect Applicant or anyone else to the scene. The record shows that counsel covered the matter during his closing argument. This Court finds further investigation into the nonexistence of the evidence would have yielded Applicant no tangible benefit. Therefore, this allegation is readily denied and dismissed.

C.

This Court finds Applicant has further failed to meet his burden to prove Strickland's prejudice prong in light of the overwhelming evidence of guilt presented by the State at his trial. "Error is harmless when it could not reasonably have affected the result of the trial." State v. Mitchell, 286 S.C. 573, 336 S.E.2d 151 (1985). "Where a review of the entire record establishes the error is harmless beyond a reasonable doubt, the conviction should not be reversed. State v. Pickens, 320 S.C. 528, 466 S.E.2d 364 (1996). This Court notes the State presented compelling D.N.A. evidence that identified Applicant's blood on the glass broken by the perpetrator in his flight from the scene, the clerk's identification testimony corroborates his purchase of the particular beverage and shows Applicant bleeding after the commission of the offense. Last,

Applicant's admissions during sentencing were telling. Despite Applicant falling well short of proving deficiency on any of the above mentioned allegations of ineffective assistance of counsel, he certainly fell well short of proving Strickland's prejudice prong.

D.

Except as discussed above, this Court finds that the Applicant affirmatively abandons the remaining allegations set forth in his application at the hearing. A waiver is a voluntary and intentional abandonment or relinquishment of a known right. Janasik v. Fairway Oaks Villas Horizontal Property Regime, 307 S.C. 339, 415 S.E.2d 384 (1992). A waiver may be express or implied. "An implied waiver results from acts and conduct of the party against whom the doctrine is invoked from which an intentional relinquishment of a right is reasonably inferable." Lyles v. BMI, Inc., 292 S.C. 153, 158-59, 355 S.E.2d 282 (Ct. App. 1987). The Applicant's failure to address these issues at the hearing indicates a voluntary and intentional relinquishment of his right to do so. Therefore, any and all remaining allegations are denied and dismissed.

CONCLUSION

Based on all the forgoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application for post-conviction relief. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notes that Applicant must file and serve a notice of intent to appeal within thirty (30) days from receipt of this Order to secure the appropriate appellate review. See Rule 203, SCACR. Rule 71.1(g), SCRCP; Bray v. State, 336 S.C. 137, 620 S.E.2d 743 (2005), for the obligation of Applicant's counsel to file and serve notice of appeal. The Applicant's attention is

also directed to South Carolina Appellate Court Rule 243 for appropriate procedures after notice has been timely filed.

IT IS THEREFORE ORDERED

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and

2. Applicant must be remanded to the custody of Respondent

AND IT IS SO ORDERED this 21 day of September, 2014.

BRIAN M. GIBBONS
Presiding Judge
Eleventh Judicial Circuit

Chester, South Carolina

FILED
2014 SEP 24 P 12:04
BETH A. CARRIGG
CLERK OF COURT
LEXINGTON, SC

ORIGINAL

WITNESSES

Lexington County Sheriffs Department

James Anderson

Law Enforcement Case #: 07-070513

DSG

ARREST WARRANT NUMBER

J830115

ACTION OF GRAND JURY

TRUE BILL

Donald Leopard
Foreperson of Grand Jury
Date: 10-13-08

VERDICT

Guilty

Cynthia L. Ward (Jr.)
Foreperson of Petit Jury
Date: 3/31/2009

DOCKET NO. 2008-GS-32-3181

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

OCTOBER TERM 2008

THE STATE
vs.

Eddie Clay Golson

CDR #: 0079

Indictment for

Burglary 1st

§ 16-11-0311

DONALD V. MYERS, SOLICITOR

47

427

428

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	Burglary 1st
COUNTY OF LEXINGTON	)	
	)	§ 16-11-0311

At a Court of General Sessions, convened on October 2008, the Grand Jurors of Lexington County present upon their oath:

That **Eddie Clay Golson** did in Lexington County, South Carolina on or about August 18, 2007 knowingly and willfully enter a dwelling, to wit: being the dwelling of Matthew [redacted] located [redacted], without consent and with the intent to commit a crime therein, to wit: larceny and when, in effecting entry or while in the dwelling or in immediate flight, he/she or another participant in the crime was armed with a deadly weapon, to wit: pistol and/or the entering or remaining occurs in the nighttime, in violation of § 16-11-311 of the Code of Laws of South Carolina, 1976, as amended.

A TRUE COPY

Lex. Co. C.C.C.P., G.S. & F.C.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided:

ASSISTANT SOLICITOR

WITNESSES

Lexington County Sheriffs Department

James Anderson

Law Enforcement Case #:

DSG

ARREST WARRANT NUMBER

08-STR-00255

ACTION OF GRAND JURY

TRUE BILL

Donald L Coaptar

Foreperson of Grand Jury

Date: 10-13-08

VERDICT

Guilty

Agatha L. Ward

Foreperson of Petit Jury

Date: 3/3/2009

DOCKET NO. 2008-GS-32- 3183

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

OCTOBER TERM 2008

THE STATE

vs.

Eddie Clay Golson

CDR #: 0549

Indictment for

Possession of a Weapon During a Violent Crime

§ 16-23-0490

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	Possession of a Weapon During
COUNTY OF LEXINGTON	)	a Violent Crime
	)	
		§ 16-23-0490

At a Court of General Sessions, convened on October 2008, the Grand Jurors of Lexington County present upon their oath:

That **Eddie Clay Golson** did in Lexington County, South Carolina on or about August 18, 2007 knowingly and willfully possess a firearm, to wit: pistol, during the commission of a violent crime or attempt to commit a violent crime, to wit: burglary 1st, in violation of § 16-23-490 of the Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

ASSISTANT SOLICITOR