

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Colleton County

James R. Barber, III, Circuit Court Judge

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S.C. Supreme Court

LEONARD STANFIELD,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-001602

APPENDIX

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STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
COUNTY OF COLLETON)

The State of SC,)
) PLAINTIFF)
 vs.) TRANSCRIPT OF RECORD
)
 Leonard Stanfield,)
) DEFENDANT)

May 23-24, 2007
 Walterboro, South Carolina

B E F O R E:

THE HONORABLE R FERRELL COTHRAN, JR., JUDGE; and
 a jury.

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

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 Attorney for the Defendant

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 Official Court Reporter

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1 MR. KNIGHT: Judge, could we address the issues
2 you just addressed with Mr. Matthews and myself, I
3 think it would be appropriate at this time to advise
4 the bailiff to when they send back a juror, to put
5 that juror in courtroom number two, not in the same
6 courtroom --

7 THE COURT: Okay.

8 MR. KNIGHT: -- before we get started so they
9 will know.

10 THE COURT: So my understanding is you bring the
11 jurors out one at a time, I talk to them, then send
12 them to courtroom two.

13 MR. KNIGHT: Juror room number two.

14 THE COURT: Okay. Jury room number two. Okay.
15 And we're back on the record. It's my understanding
16 that you have a motion, Mr. Matthews?

17 MR. MATTHEWS: Yes, sir, Your Honor, I do. Your
18 Honor, yesterday the Press and Standard came out, was
19 on the local shelves. It's a Tuesday paper, but it
20 comes out on Wednesday, which of course was the day
21 that the jury pool in this -- the jury panel in this
22 case was off.

23 I looked at -- I have got a copy of it, an
24 Exhibit A listed. There's an article about this case
25 and it includes information the jury would not gleam

1 even if under normal circumstances even if the case
2 was tried.

3 But beyond that, it's a -- it's a -- an article
4 that is heavily slanted toward the State and would be
5 prejudicial to my client. Particularly prejudicial
6 is the statement here according to Roberson,
7 Stanfield has a rap sheet that includes a conviction
8 for selling of crack cocaine and another conviction
9 for involuntary manslaughter.

10 It's -- if the jury sees that, then they have
11 got already the idea that he's killed somebody
12 already, so he probably did it this time. Very
13 prejudicial article on a rap sheet.

14 And unless Mr. Stanfield takes the stand, which
15 is his right, but which he certainly doesn't have to
16 do, under normal circumstances this is not
17 information that they would come by. Very
18 prejudicial toward my client.

19 This is the local -- this is the local paper.
20 And this is the paper that generally everybody reads.
21 And even if the individuals haven't read the paper,
22 my concern is that they may have talked to people
23 that have and say, did you know -- oh, you're on that
24 murder trial, and you know that guy's already killed
25 somebody before?

1 If the case is continued, I think there is a --
2 a pretty good chance that by the time it comes up
3 again, this -- it won't be fresh in their minds. But
4 this came out yesterday. And I have got a very --
5 it's very prejudicial toward my client.

6 It is very journalistically irresponsible for
7 this to have been printed. And Your Honor, I think
8 the case needs to be continued. I don't know that a
9 mistrial needs to be declared because the jury hasn't
10 been sworn yet and -- from this panel.

11 But Your Honor, I just think the only fair way
12 to proceed in this case to give Mr. Stanfield a fair
13 trial is to continue the case.

14 THE COURT: What's the State's position?

15 MR. KNIGHT: The State does not consent to a
16 continuance, Your Honor. I think the appropriate
17 procedure is the Court brings each individual juror
18 in and questions them concerning this newspaper
19 article, whether or not they read it A, B, whether or
20 not someone told them about it, and then the Court
21 after voir diring each individual 14 jurors makes a
22 determination based upon -- determination only you
23 can make -- whether or not this matter should be
24 continued.

25 Obviously if you get the first three up, three

1 people that says they read it or they heard about it,
2 then this baby's over and would have to be continued.
3 But I think you're going to have to go through all 14
4 at the end -- at that conclusion you have to make a
5 decision based upon your feeling, your observation.

6 It's sort of like the credibility of the witness
7 jury charge you give. You have to make that
8 decision.

9 THE COURT: All right, sir. Then if we can
10 bring the jurors out. I can bring them out in the
11 order that they were seated unless...

12 MR. KNIGHT: Whatever you want to do.

13 THE COURT: That will be fine. We will bring
14 them out one at a time. And it's my understanding
15 after I question them, we have to send them to jury
16 room number two till I finish all of them.

17 MR. KNIGHT: Yes, sir.

18 MR. MATTHEWS: And Your Honor, I don't know at
19 what point -- if we don't have a trial, I guess it
20 doesn't matter, but I'm concerned that some of the
21 witnesses may -- at such point as appropriate I guess
22 I will make a motion to sequester if we get to that
23 point.

24 THE COURT: Okay. Let me see... George Cope, is
25 that the first juror we seated, number 171? If you

1 will bring the juror out.

2 MR. MATTHEWS: We'll make this a Court's
3 exhibit.

4 THE COURT: Okay. We will make that article a
5 Court's exhibit.

6 MR. MATTHEWS: The whole paper. They might have
7 seen the front of it and then discussed it.

8 (Juror entered the courtroom.)

9 THE COURT: Good morning, Mr. Cope.

10 JUROR: Good morning.

11 THE COURT: How you doing?

12 JUROR: Good.

13 THE COURT: I appreciate you being on time.

14 I -- we took yesterday off because I had to be in the
15 Supreme Court. But I need to ask you a couple of
16 questions before we get started.

17 It's come to my attention that there's been a
18 newspaper article that -- published about this case
19 since we started Monday. And I just need to know
20 whether you read that newspaper article.

21 JUROR: No, sir.

22 THE COURT: Did anybody in your household read
23 the article, or any of your friends, and tell you
24 what was in the article?

25 JUROR: No, sir.

1 THE COURT: Okay. Any further questions from
2 the defense?

3 MR. MATTHEWS: Your Honor, just if he's read --
4 if he read yesterday's Press and Standard.

5 THE COURT: Did you read any of the Press and
6 Standard yesterday at all?

7 JUROR: No.

8 THE COURT: Thank you, sir. They're going to
9 take you back to another jury room. And basically
10 I'm going to ask every juror this for the record.

11 JUROR: Okay.

12 THE COURT: Thank you, sir.

13 (Juror left the courtroom.)

14 THE COURT: Bring in Mrs. Evans. And for the
15 record, each one of the jurors were sworn yesterday,
16 so I will remind them they are under oath.

17 MR. KNIGHT: Yes, sir.

18 THE COURT: Even though they have not been sworn
19 for this individual case.

20 MR. KNIGHT: Yes, sir.

21 (Juror entered the courtroom.)

22 THE COURT: Good morning, Mrs. Evans. How you
23 doing?

24 JUROR: Good.

25 THE COURT: I need to ask you just a couple of

1 questions. Since we started this case I have been
2 informed that there's been a newspaper article
3 published in the Press and Standard yesterday. Did
4 you have an occasion to read that article?

5 JUROR: No, I didn't.

6 THE COURT: Did anybody in your household or any
7 of your friends read it and tell you what was in it?

8 JUROR: No.

9 THE COURT: Okay. So you haven't heard about
10 anything in the newspaper at all concerning this
11 case?

12 JUROR: No.

13 THE COURT: Thank you, ma'am.

14 JUROR: Yes, sir.

15 (Juror left the courtroom.)

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

18 (Juror entered the courtroom.)

19 THE COURT: Good morning.

20 JUROR: Good morning, sir.

21 THE COURT: You Mr. Varnadoe?

22 JUROR: Yes, sir.

23 THE COURT: Since we started this case on
24 Monday, I have been informed that there was a
25 newspaper article published on yesterday in a local

1 paper in the Press and Standard, and I just need to
2 know whether you read that article or not.

3 JUROR: No, sir, haven't read a newspaper.

4 THE COURT: Did anybody in your household read
5 the article and tell -- or any of your friends read
6 this article and tell you about the article or
7 anything that was in it?

8 JUROR: No, sir.

9 THE COURT: You haven't heard anything, you
10 don't know anything that was published in the
11 newspaper yesterday?

12 JUROR: Have no idea.

13 THE COURT: Okay. Thank you, sir. That's all I
14 needed to know.

15 (Juror left the courtroom.)

16 (Juror entered the courtroom.)

17 THE COURT: You can sit anywhere, Mrs. Mayes. I
18 just need to ask you a couple of questions.

19 JUROR: Okay.

20 THE COURT: I have been informed since we
21 started this case Monday that there was a newspaper
22 article published in the local paper, in the Press
23 and Standard, concerning this case. Did you have an
24 occasion to read that article?

25 JUROR: No, I did not.

1 THE COURT: Did anybody in your household, any
2 of your friends or anybody read that article and tell
3 you anything?

4 JUROR: No, sir.

5 THE COURT: So you haven't heard anything that
6 was in that newspaper article?

7 JUROR: No.

8 THE COURT: Thank you, ma'am. I appreciate you
9 telling me that. And they will return you to the
10 jury room and we will start in a few minutes.

11 JUROR: Okay.

12 (Juror left the courtroom.)

13 MR. MATTHEWS: Your Honor, if the Court could
14 ask whether or not they read the newspaper at all,
15 because they may not know what particular case it is.
16 they may not know that the article that they read was
17 about this case.

18 So if the -- if the Court would ask did they
19 read the Press and Standard at all yesterday or have
20 anybody explain it to them.

21 THE COURT: Okay.

22 (Juror entered the courtroom.)

23 THE COURT: Good morning, Mr. Breland.

24 JUROR: Good morning.

25 THE COURT: You can sit down anywhere. It

1 doesn't matter. I just needed to ask you a couple of
2 questions. Did you have an occasion to read the
3 Press and Standard yesterday?

4 JUROR: No, sir.

5 THE COURT: Or today --

6 JUROR: No.

7 THE COURT: -- came out yesterday. Did anyone
8 read the paper and tell you anything about any
9 articles in there concerning this case or any other
10 case?

11 JUROR: No, sir.

12 THE COURT: So you don't know anything that was
13 in the paper yesterday?

14 JUROR: No, sir.

15 THE COURT: No one told you. You haven't had a
16 discussion with anybody about that?

17 JUROR: No, sir.

18 THE COURT: Okay. Thank you, Mr. Breland.

19 That's what I needed to know.

20 (Juror left the courtroom.)

21 (Juror entered the courtroom.)

22 THE COURT: Good morning, Mrs.--

23 JUROR: Good morning. How are you?

24 THE COURT: I just need to ask you a couple of
25 questions. Did you happen to read the newspaper?

1 yesterday?

2 JUROR: No.

3 THE COURT: Press and Standard that came out?
4 Did anybody in your household or your friends read it
5 and tell you anything that was in any article
6 concerning this case or any other case?

7 JUROR: No, sir.

8 THE COURT: You don't know anything that was in
9 the newspaper?

10 JUROR: I do not.

11 THE COURT: Thank you, ma'am. That's what I
12 needed to know.

13 (Juror left the courtroom.)

14 (Juror entered the courtroom.)

15 THE COURT: Good morning, Mrs. Smith.

16 JUROR: Good morning.

17 THE COURT: I needed to ask you a couple of
18 questions. Did you have an occasion to read the
19 newspaper yesterday or today, the Press and Standard,
20 the local paper?

21 JUROR: No, sir.

22 THE COURT: Did anybody in your household or any
23 of your friends read it and tell you anything, any
24 articles in it concerning this case or any other
25 case?

1 JUROR: No, sir.

2 THE COURT: So you don't know anything about
3 anything that was in the paper yesterday?

4 JUROR: No, sir.

5 THE COURT: That's what I needed to know,
6 Mrs. Smith. Thank you. You can go back to the jury
7 room if you would, please ma'am.

8 (Juror left the courtroom.)

9 (Juror entered the courtroom.)

10 THE COURT: Have a seat there anywhere. I just
11 need to ask you a couple of questions. How you doing
12 this morning? Did you happen to read the newspaper
13 yesterday or today, or the Press and Standard, the
14 local newspaper?

15 JUROR: I saw the headline, but didn't read it.

16 THE COURT: Okay. Did anybody in your household
17 or family read the newspaper?

18 JUROR: Not to me, no, sir. I told them what
19 the deal was.

20 THE COURT: Okay. So nobody discussed any of
21 the issues concerning this case with you?

22 JUROR: No, sir.

23 THE COURT: So you don't know anything that may
24 have appeared in the newspaper about this case?

25 JUROR: No, sir.

1 THE COURT: All right, sir. Thank you, sir.

2 JUROR: Uh-huh.

3 (Juror left the courtroom.)

4 THE COURT: It's my understanding there was
5 nothing in the headlines about this case; is that
6 right?

7 MR. MATTHEWS: That's correct, Your Honor. The
8 headline was about another -- a different murder
9 case.

10 THE COURT: All right.

11 (Juror entered the courtroom.)

12 THE COURT: Good morning. How are you doing?

13 JUROR: Good.

14 THE COURT: I need to ask you a couple of
15 questions. Did you have an occasion to read the
16 newspaper yesterday or today?

17 JUROR: No, sir.

18 THE COURT: The Press and Standard, the local
19 paper. Did anybody in your household, any of your
20 friends read it and tell you about anything that was
21 in it?

22 JUROR: No, sir.

23 THE COURT: You don't have any idea of anything
24 that may have appeared in the newspaper?

25 JUROR: No, sir.

1 THE COURT: That's what I needed to know. Thank
2 you.

3 JUROR: Okay. Thank you.

4 (Juror left the courtroom.)

5 (Juror entered the courtroom.)

6 THE COURT: Good morning, Mr. Atkins. How you
7 doing?

8 JUROR: Fine. How about you?

9 THE COURT: Good. Did you have an occasion to
10 read anything in the newspaper that appeared in the
11 Press and Standard yesterday or today?

12 JUROR: No.

13 THE COURT: Did anybody in your household, any
14 of your friends or anybody read the article and tell
15 you about anything that was in the newspaper
16 concerning this case?

17 JUROR: No, sir.

18 THE COURT: That's what I needed to know. Thank
19 you, sir.

20 (Juror left the courtroom.)

21 (Juror entered the courtroom.)

22 THE COURT: Good morning, Mrs. Sloan. How you
23 doing?

24 JUROR: Good morning.

25 THE COURT: I needed to ask you a couple of

1 questions. A newspaper, Press and Standard, the
2 local newspaper that came out yesterday, did you have
3 an occasion to read anything?

4 *JUROR:* No, sir.

5 *THE COURT:* Did anybody in your household, any
6 friends or anybody--

7 *JUROR:* Just me.

8 *THE COURT:* It's just you. So do you have any
9 idea about anything that may have appeared in that
10 paper yesterday?

11 *JUROR:* No.

12 *THE COURT:* No one has talked to you about
13 anything?

14 *JUROR:* No, sir.

15 *THE COURT:* That's what I needed to know. Thank
16 you, ma'am.

17 (Juror left the courtroom.)

18 (Juror entered the courtroom.)

19 *THE COURT:* Good morning, Mrs. Parker. How are
20 you doing?

21 *JUROR:* Good morning.

22 *THE COURT:* I need to ask you a couple of
23 questions. The local paper, the Press and Standard
24 that came out yesterday, did you have an occasion to
25 read that paper?

1 JUROR: No.

2 THE COURT: Okay. Did anybody in your
3 household, any of your friends read the paper and
4 tell you about any articles that may be in it
5 concerning this case?

6 JUROR: No.

7 THE COURT: So you don't know anything that may
8 have appeared in the paper?

9 JUROR: No.

10 THE COURT: Haven't read it, no one has
11 discussed it with you?

12 JUROR: Excuse me?

13 THE COURT: No one discussed anything in the
14 paper with you concerning this case and you haven't
15 read it yourself?

16 JUROR: No. No.

17 THE COURT: Thank you, ma'am. That's what I
18 needed to know.

19 (Juror left the courtroom.)

20 (Juror entered the courtroom.)

21 THE COURT: You can sit there, Mr. Jones. How
22 you doing this morning?

23 JUROR: Fine, sir.

24 THE COURT: I need to ask you a couple of
25 questions about the newspaper, the local paper here,

1 the Press and Standard.

2 JUROR: Yes, sir.

3 THE COURT: Did you have an occasion to read the
4 paper that came out this week?

5 JUROR: No, sir.

6 THE COURT: Has anybody in your household, any
7 of -- friends or anybody read the paper or anything
8 that may have appeared in that paper concerning this
9 case?

10 JUROR: No, sir.

11 THE COURT: Do -- you don't know anything that
12 was in any article that may have appeared in the
13 newspaper?

14 JUROR: No, sir.

15 THE COURT: That's what I needed to know. Thank
16 you, sir.

17 (Juror left the courtroom.)

18 (Juror entered the courtroom.)

19 THE COURT: Good morning, Mrs. Hurley.

20 JUROR: Good morning.

21 THE COURT: I need to ask you a couple of
22 questions. The local newspaper, the Press and
23 Standard that came out this week, did you have an
24 occasion to read that paper?

25 JUROR: No, sir.

1 THE COURT: Did anybody in your household or your
2 family read anything or tell you about anything?

3 JUROR: No, sir.

4 THE COURT: Any friends -- have you heard
5 anything about any article in the paper or any of the
6 facts in this case?

7 JUROR: No, sir.

8 THE COURT: So you haven't heard anything?

9 JUROR: No, sir.

10 THE COURT: That's what I needed to know. Thank
11 you, ma'am.

12 (Juror left the courtroom.)

13 THE COURT: Anything else from the State?

14 MR. KNIGHT: Nothing further from the State.

15 THE COURT: From the defense?

16 MR. MATTHEWS: Nothing, Your Honor.

17 THE COURT: Okay. Is -- are we in a position
18 now to begin this trial, to bring the jury in and
19 swear them and start testimony?

20 MR. KNIGHT: Let's see if all my witnesses are
21 here. I think so.

22 THE COURT: Okay.

23 MR. MATTHEWS: Your Honor, at this time I would
24 move to sequester the witnesses so that one can't
25 hear the other's testimony and be possibly influenced

1 by it.

2 THE COURT: What's the State's position?

3 MR. KNIGHT: No objection. I don't have any
4 problem.

5 THE COURT: Okay. And the witnesses are
6 sequestered. Is this -- it's just -- this on the
7 State's side or...

8 MR. KNIGHT: Both sides.

9 MR. MATTHEWS: That's fair. That's fair, Your
10 Honor.

11 THE COURT: Okay. So do you have any witness
12 present? Obviously the defendant can stay, any
13 members of the victim's family, the lead officer can
14 stay.

15 MR. MATTHEWS: Ms. Mack? Mack? The others will
16 be law enforcement officers, Your Honor, and they
17 are -- other than Sergeant Lee -- could be on the
18 State's list as well.

19 And Ms. Mack has not answered. She's supposed
20 to be on phone standby.

21 MR. KNIGHT: I think that -- we have them,
22 further down the hall in a waiting room, so it takes
23 a few moments -- excuse me -- between calling them
24 and bring them down.

25 THE COURT: That's no problem.

1 MR. KNIGHT: Now, we can put them in jury room
2 number two, but I think that's too close to the jury
3 going back and forth.

4 THE COURT: Whatever y'all normally do. What
5 works here suits me fine. I mean, that's no problem
6 if it takes a few, you know, whatever... y'all have
7 figured this out, I'm not going to upset the apple
8 cart.

9 (Jury entered the courtroom at 10:23 am.)

10 THE COURT: Madam Clerk, you can swear the jury.

11 (Whereupon the jury was sworn.)

12 THE COURT: Good morning, ladies and gentlemen.
13 I appreciate y'all returning promptly. We're fixing
14 to begin the testimony in the trial in this case in
15 the State versus Leonard G Stanfield.

16 Throughout this trial Mr. Stanfield may be
17 referred to as the defendant, but that's -- when you
18 refer to defendant, that's Mr. Stanfield.

19 He's been indicted by the State of the crimes of
20 burglary in the first degree, armed robbery,
21 kidnapping, and murder. And to these charges he's
22 pled not guilty.

23 These indictments are simply charging papers
24 that get this into court. They are not evidence.
25 It's simply a mechanism by which we can get this case

1 into court.

2 The fact that the defendant in this case has
3 pled not guilty, that puts the burden on the State of
4 South Carolina to prove to you beyond a reasonable
5 doubt each and every allegation of the charges before
6 you can find him guilty.

7 Throughout this trial it's -- your job in this
8 trial is very simple. Your job is to determine what
9 the facts are based on the evidence that comes from
10 this witness stand and exhibits that have been
11 introduced.

12 My job is to rule on what evidence you can hear
13 as well as charge you on the law. At the end of this
14 case I will tell you what the law is. I will explain
15 to you each one of these charges, what the law in the
16 State of South Carolina is.

17 You have got to take that law, whether you agree
18 with it or not, and apply it to the facts that you
19 find to be true in this case.

20 This case -- what will happen is the State will
21 make an opening statement in a few minutes, and they
22 will tell you -- and attorneys' statements are not
23 evidence. They are simply going to tell you -- the
24 State's going to give you a roadmap of what they
25 think the evidence will prove to you, get you an idea

1 of where this case is headed.

2 Now, after the State makes an opening statement
3 to you, the defense has the right to make an opening
4 statement. They don't have to because the defendant
5 does not have to prove anything. The burden of proof
6 is upon the State to prove each and every allegation
7 in the indictment.

8 After the opening statements by the attorneys,
9 then we will start the testimony. The State will
10 present the evidence to you, because as I told you,
11 the State has the burden of proof in this case.

12 Please pay close attention to the testimony as
13 it comes from this stand because you will need to
14 apply the evidence in this case to reach your
15 verdict.

16 We normally go about an hour, hour and a half
17 between breaks. But if any time during the trial you
18 need a break, just raise your hand, because if
19 you're -- if you're uncomfortable, you can't pay
20 attention to what's going on in this courtroom, and
21 it's very important that you pay attention because
22 your job is to determine the facts.

23 If I make a mistake in the law, that mistake may
24 be corrected at some other time, some other place.

25 But if you make a mistake in the facts, those

1 mistakes are very hard to correct.

2 So it's very important that you listen close to
3 the evidence in this case and -- well, when I charge
4 you on the law, you can deliberate and reach a
5 verdict that speaks the truth and give both the State
6 and the defendant a fair and impartial trial.

7 And I told you yesterday throughout this trial
8 we will take breaks. I may have to rule on evidence
9 or I may have to send you to the jury room. We just
10 may take our morning break, but it's important for
11 you not to discuss the case when you go back in that
12 jury room.

13 And I know there's a tendency to want to do so
14 and you want to talk about what that witness said or
15 what that witness didn't say. But as I told you
16 yesterday, the problem with that is you start forming
17 the theories early on in this case and you may make a
18 statement in the courtroom that you believe with a
19 certain issue, then later you will want to defend
20 that.

21 And it's not proper for you to start making up
22 your mind until you have heard all the evidence. And
23 then once you hear all the evidence in this case and
24 the law that I charge you, then it will be a point
25 that I will tell you now it's time for you to

1 deliberate, and then you will discuss what you heard
2 in this courtroom and apply the law as I give it to
3 you and reach your verdict.

4 If you will pay close attention to the
5 Solicitor, he's going to get up and give an opening
6 statement, and Mr. Matthews, I assume, and then we'll
7 get started with this case. Thank you.

8 MR. KNIGHT: May it please the Court, Your
9 Honor.

10 OPENING STATEMENT

11 MR. KNIGHT: Ladies and gentlemen, there are
12 four charges, burglary in the first degree, and
13 that's nothing more than entering a dwelling house,
14 apartment, without consent with the intent to commit
15 a crime therein either during the night time or with
16 a weapon.

17 Then we have another charge, kidnapping. That's
18 the unlawful carrying away, abducting of another
19 without the authority of law.

20 Then we have armed robbery which is the
21 felonious taking of personal property, money, while
22 being threatened, intimidated, while armed with a
23 deadly weapon, ie, a gun.

24 And finally we have the charge of murder, the
25 unlawful killing of another with malice aforethought.

1 Malice simply means intentional. Aforethought means
2 you could come to that sense to killing intention
3 right at the moment the fatal blow is struck.

4 Now, his Honor will charge you at the end of the
5 trial much better than I just described to you, okay.
6 But I just wanted to give you an overview of what the
7 law is, because I'm going to tell you that on July
8 the 24th, 2003, little after 1:00, Patrice Ford and
9 Tony Wilson were at the [REDACTED] apartments here in
10 the city of Walterboro in Colleton County laying in
11 bed when two people -- and the State alleges one of
12 them is Leonard Stanfield and the other is Leonard
13 Pinkney.

14 Now, Mr. Pinkney's going to testify they went
15 in, masks on, guns in their hand, took some money
16 from them, took the keys to a blue -- I think a blue
17 GEO car.

18 Then Mr. Stanfield, the testimony will reflect,
19 forced Miss Ford and Mr. Wilson, who was ultimately
20 killed, to go with him in the car.

21 Mr. Wilson drove the vehicle down to Mable T
22 Willis Road or Boulevard where the Press Printing
23 Company is. Mr. Stanfield made him get out of the
24 car. Miss Ford got on the ground.

25 The testimony will reflect he walked toward with

1 Mr. Wilson wherein the State alleges that the
2 defendant shot Mr. Wilson three times and
3 unfortunately he died here in Colleton County on
4 September the 24th.

5 That's an overview of the testimony. And you're
6 going to hear from law enforcement. You will hear
7 from a Pathologist. You are going to hear from a
8 couple agents from Sled telling you about what they
9 found, what tests they ran, what results they had.
10 That's just a general overview.

11 And remember, the burden on each one of these
12 charges is upon me to prove beyond a reasonable doubt
13 that the defendant, Leonard Stanfield, committed
14 these offenses. Okay?

15 Now, you took an oath from Ms. Vickie and you
16 basically said you would truly try the case between
17 the State of South Carolina and the defendant,
18 Leonard Stanfield.

19 Well, that's important. But there's something
20 else in that oath that you took. Number one, part of
21 that oath is that you will look here. Number two,
22 that you would listen to testimony that came from the
23 stand. And number three, that you will remember that
24 testimony because -- and why is that so important?

25 At the conclusion of the trial I'm going to ask

1 you for verdicts of guilty against Leonard Stanfield
2 on all four charges. All four charges.

3 Now, this is a little journey you're on and, you
4 know, this path because what you're doing is
5 you're -- the word verdict means to speak the truth,
6 and that's what you're looking for, the truth. The
7 truth.

8 You're not on a search for doubt. I'm repeating
9 myself. You're not looking for doubt. You're
10 looking for the truth. So I ask you to remember
11 these things, remember your oath, and remember at the
12 conclusion of the trial I'm going to ask for verdicts
13 of guilty. Thank you.

14 THE COURT: Mr. Matthews?

15 OPENING STATEMENT

16 MR. MATTHEWS: May it please the Court. Ladies
17 and gentlemen of the jury, one of the things that the
18 Court has told you at the beginning is that the
19 opening statements are designed to be a roadmap and
20 you're supposed to be looking for things along the
21 way.

22 I believe what the evidence is going to show --
23 the evidence that you will hear from this stand and
24 what Mr. Knight says and what I say are not evidence.
25 What you hear from that stand is evidence.

1 I believe that what you're going to hear is
2 testimony from interested witnesses. I believe that
3 you will hear testimony from Leonard Pinckney that --
4 of what he did.

5 You may hear testimony from Tamika Wilson. You
6 may hear testimony -- you will hear testimony from
7 Patrice Ford. You will hear some things, but there's
8 some things also that you won't hear.

9 One of the things that -- that is very important
10 to remember is because the State has the burden of
11 proof. You do have to search for truth, but you
12 don't have to create facts.

13 It's -- the State is going to show that
14 somebody -- that Tony Wilson was killed. They will
15 be able to prove that. What they will not be able to
16 prove, I believe the evidence will show, is that
17 Leonard Pinckney clearly was involved and clearly
18 knew what was going on.

19 But I believe the evidence will show that he had
20 a reason to lie and that you should take his
21 testimony with a grain of salt.

22 What I think the Court will charge you at the
23 end of this is if you can't make a decision as to
24 what happened, then you don't have to decide that
25 something happened if the State hasn't proven it.

1 I believe that the testimony will show that
2 Patrice Ford was there, that she saw what was going
3 on, and she doesn't know who killed Tony Wilson.
4 Leonard Pinckney does know, but he's got a reason to
5 lie.

6 Look also for the scientific evidence because
7 sometimes -- sometimes even though that's
8 circumstantial, that's the best evidence you get.
9 The fibers don't lie. Blood doesn't lie. DNA
10 doesn't lie. People lie.

11 Listen carefully to all the testimony that you
12 come -- that you hear from that stand, the testimony
13 here, not argument. And when you do, I believe that
14 you'll come to the conclusion that the State cannot
15 prove that Leonard Stanfield is guilty of these
16 crimes.

17 MR. KNIGHT: Al Lewis.

18 (Witness entered the courtroom.)

19 MR. KNIGHT: Is any witnesses in this case going
20 to testify in this courtroom? If you are, please
21 leave. Mr. Green, Norris Green, are you in here? Go
22 down the hall, get in the room, please. Thank you.

23 AL LEWIS, after being duly sworn,
24 testified as follows:

25 DIRECT EXAMINATION

- 1 BY MR. KNIGHT:
- 2 Q Mr. Lewis, who are you employed with, sir?
- 3 A I'm employed with Walterboro Police Department.
- 4 Q In what capacity, sir?
- 5 A I'm patrol supervisor.
- 6 Q How long you been with the Walterboro Police
- 7 Department?
- 8 A Approximately 10 years.
- 9 Q Before that were you employed in law enforcement?
- 10 A Yes, sir.
- 11 Q With who, sir?
- 12 A I was in the military. I was a military police --
- 13 police in the Air Force, United States Air Force.
- 14 Q Okay. Were you on duty on July the 24th of 2003?
- 15 A Yes, sir, I was.
- 16 Q What was the hours you were working that day as you
- 17 recall?
- 18 A My shift began at 7 pm at night until 7 am in the
- 19 morning.
- 20 Q Did you have an occasion to respond to a call to -- I
- 21 guess it's print -- print -- what's is it, Printers Alley?
- 22 A Printers Alley.
- 23 Q Printers Alley and Mable T Willis?
- 24 A Yes, sir.
- 25 Q Okay. And did you respond there, sir?

1 A Yes, sir, I did.

2 Q Let me ask you if you can take a look at these. Just
3 tell me if you can identify them, if they truly reflect
4 what you found on or about July the 24th of 2003.

5 A Yes, sir.

6 MR. KNIGHT: Mr. Matthews? Without objection?

7 MR. MATTHEWS: Yes. If we could mark those
8 individually, I suppose or... no objection.

9 MR. KNIGHT: One through four, 5 State's into
10 evidence without objection.

11 (WHEREUPON, State's Exhibits 1-5 were admitted
12 into evidence.)

13 THE COURT: There was a -- exhibits one through
14 five?

15 MR. KNIGHT: Yes, sir.

16 THE COURT: Okay. They are in evidence without
17 objection.

18 MR. KNIGHT: With permission of the Court, may
19 he step down?

20 BY MR. KNIGHT:

21 Q I show you what's been marked as State's Exhibit
22 number one. Would you describe to the jury what that is?

23 A State's Exhibit number one is a deceased male
24 individual in the area off of Mable T Willis at -- along
25 the roadway going into Printers Alley.

1 Q And this is what you found as State's exhibit number
2 one when you arrived?

3 A Yes, sir.

4 Q And State's Exhibit number two is just a -- what
5 would you describe that as, please sir?

6 A This is just the crime scene itself, the -- what
7 the -- establish the area where the location was which
8 Mable T Willis, Printers Alley.

9 Q And that crime scene you said, is that in Colleton
10 County?

11 A Yes, sir.

12 Q Okay, sir. State's Exhibit number three, please sir.

13 A State's Exhibit number three is also a deceased male
14 individual at the entrance of Printers Alley and Mable T
15 Willis.

16 Q Thank you, sir. You may take your stand.

17 (Resumed stand.)

18 Q At that time I think it was Sergeant Lewis?

19 A Yes, sir.

20 Q Were you able to identify who the deceased was?

21 A No, sir, not at that time. I didn't know who the
22 individual was.

23 Q Sir?

24 A I didn't know who the individual was.

25 Q Okay. What else did you do in the course of your

1 investigation relative to this matter?

2 A Once we arrived on scene and pretty much saw no vital
3 signs of life, we notified fire and rescue, and fire and
4 rescue came out to check the individual which they
5 notified the Coroner and the Coroner later responded and
6 pronounced the victim dead, deceased.

7 Q And that was your total involvement in this matter?

8 A Other than to step down, set up perimeter, crime
9 scene, yes, sir.

10 Q When you say step down, safe driving, car scene, what
11 does that mean?

12 A No, sir. What I said -- what I meant was we
13 established the crime scene and we maintain the crime
14 scene so that no one could enter or -- enter that crime
15 scene or disturb the deceased.

16 Q Okay. Thank you so much. That's all I have. Answer
17 any questions Mr. Matthews may have.

18 CROSS-EXAMINATION

19 BY MR. MATTHEWS:

20 Q Officer Lewis, cordoning off the crime scene, why is
21 that important?

22 A To keep -- to keep people out until the crime --
23 until the crime scene is actually processed to keep from
24 being contaminated or disturbed.

25 Q So if you're looking for things like footprints or

1 fingerprints or blood or something like that, if you've
2 got a bunch of people coming and going, the crime scene is
3 not valuable as an investigation tool?

4 A That's correct.

5 Q All right. Did -- did you take those pictures that
6 you identified or they just are -- reflect your
7 recollection of what happened?

8 A They reflect the recollection of what happened. I
9 don't recall who took the photographs.

10 Q Okay. All right. Who actually took the pictures?

11 A I don't recall, sir.

12 Q Officer Lewis, when you responded -- you're with the
13 Police Department or the Sheriff's Department?

14 A The Police Department.

15 Q Okay. So when you responded to the scene, was that
16 within the jurisdiction of the Waltherboro Police
17 Department?

18 A Yes, sir, it was.

19 Q Okay. So the crime scene was in the city of
20 Waltherboro, not in the unincorporated county?

21 A That's correct.

22 Q Officer Lewis, did you respond in your car or did you
23 go with somebody else or how did you get out there?

24 A I responded in my vehicle.

25 Q Okay. Did you have a videotape of the crime scene

1 from your car?

2 A I don't recall that either, sir.

3 Q Was Sergeant Lee also out there?

4 A Yeah, Sergeant Lee was.

5 Q Okay. And he had a videotape; did he not?

6 A I believe he did, yes, sir.

7 MR. MATTHEWS: I don't have anything further,
8 Your Honor, of this witness.

9 MR. KNIGHT: That's all. May he be excused,
10 Your Honor?

11 THE COURT: Yes, sir. Any objection to him
12 being excused?

13 MR. MATTHEWS: None, Your Honor.

14 THE COURT: You're excused.

15 (Witness left the stand.)

16 MR. KNIGHT: May have to call a few out of
17 order, Your Honor.

18 THE COURT: Okay.

19 PATRICE FORD, after being duly sworn,
20 testified as follows:

21 DIRECT EXAMINATION

22 BY MR. KNIGHT:

23 Q Miss Ford, what's your full name, please ma'am?

24 A Patrice Nicole Ford.

25 Q Where are you employed, Miss Ford?

- 1 A At Ruby Tuesday's of Walterboro.
- 2 Q How long have you been employed there?
- 3 A Two years.
- 4 Q Two years. Where do you reside? Where do you live?
- 5 A [REDACTED] Walterboro.
- 6 Q Where did you reside on July the 24th of 2003?
- 7 A [REDACTED] Apartments.
- 8 Q Which apartment?
- 9 A I don't remember which apartment it was.
- 10 Q You don't remember? Okay. Do you know Tony Wilson?
- 11 A Yes, sir, I do.
- 12 Q How did you know Tony Wilson?
- 13 A He was a friend.
- 14 Q Okay. Do you know Leonard Stanfield, the defendant?
- 15 A Yes, sir.
- 16 Q And in 2003 is what I mean. Okay?
- 17 A Yes, sir.
- 18 Q How long had you known him prior to July the 24th of
- 19 2003?
- 20 A I hadn't met him.
- 21 Q Had you ever talked with him?
- 22 A No.
- 23 Q You haven't ever talked with him?
- 24 A No.
- 25 Q Okay. Do you know Leonard Pinckney?

- 1 A Yes.
- 2 Q How long did you know Leonard Pinckney?
- 3 A Just through school.
- 4 Q Okay. Do you know Tamika Wilson?
- 5 A Yes, sir.
- 6 Q How did you know Tamika?
- 7 A I used to work with her.
- 8 Q Used to work with her?
- 9 A Uh-huh.
- 10 Q Okay. On July the 24th of 2003, were you at home in
11 your apartment?
- 12 A Yes.
- 13 Q At about 10 or 11:00 who was there?
- 14 A I was, Tamika was, and a friend.
- 15 Q Another friend. And what were the three of y'all
16 doing?
- 17 A I was fixing Tamika's hair.
- 18 Q Tamika's hair?
- 19 A Uh-huh.
- 20 Q And how long did you do that?
- 21 A About 30 minutes.
- 22 Q Okay. And do you recall what time she left?
- 23 A No, sir, I don't remember.
- 24 Q While she was there, did Tony Wilson come to your
25 house?

1 A Yes, sir.

2 Q Okay. What relationship, if you know, does Tamika
3 Wilson have with Tony Wilson?

4 A That's her uncle.

5 Q Okay. Did she subsequently leave?

6 A She did leave.

7 Q Okay. And who did she leave with?

8 A She left by herself in my car.

9 Q Okay. And who was at your apartment at that time
10 after she left?

11 A It was just me and Tony.

12 Q Okay. What, if anything, did you do at that time
13 after Tamika left?

14 A I just went in the back room and me and Tony was in
15 there watching TV.

16 Q In the back room. Is that your bedroom?

17 A My bedroom.

18 Q Okay. Let me ask you if you could -- don't tell me
19 what they are, just tell me -- several photographs. Tell
20 me if you can identify those photographs.

21 A Uh-huh.

22 Q There's more than one, so you have to look -- look at
23 them.

24 A Yes, sir, I can.

25 Q You can identify those?

1 A Yes, sir.

2 Q Okay.

3 MR. KNIGHT: Several photographs of which I
4 don't know the number -- offer them into evidence
5 without objections. I just let you... it's about six
6 or seven of them.

7 THE COURT: If you'll just -- you are going to
8 offer them as a group or individually?

9 MR. KNIGHT: Individually.

10 THE COURT: Okay. You want to stop and number
11 them, then we will deal with them then.

12 MR. MATTHEWS: Without objection, Your Honor.

13 THE COURT: Six through 17 are in evidence
14 without objection.

15 (WHEREUPON, State's Exhibits 6-17 were admitted
16 into evidence.)

17 BY MR. KNIGHT:

18 Q You and Mr. Wilson were in your bedroom?

19 A Yes, sir.

20 Q What, if anything, occurred while you were in your
21 bedroom?

22 A Well, we must have dozed off, and all of a sudden
23 heard -- we heard two loud kicks at the door. And by the
24 time I lifted up my head, two people were entering my
25 bedroom.

1 Q Okay. How were they dressed, if you recall?

2 A One had on a black and white bandana around his mouth
3 with like a black sweatshirt and some jeans.

4 Q Were they armed?

5 A Yes, sir.

6 Q Do you know what type of weapon they had?

7 A No, sir.

8 Q Was it a rifle or a pistol?

9 A I don't remember.

10 Q It was a weapon?

11 A Yes, sir.

12 Q Okay. Then what happened?

13 A They made me get on the floor and made Tony get out
14 of the bed. One of them wrapped my head with a -- with a
15 black bathrobe and made me lay on the floor.

16 Q What if anything did these folks say?

17 A They were demanding money. They asked Tony for
18 \$50,000.

19 Q All right. What did Tony say?

20 A He said he didn't have it. And the person was like,
21 yeah, you got it.

22 Q When Mr. Wilson responded he didn't have the money,
23 what happened?

24 A They took Tony in the hallway and they were fighting
25 him, beating him.

1 Q Then what happened?

2 A They made both -- they walked both of us out of the
3 apartments and Tony's car was parked behind the
4 apartments.

5 Q What kind of car was it, do you recall?

6 A It was a blue small Toyota.

7 Q Ask you State's Exhibit number six, is that Tony's
8 car?

9 A Yes, sir.

10 Q Did you invite these two people into your house?

11 A No, sir, I did not.

12 Q Okay. State's Exhibit number 12, is that your
13 apartment?

14 A Yes, sir.

15 Q State's Exhibit number 13, is that your front door to
16 your apartment?

17 A Yes, sir.

18 Q State's Exhibit number 14, is that your bedroom?

19 A Yes.

20 Q State's Exhibit number 15, is that your bed?

21 A Yes.

22 Q Is that where you were placed on the bed?

23 A Yeah.

24 Q State's Exhibit number 16, is that another shot of
25 the door?

1 A Yes.

2 Q State's Exhibit number 17, is that your front door to
3 your apartment?

4 A Yes, sir.

5 Q Do you know what that is on the front of your door?

6 A Looks like a shoeprint.

7 Q Okay. And this State's Exhibit number seven is just
8 another shot of your door?

9 A Uh-huh.

10 Q State's Exhibit number eight, is that the interior of
11 your bedroom?

12 A Yes, sir.

13 Q State's Exhibit number nine, is that also a front
14 shot of your door?

15 A Yes, sir.

16 Q State's Exhibit 10, is that your bedroom?

17 A Yes.

18 Q And State's Exhibit number 11, again, is that another
19 shot of your bedroom?

20 A Yes.

21 Q Okay. Now, you say they asked Tony for money?

22 A Yes, sir.

23 Q Did he give them money?

24 A No, sir.

25 Q What happened?

- 1 A They made us leave the apartment. They made me get
2 in the back seat of Tony's car. And they drove to Mable T
3 Willis.
- 4 Q Okay. How many people were in the car on the -- on
5 the way to Mable T Willis Boulevard?
- 6 A Three.
- 7 Q Three people. Yourself, Tony, and the other person?
- 8 A Correct.
- 9 Q Okay. Who was driving?
- 10 A Tony was driving.
- 11 Q Where were you at?
- 12 A In the back seat.
- 13 Q Where was the other person?
- 14 A On the passenger.
- 15 Q Did that passenger have a weapon?
- 16 A I don't remember.
- 17 Q Okay. What happened when you got to Mable T Willis
18 Drive?
- 19 A They -- he made Tony stop, made us get out the car,
20 he walked Tony over by the edge of the road, and Tony went
21 to grab for him, and that's when he made Tony get down on
22 his knees and he shot him, and I dropped to my knees. I
23 fell on the ground.
- 24 Q Okay.
- 25 A And I just covered my head. And after that, I heard

1 pow pow two more times.

2 Q Two more shots for a total of three shots?

3 A Yes, sir.

4 Q So Tony was on his knees like this?

5 A (Nodded.)

6 Q And the fellow with the gun shot him three times?

7 A Yes, sir.

8 Q Okay. What did you do then?

9 A I ran out. I laid on the ground and I saw that the
10 person who shot Tony took off running towards the woods,
11 and I jumped in the car and I tried to drive the car, but
12 I couldn't drive it, I ran into a big piece of wood which
13 made the car stop.

14 After I got out the car, I ran across the field and
15 came up to the first house. I didn't get an answer. And
16 I went to the next house and a guy opened the door for me
17 and called the police for me.

18 Q At this time how were you dressed?

19 A Only had on a tank top, no shoes, and my underwear.

20 Q Do you recall how Tony was dressed?

21 A No, sir, I don't.

22 Q Okay. Was there a conversation between the passenger
23 in the vehicle and Tony while y'all were riding to Mable T
24 Willis Boulevard?

25 A Yes, sir.

1 Q Okay. Do you recall what that conversation was
2 about?

3 A No, sir, not all of it. He was still demanding
4 money.

5 Q Okay. Where were the keys to the vehicle at at your
6 apartment?

7 A I don't know.

8 Q Who got the keys to the vehicle?

9 A I don't know.

10 Q Okay. Did you recognize the voice of the person in
11 the car with you and Tony?

12 A Yes, sir.

13 Q Whose voice did you recognize?

14 A Sounds like Leonard.

15 Q Sounds like Leonard Pinckney -- I mean Leonard
16 Stanfield, the defendant?

17 A Yes, sir.

18 Q Okay. Okay. Do you recall having a conversation
19 with Tamika Wilson on July the 22nd of 2003?

20 A Yes, sir.

21 Q Do you recall what that conversation was about?

22 A She basically told me that she was just talking. She
23 told me that she was going to rob somebody. And I asked
24 her who, and she never said.

25 Q Was there any other -- any other discussion

1 concerning any individual that --

2 A No, sir.

3 Q -- that evening, that day? Did you observe any money
4 being removed from Tony and or Tony's possessions while
5 you were at the apartment?

6 A No, sir.

7 Q This person that went with you and Tony down to Mable
8 T Willis Boulevard, how was he dressed?

9 A He had a black and white bandana around his mouth, a
10 black hoodie, and a pair of jeans.

11 MR. KNIGHT: Court will indulge me one moment.

12 THE COURT: Yes, sir.

13 BY MR. KNIGHT:

14 Q Ask you if you can identify this.

15 A Yes, sir, I can.

16 MR. MATTHEWS: Without objection, Your Honor.

17 MR. KNIGHT: Probably be number 18 maybe. State
18 moves the black and white bandana into evidence
19 without objection.

20 THE COURT: State's Exhibit 18 in evidence
21 without objection.

22 (WHEREUPON, State's Exhibit 18 was admitted into
23 evidence.)

24 BY MR. KNIGHT:

25 Q State's Exhibit number 18, Miss Ford, is that the

1 black bandana that you saw that night --

2 A Yes, sir.

3 Q -- on the person that was in the car with you and
4 Tony?

5 A Yes, sir.

6 MR. KNIGHT: Court indulge me one moment.

7 THE COURT: Yes, sir.

8 BY MR. KNIGHT:

9 Q Do you recall after the shooting which way the
10 shooter ran?

11 A He ran towards the woods.

12 Q Do you know what's on the other side of those woods?

13 A No, sir.

14 Q You don't? Okay. While you were in the apartment
15 with Tony, were you assaulted?

16 A Some, they hit me upside my head with something.

17 Q You don't know what it was?

18 A No, sir.

19 Q You say they, that means more than one?

20 A No, just somebody hit me upside my head.

21 Q Were there more than one person in the apartment with
22 you and Tony --

23 A Yes, sir.

24 Q -- at that time?

25 A Yes.

1 Q But in the car there was just one person?

2 A Right.

3 Q Okay. Miss Ford, if you'd be so kind to answer any
4 questions Mr. Matthews may have. Okay?

5 A Yes, sir.

6 MR. KNIGHT: Thank you, ma'am.

7 CROSS-EXAMINATION

8 BY MR. MATTHEWS:

9 Q All right. Miss Ford, you say that prior to this you
10 did not know Leonard Stanfield prior to this?

11 A No. No, sir.

12 Q But you did know Leonard Pinckney prior to that?

13 A Yes, sir.

14 Q You went to school with him and you knew him for some
15 period of time.

16 A Yes, sir.

17 Q And you were living in [REDACTED] Apartments at the
18 time?

19 A Yes, sir.

20 Q Now, Tamika Wilson lived in [REDACTED] Apartments at
21 that same time; did she not?

22 A Yes, sir.

23 Q Okay. So whoever Tamika was hanging around with, you
24 would see them, too --

25 A Yes, sir.

1 Q -- from time to time. So if Tamika and Leonard
2 Stanfield were going out, you'd probably know that because
3 Tamika was your friend and neighbor?

4 A Right.

5 Q Okay. And how many years had you been knowing
6 Leonard Pinckney?

7 A I don't know, sir.

8 Q But years before this happened?

9 A Yes.

10 Q Okay. Ten years maybe?

11 A No, sir.

12 Q About how old were you when you first met him?

13 A I never really met him. I just know him through
14 school, like going to school with him. He's a classmate.

15 Q Okay. From starting junior high school, grade
16 school?

17 A Yes, sir.

18 Q Okay. So you don't know him -- at least for years
19 and would talk some, recognize his voice, too; would you
20 not?

21 A No, sir.

22 Q You knew him for years, but you didn't know his
23 voice?

24 A No, sir.

25 Q Okay. But Leonard Stanfield, you didn't know him,

1 but you did recognize his voice?

2 A Yes, sir.

3 Q All right. Miss Ford, you testified I believe
4 moments ago that the guy that first came in was wearing a
5 black and white bandana and you identified that bandana;
6 correct?

7 A Yes, sir.

8 Q You said I think that -- that -- do you say that
9 Tamika had called you and talked about robbing somebody?

10 A Yes, sir.

11 Q Okay. But you didn't know who that was?

12 A No, sir.

13 Q So you didn't know what was going down?

14 A No, sir.

15 Q Okay. All right. Now, Miss Ford, you made a couple
16 of written statements to the police; did you not?

17 A Yes, sir.

18 Q And in fact, they took a gunshot residue from your
19 hand. They took swab and ran it through your hand to see
20 if you had fired a shot; right?

21 A Yes, sir.

22 Q Okay. And you first -- you went to John Hawkins
23 house, somebody you learned was John Hawkins later on, you
24 went to two houses; right?

25 A Yes, sir.

1 Q You went to one house and pounded on the door, nobody
2 answered, and then you went to another house?

3 A Yes, sir.

4 Q Okay. While you were at that other house, did you
5 make any phonecallss?

6 A Yes, sir.

7 Q Who did you call?

8 A I tried to call Tamika.

9 Q Why did you try to call Tamika?

10 A Because I didn't know what was going on.

11 Q So you just thought you'd call Tamika?

12 A Yes.

13 Q Why not your brother or your sister or your cousin or
14 somebody else?

15 A I don't know. I tried to call another friend
16 Eleanor, and nobody answered.

17 Q Okay. So you made two calls from Mr. Hawkins' house?
18 You called from -- from the house; right? Didn't you call
19 from -- you didn't make a phonecall from John Hawkins'
20 house, the second house you went to that night?

21 A I don't remember making--

22 Q Could have been. Don't know. Did you have a cell
23 phone available to you?

24 A No, sir.

25 Q You did not? There was not a cell phone in the car

1 that you were driving?

2 A I don't remember.

3 Q Okay. All right. Now, your first statement to the
4 police, did you say that -- you said you didn't know what
5 was going down or with who; right?

6 A Yes, sir.

7 Q Your second statement to police you said you did not
8 know what was going down or who -- who was going to be
9 involved; right? You made three statements, didn't you,
10 two written, then you made another statement to Terrance
11 Van Doren from Dorchester County?

12 A I don't -- I don't even know who he is.

13 Q Okay. Not going to ask about --

14 (Conferring with solicitor.)

15 MR. KNIGHT: You want to send the jury out? I
16 think that's the proper way to do it.

17 MR. MATTHEWS: Your Honor, if the State has a
18 motion, then -- does the State have a motion?

19 MR. KNIGHT: Oh, yeah.

20 MR. MATTHEWS: Okay.

21 THE COURT: Now, you got a motion or objection?

22 MR. KNIGHT: Objection. We are trying to save
23 some headaches, Your Honor. I think it would be
24 appropriate to discuss the matter out of the presence
25 of the jury.

1 THE COURT: All right. Ladies and gentlemen, if
2 you'd step to the jury room a few minutes, I'll get
3 you back.

4 (Jury left the courtroom at 11:12 am.)

5 MR. KNIGHT: Your Honor, my concern is Mr.
6 Matthews showed me a form from the Office of the
7 Sheriff of Dorchester County, comma South Carolina,
8 signed by Terrance A Van Doren.

9 There is not a statement on that particular page
10 that indicates a statement given by this witness to
11 Mr. Van Doren. The issue here is so close because
12 this witness -- since we're out of the presence of
13 the jury -- went to Dorchester County to have a
14 polygraph exam taken.

15 So I don't see where the statement she's given
16 to Mr. Van Doren is in that page that Mr. Matthews
17 showed me. And obviously the -- the polygraph issue
18 can't come up, so I just wanted to be on the safe
19 side.

20 MR. MATTHEWS: Your Honor, I do understand the
21 polygraph report shouldn't come out. By the way, it
22 reflects that she failed it--

23 MR. KNIGHT: We are not interested in that.

24 MR. MATTHEWS: That's outside--

25 MR. KNIGHT: Wait a minute. No, sir. We ain't

1 going there.

2 MR. MATTHEWS: Okay. Well, that's fine. I
3 don't care about that. I do care, Your Honor, about
4 her answers to the questions. Did you plan with
5 anyone to have Tony killed? Answer, no. Did you
6 conspire with anyone concerning Tony being killed?
7 No. Are you withholding information from the police
8 concerning Tony's death? No.

9 Sometime after that, whatever the result of the
10 exam was, sometime after that she gave a statement
11 admitting that she did discuss these matters. So
12 whether or not -- whatever her reason for changing
13 her testimony I won't get into, but the fact that she
14 gave inconsistent statements is important, Your
15 Honor.

16 THE COURT: Okay. And what's the State's
17 position?

18 MR. KNIGHT: Well, it gets into all of that and
19 the purpose of being at the Office of the Sheriff of
20 Dorchester County -- I mean, the illusion is that she
21 went there for purposes -- this is Colleton County
22 case -- for something else. It's a cloud hanging
23 over her head.

24 THE COURT: But your objection is not to the
25 statement but the place of the statement?

1 MR. KNIGHT: Well, it's the way it's going to be
2 drawn out from the witness because she didn't even
3 recall who Mr. Van Doren was -- if I recall the
4 question and answer that went between Mr. Matthews
5 and Miss Ford.

6 THE COURT: And based on the rule 613B, you
7 know, prior inconsistent statements of a witness is
8 not admissible unless the witness is advised the
9 substance of the statement, the time and place of
10 its -- it was allegedly made, and the person whom it
11 was made to, and given an opportunity to explain it
12 or not in that statement. So...

13 MR. MATTHEWS: Your Honor, that's why I
14 mentioned Mr. Van Doren's name so that she'd have an
15 opportunity to -- so she'd have notice as to what I'm
16 questioning her about.

17 I did not get into the fact that it's a
18 polygraph report. And, of course, I'm not going to
19 attempt to introduce the results of the polygraph.

20 THE COURT: Okay. So explain to me your
21 objection. I mean, obviously if he's going to follow
22 the rule, he gets to ask her who it was made to, when
23 and where, and if -- she can deny or admit it.

24 MR. KNIGHT: She -- he asked her. I don't know
25 who he is. What more can she say?

1 THE COURT: Right. And the fact she said she
2 doesn't know who he is -- and I assume the next
3 series of questions was going to ask her about the
4 statement.

5 MR. KNIGHT: There's not a statement.

6 THE COURT: Okay.

7 MR. KNIGHT: That's the issue. That's -- those
8 things aren't statements.

9 MR. MATTHEWS: They are things that she said. I
10 mean, they are not written statements, but there's
11 questions and answers.

12 MR. KNIGHT: Show me where that says it's a
13 statement, and I--

14 MR. MATTHEWS: Question number one. Did you
15 plan with anyone to have Tony killed? Answer, no.
16 Did you conspire with anyone concerning Tony being
17 killed? Answer, no. Are you withholding information
18 from the police concerning Tony's death? No.
19 And she made statements inconsistent with that
20 later on.

21 MR. KNIGHT: So you're going to stop there?

22 MR. MATTHEWS: I'm going to stop there.

23 MR. KNIGHT: Okay. I can live with that.

24 That's not what you started out...

25 THE COURT: Okay.

1 MR. MATTHEWS: Sounds like we don't have an
2 issue, Your Honor.

3 MR. KNIGHT: We do. I'm just concerned.

4 THE COURT: Okay. Anything else before I bring
5 this jury back? I don't want -- I don't want to
6 bring them back out and two minutes later send them
7 back out if -- I mean, do we have any other issues
8 that we need to take up? Are you going anywhere
9 that...

10 MR. MATTHEWS: I'm not going to mention the
11 polygraph report at all, Your Honor. I am going to
12 ask some more questions about these statements, and I
13 may seek to introduce those statements into evidence.
14 They were taken by the State. I don't know if the
15 State has any objection or not.

16 THE COURT: What's the State's position?

17 MR. MATTHEWS: Patrice -- two other statements.

18 MR. KNIGHT: Two written statements?

19 MR. MATTHEWS: Two written statements. Correct.
20 I may also ask her what she told Sergeant Jamison and
21 what she told John Hawkins. She made a -- may ask
22 about all those statements, but I will tell her who
23 I'm talking about.

24 MR. KNIGHT: I don't care about those
25 statements.

1 THE COURT: What about the statements?

2 MR. KNIGHT: I think it's cumulative. She's on
3 the stand.

4 THE COURT: Well, based on her answers, you
5 know, based on the rule, if she admits, may come in.
6 Normally not admissible. If she denies making them,
7 then they are admissible. So I don't know what her
8 answers are.

9 MR. KNIGHT: I don't either.

10 THE COURT: And then -- but we'll go from there.

11 MR. MATTHEWS: Thank you, Your Honor.

12 THE COURT: All right. Yes, sir. Anything else
13 before we bring the jury in?

14 MR. MATTHEWS: Nothing from the defense, Your
15 Honor.

16 THE COURT: Okay. Those of you sitting in the
17 audience, it's important throughout this trial that
18 you remain silent. You disrupt this court, I'm going
19 to deal with you appropriately.

20 But it's important for this jury to be able to
21 hear the testimony from this witness stand. But I
22 need everyone behind that rail to remain quiet. If
23 you don't think you can do that, you need to leave
24 now.

25

1 (WHEREUPON, Defendant Exhibits Nos. 1-6 were
2 marked for identification only.)

3 THE COURT: Offer them into evidence without
4 objection?

5 MR. MATTHEWS: I will enter them into evidence.

6 THE COURT: Okay. So -- and they are -- defense
7 exhibits one through six are in without objection.

8 (WHEREUPON, Defendant's Exhibits 1-6 were
9 admitted into evidence.)

10 THE COURT: Ready for the jury? State ready?

11 MR. KNIGHT: Yes.

12 THE COURT: Defense ready?

13 MR. KNIGHT: I don't want to take a break. I
14 have got a Coroner and a Pathologist coming within
15 the next 30 to 45 minutes. I wouldn't want to break
16 while they are here, so I can send her back to
17 Charleston and the Coroner back. I leave it up to
18 you, but I'm -- planning purposes.

19 THE COURT: Well, it's 11:20 now. And maybe if
20 we are going to -- how much longer do you think this
21 witness is going to be?

22 MR. KNIGHT: Mr. Matthews will probably string
23 it till 12:00.

24 MR. MATTHEWS: That's probably -- probably
25 pretty nearly. Maybe not. But with redirect, if

1 there is any, it very well could last that long.

2 THE COURT: Well, we can take a break right now
3 and come back at 11:30 and then probably run till one
4 and take -- will that work?

5 MR. KNIGHT: That's fine with me.

6 MR. MATTHEWS: Sounds good, Your Honor.

7 THE COURT: All right. We will be in recess
8 then until 11:30 and then we will be back.

9 MR. KNIGHT: Would you instruct the witness that
10 she can't talk to anyone during the break?

11 THE COURT: You're on the witness stand, so when
12 you get down, you can't discuss this case with
13 anybody else. Do you understand that?

14 THE WITNESS: Yes.

15 MR. KNIGHT: You'll come back and we get
16 through.

17 THE COURT: All right.

18 MR. KNIGHT: For planning purposes I think
19 that's the best way to do it.

20 THE COURT: Okay.

21 (Whereupon a recess was had.)

22 THE COURT: State ready to proceed?

23 MR. KNIGHT: Yes, sir.

24 THE COURT: Defense ready?

25 MR. MATTHEWS: Yes, sir.

1 THE COURT: Bring us the jury.

2 (Jury entered the courtroom at 11:39 am.)

3 THE COURT: Thank you, ladies and gentlemen.
4 Counsel, you may proceed.

5 MR. MATTHEWS: Thank you, Your Honor.

6 BY MR. MATTHEWS:

7 Q Miss Ford, do you recall being asked whether or not
8 you -- this question: Did you plan with anyone to have
9 Tony killed? Do you recall what your answer was?

10 A No.

11 Q You do recall and the answer was no?

12 A Yes.

13 Q Thank you. And then did you conspire with anyone
14 concerning Tony being killed? And what was your answer?

15 A No.

16 Q And are you withholding any information from police
17 concerning Tony's death? And what was your answer?

18 A No.

19 Q Okay. Now, sometime after that did you make an
20 additional statement to police that in fact Tamika Wilson
21 had called you and said that she needed money badly? Do
22 you recall having that conversation with Tamika Wilson?

23 A Yes.

24 Q And did she then ask you, how do you feel about my
25 Uncle Tony?

1 A Yes.

2 Q All right. Did she also tell you then that you were
3 going to have to cooperate with her?

4 A No.

5 Q You did not -- you did not make that statement to
6 officer Phillip Roberson on July 26th -- I mean July 25th,
7 2003?

8 A I don't remember, sir.

9 Q Okay.

10 MR. KNIGHT: Without objection.

11 (WHEREUPON, Defendant's Exhibit 7 was admitted
12 into evidence.)

13 BY MR. MATTHEWS:

14 Q Hand you what's been marked as Defendant's Exhibit
15 number seven. Are those two written statements that you
16 made on the dates indicated, one to Leslie Jamison and one
17 to Phillip Roberson?

18 A Yes, sir, these are my statements.

19 Q All right. Did you -- if you will return to page one
20 of your second statement on 2 pm, July 25th, 2003. All
21 right. Did you at that time say, the telephone
22 conversation, I was at my Aunt Patty's house and Tamika
23 was home.

24 Tamika told me she was desperate for money. She told
25 me that I wasn't as desperate as she was and that she was

1 going to rob someone. She told me about six or \$7000.

2 Then she told me I was going to have to cooperate.

3 I asked her what was she talking about? And she told

4 me, don't worry about it. I told her I didn't want any

5 part of what was going -- what she was going to do. She

6 said hmm. Then she asked how much do I like her uncle.

7 Did you recall writing that?

8 A Yes.

9 Q And she told you that before any of this happened?

10 A Yes.

11 Q Miss Ford, do you know John Burgess or did you know

12 John Burgess?

13 A No, sir.

14 Q Okay. Didn't go to school with him?

15 A I don't know.

16 Q Okay. Miss Ford, when you first went to John
17 Hawkins' house, did you not tell John Hawkins -- that was
18 the second house that you went to after this -- that two
19 people had been on the scene at Printers Alley with you?

20 A I don't remember.

21 Q Okay. Now, in your statement, too, if you will take
22 a look at the first -- the first page of the first
23 statement you made on July 24th. All right.

24 Going through two males -- at the very bottom of the
25 first page -- two males were in the room. I saw one with

1 a gun. He was wearing a mask over his face with a black
2 and white bandana around his mouth. Did you write that?

3 A Yes, sir.

4 Q And then they told me that -- moving down two
5 sentences -- they told me to get on the bed, and I laid on
6 the bed, and that's when they tied a black robe around my
7 head. Do you recall writing that?

8 A Yes.

9 Q All right. Now go one more page to the next page,
10 couple lines down. Okay. Well, we'll go through that.
11 I -- one of them hit me up beside my head. They told me
12 to get -- to get up and go with them.

13 When you get in the car you said, I had to push boxes
14 out of the back seat to get in. This is the last line on
15 that page. We drove out of [REDACTED] A man asked Tony
16 where we were going. Then he said, don't ask Tony right
17 or left.

18 And you go on and then says he told -- he told both
19 of us to get out of the car. We both got out. And then
20 what's the next thing you say after that? Do you see
21 where we are on that?

22 A No.

23 Q About midway through this next one. We both got out,
24 and then I took off my robe off my head. Do you remember?

25 A Okay.

1 Q Okay.

2 A I'm here.

3 Q So you had your robe on your head from the -- when
4 you first saw at -- initially you only saw one person.
5 You saw that there were two people, but you only got a
6 description of one; is that correct?

7 A Yes.

8 Q And then they put a robe on your head and you didn't
9 see anything until you took the robe off of your head when
10 you were at Printers Alley; is that correct?

11 A As it was -- yes, it was hanging off my head.

12 Q Okay. All right. And Miss Ford, your -- you made a
13 statement to Sergeant Jamison initially, too. You talked
14 to Sergeant Jamison at some point; did you not?

15 A I--

16 Q Leslie Jamison?

17 A I don't remember.

18 Q Okay. And didn't you tell Sergeant Jamison that the
19 person that you saw was a tall, slender, dark-skinned
20 male, sounding young, possibly in his early twenties, wore
21 a black hat with eyes cut out, and a black and white
22 bandana around his mouth with a gun. Do you recall making
23 that statement to Leslie Jamison?

24 A I don't remember.

25 Q Could have been?

1 A I don't remember.

2 Q Okay. Is that consistent with what you saw?

3 A Yes.

4 Q I'm handing you a number of photographs and just ask
5 if those are pictures taken from your house or your
6 apartment at that time if you recall. They are already in
7 evidence, but do you recognize those as being in your
8 apartment?

9 A Yes, sir.

10 Q Okay. Okay. You had indicated earlier on
11 questioning from Mr. Knight that on the front of your door
12 was a footprint. In exhibit number 4, does that also
13 appear to be a different kind of footprint but also a
14 footprint on the front of your door?

15 A It's a footprint.

16 Q Okay. Now Miss Ford, immediately after this happened
17 when you were at John Hawkins' house, you called Tamika
18 Wilson to her house; correct? You used John Hawkins'
19 phone to call Tamika Wilson to her house; correct?

20 A Yes, sir.

21 Q Okay. And she didn't immediately -- she didn't
22 answer the phone, but she called back to the number that
23 you had called from; is that correct?

24 A I don't remember.

25 Q Okay. When at some point you did talk to Tamika, was

1 the Deputy Sheriff present when you talked to Tamika?

2 A I don't remember.

3 Q And in fact, when you talked to Tamika, was she
4 laughing?

5 A Yes.

6 Q You had told her that her uncle was killed, and she
7 was laughing?

8 A She was just like -- she ain't really had nothing to
9 say. She was like, I got to call my grandma.

10 Q Miss Ford, what kind of car did you drive at that
11 time?

12 A I drove a white '93 Oldsmobile Cutlass Supreme.

13 Q Is that the car that you lent to Tamika Wilson?

14 A Yes.

15 MR. MATTHEWS: I don't have any further
16 questions, Your Honor.

17 MR. KNIGHT: Just a couple on redirect.

18 REDIRECT EXAMINATION

19 BY MR. KNIGHT:

20 Q Miss Ford, you told Mr. Matthews that you recognized
21 Leonard Stanfield's voice in the car; is that correct?

22 A Uh-huh.

23 Q Did you know Leonard Stanfield before this day?

24 A I met him through Tamika.

25 Q Okay. There was a relationship between Tamika and

1 the defendant?

2 A Yes.

3 Q Okay. Do you recall how many occasions you and
4 Tamika and Mr. Stanfield had?

5 A We never really had occasions. He would come home
6 and I would be over there, and that's how I met him.

7 Q Okay. And that's how you could recognize his voice?

8 A Yes.

9 Q Okay. I think that's all. Thank you.

10 THE COURT: You can come down.

11 MR. MATTHEWS: Yeah, okay.

12 MR. KNIGHT: May she be excused?

13 THE COURT: Any objection to her being excused,
14 Mr. Matthews?

15 MR. KNIGHT: Mr. Matthews?

16 MR. MATTHEWS: Pardon me?

17 MR. KNIGHT: Ask her to be excused or you want
18 to call her back later. You make the call.

19 MR. MATTHEWS: I would -- I would prefer, Your
20 Honor, just -- just -- I don't think I'm going to
21 call her again, but if she could just not be in the
22 courtroom obviously in the event that I decide that I
23 do want to call her. I don't know that I'm going to,
24 but I may.

25 THE COURT: Okay. You can step down.

1 MR. KNIGHT: You will just have to remain
2 outside.

3 THE COURT: Subject to recall.

4 MR. KNIGHT: Thank you so much. I appreciate
5 it.

6 (Witness left the stand.)

7 MR. KNIGHT: Mr. Harvey, please.

8 MR. MATTHEWS: Your Honor, could you also
9 instruct Miss Ford not to discuss the case with
10 anyone since she is still on the stand?

11 THE COURT: Miss Ford, you can't discuss your
12 testimony with any other potential witnesses in this
13 case. Do you understand?

14 THE WITNESS: Yes, ma'am.

15 THE COURT: Thank you, ma'am.

16 MR. KNIGHT: Mr. Harvey.

17 RICHARD HARVEY, after being duly
18 sworn, testified as follows:

19 THE WITNESS: My name is Richard Harvey.

20 DIRECT EXAMINATION

21 BY MR. KNIGHT:

22 Q Mr. Harvey, what's your employment, sir?

23 A I'm the Colleton County Coroner.

24 Q Okay. Did you have an occasion on July the 24th,
25 2003, to come to Mable T Willis Boulevard and Printers

1 Alley?

2 A Yes, sir.

3 Q Upon your arrival, what if anything did you discover,
4 sir?

5 A There is a body laying face-up on Printers Alley.

6 Q And that is in Colleton County?

7 A Yes, sir.

8 Q Okay. Were you able to determine what caused that
9 death, sir?

10 A There appeared to be some gunshot wounds to the body.

11 Q Okay. Were you able to identify who the body was,
12 sir?

13 A I was informed by the Chief of Police at that time,
14 Mike Devlin, who the deceased was.

15 Q Okay. And who was it?

16 A I'm sorry. Tony Wilson.

17 Q Tony Wilson?

18 A Yes, sir.

19 Q Okay. Did you authorize that the body be transported
20 to the Medical University of South Carolina?

21 A I did.

22 Q What was the purpose for that?

23 A For forensic autopsy to determine cause of death.

24 Q And was in fact the body transferred to MUSC?

25 A Yes, it was, directly from the scene.

1 Q Directly from the scene?

2 A Yes, sir.

3 Q And approximately what time of morning or night did
4 you make that authorization at the scene?

5 A It was probably about 4:30 or five in the morning.

6 Q Okay. Thank you so much. Answer any question Mr.
7 Matthews may have.

8 THE COURT: Mr. Harvey?

9 MR. MATTHEWS: Thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. MATTHEWS:

12 Q Mr. Harvey, when you arrived, how many people were on
13 the scene when you arrived?

14 A I believe there were about five people initially on
15 the scene.

16 Q Okay. Were there people, representatives from
17 Waltherboro Police Department?

18 A Yes, there were.

19 Q And Colleton County Sheriff's Office?

20 A Yes, there were.

21 Q And EMS?

22 A EMS was not there at the time that...

23 Q But they got there after you arrived?

24 A They had already been there.

25 Q Okay. So they--

1 A I believe they had already been there prior to my
2 arrival. They were not there at the time that I -- when I
3 got there.

4 Q Okay. And representatives -- I guess a
5 representative of Sled also had appeared?

6 A They did appear prior to us removing the body, yes,
7 sir.

8 Q Okay. All right.

9 MR. MATTHEWS: I don't have anything further,
10 Your Honor.

11 THE COURT: Anything further from the State?

12 MR. KNIGHT: No, sir. May he be excused, Your
13 Honor?

14 MR. MATTHEWS: Without objection.

15 THE COURT: Thank you, Mr. Harvey. You can be
16 excused.

17 THE WITNESS: Thank you, sir.

18 (Witness left the stand.)

19 MR. KNIGHT: Dr. Presnell?

20 (Witness entered the courtroom.)

21 SUSAN E PRESNELL, after being duly sworn,
22 testified as follows:

23 THE WITNESS: My name is Susan Erin Presnell,
24 P-r-e-s-n-e-l-l.

25 DIRECT EXAMINATION

1 BY MR. KNIGHT:

2 Q Mrs. Presnell, what is your profession?

3 A I'm a Forensic Pathologist at The Medical university
4 of South Carolina in Charleston.

5 Q Are you licensed to practice medicine in the state of
6 South Carolina?

7 A Yes, I'm -- I have a MD and South Carolina medical
8 license.

9 Q Are you a member of any professional organizations?

10 A I belong to the Medical Examiner Associations, the
11 Forensic Pathology ones, including NAME, which is National
12 Association of Medical Examiners, and a couple of the
13 other national organizations like College of American
14 Pathologists.

15 Q What is your specialty?

16 A Well, I'm a Pathologist, but I have a sub-specialty
17 in forensic pathology and -- you know, most people think
18 of -- when they hear of pathologists, they think of CSI
19 and the sub-specialty of forensics. But I -- pathology is
20 a big general field of diagnosis of disease.

21 And forensic pathology is the sub-specialty where we
22 not only examine disease processes, but we also evaluate
23 trauma.

24 Q In what capacity are you presently employed?

25 A I'm a forensic pathologist at the Medical University

1 of South Carolina.

2 Q How many autopsies have you performed?

3 A I'd have to estimate about 1500.

4 Q Have you been qualified in a court of law as an
5 expert in forensic pathology?

6 A Yes, I have.

7 Q Do you recall how many times?

8 A Excuse me?

9 Q Do you recall how many times?

10 A How many times? Fifty, 60.

11 MR. KNIGHT: Your Honor, at this time I would
12 offer Dr. Presnell as a expert in the field of
13 forensic pathology.

14 MR. MATTHEWS: Without objection, Your Honor.

15 THE COURT: Okay. I find that she's an expert
16 in the field of forensic pathology.

17 BY MR. KNIGHT:

18 Q Doctor, did you have an occasion to do an autopsy on
19 one Tony Wilson?

20 A Yes. We performed an autopsy on Mr. Tony Wilson on
21 July 24th, 2003.

22 Q What was the location of that autopsy?

23 A That happened at the Medical University.

24 Q Is that in Charleston County?

25 A It's in Charleston, yes.

1 Q Okay. What were your findings?

2 A Well, when we do an autopsy, we're not only looking
3 for cause of death but again interpreting the injuries.
4 Of course, the grand finale in the final autopsy report at
5 the very bottom, the cause of death and the manner of
6 death.

7 In this particular case Mr. Wilson had three gunshot
8 wounds. He had one that entered into -- through his nose
9 and went through the right side of his brain, which is
10 where we got one of the bullets out.

11 We had the -- he also had one that went into the
12 middle of his chest that went through the heart and the
13 right lung and part of the liver and then out his back.

14 And he also had another gunshot wound that was to the
15 front of his leg that was more superficial. It went into
16 the skin, through the muscle, and then back out again.

17 Q What was the trajectory of the bullet that went into
18 the nose?

19 A The trajectory for the bullet that went to the nose
20 was -- and then since -- imagining him standing straight
21 up which doesn't necessarily mean that's the way he was
22 during the incident. But if he was standing straight up,
23 the bullet was going backwards, up, and to the right, so
24 in this general direction.

25 Q Okay. And the trajectory of the bullet you said went

1 into the chest, what was that trajectory?

2 A Again, we're going to do trajectory as if he was
3 standing up which doesn't necessarily mean that he was.
4 But I will just stand up so you can actually see me
5 pointing.

6 Q Well, may --

7 MR. KNIGHT: With permission of the Court, may
8 she step down?

9 THE COURT: Certainly.

10 MR. MATTHEWS: Without objection, Your Honor.
11 Without objection.

12 BY MR. KNIGHT:

13 Q Would you put this as to the first on me?

14 A The first...

15 Q The first bullet.

16 A Well, I don't know actually the order that the
17 bullets were--

18 Q That you pick out.

19 A But the first one that I described was to the nose.

20 Q And that was trajectory how?

21 A That was -- the trajectory of the bullet entering the
22 body is going straight back, slightly up, and to the
23 right.

24 Q Shows you how strong my nose is.

25 A Back.

1 Q Whichever you want to use. I will let you pick.

2 A I don't know that it's going to stick.

3 Q We will try.

4 A Okay. And then the bullet that entered his chest
5 went into the middle of the chest and was actually a
6 little bit to the right of midline, so maybe right there.
7 It is angled about 40-degrees down.

8 So if this is -- if this is going straight back, that
9 would be up and this is down. So it's going about
10 40-degrees down and slightly to the right, so it's going
11 in this direction.

12 Q Here?

13 A Yes, sir.

14 Q Okay. And the third?

15 A And the third shot was little more difficult to
16 interpret because we have a entrance -- or excuse me -- we
17 have a hole on the front of the leg and another hole down
18 a little further more towards the inside of the leg.

19 And the way the two configurations of the holes were,
20 we couldn't tell which was entering and which was exiting.
21 So the direction -- if you had the top one entering would
22 be like this, it's real superficial.

23 Of course, if the bullet came from this direction, it
24 would be going upwards. Again, we couldn't differentiate
25 that the way that it appeared at the time of autopsy, but

1 you know, again depending on which way the bullet came.

2 Q Okay.

3 A That would be...

4 Q Here?

5 A Yes.

6 Q And that's the third one?

7 A Yes, sir.

8 Q Okay. Doctor, also note that you discovered some
9 lacerations, abrasions, and contusions about various parts
10 of the deceased's body.

11 A Yes, sir.

12 Q Where were those contusions, lacerations, and
13 abrasions?

14 A Okay. Just kind of first as far as definition. An
15 abrasion is what we call a scratch in the medical term.
16 So abrasion equals scratch where your skin is just kind of
17 scraped away.

18 Then the other major definition is laceration which
19 is when the skin is hit with some type of blunt object and
20 it causes it to split. So it's not really a cut or an --
21 a sharp force injury, but a laceration from a blunt force
22 causing it to split.

23 On Mr. Wilson he had one small abrasion on the front
24 of his right shin. So again, a scratch. He had some
25 abrasions on the back of his right forearm, some scratches

1 on his right forearm.

2 And on the head, though, he had a laceration on his
3 right forehead, so that's from blunt trauma causing the
4 scalp to split, you know, kind of a little bit curved in
5 shape.

6 He had a more straight laceration on the back of his
7 left scalp here and that was associated with another
8 straight abrasion right beside it or kind of a scratching
9 right beside it.

10 He also had the -- a laceration on his lip, on his
11 lip -- on his left lower lip and left upper lip as well as
12 on the inside of the -- the left lower lip.

13 And the only -- the other injury was some hemorrhage
14 in the tongue on the right side of the tongue. Oh, excuse
15 me. I was pointing to my right side, but in fact the
16 lacerations on his lip were on his left side and he had a
17 little hemorrhage on his tongue and -- on the right side.

18 Q What would cause the hemorrhaging to the tongue?

19 A It -- well, it would be -- hemorrhaging would be
20 caused from trauma, potentially him biting down on his
21 tongue.

22 Q Could you determine from your observations whether or
23 not these were old lacerations and abusions (sic) or
24 recent ones?

25 A These were fresh lacerations and contusions or

1 abrasions.

2 Q Okay. Doctor, based upon this particular autopsy
3 within the bounds of reasonable medical certainty, have
4 you formed an expert opinion concerning the proximate
5 cause of the death of Tony Wilson?

6 A We grouped his two fatal injuries, the distant
7 gunshot wound to the head and the close range gunshot
8 wound to the chest as the cause of death, not
9 differentiating the two. Again, we couldn't tell which
10 one came first.

11 And then just as contributory to the cause of death
12 we included the distant gunshot wound to the -- to the
13 leg.

14 Q What is a distant gunshot wound?

15 A Well, kind of as I referred to before, we're not
16 necessarily just looking for cause of death but
17 interpretation of injuries. And one of the things that we
18 can do with gunshot wounds is classify them into three
19 ranges of fires, it's kind of a general classification.

20 When a gun is fired, the bullet comes out the end of
21 the barrel, but also some soot and some gunpowder
22 particles, too. The gunpowder is from -- is what's
23 ignited to propel the bullets down the barrel.

24 If a gun is right up against somebody's skin, then
25 once they're shot and you take the gun away, what you will

1 see is a hole surrounded by a bunch of soot, sooty deposit
2 right around it.

3 As you start to take the barrel away from that
4 person, move it away, then that soot will still come out
5 and also along with the soot the gunpowder particles will
6 come out and they will actually strike the skin and cause
7 little scratches around it, little punctate scratches
8 around that hole. So -- and that's called stippling.

9 And that would be considered a close range gunshot
10 wound. So when you get some stippling or little scratches
11 from the gunpowder particles, that's a close range. So we
12 have contact and then close range.

13 And then as you go further out, that soot will no
14 longer reach the skin. It doesn't travel -- you know,
15 there's too much distance to travel to actually deposit on
16 the skin. And the same thing for the gunpowder particles.

17 And so when it's out to about a certain distance,
18 then you will just have the hole with no soot or -- or
19 stippling around it, and that's considered a -- a distant
20 gunshot wound.

21 For general classifications, most handguns, the
22 contact -- well, that's -- that's straight-forward. It's
23 against the skin. But close range gunshot wounds are --
24 usually occur within 36 to 42 inches, so within a yard is
25 the close range gunshot wounds. And then anything beyond

1 that -- excuse me -- is a distant gunshot wound.

2 To be more specific as far as how close was the gun,
3 you would have to test-fire that -- that weapon with that
4 ammunition to try to re-duplicate the pattern that you see
5 on the person. Excuse me.

6 So for Mr. Wilson, he had a -- excuse me -- I have a
7 daycare cold -- he had a distant gunshot wound that went
8 in through his nose, so there was no soot or stippling
9 around it, so that means it was, you know, probably beyond
10 a yard or so.

11 It could have been a little bit closer depending upon
12 what type of gun and again ammunition was used. The one
13 to the thigh was also a distant gunshot wound, no soot or
14 stippling around it.

15 However, the one to the chest had a real tight circle
16 of a soot and stippling around it meaning that it was a
17 close range gunshot, somewhere within a yard to 36 to
18 42 inches, a yard to a yard and a half of -- of himself.

19 Q Thank you, doctor. Would you answer any questions
20 Mr. Matthews may have?

21 A Yes, sir.

22 CROSS-EXAMINATION

23 BY MR. MATTHEWS:

24 Q Doctor, this is a popular time I guess to be a
25 forensic pathologist. I guess you had -- what was the

1 Jack Clubman thing years ago?

2 A That was Quincy.

3 Q Quincy. That's more my generation.

4 A Mine, too.

5 Q I like CSI, too, by... okay. I think indicated you
6 don't -- do you know or do you have an opinion as to what
7 position the -- Mr. Wilson was in when he was shot?

8 A No. I can't tell at time of autopsy what position he
9 was in.

10 Q Okay. And I note you go through the -- in your
11 autopsy you cover basically every body part in every area
12 of the body?

13 A Yes, sir.

14 Q And when you mentioned his lower extremities, you
15 mentioned that he had had some abrasion on his -- on his
16 shin and then obviously the gunshot wound in his -- in his
17 thigh.

18 A Right.

19 Q Do you note anywhere in your report of any -- any
20 abrasions or scratching or any problems with his knees?

21 A He has -- not -- no, not his knees. He has some
22 scars and stuff, but nothing -- nothing distinct.

23 Q There was no fresh scratching or abrasions or
24 anything like that to his knees that you noted?

25 A No, sir.

1 Q Okay. And when you talk about the laceration to his
2 head, what part of his head was it -- you say he had...

3 A Yeah. He had two lacerations. One was a little one
4 on the right forehead.

5 Q Okay.

6 A A curve linear one, and one was a longer, more
7 straight one on the back of his left -- left side of his
8 head.

9 Q Okay. Did you notice any unusual amount of bleeding
10 in those areas or could you tell?

11 A No, I -- I didn't note the amount of bleeding.

12 Q Okay. So there wasn't anything from those abrasions
13 that showed an -- a lot of blood loss from that area?

14 A Not -- not blood loss as far as cause of death. But
15 as far as evaluating how much a wound bleeds, by the time
16 they get to autopsy, you know, they're -- obviously their
17 heart has quit pumping, they are not bleeding.

18 We do get leakage of blood with gravity. So I'm not
19 sure -- we don't usually comment on the amount of blood
20 surrounding a wound by the time they get to autopsy. We
21 do comment on the amount of blood inside the -- any --
22 body cavities, but not -- not usually on the outside.

23 Q Okay. And you found the one bullet inside of Tony
24 Wilson's skull, I guess, and you gave that to Sled to be
25 analyzed?

1 A Yes. We recovered that one bullet and we transferred
2 that to Leslie Jamison who was with the Colleton County
3 Sheriff's Office.

4 Q Okay. When Mr. Wilson arrived, he was in his
5 underwear?

6 A Yes.

7 Q Okay. I don't have anything further. Thank you.
8 Thank you.

9 MR. KNIGHT: One further redirect.

10 REDIRECT EXAMINATION

11 BY MR. KNIGHT:

12 Q You said you turned certain items over to Leslie
13 Jamison with the Colleton County Sheriff's Department?

14 A Yes, sir.

15 Q Ask if you can identify this. Know you don't want
16 to... I've got a glove.

17 A Okay. That would be good.

18 Q You need two or just one?

19 A I will pull it out with one and we'll see. Two.

20 Q Two?

21 A Having just reviewed the pictures, while this appears
22 to be the white short-sleeved undershirt that he had been
23 wearing when he got to us at the time of autopsy with some
24 dried bloodstains.

25 Q And is that what you said you turned over to Leslie

1 Jamison?

2 A Yes, sir.

3 Q Okay. You can put that back.

4 MR. KNIGHT: Into evidence without objection?

5 MR. MATTHEWS: No objection.

6 (WHEREUPON, State's Exhibit 19 was admitted into
7 evidence.)

8 THE COURT: State's Exhibit 19 is in without
9 objection.

10 MR. KNIGHT: I think that's all I have of this
11 witness.

12 THE COURT: Any further questions?

13 MR. MATTHEWS: No other questions. No objection
14 to her going home.

15 THE WITNESS: Thank you.

16 THE COURT: Thank you for coming, doctor.

17 THE WITNESS: Thanks.

18 THE COURT: Thank you, doctor. Have a good day.

19 Leslie Jamison.

20 (Witness left the stand.)

21 (Witness entered the courtroom.)

22 LESLEY JAMISON, after being duly
23 sworn, testified as follows:

24 BY MR. KNIGHT:

25 Q Mrs. Jamison, who are you employed with, ma'am?

1 A Colleton County Sheriff's Office.

2 Q In what capacity, ma'am?

3 A I am a Deputy Sheriff, been appointed to position of
4 Captain with Jail Administrator over the Detention Center.

5 Q On July the 24th of 2003 what capacity were you in
6 with the Sheriff's Department?

7 A I was a Senior Sergeant in the Criminal
8 Investigations Division.

9 Q Did you have an occasion to investigate the untimely
10 demise of Tony Wilson, his killing?

11 A Yes.

12 Q Did you have an occasion to meet with one Patrice
13 Ford?

14 A Yes, I did.

15 Q And what was the purpose of that meeting with Miss
16 Ford, Ms. Jamison?

17 A I met with her to interview her and to get a
18 voluntary statement from her in reference to an incident,
19 this incident.

20 Q Did you have any other involvement with Miss Ford?

21 A Not that I recall, no, sir.

22 Q I show you this and ask if you can identify this for
23 me. Gunshot residue.

24 A This is a GSR kit.

25 Q Uh-huh.

1 A Gunshot residue kit.

2 Q Did you perform a gunshot residue?

3 A Yes, I did, with her.

4 Q With Miss Ford?

5 A With Patrice Ford.

6 Q Okay. Would you look inside the envelope and make
7 sure that that's in fact what you're talking about?

8 A (complied) Yes, this is the one that I performed on
9 her.

10 Q Okay. What is a gunshot residue kit?

11 A It is a kit that we use to collect particles or to
12 determine if there's gunshot residue on a person's hands.

13 Q Okay. And you performed this on Miss Ford what date?

14 A I can't remember the date right off hand. It's the
15 date you gave me, July of 2003.

16 Q Okay. Upon completion of the gunshot residue kit,
17 what if anything did you do with that kit?

18 A I collected it in this package. This is my
19 handwriting.

20 Q Uh-huh.

21 A We have to fill it out completely, and turn it into
22 evidence, put an evidence tag on it through the Sheriff's
23 Office and enter it into evidence.

24 Q And that's what you did in this instance?

25 A Yes, I did.

1 Q Okay. And you say you can identify it as being your
2 handwriting?

3 A Yes, that is my handwriting.

4 MR. KNIGHT: Mr. Matthews?

5 MR. MATTHEWS: No objection.

6 MR. KNIGHT: I'm going to put it in one packet
7 instead of taking this one out. You can look.

8 MR. MATTHEWS: Okay. Was this already opened?

9 MR. KNIGHT: Yeah. Without objection, Your
10 Honor, I don't know what this exhibit is, the number.

11 THE COURT: State's Exhibit 20 is in evidence
12 without objection.

13 (WHEREUPON, State's Exhibit 20 was admitted into
14 evidence.)

15 MR. KNIGHT: Court indulge me one second.

16 BY MR. KNIGHT:

17 Q Mrs. Jamison, if you'd be so kind to answer any
18 question Mr. Matthews may have.

19 MR. MATTHEWS: May it please the Court.

20 CROSS-EXAMINATION

21 BY MR. MATTHEWS:

22 Q Sergeant Jamison, is it still Sergeant or...

23 A Captain.

24 Q Still pretty good. Captain?

25 A Captain Jamison.

1 Q Wow. Okay. When did you take this GSR kit? When
2 did you do the swab? You took a swab or you scraped it or
3 how did you collect that?

4 A In that evidence bag there are certain little
5 containers that we do.

6 Q Uh-huh.

7 A You take it apart. And it has like a ink blotter.
8 It's some type of blotter on the back, and you blot it.

9 Q Okay. Okay. And when did you take this particular
10 sample?

11 A Without looking at a date on that, I can't give you
12 the exact date.

13 Q Okay.

14 A I can -- July of 2003.

15 Q So at some point you took it, but you don't know what
16 date or time?

17 A I can't recall.

18 Q Okay. And you are -- are -- and you send that off to
19 Sled and an expert then would analyze that to tell you
20 what it all means?

21 A Yes.

22 Q Okay. So I mean, that's not within your purview?

23 A No, sir.

24 Q Okay. All right. All right. Mrs. Jamison, you also
25 did interviews of some of the witnesses in this or at

1 least you did of Patrice Ford; did you not?

2 A Yes, I did.

3 Q So when you took the GSR, you had also done an
4 interview of her.

5 A I did -- I don't remember which one I did first, but
6 I did do it.

7 Q Okay. All right. All right. Did Miss Ford describe
8 her assailant or the assailant as a tall, slender,
9 dark-skinned male? If you'd like a copy of your notes.

10 A I need to get a copy of it, please.

11 Q All right. Is that accurate? Did she describe
12 her -- she saw two come in, but the only one that she
13 could describe was tall and thin with a black and white
14 bandana around his mouth. Is that an accurate statement
15 of what she told you?

16 A He was a tall, slender, dark-skinned male and he wore
17 big gray sweatshirt with blue jeans.

18 Q Possibly in his early twenties?

19 A She described him as sounding young, possibly in his
20 early twenties.

21 Q Okay. Said that he wore a black hat with eyes cut
22 out and a black and white bandana around his mouth with a
23 gun; is that correct?

24 A That's correct.

25 Q You can handle that. I got no...

1 A Okay.

2 Q Captain Jamison, did you obtain any other physical
3 evidence or have anything -- did you obtain any other
4 evidence or any other statements in this case?

5 A Yes, I did.

6 Q Okay. Who else did you take statements from?

7 A I can recall taking a statement I believe from a
8 Tamika Wilson.

9 Q Okay. All right.

10 A And without looking at the rest of this, I -- I have
11 to look at it to actually tell you.

12 Q Okay.

13 A I took some.

14 Q Okay. All right.

15 A And I apologize, but it's 2003.

16 Q Yeah, it's been a while. Okay. Did you take any
17 other gunshot residue samples from any other person?

18 A I don't think I did.

19 Q Okay. John Burgess perhaps?

20 A Without seeing the paperwork, I -- I can't remember.

21 Q All right. Captain Jamison, were you the lead
22 investigator on this case or was somebody else the lead
23 investigator?

24 A Someone else was the lead investigator.

25 Q Would that be Phillip Roberson?

1 A I believe that's correct.

2 MR. MATTHEWS: I don't have anything further,
3 Your Honor, at this time. I would like to -- would
4 like to keep her on standby and still under oath and
5 not talking about the case because I may -- I may
6 want to call her again.

7 THE COURT: Okay.

8 REDIRECT EXAMINATION

9 BY MR. KNIGHT:

10 Q Mrs. Jamison, in response to Mr. Matthews' question,
11 you said you didn't recall exactly when you took the
12 statement or when you did the GSR kit; is that correct?

13 A That's correct.

14 Q If I would show this -- would that refresh your
15 memory, please ma'am? There.

16 A Yes, it says I, Senior Sergeant Jamison, did a GSR
17 kit on Miss Ford. And it's entered by myself, and the
18 date entered is 7-24-03.

19 Q So that's when you had taken the test?

20 A Not necessarily.

21 Q Not necessarily?

22 A That -- not necessarily, and I can explain that. I
23 could have taken it one day, and I don't remember which
24 day. And when we go back to do our notes, we type it in
25 and it will put the date that it was entered which is the

1 date that I typed that on, the 24th.

2 Q Okay.

3 A I can't say if it was the 23rd or 24th.

4 Q Did you ask a person, any person, whether or not
5 they've washed their hands in the last six hours?

6 A I asked her had she washed her hands since the
7 incident had taken place.

8 Q And her response, if you recall?

9 A She had not washed her hands.

10 Q Okay. So you either took it on the 23rd or the 24th?

11 A I'm thinking the 23rd because you need to do the
12 gunshot residue kit within a certain amount of hours of
13 the incident.

14 MR. KNIGHT: That's all I have of this witness.

15 MR. MATTHEWS: One follow-up, Your Honor.

16 RE-CROSS-EXAMINATION

17 BY MR. MATTHEWS:

18 Q How soon after the incident do you have to take the
19 GSR kit for it to be worth having?

20 A Maybe within eight to 12 hours of an incident.

21 Q No further questions.

22 THE COURT: Thank you. You can come down.

23 (Witness left the stand.)

24 MR. KNIGHT: May we approach?

25 THE COURT: Yes, sir.

1 MR. MATTHEWS: No, I'd like Captain Jamison to
2 still be available. I may have some other questions.

3 THE COURT: Okay. You're not excused. I don't
4 know whether you're under subpoena or not, but I need
5 you to be subject to being recalled.

6 THE WITNESS: Okay.

7 THE COURT: You can't discuss your -- your
8 testimony with any of the witnesses.

9 THE WITNESS: Okay.

10 THE COURT: Okay. Thank you, ma'am.

11 (Whereupon a bench conference was held.)

12 THE COURT: Ladies and gentlemen, I have been
13 informed by the prosecutor that this is a good time
14 to break for lunch and that the next witness may be a
15 little lengthy and therefore would get into the lunch
16 hour.

17 And I normally don't like to break the testimony
18 up of a witness and split the lunch, so we're going
19 to -- I'm going to excuse you for lunch at this time
20 and ask you to be back in the jury room at 2:00.

21 And I remind you, you cannot discuss this case
22 with anybody over the lunch hour. You can't read
23 anything about this case or hear anything on the
24 radio or any media and not discuss it among
25 yourselves.

1 Go have a nice lunch. And if you will come
2 straight back to the jury room at two, I will get you
3 back out as soon as possible and we will resume the
4 testimony. Thank you. Everybody remain seated while
5 the jury leaves.

6 (Jury left the courtroom at 12:32 pm.)

7 THE COURT: Anything else we need to deal with
8 before we go to lunch?

9 MR. KNIGHT: No, sir, not from the State.

10 MR. MATTHEWS: No, sir, Your Honor.

11 THE COURT: Court will be in recess until 2:00.

12 (Court in recess for lunch.)

13 THE COURT: Anything from the State before I
14 bring the jury in?

15 MR. KNIGHT: No, sir.

16 THE COURT: From the defense?

17 MR. MATTHEWS: No, sir.

18 THE COURT: Bring us the jury, please.

19 (Jury entered the courtroom at 2:10 pm.)

20 MR. KNIGHT: Jeff Crooks, Your Honor.

21 THE COURT: Yes.

22 JEFF CROOKS, after being duly sworn,
23 testified as follows:

24 DIRECT EXAMINATION

25 BY MR. KNIGHT:

1 Q Mr. Crooks, who are you employed with?

2 A South Carolina State Law Enforcement Division,
3 commonly referred to as SLED.

4 Q In what capacity are you employed with SLED?

5 A Currently I'm assigned as an investigator in the
6 upstate region of South Carolina. Prior to that I was
7 assigned to the SLED latent print crime scene unit.

8 Q And what's your education and training in law
9 enforcement?

10 A Well, I have a Bachelor's of Science degree from the
11 Citadel. I'm a certified police officer in the State of
12 South Carolina. I have successfully completed courses at
13 the South Carolina Criminal Justice Academy in crime scene
14 photography, fingerprint development techniques,
15 fingerprint comparisons, and investigations.

16 I have successfully completed courses sponsored by
17 the International Association for Identification and Palm
18 Print Comparisons, ridgeology science, which is an
19 advanced fingerprint course, crime scene investigation,
20 bloodstain analysis, advanced bloodstain analysis, tire
21 and shoe tread comparisons.

22 I have successfully completed a Federal Bureau of
23 Investigation fingerprint comparison course. I have
24 testified in the State Court of South Carolina as an
25 expert in fingerprint comparisons and crime scene

1 investigation as well as State Court of North Carolina in
2 fingerprint comparisons and crime scene investigation and
3 also Federal Court as an expert in crime scene
4 investigation and fingerprint comparison.

5 Q Agent Crooks, did you have an occasion to come to
6 Colleton County on July the 24th of 2003?

7 A Yes, sir, I did.

8 Q And what purpose did you come to Colleton County?

9 A We were requested to assist an investigation, in a
10 death investigation, to actually conduct the crime scene
11 investigation portion of that investigation.

12 Q Have you ever given gunshot residue evidence
13 collection kits?

14 A Yes, sir, I have.

15 Q You remember how many occasions?

16 A Up around probably in the hundreds.

17 Q Okay. Ask if you can identify this, please.

18 A Yes, sir, I can.

19 Q How can you identify it?

20 A It bears my name and my handwriting.

21 Q Okay.

22 MR. MATTHEWS: I haven't seen the report from
23 that, or I don't have it.

24 (Attorneys conferring.)

25 MR. KNIGHT: Good to go?

1 MR. MATTHEWS: I think so.

2 MR. KNIGHT: Without objection?

3 MR. MATTHEWS: Yeah, that's the... break the
4 seal. This is the... okay. No objection to that.

5 (WHEREUPON, State's Exhibit 21 was admitted into
6 evidence.)

7 MR. KNIGHT: State's Exhibit number 21 into
8 evidence, Your Honor.

9 THE COURT: State's Exhibit 21 in without
10 objection.

11 MR. MATTHEWS: Without objection, Your Honor.

12 THE COURT: Okay.

13 BY MR. KNIGHT:

14 Q That gunshot residue kit, who did you perform it on,
15 please, sir?

16 A Tony Wilson.

17 Q And where did you perform it? Do you recall?

18 A It was where... think it was where the body was
19 located, where the body was found. Refer to my notes.

20 Q Wait a minute.

21 A You have that...

22 Q Yes, sir.

23 A It's...

24 Q I ask you if you can identify State's Exhibit number
25 one. Number one.

1 A Yes, I can.

2 Q Is that the location you did the gunshot residue kit
3 on the deceased, Tony Wilson?

4 A Yes, sir.

5 Q Okay. What did you do with State's Exhibit number 21
6 after you completed the examination of Tony Wilson?

7 A I'm sorry?

8 Q What did you do with State's Exhibit number 21 after
9 you collected it?

10 A I sealed it, I took it back with me to the SLED
11 laboratory in Columbia, at SLED headquarters in Columbia,
12 South Carolina, where I took all the other evidence that
13 was collected related to this -- to this scene.

14 The evidence was then transferred to the SLED trace
15 department for analysis.

16 Q And does it remain -- does -- this seal you put on
17 it? The red seal?

18 A Yes, that's the seal that actually comes with the
19 kit.

20 Q And you don't remove the seal?

21 A No, sir. Once I remove it, it stays sealed and then
22 it gets transferred to -- or once I place the seal on the
23 pouch, it stays on the pouch until it gets to the trace
24 lab.

25 Q Okay. That's all the questions I have. Would you

1 answer any questions Mr. Matthews may have.

2 MR. MATTHEWS: Thank you, Your Honor. May it
3 May it please the Court.

4 THE COURT: Yes.

5 CROSS-EXAMINATION

6 BY MR. MATTHEWS:

7 Q Agent Crooks, how soon should you do a gunshot
8 residue kit in order for it to be valid?

9 A Well, on a deceased person it does not matter. On a
10 living person, our trace lab instructs us to get it
11 accomplished within four hours of the incident, of the
12 shooting.

13 Q Okay. So after four hours, you generally don't take
14 it?

15 A Well, if it's close to four hours, we'll take it. If
16 it's -- as long as it's before six hours, we'll go ahead
17 and take it. After six, we normally don't take it.

18 Q All right. All right. And obviously it's important
19 I guess with the -- with somebody who is deceased, you're
20 not going to be concerned about them washing their hands?

21 A That's correct.

22 Q If they wash their hands, that's also going to
23 invalidate the test, or could?

24 A It could, yes, sir.

25 Q Okay. And obviously if somebody's wearing gloves, to

1 take a test from their bare hands is no evidentiary value
2 at that point either?

3 A More than likely, yeah, there would be no residue on
4 their hands.

5 Q Okay. Agent Crooks, was there a -- do you know
6 whether it had been raining at the crime scene when you
7 arrived or prior to the time that you arrived, either at
8 the time you were there or sometime prior to that?

9 A According to my conversation with members of the
10 Sheriff's Office, there was rain between the time I was
11 contacted and the time I got there, or at least that's
12 what they told me.

13 Q All right. Had -- about what time did you arrive?

14 A I arrived at 4:15 in the morning.

15 Q Okay. And from what you understand, this happened
16 sometime at about 1:30 in the morning, somewhere around in
17 there?

18 A I was advised that at approximately 1:30 accord -- by
19 local investigators.

20 Q Okay. All right. And when you arrived, who all was
21 present at the scene?

22 A Upon my arrival I met with Lieutenant Jack Watson,
23 Sergeant Lewis and investigators with Walterboro. I do
24 not have those -- in particular investigators' names.

25 Q Okay.

1 A I do have Phillip Roberson mentioned as -- or listed
2 as an investigator.

3 Q Okay. All right.

4 MR. MATTHEWS: That would be all my
5 cross-examination unless there's any other
6 information that the State wants him to testify to or
7 if he's -- you know, I guess he'd be in the chain of
8 custody for anything else taken from the scene since
9 he said he took anything else, but I don't have any
10 other questions about this issue.

11 THE COURT: Okay.

12 REDIRECT EXAMINATION

13 BY MR. KNIGHT:

14 Q Let me ask you if you can identify this, Agent
15 Crooks.

16 A Yes, sir, I can.

17 Q What is that?

18 A This is a gunshot residue analysis information form.
19 The gunshot residue kits come with everything you need
20 inside the kit including instructions and this form which
21 you're requested to fill out.

22 It's basic information that the trace examiners need
23 in order to do their examination related to the who, what,
24 when, and where of the case.

25 Q And you can recognize that because your signature is

1 on it?

2 A Yes, sir. I filled this out. It's in my
3 handwriting, bears my signature.

4 MR. KNIGHT: Without objection, Your Honor,
5 State's Exhibit 22.

6 THE COURT: State's Exhibit 22 is in without
7 objection. Is that correct?

8 MR. MATTHEWS: That's correct, Your Honor. Yes,
9 without objection.

10 (WHEREUPON, State's Exhibit 22 was admitted into
11 evidence.)

12 BY MR. KNIGHT:

13 Q At the bottom it says collection -- collecting
14 signature of officer. Does that indicate the time you
15 took the test on the deceased, Tony Wilson?

16 A Yes, sir, it does.

17 Q And what time is that, sir?

18 A 5:40 am.

19 Q Okay. Thank you, sir.

20 MR. KNIGHT: That's all I have of this witness.

21 RECROSS-EXAMINATION

22 BY MR. MATTHEWS:

23 Q Just one more thing or maybe one or two. So the
24 reason you have that form in there is to be sure what time
25 you collected it because that's important information;

1 correct?

2 A Well, the main reason for the form is to assist the
3 trace examiner with that information, but it also is a way
4 for us to document it as well.

5 Q Right.

6 A Yes, sir.

7 Q Okay. All right. So because of that form, you were
8 able to know the exact time you collected this -- this
9 residue?

10 A Yes, sir, that's correct.

11 Q Okay.

12 MR. MATTHEWS: Nothing further, Your Honor.

13 MR. KNIGHT: May he be excused, Your Honor?

14 THE COURT: Any objection to him being excused?

15 MR. MATTHEWS: As long as -- I notice that
16 there's a report in here, and as long as there's
17 nothing else that he has to be in the chain of
18 custody for, then I have no objection to his going.

19 THE COURT: Well, usually the State's worried
20 about the chain, not necessarily the defense.

21 MR. MATTHEWS: Assuming there's nothing further
22 from what Mr. Knight tells me, then yes, I have no
23 objection to his being released.

24 THE COURT: Thank you. Mr. Crooks, you're
25 excused.

1 (Witness left the stand.)

2 MR. KNIGHT: Mrs. Simmons with SLED, Agent
3 Simmons.

4 (Witness entered the courtroom.)

5 ILA SIMMONS, after being duly sworn,
6 testified as follows:

7 DIRECT EXAMINATION

8 BY MR. KNIGHT:

9 Q Miss Simmons, who are you employed with?

10 A The South Carolina Law Enforcement Division also
11 known as SLED in the forensics laboratory in the trace
12 evidence department.

13 Q What's your educational background in trace evidence?

14 A I have a Bachelor's of Science Degree in Chemistry.
15 After obtaining my Bachelor of Science degree in
16 Chemistry, I went to work at SLED. It was my first place
17 of employment.

18 I went through a three year training program where I
19 worked with a certified trace evidence examiner who taught
20 me how to run the instrumentation, collect trace evidence,
21 and analyze trace evidence. During this time I had to
22 take written, oral, and practical examinations and pass
23 them all.

24 I also am a member of the Southern Association of
25 Forensic Scientists; the American Academy of Forensic

1 Scientists, and the GSR symposium handled by the FBI where
2 they have people come to Quamico, the laboratory for the
3 FBI, and discuss standards and practices for gunshot
4 residue analysis.

5 Q Have you ever been certified as an expert in trace
6 evidence in a court of law?

7 A Yes, I have.

8 Q How many occasions?

9 A In Federal Court probably 10 times or more. And in
10 State Court, 75 times or more.

11 Q Were you certified this morning an expert in trace
12 evidence?

13 A Yes, sir.

14 Q What county?

15 A In Horry County.

16 Q Okay.

17 MR. KNIGHT: Offer Miss Simmons as an expert in
18 trace evidence.

19 MR. MATTHEWS: Without objection, Your Honor.

20 THE COURT: Okay. I find she's an expert in
21 trace evidence.

22 BY MR. KNIGHT:

23 Q Okay. I show you State's Exhibit number 20 and ask
24 you if you have ever had an occasion to examine that.

25 A Yes, sir. It is marked with my initials, the

1 laboratory identification number, the item number, and the
2 date the kit was opened and analyzed.

3 Q Okay. Now, when you get State's Exhibit number 20,
4 is it sealed or is it -- that seal broken there?

5 A No, sir, it is sealed when I receive it. It is even
6 in an outside pouch that is sealed with evidence tape on
7 the outside of it. I open it. This seal is here that is
8 intact from the officer that collected the kit, and I
9 break the seal. So it is sealed here.

10 Q Okay. And you performed an analysis on State's
11 Exhibit number 20?

12 A Yes, I did.

13 Q And what were the results of that analysis?

14 A I did not find any gunshot residue on this kit.

15 Q And that was a kit for...

16 A Patrice N Ford.

17 MR. MATTHEWS: Your Honor, I would -- I thought
18 we were talking about Tony Wilson because that's the
19 one we just did, that we just talked about. I do
20 have a problem with the foundation of the
21 admissibility of that test at this point.

22 THE COURT: So you're objecting to the
23 admissibility of this test on the foundation?

24 MR. MATTHEWS: I thought we were talking about
25 Tony Wilson's because that's what the prior witness

1 had talked about. We don't -- before it's admitted
2 into evidence, I suppose, and some voir dire would be
3 appropriate as far as for identification -- as far as
4 her report and what she just said about it being the
5 residue from Patrice Ford being negative, I would
6 have some questions on voir dire before I would not
7 object to that testimony.

8 THE COURT: Well...

9 MR. MATTHEWS: So I do object to that testimony
10 at this point, Your Honor.

11 THE COURT: And on what grounds are you
12 objecting?

13 MR. MATTHEWS: Your Honor, there has been --
14 there hasn't been a foundation as to the time that
15 this gunshot residue was collected.

16 The witness who testified as to the gunshot
17 residue taken from Patrice Ford said she did not know
18 when she had taken the test. There wasn't any
19 indication of when.

20 And her testimony was that anywhere from eight
21 to 12 hours would be sufficient when the prior
22 witness testified from SLED that four hours is
23 normally the standard, and they might go up to six.

24 Whereas when this was collected on this
25 particular thing, it was eight to 12 hours later, if

1 we know exactly, and we don't because there's no
2 indication of when she took that.

3 THE COURT: Well--

4 MR. KNIGHT: I will help him out, Your Honor.

5 THE COURT: Goes to the weight and not the
6 admissibility. That goes to the weight of the
7 evidence and not the admissibility. And it's my
8 understanding that the actual kit and samples have
9 already been introduced into evidence.

10 MR. MATTHEWS: The kits, Your Honor, but not
11 the -- not the reports.

12 THE COURT: Right. But I think that goes to the
13 weight of the evidence and not necessarily the
14 admissibility of it.

15 MR. MATTHEWS: I understand that.

16 THE COURT: You certainly can argue that and
17 cross-examine her on that point.

18 BY MR. KNIGHT:

19 Q Agent Simmons, when you opened State's Exhibit number
20 20 that's -- what is inside of State's Exhibit number 20?
21 Because it's sealed. And what's inside of that?

22 A Inside of the kit is the samples that are collected,
23 swabs and particle lifts, as well as an instruction sheet
24 to tell the officer that's collecting the kit exactly how
25 to collect it, an information sheet that they fill out

1 with the person's name, the subject of whomever is being
2 collected the kit from, and some different information
3 that's re--

4 Q Well, let me ask you if you can identify this, please
5 ma'am.

6 A Yes, sir. This was the information sheet that came
7 from Patrice Ford's kit.

8 Q Inside the sealed kit.

9 A Yes.

10 Q State's Exhibit number 20.

11 (Shown to defense counsel.)

12 MR. KNIGHT: I move this in as State's Exhibit
13 for -- 23, I guess.

14 THE COURT: Yes, sir.

15 MR. MATTHEWS: Again, I'd like to ask some
16 questions about that before we get to that point.
17 And also, at this point, of course, it's hearsay
18 without officer -- but I'm not going to worry about
19 that.

20 If it's -- let me take a look at that and I'll
21 ask -- Your Honor, if I'm allowed to ask some
22 question before it's admitted, then I probably won't
23 object depending upon the answers that I get.

24 (WHEREUPON, State's Exhibit No. 23 was marked
25 for identification only.)

1 BY MR. KNIGHT:

2 Q State's Exhibit number 21, have you had an occasion
3 to come in contact with that?

4 A Yes, sir, I have. It is also marked with the
5 laboratory identification number and item number, the date
6 that the kit was opened and initials.

7 Q Was it sealed when you received it?

8 A Yes, it was.

9 Q And that is a GSR kit for who?

10 A Tony Wilson.

11 Q Tony Wilson. And did you perform an analysis on
12 that?

13 A Yes, sir, I did.

14 Q What if anything did you find as a result of your
15 analysis?

16 A There was no gunshot residue found in this kit
17 either.

18 Q Now, also in State's Exhibit number 21 I think --

19 A Yes.

20 Q -- this is State's Exhibit number 22. Does this --
21 inside of State's Exhibit number 21, the information
22 sheet?

23 A Yes, sir, it was.

24 Q Okay.

25 A This is a copy of what was in the original kit.

1 Q Right. Ask you if you can identify State's Exhibit
2 number 19.

3 A Yes, sir. This is also an item that I analyzed. It
4 is marked with my initials, the laboratory identification
5 number, item number, and date that it was analyzed.

6 Q Okay. What is State's Exhibit number -- got so many,
7 I...

8 A Nineteen.

9 Q Nineteen.

10 A It is a white T-shirt.

11 Q As a result of you analyzing State's Exhibit number
12 19, what if anything did you find?

13 A I found a large hole in the central chest region of
14 the garment. The hole is what is known as a stellar tear.
15 A stellar tear occurs during a gunshot if the gunshot is
16 placed right against a garment.

17 When a gun is fired, a large amount of hot gas comes
18 out of the gun. And a stellar tear occurs because the
19 hole blows open like this and it actually looks like a
20 diamond or a star, and that is what I found.

21 I also found lead and gunpowder around this hole
22 which gave an indication that it was a contact shot
23 meaning that the muzzle of the gun was in contact with the
24 garment when it was discharged.

25 Q Answer any question Mr. Matthews may have.

CROSS-EXAMINATION

BY MR. MATTHEWS:

Q Agent Simmons, in order for your test to have any validity, the information that supports that has to be valid; is that correct?

A That's correct. We go with what information is provided to us in the kit.

Q I understand. And so if somebody has washed their hands and they lied about that, then the test would be invalid.

A We would not find gunshot residue on the hands if the person had washed their hands.

Q Right. So it would be valid, but it would show -- it would suggest something that's not true?

A That's correct.

Q So if the person provided the information is lying, the test is not going to be of any evidentiary value if the information you get is invalid.

A Right. If we get incorrect information, we can only go by what information we received.

Q Okay. Now, in terms of collecting information, is it -- is it true or not true that four hours is your normal cut-off time?

A It's actually six hours. After six hours we no longer analyze a gunshot residue kit that's collected, six

1 hours after a particular shooting.

2 Q So if there were testimony that four hours is a
3 better standard, that would not be true?

4 A No. That it was -- any time up till six hours is our
5 cut-off point, you know--

6 Q Okay. So four hours, we can forget about that.

7 A Yes.

8 Q How about eight hours?

9 A No. After six hours, we no longer analyze the
10 gunshot residue--

11 Q Is it a sliding scale? Does something have more
12 value at six hours and 59 minutes than it does -- I mean,
13 four hours -- five hours and 59 minutes than it does at
14 six hours and two minutes?

15 A As soon as the gunshot residue -- the gun is fired,
16 gunshot residue begins to come off of the hand of the
17 person shooting it or whatever object that it, gunshot
18 residue gets on.

19 So it's optimum to collect the kit as quickly as
20 possible after the shooting. So the longer the time
21 period is, the less gunshot residue that's going to be
22 found.

23 Q Are there other factors that effect the reliability
24 of it? I mean, for example, if it were -- if you had
25 rain, would that affect the validity?

1 A Yes. Yes. It can be washed away from the hands or
2 removed by sweating or bleeding or something of that
3 nature; also remove the gunshot residue.

4 Q Okay. Were you asked to do anything else other than
5 analyze these, the gunshot residue here? Were you asked
6 to like look at fingerprints or analyze blood or hairs or
7 anything like that in this case?

8 A No, sir. But I wouldn't analyze fingerprints, blood
9 or anything. That's not my area.

10 Q Okay. That's not your thing?

11 A No, sir, that's not my area of expertise.

12 Q Okay. All right.

13 MR. MATTHEWS: Nothing further, Your Honor.

14 THE COURT: Anything further?

15 MR. KNIGHT: That's all I have of this witness.
16 Now the State would move State's Exhibit number --
17 the one I had for ID in evidence.

18 MR. MATTHEWS: I would object, Your honor. It
19 contains hearsay, and the hearsay -- if the Court
20 would want to take a look at this -- is fairly
21 significant, and it would -- and I think you'd have
22 to have the proper foundation from both Mrs. Jamison
23 and also from Patricia Ford.

24 This -- there are comments in there that are --
25 that are clearly hearsay and would clearly require a

1 corroboration and cross-examination of those two
2 witnesses.

3 MR. KNIGHT: What section are you talking about?

4 MR. MATTHEWS: Talking about this right here.
5 Okay. The timeline. Okay. The--

6 MR. KNIGHT: Look here, I'll white that out.
7 I'm not interested in that. I'm interested in the
8 bottom.

9 MR. MATTHEWS: If what the Solicitor -- the
10 Solicitor is looking to do is cut out all of the--

11 MR. KNIGHT: No, not cut out, white out.

12 THE COURT: Yeah. Y'all need to resolve this if
13 this -- if it is a situation it can be redacted to
14 the point that you don't -- I can either rule on what
15 you got, or if you want to redact it where y'all
16 consent is fine, but then you just need to let me
17 know.

18 MR. MATTHEWS: I would actually -- I would
19 really like -- based on some of the stuff in here, I
20 would like to I think -- I reserved -- Detective
21 Jamison or Captain Jamison is still under oath, so I
22 can actually call her for some of the stuff -- one of
23 the questions that I had in here.

24 Patrice Ford, I don't know if she's been
25 released or not, but if she has been -- has? Then we

1 can attempt to do that, Your Honor. If I can call
2 Captain Jamison back and ask a couple of questions.

3 MR. KNIGHT: Is that all we have of Miss
4 Simmons? May she be excused?

5 MR. MATTHEWS: She may.

6 THE COURT: Okay. Thank you, Miss Simmons.
7 (Witness left the stand.)

8 THE COURT: So as far as the admissibility of
9 23, it is still for ID purposes only. Is that my
10 understanding, gentlemen?

11 MR. KNIGHT: Yes, sir. I was willing to redact
12 it, but...

13 THE COURT: Okay.

14 MR. KNIGHT: Leonard Pinckney, junior, unless
15 you want to call Captain Jamison now. Leonard
16 Pinckney junior. Come on.

17 (Witness entered the courtroom.)

18 LEONARD PINCKNEY, JR., after being
19 duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. KNIGHT:

22 Q Where do you live at, Mr. Pinckney?

23 A Walterboro, South Carolina.

24 Q How long have you lived in Colleton County?

25 A My whole life.

- 1 Q All your life? You have to speak up so this young
2 lady can hear you.
- 3 A My whole life.
- 4 Q Okay. Also so Mr. Matthews can hear you. You know
5 the defendant here, Leonard Stanfield?
- 6 A Yes, I do.
- 7 Q How long have you known him?
- 8 A For about five years.
- 9 Q Five years. Okay. Do you know Tamika Wilson?
- 10 A Yes, I do.
- 11 Q How long have you known Tamika?
- 12 A Not long, about a month. Prior--
- 13 Q Prior to this incident.
- 14 A Oh, about two months.
- 15 Q Okay. Do you know Patrice Ford?
- 16 A From school.
- 17 Q From school. What school did you go to, Walterboro
18 High?
- 19 A Walterboro High.
- 20 Q Okay. Do you know Norris Green?
- 21 A Yes, I do.
- 22 Q Prior to this, how long did you know Norris?
- 23 A About 10 year period, about 10 years.
- 24 Q Ten years?
- 25 A About 10 years.

1 Q Okay. Do you know Freeman White?

2 A Not by name. Not by the name.

3 Q What do you know him by?

4 A As Peanut.

5 Q Peanut. Street name. Okay. You went to school with
6 him?

7 A Yes.

8 Q Okay. July the 23rd of 2004, did you have occasion
9 to be with the defendant, Leonard Stanfield?

10 A Yes, I was.

11 Q Where did y'all meet at?

12 A At Chase Lounge.

13 Q Chase Lounge.

14 A Yes.

15 Q What were y'all doing there?

16 A Having a couple drinks, you know.

17 Q Couple drinks. Anything else?

18 A No, that's all. That was all.

19 Q Didn't smoke no blunt?

20 A That was -- yeah, a couple in the--

21 Q Okay. That's right. That's right. You talk with
22 Leonard?

23 A Just frequently on and off, just on and off.

24 Q Okay. Well, what kind of conversation y'all have?

25 A We was just talking about, you know, the area, just

1 chilling, just talking.

2 Q Okay. Did y'all ever talk about a lick?

3 A Yeah, that was...

4 Q No. Did y'all talk about a lick?

5 A Yes, we did.

6 Q Okay. And what's a lick?

7 A Where you go and stick someone.

8 Q No. You got to speak up so this young lady and I can

9 hear because I'm old.

10 A It's a word for robbery.

11 Q Okay. Now we got ya. Okay. This discussion about a

12 robbery, or this lick, who were y'all going to rob?

13 A Tony Wilson.

14 Q Tony Wilson. And when were y'all going to rob him?

15 A That night.

16 Q That night. Got ya. Y'all -- how did y'all get to

17 Mr. Wilson, where he was located at?

18 A In the Peanut's vehicle.

19 Q What kind of car was that?

20 A A Yukon, Tahoe.

21 Q Let me ask you if you can identify this.

22 A Yes, that's it.

23 Q You can identify that?

24 A Yes, I can.

25 MR. KNIGHT: Mr. Matthews?

1 (Counsel was conferring.)

2 MR. MATTHEWS: For purposes of saying that's the
3 car they met in, I have no objection.

4 MR. KNIGHT: Okay.

5 (WHEREUPON, State's Exhibit 24 was admitted into
6 evidence.)

7 BY MR. KNIGHT:

8 Q So this is the vehicle that the defendant had at
9 Chase Lounge that night?

10 A Yes, it is.

11 Q That's the vehicle y'all rode over to where Tony
12 Wilson was at?

13 A Yes, sir.

14 Q How did y'all find out where Tony Wilson was at?

15 A Think he got some calls from Tamika.

16 Q Tamika who?

17 A Wilson.

18 Q What did she tell you?

19 A I wasn't able to listen in on the conversation when
20 they was on the phone.

21 Q How do you know he was talking -- how do you know the
22 defendant was talking to Tamika Wilson?

23 A Oh, because he said so.

24 Q He said Tamika?

25 A Yes.

1 Q Okay. Did you have a gun?

2 A Yes.

3 Q Did the defendant have a gun?

4 A Yes.

5 Q Okay. Go back to Chase. When y'all were at Chase,
6 who was by State's Exhibit number 24?

7 A Norris Green.

8 Q Norris Green? That's the fellow you had known for 10
9 years?

10 A Yes, sir.

11 Q Okay. Then y'all rode to where?

12 A To it's a U-hall gas, gas kind of place.

13 Q Okay. And where is that located at?

14 A Off of Jeffords.

15 Q Okay. And what is it close to?

16 A [REDACTED] Apartments.

17 Q Okay. What did y'all do when you got there?

18 A We set up and smoked a blunt.

19 Q Smoked the blunt. Okay. Did you see anybody out
20 there in the yard?

21 A Other fellow named Peanut.

22 Q Oh, okay.

23 A Yeah.

24 Q So the other fellow by the name of Peanut just came
25 by.

- 1 A Yeah.
- 2 Q Okay. When you finished the blunt, what did you do?
- 3 A He had gave me a bag of cocaine and I hid it, and
- 4 after that we went to the apartment.
- 5 Q Okay. What did you put on?
- 6 A A black bandana.
- 7 Q Uh-huh. What did the defendant put on?
- 8 A A stocking.
- 9 Q Okay. Then what did you do?
- 10 A I kicked the door down, knocked on the door and
- 11 kicked it down.
- 12 Q You kicked the door down?
- 13 A Yes.
- 14 Q I show you State's Exhibit number nine, State's
- 15 Exhibit number 16, and State's Exhibit number 17. Ask you
- 16 if you can identify that, please sir.
- 17 A Yes, I can.
- 18 Q What is that? What's shown in nine, seven and 16?
- 19 A The door of the apartment.
- 20 Q Is that the door you kicked in?
- 21 A Yes.
- 22 Q Okay. So after you kicked the door in then -- the
- 23 door in, did you and the defendant go in the apartment?
- 24 A Yes, we did.
- 25 Q What if anything did y'all do?

1 A We ran -- when I went in, I just told them to, you
2 know, get down, be still, you know. And the defendant, he
3 had went and got some sacks and covered their head with
4 and had them in the corner.

5 Q Okay.

6 A And I went and grab his pants and took the money that
7 was in there and his keys, but I gave him, the defendant,
8 the keys to the vehicle.

9 Q Okay. The keys to -- you keep saying, the defendant.
10 You mean the defendant here, Leonard Stanfield?

11 A Yes.

12 Q That who you gave the keys to?

13 A Yes.

14 Q Okay. Then what did you do?

15 A I just sit around, and Leonard Stanfield, he left to
16 go -- assume to get the car. And while I was in there, I
17 just stand and look at -- something just told me to leave,
18 and I just left, pulled the phone cord out and left.

19 Q I show you State's Exhibit number 8. Is that the
20 phone cord you're talking about you pulled out the wall?

21 A Yes, it is.

22 Q Okay. You gave Mr. Stanfield the keys to the car; is
23 that correct?

24 A Yes.

25 Q And what did you do?

1 A I pulled the phone cord out the wall and left and
2 ran.

3 Q And ran?

4 A And ran back towards the gas place.

5 Q Okay. Where did you run to?

6 A To the gas -- the location where we had parked the
7 truck at.

8 Q Was the truck there?

9 A At first, yeah.

10 Q Okay. Then...

11 A Then I -- after I left there, I went to Williams
12 Trailer Park.

13 Q Is this the truck you were looking for, State's
14 Exhibit number 24?

15 A Yes, it was.

16 Q It was not there?

17 A At first, but not the second round.

18 Q Okay. And you went to Wiggins Trailer Park. Where
19 did you go after that?

20 A I went to one of my family member's house, but I
21 noticed he had moved. So I came back to the -- where the
22 truck was at. That's when the truck was gone.

23 Q Okay. What if anything did you observe? What did
24 you see?

25 A Nothing.

- 1 Q Okay. Where did you go?
- 2 A After I left that truck, that's where I went back to
- 3 Wiggins.
- 4 Q Okay. What did you see then?
- 5 A And I seen Mr. Peanut coming out the woods, and I
- 6 seen a white vehicle riding--
- 7 Q Now Mr. Peanut, who is Mr. Peanut?
- 8 A Mr. Stanfield.
- 9 Q Okay. Coming out the woods. Then what happen? What
- 10 did you see?
- 11 A A white vehicle coming down the dirt road.
- 12 Q Did you recognize the driver of that white vehicle?
- 13 A No, I didn't recognize the driver.
- 14 Q Where did the defendant go when he came out of the
- 15 woods?
- 16 A Into a trailer.
- 17 Q Okay. Did you go to that trailer?
- 18 A Yes, I did.
- 19 Q Okay. Did you go inside the trailer?
- 20 A Yes, I did.
- 21 Q Who was inside the trailer?
- 22 A Mr. Stanfield and a female.
- 23 Q Do you know her name?
- 24 A I don't know her name.
- 25 Q Okay. Did you talk with Mr. Stanfield inside the

1 trailer?

2 A Yes, I did.

3 Q What was the conversation about?

4 A We said he had shot Mr. Wilson in the leg and had
5 shot him again in the chest, and he was going to do the
6 girl, but she wasn't worth it.

7 COURT REPORTER: She wasn't what?

8 THE DEFENDANT: Worth it.

9 BY MR. KNIGHT:

10 Q What else did y'all have a conversation about?

11 A He asked me why I ran and all.

12 Q I'm sorry. I can't hear you.

13 A He asked me why I ran and all, and exchanged the
14 money between us.

15 Q What do you mean you exchanged the money?

16 A The seven -- the money that we got from the
17 apartment.

18 Q The money you got off of --

19 A Yes.

20 Q -- Mr. Wilson?

21 A Yes.

22 Q You gave the money to the defendant?

23 A Yes.

24 Q And how much money did he give you back?

25 A Gave me approximately \$700.

- 1 Q Okay. What else happened that night?
- 2 A Basically that was -- after he gave me the money,
3 just went in the room.
- 4 Q Okay.
- 5 A That was it.
- 6 Q Did you spend the night there?
- 7 A Yes, I did.
- 8 Q You didn't leave at all during that night?
- 9 A No.
- 10 Q What happened the next morning?
- 11 A We was picked up in the -- in the truck by a white
12 fellow. I don't know his name.
- 13 Q Uh-huh. Where did y'all go?
- 14 A He dropped me off.
- 15 Q Okay. Did you have an occasion a couple days later
16 to see Mr. Stanfield?
- 17 A Yes, I did.
- 18 Q Where at?
- 19 A At Chase Lounge.
- 20 Q What if anything did y'all talk about?
- 21 A Talk about the situation, was anybody talking or
22 anything, you know.
- 23 Q He give you any instructions?
- 24 A And said probably be good for me to burn my sneakers.
- 25 Q What did you burn, if anything?

Leonard Pinckney - direct by Knight

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1 A I burnt the -- a black bandana just like that right
2 there when he dropped me off that morning.

3 Q Okay. You burn anything else?

4 A No, that was all.

5 Q Did -- your conversation that night after the robbery
6 and he told you he'd shot Mr. Wilson, was any discussion
7 about Tamika Wilson?

8 A No.

9 Q Mr. Pinckney, have you ever been convicted of
10 anything, criminal crimes?

11 A Failure to stop for blue light back in '97.

12 Q Okay. Also, back in December of 2003, did you give a
13 written statement to law enforcement?

14 A Yes.

15 Q And were you promised anything for giving this
16 statement?

17 A Yes, drop down to burglary second and a home
18 invasion, common law robbery something.

19 Q Okay. Was there any conditions on your dropping the
20 charges to that common law robbery and burglary second,
21 any conditions?

22 A No.

23 Q No conditions? You just dropped them down?

24 A The only conditions of the statement.

25 Q Right. That you testify truthfully?

1 A Yeah. Yes.

2 Q Did Mr. Stanfield describe you the condition of the
3 deceased, Mr. Wilson, after he shot him the first time?

4 A No.

5 Q Didn't describe it? How many times did he tell you
6 he shot him?

7 A Twice.

8 Q Twice?

9 MR. KNIGHT: Court indulge me one moment.

10 THE COURT: Yes, sir.

11 (Whereupon there was a pause.)

12 BY MR. KNIGHT:

13 Q Mr. Pinckney, do you know what kind of car Tony
14 Wilson had that day?

15 A I believe it was a gray, gray Toyota, small, small
16 body style.

17 Q Did you get in that car?

18 A No, sir.

19 Q Okay. And what did you do with the keys to that car?

20 A I gave them to Mr. Stanfield.

21 Q Mr. Stanfield?

22 A Yes.

23 Q Mr. Pinckney, answer any questions Mr. Matthews has;
24 okay? And you've got to speak up so everybody can hear.

25 MR. MATTHEWS: May it please the Court.

1 THE COURT: Yes, sir.

2 CROSS-EXAMINATION

3 BY MR. MATTHEWS:

4 Q Mr. Pinckney, you testified that you went and got --
5 you got the money or whatever it was out of Tony Wilson's
6 pocket; right? Is that correct?

7 A Yes, sir.

8 Q Okay. And you ran off intending to leave because you
9 don't want anything to do with this any more?

10 A Yes, sir.

11 Q Right? That's right?

12 A Yes, sir.

13 Q Okay. But you met -- you went back out to where
14 they -- the Yukon was. In fact, you made a statement that
15 Tony said, go get the car. Is that correct?

16 A I didn't made no statement about nobody said get the
17 car.

18 Q You did not make a statement? You did not tell Bill
19 Roberson that, Nut told me to get the car. You did not
20 make that statement?

21 A Oh, yes. Yes, I did.

22 Q Okay. You did. Okay. So that's inconsistent. All
23 right. Why did you go to the Yukon and then leave from
24 the Yukon if you were supposed to go get the car?

25 A Because after I done gave him the key, he had left.

1 Q You gave him -- I thought you testified that you gave
2 him Tony Wilson's key to Tony Wilson's car?

3 A Yeah, the keys to the car.

4 Q Right. Why would he tell you to go get the car and
5 not give you the keys to the car?

6 A Why would he?

7 Q Okay. You say you got the money from Tony Wilson.

8 A Yes.

9 Q Okay. And you just brought it back and didn't count
10 it or anything. Met back up with Peanut and said, here,
11 you count it, I'm not really interested in that.

12 A Yeah, I just gave the money to him.

13 Q Okay. You didn't count that or anything first --

14 A No.

15 Q -- just whatever because you trusted him.

16 A Yeah.

17 Q Okay. And you say you showed up with your own gun.
18 What kind of gun did you show up with?

19 A I didn't say I showed up with my own gun.

20 Q You said you had your own gun.

21 A I had one.

22 Q Okay. And you brought that. What kind of gun did
23 you have?

24 A It was a small -- small like automatic, small
25 automatic.

1 Q A small automatic. What caliber?

2 A Believe a 380.

3 Q 380? Okay. Okay. Automatic. And you testified --
4 now, if you were scared, how come you met back up with him
5 at all?

6 A Well, I wouldn't had nowhere else to go if we hadn't
7 done -- I stay on the other side of the house.

8 Q You said that he told you you had to stay with him;
9 right? You met up with him at the trailer?

10 A Yeah, because he said the police probably would be
11 riding the road.

12 Q Okay. How long have you been knowing Patrice Ford?

13 A Since my school -- since school, going to school.

14 Q How old, eight years old, nine years old?

15 A About 10 years.

16 Q About 10 years? And you say that from the time that
17 you learned about this to the time that you did this was
18 less than a day.

19 A Yes.

20 Q So somebody comes up to you and says, let's go get
21 \$700 from this guy, and you were up for that.

22 A At the time I was drunk and wasn't really thinking,
23 so yes, I did.

24 Q Okay. And at the time you were approached, time you
25 made your statement, it was already December of 2003;

1 correct?

2 A Yeah.

3 Q Okay. Had the police executed a search warrant on
4 your house?

5 A No.

6 Q They had not? They didn't get a pair of shoes from
7 your closet?

8 A Oh, those was a pair that -- that wasn't -- that was
9 my uncle pair of shoes, the one they got, but it wasn't--

10 Q They took shoes from your house, but you're saying
11 they weren't your shoes?

12 A No, they weren't mine.

13 Q You burned your shoes?

14 A Yes.

15 Q Where did you burn them?

16 A In the back yard of their house that they came to.

17 Q You just put it on a -- in a barbeque grill?

18 A Bar, put gas on it, light it up.

19 Q Okay. And you said that the bandana you burned was
20 just like the one you saw up here?

21 A Yes.

22 Q Okay. This one here?

23 A Yes, sir.

24 Q Just like that?

25 A Just like that.

1 Q And you burned that, too?

2 A Yes.

3 Q And you burned the rest of the clothes that you were
4 wearing?

5 A No.

6 Q No?

7 A No.

8 Q Did you give the police any of the clothes that you
9 were wearing?

10 A No.

11 Q What was your uncle's shoes -- what were they doing
12 in your closet?

13 A He had a lot of shoes. That was his room. I was
14 just -- was staying in it for the time being.

15 Q Okay. The trailer that you went to, you didn't know
16 the lady that you said you went to, that trailer and
17 stayed the night?

18 A No, I just knew her by face, but I don't know her,
19 you know, relationship-wise any.

20 Q Okay. And you say that the next day after this
21 happened, a white guy came and picked you up, both of --
22 both of -- all of y'all up; right?

23 A Yes.

24 Q Okay. The car that picked you up, obviously Mr.
25 Stanfield was there with you, so he wasn't driving it;

1 right?

2 A No.

3 Q Some white guy was driving it. Is that the car that
4 showed up?

5 A Yes, sir.

6 Q Okay. So the car that y'all had left at the gas
7 station is the car that came and picked you up the next
8 day?

9 A Yes.

10 Q Okay. The only person who kicked the door in was
11 you. Nobody else kicked that door in?

12 A Yes, that's right.

13 Q Now, at the time that you made your statement in
14 December of '03, the police had told you that Leonard
15 Stanfield was who they wanted; is that correct?

16 A No, they didn't really say nothing like that. They
17 didn't say they just wanted him.

18 Q Okay. At that point Tamika had made a statement;
19 correct?

20 A I believe so.

21 Q Okay. Do you suppose you would have gotten the deal
22 you got if your statement was different from Tamika's?

23 A I don't know that. Leave that up to my lawyer,
24 really, to get that information.

25 Q Okay. So you drafted this to help yourself as well

1 as you could; correct?

2 A Yeah.

3 Q Okay. And you went from looking -- you went from
4 looking at murder and armed robbery and kidnapping to
5 common law robbery and to second degree burglary; correct?

6 A Yes.

7 Q What did you do with your gun?

8 A I put it in the woods.

9 Q You put your gun in the woods?

10 A Yeah.

11 Q Why did you do that?

12 A Because I didn't want it. Just I didn't want it.

13 Q You did that because you shot Tony Wilson with that
14 gun; didn't you?

15 A No, I did not.

16 Q Why did you hide it?

17 A Because I didn't want it.

18 Q You just didn't want your gun any more?

19 A Yeah, I didn't want it. It wasn't mine. It was
20 given to me by him. I didn't want it.

21 Q All right. Did you show the police your gun?

22 A No, I did not.

23 Q What did you do with it after you got it out of the
24 woods?

25 A Out of what woods?

1 Q Didn't you say you put your gun in the woods?

2 A Yeah, I just threw it while I was driving. I just
3 threw it and I can't even tell you the spot where it's at
4 right now.

5 Q Okay. Well, where in the woods did you throw it?

6 A Off of -- think that's down on Green Pond somewhere.

7 Q Okay. All right. So you threw your gun somewhere in
8 the woods and you never saw it again after that?

9 A No.

10 Q Did you -- when did you do that?

11 A It's like three days.

12 Q Three days later?

13 A (Nodded.)

14 Q Okay.

15 (Conferring with defendant).

16 BY MR. MATTHEWS:

17 Q Mr. Pinckney, you said that at one point you were
18 going towards Wiggins Trailer Park you saw a white car
19 coming to you?

20 A No, it was going down the dirt road.

21 Q Oh, going down the dirt road. I see. Okay. Was
22 that -- was Tamika Wilson in that car?

23 A I couldn't see her, so I really didn't know if it was
24 her in it, but I just seen the car.

25 Q Okay. I mean, there any particular reason you took

1 note of the white car?

2 A Yeah, because it was going by the direction I was
3 going.

4 Q Okay. And so you were hitching a ride?

5 A I was entering Wiggins Trailer Park and there's a
6 back side, there's a dirt road on the back.

7 Q So as you're coming in Wiggins Trailer Park, this
8 white car is also coming into Wiggins Trailer Park?

9 A No, going on a back dirt road.

10 Q Is it going away -- passing towards -- you were
11 heading toward it, it was passing by you?

12 A It was going this way. I was coming this way.

13 Q Okay. You didn't see who was in it?

14 A No.

15 Q Any particular reason that caught your attention?

16 A Because it was dark in the car, lights just coming
17 down the dirt road.

18 Q Okay. But your testimony today is that you did not
19 know who was in that white car?

20 A No, I did not.

21 Q Okay. In fact, didn't you tell Phil Roberson in your
22 written statement that Tamika Wilson was driving the white
23 car behind the trailer?

24 A I said that.

25 Q Okay. So what you said right now is not true. What

1 you said in your statement was true? Well, they can't
2 both be true; can they?

3 A Repeat the question, please.

4 Q Well, you're saying right now that you don't know who
5 was in that white car; right?

6 A Yes.

7 Q That's your testimony now today?

8 A But it was a car that she had. It was the same model
9 car she had.

10 Q Oh, it was Tamika's car, but you didn't see who was
11 in it?

12 A No.

13 Q Okay. Mr. Pinckney, you said that you were drinking,
14 smoking marijuana, and doing cocaine. Your memory was
15 pretty good that night?

16 A All right, but not -- not too functional.

17 Q Now, who all lived in [REDACTED] Tamika lived in
18 [REDACTED]

19 A I believe she did.

20 Q Okay. And Patrice lived in [REDACTED]

21 A I believe she did, too.

22 Q Okay. How far was Tamika's apartment from Patrice's?

23 A I believe Tamika stays in the back, and she stays in
24 the front, like close to the front.

25 Q So maybe 50 yards?

1 A Yeah, kind of.

2 Q You say that -- your testimony is that -- that Mr.
3 Stanfield put sacks over both Patrice Ford's head and
4 Mr. Wilson's head?

5 A Yes.

6 Q Okay. Not bathrobes or anything like that, but
7 sacks?

8 A It was -- it was black material. By the time it was
9 around her head, looked like sacks--

10 Q So you just -- you walked up to him, set the sack on
11 one's head and walked up to--

12 A Tied them on with a belt, I believe.

13 Q Okay. All right.

14 (Whereupon there was a pause.)

15 BY MR. MATTHEWS:

16 Q Mr. Pinckney, have you pled guilty yet to those
17 offenses, to anything? I mean, to the burglary second or
18 to the -- any other charges related to this?

19 A No, sir.

20 Q Okay. Have any of the -- oh, do you know John
21 Burgess?

22 A John Burgess?

23 Q JJ Burgess, John Burgess.

24 A Yes. Yes, I do know him.

25 Q Okay. Had you seen him that day?

1 A No.

2 MR. MATTHEWS: I don't have anything further for
3 this witness, Your Honor.

4 REDIRECT EXAMINATION

5 BY MR. KNIGHT:

6 Q Mr. Matthews asking about where you threw the gun
7 away, out Green Pond I think what you said; is that
8 correct?

9 A Yes, sir.

10 Q Now, you have to speak up. I can't hear you.

11 A Yes, sir.

12 Q Okay. When did you get that gun?

13 A I got it prior to getting out the truck at the gas
14 station from Mr. Stanfield.

15 Q Mr. Stanfield gave you the gun?

16 A Yes.

17 Q Okay. Now, you said -- I think Mr. Matthews said you
18 said that you and the defendant put sacks over these
19 folks' head, Tony Wilson--

20 A No, it wasn't me and the defendant, it was the
21 defendant.

22 Q You know what a sack is?

23 A Yes.

24 Q Is that a sack?

25 A No, it wasn't.

1 Q It wasn't a sack like that?

2 A No.

3 Q Well, can you describe what they put over their
4 heads? Just give me a description.

5 A A big piece of cloth, big piece of cloth about a
6 square size, fold right over their head, try to tie the
7 neck.

8 Q Okay. But it wasn't a sack?

9 A No, it wasn't a sack, no, sir.

10 Q Okay. Thank you, sir. That's all I have.

11 MR. MATTHEWS: Nothing further, Your Honor.

12 THE COURT: Okay.

13 MR. KNIGHT: May this witness be excused?

14 THE COURT: Any objection?

15 MR. MATTHEWS: I don't have any objection to his
16 leaving.

17 THE COURT: You can step down, sir.

18 (Witness left the stand.)

19 THE COURT: How long is your next witness going
20 to be?

21 MR. KNIGHT: I don't want to say, Judge. I
22 could mislead myself, but I'd love to take a break.
23 I'm not opposed to that, now.

24 THE COURT: I understand. I promised the jury I
25 would try to break every hour, hour and a half. They

1 have been here since two. It's been an hour and
2 fifteen minutes.

3 I don't want to get y'all cranked up on another
4 witness and it is two more hours, so we may take our
5 mid-afternoon break right now. We will start back at
6 3:30.

7 (Jury left the courtroom at 3:18 pm.)

8 THE COURT: Need to address any issues of law?

9 MR. KNIGHT: I don't think there are any issues
10 of law.

11 THE COURT: All right. We'll be in recess until
12 3:30.

13 (Whereupon a recess was taken.)

14 THE COURT: Anything before we bring the jury
15 in?

16 MR. KNIGHT: No, sir.

17 MR. MATTHEWS: No, sir, Your Honor.

18 THE COURT: Okay. If you will give us the jury,
19 please sir.

20 (Jury entered the courtroom at 3:41 p.m.)

21 THE COURT: You may call your next witness.

22 MR. KNIGHT: LaShanda Spencer.

23 LASHANDA SPENCER, after being duly
24 sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MR. KNIGHT:

2 Q Where do you reside, Ms. Spencer?

3 A [REDACTED] (phonetic) [REDACTED]

4 Q Is that in Colleton County?

5 A Yes, it is.

6 Q Where do you work?

7 A At Ruby Tuesday.

8 Q And how long have you been working there?

9 A Five years.

10 Q Where did you reside on or about July the 23rd of
11 2003?

12 A [REDACTED] on [REDACTED] [REDACTED]

13 Q [REDACTED] [REDACTED] Type of apartment or house was
14 that?

15 A It was a trailer.

16 Q It was a trailer?

17 A Uh-huh.

18 Q Do you know the defendant, Leonard Stanfield?

19 A Yes, I do.

20 Q Did you know him in July of 2003?

21 A Yes, I did.

22 Q Did you have a occasion to speak with him on July the
23 23rd of 2003?

24 A I did.

25 Q What was the purpose in this conversation?

- 1 A He was coming to my house.
- 2 Q Y'all had a relationship?
- 3 A Yes.
- 4 Q Okay. Did he in fact come to your house?
- 5 A Yes, he did.
- 6 Q Do you recall what time of night or day it was?
- 7 A It was at night.
- 8 Q At night. Were you by yourself when he came in your
9 house?
- 10 A Yes.
- 11 Q Did he come in your house?
- 12 A Yes.
- 13 Q Do you recall what he -- what he was wearing?
- 14 A A white T-shirt with blue jeans.
- 15 Q Okay. Did he make any requests or ask you to do
16 anything with any of those clothes?
- 17 A I washed his clothes for him.
- 18 Q You washed his blue jeans?
- 19 A Yes.
- 20 Q Did you notice anything about the blue jeans?
- 21 A Yes, there was some stains on them.
- 22 Q What type of stains?
- 23 A Red stains, blood stains.
- 24 Q Blood stain? Okay. Later that night did anyone else
25 come to your house while Mr. Stanfield was there?

1 A Yes.

2 Q Do you know his name?

3 A I know of his name now, yes.

4 Q But you didn't know him at the time?

5 A No.

6 Q Okay. How long did he stay there?

7 A He stayed overnight.

8 Q Stayed overnight. Okay. The next morning was he
9 still there?

10 A Yes.

11 Q What if anything did you and Mr. Stanfield and this
12 other person do that next morning?

13 A We dropped the other person off, and me and Leonard
14 and another man went to Charleston.

15 Q Okay. Did Mr. Stanfield that night make any
16 statements about the person that came over to y'all's
17 house, your house?

18 A No, he did not.

19 Q He didn't make any statements at all about him?

20 A No, he did not.

21 Q Did he make any statements later about him?

22 A Yes, he did.

23 Q What statements did Mr. Stanfield make about that
24 person?

25 A He made a statement about him running.

1 Q Him running?

2 A Yes.

3 Q Okay. Do you know Tamika Wilson?

4 A Yes, I do.

5 Q Okay. Did Mr. Stanfield make any statements about
6 Tamika Wilson that night?

7 A No, not that night.

8 Q How about the next day or later?

9 A It was later.

10 Q What, if anything, did Mr. Stanfield say?

11 A That she told everything.

12 Q Told everything to who?

13 A I don't know.

14 Q She was just telling things that went on?

15 A I don't know what it was about.

16 Q Okay. After Mr. Stanfield arrived at your trailer,
17 do you recall how long it was before this other person who
18 you now know as obviously Leonard Pinckney, how long was
19 it before he got there?

20 A It was about--

21 Q If you don't know--

22 A About 15 minutes.

23 Q Answer any questions Mr. Matthews may have. Okay?

24 A Okay.

25 CROSS-EXAMINATION

1 BY MR. MATTHEWS:

2 Q Ms. Spencer, you had known Tamika Wilson over some
3 period of some years; had you not?

4 A Yes.

5 Q And she at some point had busted out your windows;
6 hadn't she?

7 A Yes.

8 Q And she had done that over Leonard Stanfield?

9 A Yes.

10 Q She was jealous of you because you were going out
11 with him and she wanted to be.

12 A No. She was going out with him.

13 Q Oh, I see.

14 A Yeah.

15 Q Okay. So you were -- she was upset with you because
16 you had also gone out with him?

17 A Yes.

18 Q Okay. All right. And she was not the kind of person
19 to take that sort of thing very well?

20 A No.

21 Q Okay. Did -- other than busting out the windows of
22 your trailer, did she do anything else, anything else --
23 did you ever have any other meetings with her or conflict
24 with her about anything?

25 A No, not as I -- not as far as I can recall.

1 Q I mean, did she threaten you? Did she tell you why
2 she was busting out your windows?

3 A No. I mean, she made -- but I couldn't hear, she
4 been out in my yard yelling at one time, but...

5 Q Okay. All right. Okay. Now, the time -- did Mr.
6 Stanfield get back to your house sometime around 12:30 or
7 so in the morning?

8 A Yes, it was around that time.

9 Q Okay. All right. And sometime -- initially you had
10 been asked to make a statement to the police, and you made
11 a statement; is that correct?

12 A Yes.

13 Q And did the statement please the police? Did they
14 like that or were they not satisfied with it?

15 A I don't -- I don't know if they were satisfied with
16 it or not.

17 Q Okay. Did they charge you at some point with giving
18 false information and then you gave another statement
19 after they charged you?

20 A Yes.

21 Q Okay. So you gave a statement and then they charged
22 you with not giving the statement that they liked, and
23 then you gave another statement?

24 A Yes, I was charged with giving false information and
25 then I wrote another statement.

1 Q Okay. All right. So what you're testifying today is
2 a result of their charging you with filing a false report
3 or giving false information. Is that correct essentially?

4 A I don't understand the question.

5 Q Okay. What I'm saying is, you're here -- you changed
6 your statement because they basically threatened you to
7 change your statement. They charged you with a crime.

8 A They did charge me with a crime, yes, they did.

9 Q Okay. At the time that they -- they charge you, they
10 had -- had they told you that they had wanted Leonard
11 Stanfield, that was their suspect, that's the guy they
12 wanted in this crime?

13 A Yes.

14 Q Okay. And so you gave them the statement that they
15 basically asked you to give?

16 A I gave it as honest as I could.

17 Q Okay. And then they charged you any way?

18 A They charge -- as a matter of fact, they -- when they
19 came to question me the second time was when I was charged
20 with giving false information to a police officer.

21 Q Okay. All right. Did -- when Leonard Stanfield
22 arrived at your trailer, was he walking or riding?

23 A I'm not sure.

24 Q Okay.

25 A I can't recall.

1 Q Okay. Okay. So Leonard Stanfield first arrived at
2 about 12:30, and then sometime, maybe 15 or more minutes
3 after that, is when the other fellow arrived?

4 A Yes.

5 Q Do you know whether the other fellow was riding or
6 walking?

7 A I don't know.

8 Q Okay. Now, sometime in -- when you got charged with
9 giving false information, you had already been on
10 probation for interference with police officer, and you
11 were on probation for that; is that correct?

12 A Yes.

13 Q Okay. So you knew that they had a lot of influence
14 over you at that time; correct?

15 A Yes.

16 Q Ms. Spencer, did they in fact threaten to have DSS
17 take your children if you didn't change your statement?

18 A No, they didn't.

19 MR. MATTHEWS: Your Honor, I don't have any
20 further questions.

21 THE COURT: Anything further?

22 REDIRECT EXAMINATION

23 BY MR. KNIGHT:

24 Q Just one further question. You indicated to Mr.
25 Matthews that Mr. Stanfield came about 12:30 in the

1 morning?

2 A Well, that night.

3 Q It could have been later?

4 A It was late that night.

5 Q Could it have been later than 12:30?

6 A I don't know because I was in my bed.

7 Q And you didn't check the clock?

8 A No, I didn't.

9 Q Thank you, ma'am. Now, you indicated that you gave
10 one statement on 8-18-03, is that correct? The first
11 statement.

12 A I'm not sure. I'm not sure when the first statement
13 was.

14 Q Okay. Then you gave another statement on January the
15 seventh, 2004; is that correct?

16 A Yes.

17 Q And that's the statement and the testimony that
18 you're giving today, basically the same as the first
19 statement?

20 A Basically, yes.

21 Q Thank you, ma'am. Answer any questions Mr. Matthews
22 may have.

23 THE COURT: Mr. Matthews?

24 MR. MATTHEWS: One moment, Your Honor. If the
25 Court may indulge me.

1 (Mr. Matthews was conferring with defendant.)

2 RECROSS-EXAMINATION

3 BY MR. MATTHEWS:

4 Q Ms. Spencer, I think that Mr. Knight asked whether
5 the statements were substantially similar. In fact, in
6 the first statement there wasn't any reference to any
7 pants being stained or anything; was there?

8 A I can't recall.

9 Q Okay. And in the first statement there wasn't any
10 reference to Mr -- Mr. Pinckney or any other individual;
11 was there?

12 A There wasn't, no.

13 Q Okay. What was -- now you're saying -- I understand
14 now that you're saying, as you must, that Mr.--

15 MR. KNIGHT: No, I object to that. He's
16 testifying.

17 MR. MATTHEWS: I will rephrase it, Your Honor.

18 BY MR. MATTHEWS:

19 Q Ms. spencer, I understand that your testimony today
20 is that somebody that you have later learned is Mr.
21 Pinckney showed up some time after Mr. Stanfield showed up
22 at your -- your mobile home.

23 What was Mr. Pinckney's demeanor when he got there?
24 Was he calm? Was he excited? Was he sweating? Was he --
25 had he been running? What did Mr. Pinckney look like when

1 he arrived?

2 A I can't really tell you. It was dark. My house was
3 dark. As far as him being hyper or anything, no.

4 Q Okay. So there wasn't anything particularly notable
5 about Mr. Pinckney's demeanor?

6 A No.

7 Q Okay. Did he go wash up or anything like that after
8 he arrived?

9 A He did ask to use the bathroom.

10 MR. MATTHEWS: I don't have anything further,
11 Your Honor.

12 THE COURT: Anything from the State?

13 MR. KNIGHT: That's all I have. May she be
14 excused, Your Honor?

15 THE COURT: Any objection?

16 MR. MATTHEWS: None, Your Honor.

17 THE COURT: Ms. Spencer, you're excused. Thank
18 you.

19 (Witness left the stand.)

20 MR. KNIGHT: Tamika Wilson.

21 (Witness entered the courtroom.)

22 TAMIKA WILSON, after being duly sworn,
23 testified as follows:

24 DIRECT EXAMINATION

25 BY MR. KNIGHT:

- 1 Q Ms. Wilson, you are going to have to speak up; okay?
- 2 A Uh-huh.
- 3 Q How old are you?
- 4 A Twenty-five.
- 5 Q You have to speak into the microphone.
- 6 A Twenty-five.
- 7 Q Twenty-five?
- 8 A Uh-huh.
- 9 Q Where do you live?
- 10 A Jersey.
- 11 Q What part of New Jersey?
- 12 A Hackensack.
- 13 Q Okay. In 2003 where did you live?
- 14 A [REDACTED]
- 15 Q That's in Colleton County?
- 16 A Uh-huh.
- 17 Q Do you know the defendant, Leonard Stanfield?
- 18 A Yes.
- 19 Q You do?
- 20 A Yes, sir.
- 21 Q How do you know him?
- 22 A My son's father.
- 23 Q He's your son's father?
- 24 A Yes, sir.
- 25 Q Up into 2003, how long had you known him?

1 A Around like a year and a half, two years.

2 Q Okay. Were you still seeing him in July of 2003?

3 A On and off.

4 Q Okay. On and off. How often did you talk to him in
5 July of 2003?

6 A Every day.

7 Q Every day. Do you know Trice Ford?

8 A Yes, sir.

9 Q How do you know Patrice?

10 A She used to be my friend.

11 Q I'm sorry?

12 A She used to be my friend.

13 Q How long had you known her prior to July the 24th of
14 2003?

15 A About like around the same estimated time.

16 Q Same amount. Did you know Leonard Pinckney, junior?

17 A Just like from around the way.

18 Q Did you have plans on or about July the 22nd to rob
19 anybody?

20 A Well, I had a conversation.

21 Q About robbing someone?

22 A Yes, sir.

23 Q Who did you have that conversation with?

24 A Patrice Ford.

25 Q Patrice Ford. Do you recall when that conversation

- 1 occurred?
- 2 A The exact date? No, sir.
- 3 Q Okay. Did you have a conversation with anybody else
- 4 about robbing anybody?
- 5 A Leonard Stanfield.
- 6 Q Leonard Stanfield, that's the defendant?
- 7 A Yes.
- 8 Q Do you recall when you had this conversation?
- 9 A It was between the 22nd and the 24th. The exact date
- 10 I don't know.
- 11 Q Okay. What was the plan of the robbery?
- 12 A Well, it was never actually no plan -- no plan. He
- 13 just said that he was going to do it. When he was going
- 14 to do it or how he was going to do it, I don't know.
- 15 Q Okay. Now, did Patrice Ford cooperate in the
- 16 robbery?
- 17 A No, sir.
- 18 Q Okay. Did y'all have a conversation about robbing a
- 19 particular individual?
- 20 A Yes, sir.
- 21 Q Who is that individual y'all were going to rob?
- 22 A Tony Wilson.
- 23 Q Tony Wilson?
- 24 A Yes, sir.
- 25 Q What was your part in this robbery?

1 A What was my part?

2 Q Uh-huh.

3 A Having a conversation, and I called Peanut.

4 Q What was the purpose in calling Peanut -- Peanut
5 being Mr. Stanfield?

6 A Yes, sir.

7 Q What was the purpose in calling Mr. Stanfield?

8 A So he could have known who was at Patrice Ford's
9 house.

10 Q So you were to give them the location of where
11 Mr. Wilson was at?

12 A Yes, sir.

13 Q And who was with Mr. Wilson? And where was that?

14 A Patrice Ford's house.

15 Q Okay. That conversation, you in fact told Mr.
16 Stanfield that the defendant was at Ms -- I mean the
17 victim, Mr. Wilson, was at Ms. Ford's house?

18 A Yes, sir.

19 Q Okay. And once you gave him that information, what
20 if anything did Mr. Stanfield tell you?

21 A At the time when I spoke to him at Patrice Ford's
22 house?

23 Q Right.

24 A Call him back.

25 Q Okay. Did you in fact call him back?

- 1 A Yes.
- 2 Q What in fact did you tell him?
- 3 A Well, I spoke to him several times when Patrice
4 was -- the house, and I told him every time that I spoke
5 to him that Tony was there.
- 6 Q Okay. When you left Patrice Ford's house did you
7 talk to Mr. Stanfield again?
- 8 A Yes, sir.
- 9 Q What if anything did you tell him?
- 10 A When he called me at my house?
- 11 Q Right.
- 12 A Who was at Patrice Ford's house.
- 13 Q What if anything did he tell you?
- 14 A That he was about to do -- he was about to go do it
15 in about 20 minutes.
- 16 Q Okay. Did Mr. Stanfield tell you who he had with
17 him?
- 18 A Yes.
- 19 Q Who?
- 20 A He told me Munsy.
- 21 Q Who is Munsy?
- 22 A Leonard Pinckney.
- 23 Q Does Leonard Pinckney also have another street name
24 you know of?
- 25 A Munsy.

1 Q Okay. Is that the -- is that the last time you
2 talked to him at that time, that night?

3 A Yes.

4 Q Okay. Did Mr. Stanfield, when you talked to him the
5 last time, did he tell you where he was at?

6 A No, he never said where he was at. He never said a
7 location.

8 Q Just told you he was with Munsy?

9 A Yes, sir.

10 Q Mr. Leonard Pinckney?

11 A Yes, sir.

12 Q When is the next time you spoke with Mr. Stanfield?

13 A After the viewing of the body.

14 Q The viewing of the body?

15 A Yes.

16 Q The viewing -- Mr. Wilson was --

17 A Yes.

18 Q -- he was what relation to you?

19 A My uncle.

20 Q Your uncle. Do you recall what day the viewing was?

21 A I want to say the 29th, but I'm not sure.

22 Q Of July?

23 A Yes, sir.

24 Q And so you spoke with Mr. Stanfield that day?

25 A Yes, sir.

- 1 Q By telephone?
- 2 A No, at my house.
- 3 Q Mr. Stanfield came to your house?
- 4 A Yes, sir.
- 5 Q What conversation did you and Mr. Stanfield have on
6 or about July the 29th, 2003?
- 7 A That he didn't mean to kill my uncle and who he was
8 with and how it happened.
- 9 Q Well, tell the jury exactly what he told you that
10 day.
- 11 A He said that he didn't mean to kill him, they was
12 tussling over the gun, the gun went off, Tony dropped to
13 the ground and he ran, and that's it.
- 14 Q Did he tell you anything about Leonard Pinckney?
- 15 A He told me about -- that he kicked the door in.
- 16 Q He being Leonard Pinckney kicked--
- 17 A Leonard Pinckney kicked the door in. I'm not sure
18 which one of them drove the car to the back. But Leonard
19 Pinckney, he fled the scene before they even had got into
20 the car.
- 21 Q Okay. So he told you Leonard Pinckney ran?
- 22 A Yes, sir.
- 23 Q Okay. What else occurred during this conversation
24 after the viewing when he was at your house, apartment?
- 25 A He took like 800, \$900 out his pocket and threw it on

1 the bed, and said that was the money that he got off my
2 uncle, here, go pay your bills with it.

3 Q You have got to speak up because I can't hear you.

4 A He took like 800, \$900 out of his pocket and he threw
5 it on the bed and he said, this is the money that I got
6 off your uncle, here, go pay your bills with it.

7 Q Did you in fact take the money?

8 A Yes, I took four hundred dollars of it.

9 Q Okay. What else did he tell you about the night of
10 the robbery and the shooting?

11 A At this particular time?

12 Q Uh-huh.

13 A Something like it wasn't even worth it.

14 Q I'm asking you how--

15 A That's what he said, it wasn't even worth it and he
16 wished he'd never done it.

17 Q Okay. Did Mr. Stanfield tell you where he went after
18 the robbery, the shooting?

19 A Yes.

20 Q Where did he tell you he went to?

21 A To his girlfriend, LaShanda Spencer's house.

22 Q And what if anything did LaShanda -- he tell you that
23 he did at LaShanda Spencer's house?

24 A He said that the clothes that he had on, after the
25 murder, he went there and she washed his clothes, she

1 washed his pants.

2 Q That night, the early morning hours of the 24th, were
3 you looking for the defendant, Mr. Stanfield?

4 A Yes, sir.

5 Q Did you find him?

6 A No, sir.

7 Q Okay. Did you and Mr. Stanfield have a discussion
8 about what was going to happen to you as a result of this
9 shooting and this robbery?

10 A Yes. He told me that -- he told me that if -- he
11 told me I was going to be the one to send him to jail and
12 that he knew that I was going to tell on him and that this
13 was a three-way party, if he go to jail, I'm going right
14 behind him.

15 Q And what did you tell him when he made that
16 statement?

17 A I told him that I loved him, I wasn't going to tell
18 nobody what he told me.

19 Q Okay. Did Mr. Stanfield tell you where the shooting
20 occurred?

21 A Yes, he told me in front of the Press and Standard on
22 Mable Willis Road.

23 Q Did he describe who was in the car when they went to
24 Mable Willis Boulevard?

25 A He told me him, Patrice and Tony.

1 Q And...

2 A And Tony Wilson.

3 Q Okay.

4 MR. KNIGHT: Court would indulge me one moment,
5 please.

6 THE COURT: Yes, sir.

7 (Whereupon there was a pause.)

8 BY MR. KNIGHT:

9 Q On the 24th of July of 2003, were you at Patrice
10 Ford's house?

11 A Yes, sir.

12 Q What was the purpose of your being at her house on
13 that day? Why were you there?

14 A That night or that morning?

15 Q That -- that -- really that night.

16 A To get my hair done.

17 Q And did she in fact do your hair?

18 A Yes, sir.

19 Q And who was there at the time Ms. Ford was doing your
20 hair?

21 A Dorian Smalls and Tony Wilson had came a couple of
22 times and left.

23 Q Okay. And did Tony Wilson eventually come back?

24 A Yes, sir.

25 Q Okay. On the early morning hours of July the 24th,

1 late at night, okay, were you driving a vehicle?

2 A Yes, sir.

3 Q What type of vehicle were you driving if you recall?

4 Do you remember what kind of car--

5 A A white Oldsmobile.

6 Q I'm sorry?

7 A A white Oldsmobile.

8 Q Did you speak to Patrice Ford later that night after
9 the shooting?

10 A Yes, sir.

11 Q Did you call her or she called you?

12 A She called me at a friend's house.

13 Q Okay. What if anything did she tell you?

14 A She told me that -- when she got on the phone, she
15 asked me did I know who robbed her. The detective took
16 the phone from her and started asking me questions. Then
17 she got the phone back and she started saying, Tamika, why
18 are you laughing? Why are you laughing? It's not funny.

19 Then the detective got the phone back. And Patrice
20 came back on the phone and I started asking her, well,
21 where is Tony and where is my uncle and stuff? And she
22 said he's over there by the Press and Standard, he's in
23 the ambulance. And that was the last time I've spoken to
24 her.

25 Q Now, you were laughing before she told you he was in

1 the ambulance?

2 A I wasn't laughing, but she said I was laughing, yes,
3 sir.

4 Q Oh, okay. That's fine. Did you go to the area of
5 Mable T Willis Boulevard and the Press and Standard after
6 all this happened, after you talked with Patrice?

7 A Yes, sir. When I -- the last time I spoke to her,
8 she was telling me to come pick her up and the location
9 where she was at, and the direction that she gave me to
10 turn into the crime scene.

11 Q Okay. On July the 29th when Mr. Stanfield was at
12 your apartment and you had been to the viewing; is that
13 correct?

14 A Yes, sir.

15 Q Were you upset?

16 A Yes, sir.

17 Q Were you staying there?

18 A No, I wasn't staying there.

19 Q Where were you staying at at that time?

20 A At that time I was staying at my grandmother's house
21 over in the next building.

22 Q Mr. Stanfield just had some clothes at your place?

23 A He had a key, just in and out whenever he felt like
24 it.

25 Q Okay.

1 MR. KNIGHT: Court indulge me one moment.

2 THE COURT: Yes, sir.

3 (Whereupon there was a pause.)

4 BY MR. KNIGHT:

5 Q Ms. Wilson, answer any questions Mr. Matthews may
6 have; okay?

7 A Yes, sir.

8 Q You have got to speak up.

9 A Yes, sir.

10 CROSS-EXAMINATION

11 BY MR. MATTHEWS:

12 Q Ms. Wilson, Tony was your uncle?

13 A Yes, sir.

14 Q And Leonard Standard had been your boyfriend at some
15 point; is that correct?

16 A Yes, sir.

17 Q But during this time he was not your boyfriend, is
18 that correct? It was LaShanda's boyfriend?

19 A Yes, sir.

20 Q Okay. How did that make you feel? No problem with
21 it? It's okay? Whatever?

22 A I dealt with it.

23 Q You dealt with it. Okay. Did you bare any ill will
24 toward Ms. Spencer for that?

25 A Yes, sir.

1 Q You did? You busted out some of her windows?

2 A Yes, sir.

3 Q Went outside her place screaming and yelling. You
4 made a couple of different statements, did you not, a
5 couple of written statements? I think your first one was
6 just two pages. And then a couple days later you made one
7 that was 14 pages; is that correct?

8 A Yes, sir.

9 Q Okay. In your first statement on August the 15th I
10 guess of 2003, at that point you didn't take any
11 responsibility for having done anything wrong; did you?

12 A No, sir.

13 Q In fact, your statement you mentioned that Peanut
14 Munsy had done something, but you didn't say that you knew
15 anything about it.

16 A No, sir.

17 Q Okay. But a few minutes, a couple of days later you
18 made a different statement and you admitted that you --
19 you set this up; right?

20 A Yes, sir.

21 Q Okay. And you set it up and you said because you had
22 gone to talk to your -- your Uncle Tony, and you said,
23 Uncle Tony, you need to help me pay my bills; didn't you?

24 A I asked him.

25 Q Okay. And he said, you've got Peanut to pay your

1 bills. And you said, you know he's not living with me,
2 he's not taking care of me any more. Is that right?

3 A Yes, sir.

4 Q Okay. Now, you have robbed your uncle one time
5 before of \$10,000; didn't you?

6 A No, sir.

7 Q You didn't do that?

8 A I didn't rob him. I just took \$5000.

9 Q Okay. All right. And you were angry with him
10 because he wouldn't give you money this time?

11 A No, I was not angry with him.

12 Q You were not angry with him, but you arranged to have
13 him killed.

14 A No, I didn't arrange to have him killed.

15 Q You didn't?

16 A No, sir.

17 Q Okay. You -- let's see. Your first statement you
18 said that -- oh, let me ask you, who -- you say that
19 Patrice Ford was fixing your hair on the 24th, is that
20 correct, the day this was supposed to -- you were fixing
21 her hair or she was fixing your hair?

22 A She was fixing my hair.

23 Q Okay. And you left from her house at about 12:50 in
24 the morning; did you not?

25 A The exact time I don't know.

1 Q But it was sometime after 12:30. It was pretty late,
2 early in the morning or late at night, however you want to
3 look at it; right?

4 A Yes, sir.

5 Q Okay. So you were there from maybe quarter to
6 midnight to almost one and her perming your hair, she's
7 cooking some rice and chilling out, ultimately after she
8 fixed your hair, you leave and then you call -- you say
9 you called Leonard Stanfield at that point?

10 A When I left?

11 Q When you left.

12 A No, he called me when I left.

13 Q He called -- how was he going to know when you left?

14 A He called my -- when I got to my house, he called.
15 He rang my phone.

16 Q Oh, I see. Okay. So you had told him when you were
17 going to be back at your house?

18 A No.

19 Q How did he know when you were back at your house if
20 you didn't call him?

21 A He seen me. He seen me.

22 Q He saw you. He was out there?

23 A Yes, sir.

24 Q Okay. That -- you got a -- this car, that's your car
25 or that's Tony or Leonard's car or whose car is this?

1 A It was in my name.

2 Q All right. Okay. Your first statement where you
3 didn't admit to doing anything wrong, you said that he had
4 told you that LaShanda had -- had washed his pants --

5 A Yes.

6 Q -- is that correct? Okay. And you made that
7 statement some time in August. And you had said he had
8 admitted to you doing all this stuff, but in your
9 statement to the police it was all about -- I think you
10 were -- I think you said in your first statement, he said,
11 bo, I didn't mean to kill him, tears began to roll from my
12 eye, he threw 800 or \$900 on the bed and told me to pay my
13 bills.

14 At first I told him I didn't want it, but then I took
15 400 and paid my bills. That was in your first statement;
16 correct?

17 A Yes, sir.

18 Q At that point you're making this statement to the
19 police about how tears are rolling from your eye. At that
20 statement -- at that point you didn't tell the police that
21 you had actually -- you knew what was going on all along;
22 right?

23 A They didn't ask me that, sir.

24 Q Oh, but you didn't think that was an important point
25 that maybe you ought to mention?

1 A It was an important point, but I just had lost my
2 child and I just had came, and I was in post-partum
3 depression, and I didn't even write that statement. But
4 in the second statement I put all that in the statement.

5 Q Okay. So your first statement wasn't true because
6 you had post-partum?

7 A It still was true.

8 Q Oh, okay. All right. You just left out -- it was
9 true, but you left out the part where you were involved in
10 it.

11 A They didn't ask me my involvement because they
12 already had me arrested. They was trying to arrest
13 Leonard Stanfield and Leonard Pinckney because they had
14 nothing to go on to arrest them.

15 Q Okay. So they told you who you wanted and you gave
16 them the information to help them do that; correct?

17 A Yes, sir.

18 Q Now, you say that this is -- that you have Leonard
19 Stanfield's child. And has he ever given you any support
20 for that child?

21 A No, he was incarcerated.

22 Q Okay. All right. In fact, this isn't the only
23 person that you had said it was their child; is it?

24 A No, sir.

25 Q Who else did you say it was your -- that it was

1 your -- their child?

2 A Quammie Moultrie (sic).

3 Q Who?

4 A Quammie Moultrie.

5 Q Quammie Moultrie?

6 A Yes, sir.

7 Q Didn't you also tell Lynette Mack that her husband
8 was the father of your child also?

9 A No, sir.

10 Q You didn't tell -- you didn't tell Lynette Mack that?

11 A No, sir.

12 Q She didn't have to get a restraining order against
13 you?

14 A I got a restraining order on her first, then she went
15 and got one on me.

16 Q Oh, okay. So what were you and Lynette having a
17 problem about?

18 A Because I was messing with her husband.

19 Q Oh, okay. Okay. And didn't you tell Lynette Mack
20 that if she messed with you any more, you would have her
21 killed and her husband killed just the way you had your
22 Uncle Tony killed?

23 A No, sir.

24 Q That didn't happen?

25 A No, sir.

1 Q When is the first time you contacted Tony about --
2 about getting your uncle?

3 A Excuse me?

4 Q When is the first time you talked to -- I'm sorry --
5 talked to -- you say you talked to Leonard Stanfield about
6 this. When is the first time you talked to him about
7 this?

8 A When is the first time Leonard talked to me about
9 this?

10 Q Oh, you're saying he approached you with the idea?

11 A Yes, sir.

12 Q Okay. You talked to your uncle and said, uncle, give
13 me money, and then just out of the blue, Leonard Stanfield
14 comes and says, hmm, if you need money, you maybe ought to
15 take it from your uncle again. That's how that happened?

16 A No, sir.

17 Q How did that happen?

18 A This -- this -- that -- July was not the first month
19 that my uncle was going to pay my bills because he paid it
20 a couple months prior to July.

21 Q Okay. He paid it a couple months prior to July, but
22 then --

23 A Yes, sir.

24 Q -- wouldn't pay them again?

25 A He never said that he would -- or he wouldn't pay

1 them again. He told me to check with him tomorrow.

2 Q Okay. All right. In fact, you didn't talk to
3 Leonard Standard about this first. You talked with
4 Patrice Ford about this first; isn't that correct?

5 A No, sir.

6 Q You didn't talk with Patrice about this? Or you did
7 talk to Patrice about this?

8 A After I spoke to -- after Peanut spoke to me about it
9 first.

10 Q Oh, okay. So he came out of the blue to talk to you
11 about robbing your uncle, and then you said, hey, I will
12 talk to Patrice Ford about that. That's how that
13 happened?

14 A No, that's not how it happened.

15 Q Well, help me out here.

16 A He told me to ask Patrice Ford how do she feel about
17 Tony Wilson after he gave her that laced joint.

18 Q Okay. All right. So -- and you talked to Patrice
19 about that like -- like Leonard told you to do?

20 A Yes, sir.

21 Q Okay. And was Patrice down with that?

22 A No, sir.

23 Q All right. When you talked to her, did you say, you
24 know, my uncle's got some money, let's go get some of that
25 money, how do you feel about my uncle. Tell me exactly

1 what you told to Patrice.

2 A My exact words... I can't remember my exact words,
3 but I can remember in my statement that I told her she
4 would have to cooperate, and I told her who it was.

5 Q Okay. You said you -- so you told -- you told
6 Patrice right on that Leonard Stanfield was involved with
7 this. You told her from the jump.

8 A No, I never told her -- I never told her Leonard
9 Stanfield was involved with it. She asked me who was
10 going to do it, but I never told her.

11 Q Oh, okay. You were protecting Leonard then?

12 A Yes, sir.

13 Q Okay. So you were okay to talk to Patrice about
14 this. Patrice says, all right, tell me who is doing it.
15 And you said, no, I'm not going to tell you who is doing
16 it, but you're going to have to cooperate. And she said,
17 that's okay?

18 A No, she said she didn't want to have anything to do
19 with it and she blew the conversation off and we started
20 talking about something else.

21 Q But asked you who it was that was going to do it.

22 A And I never told her who was going to do it.

23 Q Because you were protecting Leonard Stanfield.

24 A Yes, sir.

25 Q Okay. All right. And you saying then that when she

1 called you, she said you were laughing, but you weren't
2 laughing when she called you after this happened?

3 A No, sir.

4 Q Why do you suppose she said you were laughing if you
5 weren't laughing?

6 A I don't know why she said that.

7 Q And after she was -- was she angry with you when she
8 said that?

9 A No, because after that, she told me to come and pick
10 her up and the location where she was at.

11 Q Okay. So she had just said -- she just asked you who
12 had killed my uncle and now will you come and get me?

13 A No, she did not say that.

14 Q You asked her to come and get you and she did, or --
15 isn't that right?

16 A No, sir.

17 Q She -- you did not go and get her?

18 A No, sir.

19 Q Okay. All right. She asked you to, but you didn't.
20 Did you go to the scene at all?

21 A I was on my way to go pick her up, but I never made
22 it to her because I ran into the crime scene.

23 Q Oh, okay. All right. And at the crime scene at that
24 point you knew what was going down because you planned it,
25 but did you make a big show of crying and everything at

1 the crime scene?

2 A I never planned it and it was never planned because
3 me and Leonard Stanfield never talked about this was going
4 to be the day that it was going to happen or anything like
5 that.

6 Q Well, what did y'all talk about when you had done --
7 getting your hair done at a quarter to one?

8 A What we was talking about? He said that he was going
9 about -- he was going to do it in 20 minutes. He never
10 said that I'm going to rob your uncle in 20 minutes. He
11 just said that he was going to do it in 20 minutes.

12 Q And because you were concerned and your uncle, you
13 went back and said, Uncle Tony, watch out, Leonard
14 Stanfield is coming to get you?

15 A No, sir.

16 Q How long you been knowing Munsy?

17 A That was Leonard's friend.

18 Q Okay. So you didn't know him? You didn't talk to
19 him about this?

20 A No, sir.

21 Q All right. Now, after you left from Patrice's
22 apartment, your apartment was just -- apartment where you
23 were staying was 50 yards away maybe, were pretty close?

24 A Uh-huh.

25 Q Okay. Did you know Munsy well enough to know that he

1 would know where you lived also? Or you didn't know -- he
2 wouldn't know where you lived?

3 A I guess he would because he hang with Peanut.
4 Everybody know where Leonard stayed at.

5 Q Okay. All right. And so if Leonard knew -- if
6 Pinkney knew where Leonard Stanfield stayed, he knew where
7 you stayed?

8 A Yes, sir.

9 Q Okay. So if you knew Leonard Stanfield, then that
10 was -- to know him was to know you; right?

11 A To know Peanut -- to know Leonard Stanfield was to
12 know me?

13 Q That's correct.

14 A No, that's not true.

15 Q Oh, okay. But you know -- but he knows that he
16 stayed with you; right?

17 A Occasionally yes, sir.

18 Q Okay. And even though they hung out together, you
19 didn't really know Munsy?

20 A He never came to my house.

21 Q Not even to see Peanut?

22 A Not when I was there.

23 Q Ms. Wilson, isn't it a fact that you told Peanut at
24 one point that if you can't have him, nobody can have him.
25 Didn't you tell him that?

1 A I don't remember that.

2 Q Could have been, just don't remember?

3 A I don't remember that.

4 Q Would you remember if you had said something like
5 that?

6 A Yes, sir.

7 Q Pardon me?

8 A Yes, sir.

9 Q So you didn't say it?

10 A I don't remember saying that.

11 Q You don't remember saying it?

12 A No, sir.

13 Q But you would remember if you said it?

14 A Yes, sir.

15 Q So you didn't say it?

16 A I didn't say it.

17 Q Ms. Wilson, when was your baby born?

18 A [REDACTED].

19 Q [REDACTED]? Okay. Now, you say that you didn't --
20 because you were protecting Peanut, you didn't tell

21 Patrice Ford who was going to do the robbery; correct?

22 A Yes, sir.

23 Q Okay. Now, when you got to talking to Patrice, isn't
24 one of the things that happened is you had some -- some --
25 she showed you some drugs or something that had some --

1 some marijuana that had some cocaine laced in it or
2 something like that?

3 A Yes, sir.

4 Q Okay. And you told her to go talk to Peanut about
5 that?

6 A She told me to call Peanut and ask him which -- what
7 would it do to her.

8 Q Okay. She got that from your uncle; right?

9 A Yes, sir.

10 Q Okay. So you didn't tell Patrice that Leonard
11 Stanfield was involved in this, but you told Patrice to
12 call Leonard Stanfield about the bad drugs that she had
13 gotten from your uncle?

14 A No, I didn't tell Patrice to call Leonard Stanfield.
15 Patrice told me to call him and ask him what would it do
16 to her.

17 Q Okay. So you and Patrice were talking about Leonard
18 Stanfield. It wasn't like y'all were strangers; right?

19 A Yes, sir.

20 Q She lived in [REDACTED] and you lived in [REDACTED] and
21 that's a pretty close community; right?

22 A Yes, sir.

23 Q Okay. I believe in your second statement you said, I
24 spoke with Patrice that afternoon and asked her if she
25 wanted to set up a robbery against TW, and I asked her how

1 she feel about TW. She was -- that -- with it at first,
2 but then she changed her mind. Is that right?

3 A Yes, sir.

4 Q Okay. Now, in your statement you said that Leonard
5 Stanfield was actually over at the house visiting Patrice
6 that day; is that correct?

7 A No, sir.

8 Q That's not correct? You didn't say in your second
9 statement, we were watching TV, acting up, Peanut came by
10 and went into the room, I got up and went behind him. He
11 asked if I spoke to her about TW.

12 That wasn't in Patrice Ford's house? That was in
13 your house or Patrice's house?

14 A That was in my house.

15 Q But I thought you already testified that you only
16 talked to Leonard on the telephone that day, you didn't
17 see him. Are you telling the truth then or are you
18 telling the truth now or are you lying?

19 A I didn't see him on the 24th. I see him on the 23rd.

20 Q Okay. Ms. Wilson, I think you said that Patrice had
21 lent you her car; right?

22 A Yes, sir.

23 Q Okay. So after you got done with the hair, about a
24 quarter to one, you borrowed her car.

25 A Yes.

1 Q Right? And you left out of there.

2 A Yes, sir.

3 Q Okay. And then you drove around a little bit. And
4 then you came back just in time to get a phonecall from
5 Leonard Stanfield. Is that your testimony?

6 A No, sir.

7 Q That's not your testimony?

8 A No, sir.

9 Q Well, tell me how long did you have the car and when
10 did you get this phonecall -- I'm sorry -- the phonecall
11 from Patrice. When did you get this phonecall from
12 Patrice?

13 A After we got back from searching, looking for Leonard
14 Stanfield.

15 Q Okay. You left out of the apartment in Patrice
16 Ford's car to go look for Leonard Stanfield?

17 A After I went to my house and he called and said that
18 he was about to do it in 20 minutes, then that's when I
19 left and went to hunt him.

20 Q And you got back just in time to hear from Patrice,
21 get her message and call her back over at John Hawkins'
22 house?

23 A Debra Hawkins'?

24 Q Debra Hawkins, right. Right. That's whose phone it
25 was in, right. You said, who is Debra Hawkins? And you

1 called that number back.

2 A Yes, sir.

3 Q And that happened to be just at the time, couple of
4 minutes later or whatever, that she had called you; right?

5 A Yes, sir.

6 Q And you had been driving around and happened to be
7 there just in time?

8 A Yes, sir.

9 Q Had you argued with Leonard Stanfield earlier in that
10 day?

11 A Yes, sir.

12 Q What did you argue about?

13 A If he was going to his girlfriend LaShanda Spencer's
14 house.

15 Q Okay. I thought you said you were okay with that.

16 A He was going to do it any way.

17 Q Okay. Now, you say you left out of there because he
18 said he was coming over in 20 minutes and you wanted to
19 stop him? Is that what you would like the jury to
20 believe?

21 A He didn't say he was coming to me in 20 minutes. He
22 said he was going do it in 20 minutes.

23 Q And you wanted to go stop him?

24 A Yes, sir.

25 Q Okay. Because I thought in your second statement you

1 said, I, Tamika Wilson, told Peanut yeah, he just came,
2 and asked me what we were doing, and I told him, Trice
3 about to perm my hair, me and Dorian sitting at the table,
4 Patrice Ford and Tony Wilson was in the room together.

5 He said, are they coming in the room. You're talking
6 to him while you're in the house according to your second
7 statement.

8 A I was outside talking to him on the telephone.

9 Q So you're inside doing Patrice Ford's hair, you step
10 outside and call Tony and then you go back in and finish
11 up the hair?

12 A No, sir.

13 Q What were you doing calling from outside?

14 A I was inside walking outside. I had a perm in my
15 hair, going in and out--

16 Q So you just -- you couldn't do anything else, so you
17 might as well go ahead, make a call or whatever; right?

18 A Yes, sir.

19 Q And you thought, well, heck, I'll call Leonard
20 Stanfield, see what's going on.

21 A Yes, sir.

22 Q And you told your Uncle Tony that night after you
23 stepped out and you talked to Leonard Stanfield, I guess
24 you're saying now, he asked -- you better ask him to pay
25 your bills. I said, I am. Now, you're telling him that

1 knowing that you are going to have him killed by somebody;
2 right?

3 A No, sir.

4 Q Now, what were you talking about that you didn't
5 want -- what else were you talking about you didn't want
6 your Uncle Tony to hear? Didn't you say that Patrice came
7 up to you and that you were cursing and acting loud, and
8 Patrice came up, put her hand over your mouth and said,
9 girl, shut up. And I said, why? You said, because -- she
10 said because you're F'ing uncle back there. What didn't
11 you want him to hear?

12 A What she didn't want him to hear? Because she cover
13 my mouth.

14 Q Okay. Why?

15 A Because I was cursing.

16 Q Oh, and that would be bad if your uncle heard you
17 cursing?

18 A She thought it would be.

19 Q And you said about your uncle -- at that point, she
20 said, because your F'ing uncle back there, but at that
21 time I didn't believe her because I never did see him come
22 back into the apartment. I said -- then you said the S
23 word -- when did that short little F'er come back in here?
24 Except you didn't say F'er.

25 And Dorian said, you don't remember me washing your

1 hair? Well, that's when he came back in. You didn't say
2 that?

3 A Yes, sir.

4 Q And after setting this thing in motion you said, I --
5 you started to have some misgivings I think you said, and
6 you said, I wanted out of everything because it dawned on
7 me that that's my uncle and my friend; right?

8 A Yes, sir.

9 Q But you didn't go tell Tony --

10 A No, sir.

11 Q -- your uncle?

12 A No, sir.

13 Q Now, you say that you were calling. You were calling
14 Tony -- I mean calling Leonard Stanfield and trying to
15 stop all this from happening, you say, but you were -- you
16 were calling him and talking to him and telling him when
17 your uncle was there because he didn't live there, did he,
18 or did he? Did live with Patrice?

19 A Tony Wilson?

20 Q Uh-huh.

21 A No, he just stayed over there sometime.

22 Q So in -- since he didn't live there, the only way
23 that anybody could know who was there was if you told
24 them; right?

25 A Yes, sir.

1 Q (pause) Now, didn't you say in your second statement
2 that after driving around looking for Peanut, you stopped
3 by the house because it dawned on you you didn't have your
4 driver's license?

5 A Yes, sir.

6 Q Because you wouldn't want to be driving without a
7 driver's license. That would be bad.

8 A Yes, sir.

9 Q And when you showed up, that's when you noticed that
10 you had gotten a call from somebody you didn't know and
11 you called back to Debra Hawkins' house.

12 A Yes, sir.

13 Q Ms. Wilson, have you ever done any papers to find out
14 who is the father of your child?

15 A No, sir.

16 Q Have you ever been fired from -- pardon me? Oh,
17 okay. You were fired from a job at a hotel for stealing
18 from them; weren't you?

19 A No, sir.

20 Q They accused you of it, though; didn't they?

21 A No, sir.

22 Q And you went to the hospital for -- didn't you go to
23 the hospital for trying to kill yourself because of a
24 threatened break-up from Peanut before?

25 A No, sir.

1 Q You didn't go to the hospital for taking a wide
2 variety of pills where they had to pump your stomach out?

3 A That was not because of Leonard Stanfield.

4 Q Oh, okay. Who was it about?

5 A Quammie Moultrie.

6 Q Quammie Moultrie?

7 A Yes, sir.

8 Q If somebody leaves you, then that's a problem; isn't
9 it?

10 A No, sir.

11 Q You break out somebody's window, you try to kill
12 yourself, your uncle doesn't pay your bills so you have
13 him killed?

14 A No, sir.

15 Q Lynette Mack's husband, you want to make him the
16 daddy of--

17 MR. KNIGHT: Your Honor, is this closing
18 argument or is this cross-examination?

19 THE COURT: It is cross-examination. Counsel,
20 if you would -- you can get a chance to argue later.

21 MR. MATTHEWS: I will try not to -- sorry about
22 that, Your Honor.

23 (Whereupon there was a pause).

24 BY MR. MATTHEWS:

25 Q Sometimes during arguments with Leonard Stanfield you

1 would tell him, over the course of time, I want you to rob
2 my uncle, I want you to rob my uncle; didn't you?

3 A No, sir.

4 Q And you'd argue with him, you'd spit in his face if
5 he said something you didn't like; didn't you?

6 A No, sir.

7 Q You never did that?

8 A No, sir.

9 (Whereupon there was a pause).

10 BY MR. MATTHEWS:

11 Q Ms. Wilson, among the places that you went when you
12 were driving around in Patrice Ford's car, that was a
13 white Oldsmobile; is that right?

14 A Yes, sir.

15 Q Was Wiggins Trailer Park one of the places you went?

16 A Yes, sir.

17 Q Okay.

18 (Whereupon there was a pause.)

19 BY MR. MATTHEWS:

20 Q Ms. Wilson, among other things, you initially were
21 charged in this case with murder, with burglary, with
22 armed robbery and with kidnapping; were you not?

23 A Conspiracy to commit all charges, yes, sir.

24 Q Okay. All right. In exchange for your testimony
25 today, what are you looking at?

1 A I'm not looking at anything. I'm just here to tell
2 the truth.

3 Q Oh, okay. So you would be perfectly content to spend
4 your time in prison for these charges?

5 A If that's what it has to take, sir.

6 Q You don't have any deal with anybody?

7 A No, sir.

8 Q You're living up in New Jersey now?

9 A Yes, sir.

10 Q How long you been living back up in New Jersey?

11 A Just a couple months.

12 Q That doesn't violate the conditions of your bond?

13 A Yes, sir.

14 Q It does? So right now you're in violation of your
15 bond by being here?

16 A No, sir.

17 Q You're not. So it's not a condition of your bond?

18 A You said if I'm in violation by being here.

19 Q Oh. But I mean, it's okay -- what I'm saying is
20 you're not facing those charges any more; is that right?

21 A I still have them charges.

22 Q Your criminal conspiracy charge wasn't nol prossed
23 sometime shortly after this, August 15th after you wrote
24 your statement?

25 A I don't understand.

1 MR. KNIGHT: She doesn't understand the legal
2 issues, Your Honor. It's still pending, I can assure
3 you. I will call the indictments if you want me to
4 do it. Pending. Don't -- don't go there.

5 MR. MATTHEWS: All right.

6 BY MR. MATTHEWS:

7 Q What was your bond?

8 A I don't remember.

9 Q Was it -- you were able to bond out?

10 A Yes, sir.

11 Q How long did you sit in jail?

12 A Two weeks.

13 Q Okay. After you wrote your statement, did they
14 release you?

15 A No, sir.

16 Q Did they reduce your bond and then you were able to
17 get out?

18 A Yes, sir.

19 Q Okay.

20 MR. MATTHEWS: I don't have any further
21 questions, Your Honor.

22 REDIRECT EXAMINATION

23 BY MR. KNIGHT:

24 Q I got one, Ms. Wilson. This here is State's Exhibit
25 number 24. What is that?

1 A Ninety-nine -- '99 GMC Yukon registered to me.

2 Q Who drove that vehicle?

3 A Leonard Stanfield.

4 Q That was your lover; right?

5 A Yes, sir.

6 Q You loved that fellow; didn't you?

7 A Yes, sir.

8 Q Okay. Now, I got confused with Mr. Matthews. Were
9 you doing Patrice's hair or was Patrice doing your hair?

10 A Patrice Ford was doing my hair.

11 Q Okay. That's what I thought. That's all I have.

12 MR. MATTHEWS: Couple.

13 RECROSS-EXAMINATION

14 BY MR. MATTHEWS:

15 Q So your ex-boyfriend living with somebody else,
16 driving around in your Yukon, that's okay with you?

17 A He paid the note.

18 Q Okay. Your name is on the dotted line, though. If
19 he doesn't pay it, who -- who gets in trouble?

20 A I do.

21 Q Right. But that -- and that was okay with you?
22 Didn't cause you any problems?

23 A Because he paid it.

24 Q Okay.

25 MR. MATTHEWS: Nothing further, Your Honor.

1 MR. KNIGHT: That's all I have. May she be
2 excused?

3 THE COURT: Any objection?

4 MR. MATTHEWS: I'm -- she can go.

5 THE COURT: Okay. Thank you, ma'am. You're
6 excused.

7 (Witness left the stand).

8 THE COURT: This looks like a good stopping
9 point.

10 MR. KNIGHT: That's an excellent idea, Your
11 Honor.

12 THE COURT: All right. I promised the jury I'd
13 let them get home to their family at some point. So
14 we're going to stop today, ladies and gentlemen.

15 And I want to caution you again, it's extremely
16 important for you to decide this case based on what
17 comes from this courtroom and nothing that you hear
18 on the street.

19 So please -- I don't know what's going to be in
20 the newspaper. Please do not read the newspaper.
21 Don't let anybody else who has read the newspaper
22 discuss any of the facts with you or anything else.

23 You can't talk about this case with anybody yet.
24 When you finish this case, you can talk about it to
25 anybody you want to, but it's so important at this

1 point that you decide this case based on the evidence
2 in this courtroom and not what you hear outside of
3 this courtroom.

4 So I'll allow you to go home. I need you back
5 here at 9:30 in the morning in the jury room. And do
6 not discuss this case with anyone, among yourselves
7 or anyone else.

8 If someone tries to discuss it with you, just
9 simply tell them you're on the jury and you can't
10 discuss it. If they persist, then you need to let me
11 know about it in the morning. Thank you and you're
12 excused.

13 (Jury left the courtroom at 4:55 pm.)

14 *THE COURT:* Any matters we need to address this
15 evening from the State?

16 *MR. KNIGHT:* No, sir.

17 *THE COURT:* From the defense?

18 *MR. MATTHEWS:* None that I can think of, Your
19 Honor.

20 *THE COURT:* Just from a scheduling idea, can you
21 give me an idea -- you think we are going to get this
22 case to the jury tomorrow?

23 *MR. KNIGHT:* Oh, yes, sir. I've only got a
24 couple more witnesses. They are both short.

25 *THE COURT:* You concur with that?

1 MR. MATTHEWS: I concur with that. I have
2 maybe -- maybe two or at the most three witnesses.

3 THE COURT: Okay. And I was just wondering --
4 if y'all got any request for charges, if you want to
5 get them up tonight and get them to my law Clerk in
6 the morning, I'll go over the standard stuff.

7 If you have something unusual, I will be glad
8 to -- we'll deal with that sometime tomorrow then.

9 MR. KNIGHT: Okay.

10 THE COURT: All right. Court be in recess until
11 9:30 in the morning.

12 (Court was in recess for the evening.)

13 ***** May 24, 2007 *****

14 (WHEREUPON, State's Exhibits Nos. 25 AND 26 were
15 marked for identification only.)

16 THE COURT: Anything from the State before I
17 bring the jury in?

18 MR. KNIGHT: No, sir.

19 THE COURT: Defense?

20 MR. MATTHEWS: Your Honor, just one. Not any
21 objections or anything, I just let the Court know
22 that I have consented to this gunshot residue
23 analysis report coming in as it is. This isn't
24 covering anything up; is it, Steve? Okay.

25 THE COURT: That's exhibit number 23 that was

1 entered for ID?

2 (WHEREUPON, State's Exhibit 23 was admitted into
3 evidence.)

4 MR. MATTHEWS: Yes, sir. So I have no objection
5 to that coming in as evidence, and the State is
6 seeking to introduce exhibits 25 and 26 of Tamika
7 Wilson's indictments, and I don't have any objection
8 to those.

9 MR. KNIGHT: What I'm going to do, Your Honor,
10 with consent of Mr. Matthews, is substitute two
11 copies for the original because I will be using those
12 two indictments later.

13 THE COURT: Okay.

14 MR. KNIGHT: And I think -- somewhere is marked
15 on these.

16 THE COURT: So 25 and 26 are the indictments
17 of...

18 MR. KNIGHT: Tamika Wilson.

19 THE COURT: Okay.

20 (WHEREUPON, State's Exhibits, 25 and 26 were
21 admitted into evidence.)

22 MR. MATTHEWS: If you want to present Leonard
23 Pinckney's indictments, too, that's fine. I consent
24 to those as well.

25 MR. KNIGHT: Okay.

1 THE COURT: Since we've got a few minutes, what
2 about charge? Do y'all have any particular requests
3 to charge?

4 MR. MATTHEWS: Your Honor, the defense doesn't
5 have any specific requests to charge at this time. I
6 think the standard charges as I understand it, just
7 standard charges to be, are going to be fine. I
8 don't know of anything additional that I...

9 THE COURT: What about the hand of one is the
10 hand of all?

11 MR. KNIGHT: Yes, sir.

12 THE COURT: So...

13 MR. MATTHEWS: The only problem I suppose I
14 have, Your Honor, and this might be more in the
15 nature of an argument, is that Leonard Pinckney was
16 not indicted for murder.

17 And if there is some -- if the hand of one is
18 the hand of all and that set of facts means that if
19 you abandon the one scene and go to the other, it's
20 no longer a continuing thing, and that he was not
21 indicted because he was in fact not guilty of that
22 crime, then I don't know if the hand of one is the
23 hand of all would be suitable for the murder charge
24 since Pinkney was not indicted for murder, and I
25 don't think Tamika Wilson was indicted for conspiracy

1 to commit murder.

2 So to the extent that it applies to the
3 burglary, the kidnapping, and armed robbery or the
4 burglary and the -- the burglary and the armed
5 robbery charges, then I wouldn't object to that.

6 But as it relates to the kidnapping and the
7 murder, I would because it didn't appear to be
8 suitable to the State to indict or the Grand Jury to
9 indict Tamika Wilson or Leonard Pinckney for those.

10 *THE COURT:* Yeah, but we are not trying Wilson
11 or Pinkney. I mean, obviously if they were sitting
12 there, an objection to hand of one is the hand of
13 all, if they were indicted for murder.

14 But my particular reference was based on the
15 facts of this case dealing with the armed robbery.
16 That...

17 *MR. KNIGHT:* Correct.

18 *THE COURT:* That it appears from the facts that
19 allegedly both subjects went into the residence but
20 that Mr. Pinckney got the money, and then the money
21 was not divided until after the fact and that the
22 crime was bifurcated at one point.

23 And so you've got the burglary and the
24 kidnapping and armed robbery that occurred at the
25 house, and the murder occurred somewhere else at

1 another time, but with Mr. Pinckney allegedly not
2 present at that.

3 MR. MATTHEWS: As it relates to the armed
4 robbery and burglary charges, I have no objection to
5 the hand of one is the hand of all.

6 MR. KNIGHT: Correct.

7 THE COURT: And I was -- but I was generally
8 just charge the hand of one is the hand of all and
9 not specify the crimes in which it applied to because
10 I -- because I think if I do, I would be commenting
11 on the facts.

12 MR. KNIGHT: You are.

13 THE COURT: If I specify the jury, now listen,
14 you know, based on these facts, you got the hand of
15 one with an armed robbery and not -- so I didn't want
16 to go there because I thought -- the jury may take
17 that that I have some opinion as to the facts.

18 So I was just going to generally charge the hand
19 of one is the hand of all in my body of charges and
20 let them apply that law to whatever facts they deem
21 appropriate as to whether he was present when what
22 happened.

23 MR. MATTHEWS: I understand that. It is kind of
24 confusing, and that's one of the reasons why I would
25 have a problem, for the same reason, you know, to not

1 comment on it -- comment on it, too.

2 So it's -- it's problematic when you have two
3 separate incidents essentially.

4 THE COURT: All right.

5 MR. MATTHEWS: And that was my problem, but I
6 will -- any way, that's my...

7 THE COURT: And I was just going to generally
8 charge it probably in the body and not specify that
9 it applies to any particular crime because I think
10 they may infer that I have an opinion as to -- to the
11 facts in this case.

12 Now, mere presence, it doesn't appear to me that
13 mere presence applies based on what I have heard at
14 this point.

15 MR. KNIGHT: No, sir.

16 MR. MATTHEWS: I wouldn't ask for that.

17 THE COURT: Okay.

18 MR. KNIGHT: Thank you.

19 THE COURT: So, you know, I'll obviously try --
20 I mean charge reasonable doubt and my general charge
21 and then burglary and armed robbery, kidnapping and
22 murder.

23 MR. MATTHEWS: If I may confer with my
24 distinguished boss, Your Honor, and see if he's got
25 any other ideas.

1 THE COURT: I don't -- and based on these facts
2 as I heard at this point, I don't know that any
3 lesser included offenses for murder are appropriate.
4 I mean, I don't think that this was a manslaughter
5 issue.

6 MR. MATTHEWS: I'm not -- I'm not real sure on
7 that. I thought about that some. There was some --
8 Tamika didn't -- Tamika Wilson didn't testify to this
9 from the stand, I don't think, but I know that she
10 said that -- somebody had said that she said in a
11 report that they were struggling and the gun went
12 off, and that might give rise to something.

13 I'm not so sure. I -- you know, my feeling on
14 it is that they are all just lying any way, but
15 that's -- that would be the place for it, and I don't
16 really--

17 THE COURT: Her testimony -- my recollection of
18 her testimony was that allegedly your client told her
19 that. But the forensic evidence is that the victim
20 was shot three times.

21 And that based on the version she said, your
22 client said that the gun went off and -- and he was
23 shot once. But -- but based on the pathology report,
24 you know, he had a gunshot wound to the head, to the
25 chest, and to the legs, so I don't know how that

1 would fit.

2 MR. MATTHEWS: It would -- I guess the argument
3 would be that one was a contact wound, the one to the
4 chest, and that might be consistent with that. The
5 other two shots could have happened at some other
6 time.

7 I don't know. Like I said, I'm inclined to
8 not -- to not ask for lesser inclusions on that, but
9 there might be some basis for it.

10 THE COURT: Okay. And you -- I'll be glad to
11 keep that door open, but it doesn't appear at this
12 point that we need -- either he's guilty or not
13 guilty of the crime alleged of murder and not
14 necessarily of the lesser included.

15 MR. MATTHEWS: I think that's it, Your Honor.

16 THE COURT: Okay.

17 (WHEREUPON, state's Exhibits 27, 28 were
18 admitted into evidence.)

19 THE COURT: What about circumstantial evidence?

20 MR. KNIGHT: Yes, sir.

21 THE COURT: Okay.

22 MR. MATTHEWS: That's fine. I like the old
23 circumstantial evidence charge better than the new
24 one, but it's -- that's fine.

25 THE COURT: Okay. I will charge criminal

1 intent, expert witnesses, circumstantial evidence,
2 and we will cross that -- as far as the defendant's
3 testifying or failing to testify, the defendant fails
4 to testify, I will charge that.

5 MR. MATTHEWS: Your Honor, I don't know whether
6 I -- my feeling is that I don't know that we need
7 to -- to testify. I think probably in the -- what do
8 you think, Harris?

9 My feeling is I don't necessarily want to charge
10 that he's failed to testify. What do you think?
11 What is your feeling on that, Harris? I go back and
12 forth on that. When I -- he's not going to testify I
13 don't think.

14 MR. KNIGHT: Still got to charge the jury.

15 MR. MATTHEWS: But in terms of whether I want
16 to -- okay. Well, I will -- I will -- since I'm on
17 the fence on that and my learned boss thinks it would
18 be a good idea to charge no inference can be drawn
19 from up the client's failure to testify, then let's
20 go ahead and do that. That will be fine.

21 THE COURT: I think we're going to have to. I
22 mean, if he doesn't testify -- I need to go over that
23 with him, but I think I've got to tell the jury the
24 fact that he doesn't testify, they can't hold that
25 against him. You know, I...

1 MR. MATTHEWS: I'm borderline on it.

2 THE COURT: I understand sometimes you don't
3 want the bench to point out to the jury he didn't
4 testify, but they can figure that out pretty quick.
5 But I personally think we probably need to have that
6 in the record.

7 MR. MATTHEWS: And Your Honor, if the Court
8 would feel comfortable, I don't mind the Court
9 inquiring of Mr. Stanfield whether -- we talked at
10 length on this about whether to testify or whether
11 not to, and it's my understanding he does not wish to
12 testify.

13 It's not really a close call. We discussed it
14 at length. But if the Court wants to inquire, he's
15 already vocalized that he does not desire to testify,
16 and I agree with that decision.

17 THE COURT: All right. It's not at the end of
18 the State's case, and you may change your mind, but I
19 will be glad to do that now or we can wait.

20 MR. MATTHEWS: I actually don't think it's
21 necessary, Your Honor. We are real clear on that
22 one.

23 THE COURT: Okay. Well, so you don't want me to
24 do it now or you don't want me to do it period?

25 MR. MATTHEWS: As the -- Your Honor, you talking

1 about the -- to inquire? I don't care. I mean,
2 we're not...

3 THE COURT: In my -- I normally put it on the
4 record and talk to the defendant about that, and so I
5 intend to do that in this case.

6 MR. MATTHEWS: Okay.

7 THE COURT: The question is whether -- since the
8 State has not finished their case, I don't know
9 whether he may change his mind based on some other
10 evidence that comes up.

11 MR. KNIGHT: If we put up any more evidence--

12 THE COURT: I would rather do it at the end of
13 the State's case where I -- where he -- that that is
14 all the evidence against him and he can make an
15 intelligent decision.

16 MR. MATTHEWS: I think that's the right thing to
17 do, wait till the end.

18 THE COURT: Okay. Anything else before we bring
19 the jury in?

20 MR. MATTHEWS: Nothing from the defense, Your
21 Honor.

22 MR. KNIGHT: No, sir, I don't think so.

23 THE COURT: All right. If you will bring us the
24 jury.

25 (Jury entered the courtroom at 9:48 am.)

1 THE COURT: Good morning, ladies and gentlemen.
2 Hope y'all had a good evening and we're going to
3 resume the testimony in this case.

4 And based on what the lawyers tell me, I hope
5 we'll be able to finish this case today, be able to
6 get it to you for your deliberation, and we're going
7 to push forward and just try to do that if at all
8 possible.

9 Mr. Solicitor, you can call your next witness.

10 MR. KNIGHT: Your Honor, I think there's a
11 couple of matters before we go any further. State's
12 Exhibit number 23 which is formerly an exhibit, the
13 State's offering into evidence without objection from
14 the defendant.

15 MR. MATTHEWS: Without objection.

16 MR. KNIGHT: That's the gunshot residue analysis
17 information form by Detective Leslie Jamison. In
18 addition, we have an indictment for criminal
19 conspiracy, pending indictment, against Tamika S
20 Wilson. That's State's Exhibit number 26 being
21 admitted without objection.

22 Additionally we have an indictment for criminal
23 conspiracy against Tamika S Wilson, indictment for
24 criminal conspiracy. That's State's Exhibit number
25 22. That's a pending indictment. Additionally --

1 that's without objection, Your Honor.

2 MR. MATTHEWS: That's correct.

3 MR. KNIGHT: State's Exhibit number 27 is
4 burglary in the first degree indictment that is
5 against Leonard Pinckney. That's into evidence
6 without objection. That's a pending indictment.

7 State's Exhibit number 28 is an indictment
8 against Leonard Pinckney, junior, for armed robbery.
9 That's entered into evidence without objection. That
10 is also a pending indictment.

11 MR. MATTHEWS: Also without objection.

12 THE COURT: So items 22, 23, 25, 26, 27, and 28
13 are in without objection.

14 MR. KNIGHT: Yes.

15 THE COURT: Okay. You may call your next
16 witness.

17 MR. KNIGHT: The State rests, Your Honor.

18 THE COURT: Okay.

19 MR. MATTHEWS: Your Honor, if I might have a
20 moment to find out whether we're going to do anything
21 or just rest ourselves.

22 (Whereupon there was a pause.)

23 MR. MATTHEWS: Lynnette Mack? Your Honor, I
24 anticipated that the State might call a couple of
25 witnesses, so I instructed the two witnesses that I

1 contemplated calling, and I may not, but that I had
2 contemplated calling I had asked to be here at 10:30.

3 I can -- I have a phone number for each of them
4 and I could find out if they could be here sooner,
5 but I anticipated that the State would take some time
6 this morning and I wanted to be as convenient as I
7 could to my witnesses, not meaning to inconvenience
8 the Court, Mr. Knight or the jury.

9 But if I might be allowed a few minutes, I can
10 call and find out.

11 *THE COURT:* How about go call and see if you can
12 get them here quicker.

13 *MR. MATTHEWS:* All right. Thank you, Your
14 Honor.

15 *THE COURT:* Could get them to come on where we
16 can...

17 (Whereupon there was a pause.)

18 *THE COURT:* Ladies and gentlemen, I guess I will
19 send you back at least where you can relax for a few
20 minutes, and I will try to get -- you heard my
21 dilemma -- get these witnesses here as fast as
22 possible. Soon as I get them here, I will bring you
23 back out.

24 (Jury left the courtroom at 9:54 am.)

25 (Whereupon there was a pause.)

1 MR. MATTHEWS: Your Honor, Ms. Mack's mother,
2 whoever answered the phone, said Ms. Mack is on her
3 way.

4 THE COURT: On her way from where?

5 MR. MATTHEWS: I didn't ask that.

6 THE COURT: I wanted to be sure they were in
7 this county.

8 MR. MATTHEWS: It's a 562 number, so...

9 THE COURT: Okay.

10 MR. KNIGHT: That's Eastover, South Carolina,
11 that's in Richland county.

12 (Off-the-record discussion was had.)

13 MR. MATTHEWS: Your Honor, Ms. Mack is here.
14 And also the State had consented to allow me also to
15 call their witness, Detective Mccalister.

16 THE COURT: Okay.

17 MR. MATTHEWS: And so I believe that those would
18 be my only two witnesses.

19 THE COURT: Okay.

20 MR. MATTHEWS: And I don't expect they will be
21 particularly lengthy.

22 THE COURT: Then at this point I'll just -- I
23 will talk to your client about testifying since the
24 State has rested. And if I had known it, you know,
25 when I had this conversation earlier that in fact

1 they were going to rest, I would have dealt with it.

2 MR. MATTHEWS: Nobody knew but Mr. Knight.

3 MR. KNIGHT: Even Mr. Knight didn't know.

4 THE COURT: If you would, please sir, if you
5 would stand up and let me talk to you a minute. Mr.
6 Stanfield, you understand the State has rested their
7 case at this point against you?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: You have a right to testify, and
10 this is your right. It's your decision to testify.
11 You have a constitutional right to testify or to
12 remain silent, and no one can make that decision but
13 you.

14 Your lawyer can advise you, but ultimately
15 that's your decision. Do you understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And if you decide to testify, the
18 same rules would apply to you that apply to any other
19 witness. You'd be subject to cross-examination by
20 the State.

21 If you have a criminal record, you know, you've
22 been convicted of a crime that carries more than a
23 year or dealings with dishonesty or whatever, the
24 State could bring those crimes out before this jury
25 on cross-examination if you testify. Do you

1 understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And -- but it's -- it's got to be
4 your decision that you freely and voluntarily made,
5 and I assume you've talked to your lawyer about this
6 decision. Have you?

7 THE DEFENDANT: Yes, sir, I have.

8 THE COURT: Have you made a decision as to
9 whether you want to testify or not?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: If you decide that you do not want
12 to testify, I will instruct the jury that they cannot
13 hold that against you, that they not -- they not
14 consider in any way the fact that you didn't testify
15 in their deliberations concerning your guilt or
16 innocence. Do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right, sir. Do you want to
19 testify or are you -- do you not want to testify?

20 THE DEFENDANT: No, sir, I wish not to testify.

21 THE COURT: All right, sir. Thank you, sir.

22 Mr. Matthews, when you get ready, just let me know
23 and I will bring the jury in.

24 MR. MATTHEWS: Yes, sir. I'm just going over a
25 couple of pictures here.

1 (WHEREUPON, Defendant's Exhibits NOS 8-19 were
2 marked for identification only.)

3 MR. MATTHEWS: Your Honor, I'm ready at this
4 point.

5 THE COURT: All right, sir. And now that the
6 State's rested, I assume you will make your standard
7 motions.

8 MR. MATTHEWS: Yes, sir. I would make the
9 motion to dismiss, that the State -- taking the facts
10 in the light most favorable to the State has not
11 proved their case for the charges for which Mr.
12 Stanfield is charged.

13 THE COURT: And I respectfully deny your
14 motions. I think there is substantial facts in the
15 record or existence of enough facts in the record
16 that this case should go to the jury on each count,
17 on the burglary, the armed robbery, kidnapping, and
18 the murder.

19 MR. MATTHEWS: Okay. We're ready for the jury,
20 Your Honor.

21 THE COURT: Okay. If you will bring us the
22 jury.

23 (Jury entered the courtroom.)

24 THE COURT: You may call your next witness or
25 first witness.

Angela Stallings - direct by Matthews

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1 MR. MATTHEWS: Thank you, Your Honor. Your
2 Honor, the defense calls Sergeant Mccalister --
3 Sergeant still? Mccalister -- Stallings.

4 ANGELA STALLINGS, after being duly
5 sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. MATTHEWS:

8 Q And that's Staff Sergeant or Sergeant or...

9 A Sergeant.

10 Q Sergeant?

11 A Yes.

12 Q Okay. I have been having trouble with that all week.
13 Sergeant Stallings, did you along with -- did you help to
14 investigate this particular case?

15 A Not the actual incident date, but after the incident,
16 I did assist on one occasion.

17 Q Okay. Would that be on July 29th, about 5 days after
18 this is supposed to have happened?

19 A July 29th, yes, sir.

20 Q July 29th. Right. Okay. And as a result -- or tell
21 me -- tell the jury, please, what you did.

22 A On July 29th, myself and Detective Roberson went back
23 out to the incident scene on Mable T Willis. We walked
24 the roadway at Mable T Willis from the incident location
25 back towards Snyders Highway.

1 When we left where the incident location took place,
2 approximately 150 to 200 yards from the incident, we found
3 a blue and white bandana.

4 Q Or a -- would -- this has already been introduced. I
5 believe is exhibit 18. Is this the bandana that you
6 found?

7 A Yes, sir.

8 Q Okay. And I'm handing you a stack of pictures. And
9 if you could, explain -- look at them, and if you are able
10 to explain to the jury what they -- what they show.

11 A Okay. Can I stand up?

12 Q Absolutely. And if you want to step down to do it,
13 that's -- that's great.

14 A This top picture on this side of the curve is Press
15 Printing area, so coming this way is going to be going
16 back toward Snyders Highway. Going back toward Snyders
17 Highway you here have the water tower.

18 On this side of the water tower back towards Press
19 Printing is where the black and white bandana was found.
20 Walking back towards Snyders Highway around the edge of
21 the fence we found a black ski mask.

22 MR. MATTHEWS: If we could mark this, this is
23 taken this from... whatever number we're on now.

24 (WHEREUPON, Defendant's Exhibit no. 20 was
25 admitted into evidence.)

1 BY MR. MATTHEWS:

2 Q Sergeant Stallings, I'm handing you what's been
3 marked as Defendant's Exhibit 20 and ask if you can
4 identify that.

5 A Yes, sir.

6 Q Is that the mask that you found?

7 A Yes, sir.

8 Q Okay.

9 A We also have that photograph. Here's the corner of
10 the fence going back towards Snyders Highway. And a few
11 feet in front of the corner of that fence you see a yellow
12 marker. That is the black ski mask. And then here are
13 some more close-ups. And then that shows the black ski
14 mask marked as number one.

15 Q Thank you, Sergeant. And as you -- these have been
16 introduced into -- I move these now into evidence. I
17 believe they already have been, I believe without
18 objection, but... publishing it to the jury.

19 MR. KNIGHT: Yes.

20 MR. MATTHEWS: I guess.

21 THE COURT: Okay. And those -- are those --
22 they are pictures that were moved in earlier by the
23 State?

24 MR. MATTHEWS: The defense moved these in, Your
25 Honor.

1 THE COURT: Those are defense exhibits?

2 MR. KNIGHT: Without objection.

3 THE COURT: All right. Okay.

4 (WHEREUPON, Defendant's Exhibits 8-19 were
5 admitted into evidence.)

6 MR. MATTHEWS: Okay. Thanks.

7 BY MR. MATTHEWS:

8 Q And from those pictures and from your recollection,
9 as you leave from Printers Alley where the -- Tony
10 Wilson's body was found, at the beginning part of the
11 fence, the first thing you found is this bandana; is that
12 correct?

13 A That's correct.

14 Q And then at the other end of the fence at the water
15 tower is where you found this mask?

16 A That's correct.

17 Q Okay. All right. And that was approximately five
18 days after -- after the incident?

19 A Yes, sir.

20 Q Okay. All right. That may be it, but hold on one
21 moment, please.

22 (conferring with defendant.)

23 MR. MATTHEWS: Nothing further. Thank you,
24 Sergeant. Please answer any questions the State has.

25 CROSS-EXAMINATION

1 BY MR. KNIGHT:

2 Q Mrs. Stallings, the location you just described when
3 you found these items, which direction if you were in
4 these woods would you go to get to Ms. LaShanda Spencer's
5 trailer?

6 A Back towards Snyders Highway.

7 Q Which is the direction you found those?

8 A Yes, sir.

9 Q Thank you, ma'am. That's all I have.

10 MR. MATTHEWS: Nothing further. And the
11 State -- this witness may be excused.

12 THE COURT: Okay. Thank you, ma'am.

13 MR. MATTHEWS: Lynette Mack.

14 LYNETTE MACK, after being duly
15 sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. MATTHEWS:

18 Q Hello, Ms. Mack. Yes. Ms. Mack, thank you for being
19 here. I know you're missing work, but thank you. Ms.
20 Mack, do you know -- have you had a relationship or know
21 Tamika Wilson?

22 A Yes, sir.

23 Q How -- please explain to the jury your -- how you
24 came to know Tamika Wilson or in what capacity? Did you
25 ever have a restraining order taken out against her?

1 A Yes, sir, I did.

2 Q Okay. Would you please tell the jury about that?

3 A The restraining order was a altercation that she
4 claimed that she had between her and my husband.

5 Q Okay.

6 A She suppose had call herself she was pregnant and,
7 you know, we -- we start, you know, having like words back
8 and forth to each other. So it got to the point that, you
9 know, she was going to kill, and that's why, you know, I
10 went and got the restraining order. But like an ongoing
11 thing with her.

12 Q Okay. Did she -- this was in -- was this in about
13 December of 2003 or -- I'm sorry. What time was that?

14 A It been ongoing because we lived in [REDACTED]
15 Apartments.

16 Q Okay.

17 A And when we lived in the [REDACTED] Apartments, it was
18 like, you know, she need something, she could come to me
19 and I would give it to her. And then after the fact that
20 me and my husband separated, she had supposed start
21 sleeping with him.

22 Q Okay. And did -- tell me, did she threaten you at
23 any time?

24 A On several occasions she did and, you know, called
25 the Sheriff's Office numerous of times, and that's why we

1 had got the restraining order. But you know, it didn't
2 did her part any good because there was still constant
3 phonecalls, it was messages left, and everything.

4 Q And that was because she was saying that your husband
5 was the father of her baby?

6 A Yes, sir.

7 Q Okay. And this was sometime in 2003?

8 A Yes, sir.

9 Q All right. Did -- would you please tell the jury
10 about a specific threat that you recorded at one point
11 that she had made to you.

12 A Well, the -- the real one was, you know, that made
13 me, you know, went to Magistrate offices because of the
14 fact that she told me on a recorded statement that she was
15 going to have me and my husband dead or she was going to
16 do it or have someone to kill us this same way she had her
17 uncle dead.

18 MR. MATTHEWS: I don't have anything further,
19 Your Honor.

20 THE COURT: All right.

21 CROSS-EXAMINATION

22 BY MR. KNIGHT:

23 Q Ms. Mack, did she get a restraining order against
24 you?

25 A Well, after -- when we went there, he gave both of us

1 restraining orders the same day.

2 Q Okay.

3 A He...

4 Q So she was going with your husband while y'all were
5 separated?

6 A Well, she say yes, he say no, you know. Right now
7 still to the day he still deny it, but you know...

8 Q Uh-huh. Ms. Mack, have you been convicted of failure
9 to return renter--

10 A Yes, sir.

11 Q You on probation now?

12 A Yes, sir.

13 Q What kind of probation are you on?

14 A Ptup.

15 Q Ptup. How long, how many years you get probation?

16 A Huh? It's ptup. It's like when the money is paid in
17 full, I'm off.

18 Q You still on probation --

19 A Yes, sir.

20 Q -- as we speak. Three years probation?

21 A No, sir, it's ptup.

22 Q Okay. That's all I have.

23 MR. MATTHEWS: Nothing further, Your Honor.

24 THE COURT: Thank you, ma'am. You can come
25 down.

1 MR. MATTHEWS: And Ms. Mack is free to leave,
2 Your Honor, as far as I'm concerned.

3 (Witness left the stand.)

4 MR. MATTHEWS: Your Honor, the defense rests.

5 THE COURT: Any reply testimony from the State?

6 MR. KNIGHT: No, sir.

7 THE COURT: Okay. Are y'all prepared to begin
8 closing arguments?

9 MR. MATTHEWS: I wouldn't mind a little bit of
10 time, although I could. It's -- I -- I know the jury
11 just had a break just a few minutes ago, but whatever
12 is the State and the Court's pleasure.

13 THE COURT: Are there any matters of law that we
14 need to deal with before we go into closing argument?

15 MR. MATTHEWS: I do think we have a -- one
16 matter, Your Honor.

17 MR. KNIGHT: We need to...

18 THE COURT: Let -- ladies and gentlemen, I need
19 to send you back to the jury room for just a few
20 minutes. I apologize. But hopefully the next time I
21 bring you out we'll have closing arguments and charge
22 and give you this case.

23 (Jury left the courtroom at 10:38 am.)

24 THE COURT: Okay. Let them close that door.

25 MR. MATTHEWS: Just renew my motion for a

1 directed verdict, Your Honor.

2 *THE COURT:* Okay. And I respectfully deny your
3 motion again. I feel that there's sufficient
4 evidence this case should go to the jury on all
5 counts. Anything else?

6 *MR. KNIGHT:* Your Honor, did you appoint a
7 foreman or foreperson?

8 *THE COURT:* No, I have not done that yet and
9 probably should. Here's what I normally do. I let
10 them appoint their own foreperson. I found out that
11 things seem to run smoother when they find somebody
12 versus when I pick somebody.

13 I have been in situations where I or another
14 Judge have picked a very introverted person who has
15 -- very difficult speaking in front of people, and
16 therefore they get back there in the jury room and
17 get hung up on issues that if -- if someone who
18 volunteered or who felt more comfortable leading the
19 group of people, things seem to flow smoother and
20 faster.

21 So I've kind of taken the position to let
22 them -- and I should -- I meant to do that when I
23 went out this time, that would have been the best
24 thing to do. Any objections that I go to the jury
25 room and ask them?

1 MR. MATTHEWS: That sounds fine, Your Honor.

2 MR. KNIGHT: No, sir. That will give me an
3 excuse to walk outside and...

4 MR. MATTHEWS: Have a cigarette.

5 THE COURT: All right. I will go to the jury
6 room and...

7 MR. KNIGHT: About five minutes, Judge?

8 THE COURT: Okay.

9 (Whereupon a brief recess was had.)

10 (Jury entered the courtroom at 11:05 am.)

11 THE COURT: Thank you, ladies and gentlemen. I
12 have been informed that y'all successfully ordered
13 lunch, so hopefully it will be here about the time
14 you get this case. Counsel, you may begin closing
15 statements.

16 MR. MATTHEWS: Thank you, Your Honor.

17 CLOSING STATEMENT

18 MR. MATTHEWS: Ladies and gentlemen, at the
19 beginning of this case -- oh, and by the way, I'm
20 David Matthews. Don't know that I introduced myself
21 at the beginning. Obviously that's my client,
22 Leonard Stanfield.

23 And as the Court has informed you all and as
24 it's probably pretty clear at this point, he's
25 charged with four different things. He's charged

1 with murder. He's charged with armed robbery,
2 burglary, and kidnapping.

3 One of the things that if you watch CSI, we had
4 the pleasure of hearing a couple of Sled analysts out
5 here say, and I don't remember what show it is, but
6 one of them they say, the science doesn't lie, follow
7 the evidence.

8 And we heard different witnesses approach and
9 testify to that. One of the things I think the Judge
10 will charge you about is circumstantial evidence. In
11 some cases that's better.

12 But let's go through what the testimony was from
13 the stand first of all. The first witness was Al
14 Lewis from the Walterboro Police Department, and he
15 testified that he found Tony Wilson's body outside
16 the Printing Press or Printers Alley inside the town
17 of Walterboro, and that he was face up, and that he
18 tried to cordon -- he cordoned off the crime scene or
19 assisted in doing that so that it could be processed
20 for evidence. That's the reason that you do that.

21 But what evidence really came from the crime
22 scene? Do you -- are there any -- do you have any
23 bullet shells? Do you have any blood samples? Do
24 you have any DNA? Do you have any hair samples?

25 There's not much point in cordoning off the

1 crime scene if you're not going to look for evidence.
2 One of the things that the Prosecutor said at the
3 beginning of this case is you're not required to look
4 for doubt. Well no, of course not.

5 It's your job to consider the evidence as it
6 comes from the stand. And if the State does not
7 prove what happened, then you don't have to make a
8 decision as to what happened. Sometimes the right
9 answer is, I don't know.

10 The next witness you had was Patrice Ford. And
11 Patrice Ford obviously is a very important witness.
12 She's one of three people that know what happened.
13 She knows what happened because she was there.

14 Leonard Pinckney knows what happened because he
15 was there. And Tamika Wilson knows what happened
16 because she put it all into play. That's clear.

17 The next -- Richard Harvey showed up to testify
18 that Mr. Wilson, Tamika's uncle, was dead. And
19 there's no question about that. He's dead.

20 And then Susan Presnell, the doctor from MUSC, a
21 well-qualified pathologist testified that what
22 killed -- what killed Mr. Wilson was one of three
23 gunshot wounds.

24 And the gunshot wounds, they were -- I believe
25 the State will go through some of this -- there was

1 one may have been a contact wound to the chest that
2 was down-going.

3 There was a -- a distal wound on the -- one of
4 the legs -- I don't remember which one -- probably
5 didn't cause death. And then there was a gunshot
6 wound starting at his nose and going up.

7 She also testified that there was -- there were
8 no -- there were various abrasions, which are
9 scratches or lacerations -- abrasions and
10 lacerations, abrasions are scratches.

11 I asked her whether or not there were any
12 scratches or abrasions on the knees of Mr. Wilson.
13 Now, why do you suppose I asked that?

14 One of the things that Patrice Ford said -- now,
15 I'm skipping back and forth, and I apologize for
16 that. My mind is sometimes kind of cluttered.

17 But Patrice Ford testified that she had been
18 with Tamika Wilson earlier in that day and that she
19 was doing Tamika's hair, I think, in her apartment at
20 ██████████ Apartments.

21 That her -- her boyfriend or friend, Tony
22 Wilson, was also there. That she was doing the hair,
23 and took a shower, got into her night clothes.
24 Tamika left..

25 And a few minutes after, I believe a few minutes

1 after, 15 minutes after Tamika left, she heard
2 banging at the door. The door is -- is kicked in,
3 and two men enter.

4 Now, she is only able to see one of them.
5 That's what she first says in her statement. And
6 that's -- the statement is in evidence and you will
7 have a chance to look at that at some length, and you
8 can compare it to what she actually said on the
9 stand.

10 That's an advantage that you get with her
11 testimony that you're not going to get with the other
12 witnesses. But you can look at her testimony and see
13 what she says.

14 But she says that she was only able to see one,
15 and the one she saw was wearing a black and white
16 bandana, this black and white bandana, over his face,
17 and that he was wearing -- that he was the one with
18 the gun.

19 She also told Detective Jamison -- and Detective
20 Jamison testified to this -- that the one with the
21 bandana over his face was tall, a tall, thin black
22 male.

23 Now, you had a chance to see Leonard Pinckney,
24 and he is tall and thin. You have a chance to look
25 over there and see Mr. Stanfield, and he is not tall

1 and thin.

2 If you got one of -- one person that's tall and
3 thin -- and Leonard Pinckney also testified that,
4 hey, I was wearing a bandana just like that. It's
5 what he said. He said he was wearing a bandana.

6 Nobody other -- there's no testimony that anyone
7 other than Leonard Pinckney was wearing a black and
8 white bandana. That's very important.

9 One of the -- she then said that that's all she
10 saw and then that somebody at that point put a robe
11 or something over her head, that she was then taken
12 out to her car, put in the back seat of the car.

13 The -- one of the assailants apparently had
14 left. The other one was in the car. And Tony was
15 forced to drive.

16 And they drove for some length of time. They
17 got to Printers Alley. She got out and took the hood
18 off of her head, the robe or whatever it was that was
19 over her head, and took that off to see somebody, one
20 of the assailants pointed a gun at -- at Tony Wilson,
21 and he was on his knees at Printers Alley.

22 Now, it would have been -- if you consider the
23 science of it, there is no -- there are no abrasions
24 on Tony Wilson's knees. There are no scratches on
25 his knees. There's nothing remarkable.

1 He's got scratches on his shin. He's got a
2 bullet wound in his thigh. He's got scratches on his
3 head. He's got scratches on his face. He doesn't
4 have any scratches or anything remarkable about his
5 knees. And when they find him, he's face up.

6 Does that make any sense? You're on your knees
7 and somebody shoots you head-on, or however they
8 shoot you, aren't you going to fall forward? Or even
9 if you fall back, aren't you going to have scrapes on
10 your knees?

11 But in any event, that was -- that was Patrice
12 Ford's testimony. Detective Jamison testified about
13 some conversations that she had, and that was
14 important.

15 One of the things that she says that was a
16 tall -- let me see -- a tall, slender, dark-skinned
17 male, wore a big gray sweatshirt with blue jeans,
18 sounding young, possibly in his early twenties, said
19 he wore a black hat with eyes cut out, a black and
20 white bandana around his mouth with a gun.

21 Okay. These two things. Jeff Crooks from SLED
22 testified that -- about procedures on collecting
23 gunshot residue. Evidently Miss Ford had been --
24 must have been a suspect under the circumstances, and
25 they took a -- they took the gunshot residue from

1 her, but they took it -- according to State's Exhibit
2 23 -- they took it at 5:45 in the morning.

3 The incident, according to Sergeant Jamison,
4 happened at 1:00 in the morning, four hours and 45
5 minutes after the incident was supposed to have taken
6 place.

7 It was also raining. There was testimony that
8 it was also raining that night. And Detective
9 Special Agent Crooks initially testified, well,
10 Sergeant Jamison testified that she didn't know
11 exactly when it was, but the report was supplemented
12 with this later on without -- and that's now before
13 you to see.

14 But it's my recollection that Sergeant Jamison
15 said she didn't know exactly when she took it, but
16 anywhere up to eight -- from eight to 12 hours is
17 okay.

18 Jeff Crooks from SLED testified that the
19 proper -- the best -- the best policy is to take it
20 within four hours. That's my recollection, but you
21 all rely on what you heard from the stand. Four
22 hours, not eight or 12, and that anything after six
23 they don't consider at all.

24 But four hours is the best and it -- then's Ila
25 Simmons from SLED testified that anything up to six

1 hours is acceptable, but really it's a sliding scale.

2 Evidence that you get at 6:01 is not really much
3 less valuable than evidence that you get at 6:59 or,
4 you know, 5:59, couple minutes difference here or
5 there. Six hours is the absolute cut-off under the
6 ideal circumstances.

7 If it's raining, if somebody is sweating,
8 something like that, then that testimony becomes a
9 bit suspect and the collection procedure becomes a
10 bit suspect.

11 Here it was raining. And four hours and 45
12 minutes under that set of circumstances probably
13 renders the gunshot residue analysis of Patrice
14 Ford's hand -- probably doesn't mean anything.

15 That doesn't mean that Patrice Ford shot Tony
16 Wilson. It means she can't be -- it can't be
17 excluded from the possibility. There could have been
18 gunshot residue on her arm, on her hand, and it could
19 have rained off or just after that amount of time it
20 wouldn't be of any value.

21 Leonard Pinckney. Leonard Pinckney. Leonard
22 Pinckney testified that he wore a handkerchief over
23 his head just like this. In fact, he said he then
24 burned it, and he burned his shoes.

25 He said that the Police Department took some of

1 his shoes, but those were his uncle's. Okay. I
2 don't see any shoes. I don't know -- they are not
3 before you to consider.

4 But he said they took some shoes, but that he
5 burned his shoes and he burned the handkerchief. But
6 if this is what he was wearing and it was found just
7 a couple of days later and it was dark when they
8 first got out there, so they weren't able to find it
9 the first day, and it was raining, whoever was
10 wearing this is likely who shot Tony Wilson.

11 Now, some of the things that Patrice Ford said
12 just -- they just can't be true. And some of them
13 just are not -- are incredible.

14 In her initial statement, which you have, she
15 said she doesn't know who the assailants were. She
16 doesn't know.

17 Yesterday she testified that she recognized
18 Leonard Stanfield's voice. She didn't know him
19 beforehand, and Leonard Pinckney she did know. She
20 knew Leonard Pinckney from school. Ten years or so
21 they knew each other -- and didn't recognize his
22 voice.

23 But Leonard Pinckney says he was there. He
24 admits he was there. He was doing some talking. He
25 pulled out the phone cord. This is what Leonard

1 Pinckney said himself.

2 But you go to school with somebody and know
3 somebody 10 years and you don't know their voice?
4 And somebody that you know maybe a few times
5 afterwards, you know their voice. That doesn't make
6 any sense at all, and it's probably not true.

7 LaShanda Spencer. You should have some pity on
8 LaShanda Spencer. She was in a very tough situation.
9 She gave a statement initially that was helpful to
10 Leonard Stanfield.

11 Well, it didn't hurt him. I won't say it was
12 helpful. She said that he got in at her house
13 after -- saw him at 10:30 or so in the evening, time
14 this happened, and maybe 12:30 or so in the evening
15 he got to her house.

16 That was his -- that was her original statement.
17 Nothing in there particularly damaging. But she also
18 testified that the number one suspect that the
19 Sheriff's Office had was Leonard Stanfield.

20 And they apparently didn't like her testimony,
21 and they charged her with giving false information.
22 And she changed her statement. And her statement
23 then came to resemble Tamika Wilson's statement.

24 And in her second statement she says that
25 Leonard Pinckney showed up sometime after that. She

1 never changed her timeframe, though, that it was
2 12:30.

3 And I went -- on cross-examination by Mr. Knight
4 I think she said she couldn't be sure of the time
5 because she wasn't looking at her clock, but in her
6 first statement she said 12:30, and she didn't change
7 that in her second statement.

8 And this is significant because in Sergeant
9 Jamison's report, the shooting was supposed to have
10 taken place at 1:00. So if that's so, then Leonard
11 Stanfield would have been in LaShanda Spencer's house
12 at the time this was going on if that's so.

13 Whether or not Leonard Pinckney appeared later
14 on as LaShanda Spencer's second statement said -- and
15 she said she was in a tough spot. She was already on
16 probation for misleading the police before.

17 She was already on probation for that and they
18 had power over her. They had the ability to have her
19 found in violation of her probation. They had the
20 ability. They charged her, in fact, again.

21 So what could she do? In any event, does it
22 make any -- I don't know if it makes sense or not.
23 If you look at what happened to this car, Tamika
24 Wilson's car that Leonard Stanfield was supposed to
25 have been driving, what Leonard Pinckney said is that

1 they went to a gas station and parked that car and
2 then they walked over to where this happened, that
3 Leonard Pinckney kicked in the door, and that he --
4 Leonard Pinckney -- took the money.

5 Whatever was taken from Tony Wilson, Leonard
6 Pinckney took it, and then he got scared and left.
7 He left with whatever was taken and left. He
8 admitted that he had a gun.

9 Now, he said that Leonard Stanfield gave him the
10 gun, and he said he got scared. But if you're
11 involved in something and you're going to abandon
12 this, are you going to go back and meet with the
13 person that you're running from and you got the
14 money, too? That doesn't make any sense at all.

15 If you're scared and you run out of there,
16 you're not going to -- you're probably not going to
17 go divvy up the money. You're not going to keep it
18 if you're scared any way.

19 But you're certainly not going to come back and
20 say here, Peanut, I trust you, here, divvy that up, I
21 haven't counted it, I don't know how much it is.

22 I don't know a sole on this earth, much less
23 somebody that is going to steal from somebody else,
24 that is going to trust somebody else to count up the
25 money and you -- you give me my fair share, I know

1 you're good.

2 That doesn't make any sense at all. It doesn't
3 make any sense with honest people. It certainly
4 doesn't make any sense with people that are robbing
5 somebody else.

6 But he also said something interesting. He said
7 that -- that he got the gun from Leonard Stanfield.
8 And after he met back up, what did he do? He didn't
9 give the gun back. He took it. And three days later
10 he threw it in the woods at Green Pond.

11 He didn't go to the police. He didn't go in
12 there and say, you know, I may have been involved in
13 a terrible mistake, I don't know what happened here,
14 I was involved in something that was supposed to be
15 something simple, we were going to go rob him, you
16 know, we knew he had some money, thought he had some
17 money, we went in there to rob him, and I saw it was
18 getting out of hand and so I left, and so here's the
19 gun that I used, and if you compare the bullets in
20 this gun to the bullet you take out of him or bullets
21 or whatever it is, shell casings, whatever it is, you
22 will see that I did not shoot this man.

23 And if I had been involved in something, that's
24 what I'd have done. I think that's what anybody
25 would do. If you're really scared and you're running

1 and you have a streak of conscience running through
2 you, you take that gun and you say, you test that,
3 you take a look at that, I didn't shoot that man,
4 this is the gun I had, I didn't shoot that man.

5 But we don't have any murder weapon. We don't
6 have any SLED analysis showing what even kind of gun
7 it was. I suspect that it would be consistent with
8 the kind of gun that Leonard Pinckney had.

9 I suspect that because that story about
10 abandoning things, who does that make the most sense
11 for? You got a gun, you throw it off, Peanut gave me
12 this gun, I'm not going to give it back to Peanut,
13 I'm going to count on him to do -- count on him to
14 divvy this up, but the gun he gave me, I'm going to
15 go throw that away.

16 Peanut told me burn my clothes, burn my shoes.
17 And he says he did. But probably what he did was he
18 substituted Peanut for himself.

19 What is more likely to have happened -- if
20 Leonard Stanfield was involved in this, what is more
21 likely to have happened is that he was the one to
22 have left because if he did go to LaShanda Spencer's
23 house and if something Leonard Pinckney were able to
24 find him, because this SUV wasn't there -- he says he
25 went back -- Leonard -- whoever may have driven it to

1 the gas station, Leonard Pinckney says he went back
2 by there, he saw it, he came back, wandering around
3 somewhere or other, came back by and it wasn't there
4 any more.

5 It wasn't outside LaShanda Spencer's house.
6 LaShanda Spencer said that the next day some white
7 guy came driving this -- this SUV. So obviously
8 Leonard -- if somebody else was driving it up the
9 next morning, that means that that didn't make it to
10 her house that night. Doesn't make any sense.

11 So how did Leonard Pinckney find this mobile
12 home? He says he didn't know her. She says she
13 didn't know him. So how did she find it if his car
14 wasn't outside? It doesn't make any sense.

15 And even if you want to -- if you want to look
16 at it and say, well, you know, maybe she was under
17 some pressure, but maybe he did show up, maybe they
18 both were there, maybe she was right the second time,
19 maybe Leonard Pinckney somehow managed to meet up
20 there prearranged or something, I don't know. Maybe
21 so.

22 By his account he got there after Leonard
23 Stanfield got there. After. Now, if he left out
24 of -- if somehow this home invasion took place at
25 12:45 as this -- Sergeant Jamison's report

1 suggests -- and the shooting take place at 1:00,
2 well, you mess with that -- you look at that time, it
3 looks like there would have been time for Leonard
4 Pinckney to have done the shooting and then showed up
5 at the place that they were supposed to meet
6 somewhere later on.

7 Now again, it doesn't make any sense because
8 surely LaShanda Spencer would have known this man if
9 she -- and he would have known her if he knew where
10 to go and this truck wasn't out front. And the
11 disappearing truck -- and it's an amazing thing.

12 Now, Tamika, that's a whole other thing. One of
13 the things that you can tell through your day to day
14 living is you can tell there are certain kind of
15 reactions that we all, as human beings, have to
16 certain things.

17 I looked at Leonard Pinckney testify and I
18 looked at Tamika Wilson testify. And one thing I did
19 not see was remorse at all.

20 Whatever -- whatever they may have accused
21 Leonard Stanfield of doing, whatever they may have
22 accused him of doing, they were -- they couldn't --
23 they were in it up to their eyeballs and were saying
24 so.

25 They were saying that they were right involved

1 in this. And Tamika Wilson is here and in her first
2 report she says, I shed a little tear. And I saw --
3 I saw nothing that looked like remorse. I saw
4 nothing that looked like any concern.

5 She said from that stand, well, I had taken
6 \$5000 from my uncle before, and, yeah, I wanted him
7 to pay my bills, and yeah, you know, yeah, I -- I
8 wanted -- I wanted anybody to pay my bills. I didn't
9 want to do anything but work for it it sounds like.

10 But Tamika Wilson is -- is not an honest person,
11 and she is an evil person. She is currently -- and
12 you have the indictments to take back there and look
13 at -- she is currently charged still with criminal
14 conspiracy, conspiracy to commit armed robbery, and
15 conspiracy to commit burglary, but not conspiracy to
16 commit murder.

17 And neither -- we have indictments also for I
18 believe they are in evidence -- you have those --
19 those other indictments? There should be indictments
20 in here also for -- yeah -- for Leonard Pinckney.

21 He's charged with burglary and he's charged with
22 armed robbery. Okay. He is not charged with
23 kidnapping and he is not charged with murder because
24 according to his theory of the events, he left.

25 And it's two separate things that happened.

1 There was the burglary and the armed robbery, and
2 then there was the separate incidents that somebody
3 apparently abandoned -- if you're going to believe
4 anything that Leonard Pinckney says -- and you don't
5 have to.

6 I mean, if you find a fly in your soup, you
7 don't have to eat around the fly. And a lot of this
8 testimony is like that. There -- the State's going
9 to ask you to take a look at -- at this testimony and
10 say, yeah, it's got some flies in it, just eat around
11 it.

12 But you've got every right in the world to just
13 throw it out and not consider it at all. It isn't
14 worth anything.

15 If you want to consider that at all, consider
16 that it's more likely that Leonard Pinckney whose
17 mask and whose bandana were found near the scene
18 where this is supposed to have happened.

19 And I don't know why you didn't hear that on the
20 direct. I don't know why you did hear that in the
21 State's case, but you hear it and you know it. These
22 are key pieces of evidence.

23 And until that last witness, after the State
24 closed, you would not have -- you wouldn't have seen
25 this mask at all and you wouldn't have seen this

1 bandana -- where it came from.

2 You saw the bandana. You wouldn't have seen
3 that it was found, near the scene where this happened.
4 And Leonard Pinckney is the one that was wearing
5 that. So what does that tell you?

6 If it's true, if you want to take it at all,
7 then you need to take it that Leonard Pinckney is the
8 one that did the shooting at Printers Alley.

9 And if that's so, if you believe that's so, if
10 you believe that Leonard Stanfield is the one -- or
11 that Leonard Stanfield was involved in this, and
12 he -- and if you believe he did give Leonard Pinckney
13 a gun and he rode out there with the intention of
14 doing this, too, then swap their places completely.

15 And the separate offense that took place was
16 Leonard Pinckney, not Leonard Stanfield, not the man
17 that's charged today.

18 What kind of person was Tamika? And she said
19 all this stuff in evidence. You saw no remorse. I
20 saw no remorse.

21 You saw Lynette Mack who got her share of
22 problems, too, saying that in 2003 that Tamika was
23 looking to her husband to be the daddy of her baby.
24 She testified that Leonard Stanfield was the daddy of
25 her baby but never got any support from him.

1 She busted out LaShanda Spencer's windows. She
2 was a jealous person. She went to the hospital after
3 taking some drugs I think she testified. She said
4 she wasn't trying to kill herself, but she did this
5 after her other boyfriend, Wimette (sic) or somebody
6 Quamette -- and I don't remember his last name --
7 tried to break up with her.

8 You want to talk about hell hath no fury like a
9 woman's scorn? Mess with Tamika Wilson, see what
10 happens. Mess with her, see what happens.

11 What did Lynette Mack say that she said? I'll
12 have you killed just like I had my uncle killed. And
13 she picked Tony. She picked Tony to be killed and
14 she wanted to put it on -- on Leonard Stanfield
15 because he had her truck.

16 And she can say all day long she wants to that I
17 didn't have any problem with Peanut having my truck,
18 it was in my name, and if he doesn't pay the bills it
19 gets on my credit and I'm the one that gets in
20 trouble for that.

21 She can say that all day long, but if he's using
22 that truck to ride around with his new girlfriend?
23 Maybe some girls put up with that, not Tamika.

24 And she said that the day that this happened she
25 argued about that. You going back to her house? You

1 going back to Shanda's (sic) house? That's why she
2 did it. That's why she told this lie.

3 She was in it -- she had planned the whole thing
4 and she wanted her ex-boyfriend to take the fall.

5 Now, one thing that would really help is if we
6 had some science to follow. Sometimes circumstantial
7 evidence -- evidence is better than direct evidence.
8 Sometimes fingerprints -- they say they took this car
9 from the apartment.

10 On the kidnapping -- you want to -- you got
11 somebody in the car? Why don't you process the car
12 for fingerprints? Why don't you want to see?

13 And first of all, too, if -- look at the
14 possibility that Patrice Ford may have been in on
15 this, too. If she's in on it, then there's no
16 burglary because it's her house if she's in on it.

17 I don't know whether she was or she wasn't, but
18 I know some of the things she said didn't make any
19 sense. But still, you have got -- you can take a
20 picture back there.

21 Looks like there's a lot of blood in that
22 apartment. I don't know what happened in that
23 apartment and you don't either because nobody
24 presented any testimony.

25 I'm talking to you about things that very likely

1 happened. But Leonard Stanfield doesn't have to
2 prove anything. Anything. It's totally up to the
3 State. They have the complete burden of proof in
4 this case.

5 You don't have to know what happened. You just
6 have to look and say, are there problems? And if
7 there are, you can say, I'm not sure what happened, I
8 got a feeling maybe this happened, but I don't know.

9 Before you send somebody up the road for their
10 life, you should know. And yet we don't have the
11 first fingerprint. We don't have any indication that
12 the car was even dusted for prints or whatever they
13 do now.

14 Nobody looked for hair, for blood, or sweat.
15 Why don't we have DNA results from this? It was
16 found near the scene. Five days later it's not going
17 to have some saliva on it? It's not going to have
18 some hair in it? It's not going to have some sweat?

19 How about this? No hair in that? You got a car
20 that's going over there, nothing. You have got --
21 you have got some shoe prints, but no shoes to
22 compare it to.

23 You got a couple of different choices as far as
24 that goes. You don't have any DNA evidence. And how
25 easy is that to get? You can take it off a glass.

1 And you don't have any.

2 Science doesn't lie. People lie. And these
3 witnesses all lied. And it would really be nice to
4 know, it really would, it would be nice to have
5 bullets, it would be nice to have a gun, it would be
6 nice to have fingerprints, DNA, saliva, blood, hair,
7 anything, because that doesn't lie.

8 Ask yourself -- I won't have a chance to talk to
9 you again, and I know -- I know that I must have
10 missed something. Oh, um -- no, I -- I can't -- I
11 can't think of it right now. I know I must have
12 missed something.

13 But you heard this and you heard the
14 inconsistent things that these people said. Let
15 me -- Patrice Ford and LaShanda Spencer worked
16 together at Ruby Tuesday's.

17 Patrice Ford, Leonard Pinckney, Tamika Wilson,
18 they all know each other. You got people living out
19 at [REDACTED] Who is the odd man out?

20 It also -- it also would have been nice to hear
21 from the Hawkins where Patrice Ford first went and
22 made that phonecall from, but we didn't.

23 It would be nice to hear where the shots
24 actually took place, too. It would be nice to know
25 that. It would be nice to have somebody other than

1 Patrice Ford say, yeah, I heard three shots.

2 We don't have that. And it's sad because we
3 can't know for sure what happened unless things are
4 properly processed.

5 We heard that -- Patrice Ford say that Tamika
6 was laughing when she was talking about it. And as
7 far as whether or not Patrice Ford was involved
8 herself, when you just see your boyfriend get killed,
9 and your first phonecall is to Tamika Wilson, that
10 just sounds strange.

11 This is sad and it's made more sad because it
12 wasn't investigated properly. It's sad because we
13 really -- the people that know are lying. The person
14 that was wearing this is the person that shot Tony
15 Wilson, and that's Leonard Pinckney.

16 As I said, I know I messed up. I apologize for
17 that. I know that you'll -- I know that you'll look
18 hard to figure whether the State has met its burden
19 of proof in the case, and they have come well short
20 of that.

21 I don't know what happened. I don't know after
22 listening to all this what happened. I'd like to.
23 Thank you.

24 MR. KNIGHT: May it please the Court, Your
25 Honor.

1 THE COURT: Yes, sir.

2 CLOSING STATEMENT

3 MR. KNIGHT: This isn't television. You can't
4 write a script. You can't say we can have this and
5 we can have this, CSI and all this. We're dealing in
6 the real world, what you find out there.

7 You know, television is great, CSI, CSI Miami,
8 CSI New York, all these things. They write out what
9 they want to happen. Here we don't. We don't have
10 all those things you see on television.

11 We're dealing in the real world, and that's what
12 happened on July the 24th of 2003 when law
13 enforcement arrived. Okay? So let's talk about the
14 real world.

15 And I just want to make that point very quickly.
16 First charge, burglary first degree, entering a
17 dwelling house without consent with the intent to
18 commit a crime therein either during the nighttime or
19 with a weapon. Okay. In Colleton County.

20 What do we have? Patrice Ford says she and Tony
21 Wilson were in the bed. Okay. She hears a knock
22 then she hears a boom or a boom, and two guys come
23 in.

24 And you have got photographs of the -- the door
25 which doesn't look like somebody invited you in when

1 you see the door knocked off the hinges.

2 And then there's a -- get on the bed, there's a
3 struggle between Tony Wilson and this person, there's
4 a person slapping her upside the head, there's blood
5 around.

6 And seems like I remember Dr. Presnell from the
7 Medical University said Mr. Wilson had some
8 contusions and abrasions (sic), lacerations about his
9 head. That's consistent with what happened.

10 See, that's your burglary in the first degree
11 with the intent to commit a crime therein.
12 Assaulting. That's a crime.

13 Then we had kidnapping, the taking and carrying
14 away of another person by any means without authority
15 of law.

16 As I understand Miss Ford's testimony and Mr.
17 Pinckney's testimony, they were in there, they were
18 on the floor, they were struggling, had the stuff
19 went around the head.

20 Mr. Pinckney got keys and the money. He took
21 the money, handed the keys to the defendant. The
22 defendant went out and got the car, and Mr. Pinckney
23 took off running, and against their will he took them
24 in a blue Chevy GEO, I think. You got a photograph
25 of it.

1 They went on -- in the drive, ended up on Mable
2 T Willis Boulevard. You've got a photograph of where
3 the incident occurred. Three people, the defendant,
4 Leonard Stanfield, Patrice Ford, and unfortunately
5 Tony Wilson.

6 They were forced to get out of the vehicle. And
7 I think Ms. Ford testified that she saw Mr. Wilson on
8 his knees, she heard a shot, and then she heard two
9 more shots, and she ran away, got away.

10 Got over there and find Mr. Hawkins' house and
11 called law enforcement. Now, if you're on your knees
12 doesn't necessarily mean you're going to have bruises
13 or contusions just because you're on your knees.
14 Television you can have all of that, but not the real
15 world.

16 Then we got armed robbery, the felonious taking
17 of personal property of another, money, with the
18 intent to deprive that person of his -- his or her
19 personal goods, money, through force, threat, or
20 intimidation while armed with a deadly weapon, a
21 pistol.

22 You heard Mr. Pinckney say we went in there, we
23 had the guns, and I got my gun from Leonard
24 Stanfield, but that's okay. We took the money.
25 Later at LaShanda Spencer's house I gave the money to

1 him, he gave me back \$700 I think, he took the rest
2 and we spent the night there.

3 Taking the money from another with the intent to
4 deprive that other person of his money. The hand of
5 one is the hand of all. Mr. Stanfield is there, Mr.
6 Pinckney is there, the hand of one -- if I take the
7 money with a gun, you're as guilty as anybody as the
8 guy that's actually taken the money with the gun.
9 Okay. That's the hand of one is the hand of all.
10 That's the law the Judge is going to charge you.

11 That's three of them. Finally it's murder, the
12 unlawful killing of another with malice aforethought.
13 Unlawful killing of another with malice aforethought.

14 Malice is intentional, it's wicked, total
15 disregard for human life. Aforethought is you can --
16 in your mind right at the moment you pull the trigger
17 you intend to kill him.

18 Now, we can't look at somebody's mind and say,
19 you know, that's just legal mumbo jumbo. Let me tell
20 you what we do have.

21 The use of a deadly weapon in killing a person,
22 there is an inference of malice, that intent to do
23 that act, that intentional act of killing someone
24 here in Colleton County.

25 The Judge will charge you much better than I --

1 I tried to explain and give you some facts at the
2 same time. So if I misstated something, take his,
3 don't take mine.

4 Now we get to the witnesses. Ms. Ford,
5 obviously the first witness, she's at home in bed
6 with Tony Wilson. Bang on the door, two guys come
7 in, guns, knock them around, pull the telephone cord
8 out the wall, and ultimately she's forced to drive
9 with one person down to Printers Alley on Mable T
10 Willis Boulevard here in Colleton County, and she
11 witnesses a shooting.

12 She sees Tony Wilson on his knees, hears one
13 shot, then she hears two more shots. And we know
14 what happened.

15 Now, at first she said -- and examination she
16 said that, I recognized the voice, but I didn't know
17 him too well. Well, she said she had known Leonard
18 Stanfield because he's always around [REDACTED] and
19 she recognized the voice, his voice.

20 She said Leonard Stanfield's voice. Now, she
21 didn't get his face or anything else. She did not
22 see any of that at all. She just recognized the
23 voice because they're all -- Leonard Stanfield, Tony
24 Wilson, Patrice Ford, they are all in the [REDACTED]
25 area.

1 Leonard Pinckney. Leonard and Stanfield met up
2 at the Chase Lounge in Colleton County. As I recall
3 the testimony, they were drinking a few drinks,
4 smoking a blunt. Blunt is when you are smoking
5 marijuana.

6 Idea came up of doing a lick. Now, a lick means
7 a robbery. And he agreed to do this lick. And he
8 got his gun from Leonard Stanfield. That's where he
9 said he got the gun from.

10 So they got in the Yukon, which you have got
11 a -- will see a photograph of -- and they ran over to
12 the U-hall by the gas station which is across from
13 the [REDACTED] Apartments.

14 I think he testified either they did some
15 cocaine, he did, or some more -- another blunt before
16 they went in, and they had on the same -- the mask,
17 the -- then bandana, and they went in and kicked the
18 door. He said he kicked the door in.

19 And a tussle involved, there's testimony, which
20 sort of correlates the testimony of Patrice Ford,
21 what happened, you know.

22 And then they tied her head up with a towel or a
23 coat or a robe or something. He considered it a
24 sack, but it really wasn't a sack. He got the money
25 out Tony Wilson's pocket, gave the keys to Leonard

1 Stanfield, and he took off running.

2 And I think he said he didn't know why, he
3 thinks he had too much marijuana or blunts and
4 cocaine and got scared and left. And then he went on
5 a search. He didn't know what was going on at this
6 point.

7 Went on a search for anybody. I think he said
8 he -- looking for a friend in [REDACTED] [REDACTED] [REDACTED]
9 or a cousin, you know, just looking for somebody.

10 And as he was in this trailer park, he saw what
11 appeared to be Leonard Stanfield going to a trailer.
12 He'd never been at that trailer before.

13 So he goes to the door and knocks on the door.
14 Guess who is inside. None other than Leonard
15 Stanfield and LaShanda Spencer, who he did not know
16 and she said she did not know him.

17 And of course, he said Leonard Stanfield fussed
18 at him for running. Well, I'd fuss at somebody if I
19 was doing a robbery and one of my partners ran. I'd
20 fuss, too.

21 And of course, they split up the money. I
22 shouldn't say split up. The money was handed to Mr.
23 Stanfield, he gave Mr. Pinckney some I think \$700.
24 And he was told to spend the night there, and he did
25 spend the night there. Left the next morning and

1 they went somewhere and they finally took home the
2 Yukon. Unique.

3 Now, a couple of days later I think he said they
4 were maybe at Chase again or somewhere like that, and
5 Mr. Stanfield said, you got to get rid of your stuff,
6 you know, you got to hide it.

7 He told Leonard Stanfield I burnt the bandana.
8 And I think he said bandana was just like this. He
9 said, I burnt mine and I burned pants or shoes or
10 something.

11 I also recall there was a discussion between Mr.
12 Stanfield and the defendant. Leonard said, you know,
13 why did you shoot him? Leonard Stanfield says, man,
14 I had to shoot him.

15 Why do you have to shoot somebody? That is a
16 question. Why do you have to shoot somebody? You
17 know why you have to shoot somebody? Because they
18 recognized you. That is why you shoot somebody as a
19 result of an armed robbery.

20 You don't want that person to identify you.
21 That's why you shoot somebody. And remember, Leonard
22 said -- Mr. Stanfield said, man, I had to shoot him.

23 And it's unfortunate. LaShanda Spencer, she was
24 there when Leonard came over. She acknowledged that
25 she didn't know -- I don't think she said she didn't

1 know Mr. Pinckney at the time when he came over.

2 She did say that when Leonard Stanfield came
3 over, he asked her to wash his pants. And what
4 appeared on those pants? A bloodstain. And she did
5 in fact wash them.

6 Tamika Wilson. Tamika was in love with Leonard
7 Stanfield. Bottom line any way you cut it. That's
8 the way I'd read her testimony. So she and Stanfield
9 had this relationship.

10 Obviously it was somewhat of a consistent
11 relationship because she's got a vehicle in her name
12 and he's making the payments on. That's pretty
13 consistent. Shows a relationship there, consistent
14 relationship.

15 And she and Leonard had a discussion -- because
16 she was in desperate need of money -- to rob
17 somebody. And I recall her testimony she said, you
18 know, Leonard said, talk with Patrice Ford about
19 robbing someone.

20 And she said she did. And Tamika said, yeah, I
21 talked to him and Tamika -- and Patrice said, I ain't
22 going to cooperate or do nothing of -- of the kind.

23 So then they go on this -- conversations during
24 the day of the 23rd, the late hours of the 23rd,
25 where in some of the conversation is at one place,

1 some of the conversation talked was another place.

2 And finally when Patrice Ford has finished doing
3 Tamika Wilson's hair, she leaves. Tony Wilson calls
4 her in place -- at her place I think she said -- and
5 Stanfield's question was, who is there?

6 Wilson's response was, Tony Wilson, Patrice
7 Ford. I'm going to do it in about 20 minutes. And
8 it went down just like that. Very consistent.

9 Couple of days later, I think it was on the
10 29th, and I stand to be corrected, at the viewing of
11 her uncle, Mr. Tony Wilson, she came home. And who
12 is at her house when she comes home? It's amazing.
13 Mr. Stanfield.

14 I think she said he was getting out of the
15 shower at her house. She is upset as I recall her
16 testimony.

17 He throws eight or \$900 on the bed and says,
18 take it and pay your bills. And then he gives a
19 detailed description of how all this went down to
20 Tamika.

21 You know, big thing. You know, he went to
22 Patrice's house and Leonard ran on me. And the money
23 I'm giving you is the money we got from Tony Wilson.
24 Very consistent as to the events that occurred. Very
25 consistent.

1 Agent Simmons has testified that, you know,
2 there was no gunshot powder residue on either
3 Ms. Ford's hands or the victim's hands. And let's
4 make sure the testimony is correct.

5 I think Agent Simmons was certified as an expert
6 at -- trace evidence expert. It's up to six hours.
7 Okay? After that they just don't think it's valid.

8 This is under the six hour factor, so, you know,
9 it's not four hours as Jeff Crooks testified. He's
10 not an expert in that area as opposed to
11 Mrs. Simmons. Okay.

12 Dr. Presnell, very consistent in her testimony,
13 gunshot stripping (sic) I think she said was in a
14 couple of those, others it was not, which would be
15 consistent with a distance of firing a gun and
16 getting bloodstains on your pants. Very consistent.

17 Now, I listened to Mr. Matthews in his closing
18 argument, and he had two things. I suspect this
19 could have happened, you know, and it doesn't make
20 any sense.

21 Folks, let me tell you what does make sense.
22 The testimony that comes from this stand. It's not
23 suspect, it's not making any sense, it's what these
24 people, whether they are experts from SLED or Dr.
25 Presnell or Tamika Wilson or Mr. Pinckney, any of

1 those testified. It's what comes here.

2 You don't -- I suspect because you can suspect
3 on anything. It doesn't make any sense. Well, it
4 doesn't make any sense on anything. That's what
5 counts. Comes from that stand.

6 And the Judge is going to probably charge you on
7 the issue called the credibility of the witnesses.
8 That's the believability of the witness. You can
9 believe part of a witness statement, all of their
10 statement, none of their statement.

11 You have to use your good common sense and
12 determine the credibility of each witness, whether
13 it's Tamika Wilson, Patrice Ford, Leonard Pinckney,
14 Dr. Presnell, Agent Simmons, Agent Crooks. You have
15 to do that.

16 The Judge can't invade your province and tell
17 you how to do it and you can't invade his province
18 when he charges you the law. You must accept the law
19 whether you like it or not.

20 So on credibility of witness, you have to make
21 that decision using your good common sense. This was
22 a tragedy. Tony Wilson is dead. Armed robbery was
23 committed. A burglary was committed in the first
24 degree. A kidnapping was committed.

25 You say, well, you know, Solicitor, you fellows

1 being the State cut a deal with old Leonard Pinckney.
2 Leonard is charged with I think burglary in the first
3 degree and armed robbery, and y'all going to let him
4 plead guilty to burglary in the second degree and
5 common law robbery. That's true. You know.

6 And so Tamika got conspiracy to commit burglary
7 in the first degree, conspiracy for armed robbery.
8 That's true.

9 Sometime, whether we want to admit it or not,
10 whether or not we want to acknowledge it that it's
11 good, we have to deal with the devil, okay, because
12 if you want to describe these two folks as devils,
13 without them we wouldn't have known what Leonard
14 Stanfield did. We wouldn't have known.

15 I submit to you that we have proved to you that
16 the State of South Carolina has proved beyond a
17 reasonable doubt on the charge of burglary in the
18 first degree, armed robbery, kidnapping, and murder.

19 Ask you to listen to -- hopefully that you have
20 listened to the testimony closely and do a evaluation
21 on each individual witness from Dr. Presnell all
22 through to Tamika Wilson, and return verdicts of
23 guilty against Leonard Stanfield on all four
24 indictments. Thank you.

25 THE COURT: Did y'all choose a foreperson? Who

1 is that person?

2 JUROR: Me.

3 THE COURT: All right, sir. Good.

4 JURY CHARGE

5 THE COURT: Ladies and gentlemen, I have
6 observed y'all throughout this case and you have paid
7 very close attention to the evidence that's been
8 presented from the witness stand as well as the
9 closing arguments of the attorneys, and I want to
10 thank you for that.

11 Now it becomes my duty as the trial Judge under
12 the Constitution of this state to charge you and
13 instruct you as to the law that's applicable in this
14 case, and it's your duty as jurors to accept and
15 apply that law that I now state to you.

16 And as jurors it is your exclusive duty to
17 decide all of the issues of facts in this case, and
18 for that purpose to determine the effect, the value,
19 the weight, and the truth of the evidence.

20 Both the State and the defendant have a right to
21 expect that you will conscientiously consider and
22 evaluate the evidence in this case and apply the law
23 that I give to you, and to that end both the State
24 and the defendant will receive a fair and impartial
25 trial.

1 When I use the word defendant, I am referring to
2 Mr. Leonard Stanfield. And the State of South
3 Carolina by indictment has charged Mr. Stanfield with
4 the offense of burglary in the first degree, of armed
5 robbery, of kidnapping, and of murder. And to these
6 charges and to this indictment the defendant has
7 entered a plea of not guilty.

8 The plea of not guilty by the defendant places
9 the burden of proof upon the State to prove by the
10 evidence in this case the guilt of the defendant
11 beyond a reasonable doubt before you, the jury, can
12 find the defendant guilty.

13 The defendant, Mr. Stanfield, is presumed
14 innocent of the charges contained in this indictment.
15 And there's a cardinal and fundamental rule of law
16 that the defendant, irrespective of the seriousness
17 of the charges against him, will always be presumed
18 innocent of the crime for which he is indicted unless
19 and until the guilt of the defendant has been proven
20 by the evidence that satisfies you, the jury, of his
21 guilt beyond a reasonable doubt.

22 The presumption of innocence is not a mere legal
23 theory. It is not just a legal phrase. The
24 presumption of innocence is like a robe of
25 righteousness placed over the shoulders of the

1 defendant, and it remains with him and assigns to him
2 the class, the innocent, until that presumptive robe
3 of righteousness has been stripped from his person by
4 the evidence that satisfies you, the jury, of his
5 guilt beyond a reasonable doubt.

6 The presumption of innocence that accompanies
7 the defendant from the time of his arraignment and
8 appearance in the court and continues with him after
9 you have retired to your jury room to deliberate your
10 verdict.

11 The presumption of innocence continues in
12 existence to the benefit of the defendant until you,
13 the jury, reach the conclusion that the State has
14 proven the guilt of the defendant beyond a reasonable
15 doubt.

16 The State has the burden of proving the
17 defendant guilty beyond a reasonable doubt. Some of
18 you may have served in civil cases and you were told
19 that it's only necessary to prove a fact that is more
20 likely true than not.

21 In a criminal case, the State's proof must be
22 more powerful than that. It must be beyond a
23 reasonable doubt. Proof beyond a reasonable doubt is
24 proof that leaves you firmly convinced of the
25 defendant's guilt.

1 There are very few things in this world that we
2 are absolutely certain of. And in a criminal case
3 the law does not require proof that overcomes every
4 possible doubt.

5 If based on your consideration of the evidence
6 you are firmly convinced that the defendant is guilty
7 of the crimes charged, you must find him guilty.

8 On the other hand, if you think there's a real
9 possibility that he is not guilty, you must give him
10 the benefit of that doubt and find him not guilty.

11 Reasonable doubt may arise from the evidence
12 which is in the case or the lack or absence of
13 evidence in this case. The jury must determine
14 whether or not reasonable doubt exists as to the
15 guilt of this defendant.

16 I charge you that the defendant is entitled to
17 every reasonable doubt arising in the whole of the
18 case. And if upon the essential elements of
19 conviction, a verdict of guilty, the reasonable doubt
20 as to his guilt or innocence must be resolved in his
21 favor.

22 A defendant, ladies and gentlemen, is not
23 required to prove his or her innocence, but the State
24 is required to -- under the law to prove the
25 essential elements of the offense charging the

1 defendant and by this evidence which satisfies you
2 the jury of the defendant's guilt beyond a reasonable
3 doubt.

4 Before you can convict the defendant, you must
5 find that the State has met its burden beyond a
6 reasonable doubt.

7 Now, I instruct you and emphasize to you the
8 fact that the defendant did not testify in this case
9 is not a fact that may be considered by you in any
10 way whatsoever.

11 It must, it must not be considered by you in any
12 manner whatsoever. The defendant has a
13 constitutional right to remain silent. And the
14 assertion of this right must not be considered by you
15 in your deliberations.

16 I repeat, under your oath you're to draw no
17 conclusions whatsoever from the fact that the
18 defendant in this case did not testify. The fact
19 that this defendant did not testify should not even
20 be discussed in the jury room.

21 The burden of proof as I have stated to you is
22 on the State. The defendant is not required to prove
23 his or her innocence. The burden remains on the
24 State to prove the guilt of the defendant beyond a
25 reasonable doubt.

1 If then upon the whole case you have a
2 reasonable doubt as to the guilt or innocence of the
3 defendant, he is entitled to that reasonable doubt
4 and would be entitled to an acquittal or a verdict of
5 not guilty.

6 But on the other hand, if upon the whole case
7 you find that the State has proven by evidence which
8 satisfies you, the jury, of the guilt of the
9 defendant beyond a reasonable doubt, then the
10 circumstances, it would equally be your duty to
11 convict the defendant and find him guilty.

12 I instruct you that the indictments in this case
13 is not evidence and cannot be considered by the jury
14 as evidence in this case.

15 The indictment is simply a formal written
16 instrument which contains the charges against the
17 defendant. And it serves as formal documents by
18 which this case is processed into this court.

19 During this trial each of us, you and I, have
20 certain duties to perform. As trial Judge it is my
21 responsibility to preside over the trial of this
22 case.

23 I also have the duty to rule upon or pass upon
24 the admissibility of evidence offered during the
25 process of this trial. You are to consider only the

1 evidence, the competent evidence, before you.

2 You are to disregard or disabuse from your mind
3 any testimony ordered stricken from the record in --
4 during this case if there was any. You're to only
5 consider the testimony which is presented to you from
6 this witness stand together with the exhibits that
7 are in the record of this case along with any
8 stipulations of counsel made into the record.

9 I have the additional duty to charge you upon
10 the applicable law of this case. I as presiding
11 Judge am the sole Judge of the law of this case, and
12 it's your duty to accept and to apply that law as I
13 now state it to you.

14 If you disagree with that law or you think the
15 law should be something else, you must abandon that
16 concept and take the law as I now give it to you and
17 apply that law to the facts.

18 In every case tried before this Court, the jury
19 becomes the sole and exclusive judges of the facts of
20 the case. You're the jury. You, the jury, are the
21 Judges of the facts. I'm the Judge of the law.

22 The Constitution of this state has declared that
23 the trial Judge shall not intimate, state, comment
24 upon or make any statements to a jury about the facts
25 in a case.

1 Since you're the sole judges of the facts, you
2 may not infer from anything that I have said during
3 the progress of this trial in any of my rulings upon
4 the admissibility of evidence or anything else that I
5 have an opinion about the facts, because I'm telling
6 you right now I do not. The law does not allow me to
7 have an opinion about the facts. That is solely your
8 duty and responsibility.

9 And it -- as jurors then, it is your duty to
10 determine, as I have stated to you, the effect, the
11 value, the weight, and the truth of the evidence
12 presented during the course of this trial.

13 In determining what facts -- excuse me -- in the
14 case, you must necessarily pass upon the credibility
15 which simply means the believability of the
16 witnesses, and the value and the weight to be given
17 to their testimony.

18 You alone must decide the force and effect, the
19 truth of this testimony. In making your decision
20 there are many things that you can consider.

21 The appearance and the manner of the witness on
22 the stand, sometimes referred to as the demeanor of
23 the witness. Was the witness forthright or hesitant?
24 Was the witness's testimony consistent or did it
25 contain discrepancies?

1 What was the ability of the witness to know the
2 facts about which he or she testified? Did the
3 witness have a cause or reason to be biased and
4 prejudiced in favor of the testimony he or she gave?

5 Was the testimony of the witness corroborated or
6 made stronger by other testimony and evidence or was
7 it made weaker or impeached by such other testimony
8 or evidence?

9 The rules of evidence ordinarily do not permit a
10 witness to testify to opinions or conclusions. An
11 exception to this rule exists with witnesses we call
12 expert witnesses.

13 A witness who by education and experience has
14 become an expert in some art, science, profession or
15 calling may state an opinion as to relevant and
16 material matters in which the witness claims to be an
17 expert. May also state the reasons for that opinion.

18 Should -- you should consider any expert opinion
19 received in evidence in this case like any other
20 evidence. Give it the weight you think it deserves.

21 If you decide the opinion of an expert is not
22 based on sufficient education and experience or if
23 you conclude that the reason given in support of the
24 opinion are not sound or that the opinion is
25 outweighed by other evidence, you may disregard the

1 opinion entirely.

2 An expert's testimony is to be given no greater
3 weight than any other witnesses simply because the
4 witness is an expert..

5 Further, you are not required to accept an
6 expert's opinion even though it is not contradicted.
7 That is your decision. Excuse me.

8 As jurors you have a right to believe a small
9 portion of a witness's testimony and disregard the
10 larger or vice versa. You may believe all of a
11 witness's testimony or none. You may believe
12 testimony of a single witness against that of many or
13 the other way around.

14 There are two types of evidence which are
15 generally presented in a trial, direct and
16 circumstantial evidence.

17 Direct evidence is the testimony of a person who
18 asserts or claims to have actual knowledge of a fact,
19 such as an eye witness.

20 Circumstantial evidence is proof of a chain of
21 circumstances, and circumstances indicating the
22 existence of a fact.

23 The law makes absolutely no distinction between
24 the weight or the value to be given in either direct
25 or circumstantial evidence nor is there a greater

1 degree of certainty required of circumstantial
2 evidence than of direct evidence.

3 You should weigh all of the evidence in this
4 case. After weighing all of the evidence, if you are
5 not convinced of the guilt of the defendant beyond a
6 reasonable doubt, you must find him not guilty.

7 Criminal intent is a necessary element of each
8 crime that must be proved by the State beyond a
9 reasonable doubt. Criminal intent is always a matter
10 that must be determined by the jury from the
11 circumstances surrounding the situation.

12 There is no way to prove intent to a
13 mathematical certainty. There is no way medical
14 science can dissect a person's brain and determine
15 what he or she had in mind.

16 So the law states criminal intent may be
17 inferred from the circumstances shown to have existed
18 before -- before -- before and after a fact. This is
19 how you, the jury, make a determination as to whether
20 or not the element required -- requiring an intent
21 was present.

22 Criminal intent is a state of mind that operates
23 jointly with an act or omission in the commission of
24 a crime. Criminal intent is a mental state or
25 consciousness -- of wrongdoing, and it is up to you,

1 the jury, to determine what the defendant intended to
2 do based on the circumstances shown to have existed.

3 I tell you that the State must prove criminal
4 intent beyond a reasonable doubt just as the State
5 must prove every element beyond a reasonable doubt.

6 If a crime is committed by two or more people
7 who are acting together in committing a crime, the
8 act of one is the act of all.

9 A person who joins with another to accomplish an
10 illegal purpose is criminally responsible for
11 everything done by the other person which occurs as a
12 natural consequences of the acts done in carrying out
13 the common plan and purpose.

14 If two or more people are acting together,
15 assisting each other in the commission of the
16 offense, the act of one is the act of all. It is
17 sometimes referred to as the hand of one is the hand
18 of all.

19 Prior knowledge that the crime is going to be
20 committed without more is not sufficient to make a
21 person guilty of the crime.

22 Mere knowledge that another person is going to
23 commit a crime, even if the defendant is present when
24 the crime is committed, is not sufficient to convict
25 the defendant as a principal.

1 Guilt as a principal is -- is shown by actual or
2 constructive presence at the scene as a result of a
3 prior arrangement. Therefore, a finding of prior
4 arrangement, plan, or common scheme is necessary for
5 a finding of guilty as a principal.

6 The State must prove beyond a reasonable doubt
7 by competent evidence that the theory of the hand of
8 one is the hand of all.

9 A principal in a crime is one who either
10 actually commits the crime or who is -- who is
11 present aiding, abetting, or assisting in the
12 commission of a crime.

13 When a person does an act in the presence of --
14 of and with the assistance of another, the act is
15 done by both. Where there are two or more acting
16 with a common plan or intent, they're present at the
17 commission of the crime, it does not matter who
18 actually committed the crime, all are guilty, the
19 hand of one is the hand of all.

20 Present at the commission of a crime means to be
21 sufficiently near to aid, and abet, assist in the
22 commission of the crime.

23 However, mere presence at the scene of a crime
24 is not sufficient to convict one as a principal in
25 the theory of aiding and abetting.

1 Intent is also a necessary element which there
2 must have been a common design or intent to commit
3 the crime, and a crime must have been committed
4 pursuant thereto with a person aiding and abetting by
5 some overt act.

6 Intent means intending the result which actually
7 occurred, not accidentally or involuntary. Intent
8 may be shown by acts and conduct of the defendant and
9 other circumstances for which you may naturally and
10 reasonably infer intent.

11 The State must prove these elements beyond a
12 reasonable doubt. The defendant in the indictments
13 in this case is charged with the offenses of -- and
14 I'm going to explain to you the law of each one of
15 these offenses now.

16 First is burglary first. The defendant is
17 charged with burglary in the first degree. The State
18 must prove beyond a reasonable doubt the defendant
19 entered a dwelling without consent.

20 A dwelling is any building or portion of any
21 building for which a person ordinarily sleeps. A
22 building constructed as a dwelling that has never
23 been occupied cannot be considered a dwelling for the
24 purpose of burglary.

25 But a dwelling -- a building is a dwelling even

1 if the residents are temporarily absent from the
2 building.

3 In order to prove a defendant entered the
4 dwelling, the State does not have to show the
5 defendant entered his entire body into the dwelling.
6 The smallest entry is sufficient.

7 It may be any part of the body such as the hand,
8 foot, or even an instrument such as a hook or other
9 instrument.

10 In addition, the State does not have to prove
11 force that was used to gain entry. A person enters a
12 building by using deception, trick, or
13 misrepresentation or -- or to get consent to enter.
14 This is entry without consent.

15 Next the State must prove beyond a reasonable
16 doubt that the defendant entered to commit a crime,
17 either a felony or a misdemeanor, at the time of the
18 entry.

19 The mere entry into a dwelling without consent
20 is not burglary. If the intent to commit a crime is
21 formed after the entry, it is not burglary.

22 On the other hand, if the defendant intended to
23 commit a crime at the time of the entry, it is
24 burglary even if the intent was abandoned after the
25 entry. It does not matter that the intent -- the

1 intended crime was not accomplished.

2 Intent may be shown by acts and conduct of the
3 defendant and other circumstances from which you may
4 naturally and reasonably infer intent.

5 Finally, the State must prove beyond a
6 reasonable doubt when entering or while in the
7 dwelling or when fleeing the defendant or an
8 accomplice was armed with a deadly weapon or an
9 explosive.

10 A deadly weapon is any article, instrument, or
11 substance which is likely to cause death or great
12 bodily harm. Whether the instrument has means -- has
13 been used as a deadly weapon depends on the facts and
14 circumstances of each case.

15 The following are examples of instruments which
16 may be deadly weapons. A pistol, a shotgun, a rifle,
17 a dirk, a dagger, a knife, a slingshot, metal
18 knuckles, razor, gasoline, fire bomb, Molotov
19 cocktail, lighter fluid.

20 A gun may be a deadly weapon even if it's not
21 operating. When it -- when entering or while
22 entering a dwelling or when fleeing the defendant or
23 an accomplice displays what has -- or appears to be a
24 knife, pistol, revolver, rifle, shotgun, machine gun,
25 or other firearm.

1 The defendant entered or remained in the
2 dwelling in the nighttime -- and this is another
3 element -- either is possession of a deadly weapon
4 while you in -- or fleeing from the dwelling or that
5 the entering -- entering or remaining therein
6 occurred in the nighttime.

7 Nighttime is the period between sunset and
8 sunrise during which there is not enough daylight to
9 recognize a person's face except by artificial light
10 or moonlight.

11 The next offense is armed robbery. The
12 defendant is charged with armed robbery. In order to
13 prove this offense, the State must first prove beyond
14 a reasonable doubt that the defendant took personal
15 property from the person or presence of another
16 person.

17 Property is in the presence of or -- a person or
18 is in -- within their personal reach, observation, or
19 control, so that a person could, if not overcome with
20 violence, or prevent -- excuse me -- or prevented by
21 fear keep possession of the property.

22 The State must also prove beyond a reasonable
23 doubt the defendant carried the property away
24 intending to permanently deprive the owner of the
25 property and to keep the property for the defendant's

1 own use.

2 The slightest removal of the property or the
3 complete possession of the property, even for an
4 instant, by the defendant is sufficient to show a
5 taking and carrying away of the property.

6 The taking and carrying away of the property
7 must have been done with violence or by putting the
8 owner of the property in fear of violence.

9 Finally, the State must prove beyond a
10 reasonable doubt the defendant was armed with a
11 deadly weapon during the robbery.

12 A deadly weapon is an article, instrument, or
13 substance which is likely to cause death or great
14 bodily injury. Whether an instrument has been used
15 as a deadly weapon depends on the facts and
16 circumstances of each case.

17 The next charge is kidnapping. The defendant is
18 charged with kidnapping. The State must prove beyond
19 a reasonable doubt that the defendant knowingly and
20 unlawfully seized, confined, kidnapped, abducted, or
21 carried away another person without authority of law.

22 To do something unlawfully is to do it -- excuse
23 me -- willfully against the law. Knowingly means
24 knowledge, consciousness, consciously or not
25 accidentally.

1 Seize means to hold or to take hold of suddenly
2 or forcibly. Confinement means to limit, restrict,
3 or enclose within bounds, imprison, shut, or keep in.

4 Kidnap is to remove a person against his will by
5 unlawful force or fraud. Abduct means to carry off
6 secretly or by force for an illegal purpose. Carry
7 away means to remove.

8 The State does not have to prove that the
9 defendant did all of these things. Instead, if you
10 find beyond a reasonable doubt that the defendant did
11 any of these things, you may find the defendant
12 guilty of kidnapping.

13 Someone -- something done without the authority
14 of law is something which the law does not sanctify,
15 permit, allow, condone, or provide justification for.

16 Kidnapping does not have to be for any personal
17 or monetary gain or for any illegal purpose, but may
18 be for any reason whatsoever.

19 The last charge is murder. The defendant is
20 charged with murder. The State must prove beyond a
21 reasonable doubt the defendant killed another person
22 with malice aforethought.

23 Malice is hatred, ill will, or hostility towards
24 another person. It is the intentional doing of a
25 wrongful act without just cause or excuse and with

1 the intent to inflict an injury or under
2 circumstances of law will infer an evil intent.

3 Malice aforethought does not require that malice
4 exist for any particular time before the act is
5 committed, but malice must existed in the mind of the
6 defendant just before and at the time of the act is
7 committed.

8 Therefore, there must be a combination of
9 previous evil intent and the act. Malice
10 aforethought may be expressed or inferred.

11 These terms, expressed and inferred do not mean
12 different kinds of malice, but merely the manner in
13 which malice may be shown to exist. That is, either
14 by direct evidence or inferred by the -- from the
15 facts and circumstances which are proved.

16 Express malice is shown when a person speaks
17 words and expresses hate, hatred, or ill will for
18 another or when the person prepared beforehand to do
19 the act which was later accomplished.

20 For example, lying in wait for a person, or in
21 any other act of preparation going to show that the
22 deed was within the defendant's mind with -- would be
23 expressed malice.

24 Malice may be inferred from the conduct showing
25 toward -- conduct showing a total disregard for human

1 life. Inferred malice may also arise when the deed
2 is done with a deadly weapon.

3 A deadly weapon is any article, instrument, or
4 substance which is likely to cause death or great
5 bodily harm. Whether an instrument has been used as
6 a deadly weapon depends on the facts and
7 circumstances of each case.

8 The following are examples of deadly weapons. . A
9 pistol, a shotgun, a rifle, a dirk, a dagger, a
10 knife, a slingshot, metal knuckles, razor, gasoline,
11 fire bomb, Molotov cocktail, lighter fluid. A gun
12 may be inferred as a deadly weapon even if it does
13 not operate.

14 Ladies and gentlemen, you are not partisans or
15 advocates for the State of South Carolina or this
16 defendant. You are to serve as jurors. You're not
17 here to reward your enemies -- I mean reward your
18 friends or punish your enemies.

19 That system is -- simply would not be tolerated.
20 You have been selected by both the State and the
21 defense to be fair and impartial jurors.

22 It is your duty then by your joint deliberation
23 to determine the truth of this case giving to this
24 defendant the benefit of every reasonable doubt on
25 each and every issue.

1 Then -- then to the facts which you determine to
2 be true, you are to take and apply the law which has
3 been given to you by this Court and arrive at your
4 verdict, and your verdict should speak the truth.

5 It is a Latin -- it comes from Latin which means
6 to speak the truth. When you have accomplished these
7 responsibilities, you would have satisfied your oath
8 as jurors and discharged your duties to this Court.

9 I'm now going to give -- pass down this verdict
10 form for you. I'm going to explain to you what this
11 verdict form is.

12 If you find that the State has failed to meet
13 its burden of proof, then it's your duty to find the
14 defendant not guilty. If you think the State has met
15 its burden of proof, your duty is to find the
16 defendant guilty.

17 This verdict form consists of four verdicts.
18 And I'm simply going to read them to -- you can find
19 the defendant guilty of one, two, three, four, either
20 one or all of them. You have to find each one beyond
21 a reasonable doubt.

22 First one is, we the jury unanimously find the
23 defendant Leonard G Stanfield guilty of first degree
24 burglary or not guilty of first degree burglary --
25 the first degree burglary.

1 Number two, we the jury unanimously find the
2 defendant Leonard G Stanfield guilty of armed robbery
3 or not guilty of armed robbery.

4 Number three, we the jury unanimously find the
5 defendant Leonard G Stanfield guilty of kidnapping or
6 not guilty of kidnapping.

7 And number four, we the jury find the defendant
8 guilty of murder or not guilty of murder.

9 Mr. Foreman, you are to check the appropriate
10 box on this once you have reached your deliberations.
11 It -- before you can check it and sign it, it must be
12 the unanimous verdict of all 12 of you.

13 And like I say, you can -- each one of these
14 verdicts stands alone. You can find him guilty or
15 not guilty of either one or all of these charges
16 based on what you determine the facts to be and where
17 the State has met its burden of proof beyond a
18 reasonable doubt.

19 The order in which I read them to you, you
20 should not infer anything from that. I had -- simply
21 had to put them in some order.

22 I'm going to pass this -- well, I will send this
23 verdict form into the jury room with you. Once -- as
24 foreman of this jury, you're not to write this
25 verdict until all 12 of you have decided. By you

1 signing it and dating it, you're telling the Court
2 that it's a unanimous verdict.

3 I know that you may not believe this, but I may
4 have forgotten something to tell you. So I'm going
5 to send you to the jury room for just a minute and
6 I'm going to confer with these lawyers to be sure
7 that I have covered all of the law that's pertinent
8 in this case.

9 If I have missed something, I will bring you
10 back out and give you further instructions. If I
11 have not, I will send the evidence in along with this
12 verdict form.

13 When you get this verdict form, that is your
14 signal to begin your deliberation, to start
15 discussions of this case.

16 If during your deliberations one of you has to
17 go to the restroom and gets up and leaves, then
18 you've got to stop because you can't discuss this
19 case unless all 12 are present. So -- and when that
20 person returns, you're to resume your deliberations.

21 When you have reached a verdict, a unanimous
22 verdict, then you're to knock on the door and let the
23 bailiff know that you have reached a verdict, and I
24 will bring you back in to receive that verdict.

25 I will -- now, the two alternates, it looks like

1 everybody is healthy. And I know y'all have sat here
2 the whole time and you won't get to go back in that
3 jury room and deliberate.

4 I appreciate your willingness to serve. I think
5 they've ordered y'all lunch, so if you can wait, you
6 can get lunch on the county. When -- in the lunch, I
7 don't know whether it's here yet. It's going to
8 probably be close to one.

9 During your deliberations, they are going to
10 bring lunch into you. You can stop and eat lunch, do
11 whatever you want to at that point. And you can talk
12 while you are eating, you just can't talk when
13 somebody is leaving. That will be y'all's call.

14 But when you reach a verdict, I will -- just
15 please knock on the door and we will bring you back
16 out and receive that verdict.

17 I'm going to send you to the jury room. I'm
18 going to talk to these lawyers. I will either bring
19 you back out or send the evidence in. When you get
20 this verdict form, that means you can start your
21 deliberations.

22 My alternates can't go. They will carry y'all
23 somewhere and let you eat lunch. If you don't want
24 lunch, you can go home.

25 (Jury left the courtroom at 12:37 pm.)

1 THE COURT: Any exceptions by the State?

2 MR. KNIGHT: No, sir.

3 THE COURT: By the defense?

4 MR. MATTHEWS: Sounded good.

5 THE COURT: All right. If y'all, gentlemen, be
6 sure -- get with the Court Reporter, be sure we got
7 all the exhibits together and checked off... if they
8 don't go in the jury room, that's going to be y'all's
9 fault.

10 MR. KNIGHT: I understand.

11 (Jury began deliberations at 12:38 pm.)

12 (Whereupon court was in recess.)

13 THE COURT: All right. I understand we've got a
14 verdict?

15 MR. MATTHEWS: That's what they say. I'm
16 waiting for my guy.

17 THE COURT: All right.

18 (Defendant entered the courtroom.)

19 THE COURT: Is there anything from the State
20 before I bring the jury in?

21 MR. KNIGHT: No, sir.

22 THE COURT: Anything from the defense?

23 MR. MATTHEWS: No, Your Honor.

24 THE COURT: All right. You can get me the jury.
25 And I need to kind of warn anybody in the audience,

1 if you don't think you can control yourself or behave
2 when this verdict is read, you may want to leave now
3 because I'm not going to have any outbursts.

4 I don't know what this verdict is, but I
5 understand this is a serious case, and I'm just
6 warning you, if you don't think you can control
7 yourself, you better go right now. All right, sir.
8 Bring us the jury.

9 (Jury entered the courtroom at 2:14 pm.)

10 VERDICT

11 THE COURT: Mr. Foreman, have you reached a
12 verdict?

13 FOREMAN: Yes, sir.

14 THE COURT: Is it a unanimous verdict?

15 FOREMAN: Yes, sir. When you refer to
16 unanimous, you're referring to if...

17 THE COURT: All 12 of you have to agree on each
18 charge.

19 FOREMAN: All 12 of us have agreed on the four
20 charges then.

21 THE COURT: Okay. If you would pass that
22 verdict up then.

23 (Verdict passed up to the Court.)

24 THE COURT: All right. You may publish the
25 verdict.

1 *THE CLERK:* Yes, sir. State of South Carolina
2 versus Leonard G Stanfield, 2003-GS-15-735,
3 kidnapping, 2003-734, armed robbery, 2003-GS-15-736,
4 burglary first, and 2003-GS-15-731, murder.

5 We the jury unanimously find the defendant,
6 Leonard G Stanfield, guilty of first degree burglary.
7 We the jury unanimously find the defendant, Leonard G
8 Stanfield, guilty of armed robbery.

9 We the jury unanimously find the defendant,
10 Leonard G Stanfield, guilty of kidnapping. We the
11 jury unanimously find the defendant, Leonard G
12 Stanfield, not guilty of murder.

13 Ladies and gentlemen, if this is your verdict,
14 will you please raise your hand? Thank you.

15 *THE COURT:* Any matters concerning this verdict
16 from the State?

17 *MR. KNIGHT:* No, sir.

18 *THE COURT:* From the defense?

19 *MR. MATTHEWS:* Nothing at this point. There is
20 a matter that I -- one matter I'd like to take up
21 on -- but not as far as this jury panel goes.

22 *THE COURT:* Okay. Ladies and gentlemen, I want
23 to thank you for your service in this case. And I
24 have been telling you all week that you couldn't talk
25 about this case. Now that's all changed.

1 You can talk about this case to anybody you want
2 to. Now, you don't have to talk about this case.
3 And if somebody approaches you and you don't want to
4 talk about it, you simply just tell them you don't
5 care to discuss it.

6 But you now can go home and discuss it with your
7 family or anybody that you want to. I appreciate
8 your service this week. I have enjoyed being here in
9 Walterboro with you.

10 If I see you again in the future somewhere in
11 Walmart or a grocery store, I hope you will come up
12 to me and introduce yourself and remind me where we
13 met each other.

14 I'm told that this is going to end your service
15 this week, but they're not going to call another
16 case, so you're free to go home. Are y'all going to
17 mail the checks?

18 *THE CLERK:* Yes, sir.

19 (Jury was dismissed.)

20 *THE COURT:* Mr. Foreman, hang on just a minute.
21 I need you to sign this indictment for me, please
22 sir.

23 *MR. KNIGHT:* This is the murder one which was
24 not guilty, so you need to...

25 *MR. ALEXANDER:* For the record, Your Honor, the

1 foreperson has now wrote guilty on the armed robbery,
2 the kidnapping, and the burglary indictments, and
3 signed it and dated it today's date, and written not
4 guilty and signed his name and put the date on the
5 murder indictment.

6 One of them he had originally started to write
7 not guilty, and he struck through it and initialed it
8 and wrote guilty. That was on the armed robbery
9 indictment.

10 *THE COURT:* That's good.

11 *FOREMAN:* Didn't realize it.

12 *THE COURT:* That's okay. Thank you, sir.

13 (Juror left the courtroom.)

14 *MR. MATTHEWS:* Your Honor, my -- the verdicts
15 appear to be inconsistent. The -- obviously Mr.
16 Stanfield was guilty -- grateful to be acquitted on
17 the -- not grateful, but believes this was done on
18 the murder, but on the -- the murder is intertwined
19 with the kidnapping, and it's inconsistent to have
20 found him not guilty of the murder but guilty of the
21 kidnapping.

22 And on the basis of those inconsistent verdicts,
23 certainly I believe there was a different set of
24 facts as to the burglary and armed robbery.

25 But as to the kidnapping, that was intertwined

1 closely enough with the murder where it doesn't make
2 sense to have acquitted him on the murder and
3 convicted him on the kidnapping.

4 And as to the -- for a verdict -- a judgment
5 notwithstanding the verdict on the kidnapping or
6 directed verdict on the kidnapping in light of the
7 murder acquittal.

8 THE COURT: All right, sir. The State want to
9 be heard on that? I...

10 MR. KNIGHT: Part of his closing argument was
11 that somebody else shot the fellow after he took him
12 out the house, out the apartment. He can't argue now
13 is inconsistent.

14 THE COURT: Well, and I think there's sufficient
15 evidence in this record on the kidnapping in that
16 there was testimony that they were bound and that a
17 black bag or a night coat or whatever was put over
18 their head at that time, and so under my charge, the
19 kidnapping, the fact that they were in fact bound in
20 that apartment meets the legal criteria of
21 kidnapping.

22 And then it's also the possibility that the jury
23 found that he participated in getting him in the car
24 or some plan to actually leave the apartment.

25 So I think based on the -- the substantial

1 factuials in the record that -- that the victims were
2 restrained or bound within that apartment and were
3 not free to go and therefore meets the legal
4 requirement of kidnapping as well as the possibility
5 that he may or may not have had some participation in
6 placing them in the car.

7 I don't know what -- but I think there was
8 sufficient evidence in this record that that verdict
9 is not inconsistent with the murder.

10 And they obviously felt that the State proved
11 beyond a reasonable doubt that he had some way
12 kidnapped or bound or restricted the movement of
13 these victims and found him guilty of kidnapping, but
14 did not find sufficient evidence beyond a reasonable
15 doubt of the crime of murder.

16 And I think the verdict -- I respectfully deny
17 your motion, but I think the verdict stands.

18 MR. MATTHEWS: All right, sir.

19 THE COURT: Anything before sentencing?

20 MR. KNIGHT: I got the...

21 THE COURT: I understand I have to get some
22 sentencing sheets and there's some time. I mean, I
23 didn't know whether any other motions or other
24 issues...

25 MR. MATTHEWS: No, sir.

1 SENTENCING

2 THE COURT: Okay.

3 MR. KNIGHT: Want me to give you the criminal
4 history of the defendant?

5 THE COURT: Yes, sir.

6 MR. KNIGHT: Let's see. Starting back in 1995,
7 10-20-1995 he was convicted for failure to stop for
8 blue light. On 7-29 he was convicted of -- 7-29-1996
9 voluntary manslaughter.

10 MR. MATTHEWS: Should be involuntary--

11 MR. KNIGHT: I'm just reading what it says;
12 okay? Tell you anything else. Public disorderly
13 conduct 1-24-02. In Federal Court last year for
14 conspiracy, he was convicted of conspiracy to
15 distribute cocaine base, he received a sentence of 16
16 years. And I think that's all.

17 At some time, Your Honor, the victim's family
18 may want to address the Court. I will go see if
19 they -- anyone want to address the Court?

20 MRS. WILSON: I do.

21 THE COURT: You do? Come on around and sit on
22 the front row, please ma'am. Sit on the front row
23 till the Judge gets ready for you.

24 THE COURT: Okay. I'll be glad to hear from
25 whoever the State wants to come up.

1 MR. KNIGHT: Whoever wants to address the Court
2 prior to sentencing, please come on up. If you'll
3 say your name so the Court Reporterer can take it
4 down.

5 MRS. WILSON: Georgia Wilson.

6 MR. KNIGHT: Address the Court.

7 THE COURT: Mrs. Wilson, what do you want to
8 tell me?

9 MRS. WILSON: Well, I want to tell you I don't
10 think it is right for Leonard Field (sic) get off
11 because he done had robbed my son more than one time.
12 That's right. And he told me he had problem. That's
13 right. And he's the one kill him. That's right.

14 THE COURT: I understand your feelings, ma'am,
15 and I appreciate those. And the Jury has in fact
16 found him guilty of armed robbery and of robbing your
17 son.

18 MRS. WILSON: Yes.

19 THE COURT: And I will deal with him
20 appropriately on that. They have found him not
21 guilty of murder. And so I -- I cannot do anything
22 about that.

23 MRS. WILSON: Yes.

24 THE COURT: But I -- I appreciate you telling me
25 that and I will try to pass a fair and just sentence

1 for everyone.

2 MRS. WILSON: Yes, sir. And he already been in
3 the house where I have keeping my mom, 96 year old
4 lady, he broke in one night on me. And when I wake
5 up, he had the pistol in my face. That's right.
6 Wake me up with a pistol in my face.

7 And ran through my house with my mama and my two
8 little grand, and he shot that trailer, and nothing
9 did about it. And he told my son that he had robbed
10 him when he was robbing the floor -- same -- told me
11 that sir, yes, sir.

12 THE COURT: Thank you, ma'am. Anybody else?

13 MR. KNIGHT: Yes, ma'am. One -- yes, sir, one
14 more. Thank you, ma'am.

15 MRS. S. WILSON: Sadie Marie Wilson. I just
16 want to say, reiterate some of the things that she
17 was saying. She was telling you about former
18 incidents when he robbed him, when this man robbed
19 him.

20 And I just think he's a danger to society. I
21 just feel that he should not -- even though he wasn't
22 convicted, convicted on the murder, I don't think
23 that he should be able to walk the streets because he
24 had the -- to think about this thing before he did
25 it.

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1 He talked about it. And that was the third time
2 that he did that. And because my husband let him go
3 the first times, he felt that he could come back and
4 it -- it is no reason for him to have done that
5 except for hatred and envy, and I just don't feel
6 like he should be able to walk the streets again.

7 I don't feel that he can be rehabilitated. I
8 don't feel it's possible.

9 THE COURT: Thank you, ma'am. Anybody else?

10 MR. KNIGHT: Appears there's no other members of
11 his family want to address the Court.

12 THE COURT: All right. Yes, sir. Mr. Matthews,
13 anything you want to tell me?

14 MR. MATTHEWS: Yes, Your Honor. Mr. Stanfield
15 is 29 years old. He has been in jail since his
16 arrest on this 45 months, almost four years.

17 He is serving 16 years currently, 16 and a half
18 years currently on the Federal drug charge. That was
19 I think a -- was that an agreement as a result of
20 cooperating with the Federal Government in that case,
21 I believe. Is that correct?

22 THE DEFENDANT: Yes.

23 MR. MATTHEWS: In any event, the -- Mr.
24 Stanfield would just ask that whatever he gets run
25 concurrently with his -- with his Federal time.

1 And beyond that, the Court has heard the
2 allegations of his prior record that should -- that
3 should be involuntary manslaughter rather than
4 voluntary, and the remainder of the record is
5 accurate.

6 *THE COURT:* Okay.

7 *MR. KNIGHT:* Your Honor, the State's position as
8 to sentencing itself is left up to you. The only
9 position we would take is we don't believe that the
10 sentences you impose today should run concurrent with
11 the Federal sentence he's going to serve or is
12 serving at the present time.

13 *THE COURT:* Okay. The sentence of the Court on
14 indictment 03-GS-15-735, burglary in the first
15 degree, the sentence of the Court is the defendant is
16 committed the State Department of Corrections for a
17 term of 30 years.

18 On indictment 0736, kidnapping, the sentence of
19 the Court is the defendant is committed the State
20 Department of Corrections for a term of 30 years.
21 That is to run concurrent with indictment 735,
22 burglary in the first degree.

23 On indictment 734, armed robbery, the sentence
24 of the Court is the defendant is committed the State
25 Department of Corrections for a term of 30 years.

1 Provided upon the service of 12 years, the
2 balance is suspended. That is to run consecutive to
3 indictment 735, burglary in the first degree.

4 *MR. KNIGHT:* Thank you, Your Honor.

5 *THE COURT:* Yes, sir.

6 (End of requested transcript of record.)
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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF COLLETON)

I, KATHLEEN RICHARDSON, RPR, CRR, Official Court Reporter for the fourteenth 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 General Sessions for Colleton County, South Carolina, on the twenty-fourth day of May, 2007.

I do further certify that I am neither of kin,
counsel nor interest to any party hereto.

October 8, 2007

Lester Richardson

KATHLEEN RICHARDSON, RPR, CRR

FORM 5

STATE OF SOUTH CAROLINA

COUNTY OF COLLETON

LEONARD GRANT STANFIELD

Full name and prison number (if any) of Applicant.

v.

State of South Carolina

IN THE COURT OF COMMON PLEAS

06-CP-15-111

APPLICATION FOR

POST-CONVICTION RELIEF

06 FEB 2015 PM 2:20

Colleton County
Clerk of Court
J. M. H. H. H.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 (sworn to), 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 *Charleston county jail*
2. Name and location of Court which imposed sentence *Walterboro, SC 29488*
3. Name(s) of co-defendant(s) (if any) *Robert Morris Jr., Colleton county, He was never charged*
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed: *95-65-15-843*
 - (a) *Fail to stop for blue light*
 - (b) _____
 - (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) *10/16/1995*
 - (b) *confinement; 3 yrs suspended to 3 yrs probation*

Revised 3/2003

- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty ✓
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
no
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) My lawyer told me nothing about appeal.
- (b) and I had no knowledge I could appeal
- (c) my conviction.
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) _____

(b) _____

(c) _____

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

(a) _____

(b) _____

(c) _____

12. Prior to this application have you filed with respect to this conviction:

(a) any petition in a State Court under South Carolina Law? Yes(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? Yes(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No(d) any other petitions, motions or applications in this or any other Court? No

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. _____

ii. _____

iii. _____

iv. _____

(b) the name and location of the Court in which each was filed:

i. _____

ii. _____

iii. _____

iv. _____

(c) the disposition thereof:

i. _____

ii. _____

iii. _____

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?

no

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. _____

ii. _____

iii. _____

(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) _____

(b) _____

(c) _____

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? _____
- (b) your trial, if any? yes
- (c) your sentencing? yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? no
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? no

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
 - i. Mrs. Rogers
 - ii. _____
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. _____
 - ii. _____
 - iii. _____

19. State clearly the relief you seek in filing this application:

To have my conviction overruled or have a new trial

20. Are you now under sentence from any other court that you have not challenged?

no

STATE OF SOUTH CAROLINA

County of

VERIFICATION

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.

Leonard Hunt Stapfield

SWORN to and subscribed before me this 25th
day of January, 2015
[Signature] (L.S.)
Notary Public

My Commission Expires MY COMMISSION
EXPIRES SOME FY. 2015

06 FEB 13 PM 2:28

FILED
CLERK OF COURT
SOUTH CAROLINA
COUNTY OF _____

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.

Asenard Grant Stimpert
African

SWEORN or affirmed to and subscribed before me this

20th day of January, 2004
 William E. Oltz
 Mayor Pro Tem

My Commission Expires: **MY COMMISSION**
EXPIRES MAR. 17, 2011

SECRET

CONFIDENTIAL

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

)
) IN THE COURT OF COMMON PLEAS
)
)

) 06-CP-15-111
)

Leonard Grant Stanfield,

Applicant,

v.

) RETURN AND MOTION TO DISMISS
)

State of South Carolina,

Respondent.

06 MAY - 1 AM 11:14
COLLETON COUNTY
COMMON PLEAS

The Respondent, making its Return and Motion to Dismiss to the Application for Post-Conviction Relief filed February 13, 2006 would respectfully show this Court:

I.

The Applicant is presently not confined in the South Carolina Department of Corrections. The Applicant was indicted at the August, 1995 term of the Court of General Sessions for Colleton County for failure to stop for a blue light (95-GS-15-0843). Upon information and belief, he was represented by counsel. On October 19, 1995, the Applicant pled guilty as charged. He was sentenced to confinement for a period of three (3) years, the total suspended with probation for three (3) years. Applicant did not appeal his conviction or sentence.

Attached herewith and incorporated herein by reference are the records of the Colleton County Clerk of Court regarding the subject conviction.

II.

In his Application, the Applicant lists no allegations.

III.

The Respondent submits that this Application for Post-Conviction Relief should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act, S.C. Code Ann. §17-27-10, et. seq. S.C. Code Ann. §17-27-45(a) reads as follows:

(c) Discovery rule

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgement of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

573 5528 542 *State v. State OS*
The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996).

The Applicant was convicted of the offense he challenges in this Application on October 19, 1995. This Application was filed on February 13, 2006, well after the one year statutory filing period had expired. Further the Applicant has not submitted a valid exception to the statute of limitations under subsections (b) and (c) of the statute of limitations.

A motion for summary judgement may properly be used to raise the defense of statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, S.C. Code Ann. § 17-27-70(c) (1985) authorizes the Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings ... that there is no genuine issue of material fact and the moving party is entitled to judgement as a matter of law." Therefore, the Respondent requests that this Court summarily dismiss the Application for Post-Conviction Relief for failure to file within the time mandated by statute

IV.

WHEREFORE, having made its Return and Motion to Dismiss, the Respondent requests that the Application be summarily dismissed.

Respectfully submitted,

HENRY DARGAN McMASTER
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Assistant Deputy Attorney General

COLLEEN E. DIXON
By: *Colleen E. Dixon*
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
(803) 734-3737

April 27, 2006.

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

)
) IN THE COURT OF COMMON PLEAS

2006-CP-15-0111

Leonard Stanfield,

Applicant,

vs

State of South Carolina,

Respondent.

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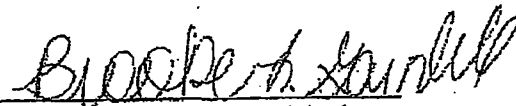
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COLLETON COUNTY
COMMON PLEAS
CLERK

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 and attachments in the above-captioned matter on the following person(s) by depositing same in the United States mail, postage prepaid:

Leonard Stanfield, 1228314
Charleston County Detention Center
3841 Leeds Avenue
Charleston, SC 29405

DATED this 27th day of April, 2006.


Brooke L. Gambill, Legal Assistant
For Respondent

STATE OF SOUTH CAROLINA)
) COURT OF COMMON PLEAS
 COUNTY OF COLLETON) CASE NO.: 2006-CP-15-00111

LEONARD G. STANFIELD,)
)
) APPLICANT,)
)
) vs.) TRANSCRIPT OF RECORD
)
 STATE OF SOUTH CAROLINA.)
)
)

August 27, 2007

Beaufort, South Carolina

B E F O R E:

THE HONORABLE PERRY M. BUCKNER, JUDGE.

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

GRAHAME ELLISON HOLMES, ESQ.
 TARA D. SHURLING, ESQ.
 Attorneys for the Applicant

LANCE BOOZER, ESQ.
 Assistant Attorney General
 Attorney for the State of South Carolina

RONDA T. CUMMINGS, CVR
 Official Court Reporter
 P.O. Box 2082
 Walterboro, SC 29488

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EXHIBITS

None.

1 (HEARING COMMENCED ON AUGUST 27, 2007, AT 10:15 A.M.)

2 THE COURT: Call your next matter.

3 MR. BOOZER: Thank you, Your Honor. Your Honor, the
4 State would call Leonard Stanfield.

5 THE COURT: Mr. Stanfield, if you'll come around with
6 your attorney, Mr. Grahame Holmes.

7 Mr. Boozer, when you hand me a packet, is this a
8 packet that belongs to the clerk, or is this the Court's
9 copy?

10 MR. BOOZER: Your Honor, this is a copy for the
11 Court.

12 THE COURT: It's a copy for the Court. All right.

13 MR. BOOZER: May I approach, Your Honor?

14 THE COURT: Make sure Mr. Holmes has a copy of
15 everything that you -- Mr. Holmes, have you seen the
16 packet?

17 MR. HOLMES: I don't know what's in the packet.

18 THE COURT: Show it to him, Mr. Boozer, before you
19 hand it to the Court.

20 MR. HOLMES: Yes, Your Honor, I've seen it.

21 THE COURT: Very well, if you'll hand it up for me?
22 Give me a moment to take a look at this.

23 MR. HOLMES: Your Honor, Mr. Stanfield would have a
24 matter to take up with the Court before we reach the
25 substance of the Motion to Dismiss.

1 THE COURT: Very well.

2 MR. HOLMES: I've disclosed to Mr. Stanfield that
3 Paul Detrick, Randolph Murdaugh, and Alex Murdaugh work in
4 our office. They, of course, all work part-time for the
5 Solicitor's Office. He believes that would pose a
6 conflict of interest for me, would like a new attorney.

7 Normally -- I've never had someone that didn't think
8 that I had a conflict, and I've asked to not be appointed
9 to these anymore. And normally I take care of it right at
10 the beginning, but he's been released from the Charleston
11 Detention Center where he was when they gave me his
12 address and everything with the Return and has since then
13 been put in Lieber, and we were unable to locate Mr.
14 Stanfield. So today is the first time I've been able to
15 speak with him.

16 THE COURT: I understand that, Mr. Holmes.

17 Mr. Stanfield, he's told you that Mr. Detrick who is
18 a part-time Assistant Solicitor and Mr. Murdaugh who is
19 also -- you actually have two now. Isn't that right?

20 MR. HOLMES: We have the nol prosecutor.

21 THE COURT: Isn't Alexander Murdaugh also Assistant
22 Solicitor?

23 MR. HOLMES: He's the nol prosecutor in our firm.

24 THE COURT: The nol prosecutor in your firm.

25 MR. HOLMES: And we have Randolph, of course, is

1 still in the Solicitor's Office.

2 THE COURT: All right.

3 Is what Mr. Holmes told me, Mr. Stanfield, correct?

4 APPLICANT, MR. STANFIELD: Yes, sir, it is.

5 THE COURT: You would like for the Court to appoint
6 another attorney because of his partners in his law firm?

7 APPLICANT, MR. STANFIELD: Yes, sir, that's correct.

8 THE COURT: All right.

9 All right, do I have anybody from the Clerk's Office
10 down there, Ronda?

11 COURT REPORTER: No, Your Honor.

12 THE COURT: Okay. I need to know -- this is
13 Colleton. Well, I'm going to certainly grant your
14 request, Mr. Stanfield, but I need to find out who is the
15 next available attorney on the list.

16 So, Adam, if you would, I want you to call over to
17 Pat. I don't know ---

18 How did y'all do the appointments? Did you do them
19 through the clerk, Mr. Boozer?

20 MR. BOOZER: Yes, sir, Your Honor. We do them
21 through the clerk.

22 THE COURT: All right.

23 How about call over to Colleton for me and tell them
24 that I've got a situation where Grahame Holmes was
25 appointed to a PCR. It's a Colleton case, 2006-111. His

1 name is Leonard Stanfield. Ask them to tell me who the
2 next attorney is on the appointment list. Tell them that
3 we cannot appoint ---

4 Who was the attorney, Mr. Boozer, in this case that
5 represented the applicant? Was it the Public Defender?

6 MR. BOOZER: Your Honor, at the plea, I'm not sure
7 who it was, Your Honor.

8 THE COURT: Mr. Stanfield, who represented you at the
9 time of your plea?

10 APPLICANT, MR. STANFIELD: Mrs. Rogers, sir. Mrs.
11 Rogers.

12 THE COURT: Ferebee?

13 APPLICANT, MR. STANFIELD: I don't remember her first
14 name.

15 THE COURT: Male or female?

16 APPLICANT, MR. STANFIELD: Female.

17 THE COURT: Yeah, Ferebee Rogers.

18 APPLICANT, MR. STANFIELD: And I didn't plea to that,
19 sir. I had a trial on that.

20 THE COURT: All right, it was a trial?

21 APPLICANT, MR. STANFIELD: Yes, sir.

22 THE COURT: Well now according to this, I thought it
23 was -- I thought it was a guilty plea, Mr. Boozer,
24 according to your motion. Were you talking about the
25 right conviction?

1 MR. BOOZER: Your Honor, that's -- from looking at
2 our Return, we do have it captioned as a guilty plea, and
3 it may very well be that he did proceed to trial, if
4 that's what he's stating.

5 THE COURT: Was it on a failure to stop for a blue
6 light, Mr. Stanfield?

7 APPLICANT, MR. STANFIELD: Yes, sir, it was.

8 THE COURT: All right, so it wasn't a plea.

9 He says it was a trial and Ms. Rogers represented
10 him, so other than the Public Defender's Office, I want to
11 know who is the next appointment. [REDACTED] and come back
12 to me.

13 Counsel in this case, approach please. Y'all can
14 come right around here.

15 (WHEREUPON, A BENCH CONFERENCE WAS HELD OFF THE
16 RECORD. THEREAFTER, THE FOLLOWING PROCEEDINGS WERE HELD
17 ON THE RECORD:)

18 THE COURT: Mr. Stanfield, Mr. Holmes and Ms.
19 Shurling are going to talk to you for a moment in the
20 conference room here, right back here.

21 (WHEREUPON, THIS CASE WAS RECESSED ON AUGUST 27,
22 2007, AT 10:25 A.M. THEREAFTER, ON AUGUST 27, 2007, AT
23 10:38 A.M., THE FOLLOWING PROCEEDINGS WERE HELD ON THE
24 RECORD:)

25 THE COURT: Mr. Boozer, are you ready?

1 MR. BOOZER: Your Honor, the State is ready.
2 THE COURT: All right now, Mr. Booser, I want to make
3 sure that in light of what has occurred here this morning,
4 I don't know that Ms. Shurling has seen the documents and
5 the packet, so I want to make sure she has the
6 opportunity. She tells me she wants to proceed. I'm
7 handing it to my law clerk.
8 Please show that to her and make sure that she has
9 that information.
10 Have you got a complete set?
11 MS. SHURLING: He's provided me an extra set, Your
12 Honor.
13 MR. BOOZER: Yes, sir, Your Honor.
14 MS. SHURLING: Thank you, Your Honor. For the
15 record, I'm Tara Shurling. I have just now been appointed
16 to represent this gentleman in his PCR Application
17 docketed at 06-CP-15-111. It's a Colleton County case.
18 Your Honor, as the record reflects, he filed his
19 Application for Post Conviction Relief February 13, 2006,
20 which is substantially after his October 19th, 1995,
21 judgment and sentencing. However, the State's Return and
22 Motion to Dismiss indicates that this was a guilty plea.
23 I'm told that it was in fact a jury trial. The only
24 charge before the Court at the time of the trial was the
25 failure to stop for a blue light, for which he was

1 convicted by a jury of twelve and sentenced to three
2 years, suspended with probation for three years.

3 Mr. Stanfield advises me that the reason he never
4 filed his Application for Post Conviction Relief sooner
5 would be essentially ignorance of the law concerning
6 collateral review. I have explained to him that,
7 regrettably, that is seldom seen by the Court as
8 justification for failing to meet any statute of
9 limitations, including ---

10 THE COURT: And the Court actually said in the -- and
11 I always mispronounce it, but you're very familiar with
12 it, Ms. Shurling, ---

13 MS. SHURLING: Peloquin.

14 THE COURT: The Peloquin case, the Court said that
15 the statute of limitations shall apply to all Applications
16 for Post Conviction Relief after July 1st, 1996; isn't
17 that correct?

18 MS. SHURLING: That's correct, sir. Now he does have
19 a couple of things I think that warrant closer inspection.

20 ne, I think clearly is a problem, and that is that
21 he did not have a direct appeal. Our Supreme Court has
22 expressly held that the ---

23 THE COURT: White versus State.

24 MS. SHURLING: White versus State and Davis versus
25 State, but more recently, Your Honor, there's a case in

1 the Supreme Court, and I have a call in to my clerk to get
2 Your Honor the cite. There was a case in the last five
3 years where the Supreme Court expressly found that someone
4 was not barred by the statute of limitations in filing an
5 Application for Post Conviction Relief which the sole
6 purpose of which was seeking a belated direct appeal
7 through the guidelines and procedures set forth in Davis
8 v. State and White v. State.

9 So the claim that he would have that would survive
10 the statute of limitations would be his prayer for belated
11 direct appeal, vis-a-vis Davis v. State and White v.
12 State. It's his position that his lawyer did not discuss
13 with him his right to direct review of substance of errors
14 of law which occurred during his trial; that had he known
15 he had a right to a direct appeal, he would have asked
16 counsel to file that appeal; that his attorney, although
17 employed for the purpose of representing indigent persons
18 in the circuit court, is bound, as are all defense
19 attorneys representing indigent persons, by the Supreme
20 Court's ruling In Re: An Anonymous Member of the Bar, to
21 file a Notice of Appeal for the purpose of preserving the
22 indigent person's right to direct review.

23 And absent a record expressly showing a knowing,
24 voluntary, and intelligent waiver of the right to a direct
25 appeal, which we do not believe is before this Court, he

1 would have the right to a belated direct appeal under
2 Davis v. State, White v. State, and the more recent case
3 that I will provide Your Honor the name and cite for as
4 soon as I can get back to the phone to my law clerk again.

5 THE COURT: Let me say this for the record. First of
6 all, because I didn't realize we were going to get into
7 it, since it's actually the State's motion and you've
8 started, Ms. Shurling, so let me stop first of all and say
9 when I first called this case this morning, Mr.
10 Stanfield's case, he was present and he was here, present
11 along with Mr. Grahame Holmes of the Colleton County Bar.

12 Mr. Stanfield informed me at that time, after Mr.
13 Holmes advised him of a potential conflict involving his
14 law partners being with the Solicitor's Office, and one of
15 which now is formerly the Solicitor, that he wanted
16 another attorney. I had my law clerk go call the Clerk of
17 Court in Colleton, and I have the name of the next
18 attorney on the appointment list.

19 Mr. Stanfield, I ask you now for the record, are you
20 satisfied with letting Ms. Shurling represent you?

21 APPLICANT, MR. STANFIELD: Yes, sir.

22 THE COURT: All right. Then I'm going to appoint Ms.
23 Shurling to represent you.

24 And, Ms. Shurling, I understand you wanted to get
25 right to the heart of the matter, and I appreciate it

1 since you have the next hearing, but I think it's proper
2 to let the moving party speak first.

3 Mr. Boozer, this is your Motion to Dismiss.

4 Mr. Holmes, I'm going to relieve you as attorney,
5 with the consent of Mr. Stanfield. You are relieved.

6 You can prepare an order. Send it to him for his
7 signature. In that order, you can also put in there that
8 Ms. Shurling is appointed to represent Mr. Stanfield. She
9 graciously agreed to do so since she was present for a
10 hearing today.

11 And you are relieved, with his consent, and she is
12 appointed. And I won't have to utilize another attorney
13 from Colleton County, thanks to Ms. Shurling graciously
14 agreeing to do it. And you're excused, unless you have
15 some other matters here.

16 MR. HOLMES: Thank you, Your Honor.

17 THE COURT: Please forward that order to me within
18 ten days of today. Copy Mr. Boozer on your transmittal.
19 Get Mr. Stanfield's consent, and put in that Ms. Shurling
20 has agreed to represent him. You can get Ms. Shurling's
21 consent also. And you know my address, P.O. Drawer 470,
22 Walterboro, 29488. Okay?

23 MR. HOLMES: All right, thank you.

24 THE COURT: Thank you.

25 All right, Mr. Boozer, I'm happy to hear from you

1 now.

2 MR. BOOZER: Thank you, Your Honor. If it pleases
3 the Court?

4 Your Honor, the State's position is, as Ms. Shurling
5 has stated already, that this is beyond the statute of
6 limitations.

7 THE COURT: No question it's beyond the statute of
8 limitations. Ms. Shurling knows it, but she's arguing
9 that I ought to be considering a White versus State
10 situation, in light of the fact that Mr. Stanfield did not
11 receive a direct appeal.

12 And her allegation, I don't know if it's in his
13 Application for Post Conviction Relief, although Ms.
14 Shurling, you know, understands about that pretty well,
15 Mr. Boozer, she's trying to orally amend it at this time
16 to support her opposition to your Motion to Dismiss by
17 saying he was never advised of his right to appeal and
18 that I should consider that. I'm happy to hear from you.

19 MR. BOOZER: Thank you, Your Honor. Your Honor, the
20 State certainly does understand Ms. Shurling is attempting
21 to amend this application orally.

22 THE COURT: Ms. Shurling is excellent at that, Mr.
23 Boozer.

24 MR. BOOZER: And in his original application,
25 actually the applicant doesn't even state any allegations

1 for grounds for which this Court should grant relief. The
2 State's position is that was not in his application. The
3 State would submit that as such that we're not here to
4 move forward on this belated direct appeal ---

5 THE COURT: Nor were you put on notice of that fact,
6 were you, Mr. Boozer?

7 MR. BOOZER: I was not, Your Honor.

8 THE COURT: I see.

9 MR. BOOZER: The State would submit that the Motion
10 to Dismiss, that's what should be granted.

11 THE COURT: Thank you, sir.

12 MR. BOOZER: Thank you.

13 THE COURT: Ms. Shurling, I'll now be happy to hear
14 from you. You anticipate so well, Ms. Shurling, along
15 with your client, but wouldn't this be a matter, if you
16 are correct, that would have to be done in a new
17 application which addressed whether or not he was properly
18 advised of his right to appeal, if in fact the Court were
19 to entertain the argument that he's entitled to a White
20 versus State review as if he had a direct appeal, since it
21 was not raised in this application?

22 MS. SHURLING: Two things, Your Honor. One is that I
23 believe that, particularly given the fact that the State's
24 own Return is in error with regard to the fact that it was
25 a guilty plea and not a trial from which ---

1 THE COURT: We have the right indictment number, but
2 I believe you're correct, it actually was a trial. Ms.
3 Rogers represented him, according to what he told me, at
4 trial and not a plea.

5 MS. SHURLING: That's correct.

6 THE COURT: And you're correct that his sentence was
7 three years, and I assume it was three years suspended
8 with three years probation, is what I understood.

9 MS. SHURLING: Yes.

10 THE COURT: Is that correct?

11 MS. SHURLING: That's correct, Your Honor.

12 THE COURT: Uh-huh.

13 MS. SHURLING: And the issue that I, in my defense to
14 the State's desire that Your Honor rule on the Motion to
15 Dismiss at this time, would be number one that their own
16 Return is in error, that the previous attorney, who has
17 now been relieved, would have had an obligation under
18 Court Rule 71.1 to amend this application to include any
19 and all known potential meritorious post conviction relief
20 issues.

21 But in fairness to him, he may have been led somewhat
22 far afield since the Return was in error with regard to
23 whether or not there had been a trial. That may have led
24 counsel not to consider that issue in preparing this case
25 for court here today.

1 So I would suggest that the equitable thing to do
2 would be to allow him to orally amend the application;
3 however, likewise in fairness to the State, I think the
4 fair thing to do, Your Honor, would be to continue this
5 matter for a hearing at the next term of court, at which
6 time the State would have the opportunity to present Ms.
7 Ferebee Rogers and present any testimony she might be
8 prepared to contribute to the record to refute the
9 client's position that he did not make a knowing,
10 voluntary, and intelligent waiver of his direct appeal
11 rights.

12 **THE COURT:** Thank you very much, Ms. Shurling.

13 Mr. Boozer, Ms. Shurling says that you have entrapped
14 her now because you put in your Return that this was a
15 plea for failure to stop for a blue light, as opposed to a
16 trial, and that I should be extremely liberal.

17 Ms. Shurling, I guess the difference is you're
18 representing him on this application, and I'm not sure if
19 I don't rule on the matter concerning his appellate rights
20 today but just on the statute of limitations on this
21 application that he's been prejudiced in any way
22 concerning bringing an application as to whether or not
23 he's entitled to a White versus State review and direct
24 appeal. I understand that argument. I'll give you
25 chance. Take a seat.

1 Mr. Boozer, what's your position on that?

2 MR. BOOZER: Thank you, Your Honor. With regard to
3 my entrapment with this Return, if anyone was entrapping,
4 it was Ms. Dixon who prepared the Return, who is no longer
5 with our office.

6 THE COURT: Colleen would appreciate your speaking so
7 favorably of her.

8 MR. BOOZER: Secondly, Your Honor, I don't believe
9 that any prejudice can be shown from our failure to show
10 that it was a trial versus a guilty plea or whatnot, Your
11 Honor. He was -- he was aware of what he was here today
12 to defend with this motion. I'm not sure what effect an
13 error on whether it was a trial or a guilty plea would
14 have on this.

15 Further, Your Honor, the State just stands by its
16 motion with regard to the statute of limitations.

17 THE COURT: Very well.

18 Yes, ma'am? One final argument, Ms. Shurling, and
19 that will conclude the matter.

20 MS. SHURLING: Well, there are actually two things,
21 Your Honor, that I do need to put on the record.

22 THE COURT: All right.

23 MS. SHURLING: One is that my client wished for me to
24 put forth an alternate argument, which is that he only
25 recently became aware that these old charges were going --

1 this old charge was going to be used to enhance ---

2 THE COURT: To enhance the sentence he got in federal
3 court, which is why he wants to raise the state court post
4 conviction matter at this time.

5 MS. SHURLING: And he, of course, would say that that
6 would fall under 17-27-45(c). I have explained to him,
7 taking the pragmatic approach, what I believe to be the
8 problems with that assertion, but I agreed to put it
9 before the Court.

10 Back to the matter at hand, Your Honor, I think the
11 potential problem is this. There is currently a case
12 pending in I believe it's in the Supreme Court, I don't
13 think it's been transferred to the Court of Appeals,
14 that's going to address de novo the issue of whether or
15 not the earlier case, which says that you're not barred by
16 the statute of limitations in seeking a belated direct
17 appeal through Davis v. State and White v. State, whether
18 or not that would still apply if there's been an
19 intervening application.

20 In other words, there's currently a case that the
21 Court is going to be hearing forthwith where someone had a
22 trial, didn't get a direct appeal, then they filed and had
23 a PCR in which they did not raise their entitlement to
24 Davis v. State/White v. State, and then they filed a
25 second PCR alleging that, "Oh, yeah, and my first PCR

1 lawyer forgot to raise the fact of my entitlement to a
2 Davis v. State/White v. State."

3 In that case, the State is arguing that although the
4 Court has expressly held that the statute of limitations
5 shall not apply to a prayer for a belated direct appeal
6 review through Davis v. State and White v. State, that
7 where you have had an intervening PRC and another
8 opportunity to raise that deprivation and didn't, that you
9 should not be allowed to then subsequently raise it and
10 that it's not really a direct -- it's not really a statute
11 of limitations issue, it's a successiveness issue at that
12 juncture, combined with statute of limitations.

13 THE COURT: I understand that.

14 MS. SHURLING: And that hasn't been decided by the
15 Court. So I would ask the Court to rule in favor of
16 amendment and continuance.

17 THE COURT: Very well. Ms. Shurling, the Court
18 always appreciates your creativity and your thoroughness
19 and your zealously in representing your client.

20 Mr. Boozer, your Motion to Dismiss is granted;
21 however, in preparing the motion, I want you to put in the
22 order that I decline to rule on the issue of whether or
23 not he is entitled, because it wasn't raised, of his
24 failure to be informed of his right to appeal. That's
25 preserved for another day.

1 The Court makes its ruling on the statute of
2 limitations solely on the application that was filed, so
3 that the matter could at least be heard at some future
4 time, because I decline to rule on it at this time. I'm
5 basing my ruling purely on the record before me and the
6 application as it is written.

7 Do you understand, Mr. Boozer?

8 MR. BOOZER: I do, Your Honor.

9 THE COURT: Very well.

10 Do you understand my ruling, Ms. Shurling?

11 MS. SHURLING: May I make one further point for the
12 record?

13 THE COURT: If it's about my ruling, ---

14 MS. SHURLING: It is.

15 THE COURT: --- no. I've ruled.

16 MS. SHURLING: Well, ---

17 THE COURT: But if you want to tell me anything, I'm
18 happy to hear from you, but I'm not going to change my
19 ruling.

20 MS. SHURLING: I would only ask the Court to take
21 judicial notice of the fact that the Court has in the last
22 two years issued a ruling that an application may be
23 orally amended if the arguments and evidence presented
24 during the hearing gives rise to an issue that has not
25 otherwise been documented in the original application, and

1 I would argue that this issue should have fallen in that.

2 THE COURT: And that's exactly why I ruled the way I
3 did by declining to rule on it today, to give the
4 opportunity for that to be heard when both sides are
5 prepared. I understand that I had a choice between
6 continuance and amendment or dismissal on this
7 application. I choose dismissal and decline to rule on an
8 issue that the State was not aware of today to prepare.

9 On the other side of that fence, we leave for another
10 day whether or not he's entitled to have that application
11 made, but I'm basing it on that. I thank you very much.

12 You understand my ruling, Mr. Boozer, so you can
13 prepare it?

14 MR. BOOZER: I do, Your Honor.

15 THE COURT: Please send that order to Ms. Shurling
16 within ten days of today.

17 And, of course, if he files a new application, a
18 Colleton County attorney would be more than likely
19 appointed to represent him. Mr. Shurling was kind enough
20 to sit in today, and I very much appreciate that so we
21 could get some work done, and the Court is always
22 appreciative of a lawyer who is willing to volunteer their
23 time to assist someone.

24 Those are interesting questions. We'll have to save
25 that for another day.

1 I look forward to getting the order, Mr. Boozer,
2 within ten days of today. Please send your proposed order
3 to Ms. Shurling so that she can agree that it is
4 consistent with my ruling on the record today before you
5 forward it to me at P.O. Drawer 470, Walterboro, 29488.
6 Thank you very much.

7 (WHEREUPON, HEARING CONCLUDED ON AUGUST 27, 2007, AT
8 11:07 A.M.)

9 (END OF REQUESTED TRANSCRIPT OF RECORD.)
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CERTIFICATE OF REPORTER

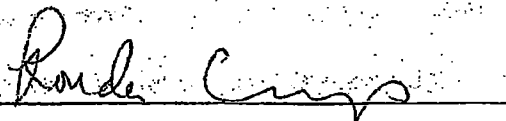
STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

)
)

I, Ronda T. Cummings, Official Court Reporter for the
Judicial Department 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
Colleton County, South Carolina, heard in Beaufort County,
South Carolina, on the 27th day of August, 2007.

I do further certify that I am neither of kin,
counsel nor interest to any party hereto.

March 8, 2011



Ronda T. Cummings, CVR
Official Court Reporter

342

STATE OF SOUTH CAROLINA

COUNTY OF Colleton

LEONARD G. STANFIELD, #235306
Plaintiff(s)

vs.

State of South Carolina

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

10-CP15 - 222

(Please Print)

Submitted By:

Address:

SC Bar #:

Telephone #:

Fax #:

Other:

E-mail:

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
- ☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

☐ Contracts	☐ Torts - Professional Malpractice	☐ Torts - Personal Injury	☐ Real Property
☐ Constructions (100)	☐ Dental Malpractice (200)	☐ Assault/Slander/Libel (300)	☐ Claim & Delivery (400)
☐ Debt Collection (110)	☐ Legal Malpractice (210)	☐ Conversion (310)	☐ Condemnation (410)
☐ Employment (120)	☐ Medical Malpractice (220)	☐ Motor Vehicle Accident (320)	☐ Foreclosure (420)
☐ General (130)	☐ Notice/ File Med Mal (230)	☐ Premises Liability (330)	☐ Mechanic's Lien (430)
☐ Breach of Contract (140)	☐ Other (299)	☐ Products Liability (340)	☐ Partition (440)
☐ Other (199)		☐ Personal Injury (350)	☐ Possession (450)
		☐ Wrongful Death (360)	☐ Building Code Violation (460)
		☐ Other (399)	☐ Other (499)

☒ Inmate Petitions	☐ Judgments/Settlements	☐ Administrative Law/Relief	☐ Appeals
☐ PCR (500)	☐ Death Settlement (700)	☐ Reinstate Driver's License (800)	☐ Arbitration (900)
☐ Mandamus (520)	☐ Foreign Judgment (710)	☐ Judicial Review (810)	☐ Magistrate-Civil (910)
☐ Habeas Corpus (530)	☐ Magistrate's Judgment (720)	☐ Relief (820)	☐ Magistrate-Criminal (920)
☐ Other (599)	☐ Minor Settlement (730)	☐ Permanent Injunction (830)	☐ Municipal (930)
	☐ Transcript Judgment (740)	☐ Forfeiture-Petition (840)	☐ Probate Court (940)
	☐ Lis Pendens (750)	☐ Forfeiture-Consent Order (850)	☐ SCDOT (950)
	☐ Other (799)	☐ Other (899)	☐ Worker's Comp (960)
			☐ Zoning Board (970)
			☐ Administrative Law Judge (980)
			☐ Public Service Commission (990)
			☐ Employment Security Comm (991)
			☐ Other (999)

☐ Special/Complex /Other	☐ Pharmaceuticals (630)
☐ Environmental (600)	☐ Unfair Trade Practices (640)
☐ Automobile Arb. (610)	☐ Out-of State Depositions (650)
☐ Medical (620)	☐ Sexual Predator (510)
☐ Other (699)	

Submitting Party Signature: Leonard Grant Stanfield

Date: _____

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCF, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FORM 5

STATE OF SOUTH CAROLINA)

COUNTY OF COLLETON)

LEONARD G. STANFIELD # 235306)
Full name and prison number (if any) of Applicant.)

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

10-CP-15-222

APPLICATION FOR

POST-CONVICTION RELIEF

2010 FEB 22 AM 11:57

PATRICIA J. STANLEY
COLLETON COUNTY
COMMON PLEASINSTRUCTIONS - 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 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 LEE CORRECTION Institution
2. Name and location of Court which imposed sentence COLLETON GENERAL SESSIONS COURT, Post Office Box 620, WATKINSBORO, SC 29488
3. Name(s) of co-defendant(s) (if any) LEONARD PINCKNEY, TAMIKA WILSON
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 03-GS-15-0734, ARMED ROBBERY
 - (b) 03-GS-15-0735, BURGLARY 1st DEGREE
 - (c) 03-GS-15-0736, KIDNAPPING
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) MAY 27, 2007, TWO 30 YRS. SENTENCES CONCURRENT, AND 30 YRS.
 - (b) RUN CONSECUTIVE SUSPENDED TO 12 YRS.

Revised 3/2003

- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty ☒ _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?

8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. SOUTH CAROLINA COURT OF APPEALS
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Dismissed
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. OCTOBER 26, 2009
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. 268 (d)(2), SCACR
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____
- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL
- (b) INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL
- (c) _____

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) SEE ATTACH SHEET
- (b) SEE ATTACH SHEET
- (c) APPLICANT PRESERVE RIGHT TO AMEND

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? N/A
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? N/A
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? N/A
- (d) any other petitions, motions or applications in this or any other Court? N/A

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. _____
 - ii. _____
 - iii. _____
 - iv. _____
- (b) the name and location of the Court in which each was filed:
 - i. _____
 - ii. _____
 - iii. _____
 - iv. _____
- (c) the disposition thereof:
 - i. _____
 - ii. _____
 - iii. _____

- 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?
- _____
15. If you answered "yes" to (14) identify:
- (a) which grounds have been presented:
- i. _____
- ii. _____
- iii. _____
- (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) The grounds can only be raised in a Post Conviction
- (b) Proceeding
- (c) _____
17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? Colleton County Public Defender Office
- (b) your trial, if any? DAVID MATTHEWS, Esq.
- (c) your sentencing? DAVID MATTHEWS, Esq.
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? JOSEPH L. SAVITZ, III
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? N/A
18. If you answered "yes" to one or more parts of (17), list:
- (a) the name and address of each attorney who represented you:
- i. DAVID MATTHEWS, Colleton County Public Defender, 115 BENSON STREET, WATTEBORO, SC 29488
- ii. JOSEPH L. SAVITZ, III Division of Appellate Defense, 1330 LADY STREET, SUITE 401, COLA, SC 29201
- (b) the proceedings at which each such attorney represented you:
- i. TRIAL
- ii. DIRECT APPEAL
- iii. _____
19. State clearly the relief you seek in filing this application:
NEW TRIAL
20. Are you now under sentence from any other court that you have not challenged?
YES

STATE OF SOUTH CAROLINA)

County of Bishopville)

VERIFICATION

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.

X Leonard D. Stanfield

SWORN to and subscribed before me this 10
day of Feb, 2010.

Debra J. [Signature] (L.S.)
Notary Public

My Commission Expires: 11-7-2015

2010 FEB 22 AM 11:57
JANET D. STANT
COLLETON COUNTY
COMMON PLEAS

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.

X Leonard G. Stanfield
Applicant

SWORN or affirmed to and subscribed before me this
10 day of Feb, 2016.

[Signature]
Notary Public

My Commission Expires: 11-4-2015

2010 FEB 22 AM 11:57
CLERK OF COURT
COMMON PLEAS

STATE OF South CAROLINA — County OF Colleton
IN THE COURT OF COMMON PLEAS

Attached sheet from 11 (A)(B), page 3 of the Application

LEONARD G. STANFIELD, #
Applicant,

STATE OF South CAROLINA,
Respondent.

Applicant asserts that his right to effective assistance of
counsel guaranteed by the sixth and fourteenth amendments
to the United States Constitution, and Article I, Section 14, of
the South Carolina Constitution was violated, in that counsel
of records failed to provide reasonable professional assistance
within the standard of performance demanded of attorneys
representing clients in criminal matters, for which Applicant
justly requests that his convictions be reversed/removed.

S/x Leonard G. Stanfield

Sworn To Before Me this — day of — 2010,

Notary Public _____,

My Commission Expires _____.

LEONARD G. STANFIELD # 235306
 LEE CORRECTION INSTITUTION
 CHESTERFIELD NORTH # 2107
 1204 EAST CHURCH STREET
 BISHOPVILLE, SC 29010

DATE: JANUARY 11, 2010

Clerk of Court
 Colleton County Courthouse
 101 Hampton Street
 Waterboro, SC 29488

2010 FEB 22 AM 11:57

COLLETON COUNTY
 COMMON PLEAS

RE: Application For Post Conviction Relief (PCR)

DEAR CLERK:

ENCLOSED ARE THE ORIGINAL AND ONE COPY OF MY APPLICATION FOR PCR.
 PLEASE FILE THE ORIGINAL IN YOUR USUAL MANNER AND RETURN THE COPY
 CLOCK TO ME.

THANKS IN ADVANCE!

Respectfully

s/ Leonard G. Stanfield
 LEONARD G. STANFIELD # 235306

ORIGINAL

wfy

State of South Carolina,	)	In the Court of Common Pleas for the
County of Colleton.	)	Fourteenth Circuit.
Leonard Stanfield,	)	Case No. 2010-CP-15-222.
Applicant,	)	
-vs-	)	Amendment to Application.
State of South Carolina,	)	
Defendant.	)	

2012 MAR -7 PM 4:44
 PATRICIA D. GRANT
 COLLETON COUNTY
 COMMON PLEAS

Leonard Stanfield, Applicant in this matter, hereby amends his original application, as follows:

Applicant amends Paragraph Ten to add the following::

"Trial Counsel was ineffective in

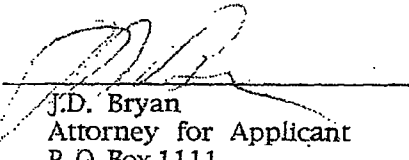
- (1) failing to move the Court to quash the indictment numbered 03-GS-15-734, which had been altered;
- (2) not objecting to a jury charge on reasonable doubt that was burden-shifting.
- (3) not objecting to the lack of probable cause for the arrest warrants, or calling witnesses to establish the lack of probable cause;
- (4) not requesting an alibi charge or presenting witnesses to establish an alibi;
- (5) not objecting to the presence of the trial court in the jury room without the presence of either the defendant or counsel for the defendant;
- (6) did not request a charge on the use of the co-defendants' guilty pleas.
- (7) did not object to testimony of the use of drugs, which is testimony of the commission of other crimes, to the prejudice of the Defendant;
- (8) did not object to unconstitutional burglary instruction.
- (9) did not ask for mercy from the jury with regards to sentencing.

(10) did not object when in opening statements, the Solicitor said "You're not on a search for doubt. . . I'm going to ask for verdicts of guilty."

Applicant amends Paragraph Eleven to add the following::

"Trial Counsel was ineffective in

- (1) failing to move the Court to quash the indictment numbered 03-GS-15-734, which had been altered;
- (2) not objecting to a jury charge on reasonable doubt that was burden-shifting.
- (3) not objecting to the lack of probable cause for the arrest warrants, or calling witnesses to establish the lack of probable cause;
- (4) not requesting an alibi charge or presenting witnesses to establish an alibi;
- (5) not objecting to the presence of the trial court in the jury room without the presence of either the defendant or counsel for the defendant;
- (6) did not request a charge on the use of the co-defendants' guilty pleas.
- (7) did not object to testimony of the use of drugs, which is testimony of the commission of other crimes, to the prejudice of the Defendant;
- (8) did not object to unconstitutional burglary instruction.
- (9) did not ask for mercy from the jury with regards to sentencing.
- (10) did not object when in opening statements, the Solicitor said "You're not on a search for doubt. . . I'm going to ask for verdicts of guilty."

By: 

J.D. Bryan
Attorney for Applicant
P. O. Box 1111
Walterboro, S.C. 29488
(843) 549-9455

Wed, Mar 7, 2012

STATE OF SOUTH CAROLINA

COUNTY OF COLLETON

Leonard G. Stanfield, #235306,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS.

2010-CP-15-222

RETURN

 PATRICIA C. GRAHAM
 COLLETON COUNTY
 COMMON PLEAS
 2010 DEC -6 AM 8:57

The Respondent, making its Return to the Application for post-conviction relief filed February 22, 2010 and received by Respondent on August 11, 2010, 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 Colleton County. The Applicant was indicted at the October 2003 term of the Colleton County Grand Jury for kidnapping (2003-GS-15-736), burglary - 1st degree (2003-GS-15-735), and armed robbery (2003-GS-15-734). David S. Mathews, Esquire, represented the Applicant. The Applicant proceeded to trial on May 23-24, 2007, after which a jury found him guilty as indicted. The Honorable R. Ferrell Cothran, Jr. sentenced the Applicant to confinement for thirty (30) years for kidnapping, thirty (30) years for burglary - 1st degree, and thirty (30) years suspended to twelve (12) years for armed robbery. The sentences for armed robbery and burglary - 1st degree were to run consecutively with each other and concurrently with the kidnapping sentence for a total sentence of forty-two (42) years.

A timely Notice of Appeal was filed on Applicant's behalf and an appeal was perfected. Joseph L. Savitz, III, Esquire, of the South Carolina Office of Appellate Defense, filed a brief

pursuant to Anders v. California, 386 U.S. 738 (1967). The South Carolina Court of Appeals dismissed the appeal. State v. Stanfield, Op. No. 2009-UP-498 (S.C. Ct. App. filed October 26, 2009). The Remittitur was issued November 12, 2009.

Attached herewith and incorporated herein by reference are the records of the Colleton County Clerk of Court regarding the subject convictions, the Applicant's records from the Department of Corrections, the Record on Appeal, the Final Anders Brief of Appellant, the Court of Appeals' opinion dismissing the appeal, and the Remittitur dated November 12, 2009.

II.

In his application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of trial counsel (no specific allegations).
2. Ineffective assistance of appellate counsel (no specific allegations).

III.

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in the 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, 80 L.Ed.2d 674, 692 (1984); Butler, 286 S.C. 441, 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, 466 U.S. 668. 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). 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 the record does not conclusively refute. Accordingly, 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.

The Applicant alleges ineffective assistance of appellate counsel. A defendant is constitutionally entitled to effective assistance of appellate counsel. Evitts v. Lucey, 469 U.S. 387, 105 S.Ct. 830, 83 L.Ed.2d 821 (1985). "However, appellate counsel is not required to raise every non-frivolous issue that is presented by the record." Thrift v. State, 302 S.C. 535, 539, 397 S.E.2d 523 (1990). Appellate counsel has a professional duty to choose among potential issues according to their merit. Jones v. Barnes, 463 U.S. 745 (1983). Where the strategic decision to exclude certain issues on appeal is based on reasonable professional judgment, the failure to

appeal all trial errors is not ineffective assistance of counsel. Griffin v. Aiken, 775 F.2d 1226 (4th Cir. 1985).

The Applicant must show that appellate counsel's performance was deficient and that he was prejudiced by the deficiency. Thrift, 302 S.C. at 537; Gilchrist v. State, 364 S.C. 173, 612 S.E.2d 702 (2005); Anderson v. State, 354 S.C. 431, 581 S.E.2d 834 (2003). When a claim of ineffective assistance of counsel is based upon failure to raise viable issues, the court must examine the record to determine "whether appellate counsel failed to present significant and obvious issues on appeal." Gray v. Greer, 800 F.2d 644, 646 (7th Cir. 1986). Generally, the presumption of effective assistance of counsel will be overcome only when the alleged ignored issues are clearly stronger than those actually raised on appeal. Id.

Respondent contends that the Applicant's appellate attorney rendered effective assistance of counsel. However, this ground for relief may raise factual issues that are not conclusively refuted by the record. Respondent requests an evidentiary hearing on this allegation.

V.

Respondent denies each allegation that is not expressly admitted, qualified, or explained.

VI.

WHEREFORE, having made its Return, the Respondent requests that an evidentiary hearing be held.

Respectfully submitted,

HENRY DARGAN McMASTER
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Assistant Deputy Attorney General

MATTHEW J. FRIEDMAN
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
(803) 734-3737

12/2, 2010.

STATE OF SOUTH CAROLINA

COUNTY OF COLLETON

IN THE COURT OF COMMON PLEAS

2010-CP-15-222

LEONARD G. STANFIELD, #235306

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:

John D. Bryan, Esquire
P.O. Box 1111
Walterboro, SC 29488

DATED this 2nd day of December, 2010.


Norma Bigbee, Legal Assistant

2010 DEC -6 AM 8:57

1 STATE OF SOUTH CAROLINA

COURT OF COMMON PLEAS

2 COUNTY OF COLLETON

2010-CP-15-0222

3

4 LEONARD STANFIELD)

5 VS.)

TRANSCRIPT OF RECORD

6

STATE OF SOUTH CAROLINA)

7

FEBRUARY 19, 2014

8

BEAUFORT, SC

9

10

B E F O R E:

11

HONORABLE JAMES R. BARBER, III

12

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

14

WILLIAM C. BENNETT, ESQUIRE
Attorney for the Applicant

15

16

ASHLEIGH R. WILSON, ESQUIRE
Attorney for the State of South Carolina

17

18

Ruth L. Mott, RPR, CRR
Official Court Reporter

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I N D E X

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
LEONARD STANFIELD				
MR. BENNETT	4			
MS. WILSON		12		
DAVID S. MATHEWS				
MS. WILSON	16		37	
MR. BENNETT		25		
CERTIFICATE OF REPORTER	42			

E X H I B I T S

NO.	DESCRIPTION	ID	EVD
	(NONE MARKED)		

1 THE COURT: All right, Leonard Stanfield. Mr. Bennett,
2 where is Mr. Bennett?

3 MR. BENNETT: Hello, Your Honor. Your Honor, if I could
4 just have about five minutes to speak with my client before
5 we begin, I was coming from Mount Pleasant, there was an
6 accident that prevented me from getting here.

7 (Recess held.)

8 MR. BENNETT: Your Honor, after just touching base with
9 my client just for a minute, he has submitted an amended
10 application, his post-conviction relief application.

11 THE COURT: He's not permitted to do that.

12 MR. BENNETT: No, Your Honor. This was filed May 28th,
13 2010. I never received a copy of it from the Attorney
14 General's Office, Your Honor. I've never seen this before.

15 MS. WILSON: Well, Your Honor, he was represented by
16 counsel for the entire time of the pending of this
17 proceeding, so that would have been a pro se application that
18 wouldn't be recognized because it would be under the hybrid
19 representation rule.

20 THE COURT: He has an attorney whatever he submitted is
21 not proper, won't be considered.

22 MR. BENNETT: Your Honor, I want to note the transcript,
23 the trial transcript -- is that on record with the Court
24 here, Your Honor?

25 MS. WILSON: Mm-hmm.

1 MR. BENNETT: Just want to make sure.

2 THE COURT: I have a copy of it.

3 MR. BENNETT: Petitioner calls Leonard Stanfield.

4 THE COURT: Are you ready to go?

5 MR. BENNETT: Yes, Your Honor.

6 LEONARD STANFIELD,

7 being first duly sworn, testified as follows:

8 MR. BENNETT: May it please the Court.

9 DIRECT EXAMINATION BY MR. BENNETT:

10 Q. Mr. Stanfield, what is your full name for the record,
11 sir?

12 A. Leonard Stanfield.

13 Q. How old are you now?

14 A. 36 -- 35, I'll be 36 next month.

15 Q. On May 24th, 2007 were you convicted of kidnapping,
16 burglary first degree and armed robbery in Colleton County,
17 South Carolina?

18 A. Yes, sir, I was.

19 Q. And what sentence did you receive, sir?

20 A. 42 years total.

21 Q. Who represented you as your defense attorney on May 23rd
22 and May 24th of 2007?

23 A. David Mathews.

24 Q. Are you currently incarcerated at this time?

25 A. Yes, sir, I am.

1 Q. Where are you incarcerated?

2 A. Lee County Correctional Institution.

3 Q. And how long have you been imprisoned there?

4 A. Since '07.

5 Q. What is your expected date of release, sir?

6 A. To be honest with you, I really don't know, I mean,
7 because I have federal time also so, I mean --

8 Q. Okay.

9 A. Like 2050, something like that.

10 Q. After your conviction did you appeal your sentence?

11 A. Yes, sir, I did.

12 Q. And what was the result of your appeal?

13 A. It was affirmed.

14 Q. Okay. Now, did you file an action for post-conviction
15 relief for ineffective assistance of counsel as to your
16 conviction from May 2007 for armed robbery, burglary first
17 and kidnapping?

18 A. Yes, sir, I did.

19 Q. Okay. And regarding Mr. Mathews' representation of you
20 at trial, did you feel that Mr. Mathews addressed all of your
21 concerns during his representation of you?

22 A. No, sir.

23 Q. Okay. Did he explain your constitutional rights to you?

24 A. Yes, sir.

25 Q. Did he answer all of your questions regarding your case?

1 A. All the questions I could remember at the time. I have
2 no knowledge of the law but, you know, at that time, yes,
3 sir.

4 Q. Did he advise you as to your options to plead guilty or
5 to go to trial?

6 A. Oh, yes, sir, he did.

7 Q. And did he discuss your case strategy with you?

8 A. Strategy?

9 Q. Yes. Like how you were going to proceed in Court, what
10 your -- how you were going to present your defense, and
11 attack the prosecution?

12 A. No, sir. I mean, further-wise taking the stand,
13 testifying at trial, he told me it was in my best interest
14 not to take the stand, they'll find me guilty, my past
15 history.

16 Q. Did Mr. Mathews at any point, did he ever bring to your
17 attention the Indictment No. 2003-DS-15-734 was or may have
18 been altered?

19 A. No, sir, he didn't.

20 Q. Did he ever discuss with you the possibility of to quash
21 that indictment number for armed robbery that I just
22 mentioned in 2003-DS-15-734?

23 A. No, sir, he didn't.

24 Q. During his representation of you did Mr. Mathews discuss
25 the possibility of calling any witnesses in your defense?

1 A. He called one witness, Lynette Mack, but I mentioned
2 another witness, two other individuals that night I was with,
3 and he said it was in the best interest -- my best interest
4 not to call them because it would be putting me around the
5 vicinity of the scene.

6 Q. So you did mention other witnesses to him is what you're
7 saying?

8 A. Yes, sir, I did.

9 Q. Did you talk with Mr. Mathews then about the witnesses
10 that were going to be called on your behalf? Did you have
11 enough time to talk to him about that?

12 A. That was all he said about it. He said it was in my
13 best interest not to put myself around the vicinity of the
14 scene, being if I would have called those two individuals,
15 being where they stayed at, it would have put me near the
16 scene.

17 Q. In particular, did you ever attempt to discuss the
18 defense of alibi with Mr. Mathews?

19 A. No, sir, never did.

20 Q. The witnesses that you did discuss with him, would they
21 have been able to testify --

22 A. Yes, sir.

23 Q. -- with regard to your alibi?

24 A. Yes, sir, my whereabouts on that night.

25 Q. And when you talked with Mr. Mathews about the

1 witnesses, did you ever mention that these witnesses could
2 offer an alibi --

3 A. Yes, sir, I did.

4 Q. -- for you.

5 Okay. And did Mr. Mathews discuss why he decided not to
6 call those witnesses?

7 A. Well, he said would like put me near the scene and he
8 don't think that's a good idea.

9 Q. Do you feel that Mr. Mathews properly investigated your
10 case, sir?

11 A. No, sir, I don't.

12 Q. And do you feel that he should have called additional
13 witnesses then on your behalf to present your defense?

14 A. Yes, sir.

15 Q. During the trial do you recall a point in time when the
16 Judge or the Court asked if there was any objection by either
17 party to the Judge entering the jury room without the
18 presence of you or your defense attorney?

19 A. Was there any objections?

20 Q. Well, let's put it this way, do you recall a time when
21 the Judge asked about having contact with the jury or
22 entering the jury room without you or your attorney present?

23 A. Oh, yes, sir. It was something about a foreman, they
24 didn't pick the foreman, so he questioned attorney Mathews
25 about going inside the jury room, picking a foreman.

1 Q. And did your attorney explain that situation to you?

2 A. No, sir, he didn't.

3 Q. Did he ask you if you had any objection to it?

4 A. No, sir, he didn't.

5 Q. Do you feel that was fair to you?

6 A. No, sir, I don't. I mean, I figured, you know,
7 defendant have the right to be present all stages of the
8 trial.

9 Q. Okay. During your trial do you recall whether or not
10 any witnesses testified regarding you using drugs at any
11 point in time during the time that the crime was supposed to
12 have taken place?

13 A. Yes, sir, think Steve Knight, I think that was who it
14 was, he testified something about a blunt or cocaine
15 described as a blunt.

16 Q. And did Mr. Mathews ever discuss with you the possible
17 consequences for that -- for past crimes or bad acts being
18 discussed or, rather, offered as evidence against you from
19 the witness stand?

20 A. No, sir, he didn't.

21 Q. At any point in time during the trial or before the
22 trial did Mr. Mathews discuss with you the possibility or
23 likelihood of your being convicted of these charges? In
24 other words, did he talk about the possibility of you being
25 convicted and sentenced?

1 A. Yes, sir. Actually, in the beginning -- I think he got
2 my case in January, beginning of January. In March they had
3 brought me over to court, and he tried to get me to plead
4 guilty, and I wouldn't plead guilty, and he got highly upset;
5 and in May, that's when we went to trial.

6 Q. Did he talk to you about the factors that the Court
7 would consider with regard to sentencing in the event that
8 you were convicted?

9 A. Yes, sir. If I get found guilty, I could face possible
10 life sentence.

11 Q. Do you feel that you received a fair trial with regard
12 to your 2007 conviction for burglary first, armed robbery and
13 kidnapping?

14 A. No, sir, I don't.

15 Q. Do you feel that you were provided with effective
16 representation of counsel during your trial in 2007?

17 A. Can you repeat that, sir.

18 Q. Do you feel that you were provided with effective
19 representation of counsel during your trial in 2007?

20 A. No, sir.

21 Q. And do you believe that the ineffective assistance of
22 Mr. Mathews contributed to your conviction at trial?

23 A. Can you repeat that again?

24 Q. Do you believe that Mr. Mathews' ineffective assistance
25 as your defense counsel contributed to your conviction?

1 A. Oh, yes, sir. Yes, sir.

2 Q. Are you requesting the Court grant you a new trial on
3 these charges due to ineffective assistance of counsel at the
4 trial stage?

5 A. Yes, sir.

6 Q. With regard to your appeal, do you recall who your
7 appellate lawyer was?

8 A. Joe Savitz.

9 Q. And what kind of contact did you have with Mr. Savitz or
10 his office?

11 A. He wrote me a couple times, that was it.

12 Q. Do you believe that Mr. Savitz provided you with
13 effective assistance of counsel regarding your appeal?

14 A. Yes, sir. He didn't do anything, only he filed an
15 Anders brief.

16 Q. Did you say -- did he provide you effective assistance
17 or ineffective assistance?

18 A. Ineffective.

19 Q. Do you believe your direct appeal was dismissed because
20 of Mr. Savitz's ineffective assistance?

21 A. Yes.

22 Q. Are you asking the Court here today to grant you a new
23 trial based on ineffective assistance of appellate counsel
24 regarding your direct appeal of your conviction --

25 A. Yes, sir.

1 Q. -- convictions of armed robbery, kidnapping and burglary
2 first?

3 A. Yes, sir.

4 Q. Do you have anything else that you would like the Court
5 to know regarding Mr. Mathews' representation of you?

6 A. I think that would be it. I mean, further-wise, there's
7 some instructions, judge instructions that he should -- on
8 reasonable doubt, I feel as though he should object to. In
9 opening arguments the solicitor said -- it's in the
10 transcript. He asked the jurors -- he told the jurors that
11 you're not on a search for doubt, I repeat, you're not on a
12 search for doubt, at the end of the case I will ask for a
13 verdict of guilty on all charges. So I felt like he kind
14 like -- you know, reasonable doubt issue.

15 Q. Is there anything else that I have not asked you that
16 you would like the Court to know or consider in this PCR case
17 regarding your appeal or your conviction in 2007?

18 A. No, sir.

19 MR. BENNETT: No further questions, Your Honor.

20 THE COURT: All right.

21 CROSS-EXAMINATION BY MS. WILSON:

22 Q. Mr. Stanfield, how many times did you meet with Mr.
23 Mathews before you went to trial?

24 A. He came to see me maybe three times, four maybe.

25 Q. And did he go over with you the State's evidence against

1 you?

2 A. Yes, ma'am, he did.

3 Q. What type of things did you review with him?

4 A. Well, statements, witness statements, basically, and
5 something about DNA evidence, something about shoes or
6 something getting presented at trial.

7 Q. Did he talk to you about possible defenses and what he
8 could present to the Court during your trial?

9 A. No, ma'am.

10 Q. Well, what did he tell you you all were going to do at
11 trial?

12 A. That's the problem, we didn't. I don't know.

13 Further-wise defense, he didn't.

14 Q. So it's your testimony he didn't put up a defense, or he
15 just didn't discuss it before?

16 A. He didn't put up a defense.

17 Q. Did you give him any leads or witnesses or people to
18 investigate?

19 A. Yes, ma'am, I did.

20 Q. And did he investigate those people?

21 A. No, ma'am, he didn't.

22 Q. It was your decision to proceed to trial; is that
23 correct?

24 A. Yes, ma'am.

25 Q. You mentioned today that trial counsel should have

1 quashed -- moved to quash your indictment. Did you bring
2 that to his attention prior to trial?

3 A. I knew nothing about indictments until I was
4 incarcerated and I, you know, actually read up on it, so I
5 couldn't bring it up at the time.

6 Q. But you are aware of what charges you were being -- you
7 had been indicted for; is that correct?

8 A. Yes, ma'am.

9 Q. What charges were you indicted for?

10 A. All four charges or all three charges?

11 Q. All the ones that you were indicted for.

12 A. It was murder, kidnapping, armed robbery, burglary.

13 Q. And you were aware of that before you went to trial,
14 right?

15 A. Yes, ma'am.

16 Q. And you also testified that you spoke with Mr. Mathews
17 about alibi witnesses; is that correct?

18 A. Yes, ma'am, I did.

19 Q. And you said that Mr. Mathews told you that it wasn't in
20 your best interest to call them?

21 A. Yes, ma'am, because it's putting me near the scene.

22 Q. And did you -- when you talked to him about these
23 witnesses, did you tell him that they would be your alibi
24 witnesses, tell Mr. Mathews that they would be your alibi
25 witnesses?

1 A. Oh, yes, ma'am, I did.

2 Q. You also testified that Mr. Mathews didn't do any
3 investigation in your case. What would further investigation
4 have shown?

5 A. Further-wise, the alibi witness, if he did
6 investigation, he'd talked to the witness, so therefore they
7 could have stated where I was at that night; and also,
8 further-wise, some of the evidence in the case. He never
9 called the lead investigator to cross-examine him at trial on
10 evidence that was presented during the trial.

11 Q. Now, you also talk about Mr. Savitz, who represented you
12 on appeal. Do you recall if Mr. Savitz filed an Anders brief
13 with the Court?

14 A. Yes, ma'am, he did.

15 Q. And are you aware that when the Court reviews the Anders
16 brief, that they review the entire record for meritorious
17 issues?

18 A. No, ma'am, I wasn't aware of that.

19 Q. And during your trial did you mention to Mr. Mathews
20 that you thought that there was a problem with the
21 reasonable -- with this language that the solicitor gave?

22 A. I mean, being at the time I couldn't because I had no
23 knowledge of it at the time.

24 MS. WILSON: Thank you.

25 THE COURT: Anything further?

1 MR. BENNETT: Nothing further, Your Honor.

2 THE COURT: Thank you, sir. You may step down.

3 Any more witnesses?

4 MR. BENNETT: No more witnesses, Your Honor.

5 THE COURT: Anything from the State.

6 MS. WILSON: Yes, Your Honor. State will call Mr. David
7 Mathews.

8 DAVID S. MATHEWS,
9 being first duly sworn, testified as follows:

10 DIRECT EXAMINATION BY MS. WILSON:

11 Q. Mr. Mathews, how long have you been practicing law?

12 A. Since -- in South Carolina or all together?

13 Q. All together.

14 A. Since 1986.

15 Q. And about how much of that time has been spent
16 practicing criminal law?

17 A. Most of the time, about 20 years anyway.

18 Q. Do you recall when you were -- I take it you were
19 appointed to represent Mr. Stanfield; is that correct?

20 A. That's correct.

21 Q. Do you recall exactly when you were appointed?

22 A. 2007.

23 Q. Do you recall how many times you met with him before he
24 went to trial?

25 A. Probably four.

1 Q. Did you think that was sufficient to prepare his case
2 for trial?

3 A. I do.

4 Q. And did you file Brady or Rule 5 motions on his behalf?

5 A. Yes.

6 Q. And do you recall what type of material you received
7 from the State?

8 A. Videotapes, written statements, incident reports, rap
9 sheets, you know, the stuff that you usually get in a
10 criminal case.

11 Q. Did you review this information with Mr. Stanfield
12 before trial?

13 A. I believe I did.

14 Q. Is it your general practice to do that with your
15 clients?

16 A. Yes.

17 Q. And prior to trial did you also discuss with Mr.
18 Stanfield the elements of the charges he was facing and what
19 the State had to prove?

20 A. I always do. I mean, I don't specifically remember it,
21 but I always do.

22 Q. And did he tell you about his version of the facts?

23 A. I mean, he said he didn't do it.

24 Q. Did you talk to him about possible defenses to present
25 at trial?

1 A. Yes.

2 Q. And what defense -- did you have any -- did he have any
3 viable defenses?

4 A. Well, I mean, affirmative defenses or just -- I look at
5 the elements of the case and find out whether, look at what
6 the State can likely prove and not prove, and generally
7 speaking, I don't recall -- we did discuss alibi, but the
8 alibis were pretty close to where the scene was, and it would
9 have been an imperfect alibi. Instead of getting him away
10 from the scene, it would have got him close enough where it
11 would not have exonerated him.

12 Q. And so you talked to the witnesses that were giving the
13 alleged alibi?

14 A. I don't recall whether I did or not. I've made my file
15 available to both you and the Judge and his attorney and
16 whatever -- you're welcome to whatever I've got there.

17 Q. Could you briefly characterize the State's evidence
18 against Mr. Stanfield?

19 A. Well, one of the people that were -- three -- I think it
20 was three people. I think, first of all, his -- three people
21 were supposed to have broken into another fellow's house,
22 robbed him and killed him, and one of the people that was
23 involved in it, allegedly involved in it, testified against
24 him, along with other people that put him -- you know, say --
25 I think his niece said that they discussed it or some -- it's

1 been a really long time, but generally that was it. There
2 were two crime scenes. One was at an apartment complex; the
3 other was on Mabel Willis Road. And I think the State
4 contended that the killing was done at Mabel Willis, which I
5 don't think happened, I think it was at the apartment; but,
6 of course, I'm never there, so I don't ever know.

7 Q. Other than the alibi witnesses, did Mr. Stanfield give
8 you any witnesses or leads to investigate?

9 A. He may have. I mean, it would be in the notes. I don't
10 specifically recall.

11 Q. And if he did, would you have looked into those
12 witnesses?

13 A. Sure, if I could. I mean, a lot of times I'll get names
14 and I won't -- you know, their numbers will be disconnected
15 or whatever; but if somebody gives me a name, I always try to
16 get in touch with them.

17 Q. Do you recall any other investigation that you did in
18 this case?

19 A. I reviewed all the evidence. I talked to the witnesses
20 that I could talk to, including -- in fact, I think I called
21 one of the officers because the -- one of the witnesses
22 against him, one of the -- the codefendant in that, the State
23 contended that, I think it was a hat or something like that,
24 had belonged to Mr. Stanfield, and I think that was something
25 that I -- I think I discussed that with Mr. Stanfield, and it

1 was really that guy's hat. And I remember showing it to him,
2 and the State had put that up as evidence that Peanut had
3 been out there, that Mr. Stanfield had been out there, but it
4 was this guy's hat. And I asked him if it looked familiar to
5 him, and he said, that looks like my hat, so my -- I thought
6 it was likely that they picked the wrong guy to make a deal
7 with, and the argument was that their star witness was the
8 guy that did the killing. But apparently the jury didn't
9 believe that he was uninvolved in all of it. Ultimately,
10 they acquitted him for the murder, so they believed that much
11 of it. And he got a terrible sentence. I mean, that's -- I
12 think that -- I mean, he had been offered 30 years before
13 and -- which is the least you could have got on those
14 charges, and the Judge gave him more than that, which I
15 thought was grossly unfair, but it really doesn't matter what
16 I think.

17 Q. And you talk about a prior plea offer. Did Mr.
18 Stanfield reject that 30-year plea offer?

19 A. Yes.

20 Q. Did you feel like you had ample time to prepare for
21 trial?

22 A. Yes.

23 Q. Prior to Mr. Stanfield's trial did you review the
24 indictments in this case?

25 A. I don't know.

1 Q. And do you recall if you saw a basis to quash the
2 indictment?

3 A. If I had noticed it, then I -- and if I would have
4 thought it was material, then I certainly would have; but,
5 like I said, I don't recall, and I don't -- I mean, if you
6 look at the face of the indictments now, if you see some
7 defects on there other than a scrivener's error or something
8 like that, then, you know, then -- if you see something
9 that's patent on there, then obviously I must have missed it
10 if there is anything. I don't know that there is, but I -- I
11 don't remember.

12 MS. WILSON: Beg the Court's indulgence.

13 (Brief pause.)

14 MS. WILSON: Your Honor, may I approach the witness?

15 THE COURT: You may.

16 Q. What I'm showing you is a copy of the applicant's
17 indictments in this case. I think he specifically refers to
18 734 in his application. And please review the indictments.
19 There's several stapled behind that.

20 A. Okay.

21 Q. And after your review, did you see any basis to quash
22 the indictment?

23 A. You know, I think that's a matter of law. It looks to
24 me like -- let's see, when did the grand jury meet on this?
25 This is or it isn't -- I don't know if it was considered on

1 appeal. If it was in the Anders brief, presumably they
2 looked at anything on there. But I see that there are a
3 couple of fill in the blanks and blanks were written and
4 initiated by, looks like T.K., presumably that's T.K.
5 Alexander, and the date is written on there. Says, Leonard
6 G. Stanfield did in Colleton County, on or about July 24th,
7 2003, while armed with a deadly weapon, comma, to wit, colon,
8 a handgun, and a handgun is written in, and it's with T.K.A.
9 written next to it, 10/2/03. Let me see what the

10 indictment -- the date of the indictment is when the grand
11 jury considered this. Yes, grand jury considered it --

12 Okay. I can't tell from this whether -- what date the
13 grand jury met. It says the October term. If T.K. wrote
14 this in before the grand jury met, whether it's minutes or
15 days or whatever, there's no magic in a typewriter; and so
16 whether it's handwritten or whether it's typed out I don't
17 think makes any difference. It might make a difference if
18 T.K. had made that amendment after the grand jury true-billed
19 it, and I don't see the date on the -- it says the October
20 term, and presumably that's something that -- you know, that
21 can be -- I mean, that's question of fact of when it was. I
22 don't know when the grand jury met. Let's see if there's
23 another thing that says on here. Just says the October term.
24 I can probably --

25 Q. Was the indictment true-billed?

1 A. Yes, it was.

2 Q. Is it near the -- where the foreperson signed or
3 anything?

4 A. No. It normally is. That's a surprise to me.

5 Q. Okay. But, generally, it's okay to fill in the blank
6 like that if it's before the grand jury --

7 A. If it's before the grand jury considered it, sure,
8 there's -- a typewriter, a crayon, a pen, it doesn't really
9 make any difference, as long as the grand jury had a chance
10 to consider it.

11 Q. Did you see any basis to object to any of the Court's
12 reasonable doubt charges?

13 A. I did, and I've argued -- I've argued with Judge Buckner
14 for years about that. I don't know it would have done any
15 good. I have on many occasions objected to Judge Buckner's
16 charge, and I think it was the general charge that judges
17 were giving during the time, though, and that's -- any of
18 that stuff that looks like it may be burden shifting. I
19 mean, when they say things like -- Judge Buckner would
20 routinely tell juries, verdict is for veritas, which means
21 truth, and this is a search for the truth; and that presumes
22 that the jury has to come to a conclusion, guilty or not
23 guilty. They can't -- they can't default to not guilty.
24 They have to decide what happened. And I have fought that
25 battle, and I have never won it. I think there's been -- I

1 should know this. I believe there's been a fairly recent
2 case that's resolved that a little bit, but that was a --
3 that's a battle that I have fought for years and not ever
4 won. Recently I've been getting somewhat better charges but,
5 you know, I've never won that battle. If I didn't make the
6 argument, I'm not sure what the State of the law was at that
7 time, but I never liked that charge.

8 Q. Do you recall a point in trial where the Judge went back
9 into the jury room to tell them to elect a foreperson?

10 A. I don't recall it. It sounds vaguely familiar to me.

11 Q. And you don't recall if you objected or not?

12 A. I don't recall. I mean, that should be something too
13 that's in the -- it should be in the trial transcript, which
14 I have not read.

15 Q. And if you had that -- in light of that situation, do
16 you think that there would have been any basis to object?

17 A. I think it would have been difficult to object. I mean,
18 that's a hard thing to do, I mean, to object to something
19 that the Judge does is a difficult thing. I mean, to object
20 to a ruling or preserve it for appeal is one thing, but
21 chastising a judge for going back to the jury rooms, that's
22 difficult to do. I don't know -- I don't recall it, but it
23 would have been -- I don't know whether I'd have made that
24 objection or not. Perhaps now because I think he knows that
25 I know he's the boss. I mean, it's his courtroom, and I get

1 that, once I make my objection; but, you know, it's possible
2 that -- it's possible that I didn't make that objection. I
3 don't remember.

4 MS. WILSON: Nothing further from the State.

5 THE COURT: Mr. Mathews, anything -- I mean Mr. Bennett?

6 MR. BENNETT: Thank you, Your Honor.

7 CROSS-EXAMINATION BY MR. BENNETT:

8 Q. Mr. Mathews, going back to the indictment of
9 2003-GS-15-734, you normally would mention, if you saw
10 something initialed or if you thought it was altered, would
11 you have mentioned that to your client?

12 A. Well, what concerns me more is that the grand jury --
13 and I -- I don't know whether -- this would be an easy thing
14 to check. If the grand jury met on or after that date --

15 MS. WILSON: I can tell you. It's on the language part
16 of the indictment. It says they convened on October 20th,
17 2013 -- I mean 2003, sorry.

18 THE WITNESS: Okay. Well, then I would not have had an
19 objection to that. If the amendment was made before the
20 grand jury met, I would not have objected to that.

21 Q. All right. During your representation of Mr. Stanfield
22 you state -- I believe you testified earlier that you didn't
23 discuss the defense of alibi with him?

24 A. I did discuss it with him.

25 Q. Oh, you did?

1 A. Yes.

2 Q. I'm sorry. And Mr. Stanfield brought out the names of
3 Terrence Baum and -- to you as a possible witness, do you
4 recall that?

5 A. If you say so. I mean, my file -- my entire file is
6 there. Both of you all are free to look at it.

7 Q. And obviously, of course, you know, when a client of
8 yours mentions the possibility of -- or, rather, mentions
9 that he has an alibi witness, that would be something that
10 you would normally investigate, would it not?

11 A. Certainly, but if your alibi puts you at the scene,
12 that's -- why would you -- why would you put up a witness to
13 say that you are a minute away from a crime scene? I mean,
14 it would be something to discuss, but if that is -- if that's
15 what they're going to say, you know, what would -- I mean, I
16 may well have talked to them, and like I said, again, you're
17 welcome to look at the file; but if I say, tell me exactly
18 what they're going to say, and they say they're going to say
19 that at 10:33 p.m. I was, you know, a quarter of a mile away
20 from the crime scene, you know, and there's a huge window of
21 time in there, then I'd say, that puts you closer, it doesn't
22 get you away from there. If that's what they're going to
23 say, then I might not talk to them because all that does is
24 help prove the State's case, which I'm not ever interested in
25 doing.

1 Q. But you'd investigate it though, wouldn't you? You'd
2 investigate any claim of an alibi, that's what my question
3 was.

4 A. Any claim that helps I investigate.

5 Q. Now, you testified, you know, you didn't want to put him
6 at the crime scene because, you know -- too close to the
7 crime scene, that would be your reason why you would not call
8 such witnesses to the stand as a defense witness.

9 A. Sure.

10 Q. But if they -- if those witnesses actually can testify
11 that he was present with them in a different location, even
12 if it's just a few minutes away, wouldn't that be better than
13 having people testify that he's at the scene of the crime?

14 A. The testimony, as I recall, and it's been quite a while,
15 is that three people were involved, they left, they fled,
16 they didn't all go together, they left. Like I said, been a
17 long time. You've got the trial transcript, presumably you
18 know. But if you've got somebody who is, you know, say
19 washing a bloody shirt or something, you don't want to call
20 them as a witness if it happened -- if they're at their house
21 minutes after something happened. You know, I don't know how
22 to answer. That's a hypothetical I don't know how to answer.
23 I investigate always as well as I can every claim that I get.
24 If it's something that doesn't help, then, you know, if the
25 assumption is if -- I'm sure I investigated, but you're

1 welcome to look at my notes. Like I said, they've been
2 available to you. You would have a chance, if you've looked
3 at them, to know this better than I would.

4 Q. Okay. Let me ask you, there were no eyewitnesss to Mr.
5 Stanfield being present at the crime scene, were there?

6 A. Yes. Yes, the codefendant testified that he did the
7 killing.

8 Q. All right. Except for Mr. Pinckney, though. Was there
9 anybody else, do you recall?

10 A. There was -- I don't know. Like I said, whatever the
11 trial transcript says.

12 Q. And Mr. Pinckney would have a motive for misrepresenting
13 himself in this matter now, wouldn't he?

14 A. Sure. And I think the jury believed that he actually
15 did the killing. That's what I wanted them to believe, and I
16 think they did believe that because he was acquitted of
17 murder.

18 Q. During the trial the charges against codefendants
19 Leonard Pinckney, Jr. and Tamika Wilson were brought up as an
20 issue to the Court; do you recollect that?

21 A. If you say so.

22 MR. BENNETT: Beg the Court's indulgence, Your Honor.

23 (Brief pause.)

24 Q. Okay. And before the Judge charged the jury in this
25 matter the record reflects that the Judge asked whether or

1 not the parties had any specific charges they would like the
2 Judge to make to the jury. In this case you did not make an
3 alibi charge -- you did not ask for an alibi charge, correct?

4 A. Whatever it says. If the record says I asked for it,
5 then I did; if it doesn't, then I didn't.

6 MR. BENNETT: Beg your indulgence, Your Honor.

7 (Brief pause.)

8 Q. Regarding testimony about Mr. Stanfield's use of drugs
9 during the alleged crime, is that something you would
10 normally object to, that being -- that kind of testimony
11 coming out?

12 A. It would unless I wanted -- unless I thought it was a
13 small thing and I didn't want to draw attention to it.

14 Q. In this case the solicitor specifically asked Mr.
15 Pinckney whether he was smoking a blunt with Mr. Stanfield on
16 the night in question, and you had no objection to that,
17 according to the record?

18 A. I probably should have objected to that.

19 Q. And wouldn't you agree that testimony by witnesses
20 regarding other crimes committed by the defendant could cloud
21 a jury's judgment as to the defendant's guilt, possibly cloud
22 their judgment, could it not?

23 A. There are different degrees of it, sure, it could; and
24 that's why you've got Lyle and that's why you've got those
25 other things that say that prior bad acts are generally not

1 admissible unless it sets the scene or for other -- any
2 number of other reasons, but there are -- yes, generally it's
3 inadmissible, and generally it's inadmissible because it's
4 prejudicial.

5 Q. And you stated earlier on the State's direct examination
6 that you don't normally like the jury charge on reasonable
7 doubt given by Judge Buckner, or is it just in general?

8 A. Well, Judge Buckner -- I only mentioned him because that
9 was the judge that tried the case, and I have tried a bunch
10 of cases in front of him, and I know what he generally rules;
11 and, you know, that particular -- whoever charges, you know,
12 a verdict is for veritas, means a search for the truth, and
13 you're on a search for the truth, anytime I hear that I don't
14 like it. It doesn't matter who the judge is. I don't like
15 the charge. I just know that with Judge Buckner I have
16 fought that battle a lot, and I have always lost. Now, as
17 far as some clouds on the horizon I don't like that and if
18 you can get it reversed on that basis, please do. I don't
19 like the charge. I think it's burden-shifting. If I didn't
20 make it, and if the law during that time was that that charge
21 was inadmissible, and if I didn't make it, if that's what the
22 law was during the time, then I was ineffective and he should
23 get a new trial if that was the law during that time.

24 MR. BENNETT: Court's indulgence, Your Honor.

25 (Brief pause.)

1 MR. BENNETT: May I approach the witness, Your Honor.

2 THE COURT: You may.

3 MR. BENNETT: Your Honor, let the record reflect that
4 I've handed Mr. Mathews a copy of the transcript in this
5 matter.

6 THE COURT: Okay.

7 Q. Mr. Mathews, would you look at the front page of that
8 transcript, please, and look who the judge is, please? It
9 should be on top of the front page.

10 A. It says Judge Cothran. Okay.

11 Q. So you did see that it's Judge Cothran, correct?

12 A. Yes, and they misspelled my name on here too.

13 Q. I just wanted to bring that to your attention. I wanted
14 to make sure you did realize it was Judge Cothran, not Judge
15 Buckner.

16 A. Then I made a mistake. And if that was the state of the
17 law during that time, then this ought to be overturned. Was
18 it?

19 Q. I'm sorry?

20 A. Was it the state of the law?

21 THE COURT: Mr. Mathews, you've been a lawyer long
22 enough to know not to ask questions.

23 THE WITNESS: Yes, sir. Yes, sir. Yes, sir.

24 Q. Now, would you turn to page 32 in the transcript?

25 A. Where you have the blue thing?

1 Q. I'm not sure if the blue thing is on that particular
2 page. I'm sorry that's on there. If you'll just turn to 32,
3 the page I'm looking for.

4 A. Right, yes.

5 Q. And the second full paragraph where -- this is the end
6 of the opening statement by the State where, it says that
7 you're not -- actually, third sentence, you're not -- you're
8 not on a search for doubt, I'm repeating myself, you're not
9 looking for doubt, and I'm going to ask for verdicts of
10 guilty. Do you see that?

11 A. I do.

12 Q. There was no objection from you on that; is that
13 correct --

14 A. That's correct.

15 Q. -- in that transcript?

16 A. Yes. Would you like to know why I didn't object to
17 that?

18 Q. No, that's okay. I've got another question I wanted to
19 talk to you about.

20 A. Okay.

21 Q. In a matter such as a criminal defense case and on
22 opening statements you would agree that to avoid the
23 assertion of personal belief would be proper in an opening
24 statement, correct?

25 A. Yes.

1 Q. And --

2 MS. WILSON: Objection, Your Honor -- I withdraw my
3 objection, I was on the wrong page.

4 Q. And unfairly prejudicial remarks toward the defendant
5 should also be avoided for fear of tainting a jury, correct?

6 A. Sure.

7 Q. When he said -- when Solicitor Knight said, You're not
8 on a search for doubt. I'm going to ask you for verdicts of
9 guilty. Again, you didn't object to that remark, right?

10 A. That's correct.

11 Q. And you didn't feel that was prejudicial to the
12 defendant in any way?

13 A. I did for the same reason I think the charge on that is,
14 but I didn't object to it because if I objected to that and
15 the Judge had charged it, it would have bolstered -- it would
16 make Steve look like he was speaking with more authority; so
17 if I feel like the Judge is going to charge it, I'm not going
18 to object to something, even if I disagree with it, I'm not
19 going to object to something if the Judge -- in opening or
20 closing statement, if the Judge is going to charge it.

21 That's why I didn't object to it. I agree. I don't like it
22 any more than I don't like the reasonable doubt charge.

23 Q. Okay. And after the guilty -- after a verdict of guilty
24 was published in this case, the Judge asked both parties if
25 they had anything to offer to be considered by the Court with

1 regards to sentencing. The record here reflects that you did
2 not ask for any mercy in the sentencing, and of course the
3 sentencing was harsh, as you said on direct examination, and
4 do you recall having anything to say with regard to mercy on
5 his behalf?

6 MS. WILSON: Objection, Your Honor. I think this line
7 of questioning is outside of my direct examination.

8 THE COURT: It's nonjury. I'll let him.

9 THE WITNESS: Would you please repeat the question,
10 please?

11 Q. I was saying that after a guilty verdict was published
12 by the Court, the Judge asked both parties if they had
13 anything to offer with regard to sentencing; and the record
14 reflects that you did not have any comments, or rather, you
15 didn't bring up the idea of mercy with regard to Mr.
16 Stanfield's sentencing.

17 A. Okay.

18 Q. Is that correct?

19 A. You want me to read it?

20 Q. Yes.

21 A. I don't remember.

22 Q. I said the record reflected that. Do you recall saying
23 anything about that?

24 A. Let's see, Your Honor -- let's see, it says on page 304,
25 Mr. Mathews, anything you want it to tell me? Yes, Your

1 Honor, Mr. Stanfield is 29 years old. He's been in jail
2 since his arrest, almost 45 months, almost 4 years. He is
3 serving 16 years currently, 16 and a half years on a federal
4 drug charge. That was, I think, was the agreement was the
5 result of cooperating with the federal government in that
6 case, I believe. Is that correct? Defendant: Yes. In any
7 event, Mr. Stanfield would just ask that whatever he gets run
8 concurrently with his federal time. And beyond that, the
9 Court has heard the allegations of his prior record, and that
10 should be involuntary manslaughter rather than voluntary, and
11 the remainder of his record is accurate, so that's, I mean --
12 Q. But, you would agree that any mitigating factors for
13 one's client in a criminal defense case, anything that's
14 mitigating should be brought to the Court's attention on
15 behalf of the client when it comes to sentencing?
16 A. I mean, whatever you think is going to help you should
17 do.
18 Q. That's good.
19 A. And I don't know -- I don't know whether -- I'm not sure
20 how much is helpful. I mean, sometimes you look and you try
21 to judge -- you try to look and see what the judge is
22 thinking and what they're doing and, you know, you do your
23 best on that. I don't know whether -- you know, I don't know
24 if he was abused as a child or anything like that. You know,
25 perhaps I could have said that. Perhaps it would have made a

1 difference. I'm not sure. This was a particularly brutal
2 killing. There was blood all over the walls, and it was --
3 it was pretty nasty, and I don't know -- you know, I'm not
4 sure, particularly when you're looking at it and saying, this
5 is not a matter of mitigation, this is a matter of I didn't
6 do it, I'm not sure -- you know, it's a delicate -- it's a
7 thin line. I mean, you sit back there and say, you know, the
8 judge already thinks that you're not taking responsibility --
9 your client's not taking responsibility for his actions
10 because he's had a trial, so you're starting out with that.
11 You know, perhaps it could do some good, perhaps it wouldn't.
12 I don't know. Like I said, if that's -- probably I should
13 have mentioned something. I'm not sure what I had on that,
14 but, you know, we put our eggs in one basket, and it didn't
15 work out.

16 Q. Going back just for a minute to the reasonable doubt
17 charge, you said that you didn't like the charge at the time
18 and that, however, you did not object to it on this
19 particular occasion, correct?

20 A. Evidently not, and I should have, and I should have.

21 Q. Now, one more question. About the time when the Judge
22 left the court and entered the jury room to speak with the
23 jurors, presumably to discuss the foreman issue, you said
24 that that's not something you would normally object to?

25 A. I didn't say I wouldn't normally object to it. I'm

1 saying I don't -- that's a tough objection, and I don't know
2 whether I would have or not. I don't remember it, so I don't
3 know whether I would have or not.

4 Q. Well, if he had asked you if you had an objection to
5 that, would you have objected to it? If the Judge did.

6 A. Yes, probably. I don't know. I mean, like I said, I --
7 I don't know. I mean, like I said, it's one of those --
8 that's an issue that probably I missed. I mean, that's one
9 of those things that, you know, if the Judge is going to go
10 back there -- obviously if the solicitor had gone back there,
11 I would have objected to that, no question. Whether the
12 Judge -- whether I objected to the Judge going back there, I
13 probably should have.

14 MR. BENNETT: Thank you. No further questions, Your
15 Honor.

16 THE COURT: Anything?

17 MS. WILSON: Briefly, Your Honor.

18 REDIRECT EXAMINATION BY MS. WILSON:

19 Q. Mr. Mathews, it's your testimony that the defense that
20 Mr. Stanfield presented to you wasn't a complete alibi?

21 A. I didn't -- absolutely. An imperfect alibi at best.

22 Q. And you weren't interested in presenting that alibi to
23 the jury?

24 A. It would have -- I felt like, as a matter of trial
25 strategy, it would have done a lot more harm than good.

1 Q. And was drug use a key part of evidence presented at
2 trial?

3 A. I don't remember.

4 Q. Do you think that if you made a challenge to the
5 reasonable doubt charge, it would have been successful?

6 A. No.

7 Q. Do you also recall the Court telling the jury that the
8 State had the burden of proving Mr. Stanfield guilty
9 throughout the trial?

10 A. I'm sorry?

11 Q. Do you recall the Court telling the jury that the State
12 had the burden of proving Mr. Stanfield guilty throughout the
13 trial?

14 A. I'm sure. I don't specifically recall it, but I
15 certainly would have objected if he hadn't -- if the Judge
16 hadn't charged that the State has the burden of proof.

17 Q. Are you aware of any other evidence that you could have
18 presented in mitigation for Mr. Stanfield during the
19 sentencing phase?

20 A. I'm not aware of any, but that's legitimate. I don't
21 know. That's sort of a judgment call on what you present,
22 and I don't -- I'm not sure what I would have presented in
23 any event, whether I would have or not. As a matter of
24 strategy, I don't know that I would have presented it but,
25 you know -- I don't know whether I would have or not if I'd

1 have known any.

2 MS. WILSON: Thank you.

3 THE COURT: Thank you, sir. You may step down.

4 Anything further from the State.

5 MS. WILSON: Nothing further from the State.

6 THE COURT: All right. Anything anybody wants to tell
7 me? You don't have to.

8 MR. BENNETT: Your Honor, I just, on behalf of the
9 petitioner, we'd request that, based on the evidence
10 presented, that all of his relief requested in the
11 application to vacate the convictions of armed robbery,
12 burglary first and kidnapping, that those convictions be
13 vacated and that he be allowed a new trial.

14 MS. WILSON: Your Honor, the State respectfully requests
15 that you deny this application for post-conviction relief.
16 With regard to Mr. Stanfield's allegation about counsel's
17 failure to move to quash the indictment for these
18 alterations, we cleared up with counsel on the stand that
19 alterations were made prior to it being submitted to the
20 grand jury, and therefore they weren't objectionable. With
21 regard to objecting to the reasonable doubt charge, Mr.
22 Mathews testified that he didn't think that any objection
23 would have been -- would have been sustained, and I don't
24 think you can expect counsel to do something they think might
25 be futile. And also, Your Honor, you have to look at the

1 jury instructions given to the jury as a whole; and the
2 Court, probably at least ten times during the course of the
3 trial, told the jury that the State had the burden of proving
4 Mr. Stanfield's guilt by a reasonable doubt. With regard to
5 the allegation about the alibi witness, Mr. Mathews testified
6 that he was aware of the substance of their testimony and
7 that he didn't think it was a complete alibi and that he made
8 a decision not to present that based on the fact that it put
9 Mr. Stanfield closer to the scene of the crime. With regard
10 to not asking for additional -- or not asking for mercy
11 during sentencing, it's the State's position that Mr. Mathews
12 testified that's a fine line, kind of a judgment call that a
13 lawyer has to make and that he didn't have any additional
14 information to present.

15 Also, Your Honor, the State would just note there was
16 overwhelming evidence presented at trial of Mr. Stanfield's
17 guilt. One of the victims, a Patrice Ford, testified at
18 trial that she recognized the voice of one of the suspects in
19 the car and that she thought it was Mr. Stanfield's voice,
20 also, Mr. Stanfield's codefendant, Leonard Pinckney,
21 testified that he spoke with Mr. Stanfield about hitting a
22 lick and that he and Mr. Stanfield had a gun and they went to
23 an apartment to rob the victim and then the defendant said he
24 came out and shot the victim -- he had shot the victim. Ms.
25 Spencer testified at trial that the defendant had her -- the

1 defendant came to her home after the murder and had her wash
2 his jeans and it appeared to be red blood stains on them, and
3 this was after the incident. Also, Your Honor, Mr.
4 Stanfield's codefendant, Tamika Wilson, testified that she
5 talked to the defendant about a robbery and that defendant
6 said he was going to rob the victim, so it's the State's
7 position that you should deny this application for
8 post-conviction relief.

9 THE COURT: Thank you all. I'll take it under
10 advisement.

11 MS. WILSON: Your Honor, can I put one more thing on the
12 record?

13 THE COURT: Sure.

14 MS. WILSON: Sorry. I skipped the allegation about
15 Judge Cothran going into the jury room. The record reflects
16 that he went into the jury room to tell the jury to
17 continue -- I mean to tell the jury to pick a foreperson, and
18 it's the State's position that, since the jury wasn't
19 deliberating, it wasn't -- weren't deliberating when he went
20 in, it wasn't with regard to a jury question, he was just --
21 he was just simply instructing the jury to elect a
22 foreperson, and it didn't in any way reasonably affect Mr.
23 Stanfield's verdict. That's all. Thank you.

24 THE COURT: Thank you.

25 --- END OF TRANSCRIPT OF RECORD ---

1 CERTIFICATE OF REPORTER

2 STATE OF SOUTH CAROLINA

3 COUNTY OF COLLETON

4

5 I, the undersigned Ruth L. Mott, Official Court Reporter
6 for the State of South Carolina, do hereby certify that the
7 foregoing is a true, accurate and complete transcript of
8 record of all the proceedings had and evidence introduced in
9 the matter of the above-captioned case, relative to appeal,
10 in the First Judicial Circuit Court for Colleton County,
11 South Carolina, on the 19th of February, 2014.

12 I further certify that I am neither related to nor
13 counsel for any party to the cause pending or interested in
14 the events thereof.

15 October 3, 2014

16

17 /s/ Ruth L. Mott

18 Official Court Reporter

19

20

21

22

23

24

25

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF COLLETON)

2010-CP-15-0222

Leonard Stanfield, #235306,)

Applicant,)

v.)

**AMENDED
ORDER OF DISMISSAL**

State of South Carolina,)

Respondent.)

Presiding Judge:

Applicant's Attorney:

Respondent's Attorney:

Trial Counsel:

Date of Hearing:

Court Reporter:

The Honorable James R. Barber, III

William C. Bennett, Esquire

Ashleigh R. Wilson, Esquire

David Mathews, Esquire

February 19, 2014

Ruth L. Mott

2014 JUL 11 PM 2:44
PATRICIA C. GRANT
COLLETON COUNTY
COMMON PLEAS

This matter comes before the Court by way of an application for post-conviction relief (PCR) dated February 22, 2010 and amended on March 7, 2012. The Respondent made its Return on December 2, 2010. An evidentiary hearing on the matter was convened on February 19, 2014 at the Beaufort County Courthouse. The Applicant was present at the hearing and represented by William C. Bennett, Esquire. Ashleigh R. Wilson, Esquire of the South Carolina Office of the Attorney General represented the Respondent.

Also present and testifying was David Mathews, Esquire. The Court had before it the Applicant's trial transcript, the Colleton County Clerk of Court records, the Applicant's records from the South Carolina Department of Corrections, the Applicant's application, the Respondent's Return, and the Applicant's appellate records.

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Colleton County Clerk of Court. The Applicant was indicted at the October 2003 term of the Colleton County Grand Jury for armed robbery (2003-GS-15-0734), burglary- first degree (2003-GS-15-0735), kidnapping (2003-GS-15-0736), and murder (2003-GS-15-0731). He was represented by David Mathews, Esquire.

The Applicant proceeded to trial. The Applicant was acquitted of murder and found guilty of the other three charges. On May 24, 2007, the Honorable R. Ferrell Cothran sentenced the Applicant to thirty years for burglary and kidnapping to be served concurrently and thirty years provided upon the service of twelve years the balance is suspended for armed robbery to be served consecutively to the Applicant's other thirty year sentences. The Applicant was sentenced to a total of forty-two years.

A Notice of Appeal was filed on the Applicant's behalf at the South Carolina Court of Appeals. Joseph Savitz, III, Esquire of the South Carolina Office of the Appellate Defense perfected the appeal and filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967). The South Carolina Court of Appeals dismissed the Applicant's appeal. State v. Stanfield, Op. No. 2009-UP-498 (S.C. Ct. App. October 26, 2009). The Remittitur was issued on November 12, 2009.

ALLEGATIONS

In his application, the Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of trial counsel.
2. Ineffective assistance of appellate counsel.

On March 7, 2012, the Applicant amended his application to allege the following:

1. Ineffective assistance of trial counsel.

- a. Failing to move the Court to quash the indictment numbered 03-GS-15-734 which had been altered.
- b. Not objecting to a jury charge on reasonable doubt that was burden shifting.
- c. Not objecting to the lack of probable cause for the arrest warrants, or calling witnesses to establish the lack of probable cause.
- d. Not requesting an alibi charge or presenting witnesses to establish an alibi.
- e. Not objecting to the presence of the trial judge in the jury room without the presence of either the defendant or counsel for the defendant.
- f. Did not request a charge on the use of co-defendants' guilty plea.
- g. Did not object to testimony of the use of drugs, which is testimony of the commission of other crimes, to the prejudice of the Defendant.
- h. Did not object to unconstitutional burglary instruction.
- i. Did not ask for mercy from the jury with regards to sentencing.
- j. Did not object when in opening statements, the Solicitor said "You're not on a search for doubt...I'm going to ask for verdicts of guilty".

At the hearing, the Applicant proceeded solely on the following allegations:

1. Ineffective assistance of trial counsel.

- a. Failure to quash the indictment.
- b. Failure to request an alibi charge or to present alibi witnesses to establish an alibi.
- c. Failure to object to the judge going into the jury room to tell the jury to choose a foreman.
- d. Failure to object to the reasonable doubt charge.
- e. Failure to request a charge on the use of the co-defendants' guilty plea.
- f. Failure to object to testimony of the use of drugs, which is testimony of the commission of other crimes, to the prejudice of the Defendant.
- g. Failure to ask for mercy from the jury with regards to sentencing.
- h. Failure to object to solicitor's opening statements when he said "You're not on a search for doubt...I'm going to ask for verdicts of guilty."

2. Ineffective assistance of appellate counsel.

This Court finds all other allegations raised in the Applicant's original or amended applications were abandoned since no evidence or testimony in support of the remaining allegations were presented at the evidentiary hearing.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. This Court has further had the

opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly.

Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. Sec. 17-27-80 (2003).

Summary of Testimony

The Applicant was present and testified that the basis of his application for post-conviction relief was ineffective assistance of counsel. The Applicant testified he met with counsel three or four times prior to trial. He testified he reviewed discovery with counsel. The Applicant testified counsel explained all his constitutional rights and answered all the questions he had at the time, but he felt counsel did not address all of his concerns. He testified counsel told him not to testify at trial because of his past criminal history.

The Applicant testified trial counsel never brought to his attention an alteration on his indictment. He testified counsel never mentioned quashing the indictment. The Applicant also testified he spoke with trial counsel about calling alibi witnesses at trial. He testified he told counsel he had witnesses who would testify about his alibi. The Applicant testified counsel told him that they should not call the alibi witnesses at trial because they put him near the scene of the crime. The Applicant testified trial counsel did not properly investigate these witnesses and did not call them as witnesses during his trial.

The Applicant also testified he recalls the judge going into the jury room to tell the jury to pick a foreman during trial. He testified trial counsel did not discuss this with him and it was not fair. The Applicant testified during his trial the Assistant Solicitor testified about a blunt and cocaine. He testified further he spoke with counsel about the possibility of being convicted and knew he was facing a life sentence. He testified counsel also should have objected to the

reasonable doubt charge given to the jury. The Applicant testified he did not receive a fair trial and trial counsel's ineffectiveness contributed to him being convicted at trial.

Lastly, the Applicant testified his appellate counsel Joseph Savitz, was also ineffective. He testified he wrote Savitz and Savitz did not do anything. The Applicant testified he knew that Savitz filed an Anders brief, but he did not know that the appellate court would review the entire record to look for meritorious issues.

David Mathews, Esquire, counsel for the Applicant was present and testified he has been practicing mostly criminal law since 1986. He testified he was appointed to represent the Applicant. He testified he met with the Applicant approximately four times before trial. He testified his meetings with the Applicant were sufficient to prepare the Applicant's case for trial. Counsel testified he filed Brady and Rule 5 motions on the Applicant's behalf. He testified he reviewed the discovery material he received with the Applicant.

Counsel testified he discussed with the Applicant the elements of the charges he was facing and what the State was required to prove. He testified they also discussed the Applicant's version of the facts. He testified they looked at the elements of the offense he was charged with and discussed affirmative defenses.

Counsel testified they discussed presenting an alibi defense. He testified the alibi witnesses would have put the Applicant close to the scene and the alibi they presented was imperfect. He testified he did not specifically recall if he spoke with the alibi witnesses, but he would have looked into the witnesses if he could. Counsel testified he made a strategic decision not to put up alibi witnesses that would put the Applicant close to the scene at the time of the crime and potentially hurt the Applicant's case.

Counsel testified the Applicant was accused of breaking into the victim's home and robbing and killing the victim. He testified the State's evidence against the Applicant included testimony from his co-defendant and other witnesses who put the Applicant at the scene. Counsel testified his investigation of the case included reviewing the evidence, speaking with all available witnesses, and speaking with an officer. Counsel testified the Applicant prior to trial rejected a plea offer for thirty years. Counsel testified he had ample time to prepare for trial.

Counsel testified he could not recall if he reviewed the Applicant's indictment, but if he saw a basis to quash the indictment he would have done so. After reviewing the Applicant's indictment for armed robbery, counsel testified it looked as if the fill in the blanks on the indictment were completed and that "a handgun" was written on October 2, 2003. Counsel testified if the blanks on the indictment were completed prior to the meeting of the Grand Jury he saw no problem with the indictment.

Counsel testified he did not recall the judge going into the jury room and it would have been difficult to object to the judge's actions. Counsel testified he did not object to the reasonable doubt charge given at trial. He testified it was the general charge given by judges at the time and that he has never been successful objecting to the instruction. Counsel also testified he did not object to the solicitor's comments about reasonable doubt because objecting would have bolstered the authority of the solicitor because the trial court was going to charge the same language during jury instructions.

Counsel also testified he normally objects to references to drug use during trial unless he thinks that it was a small thing and does not want to bring the matter to the attention of the jury. Lastly, counsel testified he did not request mercy for the Applicant during his sentencing

proceeding. He testified he did not know if any additional mitigation would have been helpful and as a strategy he does not think he would have presented anything else in mitigation.

Ineffective Assistance of Trial Counsel

The Applicant alleges he received ineffective assistance of counsel. As an initial matter, this Court finds the Applicant's testimony is not credible, while also finding trial counsel's testimony is credible. This Court further finds trial counsel adequately conferred with the Applicant, conducted a proper investigation, and was thoroughly competent in his representation.

In a PCR action, "the burden of proof is on the applicant to prove his allegation by a preponderance of the evidence." Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002).

For the Applicant to be granted PCR as a result of ineffective assistance of counsel, he must show both: (1) that his counsel failed to render reasonably effective assistance under prevailing professional norms, and (2) that he was prejudiced by his counsel's ineffective performance. See Strickland v. Washington, 466 U.S. 668 (1984), Porter v. State, 368 S.C. 378, 383, 629 S.E.2d 353, 356 (2006). In order to prove prejudice, an applicant must show "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry v. State, 300 S.C. 115, 117-118, 386 S.E.2d 624, 625 (1989). "A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial." Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland v. Washington, 466 U.S. 668).

This Court finds the Applicant failed to carry his burden of proving counsel was ineffective for failing to quash the Applicant's armed robbery indictment. If any objection to an indictment is timely made, the Court should judge the sufficiency of the indictment by determining whether: 1.) the offense stated with sufficient certainty and particularity to enable

the court to know what judgment to pronounce and the defendant to know what he is called upon to answer and whether he may plea an acquittal or conviction thereon, and 2.) whether it apprises the defendant of elements of the offense that is intended to be charged. State v. Gentry, 363 S.C. 93, 96, 610 S.E.2d 494, 496 (2005).

This Court finds there was no basis for a motion to quash the Applicant's armed robbery indictment. It appears the Applicant's armed robbery indictment contains two blanks and requires the type of deadly weapon and goods or monies taken from the victim be filled in. The indictment shows the terms "a handgun" and "U.S. Currency" were filled in on the indictment in the two blanks. It also appears the handwritten words were initialed and dated for October 2, 2003. This Court finds and it appears from the indictment, the blanks were completed prior to the presentation of the indictment to the Colleton County Grand Jury on October 20, 2003. This Court finds the Applicant has failed to carry his burden of proving the completion of the armed robbery indictment was in any way improper or warranted the quashing of the indictment. This Court also finds the language in the Applicant's indictment was sufficient and adequately apprised the Applicant and the Court of charges the Applicant was facing and the elements of those charges.

This Court also finds counsel was not ineffective for failing to call an alibi witness for the Applicant during trial. To qualify as an alibi, a witness's testimony must account for the defendant's whereabouts during the time of the crime such that it would have been physically impossible for the defendant to commit the crime. Walker v. State, 397 S.C. 226, 237, 723 S.E.2d 610, 616 (Ct. App. 2012). When a PCR applicant alleges trial counsel failed to investigate or present an alibi witness, the PCR court must make two findings to determine if counsel's deficient performance constitutes prejudice under Strickland. Id. First, the court must find as a

matter of law whether the witness's testimony meets the legal definition of an alibi. Second, the court must assess the witness's credibility. Id. In making the first finding, the court must consider the entire record to determine what the testimony would have been if it had been presented at trial. Id. The PCR court must consider the testimony as a whole, take it as true and credible, and view it in the light most favorable to the PCR applicant. Id.

This Court finds trial counsel articulated a valid strategic reason for not presenting the testimony of the Applicant's alleged alibi witnesses at trial. Where counsel articulates a valid strategic reason for his action or inaction, counsel's performance should not be found ineffective. Roseboro v. State, 317 S.C. 292, 454 S.E.2d 312 (1996); Underwood v. State, 309 S.C. 560, 425 S.E.2d 20 (1992); Stokes v. State, 308 S.C. 546, 419 S.E.2d 778 (1992). Courts must be wary of second guessing counsel's trial tactics; and where counsel articulates a valid reason for employing such strategy, such conduct is not ineffective assistance of counsel. Whitehead v. State, 308 S.C. 119, 417 S.E.2d 529 (1992).

This Court finds counsel provided credible testimony that he decided not to call the Applicant's alleged alibi witnesses because their testimony would put the Applicant close to the crime scene and he felt their testimony would be harmful. This Court finds counsel articulated a valid reason for employing such strategy and the Applicant has failed to carry his burden of proving counsel was ineffective for failing to call the Applicant's alleged alibi witnesses.

This Court also finds the Applicant failed to present the testimony of the alleged alibi witnesses at the evidentiary hearing for this court to assess. In order to support a claim that trial counsel was ineffective for failing to interview or call potential alibi witnesses, a PCR applicant must produce the witnesses at the PCR hearing or otherwise introduce the witnesses' testimony in a manner consistent with the rules of evidence. The applicant's mere speculation what the

witnesses' testimony would have been cannot, by itself, satisfy the applicant's burden of showing prejudice. Glover v. State, 318 S.C. 496, 498-99, 458 S.E.2d 538, 540 (1995). This Court finds it will not speculate as to the substance of the testimony of the Applicant's alleged alibi witnesses. This Court finds the Applicant has failed to carry his burden of proving counsel was ineffective for failing to call the Applicant's alleged alibi witnesses.

This Court finds trial counsel was not ineffective for failing to object to the trial judge entering the jury room to tell the jury to choose a jury foreperson. The record reflects that prior to closing arguments the trial judge without objection from either party entered the jury room to ask the jurors to choose a jury foreperson. (T. 230:8-231:8). This Court finds counsel was not deficient for failing to object to the trial judge entering the jury room to ask the jurors to choose a jury foreperson. This Court finds the Applicant has failed to carry his burden of proving that any improper communication between the court and the jury took place. This Court also finds the Applicant has failed to show how he was prejudiced. This Court finds the Applicant failed to show how the judge's actions affected the outcome of his trial proceeding.

This Court finds counsel was not ineffective for failing to object to the Court's reasonable doubt jury instruction. The standard for review of a reasonable doubt instruction is "whether there is a reasonable likelihood that the jury applied the challenged instruction in a way that violates the Constitution." Todd v. State, 355 S.C. 396, 403, 585 S.E.2d 309 (2003). This Court finds the reasonable doubt instruction given by the trial court was proper and in no way violated the Applicant's due process rights. This Court finds and the record reflects the jury was instructed several times during the course of the trial that the State had the burden of proving the Applicant guilty beyond a reasonable doubt. (T. 31:11-14, 33:9-12, 268:15-18, 270:8-12, 15-21,

271:11, 272:22-273:6, 273:21-25, 283:15-18, 284:5-9). This Court finds this allegation is wholly without merit.

This Court finds trial counsel was not ineffective for failing to request a jury charge on the use of the Applicant's co-defendants' guilty pleas at trial. This Court finds counsel was not deficient for failing to request such instruction since both co-defendant's testified that their charges were still pending. (T. 147:16-19, 198:19-21, 199:1-5). This Court also finds the Applicant has failed to show how counsel's failure to request an instruction to the jury with regard to the co-defendants' pending charges or their resolutions affected the outcome of his proceeding. This Court finds the Applicant was not prejudiced by counsel's performance. The record reflects counsel was able to adequately impeach the credibility of the Applicant's co-defendants' on cross-examination by eliciting testimony about their pending charges and the benefits they expected to received after testifying against the Applicant at trial. (T. 147:16-19, T. 197:20-199:19). This Court finds the Applicant has failed to carry his burden of proving counsel was deficient and that the outcome of his proceeding would have been different but for counsel's performance.

This Court finds trial counsel was not ineffective for failing to object to the use of drugs by the Applicant at trial. This Court finds the Applicant has failed to carry his burden of proving counsel was deficient for failing to object to this testimony at trial. At trial, the Applicant's co-defendant testified he and the Applicant had drinks and smoked a blunt at the Chase Lounge before discussing the robbery they planned to commit. (T. 125:8-20). This Court finds counsel articulated a strategic reason for not objecting to the testimony of the Applicant's co-defendant brief testimony about the Applicant's drugs use shortly before the incident. This Court finds

valid counsel's concerns that objecting to small testimony about drug use tended to highlight the testimony to the jurors.

This Court finds it is unlikely the Applicant was prejudiced by the testimony at trial. The Applicant was not on trial for any drug charges and the co-defendant's brief testimony was the only testimony the jury heard to any drug use by the Applicant. In light of the other evidence presented by the State at trial, this Court finds it is unlikely this brief testimony contributed to the jury's guilty verdict. This Court finds the Applicant has failed to carry his burden of proving counsel's performance was deficient and that it affected the outcome of his proceeding.

This Court finds counsel was not ineffective for failing to ask for mercy from the jury with regard to sentencing. This Court finds counsel was not deficient and this allegation is without merit. This Court finds the jury is not responsible for sentencing and it is unlikely any plea of mercy to the jury would have affected the trial judge's sentencing decision. This Court also finds counsel provided adequate mitigation evidence to the Court during the Applicant's sentencing proceeding. (T. 304:14-305:5). This Court finds it is unlikely any additional mitigation evidence presented on the Applicant's behalf would have affected the sentence imposed by the Court. This Court also finds the Applicant has failed to show prejudice resulted from counsel's performance. This Court finds the Applicant has failed to carry his burden of proving ineffective assistance of counsel in this regard.

This Court finds counsel was not ineffective for failing to object to the solicitor's statement during opening. The Applicant alleges counsel should have objected to the solicitor's statement to the jury that "you're not on a search for doubt...I'm going to ask for verdicts of guilty". (T. 32:8-12). This Court finds counsel's performance was not deficient and the Applicant had failed to show how he was prejudiced by the solicitor's statement. This Court finds the

solicitor's comments were not improper. The record reflects the Court advised the jury that opening statements were not evidence. (T. 26:20-23). This Court also finds the Court's admonishments to the jury that the State had the burden of proving the Applicant guilty by a reasonable doubt precluding any confusion from the jury about the burden of proof. (T. 31:11-14, 33:9-12, 268:15-18, 270:8-12, 15-21, 271:11, 272:22-273:6, 273:21-25, 283:15-18, 284:5-9). This Court finds this allegation is without merit and the Applicant has failed to carry his burden of proving counsel's performance was deficient and that prejudice resulted.

Ineffective Assistance of Appellate Counsel

Lastly, this Court finds the Applicant failed to carry his burden of proving appellate counsel was ineffective. A defendant is entitled to effective assistance of appellate counsel. Southerland v. State, 337 S.C. 610, 615, 524 S.E.2d 833, 836 (1999). Although appellate counsel is required to provide effective assistance of counsel, "appellate counsel is *not* required to raise every non-frivolous issue that is presented by the record." Thrift v. State, 302 S.C. 535, 539, 397 S.E.2d 523, 526 (1990) citing Jones v. Barnes, 463 U.S. 745, 103 S.Ct. 3308, 77 L.Ed.2d 987 (1983). "For judges to second-guess reasonable professional judgments and impose on ... counsel a duty to raise every 'colorable' claim suggested by a client would disserve the very goal of vigorous and effective advocacy..." Jones, 463 U.S. at 754, 103 S.Ct. 3308.

Generally, in analyzing a claim of ineffective assistance of appellate counsel, the Court applies the Strickland test just as it would when analyzing a claim of ineffective assistance of trial counsel. See Southerland v. State, 337 S.C. 610, 616, 524 S.E.2d 833, 836 (1999). Thus, in this case, we ask 1) whether appellate counsel's performance was deficient, and 2) whether Respondent was prejudiced by appellate counsel's deficient performance. Bennett v. State, 383 S.C. 303, 309, 680 S.E.2d 273, 276 (2009). To prove prejudice, the applicant must show that, but

for counsel's errors, there is a reasonable probability he would have prevailed on appeal. Anderson v. State, 354 S.C. 431, 434, 581 S.E.2d 834, 835 (2003).

This Court finds the Applicant has failed to carry his burden of proving appellate counsel provided ineffective assistance of counsel. This Court finds the Applicant has failed to state any basis for his claim that appellate counsel was ineffective. This Court finds this allegation is wholly without merit.

Accordingly, this Court finds the Applicant failed to prove the first prong of the Strickland test- that trial or appellate counsel failed to render reasonably effective assistance under prevailing professional norms. The Applicant failed to present specific and compelling evidence that trial or appellate counsel committed either errors or omissions in their representation of the Applicant. This Court also finds the Applicant has failed to prove the second prong of Strickland- that he was prejudiced by trial or appellate counsel's performance. This Court concludes the Applicant has not met his burden of proving counsel failed to render reasonably effective assistance. See Frasier v. State, 351 S.C. at 389, 570 S.E.2d at 174.

All Other Allegations

As to any and all allegations that were raised in the application in this matter and not specifically addressed in this Order, this Court finds Applicant failed to present any evidence regarding such allegations. Accordingly, this Court deems these allegations to have been abandoned by the Applicant. Therefore they are hereby denied and dismissed.

CONCLUSION

Based on all the forgoing, this Court finds and concludes the Applicant has not established any constitutional violations or deprivations before or during his trial and sentencing

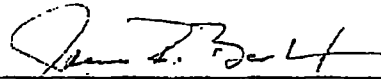
proceedings. Counsel was not deficient and the Applicant was not prejudiced by counsel's representation. Therefore, this PCR application must be denied and dismissed with prejudice.

This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order if he wants to secure appropriate appellate review. His attention is directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely filed.

IT IS THEREFORE ORDERED:

1. That the application for post-conviction relief be denied and dismissed with prejudice; and
2. That the Applicant be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 13th day of July, 20 14



The Honorable James R. Barber, III
Presiding Judge
14th Judicial Circuit

Columbia

, South Carolina.

WITNESSES

Inv. Phillip Roberson

SSgt. Lesley Jamison

ARREST WARRANT #:

H464566

Arrested on August 21, 2003

ACTION OF GRAND JURY

True Bill

Foreman:

Virginia G. Cobb
Grand Jury

DU VERDICT

~~Not~~ guilty

Foreman:

Dewayne Varnado
Petit JuryDate: 5/24/07

DOCKET #: 03GS15-0734

THE STATE OF SOUTH CAROLINA
County of Colleton

COURT OF GENERAL SESSIONS

Term: October, 2003

THE STATE

vs.

Leonard G. Stanfield

INDICTMENT FOR

0139

ARMED ROBBERY

(16-11-330)

STATE OF SOUTH CAROLINA)
)
County of Colleton)

INDICTMENT #03GS15-0734

At a Court of General Sessions, convened on October 20, 2003,
the Grand Jurors of Colleton County present upon their oath:

COUNT:

ARMED ROBBERY
(16-11-330)

That Leonard G. Stanfield did in Colleton County on or about July 24,
2003, while armed with a deadly weapon, to wit: a handgun ^{file 10/2/03}, feloniously
take from the person or presence of the victim, Toni Wilson, by means of force
or intimidation goods or monies of said victim, such goods or monies being
described as follows: U.S. Currency. ^{10/2/03} _{file}

Against the peace and dignity of the State, and contrary to the statute
in such case made and provided.

SOLICITOR

Randolph Mundango

WITNESSES

Patrice Ford

Inv. Phillip Roberson

Ssgt. Lesley Jamison

ARREST WARRANT #:

H464567

Arrested on August 21, 2003

ACTION OF GRAND JURY

True Bill

Foreman:

Virginia C. Cobb
Grand Jury

VERDICT

guilty

Foreman:

Dewey V. Vannoy
Petit Jury
Date: 5/24/07

DOCKET #: 03GS15-0735

THE STATE OF SOUTH CAROLINA
County of Colleton

COURT OF GENERAL SESSIONS

Term: October, 2003

THE STATE

vs.

Leonard G. Stanfield

INDICTMENT FOR

0883

BURGLARY IN THE FIRST DEGREE

(DWELLING) 16-11-311(A)(3)

STATE OF SOUTH CAROLINA)
)
County of Colleton)

INDICTMENT #03GS15-0735

At a Court of General Sessions, convened on October 20, 2003,
the Grand Jurors of Colleton County present upon their oath:

COUNT: BURGLARY IN THE FIRST DEGREE
(DWELLING) 16-11-311(A)(3)

That Leonard G. Stanfield did in Colleton County on or about July 24,
2003, willfully and unlawfully enter the dwelling of Patrice Ford without
consent and with the intent to commit a crime therein and the defendant did
enter in the nighttime.

Against the peace and dignity of the State, and contrary to the statute
in such case made and provided.

SOLICITOR

Randolph M. Mendenhall

WITNESSES

Inv. Phillip Roberson

SSgt. Lesley Jamison

ARREST WARRANT #:

H464568

Arrested on August 21, 2003

ACTION OF GRAND JURY

True Bill

Foreman:

Virginia C. Cobb

Grand Jury

VERDICT

guilty

Foreman:

Darrell W. Womack

Petit Jury

Date: *5/24/07*

DOCKET #: 03GS15-0736

THE STATE OF SOUTH CAROLINA
County of Colleton.

COURT OF GENERAL SESSIONS

Term: October, 2003

THE STATE

VS.

Leonard G. Stanfield

INDICTMENT FOR

0095

KIDNAPPING

(16-3-910)

STATE OF SOUTH CAROLINA)
)
County of Colleton)

INDICTMENT #03GS15-0736

At a Court of General Sessions, convened on October 20, 2003,
the Grand Jurors of Colleton County present upon their oath:

COUNT:

KIDNAPPING
(16-3-910)

That Leonard G. Stanfield did in Colleton County on or about July 24,
2003, did wilfully and unlawfully seize, confine, inveigle, decoy, abduct, or
carry away one Toni Wilson, without authority of law.

Against the peace and dignity of the State, and contrary to the statute
in such case made and provided."

SOLICITOR

Randolph M. Mendenhall