

(S)

**ORIGINAL**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
The Honorable Steven H. John, Circuit Court Judge

Appellate Case No. 2014-002447

**RECEIVED**  
SEP 08 2015  
SC Court of Appeals  
Respondent

THE STATE,

vs.

JAMES EDDIE BAILEY,

Appellant.

**SUPPLEMENTAL RECORD ON APPEAL**

LaNelle C. DuRant  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, SC 29211-1589  
(803) 7341330

Attorney for Appellant

ALAN WILSON  
Attorney General

SUSANNAH R. COLE  
Assistant Attorney General  
S.C. Bar No. 68383

Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3727

WILLIAM W. WILKINS, II  
Solicitor, Thirteenth Judicial Circuit

305 E. North Street  
Greenville, SC 29601  
(864) 596-2575

ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM GREENVILLE COUNTY  
The Honorable Steven H. John, Circuit Court Judge

Appellate Case No. 2014-002447

---

THE STATE,

Respondent,

vs.

JAMES EDDIE BAILEY,

Appellant.

---

**SUPPLEMENTAL RECORD ON APPEAL**

---

LaNelle C. DuRant  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, SC 29211-1589  
(803) 7341330

Attorney for Appellant

ALAN WILSON  
Attorney General

SUSANNAH R. COLE  
Assistant Attorney General  
S.C. Bar No. 68383

Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3727

WILLIAM W. WILKINS, II  
Solicitor, Thirteenth Judicial Circuit

305 E. North Street  
Greenville, SC 29601  
(864) 596-2575

ATTORNEYS FOR RESPONDENT

**TABLE OF CONTENTS**

October 9-10, 2014 Transcript, page 14 .....1  
October 9-10, 2014 Transcript, page 105 .....2  
October 9-10, 2014 Transcript, page 106 .....3  
Certificate of Counsel .....4

Sharon Taylor  
Direct examination by Mr. Fretwell

1 Q Okay. So you had come in just for the latter part of  
2 that evening, is that right?

3 A Yes.

4 Q Okay. How did you get there?

5 A My boyfriend Tom took me.

6 Q Okay. And what was your understanding about how you  
7 would get home that evening?

8 A He would wait for me, because we lived all the way in  
9 Travelers Rest. And since we were out and I wasn't  
10 supposed to be there, he just stayed with me that evening.

11 Q Okay. Around closing time, tell the jury what you  
12 recall with respect to your closing duties and closing that  
13 store that particular night.

14 A That evening about five minutes until 9:00 I had asked  
15 Karen were they still people in the store. I had noticed  
16 some come in. And I was just trying to make sure how many  
17 I still had. And she said there was still a few people in  
18 the store.

19 Q Okay. And so what did you do at that point?

20 A I began to walk the store, and I noticed that there  
21 was a couple of people. There was a white lady down an  
22 aisle with her hands extremely full, and Mr. Bailey was  
23 beyond her on the dog food aisle.

24 Q Okay. And you're indicating the defendant,  
25 Mr. Bailey. Do you recognize him?

Michael Joseph Giovanni  
Cross-examination by Mr. Culbertson

- 1 A Yeah.
- 2 Q -- that was your car.
- 3 A It was.
- 4 Q And your blue lights were on.
- 5 A Yes.
- 6 Q And video was on.
- 7 A Yes, sir.
- 8 Q And it depicted this whole thing and showed this area  
9 back here where my client was apprehended by the police.
- 10 A Yes.
- 11 Q You testified earlier there was no recording of that  
12 because someone made the decision it had no evidentiary  
13 value, so you destroyed the tape, is that correct?
- 14 A I turn -- I turned the tape in, and they're destroyed  
15 after a 90-day period. That's just policy for the  
16 sheriff's office.
- 17 Q Who made the decision there was no evidentiary value  
18 in that tape?
- 19 A I looked at it, as well as Sergeant Reinhart.
- 20 Q So you and Sergeant Reinhart are the only two people  
21 that made the decision that there was no evidentiary value  
22 on this video back here.
- 23 A Yes, sir.
- 24 Q And so that video is gone.
- 25 A That's true.

Michael Joseph Giovanni  
Cross-examination by Mr. Culbertson

1 Q Is that correct?

2 A Yes.

3 Q Although it would have been a video recording of  
4 everything that everybody's talked to about during the last  
5 day and a half, is that correct?

6 A It would have been a video of an area of trees and an  
7 open parking lot. The way my car was parked it did not  
8 show anything at all that happened at the scene.

9 Q But we don't know that, do we? We'll never know that.

10 A I know that.

11 Q You and one other officer decided we didn't need to  
12 see it, is that correct?

13 A Yes.

14 Q Thank you, sir.

15 THE COURT: Redirect?

16 MR. FRETWELL: No, Your Honor.

17 THE COURT:

18 Very good.

19 You may step down, sir. Thank you very much.

20 All right. Madam forelady, and ladies and gentlemen  
21 of the jury, what we're going to do now is we're going to  
22 break for lunch at this point in time.

23 I'm going to ask if you could to be back at 1:45, and  
24 we'll commence the trial again shortly after that. So  
25 1:45 please.

STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM GREENVILLE COUNTY  
The Honorable Steven H. John, Circuit Court Judge

Appellate Case No. 2014-002447

---

**RECEIVED**

SEP 08 2015

SC Court of Appeals

THE STATE,

Respondent,

vs.

JAMES EDDIE BAILEY,

Appellant.

---

**CERTIFICATE OF COUNSEL**

---

The undersigned certifies that this Supplemental Record on Appeal complies with Rule 211(b), SCACR, and the April 15, 2014, order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

ALAN WILSON  
Attorney General

SUSANNAH R. COLE  
Assistant Attorney General  
S.C. Bar No. 68383

WILLIAM W. WILKINS, III  
Solicitor, Thirteenth Judicial Circuit

305 E. North Street  
Greenville, SC 29601  
(864) 596-2575

BY: 

Susannah R. Cole

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEYS FOR RESPONDENT

September 8, 2015