

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY

William Jeffrey Young, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CHRISTOPHER D. CAMPBELL,

APPELLANT

APPELLATE CASE NO. 2014-002339

RECORD ON APPEAL

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE'S EXHIBIT # 1 (VIDEO); STATE'S EXHIBIT # 21 (PHOTO)**

1
2 STATE OF SOUTH CAROLINA) GENERAL SESSIONS
3 COUNTY OF CHARLESTON) CASE NO. 2014-002339
4 STATE OF SOUTH CAROLINA,)
5 Plaintiff,)Transcript of Record
6 vs.)
7 CHRISTOPHER D. CAMPBELL,)Date: October 21, 2014
8 Defendant.)October 22, 2014
9)
10 * * * * *
11 B E F O R E:
12 THE HONORABLE WILLIAM JEFFREY YOUNG
13
14 A P P E A R A N C E:
15 ALEXANDER JABER ZIEGLER, ESQUIRE
16 BENJAMIN C. SIMPSON, ESQUIRE
17 Ninth Judicial Circuit
18 Solicitor's Office
19
20 JASON THOMAS KING, ESQUIRE
21 LUKE MALLOY, ESQUIRE
22 Charleston County
23 Public Defender's Office
24 * * * * *
25 Denise J. Lauder, RPR
Ninth Judicial Circuit

1 for identification.)

09:46:34AM 2 THE COURT: Thank you, ladies and
09:46:36AM 3 gentlemen. Please take your seats. Hope everyone
09:46:42AM 4 had a nice evening. Feels nice out there this
09:46:46AM 5 morning, doesn't it? Like we're in the mountains
09:46:50AM 6 or something.

09:46:50AM 7 State ready to call its next case?

09:46:52AM 8 MR. ZIEGLER: Yes, Your Honor. The
09:46:54AM 9 State calls State V Christopher D. Campbell.

09:46:58AM 10 THE COURT: Okay. All right. Ladies
09:47:04AM 11 and gentlemen, again, I'm Jeff Young. I'm the
09:47:08AM 12 Circuit Court Judge from Sumter. We have a lot of
09:47:10AM 13 you here today. We have them falling out into the
09:47:12AM 14 hallway there.

09:47:14AM 15 We're about to begin the case of State
09:47:16AM 16 V Christopher D. Campbell, and he's charged with
09:47:22AM 17 armed robbery and possession of a firearm during
09:47:28AM 18 the commission of a crime. And I will read you the
09:47:32AM 19 indictments at this point in time; that on or about
09:47:34AM 20 May 4th, 2011, in Charleston County, South
09:47:38AM 21 Carolina, at 357 King Street, there was a use of
09:47:40AM 22 force, threats, or intimidation, and while armed
09:47:44AM 23 with a deadly weapon, to wit: a handgun, the
09:47:50AM 24 Defendant, Christopher D. Campbell, while acting in
09:47:52AM 25 concert with another, did take and carry away goods

09:47:54AM 1 and/or monies from the person in his immediate
09:48:00AM 2 presence, i.e., of Christopher Riley, with the
09:48:04AM 3 intent to permanently deprive him of possession
09:48:06AM 4 thereof, in violation of Section 1611330(a) of the
09:48:12AM 5 South Carolina Code of Laws, 1976, as amended.

09:48:16AM 6 The second charge, possession of a
09:48:18AM 7 firearm during the commission of a violent crime,
09:48:20AM 8 states, that in Charleston County, South Carolina,
09:48:24AM 9 on or about May 4th, 2011, the Defendant,
09:48:28AM 10 Christopher D. Campbell, did possess a gun or did
09:48:32AM 11 visibly display what appeared to be a gun during
09:48:36AM 12 the commission or attempted commission of an armed
09:48:40AM 13 robbery and a violent crime, which is in violation
09:48:42AM 14 of Section 1623490 of the South Carolina Code of
09:48:50AM 15 Laws, 1976, as amended.

09:48:52AM 16 Now, ladies and gentlemen, let me
09:48:54AM 17 remind you, the fact that the Defendant was
09:48:58AM 18 arrested, charged, and indicted is in no way
09:49:00AM 19 indicative that he is guilty of the charges. The
09:49:06AM 20 Defendant has pled not guilty and, therefore, the
09:49:10AM 21 State has the burden of proving each and every
09:49:14AM 22 element of the charges beyond a reasonable doubt.
09:49:16AM 23 The Defendant does not have to prove anything.

09:49:18AM 24 Now, ladies and gentlemen, before we
09:49:22AM 25 select a jury, there's a number of questions that I

11:29:18AM 1 juror. Okay. Thank you.

11:29:28AM 2 And, Mr. Lester, you are now the
11:29:36AM 3 foreman. You will always sit in that seat. The
11:29:38AM 4 rest of you can sit wherever you want to, but I
11:29:42AM 5 have found it to be the case that jurors became
11:29:46AM 6 very territorial of their seats. It's kind of
11:29:50AM 7 funny how that works. If somebody is sitting in
11:29:52AM 8 your seat, you don't have to fight them.

11:29:54AM 9 A JUROR: Just like at church.

11:29:56AM 10 THE COURT: Just like at church.
11:29:56AM 11 People claim the pews whether or not their names
11:30:00AM 12 are on them.

11:30:00AM 13 A JUROR: That's right.

11:30:00AM 14 THE COURT: So now we have that
11:30:04AM 15 straight. Are you-all satisfied with that?

11:30:04AM 16 MR. KING: Yes.

11:30:06AM 17 MR. ZIEGLER: Yes, Your Honor.

11:30:06AM 18 THE COURT: Okay. Please, Sam, will
11:30:08AM 19 you swear the jury?

11:30:08AM 20 THE JURY,

11:30:12AM 21 being first duly sworn:

11:30:12AM 22 THE CLERK: Please let the record
11:30:42AM 23 reflect that all jurors were sworn.

11:30:44AM 24 THE COURT: All right. Thank you.

11:30:46AM 25 And, again, thank you, ladies and

11:30:48AM 1 gentlemen, for taking on this important
11:30:50AM 2 responsibility. Before we begin this trial, I want
11:30:52AM 3 to tell you that this trial will probably be
11:30:56AM 4 different from what you might expect. You know,
11:30:58AM 5 most people never have an opportunity to actually
11:31:00AM 6 participate in a trial as you are today and may
11:31:06AM 7 think from watching TV, movies or reading books
11:31:10AM 8 that trials are always full of high drama, intense
11:31:14AM 9 action, riveting circumstances. While all of these
11:31:18AM 10 things might be true, at times, this trial is not
11:31:22AM 11 for entertainment. This is a real trial, which is
11:31:24AM 12 a fundamental right of our democracy. It's a
11:31:28AM 13 search for the truth to ensure that justice is
11:31:32AM 14 done. And I will remind you that searching for the
11:31:36AM 15 truth and ensuring that justice is done is often
11:31:40AM 16 slow, deliberate, repetitive; the exact opposite of
11:31:44AM 17 what you've seen on TV, movies, or read in books.

11:31:48AM 18 Ladies and gentlemen, this courtroom --
11:31:48AM 19 and you-all have a beautiful courthouse here in
11:31:50AM 20 Charleston, you should be proud of that -- is a
11:31:54AM 21 place of honor that is dedicated to the protection
11:31:58AM 22 and preservations of our citizens' rights; what has
11:32:02AM 23 been called, and I truly believe in my heart to be,
11:32:04AM 24 the greatest justice system ever created by
11:32:08AM 25 mankind.

11:32:08AM 1 The attorneys who are appearing before
11:32:10AM 2 you are advocates for the parties that they
11:32:14AM 3 represent, but first and foremost, ladies and
11:32:18AM 4 gentlemen, they are officers of this court who are
11:32:20AM 5 sworn to uphold the integrity and fairness of our
11:32:24AM 6 judicial system and to help you as jurors in your
11:32:28AM 7 search for the truth.

11:32:28AM 8 Ladies and gentlemen, you should expect
11:32:30AM 9 them to be professional, competent and ethical in
11:32:34AM 10 the representation of their client's interest.
11:32:36AM 11 And, ladies and gentlemen, I remind you that you
11:32:40AM 12 also just took an oath to listen to the evidence in
11:32:44AM 13 this case and reach a fair and just verdict, and
11:32:48AM 14 you are expected to be professional, reasonable,
11:32:50AM 15 and ethical as well.

11:32:54AM 16 Now, ladies and gentlemen, what I'm
11:32:54AM 17 going to tell you now is just intended to be -- to
11:32:58AM 18 serve as an introduction to the trial of this case.
11:33:00AM 19 The remarks that I'm making are not a charge on the
11:33:04AM 20 law. I will charge you on the law that is
11:33:06AM 21 applicable to this particular case at the end of
11:33:10AM 22 the trial. This is merely an explanation so you
11:33:12AM 23 may better know what procedures that we will
11:33:16AM 24 follow, so you can understand what is happening.

11:33:18AM 25 And let me say up front that you will

11:33:20AM 1 not be allowed to take notes during the trial;
11:33:24AM 2 therefore, it is very important that you listen
11:33:26AM 3 throughout the trial.

11:33:30AM 4 Now, ladies and gentlemen, in this
11:33:32AM 5 case, the Defendant is charged by indictments filed
11:33:36AM 6 in this court of armed robbery and possession of a
11:33:40AM 7 weapon during the commission of a violent crime.
11:33:44AM 8 The specific elements will be explained to you
11:33:46AM 9 later, but let me remind you again that the
11:33:50AM 10 indictments charging the Defendant is simply the
11:33:52AM 11 documents by which this case is brought into court
11:33:56AM 12 and is not in any sense whatsoever evidence of any
11:34:02AM 13 of the allegations contained therein.

11:34:06AM 14 The Defendant has pled not guilty to
11:34:08AM 15 the charge of the indictments, so the State has the
11:34:10AM 16 burden of proving all the elements of each one of
11:34:16AM 17 the indictments beyond a reasonable doubt. And it
11:34:18AM 18 will be your duty, ladies and gentlemen, to decide
11:34:22AM 19 whether or not the State has met that burden. Now,
11:34:26AM 20 ladies and gentlemen, your purpose in the case is
11:34:28AM 21 to determine the facts.

11:34:30AM 22 You are to determine the facts from the
11:34:32AM 23 testimony that is presented from the witness stand
11:34:34AM 24 and any other evidence that is presented here in
11:34:38AM 25 court. And it will be up to you as jurors to

11:34:40AM 1 determine the inference which you feel may be
11:34:44AM 2 properly drawn from the evidence that's presented.
11:34:46AM 3 And, ladies and gentlemen, it is especially
11:34:48AM 4 important that you perform your duties diligently
11:34:52AM 5 and conscientiously because ordinarily there is no
11:34:54AM 6 way to correct an erroneous determination of facts
11:34:58AM 7 by a jury.

11:35:00AM 8 On the other hand, but with equal
11:35:06AM 9 emphasis, the same law that makes you the judges of
11:35:08AM 10 the facts makes me the judge of the law. The law
11:35:08AM 11 given to you by me is the only law that you may
11:35:12AM 12 consider. You must accept the law as I give it to
11:35:16AM 13 you and follow it, even though you might disagree.
11:35:20AM 14 And I'll make an agreement with you that I will not
11:35:22AM 15 tell you what the facts are and you cannot disagree
11:35:24AM 16 with me about what the law is or what you think the
11:35:28AM 17 law ought to be.

11:35:30AM 18 As I said, your job is to take the law
11:35:32AM 19 as I give it to you, apply it to the facts as you
11:35:34AM 20 find them from the testimony and from other
11:35:38AM 21 evidence, and after hearing the evidence you will
11:35:42AM 22 deliberate and render a true and just verdict under
11:35:46AM 23 the solemn oath that you just took as jurors.

11:35:50AM 24 Ladies and gentlemen, until I advise
11:35:52AM 25 you to begin your deliberations at the conclusion

11:35:54AM 1 of this case, you must not discuss the case with
11:35:58AM 2 others, including your fellow jurors. You may not
11:36:00AM 3 use a computer, cell phone, or any other electronic
11:36:06AM 4 device with communications capability while here in
11:36:10AM 5 attendance at trial or during your deliberations.

11:36:12AM 6 Now, if we break for lunch, you can
11:36:14AM 7 certainly use your cell phones and those items, but
11:36:18AM 8 even then you cannot use them to disclose any
11:36:22AM 9 information about the case when you're not in
11:36:24AM 10 court. Information about the case would include,
11:36:26AM 11 but certainly would not be limited to, any
11:36:30AM 12 information about a party, a witness, an attorney,
11:36:32AM 13 or a court officer, any news account about the
11:36:36AM 14 case, or any information collected through jury
11:36:36AM 15 research on any topic raised during the testimony
11:36:46AM 16 offered by any witness or any information collected
11:36:48AM 17 through jury research that you think would be
11:36:48AM 18 helpful in deciding the case.

11:36:52AM 19 Ladies and gentlemen, after the case is
11:36:54AM 20 submitted to you, you must discuss it only in the
11:36:58AM 21 jury room with your fellow jurors. Now, the
11:37:00AM 22 attorneys and the parties in this matter are
11:37:04AM 23 advised that they are not to talk to you at all.
11:37:06AM 24 So if you see someone who is involved in this case
11:37:10AM 25 around this small courthouse square and they don't

11:37:12AM 1 even say hello, they're not being unfriendly;
11:37:16AM 2 they're just following my instructions.

11:37:18AM 3 Now, ladies and gentlemen, it is very
11:37:18AM 4 important that you keep an open mind and not decide
11:37:22AM 5 any issue in this case until all of the evidence
11:37:26AM 6 has been presented, the attorneys have made their
11:37:30AM 7 closing arguments, and I have charged you with the
11:37:32AM 8 law. And, ladies and gentlemen, it's your solemn
11:37:36AM 9 responsibility to determine the guilt or innocence
11:37:38AM 10 of the Defendant and your verdict must be based
11:37:42AM 11 solely on the evidence as is presented to you in
11:37:46AM 12 this trial within the four walls of this courtroom
11:37:50AM 13 and on the law that I give you at the close of the
11:37:54AM 14 trial.

11:37:54AM 15 Now, ladies and gentlemen, in just a
11:38:00AM 16 moment the Solicitor will make what is called an
11:38:02AM 17 opening statement, where he will explain to you
11:38:04AM 18 what he believes the issues are in this matter.
11:38:08AM 19 The attorney for the Defendant may also make an
11:38:10AM 20 opening statement, although he is not required to
11:38:12AM 21 do so. But I will remind you, what they tell you
11:38:14AM 22 during their opening statements is not evidence.
11:38:18AM 23 It's only their contention as to what the issues
11:38:20AM 24 are.

11:38:22AM 25 Now, ladies and gentlemen, from time to

11:38:22AM 1 time during this trial you may hear one of the
11:38:26AM 2 attorneys or the lawyers say, Your Honor, I believe
11:38:30AM 3 we have a question on a matter of law that we need
11:38:32AM 4 to discuss with you, or, Your Honor, may we
11:38:36AM 5 approach the bench, or sometimes I might find it
11:38:38AM 6 necessary to excuse you from the courtroom for a
11:38:42AM 7 short period while the attorneys and I discuss a
11:38:46AM 8 matter of law.

11:38:46AM 9 Now, the reason for this is because, as
11:38:50AM 10 I told you earlier, you are the judges of the
11:38:54AM 11 facts. Sometimes when I'm discussing matters of
11:38:56AM 12 law with the attorneys, it may be necessary for me
11:39:00AM 13 to make some comment on the facts, as to whether or
11:39:04AM 14 not a particular law applies, in connection with
11:39:08AM 15 making that ruling. And, as I said, I'm not
11:39:10AM 16 supposed to tell you what the facts are, so I will
11:39:12AM 17 excuse you from the courtroom while these
11:39:16AM 18 discussions take place so you will in no way be
11:39:20AM 19 influenced by anything I say or do in connection
11:39:24AM 20 with the facts.

11:39:24AM 21 Also, during the trial you may hear one
11:39:26AM 22 of the attorneys make an objection to certain
11:39:30AM 23 evidence that is about to be presented. Whether I
11:39:32AM 24 sustain the objection, that would be to grant it,
11:39:34AM 25 or overrule the objection, that would be to deny

11:39:38AM 1 it, should not be construed that I favor one side
11:39:42AM 2 over the other; I do not. Nor should you infer
11:39:46AM 3 that the objecting party is trying to hide
11:39:48AM 4 something from you; they are not.

11:39:50AM 5 In this court, as in all situations in
11:39:52AM 6 life, there are specific rules that must be
11:39:56AM 7 followed. And the attorneys, as officers of this
11:40:00AM 8 court, are merely trying to follow the laws of
11:40:04AM 9 evidence in this court in making their objection,
11:40:06AM 10 and I am only ruling based upon what I believe the
11:40:10AM 11 law of the State of South Carolina to be concerning
11:40:14AM 12 the evidence being presented.

11:40:16AM 13 Now, ladies and gentlemen, in
11:40:16AM 14 determining what the true facts are, you must
11:40:20AM 15 decide whether or not the testimony of a witness is
11:40:24AM 16 believable. It will be my responsibility as the
11:40:28AM 17 presiding judge to rule as a matter of law as to
11:40:34AM 18 whether certain testimony is admitted, but once
11:40:36AM 19 testimony is admitted, whether or not you decide to
11:40:40AM 20 believe it will be entirely for you to decide.

11:40:44AM 21 In deciding whether to believe a
11:40:46AM 22 witness, you have the right to consider the
11:40:48AM 23 interest of any witness, the bias of any witness,
11:40:50AM 24 the prejudice of any witness, the opportunity for
11:40:54AM 25 the witness to have actually seen and observed the

11:40:58AM 1 things about which the witness may testify, and you
11:41:02AM 2 may consider how the witness acts on the witness
11:41:04AM 3 stand.

11:41:06AM 4 Ladies and gentlemen, you have the
11:41:08AM 5 right to consider anything that is in the record
11:41:12AM 6 that will help you evaluate the testimony of the
11:41:14AM 7 witnesses, and that means it's your responsibility
11:41:18AM 8 and duty to pay close attention to the witnesses,
11:41:20AM 9 to observe the witnesses, to listen to the
11:41:22AM 10 witnesses, and to pay close attention to the
11:41:26AM 11 attorneys and to the Court.

11:41:28AM 12 Ladies and gentlemen, please do not let
11:41:30AM 13 your thoughts wander, but give strict attention to
11:41:34AM 14 the testimony and the evidence, so that at the end
11:41:34AM 15 of all the testimony and the arguments of Counsel
11:41:36AM 16 and the charging of the law by me, you will then be
11:41:42AM 17 in a position to determine what the true facts are,
11:41:44AM 18 apply those to the law that I give you and, thus,
11:41:48AM 19 render a true and just verdict.

11:41:50AM 20 Now, Mr. Foreman, I said it would be
11:41:52AM 21 your additional duty to preside in the jury room
11:41:56AM 22 and be the jury spokesperson here in court. It
11:41:58AM 23 will also be your responsibility to write the
11:42:00AM 24 verdict on the verdict form, but I will give you
11:42:04AM 25 further instructions on that at the appropriate

OPENING STATEMENT BY MR. ZIEGLER

11:42:06AM 1 time. Now, to protect everyone's rights, I will
11:42:08AM 2 give the parties an opportunity to object to
11:42:10AM 3 anything that I've stated to you.

11:42:12AM 4 Does the State have any objection to
11:42:14AM 5 anything that I've stated to the jury?

11:42:14AM 6 MR. ZIEGLER: No objections, Your
11:42:16AM 7 Honor.

11:42:16AM 8 THE COURT: Does the defense have any
11:42:18AM 9 objections?

11:42:18AM 10 MR. KING: No objection.

11:42:20AM 11 THE COURT: All right. Ladies and
11:42:22AM 12 gentlemen, we will now begin the trial of the case.
11:42:24AM 13 Mr. Solicitor.

11:42:24AM 14 MR. ZIEGLER: Thank you, Your Honor.

11:42:42AM 15 Morning, ladies and gentlemen. This
11:42:44AM 16 case is a story of two young men, each of whom woke
11:42:50AM 17 up one morning to do a job. But these two young
11:42:54AM 18 men were very different. One of them wore a
11:43:00AM 19 uniform shirt, prepared food for customers, managed
11:43:04AM 20 employees and for that he received a paycheck. The
11:43:08AM 21 other one wore a hood over his head and sunglasses
11:43:14AM 22 over his eyes. He pointed a loaded pistol and
11:43:18AM 23 stole over a thousand dollars in cash. The man who
11:43:24AM 24 pointed that pistol and took that money has already
11:43:30AM 25 been introduced to you. He's the Defendant,

OPENING STATEMENT BY MR. ZIEGLER

11:43:32AM 1 Christopher Campbell.

11:43:38AM 2 The young man that -- who wore the
11:43:42AM 3 uniform shirt and worked for a paycheck was Chris
11:43:48AM 4 Riley. You will hear from him today. Chris Riley
11:43:50AM 5 was the shift leader at Firehouse Subs Restaurant
11:43:54AM 6 where this armed robbery occurred on May 4, 2011.

11:44:00AM 7 The Firehouse Subs is located on King
11:44:02AM 8 Street, it's between Calhoun and George Street in
11:44:06AM 9 downtown Charleston, near the middle of the block,
11:44:08AM 10 across from Five Guys. Now, the robbery occurred
11:44:10AM 11 relatively early on a weekday morning, shortly
11:44:14AM 12 before 8:30 a.m. King Street is relatively serene
11:44:20AM 13 at that time of day. There's not a lot of foot
11:44:24AM 14 traffic; perhaps a few college students walking to
11:44:28AM 15 class, commuters going to work, drivers making
11:44:32AM 16 deliveries.

11:44:32AM 17 On this particular morning, Chris
11:44:36AM 18 Riley, the shift leader at Firehouse, arrived early
11:44:38AM 19 to work, before the 8:00 a.m. shift. Alone in the
11:44:42AM 20 store, he began prepping food for the day as he
11:44:46AM 21 waited for the meat slicer, Leslie Green, to arrive
11:44:50AM 22 for his 8:00 shift. And that meat slicer was
11:44:54AM 23 Leslie Green, but that day he was late for work.

11:45:00AM 24 Meanwhile, Leslie Green was making his
11:45:04AM 25 way downtown from James Island, sitting in the

OPENING STATEMENT BY MR. ZIEGLER

11:45:06AM 1 passenger seat of his own car. The driver of that
11:45:10AM 2 car was Leslie Green's cousin, the Defendant. Once
11:45:18AM 3 on King Street, the Defendant stopped the car near
11:45:22AM 4 the front of Firehouse Subs. Leslie Green, the
11:45:24AM 5 meat slicer, got out and walked through the front
11:45:28AM 6 door of Firehouse Subs to go into work.

11:45:30AM 7 So Leslie Green was the second person
11:45:32AM 8 in the store that day, besides his shift leader,
11:45:40AM 9 Christopher Riley, but less than 30 seconds after
11:45:44AM 10 Leslie Green walked into the store, a third person
11:45:48AM 11 entered the store. But he was not an employee. He
11:45:50AM 12 was not wearing that Firehouse red uniform shirt.
11:45:54AM 13 He wore a hood over his head, sunglasses over his
11:45:58AM 14 eyes, and a backpack slung over his shoulder.

11:46:02AM 15 Chris Riley, the shift leader, saw him
11:46:06AM 16 as he walked into the store through the front doors
11:46:08AM 17 and said, we're closed. He kept walking towards
11:46:12AM 18 the counter. Chris Riley did not recognize this
11:46:18AM 19 person -- the third person that walked into the
11:46:20AM 20 store, but Leslie Green did. He had seen this
11:46:26AM 21 person just a minute ago. He had been sitting next
11:46:30AM 22 to him on the car ride to work. Leslie Green knew
11:46:34AM 23 this person was the Defendant, his cousin.

11:46:40AM 24 As the Defendant continued walking
11:46:44AM 25 through the store, he raised his right hand in.

OPENING STATEMENT BY MR. ZIEGLER

11:46:48AM 1 stride and in that hand was a gun. He aimed that
11:46:56AM 2 gun directly at Chris Riley, and with his eyes on
11:47:00AM 3 that gun, Chris Riley cautiously walked to the back
11:47:04AM 4 of the store where the safe was.

11:47:10AM 5 As the Defendant followed Chris Riley,
11:47:14AM 6 the gun pointed, he brushed right past Leslie
11:47:20AM 7 Green. He even turned his back to Leslie Green,
11:47:24AM 8 keeping that gun trained on Chris Riley. The gun
11:47:28AM 9 was close enough to Chris Riley for him to identify
11:47:30AM 10 it as a 38-caliber snub-nose revolver. It was
11:47:36AM 11 close enough that he could see bullets in the
11:47:40AM 12 chamber.

11:47:42AM 13 And so Chris Riley sat down in the
11:47:46AM 14 office chair to open the safe on the floor. From
11:47:48AM 15 this vantage point, seated, Chris Riley had a
11:47:52AM 16 close-up view of the red and black Jordans on the
11:47:56AM 17 Defendant's feet. The Defendant stood over him,
11:48:00AM 18 stood over Chris Riley, and motioned with the gun
11:48:04AM 19 for the cash to be removed from the safe to the
11:48:08AM 20 backpack that was now in the Defendant's hands,
11:48:10AM 21 which had previously been slung over his shoulder.

11:48:14AM 22 Chris Riley placed over a thousand
11:48:16AM 23 dollars of cash into the Defendant's backpack.
11:48:20AM 24 Seeing he had cleaned out the safe, the Defendant
11:48:24AM 25 backed away. When he got out of the office area,

OPENING STATEMENT BY MR. ZIEGLER

11:48:30AM 1 he turned and fled the store, exiting through the
11:48:34AM 2 front doors that he entered through. Chris Riley,
11:48:40AM 3 shocked and scared after being robbed, immediately
11:48:44AM 4 called 911 and the police arrived shortly
11:48:50AM 5 thereafter to secure the scene.

11:48:54AM 6 You will see surveillance video during
11:48:56AM 7 the course of this trial that captures the entire
11:49:02AM 8 course of the robbery that happened inside
11:49:04AM 9 Firehouse Subs. You will hear from Leslie Green,
11:49:08AM 10 the meat slicer, the Defendant's cousin. Leslie
11:49:10AM 11 Green will tell you that the armed robber you saw
11:49:14AM 12 -- that you will see in that video was the same
11:49:16AM 13 person who drove him to work that day. He will
11:49:18AM 14 tell you he knew that person for years before the
11:49:22AM 15 robbery, that they spent time together, that they
11:49:26AM 16 are cousins. He will tell you that armed robber
11:49:28AM 17 was the Defendant. But you don't have to take
11:49:36AM 18 Leslie Green's word alone.

11:49:38AM 19 Shortly after the robbery, the Crime
11:49:42AM 20 Scene technician from the Charleston Police
11:49:44AM 21 Department came to the scene, processed the scene,
11:49:46AM 22 and he lifted fingerprints from both exterior door
11:49:52AM 23 handles of Firehouse Subs. Those fingerprints
11:49:58AM 24 belong to Christopher Campbell.

11:50:04AM 25 The Defendant is charged with two

OPENING STATEMENT BY MR. ZIEGLER

11:50:06AM 1 crimes, armed robbery and the possession of a
11:50:10AM 2 weapon during the commission of a violent crime.
11:50:16AM 3 Armed robbery is defined as a robbery while armed
11:50:18AM 4 with a deadly weapon, which includes a pistol or a
11:50:22AM 5 handgun. A robbery is defined as the unlawful
11:50:26AM 6 taking of money from the person of another, or in
11:50:34AM 7 his presence, by violence or by putting such person
11:50:40AM 8 in fear. Armed robbery is considered a violent
11:50:44AM 9 crime under South Carolina law. And it is a
11:50:48AM 10 separate offence for a person to be in possession
11:50:52AM 11 of a firearm while that person is committing a
11:50:54AM 12 violent crime.

11:50:58AM 13 I conclude by reminding you that this
11:51:02AM 14 case is about two young men, each of whom woke up
11:51:06AM 15 the morning of May 4th, 2011 to do a job. Chris
11:51:12AM 16 Riley went to Firehouse Subs to earn his paycheck
11:51:16AM 17 and he found himself staring at a gun. The
11:51:20AM 18 Defendant went to Firehouse Subs holding that gun,
11:51:22AM 19 looking for a different kind of payday.

11:51:26AM 20 After you have heard all the evidence
11:51:28AM 21 in this case, I'm going to ask you to hold this
11:51:32AM 22 Defendant accountable for his actions that day by
11:51:36AM 23 returning a verdict of guilty for the armed robbery
11:51:40AM 24 of Chris Riley at Firehouse Subs.

11:51:44AM 25 Thank you.

OPENING STATEMENT BY MR. KING

11:51:44AM 1 THE COURT: Thank you, Solicitor.

11:51:56AM 2 Mr. King.

11:51:56AM 3 MR. KING: The big question in this
11:51:58AM 4 case is going to be, why would Leslie Green say his
11:52:02AM 5 own cousin was the person who robbed the store?
11:52:06AM 6 Why would he blame it on his cousin? And I think
11:52:10AM 7 through the evidence you will see how that could
11:52:12AM 8 happen. You will see the surveillance video, and
11:52:16AM 9 the police watched the video. And based on the
11:52:20AM 10 interaction between the robber and Leslie Green,
11:52:26AM 11 they believed Leslie Green knew who it was and that
11:52:30AM 12 the robber knew who Leslie Green was.

11:52:34AM 13 So the police began to question Leslie
11:52:38AM 14 Green. They take him down the next day after the
11:52:42AM 15 robbery to the police station and for almost two
11:52:46AM 16 hours two detectives are interrogating him and
11:52:48AM 17 asking him who did it. And he says during that
11:52:54AM 18 interrogation he doesn't know; I'm not involved, I
11:52:56AM 19 don't know who did it.

11:53:00AM 20 And during that interrogation, one of
11:53:08AM 21 the detectives, trying to get him to talk, tells
11:53:10AM 22 him, look, if I find out you know and didn't
11:53:12AM 23 cooperate, I'm coming at you. Twenty-five years in
11:53:18AM 24 prison is what he tells him. So that interrogation
11:53:24AM 25 ends, Leslie Green leaves. The police aren't going

OPENING STATEMENT BY MR. KING

11:53:26AM 1 to give up, they're not accepting that. So they go
11:53:30AM 2 back the next day, May 6th, and pick up Leslie
11:53:34AM 3 Green from the Firehouse.

11:53:36AM 4 And there's recordings of this. There
11:53:38AM 5 is recordings of the interrogation the day before
11:53:42AM 6 and there's an audio-recording of this. And
11:53:44AM 7 they're driving to the police station. And while
11:53:48AM 8 they're driving, there's another detective,
11:53:52AM 9 Detective Holmes. Detective Kennedy and Detective
11:53:56AM 10 Holmes -- Detective Kennedy is going to be involved
11:53:58AM 11 in this case, sitting at the Solicitor's table.
11:54:02AM 12 And in that ride, they're again trying to get him
11:54:04AM 13 to say who did it.

11:54:06AM 14 And they ask him about his family,
11:54:12AM 15 about his brothers and sisters. And he says he had
11:54:14AM 16 a little brother. And they tell him, how would you
11:54:18AM 17 feel if somebody had to tell your little brother
11:54:22AM 18 that you're in jail? They used that against him
11:54:26AM 19 about his little brother. They give him -- before
11:54:30AM 20 they got into the police car, it's like one last
11:54:34AM 21 warning, you know, and Detective Holmes tells him,
11:54:40AM 22 I take two lies. The second lie, I burn you.
11:54:42AM 23 That's what they told him, Leslie Green, as they're
11:54:46AM 24 riding down to the police station.

11:54:48AM 25 They interrogate him there and Leslie

OPENING STATEMENT BY MR. KING

11:54:54AM 1 Green says, a guy named L did it. He gives them
11:54:56AM 2 whatever information he knows, but he doesn't know
11:54:58AM 3 very much about L, doesn't know his real name.
11:55:02AM 4 Says he lives on Fort Johnson Road, but can't give
11:55:04AM 5 them more information than that. The police want
11:55:06AM 6 to know, who is L? Who is this L?

11:55:08AM 7 And so Detective Holmes tells him, if
11:55:14AM 8 you don't tell me who L is, you're not walking out
11:55:18AM 9 of here.

11:55:18AM 10 Now at this point Leslie Green has been
11:55:22AM 11 backed into a corner. The police think he did it,
11:55:26AM 12 they think he knows who did it, and they want him
11:55:26AM 13 to say who it is. And they scared him with the
11:55:30AM 14 idea of going to prison, using his -- sympathy for
11:55:34AM 15 his little brother to try to get him to talk, so he
11:55:38AM 16 says it's L. It's just L. He can't give them any
11:55:38AM 17 more information than that.

11:55:44AM 18 So after what's now been hours of
11:55:46AM 19 interrogation, from the day before and now on
11:55:50AM 20 May 6th, they also know that Christopher Campbell
11:55:52AM 21 dropped him off, because Leslie Green told him.
11:55:56AM 22 Christopher Campbell did drop him off for work that
11:56:00AM 23 morning.

11:56:00AM 24 And they come to the point when he
11:56:02AM 25 finally -- he points his finger and says,

OPENING STATEMENT BY MR. KING

11:56:06AM 1 Christopher Campbell did it. And you will hear how
11:56:08AM 2 it happens. They show him a picture of Chris and
11:56:12AM 3 Leslie Green -- they said, you lied; you rolled the
11:56:16AM 4 dice, you lied to me. So Detective Holmes puts the
11:56:18AM 5 picture down, who is this? And Leslie Green says,
11:56:22AM 6 it's Christopher Campbell. It looks like him.

11:56:26AM 7 And when he says, it looks like him,
11:56:30AM 8 Detective Holmes interrupts him. (Indicating) You
11:56:32AM 9 will hear it on the recording. And Leslie Green
11:56:36AM 10 says, okay. It's him. In exasperation, being
11:56:38AM 11 backed into a corner, being threatened with prison
11:56:42AM 12 time, he's already told them he didn't know who it
11:56:48AM 13 was, he's already told them it was a guy named L.
11:56:50AM 14 Well, maybe that's his two lies. He's afraid that
11:56:54AM 15 he's going to get burned and he has no choice. So
11:57:00AM 16 he identifies Christopher Campbell.

11:57:04AM 17 You heard the Solicitor talk about
11:57:06AM 18 fingerprints. Well, this is a public restaurant.
11:57:10AM 19 You can't tell how old the print is, and
11:57:14AM 20 Christopher was there the night before. There's no
11:57:16AM 21 reason why his fingerprint wouldn't be on there.
11:57:20AM 22 And the theory is that he must be the robber
11:57:22AM 23 because the robber was the last person to touch the
11:57:26AM 24 door. And that's not true either.

11:57:26AM 25 You will see on the video the two

OPENING STATEMENT BY MR. KING

11:57:30AM 1 employees go out and in, out and in. That door is
11:57:34AM 2 touched more than once after the robbery. There
11:57:36AM 3 are also other prints they find on that door and
11:57:40AM 4 there are some prints they find that are not good
11:57:44AM 5 enough to make an identification. So that's not
11:57:50AM 6 complete.

11:57:50AM 7 The police search Christopher's
11:57:52AM 8 grandmother's house where he was living at the
11:57:56AM 9 time. He had been living in Columbia for a little
11:57:58AM 10 while and moved back here a couple of weeks before
11:58:02AM 11 this. They went there and searched that house.
11:58:06AM 12 They didn't find a gun, they didn't find the green
11:58:08AM 13 backpack the robber was wearing in the video, or
11:58:10AM 14 ammunition. They didn't find a thousand dollars.
11:58:14AM 15 They find a pair of Air Jordans, black Air Jordans.
11:58:18AM 16 A real common pair of shoes. And they're not even
11:58:24AM 17 Christopher's. They're his uncle's, Leroy
11:58:28AM 18 Campbell's.

11:58:28AM 19 Just a little bit of background.
11:58:28AM 20 Christopher was raised by his grandmother, Martha
11:58:34AM 21 Campbell. He calls her his mother. He grew up
11:58:38AM 22 with her son, Leroy Campbell, who is his uncle, but
11:58:44AM 23 he's like a brother. So if you hear that, so
11:58:46AM 24 there's no confusion about that, that's why it's
11:58:50AM 25 like that. He feels like his grandmother is his

OPENING STATEMENT BY MR. KING

11:58:54AM 1 mother and his uncle is his brother.

11:58:58AM 2 This is Christopher's day in court.

11:59:00AM 3 It's an important day for him. We're asking that

11:59:02AM 4 you do listen to the evidence, that you hold the

11:59:04AM 5 State to their burden. They have to prove beyond a

11:59:10AM 6 reasonable doubt. If there's any reasonable doubt,

11:59:12AM 7 he's not guilty; and Christopher Campbell is not

11:59:16AM 8 guilty and we're asking that you find him not

11:59:18AM 9 guilty.

11:59:20AM 10 THE COURT: Thank you. The State may

11:59:24AM 11 call its first witness.

11:59:26AM 12 MR. ZIEGLER: The State calls Mr. Allen

11:59:48AM 13 Suman.

11:59:48AM 14 ALLEN SUMAN,

11:59:48AM 15 being first duly sworn, testified as follows:

11:59:50AM 16 THE CLERK: You may be seated.

11:59:54AM 17 Sir, once seated, if you would please

11:59:56AM 18 state your name -- first and last name, spell your

11:59:58AM 19 last loudly and clearly into the microphone,

11:59:58AM 20 please.

12:00:00PM 21 THE WITNESS: Allen Suman, S-U-M-A-N.

12:00:04PM 22 THE COURT: You may proceed.

12:00:04PM 23 MR. ZIEGLER: Thank you, Your Honor.

12:00:04PM 24 DIRECT EXAMINATION

12:00:04PM 25 BY MR. ZIEGLER:

ALLEN SUMAN - DIRECT EXAM BY MR. ZIEGLER

12:00:12PM 1 Q. Good morning, Mr. Suman.

12:00:12PM 2 A. Good morning.

12:00:20PM 3 Q. Mr. Suman, what is your occupation?

12:00:20PM 4 A. I'm in sales and installation of

12:00:24PM 5 security cameras and other electronics.

12:00:28PM 6 Q. How long have you been working in that

12:00:30PM 7 field?

12:00:30PM 8 A. For my own business, since 1998.

12:00:34PM 9 Q. You own your own business?

12:00:36PM 10 A. I do. I'm self-employed, a sole

12:00:38PM 11 proprietor.

12:00:38PM 12 Q. And what do you -- what does that

12:00:44PM 13 business do? What do you do in that business?

12:00:46PM 14 A. We primarily sell and install

12:00:50PM 15 electronics, primarily security camera systems.

12:00:54PM 16 Q. Can you please provide the jury with a

12:00:58PM 17 brief explanation of how video surveillance

12:01:00PM 18 operates?

12:01:02PM 19 A. Most people have basically a good idea.

12:01:04PM 20 Like here, you have cameras located and these are

12:01:08PM 21 usually hard-wired into a recording device. This

12:01:12PM 22 recording device is similar to a computer, where

12:01:16PM 23 there is a hard drive inside. Typically, the

12:01:20PM 24 machines are recorded on-site, sometimes offsite as

12:01:26PM 25 well, through the Internet. There are different

ALLEN SUMAN - DIRECT EXAM BY MR. ZIEGLER

12:01:30PM 1 grades and qualities of these recorders.

12:01:32PM 2 This particular entry-level grade, if
12:01:40PM 3 you will -- maybe I'm overstepping, but this is an
12:01:42PM 4 entry-level recorder and it records the data onto
12:01:46PM 5 the hard drive right there.

12:01:48PM 6 Q. And so the video is stored on the hard
12:01:56PM 7 drive?

12:01:56PM 8 A. That's correct.

12:01:58PM 9 Q. Did your business install a video
12:02:02PM 10 surveillance system at Firehouse Subs on King
12:02:06PM 11 Street prior to May 4th, 2011?

12:02:08PM 12 A. Absolutely, yes.

12:02:08PM 13 Q. I want to direct you, Mr. Suman, to the
12:02:10PM 14 morning of May 4, 2011. Did you go to Firehouse
12:02:14PM 15 Subs on King Street that morning?

12:02:14PM 16 A. I did. I rushed down there when I got
12:02:18PM 17 the phone call.

12:02:18PM 18 Q. What did you do when you got to the
12:02:20PM 19 store?

12:02:22PM 20 A. I met with the police, went right to
12:02:26PM 21 the machine as they were looking at the video
12:02:30PM 22 replay. It's pretty easy to do. You just hit the
12:02:32PM 23 rewind button, like on a VCR, so very simple to
12:02:40PM 24 operate.

12:02:40PM 25 Q. And did you find the video of an

ALLEN SUMAN - DIRECT EXAM BY MR. ZIEGLER

12:02:44PM 1 incident that the police were interested in?

12:02:46PM 2 A. They in fact had located the video and
12:02:50PM 3 were able to manipulate and remind rewind and
12:02:52PM 4 fast-forward, so I was --

12:02:56PM 5 Q. Did you provide a copy of that video?

12:02:58PM 6 A. We put a thumb drive into the machine
12:03:00PM 7 and downloaded that data, which would be the video
12:03:04PM 8 you guys are probably going to see, to that thumb
12:03:10PM 9 drive. We turned that over to the detectives and
12:03:14PM 10 really that was my only obligation. We don't even
12:03:18PM 11 charge the clients for that. It's just something
12:03:20PM 12 that I take pride in doing.

12:03:22PM 13 Q. Have you ever watched that video?

12:03:24PM 14 A. Oh, yes.

12:03:24PM 15 MR. ZIEGLER: May I approach the
12:03:26PM 16 witness, Your Honor?

12:03:26PM 17 THE COURT: You may.

12:03:26PM 18 BY MR. ZIEGLER:

12:03:30PM 19 Q. I'm now showing you what will be marked
12:03:32PM 20 for identification purposes as State's Exhibit 1.
12:03:36PM 21 Do you recognize this?

12:03:38PM 22 A. And my signature.

12:03:40PM 23 Q. What is it?

12:03:42PM 24 A. Oh, this is a copy of the video that we
12:03:44PM 25 recorded that day.

ALLEN SUMAN - DIRECT EXAM BY MR. ZIEGLER

12:03:48PM 1 MR. ZIEGLER: Okay. Your Honor, the
12:03:50PM 2 State moves to admit State's Exhibit 1.
12:03:52PM 3 THE COURT: Any objections, Mr. King?
12:03:54PM 4 MR. KING: No objection.
12:03:54PM 5 THE COURT: Without objection, State's
12:03:56PM 6 Exhibit Number 1 is admitted into
12:03:56PM 7 evidence.
12:03:56PM 8 (PLF. EXH. 1 in evidence.)
12:03:56PM 9 MR. ZIEGLER: Thank you, Your Honor.
12:03:58PM 10 The State will not publish the video at this time.
12:04:00PM 11 We'll wait for another witness.
12:04:00PM 12 BY MR. ZIEGLER:
12:04:24PM 13 Q. I want to ask you about your
12:04:26PM 14 professional experience with time stamps displayed
12:04:30PM 15 on surveillance systems that you have installed.
12:04:32PM 16 On your surveillance system, is it common or
12:04:34PM 17 uncommon for the time stamp to be inaccurate, that
12:04:40PM 18 is, to display a time that is different from the
12:04:42PM 19 actual time of day?
12:04:44PM 20 A. It's a zillion percent; happens all the
12:04:46PM 21 time, especially with these entry-level machines.
12:04:50PM 22 They don't have a way to communicate with the
12:04:52PM 23 national time server, so it's -- and I tell the
12:04:56PM 24 clients to keep up with it as best they can to make
12:04:58PM 25 sure that the time is accurate. This one may have

ALLEN SUMAN - DIRECT EXAM BY MR. ZIEGLER

12:05:02PM 1 been off a couple of minutes, but it was still from
12:05:10PM 2 that day.

12:05:10PM 3 Q. And even if the time stamp is
12:05:12PM 4 inaccurate, do these surveillance systems
12:05:16PM 5 nonetheless capture the events?

12:05:18PM 6 A. Absolutely. By just hitting the rewind
12:05:20PM 7 button, it goes from right now to just right then.
12:05:24PM 8 And right then happened to be the video that is
12:05:28PM 9 sitting right here.

12:05:30PM 10 MR. ZIEGLER: Okay. May I approach the
12:05:32PM 11 witness?

12:05:32PM 12 THE COURT: You may. And you don't
12:05:34PM 13 have to ask to approach.

12:05:34PM 14 BY MR. ZIEGLER:

12:05:42PM 15 Q. Mr. Suman, I'm going to show you
12:05:44PM 16 numerous exhibits that we've marked for
12:05:50PM 17 identification. I would like you to flip through
12:05:54PM 18 them and take a look and let me know if you
12:05:54PM 19 recognize them.

12:06:00PM 20 A. Would you like me to explain or talk
12:06:00PM 21 about either one?

12:06:02PM 22 Q. No, thank you. Just whether you
12:06:04PM 23 recognize what these are in general.

12:06:18PM 24 A. Yeah, it's chilling. Yes.

12:06:32PM 25 Q. And what are they?

ALLEN SUMAN - DIRECT EXAM BY MR. ZIEGLER

12:06:34PM 1 A. These are still shots from the video
12:06:38PM 2 footage of that morning.

12:06:42PM 3 Q. Are they an accurate portrayal of what
12:06:44PM 4 is on that video?

12:06:46PM 5 A. Yeah. It's not the video, it's just a
12:06:48PM 6 picture, but they came from that.

12:06:52PM 7 Q. Thank you.

12:06:52PM 8 MR. ZIEGLER: Your Honor, the State
12:06:54PM 9 moves to admit these exhibits into evidence. It
12:06:58PM 10 will be number 2 through 11.

12:07:12PM 11 THE COURT: Any objection, Mr. King.

12:07:14PM 12 MR. KING: Yes, sir. Just undue
12:07:16PM 13 emphasis on those photos. They'll have the video.
12:07:20PM 14 I would object.

12:07:22PM 15 THE COURT: Okay. Overruled. Exhibits
12:08:42PM 16 2 through 11 are admitted into
17 evidence.

18 (PLF. EXH. 2 in evidence.)

19 (PLF. EXH. 3 in evidence.)

20 (PLF. EXH. 4 in evidence.)

21 (PLF. EXH. 5 in evidence.)

22 (PLF. EXH. 6 in evidence.)

23 (PLF. EXH. 7 in evidence.)

24 (PLF. EXH. 8 in evidence.)

25 (PLF. EXH. 9 in evidence.)

ALLEN SUMAN - DIRECT EXAM BY MR. ZIEGLER

1 (PLF. EXH. 10 in evidence.)

12:08:42PM 2 (PLF. EXH. 11 in evidence.)

12:08:42PM 3 THE COURT: Mr. King.

12:08:42PM 4 CROSS-EXAMINATION

12:08:42PM 5 BY MR. KING:

12:08:44PM 6 Q. Mr. Suman, you said that the video
12:08:48PM 7 that's recorded, it's stored as data, right?

12:08:50PM 8 A. (Nodding)

12:08:50PM 9 Q. On a hard drive at the Firehouse Subs?

12:08:54PM 10 A. That's correct.

12:08:54PM 11 Q. And in that storage, that data can get
12:09:00PM 12 kind of large, right?

12:09:00PM 13 A. Excuse me?

12:09:02PM 14 Q. The data from the video, that could
12:09:02PM 15 take up a lot of storage space, right?

12:09:06PM 16 A. Depending on the quality of the camera,
12:09:08PM 17 it could potentially.

12:09:10PM 18 Q. Do you know -- are you aware that at
12:09:12PM 19 Firehouse, that they don't keep the video very
12:09:16PM 20 long, that it's overwritten every 30 days
12:09:18PM 21 approximately? Are you familiar with that?

12:09:20PM 22 A. Uh-huh.

12:09:22PM 23 Q. And the reason is because there is a
12:09:24PM 24 limited amount of storage?

12:09:24PM 25 A. It's kind of like an eight-track

ALLEN SUMAN - CROSS EXAM BY MR. KING

12:09:26PM 1 player. It starts here and goes there.

12:09:30PM 2 Q. And that's because eventually you'd
12:09:32PM 3 have to get I guess just stacks and stacks of hard
12:09:36PM 4 drives for all that data. You don't save it
12:09:38PM 5 forever?

12:09:38PM 6 A. Right.

12:09:38PM 7 Q. So if I wanted to go back and get video
12:09:42PM 8 of the day before this, I wouldn't be able to do
12:09:44PM 9 that, right?

12:09:46PM 10 A. You just said 30 days.

12:09:46PM 11 Q. Right. In 30 days, that's gone?

12:09:52PM 12 A.. Yes.

12:09:52PM 13 Q. Long gone?

12:09:52PM 14 A. But today, you could get yesterday and
12:09:54PM 15 you could get the day before and the day before and
12:09:56PM 16 the week before.

12:09:56PM 17 Q. Right. Back about 30 days, but that's
12:09:58PM 18 it.

12:09:58PM 19 A. Yes.

12:10:00PM 20 MR. KING: That's all the questions I
12:10:02PM 21 have.

12:10:02PM 22 THE COURT: Any redirect?

12:10:04PM 23 MR. ZIEGLER: No, Your Honor.

12:10:04PM 24 THE COURT: Thank you. You may step
12:10:06PM 25 down.

ALLEN SUMAN - CROSS EXAM BY MR. KING

12:10:06PM 1 Let me see the attorneys up

12:10:06PM 2 here.

12:10:40PM 3 (Off-the-record conference.)

12:10:40PM 4 THE COURT: Ladies and gentlemen, just
12:10:42PM 5 for your information, I was inquiring of the
12:10:44PM 6 attorneys. We will have one more short witness and
12:10:46PM 7 then we will take a lunch recess.

12:10:48PM 8 Okay. State may call the next witness.

12:10:52PM 9 MR. ZIEGLER: State calls Officer
12:10:56PM 10 Christopher Freshman.

12:10:56PM 11 CHRISTOPHER FRESHMAN,
12:10:56PM 12 being first duly sworn, testified as follows:

12:11:16PM 13 THE CLERK: Sir, once seated, please
12:11:18PM 14 state your first and last name and spell your last
12:11:20PM 15 loudly and clearly into the microphone.

12:11:22PM 16 THE WITNESS: Christopher Freshman,
12:11:22PM 17 F-R-E-S-H-M-A-N.

12:11:28PM 18 THE COURT: You may proceed.

12:11:28PM 19 DIRECT EXAMINATION

12:11:28PM 20 BY MR. ZIEGLER:

12:11:30PM 21 Q. Good morning, Officer Freshman.

12:11:32PM 22 A. Good morning.

12:11:32PM 23 Q. What law enforcement agency are you a
12:11:34PM 24 member of?

12:11:36PM 25 A. Charleston Police Department.

CHRISTOPHER FRESHMAN - DIRECT EXAM BY MR. ZIEGLER

12:11:36PM 1 Q. What is your current assignment,
12:11:40PM 2 current job?

12:11:40PM 3 A. I'm a patrol officer in Team 2.

12:11:42PM 4 Q. What shift are you working these days?

12:11:46PM 5 A. Well, I got off at 8:30 this morning
12:11:50PM 6 after working at 10:30 last night. I'm on third
12:11:54PM 7 shift right now.

12:11:54PM 8 Q. Could you briefly explain your duties
12:12:00PM 9 and responsibilities as a patrol officer?

12:12:02PM 10 A. The area I work is Team 2. I work
12:12:06PM 11 everything south of Calhoun Street, from The
12:12:08PM 12 Battery to Marion Square basically. My duties
12:12:12PM 13 day-to-day include traffic violations, answering
12:12:18PM 14 calls for service, assisting tourists with
12:12:22PM 15 directions to restaurants typically, but right now
12:12:24PM 16 that's pretty much what we do.

12:12:26PM 17 Q. How long in total have you worked for
12:12:28PM 18 Charleston Police Department?

12:12:30PM 19 A. Been in law enforcement for eight
12:12:30PM 20 years, been with Charleston for five.

12:12:32PM 21 Q. I want to direct you to May 4th, 2011.
12:12:42PM 22 Where in the city were you working that day?

12:12:42PM 23 A. The same place, Team 2, everything
12:12:48PM 24 south of Calhoun.

12:12:52PM 25 Q. What shift did you work that day,

CHRISTOPHER FRESHMAN - DIRECT EXAM BY MR. ZIEGLER

12:12:54PM 1 May 4, 2011?

12:12:54PM 2 A. I was on day shift; started at 7:30 in
12:12:58PM 3 the morning.

12:12:58PM 4 Q. And did you -- on that day did you
12:13:04PM 5 respond to 357 King Street, Firehouse Subs?

12:13:06PM 6 A. Yes, sir.

12:13:06PM 7 Q. In regards to what?

12:13:08PM 8 A. In regards to an armed robbery that had
12:13:10PM 9 just occurred.

12:13:12PM 10 Q. And, Officer Freshman, in what county
12:13:14PM 11 is that Firehouse Subs located?

12:13:16PM 12 A. In the City of Charleston, Charleston
12:13:20PM 13 County, on the peninsula.

12:13:22PM 14 Q. Now, when you responded to the
12:13:24PM 15 Firehouse Subs, where did you park your vehicle?

12:13:26PM 16 A. I approached from Burns Lane. The
12:13:30PM 17 dispatch came on and said they were running down an
12:13:32PM 18 alleyway. The only alley I could think of at the
12:13:36PM 19 time was Burns Lane.. So I parked -- I came down
12:13:38PM 20 Burns Lane looking to see a suspect running. I
12:13:40PM 21 parked just behind -- where Five Guys is on the
12:13:44PM 22 corner, I parked just behind there to walk to the
12:13:48PM 23 corner, just to make sure it was clear, before I
12:13:50PM 24 made my way into the restaurant.

12:13:52PM 25 Q. Did you locate any subject?

CHRISTOPHER FRESHMAN - DIRECT EXAM BY MR. ZIEGLER

12:13:54PM 1 A. I did not at the time, no, sir.

12:13:56PM 2 Q. And were you the first officer on the

12:14:00PM 3 scene?

12:14:00PM 4 A. I was.

12:14:00PM 5 Q. And when you arrived at the Firehouse

12:14:08PM 6 Subs, what did you observe? Who was there? Who

12:14:12PM 7 was outside?

12:14:12PM 8 A. Really, the only two people outside

12:14:14PM 9 were the two people standing outside of Firehouse.

12:14:16PM 10 It was Christopher, the manager, and then

12:14:20PM 11 Mr. Green, if I remember correctly.

12:14:22PM 12 Q. And how did they appear? Both of these

12:14:28PM 13 young men, how did they appear to you?

12:14:30PM 14 A. You mean --

12:14:32PM 15 Q. As far as their demeanor.

12:14:34PM 16 A. Christopher, the manager, was extremely

12:14:38PM 17 shaken up. He was kind of fidgety. They were both

12:14:42PM 18 standing right outside the door and, to keep them

12:14:48PM 19 from contaminating the scene any more, I kept them

12:14:52PM 20 outside the door until other officers arrived and

12:14:52PM 21 we got the Crime Scene there.

12:14:54PM 22 The other party, Mr. Green, was a bit

12:14:56PM 23 more calm and collected than Christopher was.

12:15:00PM 24 Q. And who did you speak to when you got

12:15:06PM 25 there?

CHRISTOPHER FRESHMAN - DIRECT EXAM BY MR. ZIEGLER

12:15:06PM 1 A. I first talked to Christopher, the
12:15:08PM 2 manager.
12:15:10PM 3 Q. Did he give an account of what
12:15:12PM 4 occurred, without -- without telling us what the
12:15:14PM 5 account was, did he give an account of what
12:15:18PM 6 occurred to you?
12:15:20PM 7 A. Yes. He told me that someone came in
12:15:22PM 8 and robbed the store.
12:15:24PM 9 Q. Did he give a description of the person
12:15:26PM 10 that came in and robbed the store to you?
12:15:28PM 11 A. He did.
12:15:30PM 12 Q. And do you remember writing in the
12:15:36PM 13 report from that day that the suspect -- the
12:15:40PM 14 subject had gone into the store and robbed the
12:15:42PM 15 store? Do you remember from your report that he
12:15:44PM 16 was described at some point as having gold teeth?
12:15:48PM 17 A. I do remember that.
12:15:50PM 18 Q. Did Christopher Riley ever tell you
12:15:54PM 19 that the suspect had gold teeth?
12:15:56PM 20 A. I believe that information came from
12:16:00PM 21 what our dispatch put out over the radio. I do not
12:16:04PM 22 recall in particular Christopher saying he had gold
12:16:08PM 23 teeth.
12:16:08PM 24 Q. Do you remember whether he said he had
12:16:16PM 25 any facial hair?

CHRISTOPHER FRESHMAN - DIRECT EXAM BY MR. ZIEGLER

12:16:20PM 1 A. I believe Christopher Nolan (sic) said
12:16:24PM 2 that he did have a goatee.

12:16:28PM 3 Q. So you spoke to Mr. Riley, you secured
12:16:32PM 4 -- did you secure the scene?

12:16:32PM 5 A. I did.

12:16:34PM 6 Q. Did you do anything else to investigate
12:16:36PM 7 this incident?

12:16:36PM 8 A. I just spoke with Mr. Nolan for a
12:16:42PM 9 minute -- or Mr. Riley, excuse me.

12:16:44PM 10 Q. Did other officers arrive?

12:16:46PM 11 A. Yes. We had a few officers arrive, a
12:16:50PM 12 few investigators, including at that time Detective
12:16:54PM 13 Kennedy arrived and spoke to the two parties.

12:17:00PM 14 MR. ZIEGLER: Thank you, Officer
12:17:02PM 15 Freshman. Please answer any questions the defense
12:17:02PM 16 will have.

12:17:04PM 17 THE WITNESS: Yes, sir.

12:17:04PM 18 THE COURT: Mr. King.

12:17:04PM 19 MR. KING: Thank you, Your Honor.

12:17:04PM 20 CROSS-EXAMINATION

12:17:04PM 21 BY MR. KING:

12:17:18PM 22 Q. You testified that you were the first
12:17:20PM 23 responding officer?

12:17:20PM 24 A. That's correct.

12:17:22PM 25 Q. First one on the scene?

CHRISTOPHER FRESHMAN - CROSS EXAM BY MR. KING

12:17:24PM 1 A. Yes.

12:17:24PM 2 Q. And there are certain duties that you

12:17:26PM 3 would have as the first officer on the scene?

12:17:28PM 4 A. Yes, sir.

12:17:30PM 5 Q. One of those would be to talk to the

12:17:32PM 6 witnesses, right?

12:17:34PM 7 A. That's one of them.

12:17:36PM 8 Q. To find out what happened?

12:17:38PM 9 A. Correct.

12:17:38PM 10 Q. And get all the important information

12:17:40PM 11 that you could get I guess before the other

12:17:44PM 12 detectives and officers arrived?

12:17:44PM 13 A. Correct.

12:17:46PM 14 Q. And you testified that you got a

12:17:48PM 15 description of the suspect?

12:17:50PM 16 A. Yes.

12:17:50PM 17 Q. Okay. And that's important because

12:17:54PM 18 you're looking for the suspect, right?

12:17:56PM 19 A. Correct..

12:17:56PM 20 Q. So you want to know what he looks like

12:18:00PM 21 so you can find him?

12:18:00PM 22 A. Yes.

12:18:02PM 23 Q. And you document that in a report?

12:18:04PM 24 A. Yes.

12:18:04PM 25 Q. That's a big part of what your job is,

CHRISTOPHER FRESHMAN - CROSS EXAM BY MR. KING

12:18:08PM 1 is writing reports?

12:18:08PM 2 A. Right.

12:18:08PM 3 Q. And when you write a report, you know

12:18:18PM 4 it's important to be accurate in the report, right?

12:18:22PM 5 A. Correct.

12:18:22PM 6 Q. Because people are going to rely on

12:18:26PM 7 that, right?

12:18:28PM 8 A. Absolutely.

12:18:28PM 9 Q. Other officers are going to rely on

12:18:30PM 10 what you put in there when they investigate the

12:18:34PM 11 case further?

12:18:34PM 12 A. Yes..

12:18:34PM 13 Q. It eventually goes to the prosecutor

12:18:36PM 14 and eventually to me, too?

12:18:42PM 15 A. Correct.

12:18:42PM 16 Q. And you want it to be accurate so you

12:18:46PM 17 catch the right guy, right?

12:18:48PM 18 A. Correct.

12:18:48PM 19 Q. That's why you try to be as accurate

12:18:50PM 20 and as fair as you can in your reports?

12:18:52PM 21 A. Absolutely.

12:18:52PM 22 Q. Now, you wrote a report in this case?

12:18:58PM 23 A. I did.

12:19:00PM 24 Q. Okay. And you testified before, just a

12:19:02PM 25 minute ago, that you don't remember -- you don't

CHRISTOPHER FRESHMAN - CROSS EXAM BY MR. KING

12:19:06PM 1 remember Christopher Riley, the manager, telling
12:19:08PM 2 you that the robber had gold teeth?

12:19:12PM 3 A. That's correct.

12:19:14PM 4 Q. But you put that in the report?

12:19:16PM 5 A. I did.

12:19:16PM 6 Q. You said you think that came from on
12:19:18PM 7 the radio or something?

12:19:20PM 8 A. Yeah. We get information from three
12:19:22PM 9 different places, from the witness on-scene, from
12:19:26PM 10 our computer system that our dispatchers put notes
12:19:28PM 11 into so we can read it as we go, or if we're
12:19:32PM 12 moving, what the dispatcher tells us over the
12:19:34PM 13 radio.

12:19:34PM 14 Q. Have you reviewed the report?

12:19:36PM 15 A. I did.

12:19:36PM 16 Q. Because what you say in your report is
12:19:40PM 17 different. You said, responding officer, that's
12:19:46PM 18 you, R slash O?

12:19:48PM 19 A. Correct.

12:19:48PM 20 Q. Responding officer then asked victim 2,
12:19:52PM 21 Christopher Riley, for a better description -- for
12:19:54PM 22 a better suspect description, right?

12:19:56PM 23 A. Yes.

12:19:56PM 24 Q. He described the subject as being a
12:20:00PM 25 black male, 6 to 6, 3 in height, thin build,

CHRISTOPHER FRESHMAN - CROSS EXAM BY MR. KING

12:20:04PM 1 between the ages of 23 and 25, black and white
12:20:08PM 2 striped hoodie, black hat, sunglasses, dark shirt,
12:20:12PM 3 white pants. You added all these details because
12:20:14PM 4 the details were important, right?

12:20:16PM 5 A. Yes.

12:20:16PM 6 Q. He also stated that the subject had
12:20:24PM 7 gold teeth and a thin amount of facial hair,
12:20:28PM 8 including a goatee and moustache?

12:20:30PM 9 A. Yes.

12:20:30PM 10 Q. You wrote in the report that you asked
12:20:34PM 11 Christopher Riley for a better description, right?
12:20:36PM 12 And he told you the suspect had gold teeth and a
12:20:42PM 13 goatee? You put that in the --

12:20:44PM 14 A. That's what is in the report, but
12:20:46PM 15 that's not entirely accurate as to what happened.
12:20:50PM 16 To clarify, the gold teeth is what was told to our
12:20:54PM 17 dispatcher. And he may have said goatee, but what
12:20:58PM 18 our dispatcher told us was gold teeth, or that's
12:21:00PM 19 what it sounded like on the radio. So that was
12:21:04PM 20 what also went into that, as well as the video that
12:21:06PM 21 I saw.

12:21:06PM 22 Q. And did you discuss this with the
12:21:08PM 23 Solicitor before you testified today?

12:21:10PM 24 A. Yes, sir.

12:21:10PM 25 Q. Because it seems weird that you would

CHRISTOPHER FRESHMAN - CROSS EXAM BY MR. KING

12:21:14PM 1 put in your report, that back in 2011, three years
12:21:20PM 2 -- over three years ago, you would put that he told
12:21:22PM 3 you that he had gold teeth. And now you come in
12:21:26PM 4 and testify, well, that's not really true, that's
12:21:28PM 5 not accurate, right? It seems strange, doesn't it?

12:21:32PM 6 A. Well, that's the information I got on
12:21:34PM 7 the radio, is that he had gold teeth. So with all
12:21:38PM 8 of the information I collected that morning, I
12:21:38PM 9 spoke with Christopher Nolan (sic) a few minutes
12:21:42PM 10 after it happened.

12:21:44PM 11 I didn't write the report until later
12:21:44PM 12 that morning, just due to other duties, like
12:21:48PM 13 securing the crime scene and waiting for them to
12:21:50PM 14 finish all that information; I went back and
12:21:52PM 15 reviewed the notes from the computer and reviewed
12:21:54PM 16 the video to get more of a description and recalled
12:21:58PM 17 what he told me and put that into the report.

12:22:00PM 18 Q. So when I was asking you before how
12:22:04PM 19 important is it for the details to be accurate --

12:22:08PM 20 A. Uh-huh.

12:22:08PM 21 Q. -- that's so that other people can rely
12:22:10PM 22 on your report and the description you put in
12:22:12PM 23 there, right? So they can catch the right person?

12:22:16PM 24 A. Correct.

12:22:16PM 25 Q. And you are saying it's not accurate?

CHRISTOPHER FRESHMAN - CROSS EXAM BY MR. KING

12:22:20PM 1 A. I'm saying the report is accurate,
12:22:24PM 2 minus where that piece of information probably came
12:22:28PM 3 from.

12:22:28PM 4 Q. And nowhere in your report does it say
12:22:34PM 5 anything about gold teeth on the radio?

12:22:36PM 6 A. No, probably not.

12:22:42PM 7 MR.. KING: That's all the questions I
12:22:42PM 8 have.

12:22:42PM 9 THE COURT: Thank you. Any redirect
12:22:44PM 10 from the State?

12:22:44PM 11 REDIRECT EXAMINATION

12:22:44PM 12 BY MR. ZIEGLER:

12:22:56PM 13 Q. Officer Freshman, you said that you
12:23:00PM 14 were a first responder and patrol officer?

12:23:02PM 15 A. Correct.

12:23:04PM 16 Q. Is it your -- is it a first responder's
12:23:06PM 17 role to speak with every single witness at the
12:23:10PM 18 scene?

12:23:10PM 19 A. No.

12:23:10PM 20 Q. All right. Who -- are there other
12:23:14PM 21 members of the police department who -- whose
12:23:18PM 22 responsibility it is to get further details and
12:23:20PM 23 speak with everyone they can think of?

12:23:24PM 24 A. Yeah, that would be the investigators
12:23:26PM 25 that respond to the scene.

CHRISTOPHER FRESHMAN - REDIRECT EXAM BY MR. ZIEGLER

12:23:28PM 1 Q. And when you are writing your incident
12:23:38PM 2 reports, what are -- what are the sources of
12:23:42PM 3 information that -- typical sources of information
12:23:44PM 4 that you get to put into the report?

12:23:46PM 5 A. Well, that day I used Mr. Riley's
12:23:50PM 6 information that he gave me. I also used the video
12:23:54PM 7 footage that I saw that morning from the security
12:23:58PM 8 cameras. I also used my computer that sits in my
12:24:00PM 9 vehicle; whatever notes the dispatcher puts in
12:24:04PM 10 there, I used those. And, also, what I recall
12:24:06PM 11 hearing from the original initial call-out for
12:24:10PM 12 service.

12:24:10PM 13 MR. ZIEGLER: Thank you. No further
12:24:12PM 14 questions.

12:24:12PM 15 THE COURT: Any recross based on his
12:24:14PM 16 redirect?

12:24:14PM 17 MR. KING: Just briefly, Your Honor.

12:24:14PM 18 RECROSS-EXAMINATION

12:24:14PM 19 BY MR. KING:

12:24:18PM 20 Q. You write down what witnesses tell you,
12:24:20PM 21 right?

12:24:20PM 22 A. Yes.

12:24:20PM 23 Q. So you would add notes?

12:24:22PM 24 A. Some.

12:24:24PM 25 Q. So when you're interviewing Christopher

CHRISTOPHER FRESHMAN - REDIRECT EXAM BY MR. ZIEGLER

12:24:28PM 1 Riley, you would have asked him, describe the
12:24:30PM 2 suspect, right?

12:24:30PM 3 A. Yes.

12:24:30PM 4 Q. And you have a pencil and some paper
12:24:34PM 5 and you're writing that down, right?

12:24:34PM 6 A. Correct.

12:24:34PM 7 Q. And then you review those notes when
12:24:38PM 8 you write your report?

12:24:40PM 9 A. Yes.

12:24:40PM 10 Q. You don't just jumble everything
12:24:42PM 11 together and mix everything up, do you?

12:24:44PM 12 A. I'm not exactly understanding your
12:24:48PM 13 question.

12:24:48PM 14 Q. Well, I guess, still getting back to
12:24:48PM 15 why you put in your report that that's what he said
12:24:52PM 16 and, today, you're coming in three years later and
12:24:54PM 17 saying, that's not what he said, after you met and
12:24:58PM 18 talked with the Solicitor's Office, that's coming
12:25:00PM 19 into issue in this case. I mean, if you have notes
12:25:04PM 20 that say, oh, here's my interview with Christopher
12:25:06PM 21 Campbell, (sic) and here's what he told me, if you
12:25:10PM 22 have notes about what went out on the radio, right,
12:25:12PM 23 you wouldn't just -- you wouldn't put that into the
12:25:16PM 24 list of what Christopher Riley described. You
12:25:18PM 25 should --

CHRISTOPHER FRESHMAN - RECROSS EXAM BY MR. KING

12:25:18PM 1 MR. ZIEGLER: Objection, Your Honor;

12:25:20PM 2 asked and answered.

12:25:20PM 3 THE COURT: I'll give him a little

12:25:20PM 4 leeway.

12:25:20PM 5 BY MR. KING:

12:25:24PM 6 Q. You should have had a piece of paper

12:25:26PM 7 that described -- had that description and those

12:25:28PM 8 notes written down, and you would have referred to

12:25:30PM 9 those notes and put it in your report. How in the

12:25:34PM 10 world do you get that mixed up? It's an important

12:25:38PM 11 fact.

12:25:38PM 12 A. Typically, it doesn't go as smooth as

12:25:38PM 13 possible or as you would like it when you're

12:25:42PM 14 on-scene sometimes. When you're dealing with

12:25:44PM 15 several different things happening at the same

12:25:46PM 16 time, it becomes difficult to keep track of

12:25:50PM 17 everything. Again, I didn't go into as much detail

12:25:54PM 18 as an investigator would when interviewing a

12:25:58PM 19 potential witness, just because of the lack of time

12:26:00PM 20 and I want that witness to talk to the

12:26:02PM 21 investigator.

12:26:04PM 22 Q. You put stuff in the report to help

12:26:06PM 23 refresh your memory, too, right?

12:26:08PM 24 A. Yes.

12:26:08PM 25 Q. How do you just all of a sudden

CHRISTOPHER FRESHMAN - RECROSS EXAM BY MR. KING

12:26:10PM 1 remember three and-a-half-years ago that he didn't
12:26:12PM 2 tell you he had gold teeth?

12:26:14PM 3 A. Because I remember what was said on the
12:26:16PM 4 radio. Some things stick out to me very, very
12:26:20PM 5 specifically, this case in particular. You don't
12:26:24PM 6 get to do a whole lot of stuff in Team 2 that is
12:26:28PM 7 exciting, as some people would say; however, when
12:26:32PM 8 something does happen, it tends to stick out in
12:26:34PM 9 your mind.

12:26:34PM 10 Q. Being the first responding officer
12:26:36PM 11 there, your description goes out on the radio,
12:26:40PM 12 right?

12:26:40PM 13 A. My description did not. The suspect
12:26:42PM 14 was already gone and the information had already
12:26:46PM 15 gone out over the radio once. There is no need to
12:26:50PM 16 tie up air traffic with me putting that information
12:26:52PM 17 out again when we have to call for Crime Scene
12:26:56PM 18 investigations and other units.

12:26:58PM 19 Q. So what I'm thinking is, it could have
12:27:02PM 20 just been out on the radio because that's the
12:27:04PM 21 description you wrote down? It got on the radio
12:27:06PM 22 because that's what Christopher Riley told you,
12:27:10PM 23 right? That's not the way it works?

12:27:10PM 24 A. No. The description went out from what
12:27:16PM 25 Mr. Riley told our dispatcher. And, then, that

CHRISTOPHER FRESHMAN - RECROSS EXAM BY MR. KING

12:27:18PM 1 information went out -- that's the person I was
12:27:20PM 2 looking for when I arrived on-scene and I got a
12:27:22PM 3 little more information from Mr. Riley.

12:27:26PM 4 Q. So you believe Mr. Riley told the
12:27:28PM 5 dispatcher that he had gold teeth?

12:27:30PM 6 A. Yes, that's exactly what I believe.

12:27:30PM 7 MR. KING: No further questions, Your
12:27:32PM 8 Honor.

12:27:32PM 9 THE COURT: Thank you. Any objection
12:27:32PM 10 to this witness being excused?

12:27:34PM 11 MR. ZIEGLER: No, Your Honor.

12:27:36PM 12 MR. KING: No, Your Honor.

12:27:36PM 13 THE COURT: Okay. Go get some sleep.

12:27:40PM 14 THE WITNESS: Thank you, Your Honor.

12:27:40PM 15 THE COURT: All right. Ladies and
12:27:42PM 16 gentlemen, now is a good time to break for lunch.
12:27:44PM 17 So we're going to -- by the time you get out of
12:27:48PM 18 here and get back in here will be about an hour and
12:27:52PM 19 a half. So be back here just a little bit before
12:27:54PM 20 2:00.

12:27:54PM 21 And don't go talking to anybody about
12:27:56PM 22 this; don't talk amongst yourselves. And if
12:28:00PM 23 somebody says, what are you doing, you don't need
12:28:02PM 24 to go tell them you have jury duty, because the
12:28:04PM 25 first thing they're going to say is, you know, I

02:08:08PM 1 Christopher Riley.

02:08:12PM 2 THE COURT: Mr. Riley.

02:08:32PM 3 CHRISTOPHER RILEY,

02:08:32PM 4 being first duly sworn, testified as follows:

02:08:36PM 5 THE CLERK: You may be seated. Sir,
02:08:40PM 6 once seated, if you could please state your first
02:08:42PM 7 and last name and spell your last loudly and
02:08:46PM 8 clearly into the microphone.

02:08:50PM 9 THE WITNESS: Christopher Riley,
02:08:52PM 10 R-I-L-E-Y.

02:08:54PM 11 THE COURT: You may proceed.

02:09:00PM 12 MR. ZIEGLER: Thank you, Your Honor.

02:09:00PM 13 DIRECT EXAMINATION

02:09:00PM 14 BY MR. ZIEGLER:

02:09:02PM 15 Q. Afternoon, Mr. Riley.

02:09:06PM 16 Do you go by Chris?

02:09:06PM 17 A. Yes, sir.

02:09:06PM 18 Q. Chris, how old are you?

02:09:08PM 19 A. 25.

02:09:10PM 20 Q. What part of town do you live in?

02:09:14PM 21 A. North Charleston.

02:09:16PM 22 Q. How long have you lived in Charleston?

02:09:18PM 23 A. My whole life.

02:09:20PM 24 Q. Say that again, please.

02:09:22PM 25 A. My whole life.

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:09:24PM 1 Q. How far did you go in school?

02:09:26PM 2 A. 11th grade.

02:09:26PM 3 Q. And do you have a family, any children?

02:09:30PM 4 A. I actually have a little girl, seven

02:09:34PM 5 years old.

02:09:34PM 6 Q. Do you have any criminal convictions

02:09:36PM 7 against you in the past?

02:09:38PM 8 A. Yes, I do.

02:09:38PM 9 Q. And what are those for?

02:09:42PM 10 A. I have one that's dated back in 2012

02:09:46PM 11 for simple possession.

02:09:50PM 12 Q. Simple possession of?

02:09:50PM 13 A. Marijuana. And I have recent forgery

02:09:58PM 14 charges.

02:10:00PM 15 Q. Okay. Were there -- was it two forgery

02:10:04PM 16 charges and two fraudulent check charges?

02:10:06PM 17 A. Correct.

02:10:06PM 18 Q. Okay. Did those occur after May 4,

02:10:14PM 19 2011?

02:10:14PM 20 A. Yes, sir.

02:10:14PM 21 Q. And what was your -- what was your

02:10:16PM 22 sentence for those charges?

02:10:18PM 23 A. I actually got probation.

02:10:20PM 24 Q. Okay. Chris, what is your -- what is

02:10:24PM 25 your employment history? How long did you work at

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:10:26PM 1 Firehouse Subs?

02:10:28PM 2 A. I was there five years, until -- up to
02:10:34PM 3 June 2012.

02:10:34PM 4 Q. And why did you leave the job?

02:10:38PM 5 A. I couldn't sleep, I couldn't really
02:10:46PM 6 eat, just messing with me hard.

02:10:48PM 7 Q. And was that because of what happened
02:10:56PM 8 -- something that happened at work, when you were
02:10:56PM 9 at work?

02:10:58PM 10 A. Pretty much, yes.

02:11:00PM 11 Q. Okay. Have you had some jobs since you
02:11:04PM 12 left Firehouse Subs?

02:11:04PM 13 A. A couple.

02:11:06PM 14 Q. Are you currently employed?

02:11:08PM 15 A. No, I'm not.

02:11:10PM 16 Q. Have you been looking and applying for
02:11:12PM 17 jobs?

02:11:12PM 18 A. Yes, sir.

02:11:12PM 19 Q. Do you want to be working?

02:11:16PM 20 A. Yes, sir.

02:11:16PM 21 Q. I want to direct you to May 4th, 2011.

02:11:22PM 22 A. Uh-huh.

02:11:22PM 23 Q. In the morning.

02:11:24PM 24 A. Uh-huh.

02:11:24PM 25 Q. Sometime after 8:00 a.m. Where were

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:11:28PM 1 you that morning?

02:11:30PM 2 A. I was in the store preparing.

02:11:34PM 3 Q. What store?

02:11:34PM 4 A. 357 King Street, Firehouse Subs,
02:11:40PM 5 preparing for the day.

02:11:40PM 6 Q. Okay. And do you remember a robbery --
02:11:44PM 7 an armed robbery that occurred that morning?

02:11:46PM 8 A. Yes, I do.

02:11:48PM 9 Q. Okay. I want to get the layout of the
02:11:52PM 10 area from you of the Firehouse Subs. So where
02:11:56PM 11 exactly is Firehouse Subs downtown?

02:12:00PM 12 A. It's located on King Street in between
02:12:02PM 13 George and Calhoun.

02:12:04PM 14 Q. Okay. And, approximately, what time
02:12:10PM 15 did this armed robbery occur, kind of your best
02:12:16PM 16 estimate of the time period?

02:12:16PM 17 A. Between the times of 8:10 and 8:20.

02:12:22PM 18 Q. Okay. What is King Street -- that part
02:12:28PM 19 of King Street, what is it like that time of
02:12:30PM 20 morning?

02:12:30PM 21 A. It's just very slow, there's nobody
02:12:34PM 22 really out there. I mean, except for the people
02:12:38PM 23 that's going to work early, going to school.

02:12:40PM 24 Q. Okay. Was the -- was the -- was the
02:12:44PM 25 Firehouse Subs store open for business at the time?

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:12:48PM 1 A. No, it wasn't.

02:12:48PM 2 Q. Now, were you the only person in the

02:12:54PM 3 store at first?

02:12:54PM 4 A. At first I was.

02:12:56PM 5 Q. You were the first person there?

02:12:56PM 6 A. I was the first person there every

02:12:58PM 7 morning.

02:12:58PM 8 Q. Did you unlock the store?

02:13:00PM 9 A. Yes, I did.

02:13:02PM 10 Q. As far as how the store is set up, is

02:13:08PM 11 it wide? Is it a narrow building?

02:13:10PM 12 A. It's actually narrow, straight back.

02:13:12PM 13 Q. Okay. I'm going to show you some

02:13:26PM 14 photos. I would like you to tell me if you

02:13:30PM 15 recognize these. These are premarked for

02:13:34PM 16 identification purposes as 12 through 17. If you

02:13:36PM 17 could please take a look at these.

02:13:42PM 18 A. Number 12 shows --

02:13:42PM 19 Q. If you'll just flip them all, please,

02:13:46PM 20 first and then I will show them to you up on the

02:13:50PM 21 screen.

02:13:50PM 22 A. Okay. I'm sorry.

02:14:08PM 23 Q. Do you recognize these?

02:14:10PM 24 A. Yes, I do.

02:14:10PM 25 Q. And what -- generally, what do they

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:14:12PM 1 show?

02:14:12PM 2 A. From the front door to the back of the
02:14:16PM 3 store.

02:14:16PM 4 Q. Okay. And is this a fair and accurate
02:14:22PM 5 portrayal of what the store looked like in 2011?

02:14:26PM 6 A. Yes, sir, it is.

02:14:26PM 7 MR. ZIEGLER: Your Honor, the State
02:14:26PM 8 moves to admit --

02:14:28PM 9 THE COURT: Any objection?

02:14:30PM 10 MR. KING: None.

02:14:30PM 11 THE COURT: Without objection, State's
02:14:32PM 12 Exhibits Numbers 12 through 17 are admitted into
02:14:34PM 13 evidence.

02:14:42PM 14 (PLF. EXH. 12 - 17 in evidence.)

02:14:42PM 15 MR. ZIEGLER: I'll publish them to the
02:14:44PM 16 jury at this time.

02:14:46PM 17 THE COURT: All right.

02:14:46PM 18 BY MR. ZIEGLER:

02:14:46PM 19 Q. Now displaying State's Exhibit 12.

02:14:50PM 20 A. That's actually the front of the store
02:14:52PM 21 outside.

02:14:56PM 22 Q. Is that on King Street -- from King
02:14:58PM 23 Street?

02:14:58PM 24 A. Yes, sir.

02:14:58PM 25 Q. State's Exhibit 13 is being displayed.

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:15:12PM 1 A. That's the front of the lobby.

02:15:14PM 2 Q. Okay. And now displaying State's 14.

02:15:28PM 3 A. The front counter.

02:15:30PM 4 Q. Is that the service counter?

02:15:34PM 5 A. Yes, sir.

02:15:34PM 6 Q. This is State's Exhibit 15.

02:15:46PM 7 A. That's the back office.

02:15:50PM 8 Q. Okay. State's 16?

02:16:00PM 9 A. The safe underneath the desk. That's

02:16:18PM 10 the back of the house.

02:16:20PM 11 Q. Where -- where is that angle pointing

02:16:24PM 12 towards?

02:16:24PM 13 A. The front door.

02:16:40PM 14 Q. Now, Chris, besides yourself, was

02:16:46PM 15 anyone else working at Firehouse Subs during this

02:16:50PM 16 armed robbery incident that occurred?

02:16:52PM 17 A. Yes.

02:16:52PM 18 Q. And who was that?

02:16:56PM 19 A. Leslie Green.

02:16:58PM 20 Q. And what was his job?

02:17:00PM 21 A. Meat slicer.

02:17:02PM 22 Q. What was -- what was your position at

02:17:08PM 23 the Firehouse in May 2011?

02:17:08PM 24 A. I was a shift leader.

02:17:12PM 25 Q. And what were your duties as shift

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:17:18PM 1 leader?

02:17:18PM 2 A. Basically manage the store, run it,
02:17:22PM 3 open it. Anything that needs to be done, I'd do
02:17:26PM 4 it.

02:17:26PM 5 Q. Do you -- are you a supervisor in any
02:17:30PM 6 capacity?

02:17:30PM 7 A. Say again.

02:17:30PM 8 Q. Do you supervise any of the other
02:17:34PM 9 employees?

02:17:34PM 10 A. Yes, I do.

02:17:34PM 11 Q. About what time did you get to work
02:17:38PM 12 that morning?

02:17:38PM 13 A. I got to work a little before 8:00.

02:17:42PM 14 Q. Okay. What time was Leslie Green, the
02:17:48PM 15 meat slicer, scheduled to work?

02:17:50PM 16 A. 8:00 a.m.

02:17:50PM 17 Q. Did he arrive on time?

02:17:52PM 18 A. No.

02:17:52PM 19 Q. Did you -- did you try to reach him
02:17:58PM 20 when he was not there on time?

02:18:00PM 21 A. Yes, sir.

02:18:00PM 22 Q. And what time -- what time did he
02:18:06PM 23 arrive, approximately?

02:18:08PM 24 A. Approximately, like -- it was like 10,
02:18:12PM 25 15 minutes late.

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:18:14PM 1 Q. Okay. And how did he get into the
02:18:16PM 2 store?

02:18:16PM 3 A. Walked through the front door.

02:18:18PM 4 Q. Was it -- had you left it unlocked?

02:18:20PM 5 A. Yes, I did.

02:18:22PM 6 Q. And why was that? Was it because --
02:18:26PM 7 did you know he was coming?

02:18:28PM 8 A. Yeah. Actually, he called me and told
02:18:30PM 9 me he was around the corner. And when he told me
02:18:34PM 10 he was around the corner, I unlocked the door so he
02:18:38PM 11 could get in.

02:18:38PM 12 Q. When Leslie Green came in through front
02:18:42PM 13 doors, where were you in the store?

02:18:42PM 14 A. I was actually behind the service
02:18:46PM 15 counter.

02:18:46PM 16 Q. Okay. Now, after Leslie Green arrived
02:18:52PM 17 at work, what did he do first of all?

02:18:56PM 18 A. He came towards -- he walked towards
02:19:00PM 19 the back of the store to clock in.

02:19:04PM 20 Q. Okay. Was he wearing a Firehouse Subs
02:19:06PM 21 uniform?

02:19:08PM 22 A. Yes, he was.

02:19:08PM 23 Q. Now, after Leslie Green came into the
02:19:12PM 24 store and after he began to clock in, could you
02:19:14PM 25 please tell the jury what happened then?

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:19:16PM 1 A. I actually stopped him and told him I
02:19:20PM 2 would clock him in, to let him know everything that
02:19:22PM 3 needed to be done, and --

02:19:24PM 4 Q. Speak up a little bit to make sure that
02:19:26PM 5 the jury can hear you.

02:19:26PM 6 A. All right. I'm sorry. Actually, I
02:19:28PM 7 stopped him to let him know everything that had to
02:19:32PM 8 be done and I told him that I would clock him in.

02:19:34PM 9 Q. Okay. And then what happened?

02:19:36PM 10 A. All right. And then I would say about
02:19:42PM 11 a few seconds later, a gentleman walked in and I
02:19:46PM 12 told him repeatedly that we were closed. Ten
02:19:52PM 13 seconds later, I had a gun in my face.

02:19:56PM 14 Q. What did he do when you said, we're
02:20:00PM 15 closed?

02:20:02PM 16 A. He just kept on walking.

02:20:02PM 17 Q. And how was it that you ended up with a
02:20:10PM 18 gun in your face? Who had the gun? Excuse me, who
02:20:20PM 19 -- did the man -- you said a man walked in and you
02:20:22PM 20 told him the store was closed?

02:20:24PM 21 A. Yes, sir.

02:20:24PM 22 Q. Did he have a gun?

02:20:28PM 23 A. Yes, sir.

02:20:28PM 24 Q. Did he point it at you?

02:20:30PM 25 A. Yes, sir.

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:20:30PM 1 Q. And did he say anything when he pointed
02:20:36PM 2 the gun when he first entered?

02:20:38PM 3 A. All I heard was, let me get it.

02:20:40PM 4 Q. And what did you do when he said that?

02:20:46PM 5 A. Proceeded to the back to go to the safe
02:20:48PM 6 underneath the desk and give him the money.

02:20:50PM 7 Q. Did he follow you all the way to the
02:21:00PM 8 back office?

02:21:02PM 9 A. Correct.

02:21:02PM 10 Q. And did you -- how did you access the
02:21:08PM 11 safe? Did you have to -- were you standing or were
02:21:10PM 12 you sitting?

02:21:10PM 13 A. I had to sit down.

02:21:10PM 14 Q. And then where was -- while you were
02:21:14PM 15 accessing the safe, where was the man with the gun
02:21:18PM 16 standing?

02:21:18PM 17 A. He was standing directly in front of
02:21:20PM 18 me, inches away.

02:21:22PM 19 Q. Where was Leslie Green while he was
02:21:24PM 20 standing over you?

02:21:26PM 21 A. Behind him.

02:21:28PM 22 Q. And at any point did -- the man with
02:21:34PM 23 the gun, did he say anything to Leslie Green or
02:21:38PM 24 respond to him in any way?

02:21:40PM 25 A. He said -- like I can't really give you

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:21:46PM 1 the correct pattern of the time I was -- he was
02:21:50PM 2 like -- he turned around and told him, come on over
02:22:00PM 3 here.

02:22:00PM 4 Q. Did you see -- did you see his face
02:22:02PM 5 when he was saying that? Was he doing -- what was
02:22:06PM 6 his expression?

02:22:08PM 7 A. He had a smile on his face.

02:22:10PM 8 Q. Who did?

02:22:14PM 9 A. The Defendant.

02:22:16PM 10 Q. The man with the gun?

02:22:18PM 11 A. Yes.

02:22:18PM 12 Q. And, approximately, how much cash did
02:22:24PM 13 you place into -- did you give that man?

02:22:28PM 14 A. At the time, it was 1400.

02:22:30PM 15 Q. It was 1400, you said?

02:22:34PM 16 A. Yes.

02:22:34PM 17 Q. Was that approximate?

02:22:36PM 18 A. Yes.

02:22:36PM 19 Q. Okay. But it was over a thousand
02:22:40PM 20 dollars?

02:22:40PM 21 A. Yes.

02:22:40PM 22 Q. Where did you -- I don't know if you
02:22:48PM 23 said this yet, but where did you put the money?

02:22:50PM 24 A. Inside a green and black bookbag.

02:22:54PM 25 Q. Did he have that -- did the gunman have

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:23:00PM 1 that with him?

02:23:00PM 2 A. Yes, sir.

02:23:00PM 3 Q. Chris, can you please provide the jury
02:23:12PM 4 your best description that you remember of the man
02:23:16PM 5 with the gun, some of the things that he was
02:23:18PM 6 wearing or carrying, had on his head, things like
02:23:24PM 7 that?

02:23:24PM 8 A. All right. He actually had on black
02:23:26PM 9 sunglasses, black and white zipped down hoodie,
02:23:32PM 10 gray sweatpants and black and red Jordans.

02:23:36PM 11 Q. Was he carrying anything?

02:23:38PM 12 A. Just the green and black bookbag.

02:23:42PM 13 Q. How was -- you said he was wearing a
02:23:46PM 14 hoodie. Was the hood up or down?

02:23:48PM 15 A. It was actually up on top of his head.

02:23:52PM 16 Q. Did he have any facial hair?

02:23:56PM 17 A. He had a goatee and a moustache.

02:24:00PM 18 Q. Did you ever tell any officers that he
02:24:14PM 19 had gold teeth?

02:24:14PM 20 A. No, I did not.

02:24:14PM 21 Q. But did you say anything to them that
02:24:22PM 22 sounded -- could have sounded like that?

02:24:22PM 23 A. I was talking fast at the time.

02:24:24PM 24 Q. What was it that you said that may have
02:24:30PM 25 sounded like gold teeth?

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:24:32PM 1 A. When I said goatee.

02:24:36PM 2 Q. And are you referring to facial hair

02:24:38PM 3 when you say goatee?

02:24:40PM 4 A. Yes, sir.

02:24:42PM 5 Q. Now, at one point when you called 911

02:24:48PM 6 and you were speaking with the dispatcher, at one

02:24:52PM 7 point you did say that the man with the gun, the

02:24:56PM 8 robber, was wearing khaki jeans?

02:25:00PM 9 MR. KING: Objection; leading.

02:25:02PM 10 THE COURT: Rephrase your question.

02:25:02PM 11 BY MR. ZIEGLER:

02:25:10PM 12 Q. What kind of pants was the -- was the

02:25:14PM 13 man with the gun, the robber, wearing?

02:25:16PM 14 A. Gray sweatpants.

02:25:18PM 15 Q. Did you ever give any description of

02:25:22PM 16 his pants?

02:25:22PM 17 A. Yes, I did.

02:25:24PM 18 Q. What was that?

02:25:24PM 19 A. I actually told the dispatcher that he

02:25:32PM 20 had on khaki jean -- jeans, but I was nervous.

02:25:34PM 21 Q. Okay. So was that -- was that a

02:25:38PM 22 mistake?

02:25:40PM 23 A. It was a misunderstanding.

02:25:42PM 24 Q. And why were you nervous?

02:25:44PM 25 A. Because it never happened before. It

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:25:46PM 1 was the first time ever.

02:25:48PM 2 Q. What was -- what hadn't happened?

02:25:56PM 3 A. That I actually got robbed.

02:25:58PM 4 Q. The man with the gun, can you describe
02:26:00PM 5 to the jury as well his -- how he was built, what
02:26:04PM 6 his -- how old he looked to you, what his
02:26:08PM 7 complexion was, his height?

02:26:10PM 8 A. All right. At that time, standing at,
02:26:16PM 9 I would say, 6,1 to 6,3, age 23 to 26, and he was
02:26:24PM 10 dark brown.

02:26:24PM 11 Q. This person with the gun that came into
02:26:42PM 12 Firehouse Subs, did you know who he was?

02:26:44PM 13 A. No, I did not.

02:26:44PM 14 Q. Had you ever seen him before?

02:26:50PM 15 A. No.

02:26:50PM 16 Q. You've testified that the man who came
02:26:54PM 17 into the -- the third person that came into the
02:26:56PM 18 Firehouse Subs, besides yourself and Leslie Green,
02:27:00PM 19 was carrying a gun?

02:27:00PM 20 A. Yes, sir.

02:27:00PM 21 Q. Can you describe that gun?

02:27:04PM 22 A. It was all black and it was a 38 Smith
02:27:10PM 23 and Wesson.

02:27:10PM 24 Q. Repeat that, please.

02:27:12PM 25 A. It was an all black 38 Smith and

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:27:14PM 1 Wesson.

02:27:14PM 2 Q. What style of weapon was it?

02:27:18PM 3 A. A revolver.

02:27:28PM 4 Q. Any other things about the style of it
02:27:30PM 5 that were -- that you noticed?

02:27:32PM 6 A. No. I noticed it -- at the time it had
02:27:38PM 7 all the rounds inside of it.

02:27:40PM 8 Q. Repeat that again, please.

02:27:40PM 9 A. I said, at the time it had all the
02:27:44PM 10 rounds inside.

02:27:44PM 11 Q. How could you tell that?

02:27:46PM 12 A. I saw it.

02:27:50PM 13 Q. Repeat that.

02:27:50PM 14 A. As he pointed the gun at me, I saw it
02:27:56PM 15 through the side.

02:27:58PM 16 Q. With what hand was he holding the gun?

02:28:02PM 17 A. His right.

02:28:04PM 18 Q. Did he point it at you?

02:28:06PM 19 A. Yes.

02:28:06PM 20 Q. What part of your body did he point it
02:28:12PM 21 at?

02:28:12PM 22 A. Mostly my upper part, the head part.

02:28:16PM 23 Q. Chris, how did you feel during and
02:28:24PM 24 right after the robbery?

02:28:24PM 25 A. I was stunned.

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:28:26PM 1 MR. KING: Objection; relevance.

02:28:28PM 2 THE COURT: Overruled.

02:28:32PM 3 THE WITNESS: I was stunned, shocked,

02:28:34PM 4 nervous, stomach twisted.

02:28:34PM 5 BY MR. ZIEGLER:

02:28:46PM 6 Q. Were you scared at all?

02:28:46PM 7 A. Yes.

02:28:48PM 8 Q. When did the man with the gun leave the

02:28:54PM 9 store?

02:28:54PM 10 A. Right after he got the money.

02:29:00PM 11 Q. Was it all the money that was in the

02:29:02PM 12 store?

02:29:02PM 13 A. Yes, it was.

02:29:02PM 14 Q. What did you do -- well, how did he

02:29:06PM 15 leave?

02:29:06PM 16 A. He backed out until he was clear of the

02:29:10PM 17 walkway, turned around and walked out of the store.

02:29:16PM 18 Q. What did you do after he was gone?

02:29:18PM 19 A. After he left out of the door, I

02:29:24PM 20 proceeded to dial 911.

02:29:26PM 21 Q. And did you -- the police arrived after

02:29:30PM 22 you called 911?

02:29:32PM 23 A. Yes, they did.

02:29:32PM 24 Q. Did you speak to them when they

02:29:34PM 25 arrived?

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:29:34PM 1 A. Yes.

02:29:36PM 2 Q. And did you tell them what happened?

02:29:36PM 3 A. No. I actually didn't tell the police

02:29:42PM 4 what happened. I told the detectives.

02:29:44PM 5 Q. Okay. How long did you work at

02:29:50PM 6 Firehouse Subs after the incident?

02:29:52PM 7 A. A year.

02:30:02PM 8 Q. Chris, I'm going to show you -- this is

02:30:12PM 9 State's Exhibit Number 1. Chris, can you tell what

02:30:34PM 10 this is on the screen? (Video playing)

02:30:36PM 11 A. It's the video of the store.

02:30:48PM 12 Q. Is it inside Firehouse Subs?

02:30:50PM 13 A. Yes, it is. And the back door.

02:30:54PM 14 Q. And is this the day -- on the day of

02:30:56PM 15 the robbery?

02:30:58PM 16 A. Yes.

02:31:16PM 17 Q. At your bottom left, Chris, who is

02:31:16PM 18 that?

02:31:20PM 19 A. That's me preparing for the --

02:31:24PM 20 preparing for the morning.

02:31:26PM 21 Q. Is that you at the top right?

02:31:36PM 22 A. Yes, it is.

02:31:38PM 23 Q. And at this point, is there anyone else

02:31:46PM 24 in the store?

02:31:48PM 25 A. No.

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:31:48PM 1 Q. Chris, at your middle left, what is
02:32:38PM 2 that camera showing? It just went off, sorry.
02:32:38PM 3 A. You say middle left?
02:32:46PM 4 Q. It will come back on in a second.
02:33:04PM 5 Chris, are these cameras activated by
02:33:06PM 6 motion?
02:33:08PM 7 A. Yes, they are.
02:33:08PM 8 Q. (Video playing) Where are you at this
02:33:38PM 9 point, Chris; do you know?
02:33:38PM 10 A. At the drink machine.
02:33:42PM 11 Q. Who is that, Christopher?
02:34:32PM 12 A. That's Leslie Green.
02:34:32PM 13 Q. Is this the first time you reported for
02:34:38PM 14 work this morning -- that morning?
02:34:40PM 15 A. Yes.
02:34:40PM 16 Q. What is Leslie getting ready to do
02:35:02PM 17 there, Chris?
02:35:02PM 18 A. Clock in.
02:35:04PM 19 Q. Who is that, Chris?
02:35:20PM 20 A. That's the robber.
02:35:24PM 21 Q. When did you see him? When did you
02:35:30PM 22 first see him?
02:35:32PM 23 A. When he opened the door.
02:35:38PM 24 Q. Chris, what are you doing here?
02:36:02PM 25 A. Me and --

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:36:04PM 1 Q. Which person are you?

02:36:06PM 2 A. I'm the one to the far left.

02:36:10PM 3 Q. To the top?

02:36:12PM 4 A. Yeah, I'm sorry.

02:36:14PM 5 Q. Which one is Leslie Green?

02:36:16PM 6 A. The one standing right there with the

02:36:18PM 7 cap on his head.

02:36:20PM 8 Q. This one? (Indicating)

02:36:20PM 9 A. Yes.

02:36:20PM 10 Q. Who is this, Chris?

02:36:34PM 11 A. The robber.

02:36:38PM 12 Q. What does he have his hands over?

02:36:42PM 13 A. Gun.

02:36:42PM 14 Q. Who was he pointing it at?

02:36:46PM 15 A. Me.

02:36:46PM 16 Q. Which one are you in this photo -- or

02:37:12PM 17 this image?

02:37:12PM 18 A. The one to the top.

02:37:14PM 19 Q. Okay. And where is Leslie?

02:37:16PM 20 A. In between.

02:37:18PM 21 Q. And who is that behind Leslie?

02:37:20PM 22 A. The robber.

02:37:20PM 23 Q. And who was he pointing the gun at

02:37:24PM 24 there?

02:37:24PM 25 A. Me.

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:37:24PM 1 Q. What's happening here, Chris?

02:37:50PM 2 A. He has the gun pointed at me and I'm

02:37:54PM 3 opening the safe.

02:37:56PM 4 Q. What's happening now?

02:38:20PM 5 A. Putting the money inside the bag.

02:38:22PM 6 Q. Chris, I just backed up the video

02:39:12PM 7 slightly. Is this another camera angle of what we

02:39:32PM 8 just watched?

02:39:32PM 9 A. Yes.

02:39:32PM 10 Q. What just happened there, Chris?

02:39:42PM 11 A. He told Leslie to get in the corner.

02:39:44PM 12 Q. What's he doing now, the man with the

02:40:38PM 13 gun?

02:40:40PM 14 A. Backing up, leaving out of the store.

02:40:42PM 15 Q. What are you doing on the cell phone

02:40:52PM 16 there in the picture on the left?

02:40:54PM 17 A. Calling 911.

02:41:26PM 18 Q. Who just ran back in, Chris?

02:41:28PM 19 A. Leslie.

02:41:30PM 20 Q. And what was going on at this point?

02:41:52PM 21 What were you doing?

02:41:52PM 22 A. I was outside on the phone talking to

02:41:54PM 23 911 dispatcher.

02:41:56PM 24 Q. Okay. And did you and Leslie Green

02:42:04PM 25 re-enter the store at all after that first time you

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:42:08PM 1 left right there?

02:42:10PM 2 A. Yes.

02:42:10PM 3 Q. Now, Chris, if the door is unlocked, do
02:42:18PM 4 you have to -- do you -- how is the handle of that
02:42:24PM 5 front door there set up?

02:42:26PM 6 A. All you have to do is pull it. If it's
02:42:28PM 7 unlocked, all you have to do is just pull it and it
02:42:32PM 8 opens.

02:42:32PM 9 Q. Is there a thumb latch on the handle?

02:42:34PM 10 A. There is.

02:42:34PM 11 Q. Do you have to press on that to open
02:42:38PM 12 the door if it's unlocked?

02:42:40PM 13 A. No.

02:42:40PM 14 Q. How many times a day did you go in and
02:42:50PM 15 out of the door if you were working? I mean, just
02:42:54PM 16 a guess.

02:42:56PM 17 A. If I was working, going out ten times a
02:43:00PM 18 day.

02:43:02PM 19 Q. Chris, is that video surveillance, is
02:43:42PM 20 that an accurate portrayal of what happened on
02:43:44PM 21 May 4, 2011?

02:43:46PM 22 A. Yes, it is.

02:43:46PM 23 Q. Chris, you testified that you called
02:43:56PM 24 911 after this robbery was over?

02:43:58PM 25 A. Uh-huh.

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:44:00PM 1 Q. I'm now showing you what would be
02:44:06PM 2 marked as State's Exhibit 19 for identification
02:44:10PM 3 purposes. Do you recognize this?

02:44:12PM 4 A. Yes, I do.

02:44:14PM 5 Q. And how do you recognize it?

02:44:16PM 6 A. It's my initials.

02:44:18PM 7 Q. And do you know what it is?

02:44:20PM 8 A. Yes, it's the -- talking to dispatch.

02:44:24PM 9 Q. The 911 call to dispatch, you said?

02:44:28PM 10 A. Yes.

02:44:32PM 11 MR. ZIEGLER: Your Honor, the State
02:44:34PM 12 moves to admit the 911 call. State's Exhibit --

02:44:42PM 13 THE COURT: Any objection?

02:44:44PM 14 MR. KING: Yes, Your Honor; bolstering
02:44:50PM 15 a prior consistent statement, and I don't know if
02:44:54PM 16 it's been authenticated properly without the 911
02:44:56PM 17 operator.

02:44:58PM 18 THE COURT: I think I have to agree at
02:45:02PM 19 this point in time. The right foundation has not
02:45:06PM 20 been laid, so the objection is sustained at this
02:45:10PM 21 time.

02:45:10PM 22 MR. ZIEGLER: Court's indulgence,
02:45:10PM 23 please, Your Honor.

02:45:10PM 24 BY MR. ZIEGLER:

02:45:28PM 25 Q. Mr. Riley -- Chris, have you listened

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:45:32PM 1 to this 911 call before?

02:45:32PM 2 A. Yes.

02:45:34PM 3 Q. And from listening to it in the past,
02:45:38PM 4 is it a fair and accurate representation of the
02:45:42PM 5 call you made to 911 dispatch the day of the
02:45:46PM 6 robbery?

02:45:46PM 7 A. Yes.

02:45:46PM 8 Q. It is?

02:45:48PM 9 A. (Nodding head.)

02:45:52PM 10 MR. ZIEGLER: Your Honor, the State
02:45:54PM 11 moves to admit the 911 call.

02:45:56PM 12 THE COURT: Now I think I will let it
02:45:58PM 13 in. He said he's listened to it and it's his
02:46:02PM 14 voice.

02:46:02PM 15 MR. KING: Same objection, Your Honor.

02:46:02PM 16 THE COURT: Objection overruled now.

02:46:06PM 17 MR. ZIEGLER: Thank you, Your Honor.

02:46:06PM 18 THE COURT: What exhibit is this?

02:46:34PM 19 THE COURT REPORTER: 19.

02:46:34PM 20 (PLF. EXH. 19, DVD, was marked for
02:46:34PM 21 identification.)

02:46:42PM 22 (PLF. EXH. 19 in evidence.)

02:46:42PM 23 MR. ZIEGLER: I'm now playing State's
02:46:50PM 24 Exhibit Number 19.

02:46:50PM 25 (911 call played.)

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:46:50PM 1 BY MR. ZIEGLER:

02:51:26PM 2 Q. Chris, what was it that you said right
02:51:26PM 3 there?

02:51:26PM 4 (CD played.)

02:51:34PM 5 A. He has a goatee and mustache.

02:51:38PM 6 Q. Did you say gold teeth there?

02:51:40PM 7 A. No, I did not.

02:51:42PM 8 Q. (CD played)

02:53:02PM 9 Chris, did you ever -- in that 911
02:53:06PM 10 call, did you ever say that the person with the gun
02:53:08PM 11 had gold teeth?

02:53:10PM 12 A. No.

02:53:28PM 13 MR. ZIEGLER: Your Honor, permission
02:53:30PM 14 for the witness to step down from the witness
02:53:32PM 15 stand.

02:53:32PM 16 THE COURT: You may. Please speak
02:53:34PM 17 loudly if you're down here speaking so we can hear
02:53:36PM 18 you.

02:53:36PM 19 (Left the witness stand.)

02:53:36PM 20 BY MR. ZIEGLER:

02:53:40PM 21 Q. Chris, I would like you to have a seat
02:53:42PM 22 in this chair and I will start a distance away from
02:53:46PM 23 you. I want you to stop me when I get as close to
02:53:52PM 24 you as the man with the gun did on May 4th of 2011.
02:53:56PM 25 Stop me when I get as close to you as he did that

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:53:58PM 1 day.

02:54:00PM 2 A. All right. Right there.

02:54:06PM 3 Q. Okay. Take your seat back.

02:54:24PM 4 MR. ZIEGLER: Court's indulgence, Your
02:54:26PM 5 Honor?

02:54:26PM 6 THE COURT: Yes, sir.

02:54:34PM 7 MR. ZIEGLER: The State has no further
02:54:36PM 8 questions for this witness.

02:54:36PM 9 Chris, please answer any questions
02:54:38PM 10 defense Counsel has for you.

02:54:40PM 11 THE WITNESS: Yes, sir.

02:54:40PM 12 THE COURT: Thank you.

02:54:40PM 13 Mr. King.

02:54:40PM 14 MR. KING: Thank you, Your Honor.

02:54:40PM 15 CROSS-EXAMINATION

02:54:40PM 16 BY MR. KING:

02:54:44PM 17 Q. Mr. Riley?

02:54:46PM 18 A. Yes, sir.

02:54:46PM 19 Q. I want to show you one part of the
02:54:50PM 20 video. (Playing video.)

02:55:00PM 21 What's going on here? Watch this one
02:55:04PM 22 for a moment. Talking about that.

02:55:12PM 23 A. I actually messed up on something and I
02:55:16PM 24 was already upset.

02:55:18PM 25 Q. You didn't like working there? You're

CHRISTOPHER RILEY - CROSS EXAM BY MR. KING

02:55:22PM 1 not happy being there at Firehouse Subs?

02:55:24PM 2 A. No. I actually had something else

02:55:28PM 3 going on.

02:55:28PM 4 Q. You left the door unlocked --

02:55:32PM 5 A. Yes.

02:55:32PM 6 Q. -- right, when it's probably supposed
02:55:38PM 7 to be locked; you hadn't opened yet?

02:55:40PM 8 A. I mean, we leave it unlocked all the
02:55:42PM 9 time.

02:55:42PM 10 Q. And you didn't tell Officer Freshman
02:55:46PM 11 that he had gold teeth and not a goatee?

02:55:50PM 12 A. No.

02:55:50PM 13 Q. But you did say he had khaki jeans when
02:55:56PM 14 he had on gray sweatpants, right?

02:56:00PM 15 A. Yes.

02:56:00PM 16 Q. You're not trying to throw off the
02:56:06PM 17 investigation by confusing -- you know, giving
02:56:10PM 18 conflicting information to the cops, are you?

02:56:12PM 19 A. No.

02:56:12PM 20 Q. And you're not involved in some sort of
02:56:16PM 21 fake armed robbery?

02:56:18PM 22 A. No.

02:56:18PM 23 Q. You told Detective Kennedy that the
02:56:26PM 24 robber weighed between 195 and 275 pounds. Do you
02:56:32PM 25 remember telling him that?

CHRISTOPHER RILEY - CROSS EXAM BY MR. KING

02:56:32PM 1 A. No.

02:56:32PM 2 Q. But you said he could be as tall as 6,

02:56:40PM 3 3?

02:56:40PM 4 A. Yes.

02:56:40PM 5 Q. The robber had his head covered with a

02:56:48PM 6 hood, right?

02:56:48PM 7 A. Correct.

02:56:48PM 8 Q. He had sunglasses on?

02:56:52PM 9 A. Correct.

02:56:52PM 10 Q. You gave a pretty good description of

02:56:58PM 11 the gun; you said --

02:56:58PM 12 A. That's correct.

02:56:58PM 13 Q. -- right? You were aware of even the

02:57:00PM 14 brand that it is, Smith and Wesson?

02:57:04PM 15 A. Correct.

02:57:04PM 16 Q. And you testified a minute ago, sitting

02:57:06PM 17 in the chair, how close the person was to you?

02:57:10PM 18 A. Correct.

02:57:10PM 19 Q. You would have gotten a good look at

02:57:14PM 20 his face?

02:57:14PM 21 A. Correct.

02:57:14PM 22 Q. Okay. And you have never been asked to

02:57:18PM 23 identify anyone?

02:57:20PM 24 A. No.

02:57:20PM 25 Q. And the video is showing there where

CHRISTOPHER RILEY - CROSS EXAM BY MR. KING

02:57:26PM 1 you and Leslie Green go out and back in the

02:57:30PM 2 store --

02:57:32PM 3 A. Uh-huh.

02:57:32PM 4 Q. -- right?

02:57:34PM 5 THE COURT: Sir, you need to say yes or
02:57:36PM 6 no.

02:57:36PM 7 THE WITNESS: I'm sorry. Yes.

02:57:36PM 8 BY MR. KING:

02:57:38PM 9 Q. And from what I saw, if you agree with
02:57:40PM 10 this, that you-all exit, Mr. Green runs back in to
02:57:48PM 11 get his cell phone. Do you remember that?

02:57:50PM 12 A. Yes.

02:57:50PM 13 Q. And then runs out. And then you enter
02:57:54PM 14 again and hold the door for Mr. Green and you come
02:57:58PM 15 in again?

02:58:00PM 16 A. Correct.

02:58:00PM 17 Q. And then Mr. Green goes back out and
02:58:04PM 18 then he re-enters again. Maybe three times between
02:58:08PM 19 the two of you the door was opened after this?

02:58:10PM 20 A. Yes.

02:58:10PM 21 Q. And you testified before that you've
02:58:20PM 22 been convicted of forgery, you said?

02:58:22PM 23 A. Yes.

02:58:22PM 24 Q. Fake checks, basically --

02:58:24PM 25 A. Yes.

CHRISTOPHER RILEY - CROSS EXAM BY MR. KING

02:58:24PM 1 Q. -- made out to you, that you made up?

02:58:28PM 2 A. Yes.

02:58:28PM 3 Q. And also fraudulent checks for your --

02:58:34PM 4 I guess your own checks that you wrote?

02:58:38PM 5 A. Yes.

02:58:42PM 6 MR. KING: That's all the questions I

02:58:44PM 7 have.

02:58:44PM 8 THE COURT: Any redirect?

02:58:46PM 9 MR. ZIEGLER: Yes, Your Honor.

02:58:46PM 10 REDIRECT EXAMINATION

02:58:46PM 11 BY MR. ZIEGLER:

02:59:02PM 12 Q. Chris, on the 911 call, there was a

02:59:04PM 13 point where you said khaki jeans, right?

02:59:06PM 14 A. Yes.

02:59:06PM 15 Q. Did you -- did you also say on that 911

02:59:14PM 16 call, prior to saying khaki jeans, that what was he

02:59:20PM 17 -- what was the man with the gun actually wearing

02:59:24PM 18 as far as pants?

02:59:24PM 19 A. Gray sweats.

02:59:26PM 20 Q. Did you also say that to the 911

02:59:30PM 21 dispatcher?

02:59:30PM 22 A. I actually said that first.

02:59:32PM 23 Q. Okay. Now, Chris, how long did you say

02:59:38PM 24 you worked at the Firehouse Subs after this

02:59:38PM 25 incident?

CHRISTOPHER RILEY - REDIRECT EXAM BY MR. ZIEGLER

02:59:40PM 1 A. A year.

02:59:42PM 2 Q. Do you think you would have been
02:59:46PM 3 allowed to continue working there if you were
02:59:48PM 4 involved in this at all?

02:59:50PM 5 A. No.

02:59:50PM 6 Q. And had you ever seen this man with the
02:59:56PM 7 gun before?

02:59:56PM 8 A. No.

02:59:56PM 9 Q. And, Chris, if that door -- if that
03:00:06PM 10 front door was unlocked, would you have to press
03:00:10PM 11 down on the thumb latch to open it?

03:00:12PM 12 A. No.

03:00:12PM 13 MR. ZIEGLER: No further questions,
03:00:14PM 14 Your Honor.

03:00:14PM 15 THE COURT: Any recross based on his
03:00:16PM 16 redirect?

03:00:18PM 17 MR. KING: No, Your Honor.

03:00:18PM 18 THE COURT: Thank you. You may step
03:00:20PM 19 down.

03:00:20PM 20 All right. Ladies and gentlemen, why
03:00:24PM 21 don't we take a ten-minute recess. If you would
03:00:26PM 22 like a Coca-Cola or need to step outside, the
03:00:30PM 23 bailiffs will take care of that.

03:00:34PM 24 Please do not discuss anything while
03:00:34PM 25 you're out.

CHRISTOPHER RILEY - REDIRECT EXAM BY MR. ZIEGLER

03:00:36PM 1 (Jury out 2:59 p.m.)

03:00:40PM 2 (A recess transpired.)

03:00:40PM 3 THE COURT: Anything before we bring

03:23:58PM 4 the jury in?

03:23:58PM 5 MR. ZIEGLER: No, sir.

03:24:00PM 6 MR. KING: No, sir.

03:24:06PM 7 THE COURT: Bring the jury in.

03:24:28PM 8 (Jury in, 3:25 p.m.)

03:24:32PM 9 THE BAILIFF: All jurors are present,

03:25:18PM 10 Your Honor.

03:25:18PM 11 THE COURT: Thank you. Please be

03:25:20PM 12 seated.

03:25:22PM 13 All right. The State may call their

03:25:24PM 14 next witness.

03:25:24PM 15 MR. ZIEGLER: State calls Leslie Green.

03:25:46PM 16 LESLIE GREEN,

03:25:46PM 17 being first duly sworn, testified as follows:

03:25:48PM 18 THE CLERK: You may be seated. Once

03:25:50PM 19 seated, sir, please state your first and last name

03:25:52PM 20 and spell your last loudly and clearly into the

03:25:52PM 21 microphone.

03:25:54PM 22 THE WITNESS: Leslie Green, G-R-E-E-N.

03:25:54PM 23 DIRECT EXAMINATION

03:25:58PM 24 BY MR. ZIEGLER:

03:25:58PM 25 Q. Afternoon, Mr. Green.

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:25:58PM 1 A. (No response.)

03:26:04PM 2 Q. Do you go by Leslie?

03:26:06PM 3 A. J. R.

03:26:08PM 4 Q. J. R. Can I call you, J. R.?

03:26:10PM 5 A. That's fine.

03:26:14PM 6 Q. J. R., how old are you?

03:26:14PM 7 A. 25.

03:26:14PM 8 Q. What part of town do you live in?

03:26:18PM 9 A. James Island.

03:26:20PM 10 Q. How long have you lived in the

03:26:20PM 11 Charleston area?

03:26:22PM 12 A. About 20 years.

03:26:22PM 13 Q. And how far did you make it in school?

03:26:28PM 14 A. I graduated. I'm in school now.

03:26:30PM 15 Q. You're currently in school?

03:26:32PM 16 A. Yes.

03:26:32PM 17 Q. Where at?

03:26:34PM 18 A. Palmetto Career Development in West

03:26:38PM 19 Ashley.

03:26:38PM 20 Q. Where did you go to high school?

03:26:40PM 21 A. James Island Charter High.

03:26:42PM 22 Q. Are you employed?

03:26:42PM 23 A. Yes.

03:26:44PM 24 Q. Where at?

03:26:44PM 25 A. At Mellow Mushroom in Mount Pleasant

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:26:48PM 1 and Island Industry on James Island.

03:26:52PM 2 Q. How long have you been employed in
03:26:54PM 3 those places?

03:26:56PM 4 A. About three weeks.

03:26:58PM 5 Q. Okay. Where did you work before that?

03:27:02PM 6 A. Taco Boy on Folly Beach.

03:27:06PM 7 Q. Now, J. R., do you have a pending
03:27:10PM 8 charge related to the incident that we're here
03:27:14PM 9 about today?

03:27:16PM 10 A. Yes.

03:27:16PM 11 Q. What is that charge?

03:27:18PM 12 A. Armed robbery.

03:27:18PM 13 Q. And have you entered into an agreement
03:27:24PM 14 with my office, the Solicitor's Office, to proffer
03:27:28PM 15 your testimony?

03:27:30PM 16 A. No.

03:27:30PM 17 Q. Have you -- I'll rephrase that. Have
03:27:36PM 18 you signed an agreement with our office that --
03:27:44PM 19 that provides that you will -- basically that you
03:27:46PM 20 will be cooperating with our office in this case?

03:27:50PM 21 A. Yes.

03:27:50PM 22 Q. Okay. But have you been -- have you
03:27:54PM 23 been promised anything --

03:27:56PM 24 A. No.

03:27:56PM 25 Q. -- as far as your case?

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:27:58PM 1 A. No.

03:27:58PM 2 Q. Have you received any benefits because

03:28:00PM 3 of the agreement?

03:28:02PM 4 A. No.

03:28:02PM 5 Q. And have you met with myself as well as

03:28:10PM 6 your attorney at my office before?

03:28:12PM 7 A. Yes.

03:28:12PM 8 Q. Now, the Defendant in this case, is he

03:28:18PM 9 related to you?

03:28:20PM 10 A. Yes.

03:28:20PM 11 Q. How is he related?

03:28:22PM 12 A. Third cousin.

03:28:26PM 13 Q. Okay. So is he a family member --

03:28:30PM 14 maybe distant, but a family member of yours?

03:28:34PM 15 A. Yes.

03:28:34PM 16 Q. Are you excited about being here today?

03:28:36PM 17 A. No.

03:28:36PM 18 Q. J. R., I want to direct you to May 4th,

03:28:42PM 19 2011, in the morning. Where were you that morning?

03:28:46PM 20 A. On my way to work.

03:28:48PM 21 Q. And before you went to work, where were

03:28:52PM 22 you?

03:28:54PM 23 A. I went to Chris's house. He was going

03:28:56PM 24 to take me to work, give me a ride to work.

03:29:00PM 25 Q. Chris who?

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:29:02PM 1 A. Campbell.

03:29:04PM 2 Q. Okay. And where was your house?

03:29:08PM 3 A. On Champagne Street, James Island.

03:29:10PM 4 Q. Where was Christopher Campbell's house?

03:29:12PM 5 A. Two doors down on Champagne Street.

03:29:16PM 6 Q. Okay. And you said he -- did he take

03:29:20PM 7 you to work?

03:29:20PM 8 A. Yes.

03:29:20PM 9 Q. In whose car?

03:29:24PM 10 A. In my car.

03:29:24PM 11 Q. Who drove?

03:29:26PM 12 A. He drove.

03:29:28PM 13 Q. What time were you scheduled to work

03:29:34PM 14 that morning?

03:29:34PM 15 A. 8:00.

03:29:36PM 16 Q. Do you remember anything about what

03:29:40PM 17 Christopher Campbell was wearing when he drove you

03:29:42PM 18 to work?

03:29:44PM 19 A. Gray sweatpants, gray sweatshirt.

03:29:48PM 20 Q. What type of sweatshirt?

03:29:50PM 21 A. Gray sweat jacket with a hoodie.

03:29:52PM 22 Q. Was he wearing anything on his face?

03:29:58PM 23 A. Not at the time when I picked him up.

03:30:00PM 24 Q. Now, did he drive -- how did you get

03:30:16PM 25 downtown?

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:30:16PM 1 A. Chris drove.

03:30:20PM 2 Q. And where did he take you?

03:30:22PM 3 A. Firehouse Subs on King Street.

03:30:24PM 4 Q. Where did he -- where did he drop you

03:30:32PM 5 off?

03:30:32PM 6 A. In the front.

03:30:32PM 7 Q. Prior to this incident -- prior to this

03:30:42PM 8 incident, did Christopher Campbell ask you anything

03:30:46PM 9 about Firehouse Subs or make any statements about

03:30:50PM 10 Firehouse Subs?

03:30:50PM 11 A. Yes.

03:30:50PM 12 Q. What were those things?

03:30:50PM 13 A. How much would be in the safe and was

03:30:56PM 14 my manager -- how many people worked on a Saturday

03:30:58PM 15 morning.

03:31:00PM 16 Q. Okay. Did he mention anything about

03:31:02PM 17 anything he planned to do?

03:31:04PM 18 A. No.

03:31:06PM 19 Q. J. R., you have testified that

03:31:20PM 20 Christopher Campbell is a third cousin of yours.

03:31:24PM 21 Is he older or younger than you?

03:31:24PM 22 A. Older.

03:31:26PM 23 Q. How long have you known him?

03:31:26PM 24 A. Since I was about 16 or 17.

03:31:30PM 25 Q. And what -- what was your prior

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:31:36PM 1 relationship -- before this incident, what was your
03:31:38PM 2 relationship with Christopher Campbell?

03:31:40PM 3 A. Just cousins that I'd hang out with
03:31:42PM 4 from time to time.

03:31:44PM 5 Q. Okay. How often did you -- prior to
03:31:46PM 6 the incident, about how often did you have contact
03:31:48PM 7 with him?

03:31:48PM 8 A. Maybe two, three days out of the week.

03:31:52PM 9 Q. Now, do you remember an armed robbery
03:32:06PM 10 incident that occurred May 4th, 2011?

03:32:10PM 11 A. Yes.

03:32:10PM 12 Q. And, J. R., please look around the
03:32:16PM 13 courtroom and tell the members of the jury whether
03:32:20PM 14 the person you observed go into the Firehouse Subs
03:32:24PM 15 that morning, May 4, 2011, and rob the store, can
03:32:28PM 16 you tell the jury do you see him in the courtroom
03:32:32PM 17 today?

03:32:32PM 18 MR. KING: Your Honor, note my
03:32:34PM 19 objection.

03:32:34PM 20 THE COURT: Objection noted; overruled.

03:32:36PM 21 THE WITNESS: Yes, sir, I do.

03:32:36PM 22 BY MR. ZIEGLER:

03:32:38PM 23 Q. And could you please point out the
03:32:42PM 24 robber of Firehouse Subs for the jury?

03:32:44PM 25 A. Christopher Campbell.

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:32:46PM 1 Q. Can you describe an article of clothing
03:32:50PM 2 that he's wearing, please?

03:32:50PM 3 A. Blue shirt, I think it's black pants,
03:32:56PM 4 black shoes.

03:32:56PM 5 Q. Okay. Thank you.

03:32:58PM 6 MR. ZIEGLER: Let the record reflect
03:32:58PM 7 that the witness has identified the Defendant.

03:33:02PM 8 THE COURT: The record will so reflect.
03:33:02PM 9 BY MR. ZIEGLER:

03:33:10PM 10 Q. J. R., you testified that your cousin,
03:33:12PM 11 Christopher Campbell, drove you in your own car and
03:33:18PM 12 you were in the passenger seat, drove you downtown
03:33:22PM 13 to the Firehouse Subs, dropped you off near the
03:33:24PM 14 front of the Firehouse Subs. What happened after
03:33:26PM 15 that? Did you go into work?

03:33:26PM 16 A. Yes.

03:33:28PM 17 Q. And what did you do when you got into
03:33:30PM 18 work?

03:33:30PM 19 A. Walked around the -- excuse me. Walked
03:33:34PM 20 around the corner and clocked in.

03:33:34PM 21 Q. And as you were clocking in, did you
03:33:40PM 22 notice anything? What happened then?

03:33:42PM 23 A. Somebody walked in. My manager told
03:33:46PM 24 him not to come in and he still came in.

03:33:50PM 25 Q. Who was that person?

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:33:50PM 1 A. Christopher Campbell.

03:33:52PM 2 Q. Was he holding anything?

03:33:56PM 3 A. Yes; a gun.

03:33:58PM 4 Q. Did he point it?

03:34:02PM 5 A. Yes.

03:34:02PM 6 Q. And what did he do then? What happened

03:34:06PM 7 then after he walked in?

03:34:08PM 8 A. He pointed it at me and Christopher and

03:34:12PM 9 he told us to get into the back. And I just went

03:34:14PM 10 back to the back.

03:34:16PM 11 Q. Which Chris did he point it at?

03:34:18PM 12 A. The manager. I don't know his last

03:34:20PM 13 name. I guess Riley.

03:34:22PM 14 Q. Did you -- both of you go to the --

03:34:24PM 15 where did you go?

03:34:24PM 16 A. I went to the back.

03:34:26PM 17 Q. And what happened in the back of the

03:34:34PM 18 store?

03:34:34PM 19 A. Christopher Riley gave Christopher

03:34:36PM 20 Campbell all the money and he told me to get into

03:34:38PM 21 the corner and I went to the corner.

03:34:40PM 22 Q. Who told you that?

03:34:40PM 23 A. Christopher Campbell told me to get

03:34:42PM 24 into the corner and I went to the corner. And then

03:34:46PM 25 he left out.

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:34:46PM 1 Q. And after that -- what did he do after
03:34:50PM 2 this?

03:34:50PM 3 A. He left.

03:34:52PM 4 Q. Okay. Did he take that money with him?

03:34:56PM 5 A. Yes.

03:34:56PM 6 Q. Do you know who called the police after
03:35:06PM 7 he left?

03:35:08PM 8 A. Christopher Riley.

03:35:10PM 9 Q. Did you have any contact with your
03:35:14PM 10 cousin, Christopher Campbell, after that incident?

03:35:16PM 11 A. No.

03:35:18PM 12 Q. Did you send him any messages or --

03:35:20PM 13 A. I told him, did you do that? And he
03:35:24PM 14 just said no.

03:35:24PM 15 Q. How did --

03:35:24PM 16 A. I texted him.

03:35:26PM 17 Q. Okay. How did you get home that day?

03:35:30PM 18 A. He dropped my car off back in the
03:35:34PM 19 parking lot and left the key on the -- on the
03:35:38PM 20 chair.

03:35:38PM 21 Q. So the car was brought back to the
03:35:48PM 22 Firehouse Subs?

03:35:48PM 23 A. Yes, after I got off.

03:35:50PM 24 Q. Say that again.

03:35:50PM 25 A. After I got off.

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:35:52PM 1 Q. Okay. Do you know who brought it back?

03:35:56PM 2 A. Christopher Campbell.

03:35:58PM 3 Q. Did he have help bringing it back from
03:36:04PM 4 anyone?

03:36:04PM 5 A. No.

03:36:04PM 6 Q. How do you know that?

03:36:10PM 7 A. I really don't know, but I know he told
03:36:12PM 8 me he was going to drop the car off.

03:36:16PM 9 Q. The car was brought back. The car was
03:36:18PM 10 back for you?

03:36:20PM 11 A. Yes.

03:36:20PM 12 Q. Okay. Did you work the rest of that
03:36:26PM 13 day?

03:36:26PM 14 A. Yes, sir.

03:36:28PM 15 Q. The next day after this robbery
03:36:36PM 16 occurred, did you -- did you go to the police
03:36:40PM 17 station to speak with the police?

03:36:42PM 18 A. Yes, sir.

03:36:42PM 19 Q. And at that time, did you tell them who
03:36:50PM 20 the person was that committed the robbery?

03:36:52PM 21 A... No.

03:36:52PM 22 Q. Why not?

03:36:52PM 23 A. Out of fear and protection for myself.

03:36:54PM 24 Q. And when was the next time you spoke to
03:37:06PM 25 the police after that?

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:37:06PM 1 A. Probably the next day after that.

03:37:10PM 2 Q. Okay. And did you -- on that day --

03:37:14PM 3 that would have been May 6th?

03:37:16PM 4 A. Yes.

03:37:16PM 5 Q. On that day, did you -- did you give

03:37:22PM 6 the police the name of anyone -- the nickname of

03:37:26PM 7 anyone who this could have been?

03:37:28PM 8 A. Yes.

03:37:28PM 9 Q. And what did you tell them?

03:37:30PM 10 A. I told them it was some guy named L.

03:37:34PM 11 Q. Was that the truth?

03:37:36PM 12 A. No.

03:37:36PM 13 Q. So even on May 6th, why didn't you tell

03:37:40PM 14 the truth that day?

03:37:42PM 15 A. Just out of fear and concern for

03:37:46PM 16 myself.

03:37:46PM 17 Q. So that day after you told the police

03:37:54PM 18 it was L -- does L exist?

03:37:56PM 19 A. No.

03:37:56PM 20 Q. After you told the police it was L, did

03:38:06PM 21 they know who L was?

03:38:08PM 22 A. They didn't believe me.

03:38:10PM 23 Q. Okay. Did they continue to ask you

03:38:14PM 24 questions about who it was?

03:38:14PM 25 A. Yes.

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:38:14PM 1 Q. And did you -- did you then tell them a
03:38:22PM 2 different person who it was other than L?
03:38:24PM 3 A. Yes.
03:38:24PM 4 Q. Who did you tell them it was?
03:38:28PM 5 A. Christopher Campbell.
03:38:28PM 6 Q. Was that the truth?
03:38:30PM 7 A. Yes, sir.
03:38:42PM 8 Q. J. R., I'm going to show you what has
03:38:44PM 9 been entered into evidence as State's Exhibit
03:38:48PM 10 Number 18. Do you recognize that document?
03:38:54PM 11 A. Yes.
03:38:54PM 12 Q. What is that?
03:38:56PM 13 A. Photo of Christopher Campbell.
03:39:00PM 14 Q. And who showed -- have you ever seen
03:39:06PM 15 this photo before?
03:39:10PM 16 A. In the interrogation room.
03:39:14PM 17 Q. Who showed it to you?
03:39:16PM 18 A. The officer.
03:39:18PM 19 Q. And that day did you identify the
03:39:20PM 20 person -- who did you identify the person in this
03:39:22PM 21 photograph to be?
03:39:22PM 22 A. Christopher Campbell, my cousin.
03:39:26PM 23 Q. Okay. And what did you tell them he
03:39:30PM 24 did?
03:39:30PM 25 A. That he did the robbery.

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:39:32PM 1 Q. Was that the truth?

03:39:34PM 2 A. Yes, sir.

03:39:34PM 3 Q. Whose signature is on that?

03:39:40PM 4 A. That's my signature.

03:39:42PM 5 Q. Okay. What date is on there?

03:39:44PM 6 A. 5/6/11.

03:39:44PM 7 Q. Thank you.

03:40:08PM 8 The morning of May 4th, 2011, what was

03:40:12PM 9 the first time you saw Christopher Campbell?

03:40:14PM 10 A. Around I guess like 7:45, because I

03:40:18PM 11 drove to his house.

03:40:20PM 12 Q. And when you were sitting in the car

03:40:26PM 13 next to him, did you have a good view of what he

03:40:30PM 14 looked like?

03:40:32PM 15 A. Yes.

03:40:32PM 16 Q. How close were you to him?

03:40:34PM 17 A. I was in the passenger seat and he was

03:40:36PM 18 in the driver's seat.

03:40:38PM 19 Q. After you got out of the car, when was

03:40:48PM 20 the next time you saw him?

03:40:48PM 21 A. I didn't see him after that. Well,

03:40:48PM 22 when he came into the store.

03:41:00PM 23 Q. Okay. How close were you? What was

03:41:02PM 24 the closest you were to him at that point? Or I

03:41:06PM 25 should say, did you -- did you have a good

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:41:08PM 1 opportunity to look at his -- what he looked like
03:41:12PM 2 or his face at that point?

03:41:12PM 3 A. That morning?

03:41:14PM 4 Q. In the store.

03:41:14PM 5 A. Yeah, for the most part. Yes.

03:41:18PM 6 Q. Was he the same person who was in the
03:41:24PM 7 car with you?

03:41:24PM 8 A. Yes, sir.

03:41:24PM 9 Q. Before that -- J. R., I'm going to show
03:41:56PM 10 you a couple of photos that were entered into
03:41:58PM 11 evidence. This is State's Exhibit Number 5. J.R.,
03:42:18PM 12 in this photo, where are you?

03:42:20PM 13 A. I'm right there by the cash register on
03:42:26PM 14 the left-hand side, facing towards the camera.

03:42:28PM 15 Q. Is that you?

03:42:32PM 16 A. Yes.

03:42:32PM 17 Q. Where is Christopher Riley?

03:42:36PM 18 A. Right next to me.

03:42:38PM 19 Q. That's Christopher Riley?

03:42:40PM 20 A. Yes.

03:42:40PM 21 Q. Who is that?

03:42:40PM 22 A. That's Christopher Campbell.

03:42:44PM 23 Q. I'm now showing you State's Exhibit 10.
03:43:02PM 24 Where are you in this photo, J.R?

03:43:04PM 25 A. That's me in the back standing in the

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:43:08PM 1 red shirt.

03:43:08PM 2 Q. Okay. And from that -- from where you
03:43:14PM 3 were standing there, did you have a good view of
03:43:16PM 4 this person in the hooded sweatshirt?

03:43:20PM 5 A. Yes.

03:43:20PM 6 Q. Who was that person in the sweatshirt?

03:43:26PM 7 A. That's Christopher Campbell.

03:43:26PM 8 MR. ZIEGLER: Court's indulgence,
03:44:00PM 9 please?

03:44:00PM 10 THE COURT: Yes.

03:44:52PM 11 MR. ZIEGLER: Your Honor, I would like
03:44:52PM 12 to return to what has been marked for
03:44:56PM 13 identification purposes as State's Exhibit Number
03:44:56PM 14 18. And that actually was never admitted into
03:45:02PM 15 evidence.

03:45:04PM 16 THE COURT: Any objection?

03:45:04PM 17 MR. KING: Just my pretrial objection,
03:45:08PM 18 Judge.

03:45:08PM 19 THE COURT: Overruled. It is admitted
03:45:10PM 20 into evidence.

03:45:10PM 21 (PLF. EXH. 18 in evidence.)

03:45:10PM 22 BY MR. ZIEGLER:

03:45:16PM 23 Q. J.R., do you have any criminal
03:45:18PM 24 convictions on your past record?

03:45:18PM 25 A. No, sir.

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:45:20PM 1 MR. ZIEGLER: Thank you. Please answer
03:45:22PM 2 any questions that defense Counsel may have for
03:45:26PM 3 you.

03:45:26PM 4 THE COURT: Mr. King.

03:45:26PM 5 MR. KING: Thank you, Your Honor.

03:45:26PM 6 CROSS-EXAMINATION

03:45:26PM 7 BY MR. KING:

03:45:34PM 8 Q. Mr. Green, I think you slipped up a
03:45:40PM 9 minute ago. Do you remember when the Solicitor
03:45:42PM 10 asked you, after Christopher Campbell dropped you
03:45:46PM 11 off and you got out of the car, did you see him
03:45:48PM 12 after that? And you said no.

03:45:50PM 13 A. I was confused by the question.

03:45:54PM 14 Q. You didn't just slip up in your --

03:45:54PM 15 A. No.

03:45:56PM 16 Q. -- lies?

03:45:56PM 17 A. No.

03:45:56PM 18 Q. No? You signed a proffer agreement?

03:46:02PM 19 A. What is that?

03:46:04PM 20 Q. You signed that proffer agreement with
03:46:06PM 21 the Solicitor's Office where you've agreed to
03:46:08PM 22 cooperate?

03:46:08PM 23 A. Yes.

03:46:08PM 24 Q. You've sat down and met with the
03:46:16PM 25 Solicitors?

LESLIE GREEN -- CROSS EXAM BY MR. KING

03:46:16PM 1 A. Yes.

03:46:16PM 2 Q. The first time you actually met with
03:46:22PM 3 another Solicitor with blond hair, a lady; do you
03:46:24PM 4 remember her?

03:46:24PM 5 A. Yes.

03:46:24PM 6 Q. Meg Sprinkle or Megan Andrews Sprinkle,
03:46:28PM 7 depending on if she was married or not; do you know
03:46:30PM 8 who I'm talking about?

03:46:30PM 9 A. It's been awhile.

03:46:32PM 10 Q. You met them January 10, 2014. Does
03:46:40PM 11 that ring a bell, in the Solicitor's Office?

03:46:42PM 12 A. I met them plenty of times in the
03:46:44PM 13 course of three years. I can't be exact.

03:46:46PM 14 Q. You've been charged with armed robbery?

03:46:54PM 15 A. Yes.

03:46:54PM 16 Q. And you know that's a serious charge?

03:46:56PM 17 A. Yes.

03:46:56PM 18 Q. You talked to your lawyer about that?

03:47:00PM 19 A. Yes.

03:47:00PM 20 Q. And you know it has -- carries a
03:47:04PM 21 minimum of ten years in prison, right?

03:47:06PM 22 A. Yes.

03:47:06PM 23 Q. So if you're convicted of armed
03:47:10PM 24 robbery, you have to do at least ten years in
03:47:12PM 25 prison?

LESLIE GREEN - CROSS EXAM BY MR. KING

03:47:14PM 1 A. Yes.

03:47:14PM 2 Q. And you can do as much as 30 years?

03:47:16PM 3 A. Yes.

03:47:16PM 4 Q. And it's a violent crime?

03:47:18PM 5 A. Yes.

03:47:18PM 6 Q. And that could affect -- if you had to

03:47:20PM 7 go to prison, you would be around other violent

03:47:24PM 8 criminals?

03:47:24PM 9 A. Yes.

03:47:24PM 10 Q. You'd have to do 85 percent of the

03:47:30PM 11 time?

03:47:30PM 12 A. Yes.

03:47:30PM 13 Q. You don't want to go to prison?

03:47:32PM 14 A. No, I do not.

03:47:32PM 15 Q. And you're hoping your charge gets

03:47:36PM 16 dropped?

03:47:36PM 17 A. I done nothing wrong, so, yes.

03:47:38PM 18 Q. You're still saying you had nothing to

03:47:40PM 19 do with this?

03:47:40PM 20 A. Yes.

03:47:40PM 21 Q. So what you're hoping is, after this

03:47:44PM 22 trial is over, you have cooperated and testified,

03:47:46PM 23 your charge will go away?

03:47:48PM 24 A. I don't know.

03:47:48PM 25 Q. That's what you hope though, right?

LESLIE GREEN - CROSS EXAM BY MR. KING

03:47:52PM 1 A. Yes.

03:47:52PM 2 Q. They didn't make you any kind of offer?

03:47:56PM 3 A. No.

03:47:56PM 4 Q. Did they tell you why they weren't

03:47:58PM 5 making you any kind of offer?

03:47:58PM 6 A. No.

03:47:58PM 7 Q. And you're saying Christopher Campbell

03:48:12PM 8 dropped you off in front of the store --

03:48:14PM 9 A. Yes.

03:48:14PM 10 Q. -- right? And then you walked in?

03:48:16PM 11 A. Yes.

03:48:16PM 12 Q. And then within seconds, he's right

03:48:20PM 13 behind you?

03:48:22PM 14 A. Yes.

03:48:22PM 15 Q. And do you think he left his car right

03:48:26PM 16 in the middle of King Street?

03:48:30PM 17 A. I don't know. I just walked in the

03:48:32PM 18 store.

03:48:32PM 19 Q. Christopher Campbell is your cousin,

03:48:36PM 20 you testified?

03:48:36PM 21 A. Yes, sir.

03:48:36PM 22 Q. You know he -- back then and now, he

03:48:40PM 23 was living with Martha Campbell?

03:48:42PM 24 A. Yes.

03:48:42PM 25 Q. That's his grandmother?

LESLIE GREEN - CROSS EXAM BY MR. KING

03:48:44PM 1 A. Yes.

03:48:44PM 2 Q. And Leroy Campbell, his uncle?

03:48:48PM 3 A. Yes, sir.

03:48:48PM 4 Q. At [REDACTED]

03:48:50PM 5 A. Yes, sir.

03:48:52PM 6 Q. And do you know he lived in Columbia

03:48:54PM 7 for a little while before this?

03:48:56PM 8 A. Yes.

03:48:56PM 9 Q. And he had just moved back from

03:48:58PM 10 Columbia maybe a couple of weeks before this

03:49:02PM 11 happened?

03:49:02PM 12 A. I think so.

03:49:04PM 13 Q. You told the Solicitors January 10,

03:49:10PM 14 2014, that he had been talking about robbing you

03:49:14PM 15 for eight or nine weeks before this?

03:49:16PM 16 A. When was this?

03:49:18PM 17 Q. When you met -- the first time you met

03:49:20PM 18 in the Solicitor's Office with the blond Solicitor,

03:49:24PM 19 thin, kind of tall, your lawyer was there,

03:49:30PM 20 Solicitor's investigator, I think Keith Hare, was

03:49:32PM 21 there, and they recorded it, and that's when you

03:49:36PM 22 signed that piece of paper?

03:49:38PM 23 A. If it was recorded, then, yes.

03:49:40PM 24 Q. And you told them during that meeting

03:49:46PM 25 -- it was just January of this year -- that he had

LESLIE GREEN - CROSS EXAM BY MR. KING

03:49:50PM 1 been talking about robbing you for eight or nine
03:49:52PM 2 weeks before this? And he wasn't even living here
03:49:56PM 3 until two weeks before?

03:49:58PM 4 A. Yes.

03:49:58PM 5 Q. And you testified that you didn't call
03:50:04PM 6 Christopher Campbell after this robbery happened?

03:50:08PM 7 A. I texted him.

03:50:10PM 8 Q. You texted him. You didn't call him
03:50:12PM 9 and tell him to bring the car back?

03:50:14PM 10 A. No.

03:50:14PM 11 Q. But he brought your car back?

03:50:16PM 12 A. Yes.

03:50:18PM 13 Q. Him and Leroy Campbell?

03:50:20PM 14 A. To my knowledge, it was just him.

03:50:22PM 15 Q. What do you think he did after he
03:50:24PM 16 brought the car back? How did he get back home?

03:50:28PM 17 A. I don't know.

03:50:28PM 18 Q. You didn't go tell Christopher later
03:50:34PM 19 that day about the robbery?

03:50:36PM 20 A. No. I didn't see him later that day.

03:50:38PM 21 Q. Now, you testified about this, the next
03:50:48PM 22 day you went down to Lockwood, down to the police
03:50:52PM 23 station on Lockwood?

03:50:52PM 24 A. Yes.

03:50:52PM 25 Q. And they questioned you for almost two

LESLIE GREEN - CROSS EXAM BY MR. KING

03:50:58PM 1 hours?

03:50:58PM 2 A. Something like that.

03:50:58PM 3 Q. Do you remember it was Detective

03:51:00PM 4 Kennedy, he was one of the ones questioning you?

03:51:04PM 5 A. Yes.

03:51:04PM 6 Q. And a lady detective, I think; Linda

03:51:10PM 7 O'Dell, I think, was her name?

03:51:10PM 8 A. Yes.

03:51:12PM 9 Q. And they were asking you who was the

03:51:12PM 10 robber; do you remember that?

03:51:12PM 11 A. Yes.

03:51:14PM 12 Q. And you told them you didn't know?

03:51:16PM 13 A. Right.

03:51:18PM 14 Q. You told them, I promise to God; do you

03:51:20PM 15 remember telling them that?

03:51:20PM 16 A. I don't know.

03:51:24PM 17 MR. KING: Your Honor, may I play the

03:51:24PM 18 clip?

03:51:26PM 19 THE COURT: You may.

03:51:36PM 20 (Video played.)

03:51:36PM 21 BY MR. KING:

03:51:58PM 22 Q. Do you recognize that setting?

03:51:58PM 23 A. Yes.

03:52:38PM 24 Q. (Video played.) Do you remember saying

03:52:40PM 25 that?

LESLIE GREEN - CROSS EXAM BY MR. KING

03:52:40PM 1 A. That's in the video, so, yes.

03:52:42PM 2 Q. Do you remember that?

03:52:44PM 3 A. It's in the video, so, yes.

03:52:46PM 4 Q. And do you remember during that

03:52:58PM 5 interview, the same interview, Detective Kennedy

03:53:00PM 6 was telling you about how serious armed robbery is?

03:53:04PM 7 A. Yes.

03:53:04PM 8 Q. And he told you, if you knew about

03:53:08PM 9 it --

03:53:08PM 10 MR. ZIEGLER: Objection, Your Honor;

03:53:10PM 11 hearsay.

03:53:12PM 12 THE COURT: Overruled.

03:53:12PM 13 BY MR. KING:

03:53:16PM 14 Q. Detective Kennedy told you, if you knew

03:53:18PM 15 about it and you never cooperated, I'm coming at

03:53:22PM 16 you, trying to put you in for 25 years of your

03:53:26PM 17 life; do you remember him saying that?

03:53:26PM 18 A. Yes.

03:53:34PM 19 Q. Detective Kennedy was acting like you

03:53:36PM 20 were involved, right?

03:53:36PM 21 A. Yes.

03:53:38PM 22 Q. And he kept telling you that, he

03:53:40PM 23 believed you were involved?

03:53:40PM 24 A. Right.

03:53:40PM 25 Q. You kept telling him, no, you weren't,

LESLIE GREEN - CROSS EXAM BY MR. KING

03:53:44PM 1 and on that same day, you didn't know who did it?

03:53:48PM 2 A. Right.

03:53:48PM 3 Q. So that interview ends after close to a
03:53:52PM 4 couple of hours; does that sound about right?

03:53:54PM 5 A. Yes.

03:53:54PM 6 Q. And they don't give up. They come back
03:53:58PM 7 the next day and pick you up from work, right?

03:54:00PM 8 A. Right.

03:54:02PM 9 Q. And this time it was Detective Kennedy
03:54:04PM 10 again and another detective, Detective Holmes; do
03:54:06PM 11 you remember that?

03:54:06PM 12 A. Yes.

03:54:08PM 13 Q. And you rode in the car, and they were
03:54:10PM 14 talking to you in the car on the way there?

03:54:12PM 15 A. Right.

03:54:12PM 16 Q. And that was recorded. Do you remember
03:54:16PM 17 Detective Holmes asking you if you had any brothers
03:54:18PM 18 or sisters?

03:54:20PM 19 A. Yes.

03:54:20PM 20 Q. And you told him you had a little
03:54:22PM 21 brother?

03:54:22PM 22 A. Yes.

03:54:22PM 23 Q. And he said things like, how would your
03:54:26PM 24 little brother feel if somebody had to tell him you
03:54:30PM 25 were in jail?

LESLIE GREEN - CROSS EXAM BY MR. KING

03:54:30PM 1 A. Yes.

03:54:30PM 2 Q. And you started telling him you might

03:54:36PM 3 know who it is?

03:54:36PM 4 A. Yes.

03:54:36PM 5 Q. Do you remember, before you get out of

03:54:40PM 6 the car -- you're driving in the car to the police

03:54:44PM 7 station, and before you get out, Detective Holmes

03:54:48PM 8 tells you one last warning: I take two lies. Do

03:54:52PM 9 you remember him saying that?

03:54:52PM 10 A. If it was recorded, then, yes.

03:54:54PM 11 Q. He said, I take two lies, an initial

03:54:58PM 12 and a backup. Once you tell me the backup lie, I

03:55:02PM 13 burn you. And do you remember that?

03:55:04PM 14 A. Yes.

03:55:04PM 15 Q. So then you tell Detective Holmes and

03:55:14PM 16 Detective Kennedy that it was a guy named L?

03:55:16PM 17 A. Yes.

03:55:16PM 18 Q. You said, I don't know his real name,

03:55:20PM 19 all I can give you is his name is L and he lives on

03:55:24PM 20 Fort Johnson Road?

03:55:24PM 21 A. Yes.

03:55:24PM 22 Q. And you were telling him you didn't

03:55:26PM 23 know any more information about it?

03:55:28PM 24 A. Right.

03:55:30PM 25 Q. And they kept trying to find out more

LESLIE GREEN - CROSS EXAM BY MR. KING

03:55:32PM 1 information, trying to find out who L is; do you
03:55:34PM 2 remember?

03:55:34PM 3 A. No.

03:55:34PM 4 Q. Do you remember -- you were telling
03:55:36PM 5 them it was L, right?

03:55:38PM 6 A. They didn't believe me when I said
03:55:40PM 7 that.

03:55:42PM 8 Q. You don't remember -- do you remember
03:55:44PM 9 Detective Holmes telling you --

03:55:46PM 10 A. I remember saying that, yes.

03:55:48PM 11 Q. Sorry?

03:55:48PM 12 A. I remember saying that, yes.

03:55:50PM 13 Q. Do you remember Detective Holmes, he
03:55:52PM 14 tells you, tell me who L is or else you ain't
03:55:58PM 15 walking out of here today?

03:55:58PM 16 A. I didn't know his real name so I told
03:56:02PM 17 him it was L.

03:56:04PM 18 Q. They were threatening to not let you
03:56:06PM 19 leave, to basically arrest you, right?

03:56:08PM 20 A. Right.

03:56:08PM 21 Q. And then that's when you end up signing
03:56:12PM 22 that photograph up there, after they told you all
03:56:16PM 23 this about, you know, if you're involved and don't
03:56:20PM 24 talk, we're coming after you for 25 years, right?
03:56:22PM 25 And Detective Holmes has told you, two lies and

LESLIE GREEN - CROSS EXAM BY MR. KING

03:56:26PM 1 he'll burn you, right?

03:56:28PM 2 A. Right.

03:56:28PM 3 Q. They put Christopher Campbell's picture

03:56:32PM 4 in front of you and say, who is that. And you say,

03:56:36PM 5 Christopher Campbell. And they asked you if he's

03:56:40PM 6 the one that robbed the store. And you said, it

03:56:42PM 7 looks like him. And then Detective Holmes yells.

03:56:46PM 8 And you say, yes, it was him?

03:56:50PM 9 A. Yes.

03:56:50PM 10 MR. KING: May I play that portion?

03:56:52PM 11 It's just for -- I guess to show what he would have

03:56:58PM 12 felt?

03:56:58PM 13 THE COURT: Any objection from the

03:56:58PM 14 State?

03:56:58PM 15 MR. ZIEGLER: Objection; based on

03:57:02PM 16 hearsay, Your Honor.

03:57:04PM 17 THE COURT: Well, it's his testimony

03:57:04PM 18 and he's on the stand. Isn't that testimony --

03:57:10PM 19 MR. KING: It's not offered for the --

03:57:14PM 20 it's for the effect that it had on Mr. Green.

03:57:18PM 21 THE COURT: I will allow it.

03:57:20PM 22 Overruled.

03:57:48PM 23 (Video played.)

03:57:48PM 24 BY MR. KING:

03:57:54PM 25 Q. Okay. Does that voice sound familiar?

LESLIE GREEN - CROSS EXAM BY MR. KING

03:57:54PM 1 A. Yes.

03:57:56PM 2 Q. Like Detective Holmes?

03:57:56PM 3 A. Yes.

03:57:56PM 4 Q. Did you hear him say, you rolled the

03:58:00PM 5 dice and you lied to me?

03:58:02PM 6 A. Yes, I heard.

03:58:02PM 7 Q. And that's after he told you he's going

03:58:04PM 8 to burn you, right?

03:58:06PM 9 A. Right.

03:58:30PM 10 (Video played.)

03:58:30PM 11 Q. Okay. Did you hear that?

03:58:30PM 12 A. Yes, I heard that.

03:58:32PM 13 Q. You were still saying to them, that

03:58:36PM 14 looks like him. You still weren't saying it was

03:58:40PM 15 him until Detective Holmes said, huh, right? And

03:58:44PM 16 he said, one more chance. And that's when you

03:58:46PM 17 said, it's him, right?

03:58:46PM 18 A. Right.

03:58:46PM 19 Q. And that's when you signed it?

03:58:54PM 20 A. Right.

03:58:54PM 21 Q. We talked about this meeting before,

03:59:02PM 22 but the day you signed that agreement with the

03:59:04PM 23 Solicitor's Office, the first time you met with him

03:59:06PM 24 on January 10, 2014, right? Do you remember we

03:59:12PM 25 talked about that before?

LESLIE GREEN - CROSS EXAM BY MR. KING

03:59:12PM 1 A. Yes.

03:59:12PM 2 Q. You're still telling them at that

03:59:16PM 3 meeting, just in this past January, you didn't know

03:59:20PM 4 who it was at the time. You watched the video. It

03:59:24PM 5 kind of looked like him. Do you remember telling

03:59:26PM 6 them that this past January?

03:59:28PM 7 A. I guess so, yes.

03:59:30PM 8 MR. KING: Well, may I play that

03:59:34PM 9 portion, Your Honor?

03:59:36PM 10 THE COURT: You may.

03:59:36PM 11 (Video played.)

03:59:36PM 12 BY MR. KING:

03:59:58PM 13 Q. Does that voice sound familiar?

03:59:58PM 14 A. Yes.

04:00:00PM 15 Q. Is it the previous Solicitor, named Meg

04:00:04PM 16 Hailey or Meg Sprinkle?

04:00:06PM 17 A. Yes.

04:00:20PM 18 (Video played)

04:00:20PM 19 Q. You say, a couple of cousins dropped me

04:00:22PM 20 off at work?

04:00:22PM 21 A. Yes.

04:00:24PM 22 Q. Is that true?

04:00:24PM 23 A. Yes, that's true.

04:00:24PM 24 Q. Who dropped you off?

04:00:26PM 25 A. My cousin, Laura Moore, and my cousin,

LESLIE GREEN - CROSS EXAM BY MR. KING

04:00:26PM 1 Leroy.

04:00:26PM 2 THE COURT REPORTER: I need you to
04:00:26PM 3 repeat that. Speak up.

04:00:34PM 4 THE WITNESS: My cousin, Laura Moore,
04:00:34PM 5 and my cousin, Leroy.

04:00:36PM 6 BY MR. KING:

04:00:36PM 7 Q. Didn't you testify today that
04:00:38PM 8 Christopher Campbell dropped you off?

04:00:40PM 9 A. That was -- my license was suspended at
04:00:42PM 10 the time so they were rotating.

04:00:44PM 11 Q. See, you're saying, a couple of my
04:01:08PM 12 cousins, dropped you off that morning that the
04:01:10PM 13 robbery was supposed to have taken place?

04:01:12PM 14 A. I guess so, yes. It wasn't a couple of
04:01:16PM 15 my cousins; it was just one person.

04:01:20PM 16 (Video played.)

04:01:46PM 17 Q. Still there -- this is just this past
04:01:48PM 18 January. You're still saying, kind of looked like
04:01:54PM 19 him. You don't tell them that when the person
04:01:58PM 20 walked in, your cousin that you've known a good
04:02:02PM 21 part of your life, that you rode to work with him,
04:02:06PM 22 right beside him, you're still saying, you didn't
04:02:08PM 23 know who it was. You just watched the video and it
04:02:10PM 24 kind of looked like him.

04:02:12PM 25 A. Yes.

LESLIE GREEN - CROSS EXAM BY MR. KING

04:02:12PM 1 Q. You were saying that just this past
04:02:16PM 2 January, after you already agreed to cooperate and
04:02:18PM 3 you're meeting with the Solicitor and your lawyer
04:02:20PM 4 and the Solicitor's investigator?

04:02:20PM 5 A. Yes.

04:02:22PM 6 Q. You enjoy music; is that right?

04:02:28PM 7 A. Yes.

04:02:28PM 8 Q. Are you like -- you would like to get
04:02:32PM 9 involved with like music and be a rapper and a
04:02:34PM 10 producer and stuff?

04:02:36PM 11 A. No.

04:02:36PM 12 Q. Back then, did you?

04:02:38PM 13 A. Back then, yes.

04:02:38PM 14 Q. I want you to remember the first
04:02:44PM 15 interview. This is the very first one, the day
04:02:48PM 16 after the video that we saw. And you were
04:02:52PM 17 interviewed by Detective Kennedy and Detective
04:02:54PM 18 O'Dell, the lady with the dark hair. Do you
04:02:58PM 19 remember she asked you, what is important to you?
04:02:58PM 20 Do you remember her asking you?

04:03:00PM 21 A. She asked a lot of questions.

04:03:02PM 22 Q. Do you remember what you said to that?

04:03:02PM 23 A. No.

04:03:04PM 24 Q. You said, music and me.

04:03:08PM 25 A. I don't remember saying that.

LESLIE GREEN - REDIRECT EXAM BY MR. ZIEGLER

04:03:10PM 1 MR. KING: May I play that, Your Honor?

04:03:12PM 2 THE COURT: You may.

04:03:14PM 3 MR. KING: Thank you.

04:03:14PM 4 (Video played.)

04:03:14PM 5 BY MR. KING:

04:03:36PM 6 Q. Do you remember saying that?

04:03:38PM 7 A. It's on the video, then, yes.

04:03:40PM 8 Q. You didn't say, my family, did you?

04:03:46PM 9 A. What she said before that?

04:03:50PM 10 Q. She asked you, what is important to

04:03:52PM 11 you. And you didn't say your mother. Maybe that

04:03:56PM 12 might have been a better answer.

04:03:56PM 13 A. She said to me.

04:03:58PM 14 Q. Right. What's important to you?

04:04:00PM 15 A. Uh-huh.

04:04:02PM 16 Q. Not your mother, not your family, not

04:04:06PM 17 your friends, not Christopher Campbell, right?

04:04:10PM 18 A. Okay.

04:04:12PM 19 MR. KING: I don't have any more

04:04:14PM 20 questions, Your Honor.

04:04:14PM 21 THE COURT: Any redirect?

04:04:14PM 22 REDIRECT EXAMINATION

04:04:14PM 23 BY MR. ZIEGLER:

04:04:30PM 24 Q. J. R., Mr. King just played some clips

04:04:32PM 25 for you. One of those, you said it's -- it you

LESLIE GREEN - REDIRECT EXAM BY MR. ZIEGLER

04:04:38PM 1 said -- you said you had no idea who that was?

04:04:40PM 2 A. Uh-huh.

04:04:40PM 3 Q. Was that true, that you had no idea?

04:04:46PM 4 A. No. No.

04:04:46PM 5 Q. It was not true?

04:04:48PM 6 A. It was not true.

04:04:50PM 7 Q. Did you -- did you have -- did you know

04:04:54PM 8 who it was --

04:04:54PM 9 A. Yes.

04:04:54PM 10 Q. -- who robbed the store at that time?

04:04:58PM 11 A. Yes.

04:04:58PM 12 Q. The person who robbed that store was

04:05:02PM 13 part of your family, right?

04:05:04PM 14 A. Yes.

04:05:04PM 15 Q. So were you excited about the idea of

04:05:10PM 16 getting your family member into trouble?

04:05:12PM 17 A. No.

04:05:12PM 18 Q. Was that something you would rather

04:05:16PM 19 avoid to do?

04:05:18PM 20 A. Yes.

04:05:18PM 21 Q. And did you lie to the police that day?

04:05:26PM 22 A. Yes.

04:05:26PM 23 Q. And, again, why did you do that?

04:05:32PM 24 A. Out of fear and protection of myself.

04:05:34PM 25 Q. And did you want to give up your

LESLIE GREEN - REDIRECT EXAM BY MR. ZIEGLER

04:05:40PM 1 cousin?

04:05:40PM 2 A. No.

04:05:42PM 3 Q. Now, another clip that you were shown,

04:05:48PM 4 J. R., said -- it was Detective Holmes saying, you

04:05:52PM 5 rolled the dice and you lied to me. And that was

04:05:56PM 6 at a time when he was showing you this photo that

04:06:02PM 7 you've looked at. Before they had shown you that

04:06:08PM 8 photo, had you already provided the name of the

04:06:10PM 9 person who -- who robbed the store that day?

04:06:14PM 10 A. That's part of the interview -- can you

04:06:18PM 11 repeat that?

04:06:18PM 12 Q. How did they get the name to pull that

04:06:20PM 13 photo to show it to you?

04:06:22PM 14 A. I told them that Christopher Campbell

04:06:26PM 15 dropped me off that day at work.

04:06:28PM 16 Q. Did you tell them that Christopher

04:06:30PM 17 Campbell robbed the store?

04:06:30PM 18 A. That same day?

04:06:32PM 19 Q. Yes.

04:06:32PM 20 A. No.

04:06:32PM 21 Q. Did you identify that day Christopher

04:06:36PM 22 Campbell as the person who robbed the store? Is

04:06:40PM 23 that why -- is that how they showed you that photo?

04:06:42PM 24 A. That's why they showed the picture,

04:06:46PM 25 yes.

LESLIE GREEN - REDIRECT EXAM BY MR. ZIEGLER

04:06:46PM 1 Q. But -- but -- but did you provide them
04:06:48PM 2 with that name?

04:06:50PM 3 A. Yes.

04:06:50PM 4 Q. Another clip you heard was from an
04:07:00PM 5 interview in my office, the Solicitor's Office.
04:07:06PM 6 Were you totally relaxed at the beginning of that
04:07:08PM 7 interview?

04:07:08PM 8 A. Of the first interview?

04:07:10PM 9 Q. The interview that you heard the clip
04:07:14PM 10 of, were you nervous that day?

04:07:16PM 11 A. Which clip was that?

04:07:16PM 12 Q. It's the female voice at my office
04:07:22PM 13 where the Solicitor is asking you what happened
04:07:24PM 14 that day. She said, just tell us what happened.

04:07:28PM 15 A. Was I relaxed?

04:07:28PM 16 Q. Were you nervous?

04:07:30PM 17 A. I was nervous the whole time.

04:07:32PM 18 Q. Okay. And another -- another item that
04:07:44PM 19 defense Counsel, Mr. King, brought up, you
04:07:48PM 20 mentioned that you had a couple of cousins,
04:07:50PM 21 multiple cousins. Can you clarify that? Who --
04:07:54PM 22 what were you referring to when you said cousins?

04:07:56PM 23 A. I was referring to how I got to work.
04:08:00PM 24 I had a couple of cousins that would drop me off at
04:08:04PM 25 work. Not saying a couple of cousins dropped me

LESLIE GREEN - RECROSS EXAM BY MR. KING

04:08:06PM 1 off to work that day.

04:08:06PM 2 Q. So was there a rotation of people
04:08:08PM 3 taking you to work?

04:08:10PM 4 A. If somebody was busy that morning, then
04:08:12PM 5 I would call the next one.

04:08:16PM 6 Q. Are you talking in general terms, like
04:08:18PM 7 prior to this incident?

04:08:20PM 8 A. Yes.

04:08:20PM 9 Q. So you're saying other cousins would
04:08:24PM 10 take you to work on a regular basis?

04:08:26PM 11 A. Yes.

04:08:26PM 12 Q. And on that particular day, May 4,
04:08:30PM 13 2011, how many cousins took you to work?

04:08:32PM 14 A. Just one.

04:08:32PM 15 Q. And who was that?

04:08:34PM 16 A. Christopher Campbell.

04:08:36PM 17 MR. ZIEGLER: Thank you. No further
04:08:36PM 18 questions.

04:08:36PM 19 THE COURT: Any recross based upon his
04:08:40PM 20 redirect?

04:08:40PM 21 MR. KING: Very briefly, Judge.

04:08:40PM 22 RECROSS-EXAMINATION

04:08:40PM 23 BY MR. KING:

04:08:44PM 24 Q. You lied a lot, right? You testified
04:08:46PM 25 to that? You told lies?

LESLIE GREEN - RECROSS EXAM BY MR. KING

04:08:48PM 1 A. I never said I told a lie. Well --

04:08:50PM 2 Q. You haven't lied?

04:08:52PM 3 A. I lied in the beginning of all of this,
04:08:54PM 4 yes.

04:08:54PM 5 Q. You said you lied, out of fear and
04:08:56PM 6 protection of myself?

04:08:56PM 7 A. Yes.

04:08:58PM 8 Q. So when you're afraid and you want to
04:09:00PM 9 protect yourself, you're ready to lie, right?

04:09:02PM 10 A. This particular thing, yes.

04:09:06PM 11 Q. You're willing to lie to keep from
04:09:08PM 12 going to prison, aren't you?

04:09:10PM 13 A. No.

04:09:12PM 14 MR. KING: I have no further questions.

04:09:12PM 15 THE COURT: Thank you. You may step
04:09:14PM 16 down.

04:09:24PM 17 State may call its next witness.

04:09:28PM 18 MR. ZIEGLER: State calls Officer
04:09:48PM 19 Richard Kennedy.

04:09:48PM 20 RICHARD KENNEDY,
04:09:48PM 21 being first duly sworn, testified as follows:

04:09:52PM 22 THE WITNESS: I do.

04:09:52PM 23 THE CLERK: You may be seated, sir.

04:09:54PM 24 Once seated, please state your first and last name
04:09:56PM 25 and spell your last loudly and clearly for the

RICHARD KENNEDY - DIRECT EXAM BY MR. ZIEGLER

04:09:56PM 1 record.

04:09:58PM 2 THE WITNESS: Richard Kennedy,

04:10:00PM 3 K-E-N-N-E-D-Y.

04:10:00PM 4 DIRECT EXAMINATION

04:10:02PM 5 BY MR. ZIEGLER:

04:10:02PM 6 Q. Afternoon, Officer Kennedy.

04:10:06PM 7 A. Afternoon.

04:10:06PM 8 Q. What law enforcement agency are you a
04:10:06PM 9 member of?

04:10:08PM 10 A. Charleston City Police Department.

04:10:10PM 11 Q. What is your current assignment?

04:10:10PM 12 A. I work West Ashley, Team IV patrol.

04:10:14PM 13 Q. And can you briefly describe your prior
04:10:18PM 14 assignments with the Charleston Police Department?

04:10:20PM 15 A. I started in 2006, Team 2 patrol, and
04:10:24PM 16 then I did one year as a Team 2 investigator, and
04:10:28PM 17 then I spent four years in the robbery/assault
04:10:32PM 18 unit, central division, investigating robberies for
04:10:34PM 19 the City of Charleston Police Department.

04:10:36PM 20 Q. I want to direct you to May 4th, 2011.
04:10:40PM 21 What was your position at that time?

04:10:42PM 22 A. I was working as a robbery detective.

04:10:44PM 23 Q. And where in the city were you working
04:10:48PM 24 that day?

04:10:48PM 25 A. I was coming into work and I heard that

RICHARD KENNEDY - DIRECT EXAM BY MR. ZIEGLER

04:10:50PM 1 a call -- a call come out as far as an armed
04:10:54PM 2 robbery occurred at 357 King Street, Firehouse
04:10:58PM 3 Subs.

04:10:58PM 4 Q. Did you respond to the report of an
04:11:02PM 5 armed robbery at 357 King Street?

04:11:04PM 6 A. I did.

04:11:06PM 7 Q. And in what county is that located?

04:11:08PM 8 A. In the City of Charleston, the County
04:11:10PM 9 of Charleston, South Carolina.

04:11:12PM 10 Q. Approximately, what time did you arrive
04:11:18PM 11 at the Firehouse Subs that morning?

04:11:20PM 12 A. Approximately, around 8:50. I believe
04:11:24PM 13 the chat had me at 8:44 checking on the scene.

04:11:30PM 14 Q. And, approximately, how long before you
04:11:34PM 15 arrived had the armed robbery occurred?

04:11:36PM 16 A. I think the call initially came out
04:11:38PM 17 around 8:27 in the morning, 8:30 in the morning.

04:11:44PM 18 Q. And who was there when you arrived?

04:11:50PM 19 A. Officer Freshman was on-scene, I
04:11:52PM 20 believe his street supervisor was on-scene as well.
04:11:58PM 21 I can't remember exactly all the officers that
04:12:00PM 22 showed up. When I showed up, I was tasked with
04:12:02PM 23 interviewing the victim, Christopher Riley.

04:12:06PM 24 Q. Was the scene secured when you arrived?

04:12:08PM 25 A. It was.

RICHARD KENNEDY - DIRECT EXAM BY MR. ZIEGLER

04:12:08PM 1 Q. Had a suspect been located or subject
04:12:12PM 2 been located when you arrived?

04:12:14PM 3 A. No.

04:12:14PM 4 Q. And did you speak to Christopher Riley?

04:12:20PM 5 A. I did.

04:12:20PM 6 Q. What was his demeanor?

04:12:22PM 7 A. He was afraid, you know, he was scared.
04:12:24PM 8 You could tell he had just been through something.
04:12:28PM 9 Normal reaction for what you would see with
04:12:32PM 10 somebody who's been through a traumatic event.

04:12:34PM 11 Q. Did he give you a statement?

04:12:34PM 12 A. Yes, he did.

04:12:36PM 13 Q. Did he give an account of what
04:12:38PM 14 happened?

04:12:38PM 15 A. Yes, he did.

04:12:38PM 16 Q. And did he provide a description of the
04:12:42PM 17 person that robbed the store?

04:12:42PM 18 A. Yes, he did.

04:12:44PM 19 Q. Did he ever tell you that the robber
04:12:46PM 20 had gold teeth?

04:12:48PM 21 A. No, he did not. We clarified that.

04:12:50PM 22 Q. You clarified -- how did you clarify
04:12:52PM 23 that with him?

04:12:52PM 24 A. Whenever I interview anybody, I'm just
04:12:56PM 25 going to go through from head down to toe. I

RICHARD KENNEDY - DIRECT EXAM BY MR. ZIEGLER

04:12:58PM 1 thought he'd said gold teeth. And I remember
04:13:02PM 2 hearing something about it on the radio seems like.
04:13:02PM 3 And I said, gold teeth? And he said, no, goatee.
04:13:06PM 4 And so we got that cleared up.

04:13:08PM 5 Q. Were there any other employees in the
04:13:10PM 6 store besides Christopher Riley when the robbery
04:13:18PM 7 happened?

04:13:18PM 8 A. Leslie Green, who I knew as J. R. at
04:13:22PM 9 the time.

04:13:22PM 10 Q. Did you speak to him that morning?

04:13:22PM 11 A. Not at the store, no.

04:13:24PM 12 Q. Were you assigned as the lead
04:13:30PM 13 detective?

04:13:30PM 14 A. I was. When I initially responded, I
04:13:32PM 15 was just the responding detective to do the initial
04:13:34PM 16 interviews. Early that afternoon, Sergeant
04:13:36PM 17 Bradley, who is the robbery unit supervisor,
04:13:40PM 18 assigned me the case around 1:30.

04:13:42PM 19 Q. And so on May 4, 2011, the day of the
04:13:46PM 20 robbery, did you identify -- were you able to
04:13:52PM 21 identify the person who went into the store with a
04:13:54PM 22 gun and robbed it?

04:13:56PM 23 A. No.

04:13:56PM 24 Q. And did you later speak to Leslie
04:14:08PM 25 Green, J. R. as you knew him then?

RICHARD KENNEDY - DIRECT EXAM BY MR. ZIEGLER

04:14:10PM 1 A. I did briefly over the phone that
04:14:12PM 2 afternoon. We had just talked, and I believe he
04:14:16PM 3 told me something about how he didn't know who did
04:14:18PM 4 it and he would be coming in the next day to talk
04:14:22PM 5 to me about it.

04:14:22PM 6 Q. And that was May 5th, 2011?

04:14:24PM 7 A. Would be the next day, correct.

04:14:26PM 8 Q. Okay. And did -- on that day, did he
04:14:32PM 9 give the name of the person who robbed the store?

04:14:36PM 10 A. No, he did not.

04:14:36PM 11 Q. Is it uncommon for someone -- how many
04:14:42PM 12 interviews -- approximately how many investigations
04:14:46PM 13 and interviews have you done?

04:14:48PM 14 A. Hundreds.

04:14:50PM 15 Q. Is it common or uncommon for them to
04:14:56PM 16 not tell you everything they know on that right
04:14:58PM 17 away?

04:14:58PM 18 A. I would love it if people just came in
04:15:02PM 19 and said who did it or would just tell us
04:15:04PM 20 everything they know right away. That's not how it
04:15:06PM 21 normally happens.

04:15:06PM 22 Q. And if someone -- if someone that --
04:15:10PM 23 you were interviewing someone and they said they
04:15:14PM 24 don't know anything and don't know who it was, do
04:15:16PM 25 you always -- do you stop there? Is that the end

RICHARD KENNEDY - DIRECT EXAM BY MR. ZIEGLER

04:15:18PM 1 of your inquiry?

04:15:20PM 2 A. No. We typically don't believe them.

04:15:22PM 3 Q. So in that situation, do you continue
04:15:28PM 4 to speak -- try to reach out and speak to the
04:15:30PM 5 person that you are interested in speaking to?

04:15:32PM 6 A. I do, especially with -- if that's the
04:15:34PM 7 way the investigation is going.

04:15:36PM 8 Q. And so Leslie Green --

04:15:40PM 9 THE COURT: Bailiff, please take the
04:15:40PM 10 phone.

04:15:52PM 11 Sorry for the interruption. Proceed.

04:15:52PM 12 BY MR. ZIEGLER:

04:15:54PM 13 Q. And so Leslie Green didn't provide the
04:15:58PM 14 name of the person that robbed the store on
04:16:02PM 15 May 5th. Did you meet with him again after that?

04:16:04PM 16 A. Yes.

04:16:04PM 17 Q. When was that?

04:16:06PM 18 A. On May 6th, at the Firehouse Subs.

04:16:08PM 19 Q. Did he agree to go to the police
04:16:12PM 20 station?

04:16:12PM 21 A. He did.

04:16:12PM 22 Q. And did you interview him there at the
04:16:18PM 23 police station?

04:16:18PM 24 A. Yes.

04:16:18PM 25 Q. Was anyone else present for that

RICHARD KENNEDY - DIRECT EXAM BY MR. ZIEGLER

04:16:20PM 1 interview?

04:16:20PM 2 A. Yes, Detective Holmes.

04:16:22PM 3 Q. Were you present at all times --

04:16:24PM 4 A. Yes, I was.

04:16:24PM 5 Q. -- when Mr. Green was being

04:16:28PM 6 interviewed?

04:16:28PM 7 A. Yes.

04:16:28PM 8 Q. Were you always in the room or --

04:16:34PM 9 A. I was either in the room or observing

04:16:36PM 10 it, so, yes.

04:16:36PM 11 Q. Now, on May 6th -- the May 6th

04:16:46PM 12 interview at the police station, did Leslie Green

04:16:50PM 13 provide the name of the person who robbed Firehouse

04:16:54PM 14 Subs?

04:16:54PM 15 A. Yes, he did.

04:16:54PM 16 Q. Who did he provide?

04:16:56PM 17 A. He said it was his cousin, Christopher

04:17:00PM 18 Campbell.

04:17:00PM 19 Q. Did he give the name of anyone before

04:17:04PM 20 Christopher Campbell?

04:17:04PM 21 A. Just the nickname, L.

04:17:06PM 22 Q. Did you continue to try to figure out

04:17:08PM 23 who L was and continue to question him?

04:17:10PM 24 A. We did, just because L really didn't

04:17:12PM 25 make sense, especially with this -- as you watched

RICHARD KENNEDY - DIRECT EXAM BY MR. ZIEGLER

04:17:16PM 1 the video, it seemed like there was some knowledge
04:17:20PM 2 between the subject who came in with the gun and
04:17:22PM 3 Leslie Green.

04:17:22PM 4 Q. What was it about -- what was it about
04:17:28PM 5 what you saw on the video that made you speak to
04:17:30PM 6 Leslie?

04:17:30PM 7 A. As you saw on the video, the victim,
04:17:34PM 8 Christopher Riley, had the gun pointed directly at
04:17:38PM 9 him. He acted afraid and you could tell he was
04:17:40PM 10 concerned about the gun. You could see J. R. in
04:17:42PM 11 the video not be so afraid.

04:17:44PM 12 Not only that, but the subject with the
04:17:48PM 13 gun was not worried about J. R. at all. He just
04:17:52PM 14 went right past him, almost put his hand on his
04:17:52PM 15 back as he was approaching Riley over by the safe.
04:17:56PM 16 And when you're watching that as a robbery
04:18:00PM 17 detective, it just puts a whole bunch of
04:18:02PM 18 exclamation points going off in your head that
04:18:04PM 19 something doesn't look right.

04:18:06PM 20 So it just led us -- led me to believe
04:18:08PM 21 that J. R. knew a lot more than he was telling us.

04:18:10PM 22 Q. Did you believe J. R. when he told you
04:18:14PM 23 Christopher Campbell was the person who robbed the
04:18:16PM 24 store?

04:18:16PM 25 A. Yes. With his knowledge that it was

RICHARD KENNEDY - DIRECT EXAM BY MR. ZIEGLER

04:18:18PM 1 his cousin, yes, I did.

04:18:20PM 2 Q. I'm now showing you what has been
04:18:22PM 3 marked as State's Exhibit Number 18. After
04:18:28PM 4 Mr. Green provided the name of Christopher
04:18:32PM 5 Campbell, what did you show him?

04:18:32PM 6 A. I showed him a photo that I received
04:18:38PM 7 from the South Carolina Department of Motor
04:18:40PM 8 Vehicles of his cousin.

04:18:40PM 9 Q. Can you identify this document?

04:18:42PM 10 A. That is the photo that I printed out.

04:18:44PM 11 Q. What is the name of the person -- the
04:18:48PM 12 person whose picture that is, what is his name?

04:18:50PM 13 A. Christopher D. Campbell, DOB [REDACTED]

04:18:54PM 14 Q. And did -- on State's Exhibit Number
04:19:02PM 15 18, did J. R., Leslie Green, identify that person,
04:19:08PM 16 Christopher Campbell, as the one who robbed the
04:19:10PM 17 Firehouse Subs?

04:19:12PM 18 A. Yes, he did.

04:19:12PM 19 Q. And after the interview with J. R.,
04:19:24PM 20 what did you do to end the case, after he provided
04:19:26PM 21 that name and confirmed that picture?

04:19:30PM 22 A. Leslie Green was charged with armed
04:19:32PM 23 robbery and I obtained arrest warrants for
04:19:34PM 24 Christopher D. Campbell for armed robbery and
04:19:38PM 25 possession of a firearm during the commission of a

RICHARD KENNEDY - DIRECT EXAM BY MR. ZIEGLER

04:19:44PM 1 violent crime.

04:19:44PM 2 Q. Was Christopher Campbell arrested for
04:19:50PM 3 the Firehouse Subs armed robbery?

04:19:52PM 4 A. Yes, later that evening.

04:19:54PM 5 Q. And when he was -- when he was arrested
04:20:04PM 6 -- at the time when he was arrested, what was --
04:20:06PM 7 what was his age and approximate height?

04:20:10PM 8 A. I think he's approximately 6,2, 185-190
04:20:18PM 9 pounds, and approximately 25 years old.

04:20:20PM 10 Q. Did anything else occur in the
04:20:28PM 11 investigation of that case after Christopher
04:20:30PM 12 Campbell was arrested?

04:20:32PM 13 A. Yes. I was working day shift that day
04:20:34PM 14 and the oncoming evening shift detective was
04:20:38PM 15 Detective Williams. I advised him of where we were
04:20:40PM 16 in the case, with the active pending warrants in
04:20:42PM 17 the case, and that if Christopher Campbell was
04:20:46PM 18 arrested, give me a call, we might have to do a
04:20:50PM 19 search warrant on his residence.

04:20:54PM 20 Q. Was a search warrant issued and
04:20:56PM 21 executed?

04:20:56PM 22 A. Yes. A patrol officer located
04:20:58PM 23 Christopher Campbell in front of 1107, I believe,
04:21:04PM 24 or 3, Champagne Lane and arrested him. That was
04:21:06PM 25 Christopher Campbell's place of residence.

RICHARD KENNEDY - CROSS EXAM BY MR. KING

04:21:10PM 1 Detective Williams did an initial interview with
04:21:12PM 2 him. Mr. Campbell confirmed that was his
04:21:16PM 3 residence. We issued a search warrant for that
04:21:20PM 4 residence.

04:21:20PM 5 MR. ZIEGLER: Court's indulgence,
04:21:22PM 6 please?

04:21:22PM 7 THE COURT: Yes.

04:21:40PM 8 MR. ZIEGLER: No further questions,
04:21:42PM 9 Your Honor. Officer Kennedy, please answer any
04:21:46PM 10 questions from defense Counsel.

04:21:48PM 11 THE COURT: Mr. King.

04:21:48PM 12 CROSS-EXAMINATION

04:21:48PM 13 BY MR. KING:

04:21:54PM 14 Q. Detective Kennedy, you've worked on
04:21:56PM 15 armed robbery cases before?

04:21:56PM 16 A. Yes.

04:21:56PM 17 Q. Before this, too, before 2011?

04:22:00PM 18 A. Yes.

04:22:00PM 19 Q. And you've seen -- it's probably not
04:22:02PM 20 the first surveillance video that you've seen and
04:22:08PM 21 observed?

04:22:08PM 22 A. Correct.

04:22:08PM 23 Q. So when you saw the surveillance video,
04:22:10PM 24 you knew something fishy was going on, right?

04:22:12PM 25 A. It stuck out, yes.

RICHARD KENNEDY - CROSS EXAM BY MR. KING

04:22:14PM 1 Q. You said some things on direct
04:22:18PM 2 testimony, that when Leslie Green walks in, the
04:22:20PM 3 robber is almost right on his heels. Within
04:22:26PM 4 seconds of him walking in, right?

04:22:26PM 5 A. I think it was approximately 17, 18
04:22:26PM 6 seconds, yes.

04:22:28PM 7 Q. Pretty quick, not much time passed.
04:22:32PM 8 You testified on direct that the robber walked past
04:22:36PM 9 Leslie Green?

04:22:36PM 10 A. He's very comfortable with him being
04:22:38PM 11 there, correct.

04:22:40PM 12 Q. Puts his back to him?

04:22:42PM 13 A. Yes.

04:22:42PM 14 Q. Which probably wouldn't -- it doesn't
04:22:44PM 15 make any sense --

04:22:46PM 16 A. It doesn't happen very often.

04:22:48PM 17 Q. At some point, Leslie Green, he's in a
04:22:50PM 18 position where he could have just ran out of the
04:22:52PM 19 store, right? Because they were in that corner
04:22:54PM 20 where the safe is and Leslie Green was behind them
04:23:00PM 21 and really would have had an exit, right?

04:23:02PM 22 A. That's possible, yes.

04:23:04PM 23 Q. And that's something that you wouldn't
04:23:06PM 24 normally see in a robbery?

04:23:08PM 25 A. I think the strangest part was probably

RICHARD KENNEDY - CROSS EXAM BY MR. KING

04:23:10PM 1 when the subject put his hand on Leslie Green's
04:23:14PM 2 back, almost to say, hey, move over here. And I
04:23:18PM 3 mean, that part really sticks out bad, because the
04:23:18PM 4 focus of the subject's Christopher Riley, not
04:23:24PM 5 Leslie Green.

04:23:24PM 6 Q. So, based on your experience, you knew
04:23:36PM 7 Leslie Green knew who the robber was?

04:23:38PM 8 A. I believe so, yes.

04:23:40PM 9 Q. That's what you saw on the video?

04:23:42PM 10 A. Yes.

04:23:42PM 11 Q. That's why you were interrogating him
04:23:44PM 12 so much; you were trying to get him to say who did
04:23:46PM 13 it, because you knew he knew?

04:23:50PM 14 A. Yes. Based on the video, it certainly
04:23:50PM 15 led to our suspicion.

04:23:50PM 16 Q. But Leslie Green is putting on a big
04:23:54PM 17 act in the video, right? At one point he like
04:23:56PM 18 throws his hat down, like, oh, I can't believe this
04:23:58PM 19 is happening, we're getting robbed. Do you
04:23:58PM 20 remember seeing that?

04:23:58PM 21 A. Yeah, I watched that. I wouldn't say
04:24:02PM 22 it was so much an act of -- it didn't come off to
04:24:04PM 23 me as an act of trying to put on an act of getting
04:24:08PM 24 robbed. It was more like an act of nervousness.
04:24:10PM 25 He's nervous about what's going on right now; not

RICHARD KENNEDY - CROSS EXAM BY MR. KING

04:24:12PM 1 because he's afraid, it's because he knows what
04:24:16PM 2 he's doing.

04:24:16PM 3 Q. And he is still saying he didn't do
04:24:24PM 4 anything wrong. He just testified a minute ago and
04:24:26PM 5 he said, I didn't do anything wrong, right?

04:24:28PM 6 A. That's what he said.

04:24:28PM 7 Q. But based on your experience with the
04:24:34PM 8 video, he knew who that robber was?

04:24:36PM 9 A. Yes, I believed he knew who it was. I
04:24:40PM 10 think he knew who it was within seconds of him
04:24:42PM 11 walking in; I think he knew who it was as soon as
04:24:46PM 12 the police showed up; I think he knew who it was
04:24:48PM 13 the whole time.

04:24:48PM 14 Q. You interviewed him the next day and he
04:24:52PM 15 tells you for maybe close to two hours that he
04:24:56PM 16 doesn't know who did it?

04:24:56PM 17 A. That's correct.

04:24:58PM 18 Q. And -- and you were trying to get him
04:25:02PM 19 to say who it was, so you were talking to him about
04:25:06PM 20 how serious armed robbery is, right?

04:25:08PM 21 A. Yes. Sometimes people need some time
04:25:10PM 22 before they come up and tell us the truth. Like I
04:25:14PM 23 said, I wish they told us the truth when they
04:25:16PM 24 walked in, but it doesn't typically happen.

04:25:20PM 25 Q. So sometimes you have to scare him a

RICHARD KENNEDY - CROSS EXAM BY MR. KING

04:25:22PM 1 little bit; at least sober him up and make him
04:25:22PM 2 realize how serious it is?

04:25:22PM 3 A. I wouldn't say scared is the right
04:25:24PM 4 word. I would just say, lay out the facts, what
04:25:26PM 5 the truth of the matter is.

04:25:28PM 6 Q. Well, I've talked about this quote from
04:25:30PM 7 you before, when you told him that, if you found
04:25:32PM 8 out that he knew about this and didn't cooperate,
04:25:36PM 9 I'll be coming at you, put you in jail for
04:25:40PM 10 25 years?

04:25:40PM 11 A. Yes. If you are part of an armed
04:25:42PM 12 robbery, we will charge you, if you had knowledge
04:25:46PM 13 of it as it's occurring and you don't assist in
04:25:48PM 14 telling the police right away when they show up..
04:25:52PM 15 It just kind of makes sense. You can't walk into a
04:25:54PM 16 bank and know the person who walks in the bank and
04:25:56PM 17 robs the bank and leaves, and not tell the police
04:25:58PM 18 right away.

04:26:00PM 19 Q. You're kind of putting him in the
04:26:02PM 20 position where either -- if you say you did it, I'm
04:26:06PM 21 coming at you, basically. You're kind of breaking
04:26:06PM 22 it down like that; is that right?

04:26:06PM 23 A. I was just advising him of what could
04:26:10PM 24 happen.

04:26:10PM 25 Q. But he says he doesn't know who it is,

RICHARD KENNEDY - CROSS EXAM BY MR. KING

04:26:14PM 1 right?

04:26:14PM 2 A. On May 5th, correct.

04:26:16PM 3 Q. And then the next day you go down and
04:26:18PM 4 pick him up. And I've already kind of gone through
04:26:22PM 5 this, the ride with Detective Holmes in the car all
04:26:24PM 6 the way there?

04:26:24PM 7 A. Right. When we showed up on May 6th at
04:26:28PM 8 Firehouse Subs, initially, we just wanted to talk
04:26:28PM 9 to him at Firehouse Subs. And then he ended up
04:26:32PM 10 telling us he didn't feel comfortable talking
04:26:36PM 11 there, he would rather go to the police station.
04:26:36PM 12 And we gave him a ride to go to the police station
04:26:38PM 13 and talk.

04:26:40PM 14 Q. And you heard Detective Holmes say
04:26:42PM 15 those things to him about -- asking about his
04:26:44PM 16 little brother and trying to, you know, establish
04:26:48PM 17 some kind of connection that way?

04:26:48PM 18 A. Yes.

04:26:50PM 19 Q. And saying, I give you two lies and
04:26:52PM 20 then I burn you?

04:26:52PM 21 A. Yes.

04:26:54PM 22 Q. And that's when he says, it's a guy
04:26:58PM 23 named L, right?

04:26:58PM 24 A. Well, this isn't -- you're not putting
04:27:02PM 25 an accurate time stamp on these things. This isn't

RICHARD KENNEDY - CROSS EXAM BY MR. KING

04:27:02PM 1 as if he mentions, you know, give me two lies and I
04:27:08PM 2 burn you, and, all of a sudden, he says L. We are
04:27:10PM 3 talking about some time lines through here.

04:27:12PM 4 Q. Like that was maybe a couple of hours
04:27:14PM 5 into the interview as well?

04:27:16PM 6 A. Correct.

04:27:16PM 7 Q. And you've testified like Leslie Green
04:27:24PM 8 just came out and said, it was Christopher
04:27:26PM 9 Campbell, but you've heard the recording of when he
04:27:32PM 10 says it's him and signs that paper, right? He's
04:27:36PM 11 still saying, it kind of looked like him?

04:27:38PM 12 A. There is a totality of things you have
04:27:40PM 13 to look at; you're looking at about six seconds. I
04:27:44PM 14 think if you watched the interview, you would sit
04:27:46PM 15 there and see that there is some time where -- you
04:27:48PM 16 can only see this when you're interviewing
04:27:50PM 17 somebody, especially if somebody is guilty of stuff
04:27:52PM 18 -- they have this front up.

04:27:54PM 19 And as they start breaking down and
04:27:56PM 20 they start realizing their situation and the truth
04:28:00PM 21 is usually going to come out, I'm going to see them
04:28:02PM 22 relax a little bit before -- we call it breaking
04:28:04PM 23 down, but they relax a little bit. By the time
04:28:06PM 24 Leslie Green identified his cousin as being the one
04:28:08PM 25 that did the armed robbery, he had broken down and

RICHARD KENNEDY - CROSS EXAM BY MR. KING

04:28:12PM 1 relaxed to the point that -- I had seen this happen
04:28:14PM 2 with other individuals in the interview room -- it
04:28:18PM 3 was the truth that was coming out at that time.

04:28:20PM 4 Q. But you don't know that. You're just
04:28:26PM 5 -- that's what you believe?

04:28:26PM 6 A. Based on my experience, I have not seen
04:28:30PM 7 it any other way.

04:28:30PM 8 Q. Because if that's not true, then we're
04:28:34PM 9 all wasting our time and the wrong man is on trial.
04:28:38PM 10 So of course it's what you're going to say?

04:28:40PM 11 A. That's what my job is.

04:28:50PM 12 MR. KING: I have no other questions.

04:28:52PM 13 THE COURT: Any redirect?

04:28:52PM 14 MR. ZIEGLER: Nothing further, Your
04:28:56PM 15 Honor.

04:28:56PM 16 THE COURT: Thank you. You may step
04:28:58PM 17 down. Let me see the attorneys up here.

04:28:58PM 18 (Off-the-record conference.)

04:28:58PM 19 All right. Ladies and gentlemen, we're
04:30:16PM 20 going to take a short break and then we're going to
04:30:18PM 21 come back and have two more witnesses and that will
04:30:20PM 22 be all the testimony that you will hear today. So
04:30:22PM 23 you will not be -- I wanted to work late into the
04:30:26PM 24 evening, but the attorneys did not want to. So we
04:30:30PM 25 won't be here late into the evening. Thank you,

S. LAMAR WILLIAMS - DIRECT EXAM BY MR. SIMPSON

04:51:42PM 1 THE BAILIFF: All jurors are present.

04:52:04PM 2 THE COURT: All right. Thanks.

04:52:10PM 3 State ready to proceed?

04:52:10PM 4 MR. SIMPSON: We are, Your Honor.

04:52:14PM 5 THE COURT: Call your next witness.

04:52:16PM 6 MR. SIMPSON: The State calls Detective

04:52:18PM 7 Williams of the Charleston Police Department.

04:52:18PM 8 (PLF. EXH. 20, Copy of DVD, was marked

9 for identification.)

10 S. LAMAR WILLIAMS,

04:52:40PM 11 being first duly sworn, testified as follows:

04:52:40PM 12 THE CLERK: State your first and last

04:52:42PM 13 name and spell your last loudly and clearly into

04:52:46PM 14 the microphone.

04:52:46PM 15 THE WITNESS: S. Lamar Williams,

04:52:50PM 16 W-I-L-L-I-A-M-S.

04:52:52PM 17 MR. SIMPSON: May I proceed?

04:52:54PM 18 THE COURT: You may.

04:52:54PM 19 DIRECT EXAMINATION

04:52:54PM 20 BY MR. SIMPSON

04:52:56PM 21 Q. Detective Williams, good afternoon.

04:52:56PM 22 A. Afternoon.

04:52:58PM 23 Q. What agency do you work for?

04:53:00PM 24 A. City of Charleston Police Department.

04:53:02PM 25 Q. How long have you been with that

S. LAMAR WILLIAMS - DIRECT EXAM BY MR. SIMPSON

04:53:04PM 1 agency?

04:53:04PM 2 A. Ten years.

04:53:08PM 3 Q. How long have you been a detective?

04:53:10PM 4 A. Twelve, thirteen years.

04:53:18PM 5 Q. As part of your duties as a detective,

04:53:22PM 6 does that include the interrogation of suspects?

04:53:26PM 7 A. Interrogation, interview, yes.

04:53:28PM 8 Q. How many interviews -- obviously, I'm

04:53:30PM 9 not looking for an exact number, but how many,

04:53:34PM 10 approximately, interviews do you think you have

04:53:36PM 11 conducted over your career?

04:53:38PM 12 A. Hundreds.

04:53:38PM 13 Q. Does part of your training as a

04:53:42PM 14 detective include certain interview techniques?

04:53:48PM 15 A. It does.

04:53:48PM 16 Q. And, again, you said you had real world

04:53:52PM 17 on-the-job training in that regard; is that true?

04:53:54PM 18 A. That's correct.

04:53:56PM 19 Q. You've been in the courtroom here

04:54:00PM 20 today?

04:54:00PM 21 A. Yes.

04:54:00PM 22 Q. You're familiar with the incident that

04:54:02PM 23 brings us here?

04:54:04PM 24 A. Yes.

04:54:04PM 25 Q. I would like, if you will, for you to

S. LAMAR WILLIAMS - DIRECT EXAM BY MR. SIMPSON

04:54:06PM 1 just sort of recount for the jury how you became
04:54:08PM 2 involved in the investigation of this case.

04:54:10PM 3 A. Just so happened I was the evening
04:54:16PM 4 shift detective on duty at the time, working from 4
04:54:18PM 5 to 12 in the evening. Detective Kennedy briefed me
04:54:22PM 6 when I was coming on shift that he had an arrest
04:54:26PM 7 warrant for a Mr. Campbell, the Defendant. And if
04:54:30PM 8 he was arrested, please -- he wanted me to give him
04:54:34PM 9 a call and it was possible that I would be
04:54:36PM 10 conducting or swearing out a search warrant for the
04:54:40PM 11 residence, looking for items involved in the
04:54:44PM 12 incident.

04:54:44PM 13 Q. Okay. And I guess we'll start there.
04:54:46PM 14 Did you -- did you compile that search warrant that
04:54:50PM 15 you referred to?

04:54:50PM 16 A. I did.

04:54:50PM 17 Q. Was it signed by a magistrate?

04:54:54PM 18 A. It was.

04:54:54PM 19 Q. And did you participate in the
04:54:56PM 20 execution of that search warrant?

04:54:56PM 21 A. I did.

04:54:58PM 22 MR. SIMPSON: Okay. Court's
04:55:00PM 23 indulgence?

04:55:00PM 24 THE COURT: Yes, sir.

04:55:00PM 25 BY MR. SIMPSON:

S. LAMAR WILLIAMS - DIRECT EXAM BY MR. SIMPSON

04:55:12PM 1 Q. Detective Williams, we'll be going into
04:55:16PM 2 more detail with another witness, but are you
04:55:20PM 3 familiar with anything that was seized as a result
04:55:20PM 4 of that search warrant?

04:55:22PM 5 A. Yes.

04:55:24PM 6 Q. And what items?

04:55:26PM 7 A. It was a pair of Nike sneakers.

04:55:32PM 8 Q. And that search warrant was executed --
04:55:34PM 9 was the residence that the search warrant -- let me
04:55:38PM 10 rephrase. Who was that residence associated with
04:55:40PM 11 that the search warrant was?

04:55:40PM 12 A. It was associated with Mr. Campbell,
04:55:44PM 13 Christopher Campbell.

04:55:44PM 14 Q. And did you have an opportunity to
04:55:48PM 15 conduct an interview of Christopher Campbell that
04:55:52PM 16 evening?

04:55:52PM 17 A. I did.

04:55:52PM 18 Q. Go ahead and take the suspense out of
04:55:58PM 19 the room; at any point in time during that
04:56:00PM 20 interview, did he confess to the armed robbery?

04:56:02PM 21 A. He did not confess. He denied he was
04:56:06PM 22 involved.

04:56:06PM 23 Q. I would like to go back, if I may, to
04:56:10PM 24 some of the techniques when it applies to
04:56:12PM 25 interviews. Is that okay?

S. LAMAR WILLIAMS - DIRECT EXAM BY MR. SIMPSON

04:56:14PM 1 A. Okay.

04:56:14PM 2 Q. Do you typically start an interview by
04:56:16PM 3 laying out all of your knowledge and evidence for
04:56:20PM 4 the person being interviewed?

04:56:22PM 5 A. No, I do not.

04:56:22PM 6 Q. Can you explain to the jury the
04:56:26PM 7 importance in interviewing a suspect of open
04:56:32PM 8 questions?

04:56:32PM 9 A. Yes. First, my approach when I'm
04:56:36PM 10 interviewing a suspect or defendant, starts off to
04:56:40PM 11 break the ice. In this case, the Defendant, Mr.
04:56:44PM 12 Campbell, started out with his Miranda Warnings. I
04:56:50PM 13 asked him simple questions, like his date of birth,
04:56:56PM 14 his address, his level of education. Then I
04:57:00PM 15 started the investigation with open-ended
04:57:02PM 16 questions, like, in this incident, do you know
04:57:06PM 17 anything about Firehouse Subs on King Street.

04:57:10PM 18 Q. Let's start -- you say you began with
04:57:14PM 19 Miranda Warnings?

04:57:14PM 20 A. Yes.

04:57:14PM 21 Q. And is that legally required?

04:57:16PM 22 A. Yes. If he's -- if I'm going to be
04:57:20PM 23 questioning about a specific crime.

04:57:22PM 24 Q. And in this interview, did you explain
04:57:26PM 25 to the suspect his Miranda Warnings?

S. LAMAR WILLIAMS - DIRECT EXAM BY MR. SIMPSON

04:57:28PM 1 A. I did.

04:57:28PM 2 Q. And did he appear to understand those?

04:57:30PM 3 A. He did. He signed that he understood.

04:57:34PM 4 Q. And did he agree to waive those Miranda

04:57:38PM 5 Rights and speak with you?

04:57:38PM 6 A. He did.

04:57:40PM 7 Q. You mentioned that you asked him some

04:57:44PM 8 open questions about the day in question?

04:57:46PM 9 A. Yes. I asked him -- I asked him about

04:57:52PM 10 -- did he know anything about Firehouse Subs on

04:57:56PM 11 King Street.

04:57:56PM 12 Q. Do you recall his answer to that

04:57:58PM 13 question?

04:57:58PM 14 A. He said didn't know anything about

04:58:00PM 15 Firehouse Subs.

04:58:06PM 16 MR. SIMPSON: May I approach, Your

04:58:06PM 17 Honor?

04:58:06PM 18 THE COURT: You may.

04:58:06PM 19 BY MR. SIMPSON:

04:58:10PM 20 Q. Detective, I'm handing you what's been

04:58:12PM 21 marked for ID only as State's Exhibit Number 20.

04:58:18PM 22 Do you recognize that item?

04:58:18PM 23 A. Yes. It's the -- it's the CD interview

04:58:22PM 24 with Christopher Campbell.

04:58:26PM 25 Q. And you've reviewed this?

S. LAMAR WILLIAMS - DIRECT EXAM BY MR. SIMPSON

04:58:30PM 1 A. Yes.

04:58:30PM 2 Q. Is it a fair and accurate
04:58:32PM 3 representation of the interview you conducted?

04:58:34PM 4 A. Yes.

04:58:34PM 5 MR. SIMPSON: Your Honor, at this time
04:58:34PM 6 the State would seek to admit State's Exhibit
04:58:40PM 7 Number 20 as evidence.

04:58:40PM 8 THE COURT: Any objection?

04:58:40PM 9 MR. KING: No objection.

04:58:42PM 10 THE COURT: Without objection, State's
04:58:44PM 11 Exhibit Number 20 is admitted. You may
04:58:46PM 12 publish.

04:58:46PM 13 (PLF. EXH. 20 in evidence.)

04:58:46PM 14 MR. SIMPSON: Thank you, Your Honor.

04:59:10PM 15 (CD was played.)

04:59:10PM 16 BY MR. SIMPSON:

05:03:16PM 17 Q. So you start pretty basic?

05:03:18PM 18 A. Yes.

05:03:18PM 19 Q. And might I add, you have one of the
05:03:24PM 20 greatest ring tones that I've ever heard. What is
05:03:28PM 21 the point of starting so generally?

05:03:30PM 22 A. Basically, for me to get a feel of the
05:03:36PM 23 person I'm interviewing. Where that person is
05:03:38PM 24 hostile, then I have to adjust how I'm going to
05:03:42PM 25 interview that person. If that person is meek and

S. LAMAR WILLIAMS - DIRECT EXAM BY MR. SIMPSON

05:03:46PM 1 mild, then I adjust to how that person is reacting.

05:03:52PM 2 Q. And what was the suspect's response to
05:03:54PM 3 any knowledge whatsoever of the existence of the
05:03:58PM 4 Firehouse Subs on King Street?

05:03:58PM 5 A. He didn't know anything about Firehouse
05:04:02PM 6 Subs on King Street.

05:07:24PM 7 (CD played.)

05:07:24PM 8 Q. So Detective Williams, did the
05:07:28PM 9 Defendant give you sort of a review of what he did
05:07:32PM 10 that morning on the morning of the armed robbery?

05:07:36PM 11 A. Yes, he did.

05:07:36PM 12 Q. And what did he say?

05:07:38PM 13 A. Basically, he started out saying that
05:07:42PM 14 he was -- he was at home, it was his birthday. He
05:07:48PM 15 started to go out to a job site and he changed his
05:07:52PM 16 mind and stayed home.

05:07:54PM 17 Q. Okay. And you -- he mentioned it was
05:07:56PM 18 his birthday?

05:07:58PM 19 A. Yes.

05:07:58PM 20 Q. Did you sense any confusion about what
05:08:02PM 21 day you were talking about?

05:08:04PM 22 A. No.

05:08:04PM 23 Q. And at any point in time in giving his
05:08:06PM 24 account of everywhere he was that morning, did he
05:08:12PM 25 mention the Firehouse Subs?

S. LAMAR WILLIAMS - DIRECT EXAM BY MR. SIMPSON

05:08:12PM 1 A. No, not at first. No, sir.

05:08:14PM 2 Q. Did he mention that he gave his cousin

05:08:18PM 3 a ride to the Firehouse?

05:08:20PM 4 A. No, not at first.

05:08:22PM 5 Q. Anything unlawful about giving somebody

05:08:24PM 6 a ride to the Firehouse Subs?

05:08:26PM 7 A. No.

05:08:26PM 8 Q. But he chose in answering one of your

05:08:30PM 9 open questions not to share that with you?

05:08:32PM 10 A. That's correct.

05:08:32PM 11 (CD played.)

05:08:32PM 12 Q. Detective Williams, did Christopher

05:09:38PM 13 Campbell ever admit to you that he went to the

05:09:40PM 14 Firehouse?

05:09:40PM 15 A. He admitted that -- after I asked him

05:09:44PM 16 about Leslie Green, Co-Defendant, he admitted that

05:09:50PM 17 he dropped him off at the Firehouse Subs where he

05:09:52PM 18 worked.

05:09:54PM 19 Q. What was the first question you asked

05:09:54PM 20 the Defendant?

05:09:56PM 21 A. Did he know anything about Firehouse

05:10:00PM 22 Subs.

05:10:00PM 23 Q. And his answer?

05:10:02PM 24 A. No.

05:10:02PM 25 Q. And, again, did he mention that in his

S. LAMAR WILLIAMS - DIRECT EXAM BY MR. SIMPSON

05:10:06PM 1 description of his morning at all when given the
05:10:08PM 2 opportunity to share that?

05:10:08PM 3 A. Not at first, no.

05:10:10PM 4 Q. Any other items of interest on the
05:10:32PM 5 search warrant you referenced earlier, other than
05:10:34PM 6 the shoes seized?

05:10:36PM 7 A. No. That was all that was collected
05:10:38PM 8 from the search warrant from his residence.

05:10:40PM 9 Q. In your experience as a -- many years
05:10:44PM 10 as a detective, do you find it relevant to your
05:10:52PM 11 investigation when a suspect doesn't share
05:10:56PM 12 something arguably as innocuous as giving a ride to
05:11:00PM 13 the Firehouse Subs?

05:11:00PM 14 A. Of course. He's starting to hold back
05:11:02PM 15 and not telling the truth about basic stuff.

05:11:10PM 16 MR. SIMPSON: Thank you, Detective
05:11:12PM 17 Williams. Answer any questions Mr. King has.

05:11:12PM 18 THE COURT: Mr. King.

05:11:14PM 19 MR. KING: Thank you, Your Honor.

05:11:14PM 20 CROSS-EXAMINATION

05:11:14PM 21 BY MR. KING:

05:11:18PM 22 Q. Detective Williams?

05:11:20PM 23 A. Yes, sir.

05:11:20PM 24 Q. Christopher was -- he was kind of angry
05:11:24PM 25 and kind of hostile, to use that word in direct,

S. LAMAR WILLIAMS - CROSS EXAM BY MR. KING

05:11:30PM 1 right? I mean, he started off --

05:11:30PM 2 A. He wasn't hostile as I'm accustomed to.

05:11:36PM 3 He was -- I would say he's questionable. He was

05:11:38PM 4 questioning why he was arrested. Why was he being

05:11:42PM 5 at the police department.

05:11:42PM 6 Q. He was kind of irritated?

05:11:44PM 7 A. A tad bit, I would say.

05:11:46PM 8 Q. He started off -- you asked him, are

05:11:50PM 9 you all right, man? And he said no, right? And

05:11:52PM 10 you were just trying to find out if the cuffs were

05:11:56PM 11 too tight or if he was in any discomfort?

05:11:56PM 12 A. Well, I didn't transport him. And

05:11:58PM 13 usually that's my first question to any defendant

05:12:02PM 14 coming in that I don't transport. So that's a

05:12:06PM 15 habit of mine, just in case they're injured and I

05:12:08PM 16 have to call EMS or whatever.

05:12:12PM 17 Q. Your phone was ringing like four times

05:12:16PM 18 while you're doing this interrogation, right?

05:12:16PM 19 A. Yes, sir.

05:12:18PM 20 Q. And you were looking at the phone and

05:12:18PM 21 you're getting up and walking out. You know what I

05:12:22PM 22 mean? I mean, you're not exactly focussing on this

05:12:24PM 23 interview at this time.

05:12:24PM 24 A. Well, I can explain that. I was the --

05:12:28PM 25 at the time, I was the only detective working,

S. LAMAR WILLIAMS - CROSS EXAM BY MR. KING

05:12:32PM 1 dealing with Mr. Campbell, I had phone call texts
05:12:38PM 2 from the lead detective. I called him and he was
05:12:40PM 3 at home, he was responding. And I had other
05:12:44PM 4 detectives doing other things, calling me, and
05:12:46PM 5 dispatch calling me to the case.

05:12:50PM 6 Q. Okay. But we saw on the video, you
05:12:54PM 7 know, he's irritated with the whole thing that's
05:12:58PM 8 going on with him, right?

05:12:58PM 9 A. Well, my perception on him was he was
05:13:04PM 10 irritated or he was mildly irritated because he was
05:13:06PM 11 being transported to 180 Lockwood Boulevard.

05:13:12PM 12 Q. He felt like him and his mother were
05:13:16PM 13 lied to about what -- why they were taking them
05:13:18PM 14 down there?

05:13:18PM 15 A. He did say that.

05:13:20PM 16 Q. But he didn't hide that he took Leslie
05:13:24PM 17 Green to work, right? He said, I took Leslie Green
05:13:26PM 18 to work, right?

05:13:28PM 19 A. He did say that after -- not at first,
05:13:32PM 20 but after a period of time.

05:13:42PM 21 Q. What he said later was that he took
05:13:44PM 22 Leslie Green to work and he was already back by
05:13:48PM 23 8:30, right?

05:13:50PM 24 A. He said he dropped him off -- he
05:13:56PM 25 dropped him off and then he returned back to James

S. LAMAR WILLIAMS - CROSS EXAM BY MR. KING

05:14:00PM 1 Island. I can't remember what time he said.

05:14:00PM 2 Q. I dropped him off probably like

05:14:04PM 3 7-something because he was going to let me use his

05:14:06PM 4 car?

05:14:08PM 5 A. Yeah. I think that came in later on

05:14:10PM 6 down the interview.

05:14:10PM 7 Q. And he told you he dropped him off and

05:14:16PM 8 went back home to James Island, right?

05:14:20PM 9 A. That's correct.

05:14:20PM 10 Q. He said, I don't have a gun?

05:14:22PM 11 A. He did say that.

05:14:22PM 12 Q. He didn't rob the store?

05:14:24PM 13 A. He denied it.

05:14:26PM 14 Q. And you said he didn't confess or

05:14:30PM 15 anything?

05:14:30PM 16 A. He did not.

05:14:30PM 17 Q. And you did a search warrant on his

05:14:32PM 18 house?

05:14:34PM 19 A. Yes.

05:14:34PM 20 Q. You didn't find the bookbag that's in

05:14:38PM 21 that video, the surveillance video, did you?

05:14:40PM 22 A. I did not.

05:14:42PM 23 Q. You didn't find any gray sweatpants or

05:14:44PM 24 a striped hoodie?

05:14:46PM 25 A. No, sir.

S. LAMAR WILLIAMS - CROSS EXAM BY MR. KING

05:14:46PM 1 Q. Or a gun?

05:14:48PM 2 A. Did not.

05:14:48PM 3 Q. Ammunition?

05:14:48PM 4 A. Did not.

05:14:48PM 5 Q. Cash?

05:14:50PM 6 A. No, sir.

05:14:50PM 7 Q. You found an old pair of Air Jordans

05:14:54PM 8 with no laces?

05:14:56PM 9 A. A pair of Nike sneakers that matched

05:15:00PM 10 the description that the victim observed on the

05:15:00PM 11 suspect.

05:15:06PM 12 MR. KING: I have no more questions,

05:15:08PM 13 Your Honor.

05:15:08PM 14 THE COURT: Any redirect?

05:15:10PM 15 MR. SIMPSON: Just briefly, Your Honor.

05:15:10PM 16 REDIRECT EXAMINATION

05:15:10PM 17 BY MR. SIMPSON:

05:15:16PM 18 Q. To be clear, you asked -- you gave the

05:15:18PM 19 suspect an opportunity to explain to you his

05:15:20PM 20 whereabouts that morning; is that correct?

05:15:22PM 21 A. I did.

05:15:24PM 22 Q. He explained to you what he had done

05:15:26PM 23 that morning?

05:15:26PM 24 A. That's correct.

05:15:26PM 25 Q. Any mention of the Firehouse?

S. LAMAR WILLIAMS - REDIRECT EXAM BY MR. SIMPSON

05:15:30PM 1 A. No mention of the Firehouse at first.

05:15:32PM 2 Q. Any mention of Leslie Green?

05:15:34PM 3 A. No, sir.

05:15:34PM 4 Q. Did he acknowledge that he knew what
05:15:38PM 5 the Firehouse was?

05:15:40PM 6 A. No. His statement was, he didn't know
05:15:42PM 7 anything about the Firehouse.

05:15:44PM 8 Q. And the admissions that Mr. King
05:15:46PM 9 brought up with you took place after what -- after
05:15:50PM 10 you told him what?

05:15:52PM 11 A. After I shed the light that I knew who
05:15:56PM 12 Leslie Green was, and then he determined to tell me
05:15:58PM 13 about how he dropped Leslie off.

05:16:00PM 14 Q. And that admission did not come when he
05:16:04PM 15 was given the opportunity to tell you about his
05:16:06PM 16 day, correct?

05:16:06PM 17 A. That's correct.

05:16:06PM 18 Q. Only after you let him know that you
05:16:12PM 19 had contrary information?

05:16:12PM 20 A. After I fed him a little bit of what I
05:16:16PM 21 knew that he should know, then he came off a little
05:16:20PM 22 bit more.

05:16:22PM 23 MR. SIMPSON: Nothing further.

05:16:22PM 24 THE COURT: Any recross based on his
05:16:22PM 25 redirect?

S. LAMAR WILLIAMS - REDIRECT EXAM BY MR. SIMPSON

05:16:22PM 1 MR. KING: Nothing further.

05:16:24PM 2 THE COURT: Thank you. You may step

05:16:26PM 3 down.

05:16:32PM 4 State may call its next witness.

05:16:34PM 5 MR. ZIEGLER: The state calls Ashley

05:16:58PM 6 Dockery.

05:16:58PM 7 ASHLEY DOCKERY,

05:16:58PM 8 being first duly sworn, testified as follows:

05:17:04PM 9 THE WITNESS: I do.

05:17:06PM 10 THE CLERK: Please be seated. Once

05:17:08PM 11 seated, please state your first and last name and

05:17:08PM 12 spell your last loudly and clearly into the

05:17:08PM 13 microphone.

05:17:12PM 14 THE WITNESS: Ashley Dockery,

05:17:14PM 15 D-O-C-K-E-R-Y.

05:17:14PM 16 (PLF. EXH. 21, Photograph, was marked

17 for identification.)

18 (PLF. EXH. 22, Shoe, was marked for

19 identification.)

20 (PLF. EXH. 23, Shoe, was marked for

21 identification.)

22 DIRECT EXAMINATION

23 BY MR. ZIEGLER:

05:17:30PM 24 Q. Good afternoon, Ms. Dockery.

05:17:34PM 25 What police agency do you work for?

ASHLEY DOCKERY - DIRECT EXAM BY ZIEGLER

05:17:36PM 1 A. I work for the Charleston Police
05:17:38PM 2 Department.

05:17:38PM 3 Q. And how long have you been employed in
05:17:42PM 4 law enforcement?

05:17:42PM 5 A. I've been there almost four years.

05:17:44PM 6 Q. What is your current position there?

05:17:46PM 7 A. I am a crime scene technician with the
05:17:52PM 8 print services division.

05:17:52PM 9 Q. Was that your position in May 2011?

05:17:56PM 10 A. Yes, it was.

05:17:58PM 11 Q. And could you please explain to the
05:18:00PM 12 jury briefly what your job is, what your duties are
05:18:04PM 13 as a crime scene technician?

05:18:06PM 14 A. My job responsibilities include
05:18:10PM 15 responding to crime scenes. My job is to process,
05:18:14PM 16 collect, document and preserve any type of evidence
05:18:18PM 17 that may be discovered on the scene.

05:18:20PM 18 Q. Ms. Dockery, I want to direct you to
05:18:26PM 19 the evening of May 6, 2011. As a crime scene
05:18:30PM 20 technician with the Charleston Police Department,
05:18:32PM 21 did you on that date participate in the execution
05:18:34PM 22 of a search warrant at [REDACTED] on James
05:18:40PM 23 Island?

05:18:40PM 24 A. I did.

05:18:40PM 25 Q. What did you do while at [REDACTED]

ASHLEY DOCKERY - DIRECT EXAM BY ZIEGLER

05:18:44PM 1 Lane?

05:18:44PM 2 A. Well, I was contacted by one of our
05:18:50PM 3 detectives, Detective Kennedy, and he requested my
05:18:52PM 4 response to the aforementioned address. I was
05:18:56PM 5 notified upon arrival that during the search
05:18:58PM 6 warrant of the residence, that a pair of shoes had
05:19:02PM 7 been located in one of the bedrooms. I was then
05:19:06PM 8 asked to document the exterior of the residence as
05:19:08PM 9 well as the interior of the bedroom where the shoes
05:19:12PM 10 were located, and then to also collect the shoes.

05:19:16PM 11 Q. Ms. Dockery, I'm now showing you what
05:19:28PM 12 has been marked as Plaintiff's -- State's Exhibit
05:19:30PM 13 Number 21. Do you recognize this?

05:19:32PM 14 A. Yes.

05:19:32PM 15 Q. What is that?

05:19:34PM 16 A. That is the photograph that I took of
05:19:38PM 17 the bedroom in which I was -- I was told where the
05:19:42PM 18 shoes had been located in.

05:20:00PM 19 MR. ZIEGLER: Your Honor, the State
05:20:02PM 20 moves to admit State's Exhibit 21 into evidence.

05:20:04PM 21 THE COURT: Any objection, Mr. King?

05:20:06PM 22 MR. KING: Just my pretrial search
05:20:08PM 23 warrant motion, Judge.

05:20:10PM 24 THE COURT: All right.

05:20:10PM 25 Overruled.

ASHLEY DOCKERY - DIRECT EXAM BY ZIEGLER

05:20:10PM 1 (PLF. EXH. 21 in evidence.)

05:20:10PM 2 BY MR. ZIEGLER:

05:20:20PM 3 Q. I'm now publishing State's Exhibit 21.

05:20:26PM 4 Ms. Dockery, you took this picture?

05:20:28PM 5 A. I did.

05:20:28PM 6 Q. And what does it show?

05:20:30PM 7 A. It shows the shoes which were later
05:20:34PM 8 then collected by myself, and they're sitting on
05:20:36PM 9 top of the bed.

05:20:38PM 10 Q. Is this the room they were found in?

05:20:44PM 11 A. It was, yes.

05:20:46PM 12 Q. I'm now showing you what will be marked
05:21:20PM 13 for identification purposes as State's Exhibit 22.
05:21:22PM 14 Do you recognize this item?

05:21:24PM 15 A. I do.

05:21:24PM 16 Q. And what is it?

05:21:28PM 17 A. That's one of the shoes that I
05:21:30PM 18 collected while I was on-scene of the search
05:21:32PM 19 warrant.

05:21:32PM 20 Q. And I now show you what will be marked
05:21:42PM 21 for identification purposes as State's Exhibit 23.
05:21:48PM 22 Do you recognize this item?

05:21:50PM 23 A. I do.

05:21:52PM 24 Q. And what is that?

05:21:52PM 25 A. That's the second shoe that I

ASHLEY DOCKERY - DIRECT EXAM BY ZIEGLER

05:21:54PM 1 collected.

05:21:58PM 2 MR. ZIEGLER: Your Honor, the State
05:22:00PM 3 moves to admit State's Exhibits 22 and 23.

05:22:02PM 4 THE COURT: Any objection?

05:22:02PM 5 MR. KING: Same pretrial motion, Judge.

05:22:04PM 6 THE COURT: Overruled. They are
05:22:06PM 7 admitted into evidence as 22 and 23.

05:22:06PM 8 (PLF. EXH. 22 in evidence.)

05:22:06PM 9 (PLF. EXH. 23 in evidence.)

05:22:06PM 10 BY MR. ZIEGLER:

05:22:48PM 11 Q. When you collect evidence, what do you
05:22:50PM 12 do with it after you collect it at a crime scene?

05:22:54PM 13 A. Well, first I locate it, so I was
05:22:56PM 14 directed to the bed where the shoes had already
05:22:58PM 15 been placed. I then photographed them with and
05:23:02PM 16 without a measuring tool to document their size,
05:23:04PM 17 also their condition. And then at that point I
05:23:08PM 18 placed them into the packaging and the packaging is
05:23:12PM 19 sealed and I initial it.

05:23:18PM 20 MR. ZIEGLER: Thank you, Ms. Dockery.
05:23:20PM 21 No further questions.

05:23:22PM 22 THE COURT: Mr. King.

05:23:22PM 23 MR. KING: Judge, I have no questions
05:23:32PM 24 of this witness.

05:23:32PM 25 THE COURT: Thank you. You may step

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

05:29:26PM 1 9:30 tomorrow morning.

05:29:26PM 2 MR. ZIEGLER: Thank you, Judge.

05:29:26PM 3 (These proceedings were adjourned at

09:11:32AM 4 5:29 p.m., October 22, 2014.)

09:11:32AM 5 (The following proceedings took place

09:11:32AM 6 10/23/14, in re State v. Campbell, Charleston

09:48:18AM 7 County.)

09:48:18AM 8 THE COURT: Yes, sir.

09:48:24AM 9 MR. ZIEGLER: The State will recall

09:48:28AM 10 Leslie Green back to the stand.

09:48:28AM 11 THE COURT: All right.

09:48:42AM 12 LESLIE GREEN,

09:48:42AM 13 having been previously sworn, testified as follows:

09:48:48AM 14 THE CLERK: You may be seated. Sir,

09:48:48AM 15 once seated, please state your first and last name

09:48:50AM 16 and spell your last loudly and clearly.

09:48:54AM 17 THE WITNESS: Leslie Green, G-R-E-E-N.

09:48:54AM 18 DIRECT EXAMINATION

09:48:56AM 19 BY MR. ZIEGLER:

09:48:56AM 20 Q. Hello, Leslie.

09:49:00AM 21 A. (No response)

09:49:00AM 22 Q. Did you receive a phone call this past

09:49:06AM 23 Tuesday?

09:49:08AM 24 A. Yes.

09:49:08AM 25 Q. Who was that phone call from?

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

09:49:12AM 1 A. Christopher Campbell..

09:49:16AM 2 Q. Do you know what number -- what phone

09:49:18AM 3 number that call originated from, what phone number

09:49:22AM 4 it came from?

09:49:22AM 5 A. I think a cell phone number.

09:49:26AM 6 Q. Is it in your phone?

09:49:26AM 7 A. Yes.

09:49:26AM 8 Q. Do you have your phone with you?

09:49:28AM 9 A. Yes. [REDACTED].

09:49:46AM 10 Q. Thank you. Do you know approximately

09:49:52AM 11 what time of the day that call came in?

09:49:56AM 12 A. 4:05.

09:49:56AM 13 Q. Do you recognize that number?

09:50:00AM 14 A. Not really.

09:50:02AM 15 Q. Okay. How did you know it was

09:50:06AM 16 Christopher Campbell that was calling you?

09:50:08AM 17 A. Once I answered the phone he said, it's

09:50:12AM 18 Chris.

09:50:12AM 19 Q. Did you recognize his voice?

09:50:18AM 20 A. Yes.

09:50:18AM 21 Q. And have you heard his voice in the

09:50:22AM 22 past?

09:50:22AM 23 A. Yes.

09:50:22AM 24 Q. What was the content -- what did he say

09:50:32AM 25 to you on the phone?

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

09:50:32AM 1 A. If I was going to testify or not.

09:50:36AM 2 Q. Did he say anything else?

09:50:36AM 3 A. He said if I do testify, karma is a --

09:50:42AM 4 is a bitch.

09:50:42AM 5 THE COURT: Say what; I didn't hear

09:50:44AM 6 you?

09:50:44AM 7 THE WITNESS: He said karma is a bitch.

09:50:44AM 8 BY MR. ZIEGLER:.

09:50:48AM 9 Q. What does -- what are you saying?

09:50:50AM 10 A. I guess what rolls around comes around.

09:50:50AM 11 Q. Are you saying karma?

09:50:54AM 12 A. Karma, K-A-R-M-A.

09:51:14AM 13 Q. And, Leslie, how did you perceive that

09:51:16AM 14 phone call, what Mr. Campbell said?

09:51:18AM 15 A. I told him to do what he had to do

09:51:20AM 16 because I'm going to do what I need to do.

09:51:24AM 17 Q. What did you take from that phone call?

09:51:28AM 18 A. I took it as a threat.

09:51:30AM 19 Q. Okay. And after you received the phone

09:51:46AM 20 call, who did you try to tell?

09:51:48AM 21 A. My lawyer.

09:51:50AM 22 Q. Say that again, please.

09:51:52AM 23 A. My lawyer.

09:51:52AM 24 Q. When did you -- when did you actually

09:51:56AM 25 -- when were you able to actually tell your lawyer

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

09:51:58AM 1 that you received this call?

09:52:00AM 2 A. Yesterday.

09:52:00AM 3 Q. Was that before or after you testified
09:52:04AM 4 yesterday?

09:52:04AM 5 A. It was before.

09:52:06AM 6 Q. That you told your lawyer about it?

09:52:08AM 7 A. Yes.

09:52:08AM 8 Q. So you -- was it --

09:52:14AM 9 A. I called him back right after he called
09:52:16AM 10 me, but then he sent me a text message. I never
09:52:20AM 11 sent him a text message because I wanted to talk to
09:52:24AM 12 him in person about it.

09:52:24AM 13 Q. Okay. And when were you able to talk
09:52:26AM 14 to him in person about it?

09:52:28AM 15 A. Yesterday morning.

09:52:28AM 16 Q. And are you aware that your attorney
09:52:40AM 17 made the State aware of that phone call?

09:52:42AM 18 A. Yes, sir.

09:52:42AM 19 Q. When did he make the State aware of
09:52:46AM 20 that?

09:52:46AM 21 A. Today or -- yesterday or today.

09:52:48AM 22 Q. Do you know whether it was yesterday?

09:52:52AM 23 A. It was yesterday, yes.

09:52:54AM 24 Q. Do you know when your attorney made the
09:52:58AM 25 State aware of that?

LESLIE GREEN - CROSS EXAM BY MR. KING

09:52:58AM 1 A. He told me about 5:00 I had to be back
09:53:02AM 2 here at 9:15, so I guess around 4 or 5:00
09:53:04AM 3 yesterday.

09:53:04AM 4 Q. Was that after your testimony?

09:53:06AM 5 A. Yes.

09:53:16AM 6 MR. ZIEGLER: No further questions,
09:53:16AM 7 Your Honor.

09:53:16AM 8 THE COURT: Mr. King.

09:53:16AM 9 CROSS-EXAMINATION

09:53:16AM 10 BY MR. KING:

09:53:26AM 11 Q. Mr. Green, have you had any contact
09:53:32AM 12 with Mr. Campbell like this year? You know, it's
09:53:36AM 13 been a little while since 2011, since all this
09:53:40AM 14 occurred, but did you have any kind of
09:53:42AM 15 confrontation or fight or anything back in February
09:53:46AM 16 on your street?

09:53:46AM 17 A. Only when he called me.

09:53:48AM 18 Q. You haven't -- you didn't see him at
09:53:54AM 19 the Taco Boy on Folly Beach and give him your
09:53:56AM 20 number at any point?

09:53:58AM 21 A. No.

09:53:58AM 22 Q. Do you know how he got your number?

09:54:02AM 23 A. No.

09:54:02AM 24 Q. Is that all he said, do the right thing
09:54:10AM 25 and the statement about karma?

LESLIE GREEN - CROSS EXAM BY MR. KING

09:54:14AM 1 A. Yes.

09:54:14AM 2 Q. He didn't actually physically threaten

09:54:16AM 3 you or -- outright on the phone?

09:54:18AM 4 A. I took it as a threat.

09:54:20AM 5 Q. But he didn't say anything like, if you

09:54:24AM 6 testify, I'll hurt you, or anything like that?

09:54:26AM 7 A. No.

09:54:26AM 8 Q. He didn't come out and say that?

09:54:28AM 9 A. No.

09:54:28AM 10 Q. And you didn't mention this to the

09:54:36AM 11 Solicitors or anything yesterday --

09:54:38AM 12 A. No.

09:54:38AM 13 Q. -- before your testimony or during the

09:54:38AM 14 your testimony?

09:54:40AM 15 A. No.

09:54:40AM 16 Q. I think you might have even testified

09:54:42AM 17 yesterday that you hadn't talked to him?

09:54:44AM 18 A. Yes.

09:54:46AM 19 Q. Right?

09:54:46AM 20 A. Yes.

09:54:46AM 21 Q. So you lied about that yesterday?

09:54:50AM 22 A. I -- I didn't bring it up.

09:54:52AM 23 Q. I just want to make it clear. You were

09:55:32AM 24 -- yesterday, the Solicitor asked you if you'd had

09:55:34AM 25 any contact or talked to Christopher Campbell since

LESLIE GREEN - CROSS EXAM BY MR. KING

09:55:38AM 1 the robbery, right?

09:55:40AM 2 A. Right.

09:55:40AM 3 Q. But you said, no, on the stand?

09:55:42AM 4 A. Right.

09:55:42AM 5 Q. Okay. That wasn't true. Now you're
09:55:46AM 6 saying that you got a phone call Tuesday at 4:00?

09:55:48AM 7 A. That's a phone call, not direct
09:55:52AM 8 contact.

09:56:00AM 9 Q. And you told your lawyer before you
09:56:02AM 10 testified like yesterday morning?

09:56:04AM 11 A. Yes.

09:56:12AM 12 MR. KING: That's all the questions I
09:56:12AM 13 have, Your Honor.

09:56:12AM 14 THE COURT: Thank you. Any redirect?

09:56:16AM 15 MR. ZIEGLER: No, Your Honor.

09:56:18AM 16 THE COURT: Okay. You may step down.

09:56:34AM 17 All right. I will hear from the State.

09:56:42AM 18 MR. ZIEGLER: Your Honor, the State's
09:56:44AM 19 position is that Mr. Green's testimony is

09:56:46AM 20 admissible. First of all, based on Rule 611 it's
09:56:52AM 21 in the Court's discretion whether a witness can be
09:56:54AM 22 recalled.

09:56:54AM 23 THE COURT: I mean, I've seen witnesses
09:56:56AM 24 recalled all the time. That's not unusual.

09:57:00AM 25 MR. ZIEGLER: And it's information that

09:57:02AM 1 the State received -- new information that the
09:57:04AM 2 State received after the Defendant -- or after
09:57:08AM 3 Mr. Green testified originally.

09:57:10AM 4 THE COURT: Mr. King.

09:57:12AM 5 MR. KING: Your Honor, we would ask to
09:57:14AM 6 exclude it. He didn't bring this up yesterday
09:57:16AM 7 before he testified.

09:57:18AM 8 THE COURT: I think that's fruitful
09:57:22AM 9 cross-examination. I think it is a potential bomb,
09:57:26AM 10 but that's their -- that's up to them. I think you
09:57:30AM 11 can recall a witness and you can ask him questions,
09:57:32AM 12 but it's certainly fodder to it. You know, you can
09:57:38AM 13 still cross examine. So I'm going to allow it in
09:57:42AM 14 if they decide to put it in, but that's up to them.

09:57:44AM 15 MR. KING: Thank you.

09:57:46AM 16 THE COURT: Anything else before we
09:57:48AM 17 bring the jury in and continue testimony?

09:57:52AM 18 MR. ZIEGLER: No, Your Honor.

09:57:52AM 19 THE COURT: All right. Bring our jury
09:57:56AM 20 in and see how they're feeling.

09:59:22AM 21 (Jury in 9:58 a.m.)

09:59:30AM 22 THE COURT: You may be seated.

09:59:52AM 23 THE BAILIFF: All seated, Your Honor.

09:59:52AM 24 THE COURT: All right. Please have a
09:59:54AM 25 seat.

09:59:54AM 1 Good morning, ladies and gentlemen.
09:59:56AM 2 How are you today? I was reading in the paper --
09:59:58AM 3 remember, I was telling you about those war
09:59:58AM 4 birds -- for a mere \$2200 for a half hour, you can
10:00:04AM 5 get a ride in a B51 Mustang, and for \$450 an hour,
10:00:10AM 6 you can ride in a B17. That's out at the
10:00:12AM 7 Charleston Airport. It would certainly be a
10:00:16AM 8 beautiful day to take that ride, but you won't be
10:00:20AM 9 able to pay for it on a juror's salary I assure you
10:00:24AM 10 that.

10:00:24AM 11 Is the State ready to proceed?

10:00:26AM 12 MR. ZIEGLER: Yes, Your Honor.

10:00:26AM 13 THE COURT: Is the defense ready to
10:00:28AM 14 proceed?

10:00:28AM 15 MR. KING: Yes, Your Honor.

10:00:28AM 16 THE COURT: The State may call its next
10:00:30AM 17 witness.

10:00:30AM 18 MR. SIMPSON: The State calls Russell
10:00:30AM 19 Brown.

10:00:30AM 20 RUSSELL BROWN,
10:00:30AM 21 being first duly sworn, testified as follows:

10:01:00AM 22 THE CLERK: Please be seated. Sir,
10:01:00AM 23 once seated, please state your first and last name
10:01:02AM 24 and spell your last loudly and clearly into the
10:01:04AM 25 microphone.

RUSSELL BROWN - DIRECT EXAM BY MR. SIMPSON

10:01:04AM 1 THE WITNESS: Russell Brown, B-R-O-W-N.

10:01:10AM 2 THE COURT: You may proceed.

10:01:10AM 3 DIRECT EXAMINATION

10:01:10AM 4 BY MR. SIMPSON:

10:01:14AM 5 Q. Good morning, Mr. Brown.

10:01:14AM 6 A. Morning.

10:01:16AM 7 Q. Mr. Brown, what is your occupation?

10:01:18AM 8 A. I'm the operator and owner of Firehouse
10:01:20AM 9 Subs in Charleston, South Carolina.

10:01:22AM 10 Q. How many stores is that?

10:01:28AM 11 A. We have five, two of them which I'm the
10:01:30AM 12 owner and operator of, and three of them which I'm
10:01:32AM 13 the operating partner of.

10:01:34AM 14 Q. And which are the two that you are the
10:01:40AM 15 owner and operator?

10:01:42AM 16 A. Store 389 at 3032 West Montague and
10:01:46AM 17 store 563 at 357 King Street.

10:01:52AM 18 Q. How long have you been involved in
10:01:54AM 19 Firehouse Subs?

10:01:54AM 20 A. I've been with Firehouse Subs a little
10:01:56AM 21 over 13 years. Fixing to go into my 14th.

10:02:00AM 22 Q. And, generally, what are your duties,
10:02:04AM 23 briefly, as the owner/operator of the store?

10:02:06AM 24 A. Briefly, I hire, train, run, report to
10:02:14AM 25 corporate, and the day-to-day operations and back

RUSSELL BROWN - DIRECT EXAM BY MR. SIMPSON

10:02:18AM 1 of the house with the finances.

10:02:20AM 2 Q. So you generally keep the business
10:02:26AM 3 running and overseeing everything?

10:02:28AM 4 A. Lately, I've been working seven days a
10:02:30AM 5 week, yes.

10:02:30AM 6 Q. And I want to talk specifically about
10:02:36AM 7 the King Street store. What are the hours of that
10:02:40AM 8 store?

10:02:40AM 9 A. Hours of operation are from 10:30 in
10:02:44AM 10 the morning until 9:00 p.m. at night.

10:02:44AM 11 Q. Is that what they were on May 4th,
10:02:48AM 12 2011?

10:02:48AM 13 A. Yes, sir.

10:02:48AM 14 Q. And I want to talk specifically about
10:02:58AM 15 the front doors of the King Street store, the
10:03:02AM 16 handles. Can you describe the handles to that King
10:03:10AM 17 Street store, the exterior of the front doors?

10:03:12AM 18 A. There are ornate handles on there,
10:03:16AM 19 they're fake. There is no mechanism inside the
10:03:20AM 20 door to actually pull a lever over to have both
10:03:24AM 21 doors locked together. There's actually a handle
10:03:26AM 22 with a button on top. The button is fake, it
10:03:30AM 23 doesn't do anything.

10:03:32AM 24 Q. So does the button move?

10:03:36AM 25 A. Yes, it does move.

RUSSELL BROWN - DIRECT EXAM BY MR. SIMPSON

10:03:38AM 1 Q. Okay. But does it have a mechanical
10:03:42AM 2 function?
10:03:44AM 3 A. No, sir.
10:03:44AM 4 Q. Okay.
10:03:44AM 5 A. It's just for looks.
10:03:46AM 6 Q. Mr. Brown, I'm going to present to you
10:04:04AM 7 State's Exhibit 12. Do you recognize this photo?
10:04:18AM 8 A. That's the front side entrance of
10:04:20AM 9 Firehouse Subs.
10:04:22AM 10 Q. On what street?
10:04:24AM 11 A. On 357 King Street.
10:04:26AM 12 Q. Okay. And can you point out the thumb
10:04:32AM 13 latch that you were referring to, if you can see
10:04:32AM 14 them on that image?
10:04:34AM 15 A. Above the handle you have a dead bolt
10:04:38AM 16 lock on each door. Right below the dead bolt lock
10:04:44AM 17 you will see the little thumb piece that's
10:04:46AM 18 connected to the top of the main handle.
10:04:52AM 19 Q. And under the thumb piece is --
10:04:52AM 20 A. It is a handle to pull the door open.
10:04:54AM 21 Q. And, Mr. Brown, what do -- what do the
10:05:06AM 22 employees of the store generally know about the
10:05:08AM 23 handle?
10:05:10AM 24 A. Well, they know the handle is a dummy.
10:05:12AM 25 They just grab the main handle. They know the

MICHAEL SHERMAN - DIRECT EXAM BY MR. ZIEGLER

10:05:14AM 1 thumb piece is obsolete. So when they grab the
10:05:20AM 2 door and when I grab the door, we just grab it by
10:05:22AM 3 the handle and pull it open.

10:05:24AM 4 Q. Is it necessary for you or other
10:05:28AM 5 employees to place your thumb on the latch --

10:05:32AM 6 A. No, sir.

10:05:32AM 7 Q. -- for it to open the door?

10:05:34AM 8 A. No, sir; we know it doesn't work.

10:05:36AM 9 MR. ZIEGLER: Thank you. No further
10:05:36AM 10 questions.

10:05:38AM 11 THE COURT: Mr. King.

10:05:42AM 12 MR. KING: I have no questions.

10:05:42AM 13 THE COURT: Thank you. You may step
10:05:44AM 14 down.

10:05:44AM 15 Any objection to this witness being
10:05:44AM 16 excused?

10:05:48AM 17 MR. ZIEGLER: No, Your Honor.

10:05:48AM 18 MR. KING: No.

10:05:48AM 19 THE COURT: Have a nice day. Sell some
10:05:52AM 20 subs.

10:06:02AM 21 MR. SIMPSON: The State calls Mr. Mike
10:06:04AM 22 Sherman.

23 MICHAEL SHERMAN,
24 being first duly sworn, testified as follows:

25 THE CLERK: Please take a seat. Sir,

MICHAEL SHERMAN - DIRECT EXAM BY MR. ZIEGLER

1 after you're seated, please state your first and
2 last name and spell your last loudly and clearly
3 into the microphone.

10:06:20AM 4 THE WITNESS: Mike Sherman,

10:06:22AM 5 S-H-E-R-M-A-N.

10:06:22AM 6 MR. ZIEGLER: Beg the Court's

10:06:22AM 7 indulgence?

10:07:40AM 8 Thank you, Your Honor.

10:07:40AM 9 THE COURT: Yes, sir.

10:07:40AM 10 DIRECT EXAMINATION

10:07:40AM 11 BY MR. ZIEGLER:

10:07:42AM 12 Q. Morning, Mr. Sherman.

10:07:44AM 13 A. How are you, sir?

10:07:58AM 14 Q. Very well. Mr. Sherman, are you
10:08:00AM 15 currently employed?

10:08:00AM 16 A. Yes, I am.

10:08:00AM 17 Q. What is your current job?

10:08:02AM 18 A. I'm head of security for Rawl's Auto
10:08:06AM 19 Auction in Leesburg, South Carolina.

10:08:08AM 20 Q. Did you travel today to get here?

10:08:12AM 21 A. Yes, I did.

10:08:12AM 22 Q. And before your current job, what was
10:08:20AM 23 your career in the past?

10:08:20AM 24 A. I retired from the Charleston Police
10:08:22AM 25 Department after 34 years of service as both a

MICHAEL SHERMAN - DIRECT EXAM BY MR. ZIEGLER

10:08:26AM 1 police officer and a crime scene investigator.

10:08:30AM 2 Q. And what was your position in May 2001?

10:08:32AM 3 A. I was a supervisor of the crime scene
10:08:34AM 4 unit for Charleston Police Department.

10:08:36AM 5 Q. And overall, how long were you in the
10:08:42AM 6 crime scene unit?

10:08:42AM 7 A. I was in the crime scene unit for
10:08:46AM 8 12 years.

10:08:46AM 9 Q. And what did you -- what did you do as
10:08:48AM 10 a supervisor in the crime scene unit?

10:08:54AM 11 A. I reviewed reports from crime techs,
10:08:58AM 12 did scheduling and training rosters, responded to
10:09:06AM 13 major crimes, and responded to some other crimes
10:09:08AM 14 when people were busy.

10:09:10AM 15 Q. And if you had to make a guess, make an
10:09:20AM 16 estimate, how many crime scenes have you responded
10:09:24AM 17 to or processed?

10:09:26AM 18 A. It would be in the thousands. I would
10:09:28AM 19 not want to venture a guess.

10:09:30AM 20 Q. Okay. What kind of training and
10:09:30AM 21 education do you have?

10:09:32AM 22 A. I'm a graduate of Alabama State Trooper
10:09:36AM 23 Academy, graduate of the Criminal Justice Academy
10:09:38AM 24 of South Carolina, I attended Troy University for
10:09:40AM 25 two years in their criminal justice program.

MICHAEL SHERMAN - DIRECT EXAM BY MR. ZIEGLER

10:09:42AM 1 Q. I want to direct you to the morning of
10:09:46AM 2 May 4, 2011. As a crime scene technician with the
10:09:54AM 3 Charleston Police Department, did you respond that
10:09:56AM 4 day to Firehouse Subs at 357 King Street?

10:09:58AM 5 A. Yes, sir, I did.

10:10:00AM 6 Q. At one point in your report, you noted
10:10:02AM 7 that you responded to the Firehouse Subs on May 9,
10:10:08AM 8 2011, was that correct? Was that in error?

10:10:10AM 9 A. It's a typographical error on my part.
10:10:12AM 10 It actually occurred on the 4th.

10:10:14AM 11 Q. And is that the date that you did
10:10:16AM 12 respond?

10:10:16AM 13 A. That's correct.

10:10:16AM 14 Q. Did you speak to anyone when you
10:10:26AM 15 arrived at the Firehouse Subs?

10:10:26AM 16 A. I spoke to the employees that were
10:10:30AM 17 there when the robbery took place and I spoke to
10:10:34AM 18 the officers -- the first responding officers.

10:10:36AM 19 Q. What did you do after you spoke with
10:10:38AM 20 these people?

10:10:38AM 21 A. After I spoke with the officers and the
10:10:38AM 22 people that were there, I had a good indication of
10:10:42AM 23 where the people -- where the robbers had touched
10:10:44AM 24 and hadn't touched, and I processed the areas that
10:10:48AM 25 they had touched trying to obtain latent

MICHAEL SHERMAN - DIRECT EXAM BY MR. ZIEGLER

10:10:54AM 1 fingerprints they may have left behind.

10:10:56AM 2 Q. What is the process for processing the
10:11:02AM 3 latent fingerprints?

10:11:04AM 4 A. On the surfaces that I was working
10:11:06AM 5 with, which were door knobs and highly varnished
10:11:12AM 6 doors and glass, I used what's called powder print
10:11:16AM 7 technique. You use a commercially prepared powder
10:11:20AM 8 and you apply it with a fingerprint brush. You
10:11:24AM 9 remove the excess dust with a smaller fingerprint
10:11:28AM 10 brush, and you use a special type of tape to cover
10:11:30AM 11 them over, photograph the fingerprints in place,
10:11:34AM 12 indicate where they came from.

10:11:36AM 13 And then you actually lift them and
10:11:38AM 14 place them on a fingerprint card, and the cards are
10:11:42AM 15 turned in to be reviewed by a fingerprint examiner.

10:11:46AM 16 Q. And particularly in this case, where
10:11:48AM 17 did you focus your efforts to try to obtain
10:11:52AM 18 fingerprints?

10:11:52AM 19 A. The doors where the entry was made and
10:11:58AM 20 where the exit took place. That was the only place
10:12:00AM 21 the witnesses indicated that the person had
10:12:04AM 22 touched.

10:12:06AM 23 Q. So did you try to take fingerprints
10:12:10AM 24 from anywhere else in the store other than the
10:12:12AM 25 front door and window area?

MICHAEL SHERMAN - DIRECT EXAM BY MR. ZIEGLER

10:12:16AM 1 A. No. Because I had spoken with them and
10:12:18AM 2 I also reviewed the tapes that were available, and
10:12:20AM 3 it was my opinion that was the only place that
10:12:22AM 4 would be worthwhile to process and that's what I
10:12:26AM 5 processed.

10:12:26AM 6 Q. Did you recover any fingerprints from
10:12:30AM 7 that Firehouse Subs?

10:12:30AM 8 A. Yes, I did.

10:12:30AM 9 Q. Mr. Sherman, I'm now showing you what
10:13:28AM 10 will be marked for identification as State's
10:13:28AM 11 Exhibits 24 through 30. Please look through these
10:13:40AM 12 and let us know if you recognize these photos.

10:14:16AM 13 A. Yes, sir. These are photocopies of the
10:14:18AM 14 photographs I took that day.

10:14:26AM 15 MR. ZIEGLER: Thank you, Your Honor.
10:14:28AM 16 The State moves to admit State's Exhibits Numbers
10:14:30AM 17 24 through 30.

10:14:34AM 18 THE COURT: Any objection?

10:14:34AM 19 MR. KING: No objection.

10:14:34AM 20 THE COURT: Without objection, State's
10:14:38AM 21 Exhibits 24 through 30 are admitted.

10:14:38AM 22 (PLF. EXH. 24 - 30, Photographs, was
10:14:38AM 23 marked for identification.)

10:14:38AM 24 (PLF. EXH. 24 - 30 in evidence.)

10:14:38AM 25 BY MR. ZIEGLER:

MICHAEL SHERMAN - DIRECT EXAM BY MR. ZIEGLER

10:14:46AM 1 Q. Mr. Sherman, I'm now showing you
10:14:48AM 2 State's Exhibit 24. What is this photo,
10:14:56AM 3 Mr. Sherman?

10:14:56AM 4 A. That's a distant overall shot of the
10:14:58AM 5 exterior of the business.

10:15:00AM 6 Q. Now showing you State's Exhibit 25.

10:15:08AM 7 A. That's a close-up of the exterior
10:15:12AM 8 doors, showing my fingerprint tape in place with
10:15:16AM 9 the numbers in place for which items they are.

10:15:20AM 10 Q. Can you tell which numbers are shown
10:15:24AM 11 there?

10:15:26AM 12 A. Yeah. Item 1 would be the left-hand
10:15:28AM 13 door there. Item 2 is the right-hand door knob.

10:15:32AM 14 Q. And is there -- are there a third and
10:15:36AM 15 fourth there?

10:15:36AM 16 A. Yeah. That distance I can't see, but I
10:15:40AM 17 can see the numbers 3 and 4 here.

10:15:42AM 18 Q. Where is that number 3 from?

10:15:44AM 19 A. That would be on the right-hand door
10:15:50AM 20 knob right there.

10:15:50AM 21 Q. Would it be on the thumb --

10:15:54AM 22 A. On the thumb, when you press down.

10:16:10AM 23 That's the left-hand door with the number 1.

10:16:14AM 24 Q. Is that a closer image of the one we
10:16:16AM 25 just saw?

MICHAEL SHERMAN - DIRECT EXAM BY MR. ZIEGLER

10:16:18AM 1 A. Yes, sir; it's a close-up of it.

10:16:28AM 2 That's a close-up showing 2, 3, and 4. That's

10:16:44AM 3 showing number 5, 7, 8, and 9.

10:17:06AM 4 Q. And where are these prints taken?

10:17:10AM 5 A. These are on the inside door, the

10:17:14AM 6 left-hand inside door.

10:17:16AM 7 Q. Are they from the glass?

10:17:18AM 8 A. They are from the glass, yes, sir.

10:17:20AM 9 Q. And these?

10:17:38AM 10 A. I've got a bad angle. Trying to -- I

10:17:46AM 11 can see 10 is up here and that should be -- I think

10:17:48AM 12 that's 9. Seven is over here, 8 and 10.

10:17:56AM 13 Q. Are they all from the glass?

10:17:58AM 14 A. That's from the glass also.

10:18:00AM 15 Q. Okay. Mr. Sherman, I'm now showing you

10:18:26AM 16 what will be marked for identification purposes as

10:18:28AM 17 State's Exhibits 31 through 40. Can you please

10:18:52AM 18 open that package?

10:18:56AM 19 A. (Witness complies)

10:18:56AM 20 (PLF. EXH. 31 - 40, Fingerprint cards,

10:18:56AM 21 was marked for identification.)

10:18:56AM 22 BY MR. ZIEGLER:

10:19:14AM 23 Q. And do you recognize these documents?

10:19:18AM 24 A. Yes. They are in a separate bag from

10:19:20AM 25 the one I originally turned them in. So, in other

MICHAEL SHERMAN - DIRECT EXAM BY MR. ZIEGLER

10:19:24AM 1 words, another examiner has looked at them and
10:19:28AM 2 sealed them back up, but these are my fingerprint
10:19:32AM 3 cards. Yes, sir.

10:19:56AM 4 Q. And when did you take these documents?
10:20:02AM 5 Where did these documents come from?

10:20:06AM 6 A. When I'm at the scene, I actually place
10:20:08AM 7 the fingerprint cards -- the fingerprints that I
10:20:10AM 8 recover, on the card. Then I partially fill it in
10:20:14AM 9 so I know the location. When I get back to the
10:20:18AM 10 crime scene office, I put my name and the dates and
10:20:22AM 11 time on there.

10:20:22AM 12 Q. And so do these cards indicate where
10:20:26AM 13 each fingerprint came from?

10:20:28AM 14 A. That's correct.

10:20:30AM 15 MR. ZIEGLER: Your Honor, the State
10:20:32AM 16 would move to admit the fingerprint cards in
10:20:32AM 17 evidence.

10:20:32AM 18 THE COURT: Any objection?

10:20:34AM 19 MR. KING: No objection.

10:20:36AM 20 THE COURT: Without objection, these
10:20:36AM 21 would be 31 through 40.

10:20:36AM 22 (PLF. EXH. 31 - 40 in evidence.)

10:20:36AM 23 BY MR. ZIEGLER:

10:22:30AM 24 Q. Mr. Sherman, I'm now presenting to you
10:22:34AM 25 State's Exhibit 31. Can you explain to the jury

MICHAEL SHERMAN - DIRECT EXAM BY MR. ZIEGLER

10:22:40AM 1 where that fingerprint came from?

10:22:44AM 2 A. Yes, sir. It's a fingerprint that I
10:22:46AM 3 recovered from Firehouse Subs at 357 King Street.
10:22:50AM 4 It would have been from the exterior door, the
10:22:52AM 5 right door handle, the thumb latch.

10:22:58AM 6 Q. Thank you. And I'm now showing you
10:23:04AM 7 State's Exhibit 32. Can you please explain to the
10:23:12AM 8 jury where that came from?

10:23:14AM 9 A. This came from Firehouse Subs, 357 King
10:23:16AM 10 Street. It would have been the exterior left door
10:23:18AM 11 handle, thumb latch.

10:23:20AM 12 Q. Thank you. And I'm now showing you
10:23:40AM 13 State's Exhibits 33 through 40. If you could
10:23:42AM 14 briefly tell the jury where each of these came
10:23:48AM 15 from.

10:23:48AM 16 A. Fingerprint 2, Firehouse Subs, 357 King
10:24:00AM 17 Street, exterior right door handle, top portion.
10:24:04AM 18 Fingerprint four, Firehouse Subs, 357 King Street,
10:24:08AM 19 exterior right door handle. Fingerprint 5,
10:24:14AM 20 Firehouse Subs, 357 King Street, interior door,
10:24:20AM 21 right window. Fingerprint 6, Firehouse Subs, 357
10:24:32AM 22 King Street, interior left door window.
10:24:36AM 23 Fingerprint 7, Firehouse Subs, 357 King Street,
10:24:40AM 24 interior left door window. Fingerprint 8,
10:24:46AM 25 Firehouse Subs, 357 King Street, interior left door

MICHAEL SHERMAN - DIRECT EXAM BY MR. ZIEGLER

10:24:50AM 1 window. Fingerprint 9, Firehouse Subs, 357 King
10:24:58AM 2 Street, interior left door window. Fingerprint 10,
10:25:04AM 3 Firehouse Subs, 357 King Street, interior left door
10:25:08AM 4 window.

10:25:10AM 5 Q. Thank you. Mr. Sherman, after you
10:25:32AM 6 lifted these fingerprints from the Firehouse Subs,
10:25:38AM 7 did you do anything else to investigate this case?

10:25:42AM 8 A. I took photos, general photos, and I
10:25:46AM 9 also took close-ups of the different items, and
10:25:50AM 10 before I took -- before I lifted the prints, I had
10:25:54AM 11 reviewed the tape that they had available, the
10:25:56AM 12 surveillance tape.

10:25:58AM 13 Q. And are these fingerprint cards in the
10:26:04AM 14 same condition as they were when you turned them
10:26:08AM 15 in?

10:26:08AM 16 A. Yes, sir. I turned them in in a
10:26:10AM 17 plastic sleeve with my initials and date, and then
10:26:12AM 18 they have been -- my plastic sleeve had been
10:26:14AM 19 unsealed and were inserted into another envelope.
10:26:18AM 20 That indicated that someone had taken them out,
10:26:20AM 21 looked at them and sealed them back up into another
10:26:24AM 22 envelope. Other than that, they were the same.

10:26:28AM 23 There were some notations made by the
10:26:30AM 24 examiners on them that are not my writing.

10:26:34AM 25 MR. ZIEGLER: Beg the Court's

MICHAEL SHERMAN - CROSS EXAM BY MR. KING

10:26:34AM 1 indulgence?

10:26:34AM 2 THE COURT: Yes, sir.

10:26:36AM 3 MR. ZIEGLER: No further questions from

10:26:38AM 4 Mr. Sherman.

10:26:38AM 5 THE COURT: Mr. King, do you have any
10:26:40AM 6 questions?

10:26:40AM 7 MR. KING: Thank you.

10:26:40AM 8 CROSS-EXAMINATION

10:26:40AM 9 BY MR. KING:

10:26:46AM 10 Q. Mr. Sherman, how are you doing?

10:26:48AM 11 A. Good.

10:26:48AM 12 Q. I can touch something and not even
10:26:50AM 13 leave a print; is that right?

10:26:52AM 14 A. That's correct.

10:26:54AM 15 Q. I can touch something and leave a
10:26:58AM 16 smudged print that could never really be
10:27:00AM 17 identified, right?

10:27:00AM 18 A. That's correct.

10:27:00AM 19 Q. And you encounter those I guess a good
10:27:04AM 20 bit when you're lifting latent prints?

10:27:06AM 21 A. Yes.

10:27:06AM 22 Q. Prints can last a long time; is that
10:27:10AM 23 right?

10:27:10AM 24 A. Depends on the surface and the
10:27:14AM 25 location.

MICHAEL SHERMAN - CROSS EXAM BY MR. KING

10:27:14AM 1 Q. But there's no real way to age a print
10:27:18AM 2 and tell how old it is, is there?

10:27:20AM 3 A. No. What we generally go by is the
10:27:24AM 4 surface and the location. A print on the inside of
10:27:28AM 5 a telephone when it was manufactured, it might stay
10:27:32AM 6 there forever. If it's on a busy door, or
10:27:36AM 7 something like that, friction would erase the print
10:27:36AM 8 relatively quickly.

10:27:38AM 9 Q. But the metal on the door handle,
10:27:40AM 10 that's -- is that the kind of material that would
10:27:44AM 11 hold a print?

10:27:44AM 12 A. Yes, sir; smooth metals, glass, highly
10:27:50AM 13 varnished items.

10:27:50AM 14 Q. And there was like an awning or a cover
10:27:54AM 15 over those doors, so it's not getting rained on or
10:27:58AM 16 anything, right?

10:27:58AM 17 A. As I remember during the investigation,
10:28:00AM 18 yes.

10:28:00AM 19 Q. So weather can make prints go away,
10:28:04AM 20 too?

10:28:06AM 21 A. Yes, it can.

10:28:06AM 22 Q. You took ten latent prints; is that
10:28:12AM 23 right?

10:28:12AM 24 A. I believe that's correct.

10:28:12AM 25 Q. And you're looking, like you testified

MICHAEL SHERMAN - CROSS EXAM BY MR. KING

10:28:14AM 1 to, for areas where the suspect may have touched?

10:28:18AM 2 A. That's right.

10:28:18AM 3 Q. And I want to show you -- this is the
10:28:22AM 4 surveillance video. It's been admitted into

10:28:26AM 5 evidence. You testified that you viewed this as
10:28:28AM 6 well to get an idea of where the suspect touched.

10:28:32AM 7 A. I don't know if I viewed what you're
10:28:34AM 8 showing or not. I viewed a surveillance -- some
10:28:40AM 9 sort of surveillance video.

10:28:44AM 10 Q. If you look up on the screen behind you
10:28:46AM 11 or this one -- (Indicating)

10:28:48AM 12 A. It's a little better over here.

10:28:52AM 13 Q. This has been admitted into evidence,
10:28:52AM 14 it's a surveillance video of the robbery. As I
10:28:54AM 15 said, you may remember seeing this before, but
10:28:58AM 16 there would be two chances to get -- for a suspect
10:29:02AM 17 to leave a fingerprint because he went in and he
10:29:04AM 18 went out, right?

10:29:06AM 19 A. In this case, as far as I know, yes,
10:29:08AM 20 sir.

10:29:08AM 21 Q. So there would have been prints left
10:29:12AM 22 going in and prints going out?

10:29:12AM 23 A. Right.

10:29:16AM 24 Q. And that's why you tested both sides of
10:29:20AM 25 the door?

MICHAEL SHERMAN - CROSS EXAM BY MR. KING

10:29:20AM 1 A. Yes.

10:29:20AM 2 Q. And in this case you will see here

10:29:28AM 3 (Video played) -- you can see that the door is
10:29:28AM 4 being touched right about where you're taking those
10:29:32AM 5 6, 7, 8 and 9 prints.

10:29:36AM 6 Let me play it again. Sorry, it's hard
10:30:20AM 7 to find the exact location on the surveillance
10:30:26AM 8 video. Can you see where it looks like he's taking
10:30:40AM 9 his left hand and pushing on that left door?

10:30:42AM 10 A. I can see he's going out the door, but
10:30:46AM 11 I can't see what he's --

10:30:50AM 12 Q. Let me try it one more time.

10:30:50AM 13 A. Maybe I'm not understanding the
10:30:50AM 14 questions, I'm sorry.

10:30:56AM 15 Q. I'm just trying to see where this
10:30:58AM 16 person in the surveillance video touched the inside
10:31:02AM 17 left door. That's where you watched and where you
10:31:04AM 18 focused your area where you got the prints from,
10:31:08AM 19 right?

10:31:08AM 20 A. I could tell he went out the door, but
10:31:12AM 21 I can't tell which part of the door he touched. Is
10:31:16AM 22 that what you're asking me?

10:31:18AM 23 Q. Yes. I'll play it again. Looks like
10:31:22AM 24 he's touching above the door handle on the left
10:31:24AM 25 door, maybe touching that glass. Do you see where

MICHAEL SHERMAN - CROSS EXAM BY MR. KING

10:31:28AM 1 he's pushing the door there?

10:31:30AM 2 A. I can see him going out the door, sir,
10:31:32AM 3 but I can't say for sure what he's touching.

10:31:34AM 4 Q. But you focused your area -- when you
10:31:46AM 5 searched for prints, you were looking on that left
10:31:50AM 6 door right there?

10:31:52AM 7 A. I was looking on both doors.

10:31:56AM 8 Q. But you took -- 6, 7, 8, 9 and 10, I
10:32:00AM 9 think were all taken from the inside of the left
10:32:02AM 10 door?

10:32:02AM 11 A. Because that's where they were.

10:32:04AM 12 Q. Right. And that's also kind of the
10:32:06AM 13 area where the suspect is touching the door --

10:32:10AM 14 A. I don't know which part he touched. I
10:32:12AM 15 just know he went out the door.

10:32:12AM 16 Q. I wanted to clear up one thing. I'm
10:32:26AM 17 showing you State's Exhibit Number 36 and 37, these
10:32:38AM 18 two. I want to clear up something for the jury.
10:32:42AM 19 On number 6, looking at fingerprint number 6.

10:32:46AM 20 A. Yes, sir.

10:32:46AM 21 Q. Looks like where -- you drew a little
10:32:50AM 22 diagram of where the print is; it says 7. That
10:32:56AM 23 should be a 6, right? I'm trying to --

10:33:00AM 24 A. Yeah. I'm sure that's exactly what it
10:33:02AM 25 was, sir.

MICHAEL SHERMAN - CROSS EXAM BY MR. KING

10:33:02AM 1 Q. Okay. I just want to make sure that's
10:33:04AM 2 clear. Fingerprint number 6 --

10:33:08AM 3 A. I didn't draw the little 6 in next to
10:33:12AM 4 it. I left that as 7.

10:33:16AM 5 Q. No. What I mean, it looks like on the
10:33:20AM 6 diagram, on number 6 --

10:33:22AM 7 A. Yes. I did not write the 6 on the
10:33:24AM 8 diagram there. I've got it listed and it's on the
10:33:26AM 9 photograph, but I didn't write the 6 on there.

10:33:30AM 10 Q. Right, it has 7 on there.

10:33:32AM 11 A. Yes.

10:33:32AM 12 Q. That should be 6?

10:33:34AM 13 A. It's the same area where 7 was. So
10:33:38AM 14 when I wrote that down, I made that 7 instead of 6.

10:33:44AM 15 Q. Okay. And I want to look at the photos
10:33:52AM 16 one more time, and I'm going to show you State's
10:34:14AM 17 Exhibit Number 38. Just trying to focus in again
10:34:38AM 18 on these prints. You see number 6 right about
10:34:48AM 19 there?

10:34:48AM 20 A. Yes, I see it.

10:34:50AM 21 Q. So that's on that left door right above
10:34:52AM 22 the door handle?

10:34:54AM 23 A. Correct, on the glass.

10:34:56AM 24 Q. And you can sort of see a little bit of
10:35:02AM 25 the other tape, the other prints, too?

MICHAEL SHERMAN - REDIRECT EXAM BY MR. ZIEGLER

10:35:04AM 1 A. Yes.

10:35:04AM 2 Q. I'll show you that -- that's the next
10:35:06AM 3 photograph. Now, here we've got number 7, 8, 9 and
10:35:20AM 4 10.

10:35:22AM 5 A. Right.

10:35:22AM 6 Q. I think you can see a little bit of the
10:35:24AM 7 tape for number 6?

10:35:26AM 8 A. Yes.

10:35:26AM 9 Q. And all of those are right in that left
10:35:30AM 10 area on the door?

10:35:32AM 11 A. Correct.

10:35:42AM 12 MR. KING: That's all I have for this
10:35:44AM 13 witness.

10:35:44AM 14 THE COURT: Any redirect?

10:35:46AM 15 MR. ZIEGLER: Yes.

10:35:46AM 16 REDIRECT EXAMINATION

10:35:46AM 17 BY MR. ZIEGLER:

10:35:56AM 18 Q. Mr. Sherman, in the video you just
10:36:00AM 19 viewed, could you tell exactly where the person
10:36:02AM 20 touched on the door as he was walking out? Is it
10:36:06AM 21 possible to tell exactly where?

10:36:08AM 22 A. I couldn't tell, no, sir. I knew he
10:36:10AM 23 went out the door, but I don't know what he
10:36:10AM 24 touched.

10:36:14AM 25 Q. And when you processed the scene, did

MICHAEL SHERMAN - REDIRECT EXAM BY MR. ZIEGLER

10:36:16AM 1 you process -- do you process -- would you have
10:36:20AM 2 processed those doors completely as you saw them?

10:36:24AM 3 A. I would have processed them completely,
10:36:26AM 4 and then where the prints are is what I lift, what
10:36:30AM 5 I could see to lift.

10:36:34AM 6 Q. In a commonly touched area, commonly
10:36:36AM 7 touched by people, how long -- I mean, I don't
10:36:42AM 8 think you can -- I don't know if you can estimate,
10:36:42AM 9 but how many prints last in a commonly touched
10:36:46AM 10 area?

10:36:48AM 11 A. We always use the example of a bank.
10:36:50AM 12 On the bank counter, the prints last a very short
10:36:54AM 13 period of time because of the amount of traffic and
10:36:58AM 14 the things being drug across it. On a door handle
10:37:00AM 15 to a business, the prints last for a short period
10:37:04AM 16 of time because of the traffic, the abrasion on the
10:37:06AM 17 handle. So in other words, if a print is on
10:37:08AM 18 something that's not touched and it's not exposed
10:37:12AM 19 to the weather, it will last a very long time. If
10:37:14AM 20 it gets exposed to weather or something that gets
10:37:18AM 21 touched a lot, it lasts a lot less time.

10:37:18AM 22 MR. ZIEGLER: Thank you. Nothing
10:37:22AM 23 further.

10:37:22AM 24 THE COURT: Any recross?

10:37:24AM 25 MR. KING: No.

ANITA KERSTEIN - DIRECT EXAM BY MR. ZIEGLER

10:37:24AM 1 THE COURT: Thank you. You may step
10:37:26AM 2 down.

10:37:26AM 3 Any objection to this witness being
10:37:26AM 4 excused?

10:37:26AM 5 MR. ZIEGLER: No.

10:37:42AM 6 MR. KING: No, Your Honor.

10:37:42AM 7 THE COURT: You may be excused.

10:37:50AM 8 MR. ZIEGLER: The State calls Anita
10:38:24AM 9 Kerstein.

10:38:24AM 10 ANITA KERSTEIN,
10:38:24AM 11 being first duly sworn, testified as follows:

10:38:28AM 12 THE CLERK: You may be seated. Ma'am,
10:38:30AM 13 once seated, please state your first and last name
10:38:32AM 14 and spell your last loudly and clearly into the
10:38:40AM 15 microphone, Anita Kerstein, K-E-R-S-T-E-I-N.

10:38:40AM 16 DIRECT EXAMINATION

10:38:44AM 17 BY MR. ZIEGLER:

10:38:44AM 18 Q. Morning, Ms. Kerstein.

10:38:46AM 19 A. Morning.

10:38:48AM 20 Q. Ms. Kerstein, where are you currently
10:38:54AM 21 employed?

10:38:54AM 22 A. I'm employed with the Charleston Police
10:38:56AM 23 Department.

10:38:56AM 24 Q. How long have you been working for
10:38:58AM 25 Charleston Police Department?

ANITA KERSTEIN - DIRECT EXAM BY MR. ZIEGLER

10:39:00AM 1 A. I've been with the police department
10:39:02AM 2 for ten years.

10:39:02AM 3 Q. And what is your position?

10:39:04AM 4 A. My title is senior criminal
10:39:08AM 5 identification specialist, also known as a latent
10:39:14AM 6 print examiner.

10:39:16AM 7 Q. What duties does that position entail?

10:39:20AM 8 A. I analyze and compare latent lifts that
10:39:26AM 9 are collected at scenes and for the purpose of
10:39:30AM 10 identification and elimination. I also classify
10:39:34AM 11 and compare ten-print cards for the records
10:39:38AM 12 departments, and I'm also certified to run the
10:39:44AM 13 Automatic Fingerprint Indication System known as
10:39:46AM 14 AFIS.

10:39:46AM 15 Q. And can you please describe the
10:39:50AM 16 experience that you've gained in fingerprint
10:39:52AM 17 analysis while on the job at Charleston Police
10:39:56AM 18 Department?

10:39:56AM 19 A. When I first started with the latent
10:40:00AM 20 fingerprint division, I had a structured training
10:40:02AM 21 program with them for a year and a half. My
10:40:04AM 22 background before I came to the latent print
10:40:08AM 23 division was in ten-print cards, which is the card
10:40:12AM 24 that's designed to capture the reproduction of the
10:40:18AM 25 friction ridges of the ten fingers and also the

ANITA KERSTEIN - DIRECT EXAM BY MR. ZIEGLER

10:40:22AM 1 simultaneous impression.

10:40:24AM 2 Since 2004, I've had about 12 to 15
10:40:30AM 3 training classes that consisted of week long, at
10:40:36AM 4 least 40-hour, classes, and most of those were with
10:40:38AM 5 instructors that have been in the business for
10:40:42AM 6 many, many years.

10:40:42AM 7 Q. And can you estimate how many trainings
10:40:50AM 8 and seminars you've been to in your field of
10:40:54AM 9 fingerprint analysis?

10:40:56AM 10 A. Like I said, 12 to 15, since 2004.

10:40:58AM 11 Q. Since 2004?

10:41:00AM 12 A. Correct.

10:41:02AM 13 Q. Are you a member of any professional
10:41:06AM 14 associations in the field of fingerprint analysis?

10:41:08AM 15 A. Yes. I am a member of the IAI, which
10:41:14AM 16 is the International Association for
10:41:14AM 17 Identification, and that is the organization that
10:41:20AM 18 holds my certification as a fingerprint examiner.

10:41:26AM 19 Q. Approximately, how many fingerprint
10:41:32AM 20 comparisons have you performed?

10:41:34AM 21 A. Between my case work and training and
10:41:44AM 22 proficiency test, I would say it's over 100,000,
10:41:44AM 23 but I don't have an exact number.

10:41:46AM 24 Q. Have you ever been qualified by a Court
10:41:50AM 25 as an expert witness in fingerprint analysis?

ANITA KERSTEIN - DIRECT EXAM BY MR. ZIEGLER

10:41:54AM 1 A. Yes, I have.

10:41:54AM 2 Q. Can you explain that time or those
10:41:56AM 3 times? Just briefly, when they were.

10:42:02AM 4 A. I have testified three times for the
10:42:08AM 5 State of South Carolina in criminal sessions court,
10:42:10AM 6 and two times for the State of South Carolina in
10:42:10AM 7 Colleton County.

10:42:22AM 8 MR. ZIEGLER: At this point, Your
10:42:22AM 9 Honor, the State would move to qualify Ms. Kerstein
10:42:24AM 10 as an expert in the field of fingerprint analysis.

10:42:26AM 11 THE COURT: Mr. King, would you like to
10:42:28AM 12 voir dire?

10:42:28AM 13 MR. KING: I have no objection.

10:42:30AM 14 THE COURT: You have no objection. All
10:42:30AM 15 right.

10:42:30AM 16 Ladies and gentlemen, normally a
10:42:32AM 17 witness can only testify as to what they see,
10:42:36AM 18 smell, taste, felt, some physical experience they
10:42:42AM 19 have. When somebody has a level of additional
10:42:46AM 20 education and experience, we allow them to testify
10:42:50AM 21 to an opinion, and that would be an expert witness.

10:42:54AM 22 So I'm going to qualify her as an
10:42:58AM 23 expert in fingerprint analysis. Now, whether or
10:43:02AM 24 not you decide to accept her opinions is totally up
10:43:06AM 25 to you to determine as a juror. And you should not

ANITA KERSTEIN - DIRECT EXAM BY MR. ZIEGLER

10:43:10AM 1 give her testimony any greater weight simply
10:43:14AM 2 because she's an expert, but just give her the
10:43:18AM 3 weight which you think is appropriate after hearing
10:43:22AM 4 the testimony. Thank you. You may proceed.

10:43:22AM 5 BY MR. ZIEGLER:

10:43:24AM 6 Q. Thank you. Ms. Kerstein, I would like
10:43:26AM 7 to briefly discuss the general principles of your
10:43:30AM 8 work of fingerprints analysis. What pieces of
10:43:32AM 9 equipment do you use in your work?

10:43:34AM 10 A. When I do my side-by-side comparisons,
10:43:40AM 11 I use two magnifying glasses and pointers and
10:43:44AM 12 sometimes additional light.

10:43:44AM 13 Q. What is a known print?

10:43:52AM 14 A. A known print is the reproduction of
10:43:56AM 15 the friction ridges on your fingers and your palms,
10:44:00AM 16 and it's rolled either in black printer's ink, it
10:44:04AM 17 can be done electronically, and they are placed on
10:44:06AM 18 a contrasting background such as a fingerprint
10:44:10AM 19 card. The ten-print card is designed to
10:44:12AM 20 capture the ten fingers individually and then
10:44:16AM 21 simultaneous impressions of the forefingers and
10:44:20AM 22 then the thumb prints.

10:44:22AM 23 Q. And so that's a known print. What is a
10:44:26AM 24 latent print?

10:44:26AM 25 A. Latent means hidden or not readily seen

ANITA KERSTEIN - DIRECT EXAM BY MR. ZIEGLER

10:44:30AM 1 by the naked eye. It is a chance impression that
10:44:34AM 2 is left when somebody puts their finger down on an
10:44:40AM 3 object. Usually it has to be developed with some
10:44:42AM 4 type chemical or powder for it to be seen.

10:44:46AM 5 Q. And when you're comparing fingerprints,
10:44:52AM 6 what types of fingerprints are you generally
10:44:54AM 7 comparing to each other? Do you compare a latent
10:44:58AM 8 print to a known print?

10:45:00AM 9 A. Yes. The process is, I have my latent
10:45:04AM 10 print on one side and I have my ten-print next to
10:45:08AM 11 it. I have two magnifying glasses and I'm going
10:45:12AM 12 back and forth between the latent fingerprint and
10:45:16AM 13 the ten-print card.

10:45:16AM 14 Q. And what's the methodology when you
10:45:22AM 15 compare the prints? What are you looking for?

10:45:24AM 16 A. The method that we use is called AC.
10:45:30AM 17 It's analysis comparison evaluation and then
10:45:34AM 18 verification.

10:45:34AM 19 Q. And what are you looking for when you
10:45:46AM 20 are analyzing fingerprints?

10:45:50AM 21 A. The analysis part of the methodology
10:45:54AM 22 is, you're taking the latent print card itself --
10:45:58AM 23 and what I'm looking for is an overall view of the
10:46:02AM 24 latent, if I can determine the pattern type, the
10:46:06AM 25 ridge flow. And then a step further would be to

ANITA KERSTEIN - DIRECT EXAM BY MR. ZIEGLER

10:46:10AM 1 see whether or not there are any characteristics in
10:46:12AM 2 that ridge flow that I can use for an
10:46:16AM 3 identification.

10:46:16AM 4 The identification process is, you
10:46:20AM 5 start with an area in the latent print and then you
10:46:24AM 6 look for that same grouping of characteristics in
10:46:28AM 7 the ten-print. And then from there, you work
10:46:30AM 8 around the entire print. And what I'm looking for
10:46:34AM 9 is that the characteristics are the same and in the
10:46:38AM 10 same order.

10:46:38AM 11 Q. I'm going to talk a little more
10:46:46AM 12 specifically about latent prints. Is it possible
10:46:50AM 13 for a person to touch a surface and not leave
10:46:54AM 14 fingerprints?

10:46:56AM 15 A. Yes. When you touch a surface, what
10:46:58AM 16 you're leaving is a combination of oils that are on
10:47:04AM 17 your fingers, moisture from when you sweat, any
10:47:06AM 18 kind of dirt or dust that might be on your finger.
10:47:10AM 19 When you touch an object, those are the things that
10:47:14AM 20 you are leaving. If you do not have moisture on
10:47:18AM 21 your hand, if your hands are cold or if they're
10:47:22AM 22 very rough, then you're not going to leave as much
10:47:26AM 23 as somebody who has a lot of moisture on their
10:47:30AM 24 finger.

10:47:32AM 25 So if you're touching a surface that's

- ANITA KERSTEIN - DIRECT EXAM BY MR. ZIEGLER

10:47:34AM 1 not smooth, it's hard to leave an impression. If
10:47:38AM 2 you're touching something that is very smooth, like
10:47:42AM 3 glass, then you're going to leave something. You
10:47:44AM 4 might leave some moisture, you might leave an
10:47:48AM 5 entire print, but it depends on the surface and it
10:47:52AM 6 depends on your hand.

10:47:52AM 7 Q. And if someone does leave a fingerprint
10:47:56AM 8 on a surface, can that fingerprint be destroyed?

10:48:00AM 9 A. Yes. Fingerprints are very fragile.
10:48:04AM 10 They are made up mainly of some type of moisture,
10:48:08AM 11 either water or oils, and it's very fragile. It
10:48:14AM 12 can be wiped away very easily.

10:48:18AM 13 Q. And I want to go to fingerprints more
10:48:20AM 14 generally as far as their -- how to identify a
10:48:24AM 15 person through fingerprints. Why are fingerprints
10:48:26AM 16 a means of identifying a person? Why and how?

10:48:30AM 17 A. Fingerprints are permanent and they are
10:48:34AM 18 individual. Every finger of every person has a
10:48:40AM 19 ridge arrangement that is individual, meaning it
10:48:44AM 20 does not match to any other fingerprint on your
10:48:50AM 21 hand or anybody else's hand. They are permanent
10:48:52AM 22 through your entire life, barring any unforeseen
10:49:00AM 23 accidents, or sparing, or mutilation, but the ridge
10:49:02AM 24 arrangement you have when you were born is the same
10:49:06AM 25 ridge arrangement that you will have when you die.

ANITA KERSTEIN - DIRECT EXAM BY MR. ZIEGLER

10:49:08AM 1 And upon decomposition then, obviously, it gets
10:49:14AM 2 wiped away, but if there are no sparing or no
10:49:18AM 3 mutilation, that ridge arrangement is the one that
10:49:22AM 4 you have through your entire life.

10:49:24AM 5 Q. Can two people have the same
10:49:28AM 6 fingerprints?

10:49:28AM 7 A. No.

10:49:28AM 8 Q. In your experience, have you ever seen
10:49:30AM 9 two people with the same fingerprint?

10:49:32AM 10 A. No, I have not.

10:49:32AM 11 Q. Briefly, what are points of
10:49:38AM 12 identification in fingerprints? I think that
10:49:38AM 13 you've already explained this somewhat.

10:49:40AM 14 A. The points of identification are the
10:49:44AM 15 characteristics in the ridge arrangement. There
10:49:48AM 16 are basic characteristics. There's bifurcation
10:49:52AM 17 where the ridge runs along and then it splits;
10:49:56AM 18 there are dots; and then there are ending ridges
10:49:58AM 19 where the ridge ran and then stopped and there's
10:50:04AM 20 nothing beyond it, and the other ridges tend to
10:50:06AM 21 fill that in. Those are the three basic ones.

10:50:10AM 22 There are a lot of variations of those
10:50:14AM 23 three and there's a lot of different names that we
10:50:16AM 24 call them, but those are the basic three. And when
10:50:20AM 25 we're looking for characteristics that we can

ANITA KERSTEIN - DIRECT EXAM BY MR. ZIEGLER

10:50:24AM 1 identify, that's what we're looking for, the
10:50:26AM 2 different type of bifurcations, the ending ridges,
10:50:30AM 3 and the dots. And it's important that the ridges
10:50:32AM 4 have the same characteristic, but also in the same
10:50:36AM 5 order.

10:50:36AM 6 When I'm going back and forth, if I
10:50:38AM 7 have a bifurcation, then the ten-print has to have
10:50:44AM 8 a bifurcation in that same area. And if there are
10:50:46AM 9 two ridges and an ending ridge, the ten-print card
10:50:52AM 10 has to have that same characteristic in that same
10:50:54AM 11 order.

10:50:56AM 12 Q. Ms. Kerstein, I want to direct you
10:51:00AM 13 specifically to the case before the Court today.
10:51:02AM 14 Are you familiar with this case?

10:51:04AM 15 A. Yes.

10:51:04AM 16 Q. And in this case, were you comparing
10:51:08AM 17 latent prints to known prints?

10:51:10AM 18 A. Yes.

10:51:10AM 19 Q. And when you compare latent prints to
10:51:16AM 20 known prints, do you always find a match?

10:51:18AM 21 A. No.

10:51:18AM 22 Q. Are there times when a pair of latent
10:51:26AM 23 prints or some latent prints may not match up to
10:51:28AM 24 known prints?

10:51:30AM 25 A. Yes.

ANITA KERSTEIN - DIRECT EXAM BY MR. ZIEGLER

10:51:30AM 1 Q. And in this case, how many latent
10:51:36AM 2 fingerprints total were submitted to your unit in
10:51:40AM 3 this case?

10:51:40AM 4 A. Can I look at my report?

10:51:42AM 5 THE COURT: You may.

10:51:44AM 6 THE WITNESS: There were ten latent
10:51:52AM 7 print cards submitted on the case.

10:51:54AM 8 BY MR. ZIEGLER:

10:51:54AM 9 Q. Were all of them analyzed?

10:51:56AM 10 A. Yes.

10:51:56AM 11 Q. And were they -- were they all
10:52:00AM 12 sufficient for them to be compared to other prints?

10:52:02AM 13 A. Three of the latent print cards were
10:52:14AM 14 noncomparable, and that means there was not enough
10:52:16AM 15 ridge detail to make an identification.

10:52:18AM 16 Q. Were there any others that -- where a
10:52:24AM 17 comparison was not made?

10:52:26AM 18 A. Four of the latent print cards were
10:52:36AM 19 comparable, but did not identify to anybody. I'm
10:52:50AM 20 sorry five, not four.

10:52:52AM 21 Q. Okay. And were there -- any of these
10:53:00AM 22 fingerprints that were analyzed, were there any
10:53:04AM 23 that did have a match to a person?

10:53:06AM 24 A. Yes; two of the latent print cards were
10:53:08AM 25 identified to an individual.

ANITA KERSTEIN - DIRECT EXAM BY MR. ZIEGLER

10:53:30AM 1 Q. I'm now showing you State's Exhibit 32.

10:53:40AM 2 Do you recognize that?

10:53:40AM 3 A. Yes, I do.

10:53:42AM 4 Q. Are you familiar with it? What is it?

10:53:46AM 5 A. This is latent lift number 1. I

10:53:50AM 6 examined this on June 2nd of 2011.

10:53:54AM 7 Q. And where does that print -- where does
10:54:00AM 8 the card indicate that the print came from?

10:54:02AM 9 A. The exterior left door handle thumb
10:54:12AM 10 latch.

10:54:12AM 11 Q. I'm now showing you State's Exhibit 31.
10:54:16AM 12 Do you recognize this?

10:54:18AM 13 A. Yes, I do.

10:54:18AM 14 Q. What is that?

10:54:20AM 15 A. This is latent lift number 3. I

10:54:26AM 16 examined this latent on June 12th of 2011.

10:54:28AM 17 Q. Now that you've identified the -- and,
10:54:38AM 18 excuse me, where did that one come from? Where did
10:54:42AM 19 that fingerprint come from?

10:54:42AM 20 A. Exterior right door handle thumb latch.

10:54:48AM 21 Q. Do those appear to be the left door
10:54:52AM 22 exterior thumb latch and the right door exterior
10:54:56AM 23 thumb latch?

10:54:56AM 24 A. Yes.

10:54:58AM 25 Q. Now that you've identified those cards,

ANITA KERSTEIN -- DIRECT EXAM BY MR. ZIEGLER

10:55:00AM 1 did you compare the prints that are on those
10:55:04AM 2 fingerprint cards to any known prints?

10:55:08AM 3 A. These latents were compared to the
10:55:12AM 4 ten-print card bearing the name Christopher
10:55:16AM 5 Campbell.

10:55:16AM 6 Q. And what is the date of birth
10:55:20AM 7 associated with that -- with those known prints?

10:55:24AM 8

A. [REDACTED]

10:55:28AM 9 Q. And what is the race and gender of the
10:55:30AM 10 individual?

10:55:32AM 11 A. Black male.

10:55:34AM 12 Q. And what are the results of your
10:55:42AM 13 comparison of the latent print cards to the known
10:55:44AM 14 prints of Christopher Campbell, black male, born
10:55:52AM 15 [REDACTED]

10:55:52AM 16 A. Latent lift number 1 identified to the
10:55:58AM 17 number 6 finger, which is the left thumb of the
10:56:02AM 18 ten-print card bearing the name of Christopher
10:56:06AM 19 Campbell. Latent lift number 3 identified to the
10:56:08AM 20 number 6 finger, which is the left thumb of the
10:56:14AM 21 ten-print card bearing the name Christopher
10:56:16AM 22 Campbell.

10:56:16AM 23 Q. Do both of those latent print cards
10:56:26AM 24 have a fingerprint on them from the same finger or
10:56:30AM 25 a different finger?

ANITA KERSTEIN - CROSS EXAM BY MR. KING

10:56:32AM 1 A. I'm -- I don't understand.

10:56:34AM 2 Q. You testified that they were the left
10:56:38AM 3 thumb. Were both of those latent print cards from
10:56:44AM 4 the same digit, the same finger?

10:56:46AM 5 A. Yes.

10:56:46AM 6 Q. And which was that?

10:56:52AM 7 A. The left thumb.

10:56:54AM 8 MR. ZIEGLER: Beg the Court's
10:56:54AM 9 indulgence?

10:56:54AM 10 THE COURT: Yes.

10:57:06AM 11 MR. ZIEGLER: The State has no further
10:57:08AM 12 questions.

10:57:08AM 13 THE COURT: Mr. King.

10:57:08AM 14 CROSS-EXAMINATION

10:57:08AM 15 BY MR. KING:

10:57:08AM 16 Q. I have a few questions for you. You
10:57:10AM 17 testified that the print results you say came back
10:57:14AM 18 June 2, 2011; is that right?

10:57:14AM 19 A. Yes.

10:57:20AM 20 Q. And you're aware, at least from the
10:57:22AM 21 cards, they were lifted on May 4th?

10:57:24AM 22 A. That's correct.

10:57:26AM 23 Q. And that's -- June 2nd would be when
10:57:30AM 24 the results come in, and you still have to provide
10:57:32AM 25 the results. I guess you send them back to the

ANITA KERSTEIN - CROSS EXAM BY MR. KING

10:57:34AM 1 police department where you originally got them?

10:57:38AM 2 A. Yes. The report gets sent to whoever
10:57:40AM 3 is in charge of the case.

10:57:42AM 4 Q. So it still has to go -- it still has
10:57:46AM 5 to go through some channels to get to the
10:57:50AM 6 prosecutor to get to me and all that stuff?

10:57:52AM 7 A. Correct.

10:57:52AM 8 Q. You said that the prints can be
10:57:56AM 9 fragile, right?

10:57:56AM 10 A. Yes.

10:57:56AM 11 Q. They can also last a long time as well,
10:58:00AM 12 right?

10:58:00AM 13 A. It depends on where the print is
10:58:04AM 14 located. If you have a fingerprint that is placed
10:58:08AM 15 in an area that is protected, if it's inside and
10:58:12AM 16 it's not being affected by the elements and not
10:58:16AM 17 being affected by anybody brushing against it, it
10:58:20AM 18 can last for a long time. It will last longer than
10:58:24AM 19 a print that, say, is outside on a window; the
10:58:28AM 20 elements affect it, you can have animals brush up
10:58:32AM 21 against it. So it depends on where the print is.

10:58:44AM 22 Q. And in this case, there were -- what
10:58:46AM 23 you do is -- you don't go to the crime scene?

10:58:50AM 24 A. I do not.

10:58:50AM 25 Q. You've never been to Firehouse Subs on

ANITA KERSTEIN - CROSS EXAM BY MR. KING

10:58:54AM 1 King Street to investigate the case or anything,
10:58:56AM 2 you just get these cards in the mail I guess or
10:59:00AM 3 they're brought to you?

10:59:00AM 4 A. The process is, when the crime scene
10:59:04AM 5 technician is done working with their latents and
10:59:08AM 6 logging everything in, they put them in a plastic
10:59:12AM 7 folder, and then they seal it, and then we have a
10:59:16AM 8 box in the crime scene office where they drop them
10:59:18AM 9 in. Myself and the other person who works in the
10:59:22AM 10 latent division, we're the only one that has the
10:59:28AM 11 keys. We retrieve those cases, bring them back to
10:59:30AM 12 our office, and whoever is working that case will
10:59:32AM 13 process it from there.

10:59:34AM 14 Q. So of these ten latent prints, you
10:59:38AM 15 testified that two of them, number 1 and number 3,
10:59:42AM 16 came from Christopher Campbell, right?

10:59:44AM 17 A. What I'm saying is, they identified to
10:59:48AM 18 the ten-print card bearing the name of Christopher
10:59:52AM 19 Campbell.

10:59:52AM 20 Q. Now -- but there's eight more latent
10:59:58AM 21 prints that you -- other than those two, there are
11:00:02AM 22 eight more, right?

11:00:02AM 23 A. Correct.

11:00:02AM 24 Q. And three of those were -- lacked the
11:00:06AM 25 quality and quantity to effect identification?

ANITA KERSTEIN - CROSS EXAM BY MR. KING

11:00:10AM 1 A. Correct.

11:00:10AM 2 Q. And that's where there's some kind of

11:00:12AM 3 prints there, but it's smudged or something so it's

11:00:16AM 4 not enough information -- we don't know who it is?

11:00:18AM 5 A. Correct. There's not enough ridge

11:00:20AM 6 detail to make an identification.

11:00:22AM 7 Q. And that was latent lift number 2,

11:00:26AM 8 which was the exterior right door handle top

11:00:30AM 9 portion?

11:00:30AM 10 A. Correct.

11:00:32AM 11 Q. There was some kind of print there, we

11:00:34AM 12 just don't know who that is and there's no way to

11:00:38AM 13 compare it to anybody?

11:00:40AM 14 A. Correct.

11:00:40AM 15 Q. And the same goes for latent lift

11:00:44AM 16 number 4 on the exterior right door handle?

11:00:46AM 17 A. Correct.

11:00:46AM 18 Q. And number 5, the interior right door

11:00:48AM 19 window?

11:00:50AM 20 A. Correct.

11:00:50AM 21 Q. But then there are five more, number 6

11:00:54AM 22 through number 10. And number 6 through number 10,

11:01:00AM 23 they do possess the quantity and quality to effect

11:01:04AM 24 an identification?

11:01:04AM 25 A. That's correct.

ANITA KERSTEIN - CROSS EXAM BY MR. KING

11:01:06AM 1 Q. Those are good prints?

11:01:06AM 2 A. Yes, sir.

11:01:06AM 3 Q. But they're not Christopher Campbell's?

11:01:10AM 4 A. That's correct.

11:01:10AM 5 Q. Were you given any other fingerprint

11:01:14AM 6 cards to compare it to, like other employees of the

11:01:18AM 7 store to eliminate them? Were you given any other

11:01:20AM 8 cards to compare to?

11:01:22AM 9 A. No, we were not.

11:01:22AM 10 Q. You just had Christopher Campbell and

11:01:26AM 11 those ten latent prints?

11:01:28AM 12 A. Yes.

11:01:28AM 13 Q. So we have five good prints on the

11:01:32AM 14 inside left door that we just have no idea whose

11:01:36AM 15 those prints are?

11:01:36AM 16 A. That's correct.

11:01:36AM 17 Q. But if you had something to compare it

11:01:44AM 18 to, you could at least compare and see if it

11:01:46AM 19 matched a known print?

11:01:48AM 20 A. Yes. We were not asked to compare any

11:01:52AM 21 ten-print card, other than the latent print bearing

11:01:56AM 22 the name Christopher Campbell.

11:02:04AM 23 MR. KING: That's all the questions I

11:02:04AM 24 have, Your Honor.

11:02:04AM 25 THE COURT: Okay. Any redirect?

ANITA KERSTEIN - REDIRECT EXAM BY MR. ZIEGLER

11:02:12AM 1 MR. ZIEGLER: Yes, Your Honor.

11:02:12AM 2 REDIRECT EXAMINATION

11:02:12AM 3 BY MR. ZIEGLER:

11:02:12AM 4 Q. Ms. Kerstein, in a commonly touched
11:02:20AM 5 area, how can -- how do fingerprints fare? How are
11:02:26AM 6 they preserved, or not, when they're in a commonly
11:02:30AM 7 touched area? How will they last?

11:02:34AM 8 A. In this case, we were talking about a
11:02:36AM 9 door handle. So think about what happens when you
11:02:38AM 10 walk into the restaurant. You're going to put your
11:02:44AM 11 hand down on the latch to open the door. So every
11:02:48AM 12 person that touches that, they're going to leave
11:02:50AM 13 something. They're going to leave moisture.
11:02:52AM 14 They're going to leave oil. They're going to leave
11:02:54AM 15 maybe dirt that's on their finger. So each one is
11:02:58AM 16 going to be laid down on top of the other. And
11:03:02AM 17 then if you're reaching for it and you're pulling
11:03:06AM 18 back, then you could smudge everything that's on
11:03:10AM 19 there. It depends on how the handle is touched.

11:03:14AM 20 MR. ZIEGLER: Thank you. No further
11:03:16AM 21 questions.

11:03:16AM 22 THE COURT: Any recross as to his
11:03:18AM 23 redirect?

11:03:18AM 24 MR. KING: No.

11:03:20AM 25 THE COURT: Thank you. You may step

11:26:58AM 1 jury in.

11:27:08AM 2 Do you think you can finish your case
11:27:10AM 3 by lunch time?

11:27:10AM 4 MR. KING: I don't think by lunch time.
11:27:12AM 5 I was hoping to have a lunch break to talk with Mr.
11:27:16AM 6 Campbell and maybe have him after lunch, but --

11:27:20AM 7 THE COURT: Okay.

11:27:22AM 8 MR. KING: We may be able to finish not
11:27:26AM 9 too long after lunch, hopefully, if things go
11:27:28AM 10 quickly.

11:27:54AM 11 (Jury in, 11:27 a.m.)

11:27:56AM 12 THE BAILIFF: All jurors seated, Your
11:28:22AM 13 Honor.

11:28:22AM 14 THE COURT: You may be seated.

11:28:28AM 15 All right. Mr. Ziegler.

11:28:30AM 16 MR. ZIEGLER: Your Honor, the State
11:28:32AM 17 rests in this matter.

11:28:34AM 18 THE COURT: Okay. Is the defense ready
11:28:36AM 19 to proceed?

11:28:36AM 20 MR. KING: Yes, Your Honor.

11:28:36AM 21 THE COURT: Call your first witness.

11:28:38AM 22 MR. KING: The defense calls Martha
11:29:26AM 23 Campbell.

11:29:26AM 24 MARTHA CAMPBELL,

11:29:26AM 25 being first duly sworn, testified as follows:

MARTHA CAMPBELL - DIRECT EXAM BY MR. KING

11:29:26AM 1 THE CLERK: You may be seated.

11:29:34AM 2 Ma'am, once you're seated, please state
11:29:36AM 3 your first and last name, spell your last loudly
11:29:38AM 4 and clearly into the microphone.

11:29:42AM 5 THE WITNESS: Martha Champagne
11:29:42AM 6 Campbell, C-A-M-P-B-E-L-L.

11:29:42AM 7 DIRECT EXAMINATION

11:29:46AM 8 BY MR. KING:

11:29:46AM 9 Q. Ms. Campbell, do you know this man
11:29:50AM 10 sitting at the table?

11:29:50AM 11 A. Yes.

11:29:52AM 12 Q. Who is that?

11:29:52AM 13 A. My grandson.

11:29:52AM 14 Q. What's his name?

11:29:56AM 15 A. Christopher D. Campbell.

11:29:58AM 16 Q. How do you know him? How long have you
11:30:04AM 17 known him?

11:30:04AM 18 A. I raised him from six months old.

11:30:08AM 19 Q. Has he mainly lived with you or with
11:30:12AM 20 his mother or what?

11:30:14AM 21 A. He was like with his mother when she
11:30:16AM 22 came out of -- when she finished up in the Army,
11:30:20AM 23 and then he went with his dad and with my sister.

11:30:26AM 24 Q. When has he lived with you?

11:30:28AM 25 A. Huh?

MARTHA CAMPBELL - DIRECT EXAM BY MR. KING

11:30:28AM 1 Q. When has he lived with you?

11:30:30AM 2 A. He lived with me at six months and
11:30:36AM 3 until school, and then he went back, went back with
11:30:40AM 4 his mom I think when he was about seven or
11:30:44AM 5 eight years old or maybe a little older, and he
11:30:46AM 6 came back and finished up high school here.

11:30:50AM 7 Q. Where does he live now?

11:30:54AM 8 A. He lives with me, [REDACTED]

11:30:58AM 9 Q. And you're aware of what we're here
11:31:02AM 10 about for trial with --

11:31:04AM 11 A. Yes.

11:31:04AM 12 Q. -- the incident on May 4th, 2011?

11:31:06AM 13 A. Yes.

11:31:06AM 14 Q. Was he living with you then?

11:31:08AM 15 A. Yes.

11:31:08AM 16 Q. How long had he been living with you at
11:31:12AM 17 that time?

11:31:12AM 18 A. Maybe a year or two. Maybe a year or
11:31:20AM 19 two. I'm not sure because he was back and forth.

11:31:22AM 20 Q. Was there a time when he lived in
11:31:24AM 21 Columbia?

11:31:24AM 22 A. Yes, he did.

11:31:24AM 23 Q. When was that?

11:31:26AM 24 A. That was in 2010, and I think he came
11:31:32AM 25 back in '11. I'm not sure when he came back.

MARTHA CAMPBELL - DIRECT EXAM BY MR. KING

11:31:38AM 1 Around December or January, January or February.

11:31:42AM 2 He came back late. I know it was late in the year.

11:31:46AM 3 Q. Well, how close -- when he was arrested

11:31:50AM 4 in all this, how long had he been staying with you

11:31:54AM 5 then? How long had he been back from Columbia

11:31:54AM 6 staying with you before he got arrested?

11:31:56AM 7 A. March, April. He came back in March or

11:32:00AM 8 April.

11:32:00AM 9 Q. Is he -- to your knowledge of him, is

11:32:06AM 10 he the kind of person who works? Lazy?

11:32:08AM 11 A. No, he likes to work. He really liked

11:32:12AM 12 to work. He'll go to work. He would be there

11:32:16AM 13 before the boss.

11:32:16AM 14 Q. Do you know what kind of jobs he's

11:32:18AM 15 worked in the past?

11:32:20AM 16 A. He was working at a phone company place

11:32:24AM 17 and he was working at a warehouse and landscaping.

11:32:30AM 18 Q. You've had time -- I guess plenty of

11:32:38AM 19 time, his whole life, to observe his character?

11:32:40AM 20 A. Yes.

11:32:40AM 21 Q. You've had time to form an opinion

11:32:44AM 22 about Mr. Campbell's character?

11:32:44AM 23 A. Yes.

11:32:44AM 24 Q. What is your opinion of his character?

11:32:46AM 25 A. I know he likes to help people. He's

MARTHA CAMPBELL - DIRECT EXAM BY MR. KING

11:32:50AM 1 okay, nice, kind.

11:32:52AM 2 Q. Do you think he's the kind of person
11:32:54AM 3 that would rob the Firehouse Subs?

11:32:56AM 4 A. No, he would not. He wouldn't have no
11:33:00AM 5 reason to.

11:33:00AM 6 Q. Have you ever seen him with a handgun?

11:33:02AM 7 A. No, never. I don't believe in guns.

11:33:06AM 8 Q. Do you remember that morning, May 5th,
11:33:10AM 9 2011, when Firehouse was robbed?

11:33:14AM 10 A. Yes. Leslie's momma came to the house
11:33:18AM 11 early that morning.

11:33:18AM 12 Q. I'm talking about the morning that the
11:33:20AM 13 robbery took place on May 4th. Do you remember
11:33:24AM 14 anything about him leaving and coming back that
11:33:28AM 15 morning?

11:33:28AM 16 A. I know when he came back. He came back
11:33:30AM 17 early that morning around about -- between 7:40 and
11:33:36AM 18 8:00. About 8:00, yeah.

11:33:40AM 19 Q. Do you remember anything else about
11:33:46AM 20 that day?

11:33:46AM 21 A. He was supposed to go to classes, to
11:33:52AM 22 Trident One Stop, but he didn't go. He changed his
11:33:58AM 23 mind and said it's his birthday.

11:34:00AM 24 Q. Did you see him leave with anybody that
11:34:02AM 25 morning?

MARTHA CAMPBELL - DIRECT EXAM BY MR. KING

11:34:02AM 1 A. No.

11:34:04AM 2 Q. Now, at some point after that, did the

11:34:14AM 3 police come to your house?

11:34:16AM 4 A. They came to my house on the 6th.

11:34:20AM 5 Q. What happened then?

11:34:22AM 6 A. Well, when they came, I went outside.

11:34:26AM 7 When I saw them, they had Christopher and was

11:34:28AM 8 getting ready to hand-cuff him. And I said, what's

11:34:32AM 9 going on? And he told me they was taking

11:34:34AM 10 Christopher for questioning for house invasion.

11:34:34AM 11 Q. Can you speak up just a little bit?

11:34:38AM 12 A. He told me that they was taking him for

11:34:42AM 13 a house invasion, and he had questions for a house

11:34:44AM 14 invasion. And he said, but we'll bring him back.

11:34:48AM 15 And I said okay.

11:34:50AM 16 Q. Did they bring him back?

11:34:52AM 17 A. No. They never brought him back.

11:34:54AM 18 Q. Okay. Did the police come back?

11:34:56AM 19 A. Yes, they came back.

11:34:56AM 20 Q. What happened then?

11:34:58AM 21 A. They came back with a warrant, said to

11:35:02AM 22 search my house. And I said why? And he said,

11:35:04AM 23 because Christopher was in an armed robbery so

11:35:08AM 24 we're looking for the gun, clothes, and tennis

11:35:10AM 25 shoes. And I said, okay. And I showed him

MARTHA CAMPBELL - DIRECT EXAM BY MR. KING

11:35:14AM 1 Christopher's room. They look in there and they
11:35:16AM 2 didn't, you know, tore it up or anything. They
11:35:18AM 3 went to my son's room, Leroy.

11:35:22AM 4 Q. Who's room?
11:35:22AM 5 A. Leroy Campbell.
11:35:24AM 6 Q. Who is Leroy?
11:35:26AM 7 A. That's my son.
11:35:26AM 8 Q. So is that how he's related to
11:35:28AM 9 Christopher?
11:35:28AM 10 A. He's Christopher's uncle, but I raise
11:35:32AM 11 them as brothers.
11:35:34AM 12 Q. And he lived at your house, too?
11:35:34AM 13 A. Yeah, he was living there; he was going
11:35:36AM 14 to school. And they tore up his room.
11:35:44AM 15 Q. They tore up whose room?
11:35:46AM 16 A. Leroy's.
11:35:48AM 17 Q. Leroy's room?
11:35:48AM 18 A. Yes.
11:35:50AM 19 Q. Do you recognize the shoes sitting on
11:35:52AM 20 the table there?
11:35:52AM 21 A. Shoes?
11:35:56AM 22 Q. These shoes, I'm sorry. State's
11:35:58AM 23 Exhibits Number 22 and 23?
11:36:00AM 24 A. Those are Leroy's.
11:36:02AM 25 Q. Okay. Those are whose shoes?

MARTHA CAMPBELL - DIRECT EXAM BY MR. KING

11:36:04AM 1 A. Leroy's.

11:36:06AM 2 Q. And do you know where -- whose room did
11:36:08AM 3 the police find them in?

11:36:10AM 4 A. In Leroy's room underneath his bed.
11:36:14AM 5 They said they found them. I was sitting at the
11:36:18AM 6 table and I said, what did you find. And they
11:36:20AM 7 said, we found shoes.

11:36:22AM 8 Q. Were they -- were they asking you
11:36:26AM 9 anything else?

11:36:28AM 10 A. Yes. They brought some kind of
11:36:30AM 11 picture, and he kept throwing it on the table and
11:36:34AM 12 asked me if that was my -- if that was Christopher.
11:36:38AM 13 And I said, sir, I don't know because I can't tell
11:36:42AM 14 you that's him because I can't see the person's
11:36:44AM 15 face.

11:36:44AM 16 And he keep throwing it and, you know,
11:36:46AM 17 keep throwing it. And I keep telling him, no, I
11:36:52AM 18 can't tell you that's Christopher because I can't
11:36:52AM 19 see a face.

11:36:56AM 20 MR. KING: Beg the Court's indulgence?

11:36:58AM 21 THE COURT: Yes.

11:37:04AM 22 MR. KING: I have no further questions,
11:37:06AM 23 Your Honor.

11:37:06AM 24 THE COURT: Mr. Solicitor.

11:37:06AM 25 CROSS-EXAMINATION

MARTHA CAMPBELL - CROSS EXAM BY MR. SIMPSON

11:37:06AM 1 BY MR. SIMPSON:

11:37:14AM 2 Q. Ms. Campbell, good morning.

11:37:16AM 3 A. Good morning, sir.

11:37:20AM 4 Q. You're Christopher Campbell's
11:37:22AM 5 grandmother?

11:37:22AM 6 A. Yes, sir.

11:37:22AM 7 Q. If I understand your testimony, you
11:37:26AM 8 played a pretty substantial role in Mr. Campbell's
11:37:30AM 9 upbringing?

11:37:30AM 10 A. Yes, sir.

11:37:30AM 11 Q. I imagine that your feelings for Mr.
11:37:38AM 12 Campbell are very strong?

11:37:38AM 13 A. Yes, sir.

11:37:38AM 14 Q. You love him?

11:37:40AM 15 A. I do love him.

11:37:40AM 16 Q. Fair to say that you really don't wish
11:37:46AM 17 to see him convicted of this offense; is that a
11:37:50AM 18 fair statement?

11:37:50AM 19 A. Him or anyone else, no.

11:37:54AM 20 Q. And I want to ask a couple of questions
11:37:58AM 21 about your direct testimony.

11:38:00AM 22 A. Yes, sir.

11:38:00AM 23 Q. And, again, I want to stress that none
11:38:04AM 24 of these are intended to embarrass you in any way.
11:38:08AM 25 I just want to make sure that we're clear on

MARTHA CAMPBELL - CROSS EXAM BY MR. SIMPSON

11:38:12AM 1 important details. Okay?

11:38:12AM 2 A. Yes.

11:38:12AM 3 Q. You were asked a rather direct question

11:38:16AM 4 by Mr. King regarding what time did Chris Campbell

11:38:20AM 5 move back to the house from Columbia?

11:38:24AM 6 A. Yes.

11:38:24AM 7 Q. And when he moved back from Columbia,

11:38:28AM 8 he moved in with you; is that correct?

11:38:30AM 9 A. Not right away.

11:38:32AM 10 Q. Not right away? Did he eventually move

11:38:34AM 11 in with you?

11:38:34AM 12 A. Yes.

11:38:34AM 13 Q. And sounds kind of silly, but having

11:38:40AM 14 somebody move in with you, that's something you

11:38:42AM 15 notice and you recall, correct?

11:38:44AM 16 A. Beg your pardon?

11:38:46AM 17 Q. That's an event having someone move

11:38:48AM 18 back in with you that you recall; is that correct?

11:38:52AM 19 A. Somebody move back in?

11:38:54AM 20 Q. You know it happened and you know when

11:38:54AM 21 it happened?

11:38:54AM 22 A. Yes.

11:38:54AM 23 Q. You notice it when someone moves into

11:38:58AM 24 your house?

11:38:58AM 25 A. Sometimes we remember, but not a

MARTHA CAMPBELL - CROSS EXAM BY MR. SIMPSON

11:39:02AM 1 specific date.

11:39:02AM 2 Q. Right. And when asked that question
11:39:04AM 3 about when -- when something occurred, when the
11:39:08AM 4 time of some event occurred, I wrote down some
11:39:12AM 5 quotes and I want you to correct me if I have any
11:39:12AM 6 of these wrong.

11:39:16AM 7 Did you answer, it was a year or two
11:39:18AM 8 before, maybe a year?

11:39:22AM 9 A. That he moved back home.

11:39:24AM 10 Q. And then, not sure when he came back,
11:39:26AM 11 January or February, end of the year. And then
11:39:32AM 12 later, March or April. Does that sound like an
11:39:34AM 13 accurate retelling of your testimony?

11:39:38AM 14 A. Yes.

11:39:38AM 15 Q. So it's fair to say that things
11:39:42AM 16 happened -- is it fair to say, I should ask, that
11:39:44AM 17 events happen and when asked even to approximate
11:39:48AM 18 when, it's natural -- I do it all the time, it's
11:39:52AM 19 natural to not be exactly accurate on that; is that
11:39:56AM 20 fair?

11:39:56AM 21 A. Yeah.

11:39:58AM 22 Q. But when asked about the morning of the
11:40:02AM 23 offense, you say -- well, let's start with this,
11:40:08AM 24 you said Christopher came back that morning; is
11:40:12AM 25 that correct?

MARTHA CAMPBELL - CROSS EXAM BY MR. SIMPSON

11:40:12AM 1 A. Yeah.

11:40:12AM 2 Q. So do you remember Christopher leaving
11:40:16AM 3 your house that morning?

11:40:16AM 4 A. I heard the door close, yes.

11:40:18AM 5 Q. You heard someone leave your house that
11:40:18AM 6 morning?

11:40:22AM 7 A. I heard the door close that morning.

11:40:24AM 8 Q. And then you heard Christopher come
11:40:26AM 9 back?

11:40:26AM 10 A. Yes. I was up then.

11:40:28AM 11 Q. Okay. When asked about that, you say
11:40:32AM 12 it was 7:40 to 8:00 a.m.?

11:40:34AM 13 A. Yes.

11:40:34AM 14 Q. Now that's a range, but would you agree
11:40:38AM 15 that's a fairly specific range?

11:40:42AM 16 A. Yes, I know. I jumped up because I
11:40:44AM 17 wanted to tell him, you have to go to school. You
11:40:48AM 18 know, you have classes, uh-huh.

11:40:48AM 19 Q. But then when asked to just approximate
11:40:52AM 20 when he moved back in, there seemed to be a little
11:40:58AM 21 confusion on when exactly that happened -- and it's
11:41:00AM 22 understandable, but when exactly that happened
11:41:02AM 23 there was a little confusion; is that fair to say?

11:41:06AM 24 A. (No answer)

11:41:08AM 25 Q. Let me rephrase that. Would you agree

MARTHA CAMPBELL - CROSS EXAM BY MR. SIMPSON

11:41:10AM 1 that people's minds don't work -- and, again, I'm
11:41:12AM 2 not pointing a finger at you. I'm the same way.
11:41:16AM 3 People's minds don't work when things occur where
11:41:18AM 4 we say, that happened at 8:15, or that happened on
11:41:22AM 5 February 3rd. We remember it happened --

11:41:24AM 6 A. I remember the time.

11:41:24AM 7 Q. You remember it happening, but is it
11:41:26AM 8 true there could be some confusion as to the exact
11:41:30AM 9 time frames; is that fair?

11:41:30AM 10 A. No, there's no confusion. I got up,
11:41:34AM 11 you know.

11:41:34AM 12 Q. No confusion on that point?

11:41:38AM 13 A. No, sir.

11:41:38AM 14 Q. Okay. Ms. Campbell, have you been in
11:41:44AM 15 the courthouse today?

11:41:46AM 16 A. Inside here?

11:41:46AM 17 Q. In the building today?

11:41:50AM 18 A. Yeah.

11:41:50AM 19 Q. And where were you this morning?

11:41:54AM 20 A. I was sitting out there waiting for
11:41:56AM 21 them to call me in here.

11:41:56AM 22 Q. You've been there most of the morning;
11:41:58AM 23 is that correct?

11:42:00AM 24 A. Yes. I brought some clothes for him to
11:42:04AM 25 change in.

MARTHA CAMPBELL - CROSS EXAM BY MR. SIMPSON

11:42:04AM 1 Q. Do you remember observing seeing sort
11:42:06AM 2 of a portly guy with a goatee coming in and out?

11:42:12AM 3 A. Yes, I saw him.

11:42:12AM 4 Q. Do you remember? At what exact time
11:42:18AM 5 did he leave this morning?

11:42:20AM 6 A. I did not have a watch on.

11:42:22AM 7 Q. Okay. Can you approximate what time he
11:42:26AM 8 left this morning?

11:42:28AM 9 A. No. I did not have a watch on.

11:42:28AM 10 Q. Can you -- you did see him leave,
11:42:32AM 11 correct?

11:42:32AM 12 A. I saw him earlier, but I can't tell you
11:42:34AM 13 that I saw him directly when he was leaving.

11:42:38AM 14 Q. Of course. And that's because things
11:42:40AM 15 happen and then maybe when we say exact times we're
11:42:44AM 16 not exactly sure?

11:42:44AM 17 A. I know what time it was because I
11:42:46AM 18 jumped up. And I always keep my phone by me --
11:42:50AM 19 laying by me. When I jumped up, and I looked at
11:42:54AM 20 the time and said, Christopher, you know you have
11:42:56AM 21 to go to school.

11:42:56AM 22 Q. And it was when he came back that you
11:42:58AM 23 remember this time happening, correct?

11:43:00AM 24 A. I told him he had to go to school,
11:43:02AM 25 yeah.

MARTHA CAMPBELL - CROSS EXAM BY MR. SIMPSON

11:43:02AM 1 Q. Do you remember meeting with some
11:43:06AM 2 members of my office? It wasn't me specifically,
11:43:08AM 3 but coming in and meeting with the Solicitor's
11:43:08AM 4 Office?

11:43:12AM 5 A. Yeah, talking about my son.

11:43:12AM 6 Q. Do you remember telling us that you saw
11:43:16AM 7 Chris in bed at 8:30?

11:43:20AM 8 A. He was in bed at 8:30.

11:43:22AM 9 Q. Okay. Did you mention anything at that
11:43:24AM 10 time about seeing him coming back at 7:40 or 8:00?

11:43:28AM 11 A. You all didn't ask me. You didn't ask
11:43:30AM 12 me what time he came back. You asked me, when did
11:43:34AM 13 I see him.

11:43:34AM 14 Q. When he left your house that morning,
11:43:36AM 15 do you know where he went?

11:43:38AM 16 A. When he let to go that morning?

11:43:40AM 17 Q. Yes.

11:43:40AM 18 A. I guess he went to take Leslie home.
11:43:48AM 19 That's all I know. Leslie to work, I'm sorry.

11:43:50AM 20 Q. Okay. So you were never asked and you
11:43:54AM 21 never mentioned that you saw Chris come back at
11:43:58AM 22 7:40 to 8:00 a.m.?

11:44:00AM 23 A. She asked me -- she said, do you know
11:44:04AM 24 -- she said, do you know when Christopher came
11:44:08AM 25 back.

MARTHA CAMPBELL - CROSS EXAM BY MR. SIMPSON

11:44:08AM 1 Q. And you said --

11:44:10AM 2 A. I jumped up and I said, he -- you know,

11:44:12AM 3 8:00, 7:40, 8:00.

11:44:16AM 4 Q. Was your answer then 8:30?

11:44:20AM 5 A. No, I didn't say 8:30.

11:44:22AM 6 Q. And is it at all possible that you

11:44:22AM 7 could be confused about that exact time?

11:44:26AM 8 A. (Shaking head)

11:44:28AM 9 Q. Despite confusion about when he moved

11:44:30AM 10 back into your house?

11:44:32AM 11 A. No.

11:44:32AM 12 Q. And despite not even approximating when

11:44:34AM 13 an event occurred this morning?

11:44:38AM 14 A. (No response)

11:44:42AM 15 MR. SIMPSON: I have no further

11:44:42AM 16 questions.

11:44:44AM 17 THE COURT: All right. Thank you.

11:44:44AM 18 Any redirect?

11:44:46AM 19 MR. KING: None.

11:44:46AM 20 THE COURT: Thank you. You may step

11:44:48AM 21 down.

11:45:04AM 22 Mr. King, call your next witness.

11:45:08AM 23 MR. KING: Leroy Campbell.

11:45:24AM 24 LEROY CAMPBELL,

11:45:24AM 25 being first duly sworn, testified as follows:

LEROY CAMPBELL - DIRECT EXAM BY MR. KING

11:45:30AM 1 THE CLERK: Thank you, sir. You may be
11:45:32AM 2 seated. When seated, please state your first and
11:45:34AM 3 last name and spell your last loudly and clearly.

11:45:42AM 4 THE WITNESS: Okay. My name is Leroy
11:45:46AM 5 Campbell. Last name is C-A-M-P-B-E-L-L.

11:45:46AM 6 DIRECT EXAMINATION

11:45:48AM 7 BY MR. KING:

11:45:48AM 8 Q. Mr. Campbell, you know this man?

11:45:52AM 9 A. Yeah. That's my nephew.

11:45:56AM 10 Q. How long have you known him?

11:45:58AM 11 A. Oh, his whole life. His whole life.

11:46:00AM 12 Q. So you've had plenty of time to get to
11:46:04AM 13 know what kind of person he is?

11:46:06AM 14 A. Yes.

11:46:06AM 15 Q. His character?

11:46:06AM 16 A. Yes.

11:46:06AM 17 Q. Do you have an opinion about his
11:46:08AM 18 character?

11:46:08AM 19 A. Chris is a nice, easy going guy. You
11:46:12AM 20 know, I can't see him going in any store and
11:46:16AM 21 stealing. I can't see that. That's my nephew, of
11:46:20AM 22 course I'm going to say that, but, you know, I
11:46:22AM 23 don't see him doing that.

11:46:24AM 24 Q. Have you ever seen him with a handgun?

11:46:26AM 25 A. No, huh-uh.

LEROY CAMPBELL - DIRECT EXAM BY MR. KING

11:46:26AM 1 Q. Now, do you remember anything about
11:46:30AM 2 that morning, May 4th, 2011?

11:46:32AM 3 A. Actually, no, sir, I don't.

11:46:34AM 4 Q. You don't remember whether he left or
11:46:38AM 5 came back or anything like that?

11:46:40AM 6 A. No, I don't remember any of that.

11:46:42AM 7 Q. Do you remember that day, did you --
11:46:44AM 8 did you go downtown that day for any reason?

11:46:48AM 9 A. No.

11:46:48AM 10 Q. Did --

11:46:50AM 11 A. Well, that -- yeah. We did take
11:46:54AM 12 Leslie's car back because Chris took him to work
11:46:56AM 13 that morning, you know. And he came back and he
11:47:00AM 14 came and asked me to take the car back because he
11:47:02AM 15 had to get back home.

11:47:04AM 16 Q. So explain that. Christopher came to
11:47:08AM 17 you?

11:47:08AM 18 A. Uh-huh. And asked me -- asked me to
11:47:12AM 19 take his car back because he heard that something
11:47:16AM 20 happened at the store. You know what I mean? So
11:47:18AM 21 he went and took his car back.

11:47:22AM 22 Q. Took whose car back?

11:47:22AM 23 A. Leslie's car.

11:47:24AM 24 Q. And --

11:47:26AM 25 A. I followed him. I followed him with my

LEROY CAMPBELL - DIRECT EXAM BY MR. KING

11:47:30AM 1 van.

11:47:30AM 2 Q. And then you dropped the car off?

11:47:34AM 3 A. And then we went back, back to my

11:47:36AM 4 house. And the way he did, he woke up and he woke

11:47:42AM 5 me up because I figured after he came back he might

11:47:44AM 6 have went back to sleep, but I don't know. I can't

11:47:46AM 7 say because I was sleeping, you know.

11:47:48AM 8 Q. You were sleeping that morning?

11:47:50AM 9 A. Yeah. And he woke me up.

11:47:52AM 10 Q. Do you know Leslie Green?

11:47:54AM 11 A. Yeah, I know Leslie.

11:47:54AM 12 Q. Do you know anything about his

11:47:58AM 13 character?

11:47:58AM 14 A. Actually, no, because, I mean, we're
11:48:00AM 15 not close. He's my cousin. We'll say hi, bye, and
11:48:04AM 16 we'll chit-chat a little bit, you know, but he's a
11:48:06AM 17 young guy. I'm 36 years old.

11:48:10AM 18 Q. Was Leslie close with Christopher?

11:48:12AM 19 A. No, I don't know. I don't know because
11:48:14AM 20 I don't deal with the younger ages like that. You
11:48:18AM 21 know what I mean?

11:48:18AM 22 Q. Well, are you aware that the police
11:48:26AM 23 searched your house?

11:48:28AM 24 A. Yes, I wasn't at home, though. Yes,
11:48:28AM 25 sir, I remember.

LEROY CAMPBELL - DIRECT EXAM BY MR. KING

11:48:30AM 1 Q. How do you know about that?

11:48:30AM 2 A. My mother, she told me.

11:48:32AM 3 Q. Well, did you notice anything -- I

11:48:36AM 4 guess you came home --

11:48:36AM 5 A. Oh, they tore my room up. I mean, all

11:48:38AM 6 my briefcase and everything, they tore it up.

11:48:42AM 7 Q. What about Christopher's room?

11:48:44AM 8 A. Yeah. I mean, I saw like maybe the

11:48:48AM 9 dresser drawer opened and the sheet was pulled

11:48:52AM 10 back, but my room was the worst in the house.

11:48:56AM 11 Q. I want to show you what's been admitted

11:48:58AM 12 as State's 22, 23.

11:49:02AM 13 A. Those are mine.

11:49:02AM 14 Q. You recognize those?

11:49:04AM 15 A. Yeah, those are mine.

11:49:04AM 16 Q. How do you know those are yours?

11:49:06AM 17 A. I bought them.

11:49:06AM 18 Q. What size shoes do you wear?

11:49:08AM 19 A. I wear nine-and-a-half and sometimes I

11:49:12AM 20 buy a ten.

11:49:18AM 21 MR. KING: Okay. That's all the

11:49:18AM 22 questions I have.

11:49:20AM 23 THE COURT: Mr. Ziegler or Mr. Simpson?

11:49:24AM 24 MR. SIMPSON: Thank you, Your Honor.

11:49:24AM 25 CROSS-EXAMINATION

LEROY CAMPBELL - CROSS EXAM BY MR. SIMPSON

11:49:24AM 1 BY MR. SIMPSON:

11:49:26AM 2 Q. Mr. Campbell, good morning.

11:49:28AM 3 A. Morning.

11:49:28AM 4 Q. You've known Christopher for a long
11:49:32AM 5 time?

11:49:32AM 6 A. Yeah. Yeah. Just about his whole
11:49:36AM 7 life. Like my mother said, he came to live with us
11:49:38AM 8 at six months.

11:49:38AM 9 Q. And unlike some of the other people
11:49:42AM 10 involved, you're close with Chris?

11:49:42AM 11 A. Say IT again.

11:49:44AM 12 Q. Are you close with Chris?

11:49:44AM 13 A. Yeah. Can you say what you said
11:49:46AM 14 before?

11:49:46AM 15 Q. Unlike some of the other people
11:49:50AM 16 Mr. King asked you about, you said you were very
11:49:52AM 17 close with Chris?

11:49:54AM 18 A. Oh, yeah. Yes, sir.

11:49:54AM 19 Q. You know, fair to say that you love
11:49:58AM 20 Chris?

11:49:58AM 21 A. Yeah. I love him like a brother. He's
11:50:02AM 22 my nephew, but I love him like a brother. We
11:50:06AM 23 raised up real close together.

11:50:08AM 24 Q. Would you agree it's difficult when you
11:50:10AM 25 really love somebody to think anything bad about

LEROY CAMPBELL - CROSS EXAM BY MR. SIMPSON

11:50:12AM 1 them?

11:50:14AM 2 A. Of course. Of course, it's difficult.

11:50:16AM 3 But, I mean, that's just something I can't see him

11:50:20AM 4 doing. I mean, my mother raised him right and I'm

11:50:26AM 5 pretty -- pretty older than him, so I helped her

11:50:30AM 6 raise him, you know. I'm young, but I helped her

11:50:32AM 7 raise him. I was working since I was 16.

11:50:34AM 8 Q. And would you agree that a love and a

11:50:36AM 9 bond that strong is a pretty powerful motivator?

11:50:42AM 10 A. Uh-huh.

11:50:42AM 11 Q. Is it fair to say that you, of course,

11:50:46AM 12 don't wish to see Christopher found guilty here

11:50:50AM 13 this week?

11:50:50AM 14 A. I don't like to see anybody go to jail.

11:50:54AM 15 That's just inhumane to me.

11:50:56AM 16 Q. And are you prepared to do what needs

11:51:00AM 17 to be done not to see that result?

11:51:02AM 18 A. Meaning?

11:51:02AM 19 Q. Meaning is it possible that Mr.

11:51:08AM 20 Campbell --

11:51:08AM 21 A. That doesn't sound like a question you

11:51:10AM 22 asked me.

11:51:10AM 23 Q. Is it possible Mr. Campbell had access

11:51:14AM 24 to your shoes?

11:51:14AM 25 A. No. They was in my room under my bed.

GEORGE MARTIN - DIRECT EXAM BY MR. KING

11:51:18AM 1 MR. SIMPSON: Nothing further, Your
11:51:18AM 2 Honor.

11:51:18AM 3 THE COURT: Any redirect?

11:51:20AM 4 MR. KING: No, Your Honor.

11:51:22AM 5 THE COURT: Thank you. You may step
11:51:22AM 6 down.

11:51:22AM 7 THE WITNESS: Okay. Thank you. You
11:51:26AM 8 all have a great day.

11:51:36AM 9 THE COURT: Mr. King.

11:51:36AM 10 MR. KING: The defense calls George
11:51:38AM 11 Martin.

11:51:38AM 12 GEORGE MARTIN,
11:51:38AM 13 being first duly sworn, testified as follows:

11:52:00AM 14 THE CLERK: You may be seated. Once
11:52:00AM 15 seated, please state your first and last name and
11:52:02AM 16 spell your last name loudly and clearly into the
11:52:02AM 17 microphone

11:52:06AM 18 THE WITNESS: My name is George Martin.
11:52:06AM 19 My last name is M-A-R-T-I-N.

11:52:06AM 20 DIRECT EXAMINATION

11:52:08AM 21 BY MR. KING:

11:52:08AM 22 Q. Mr. Martin, you know Christopher
11:52:12AM 23 Campbell?

11:52:12AM 24 A. Yes, sir. Through marriage he is my
11:52:12AM 25 nephew.

GEORGE MARTIN - DIRECT EXAM BY MR. KING

11:52:16AM 1 Q. Can you explain that?

11:52:16AM 2 A. I'm married to his auntie.

11:52:20AM 3 Q. Would that be Ms. Martha Campbell's

11:52:24AM 4 daughter?

11:52:26AM 5 A. Well, her niece I guess -- sister.

11:52:38AM 6 Sister.

11:52:38AM 7 Q. Sister?

11:52:40AM 8 A. Yeah.

11:52:40AM 9 Q. How -- what times have you had to

11:52:46AM 10 interact with Mr. Campbell? How long have you

11:52:48AM 11 known him?

11:52:48AM 12 A. I've known him for ten years. I met

11:52:52AM 13 him -- he was just about to graduate high school

11:52:54AM 14 when I first was dating his aunt, and I met him at

11:53:00AM 15 a wedding. We were going to a wedding. And a

11:53:04AM 16 sharp young man, very impressed with him ever since

11:53:06AM 17 I met him. And I liked him.

11:53:08AM 18 Q. So you said you've known him ten years?

11:53:12AM 19 A. Yes, sir.

11:53:14AM 20 Q. And so during that time you've had time

11:53:16AM 21 to observe his character?

11:53:18AM 22 A. Yes, sir.

11:53:18AM 23 Q. And do you have an opinion -- tell us

11:53:20AM 24 what your opinion is of his character.

11:53:22AM 25 A. I don't see him doing this. He

GEORGE MARTIN - DIRECT EXAM BY MR. KING

11:53:24AM 1 wouldn't do this.

11:53:26AM 2 Q. Is there a time he lived with you back
11:53:28AM 3 in 2011?

11:53:30AM 4 A. Yes, he did. He and I, we worked
11:53:32AM 5 together. I drive a truck, and I was between jobs,
11:53:36AM 6 and I wanted him to come to Columbia to get away
11:53:42AM 7 from Charleston. Anyway, I said, well, you come
11:53:44AM 8 live with me and find a job and we'll get you back
11:53:48AM 9 on track. And he came and lived with me.

11:53:50AM 10 And I was between jobs, and we both
11:53:54AM 11 landed a job at Build Distribution Center. They
11:54:00AM 12 did a background check -- since 911, it takes a
11:54:04AM 13 long time for a truck driver to get a job. So he
11:54:08AM 14 and I worked side-by-side in a warehouse loading
11:54:12AM 15 and unloading trucks. We did this for about three
11:54:14AM 16 months. Every day we'd both ride to work together
11:54:16AM 17 and come home together.

11:54:18AM 18 So he's a hard-working young man, very
11:54:24AM 19 impressive, sharp, articulate. He wouldn't do this
11:54:24AM 20 crime.

11:54:28AM 21 MR. KING: I have no further questions.

11:54:30AM 22 THE COURT: Mr. Simpson.

11:54:32AM 23 Hold on, have a seat.

11:54:34AM 24 THE WITNESS: Oh, I'm sorry. I'm
11:54:36AM 25 sorry.

GEORGE MARTIN - CROSS EXAM BY MR. SIMPSON

11:54:36AM 1 MR. SIMPSON: That's Okay. I'll be
11:54:38AM 2 fast.

11:54:38AM 3 CROSS-EXAMINATION

11:54:38AM 4 BY MR. SIMPSON:

11:54:42AM 5 Q. Mr. Martin, good morning.

11:54:42AM 6 A. Morning, sir.

11:54:44AM 7 Q. You mentioned you've known Mr. Campbell
11:54:48AM 8 for awhile?

11:54:48AM 9 A. Yes, sir.

11:54:48AM 10 Q. You said that he came actually for a
11:54:54AM 11 stretch and lived with you in Columbia?

11:54:54AM 12 A. Yes.

11:54:56AM 13 Q. And I want to ask you, if I could get a
11:54:58AM 14 little more detail, about what you meant when you
11:55:02AM 15 said it was important to you that he get away from
11:55:06AM 16 Charleston for a while and get back on track. What
11:55:08AM 17 did you mean by that?

11:55:08AM 18 A. Well, just -- he explained to me that
11:55:20AM 19 he just wanted to get away from living with his --
11:55:24AM 20 his grandmother is like his mom. He calls her mom.
11:55:28AM 21 And he just wanted a new environment. And I said,
11:55:32AM 22 come live with my wife and I, and me. And he did
11:55:36AM 23 that.

11:55:36AM 24 Q. Were there any other -- you know, again
11:55:42AM 25 that's why I ask the question, I don't want to read

GEORGE MARTIN - CROSS EXAM BY MR. SIMPSON

11:55:44AM 1 into anything, but were there any other influences
11:55:48AM 2 perhaps here in Charleston that you were concerned
11:55:50AM 3 about which is why he sort of needed to get back on
11:55:54AM 4 track?

11:55:54AM 5 A. No. No.

11:55:54AM 6 Q. And this arrangement with him coming up
11:56:00AM 7 and living and working with you, it lasted you said
11:56:02AM 8 about three months?

11:56:04AM 9 A. I forget how long it was. It could
11:56:06AM 10 have been longer than that.

11:56:08AM 11 Q. Okay. But three months is a fair
11:56:14AM 12 enough approximation?

11:56:16AM 13 A. Yes, sir.

11:56:16AM 14 Q. Because sometimes we talk about dates
11:56:18AM 15 and times and things like that, we don't think in
11:56:22AM 16 exact; is that fair?

11:56:24AM 17 A. He was there I know two or three weeks
11:56:28AM 18 before he found work. We worked together that
11:56:32AM 19 long, driving back and forth.

11:56:34AM 20 Q. Pretty good work arrangement it sounds
11:56:36AM 21 like?

11:56:36AM 22 A. Yes.

11:56:36AM 23 Q. Sounds like he was doing well?

11:56:38AM 24 A. Yes.

11:56:38AM 25 Q. Why only three months? What happened

GEORGE MARTIN - CROSS EXAM BY MR. SIMPSON

11:56:40AM 1 to terminate that arrangement?

11:56:42AM 2 A. My wife -- I make a check, I give it to
11:56:48AM 3 her. She manages the money.

11:56:52AM 4 Q. Sounds like mine.

11:56:52AM 5 A. I fall in line. She teaches math and
11:56:56AM 6 she pays the bills and manages the bills. And she
11:57:02AM 7 was teaching -- we were trying to teach him, you
11:57:04AM 8 know, just work, which he's an excellent worker,
11:57:08AM 9 you know, but she was charging him next month's
11:57:12AM 10 rent this month. And, you know, that didn't play
11:57:16AM 11 well with him.

11:57:18AM 12 Q. So fairly brief amount of time, he
11:57:22AM 13 wasn't crazy about the arrangement, so he came back
11:57:24AM 14 to Charleston?

11:57:26AM 15 A. Right. Right. And I argued his point,
11:57:28AM 16 well, I wouldn't do -- you know, I have kids. I
11:57:34AM 17 have to keep momma happy.

11:57:36AM 18 Q. I totally understand that. So fair to
11:57:38AM 19 say -- he comes up to Columbia to get back on
11:57:42AM 20 track. Is it fair to say he came back to
11:57:44AM 21 Charleston and he got back off track?

11:57:46AM 22 A. Obviously something happened, but he
11:57:50AM 23 wasn't -- I don't see him doing this crime.
11:57:52AM 24 Nothing in his nature would do that. It's totally
11:57:56AM 25 out of nature for Mr. Campbell, Chris.

GEORGE MARTIN - CROSS EXAM BY MR. SIMPSON

11:58:00AM 1 Q. And you're very fond of Mr. Campbell?

11:58:02AM 2 A. He can come back today and live with me
11:58:04AM 3 and my family.

11:58:04AM 4 Q. And would you agree that when you have
11:58:06AM 5 strong feelings for someone, you said love for
11:58:08AM 6 somebody --

11:58:08AM 7 A. I love him.

11:58:10AM 8 Q. -- it's difficult to accept that that
11:58:12AM 9 person may have made a bad decision?

11:58:14AM 10 A. No. This is out of character for him.
11:58:18AM 11 He would not have done this. And if you're trying
11:58:24AM 12 to see if I would lie for him, no, sir.

11:58:24AM 13 Q. No, sir. I'm just saying, it's just
11:58:26AM 14 difficult to accept that someone we love might make
11:58:30AM 15 it hard -- it's a difficult thing for anyone to
11:58:32AM 16 accept, would you agree?

11:58:32AM 17 A. He didn't do this.

11:58:34AM 18 MR. SIMPSON: Nothing further, Your
11:58:36AM 19 Honor.

11:58:36AM 20 THE COURT: Any redirect?

11:58:38AM 21 MR. KING: No, Your Honor.

11:58:38AM 22 THE COURT: Thank you. You may step
11:58:40AM 23 down now.

11:58:40AM 24 THE WITNESS: Thank you, Your Honor.

11:58:42AM 25 THE COURT: Have a nice day.

02:06:30PM 1 MR. KING: This would be my last
02:06:32PM 2 witness.
02:06:34PM 3 THE COURT: Do you want to argue and
02:06:36PM 4 charge tomorrow?
02:06:36PM 5 MR. ZIEGLER: Yes, please.
02:06:38PM 6 THE COURT: Very well. Bring our jury
02:06:38PM 7 in.
02:09:20PM 8 (Jury in, 2:08 p.m.)
02:09:24PM 9 THE BAILIFF: All jurors present.
02:09:44PM 10 THE COURT: Thank you. Thank you.
02:09:46PM 11 Ladies and gentlemen, I hope you had a nice lunch.
02:09:48PM 12 Is the defense ready to call your next
02:09:50PM 13 witness?
02:09:50PM 14 MR. KING: Yes.
02:09:50PM 15 THE COURT: You may call your next
02:09:52PM 16 witness.
02:09:52PM 17 MR. KING: The defense calls
02:09:54PM 18 Christopher Campbell.
02:09:56PM 19 THE COURT: Okay.
02:10:10PM 20 CHRISTOPHER CAMPBELL,
02:10:10PM 21 being first duly sworn, testified as follows:
02:10:12PM 22 THE DEFENDANT: I do.
02:10:14PM 23 THE CLERK: You may be seated. Upon
02:10:16PM 24 being seated, please state your first and last name
02:10:18PM 25 and spell your last loudly and clearly into the

CHRISTOPHER CAMPBELL - DIRECT EXAM BY MR. KING

02:10:20PM 1 microphone.

02:10:20PM 2 THE DEFENDANT: Christopher Campbell,
02:10:22PM 3 last name C-A-M-P-B-E-L-L.

02:10:22PM 4 DIRECT EXAMINATION

02:10:22PM 5 BY MR. KING:

02:10:26PM 6 Q. Mr. Campbell, let's go ahead and get
02:10:30PM 7 the most important question out the way. Did you
02:10:34PM 8 rob the Firehouse Subs?

02:10:36PM 9 A. No, I did not rob Firehouse Subs.

02:10:38PM 10 Q. I want to ask you a little bit about
02:10:40PM 11 you. Where do you live now?

02:10:42PM 12 A. I live at [REDACTED]

02:10:46PM 13 Q. Who do you live with?

02:10:48PM 14 A. Me and my grandmother, Martha Campbell.

02:10:50PM 15 Q. Does anyone else live there?

02:10:52PM 16 A. No. No one else lives there at the
02:10:56PM 17 moment.

02:10:56PM 18 Q. How did you end up living with your
02:10:58PM 19 grandmother?

02:10:58PM 20 A. Now or when --

02:11:02PM 21 Q. Well, let's go back. When you were
02:11:06PM 22 arrested for this, you were living there too?

02:11:08PM 23 A. Yes, I was living there.

02:11:10PM 24 Q. Was anyone else living there then?

02:11:12PM 25 A. Yes; my uncle, Leroy Campbell.

CHRISTOPHER CAMPBELL - DIRECT EXAM BY MR. KING

02:11:14PM 1 Q. What about your mother, why are you
02:11:22PM 2 living with your grandmother? Why do you call her
02:11:24PM 3 your mother instead of your birth mother?

02:11:26PM 4 A. She primarily raised me. She had me
02:11:30PM 5 like she said since I was six months up until I was
02:11:34PM 6 about ten years old.

02:11:36PM 7 Q. Where is your mother?

02:11:36PM 8 A. She lives in New York.

02:11:38PM 9 Q. Do you have a good relationship with
02:11:40PM 10 her?

02:11:42PM 11 A. We don't have a relationship really.

02:11:44PM 12 Q. So back in May, you were living with
02:11:54PM 13 Martha Campbell?

02:11:54PM 14 A. Yes, sir.

02:11:54PM 15 Q. Do you work anywhere now?

02:11:58PM 16 A. Yes, I do.

02:11:58PM 17 Q. Where do you work?

02:12:00PM 18 A. I work for Campaign Construction and
02:12:02PM 19 IES.

02:12:04PM 20 Q. What is IES?

02:12:06PM 21 A. It's a temp agency.

02:12:10PM 22 Q. What kind of jobs have you had in the
02:12:14PM 23 past? Where have you worked?

02:12:16PM 24 A. Construction, I worked a government job
02:12:20PM 25 with SAIC building the Amarok trucks, landscaping,

CHRISTOPHER CAMPBELL - DIRECT EXAM BY MR. KING

02:12:28PM 1 roofing, a little bit of everything. State Trooper
02:12:32PM 2 Association in Columbia.

02:12:34PM 3 Q. What did you do there?

02:12:36PM 4 A. Just collected funds for the State
02:12:40PM 5 Troopers on Broad River.

02:12:40PM 6 Q. Phone calls?

02:12:42PM 7 A. Yeah, phone calls.

02:12:44PM 8 Q. Now, you do have a conviction on your
02:12:54PM 9 record?

02:12:56PM 10 A. Yes, I do.

02:12:58PM 11 Q. You have a conviction for obtaining
02:12:58PM 12 property under false pretenses?

02:13:00PM 13 A. Yes.

02:13:00PM 14 Q. What happened to that?

02:13:02PM 15 A. I had to fine a fine.

02:13:04PM 16 Q. Tell us about Leslie Green. What is
02:13:10PM 17 your relationship -- well, let's go back before
02:13:12PM 18 your arrest and everything. What was your
02:13:16PM 19 relationship like with Leslie Green?

02:13:16PM 20 A. We really didn't have a relationship;
02:13:20PM 21 he's my third cousin. You know, I see him in
02:13:22PM 22 passing.

02:13:22PM 23 Q. What about giving him a ride to work?

02:13:28PM 24 A. Well, that -- that was my first time
02:13:32PM 25 ever giving him a ride to work. He initially

CHRISTOPHER CAMPBELL - DIRECT EXAM BY MR. KING

02:13:34PM 1 called Leroy Campbell, which he was sleeping, and
02:13:38PM 2 then he called me. I was up, and I said I would
02:13:42PM 3 take him because he claimed he didn't have a spot
02:13:46PM 4 downtown.

02:13:48PM 5 Q. So what did you do that morning? Did
02:13:54PM 6 you take him to work?

02:13:54PM 7 A. Yes, I took him to work.

02:13:56PM 8 Q. What time did -- can you go through
02:13:58PM 9 that, what time that happened?

02:14:00PM 10 A. He called about 7:15, 7:20. I took him
02:14:04PM 11 downtown; dropped him off in front of the store.
02:14:08PM 12 Well, primarily in front of Gilroy's, it's like two
02:14:12PM 13 doors down. And I drove off and went back to the
02:14:18PM 14 island after that, James Island.

02:14:20PM 15 Q. What time would you say you dropped him
02:14:24PM 16 off?

02:14:24PM 17 A. I think he got there around 7:40, 7:45,
02:14:28PM 18 7:50 maybe at the latest.

02:14:30PM 19 Q. And then what did you do after you
02:14:32PM 20 dropped him off?

02:14:32PM 21 A. I went back home to James Island.

02:14:34PM 22 Q. What time do you think you got home to
02:14:38PM 23 James Island?

02:14:38PM 24 A. I probably got home around 8, 8:10. I
02:14:42PM 25 remember that because the Wendy Williams show was

CHRISTOPHER CAMPBELL - DIRECT EXAM BY MR. KING

02:14:46PM 1 on.

02:14:46PM 2 Q. Now, after that, did you go back
02:14:54PM 3 downtown at any time?

02:14:56PM 4 A. Yes, I went back downtown. He called
02:15:00PM 5 maybe an hour or two later frantically saying
02:15:02PM 6 somebody robbed the store and can I bring him back
02:15:06PM 7 his car, park it in slot number one and leave the
02:15:10PM 8 keys under the mat of the car.

02:15:12PM 9 Q. So you drove down there?

02:15:14PM 10 A. Yes.

02:15:16PM 11 Q. How did you get back?

02:15:16PM 12 A. Leroy Campbell, my uncle, followed me
02:15:20PM 13 there and brought me back.

02:15:22PM 14 Q. And then what did you do? You went
02:15:26PM 15 back to James Island?

02:15:28PM 16 A. Yeah, I went back to James Island.

02:15:28PM 17 Q. Did you hear from Leslie Green anymore
02:15:32PM 18 after that day?

02:15:32PM 19 A. Actually, after the robbery, he came to
02:15:36PM 20 the house explaining the robbery, saying what
02:15:38PM 21 happened. And then he went home saying he might
02:15:40PM 22 have to speak to a detective later on that day.

02:15:42PM 23 Q. Now at some point, a couple of days
02:15:52PM 24 later, the police came and got you?

02:15:54PM 25 A. Yes.

CHRISTOPHER CAMPBELL - DIRECT EXAM BY MR. KING

02:15:56PM 1 Q. What happened with that? How did that
02:15:58PM 2 go down?

02:15:58PM 3 A. They came to my home. I was actually
02:16:02PM 4 standing outside on the phone. And the officer who
02:16:06PM 5 approached me, his name was Officer Blaine. He
02:16:10PM 6 asked me was I Christopher Campbell. I told him,
02:16:14PM 7 yes, I'm Christopher Campbell. He asked, is this
02:16:16PM 8 [REDACTED] I said, yes, it is. He
02:16:18PM 9 said, do you live here. I said, yes, sir, I do.

02:16:18PM 10 And that's when my grandmother came
02:16:22PM 11 outside and asked what's going on. He said, oh,
02:16:24PM 12 you're being detained for questioning about a home
02:16:28PM 13 invasion. And I said, well, I don't know anything
02:16:30PM 14 about a home invasion, but, you know, I won't give
02:16:32PM 15 you any problems.

02:16:34PM 16 So he put my hands behind my back and
02:16:38PM 17 put me in the car and told my grandmother that I
02:16:40PM 18 would be back, he just wanted to question me. And
02:16:44PM 19 I went downtown. Then I was interviewed by
02:16:48PM 20 Detective Williams.

02:16:48PM 21 Q. Hold on, let me stop you there for a
02:16:52PM 22 second. Were you accused of some sort of home
02:16:56PM 23 invasion?

02:16:56PM 24 A. That's what they told me initially.

02:17:00PM 25 Q. Okay.

CHRISTOPHER CAMPBELL - DIRECT EXAM BY MR. KING

02:17:00PM 1 A. And when I got downtown, they changed
02:17:06PM 2 it up.

02:17:06PM 3 Q. Did anyone ever end up asking you about
02:17:10PM 4 a home invasion?

02:17:10PM 5 A. No, nobody asked me about a home
02:17:12PM 6 invasion.

02:17:12PM 7 Q. Did you ever hear anything else about
02:17:16PM 8 something like that?

02:17:16PM 9 A. No.

02:17:16PM 10 Q. How did you feel when you got to the
02:17:18PM 11 police station? How were you feeling then?

02:17:20PM 12 A. I was very irritated, anxious and kind
02:17:24PM 13 of angry, to be honest.

02:17:26PM 14 Q. Because, you know, they got your
02:17:30PM 15 statement and the detective does ask you some
02:17:32PM 16 questions about Firehouse Subs.

02:17:34PM 17 A. Yes.

02:17:34PM 18 Q. You weren't exactly completely open in
02:17:38PM 19 the beginning. What was going on with that?

02:17:40PM 20 A. I wasn't open in the beginning because
02:17:44PM 21 he was being a bit of a jerk that I felt. So, you
02:17:46PM 22 know, I gave him a little bit of attitude as well,
02:17:50PM 23 and I felt initially lied to because they did lie
02:17:52PM 24 to me.

02:17:54PM 25 And his line of questioning wasn't very

CHRISTOPHER CAMPBELL - DIRECT EXAM BY MR. KING

02:17:58PM 1 good either. He went back and forth, back and
02:18:00PM 2 forth on his cell phone. I felt that was very
02:18:04PM 3 unprofessional. When you're dealing with
02:18:06PM 4 somebody's life, you should be attentive to what's
02:18:12PM 5 going on. Armed robbery is a very serious crime,
02:18:14PM 6 so I would have been more attentive.

02:18:16PM 7 Q. Now, had you been to the Firehouse Subs
02:18:26PM 8 before this at any point in time?

02:18:28PM 9 A. Yes. I was there the night of May 3rd.

02:18:32PM 10 Q. Now, is there anything special about
02:18:36PM 11 May 4th?

02:18:36PM 12 A. Yes, May 4th is my birthday. I turned
02:18:40PM 13 25 that year.

02:18:42PM 14 Q. So what happened the night of May 3rd?

02:18:46PM 15 A. May 3rd, me, my cousin Robert Gibbs,
02:18:50PM 16 and a mutual friend of ours, or acquaintance,
02:18:56PM 17 Demetrius Grant, we went downtown. They wanted to
02:18:58PM 18 drink at La Hacienda, because they had \$2 house
02:19:02PM 19 liquor on Tuesday.

02:19:04PM 20 So I said, let me get something to eat
02:19:08PM 21 first before I start drinking. I don't drink on an
02:19:12PM 22 empty stomach. So I wanted something kind of
02:19:18PM 23 solid, you know, bread to soak up the liquor. I
02:19:18PM 24 went and got me a Hook and Ladder sandwich with --
02:19:22PM 25 I like mine with just lettuce and tomato and honey

CHRISTOPHER CAMPBELL - DIRECT EXAM BY MR. KING

02:19:26PM 1 mustard.

02:19:26PM 2 Q. Did you pay with a credit card or cash?

02:19:30PM 3 A. No, I paid cash.

02:19:32PM 4 Q. You've seen evidence about your
02:19:36PM 5 fingerprints being on the front of the door?

02:19:38PM 6 A. Yeah, I seen that.

02:19:40PM 7 Q. So you touched the door I guess --

02:19:42PM 8 A. Yes, I touched the door. I opened it.

02:19:44PM 9 Q. But they have your fingerprints on the
02:19:46PM 10 left door and the right door?

02:19:48PM 11 A. I don't exactly remember what door I
02:19:52PM 12 touched. Maybe I touched both of them to get in.
02:19:56PM 13 I don't exactly remember.

02:19:58PM 14 Q. Well, where are Robert Gibbs and
02:20:04PM 15 Demetrius Grant?

02:20:04PM 16 A. Last I heard about Demetrius Grant, he
02:20:06PM 17 was working at the Cactus Car Wash, and then he had
02:20:08PM 18 some home problems and he moved back to Savannah.
02:20:12PM 19 Now, Robert Gibbs is my cousin, but he's kind of
02:20:16PM 20 elusive to get hold of. You know, he has several
02:20:20PM 21 girlfriends; he bounces from home to home.

02:20:22PM 22 Q. You've tried to reach those --

02:20:26PM 23 A. Yeah. I've tried to reach both of
02:20:28PM 24 them.

02:20:28PM 25 Q. I've asked you information about them

CHRISTOPHER CAMPBELL - DIRECT EXAM BY MR. KING

02:20:30PM 1 too, trying to reach them?

02:20:32PM 2 A. Yes, sir.

02:20:32PM 3 Q. You know the police came to your house
02:20:36PM 4 and did a search?

02:20:36PM 5 A. Yes.

02:20:40PM 6 Q. Are these your shoes, State's 22 and
02:20:42PM 7 23?

02:20:44PM 8 A. No, those are not mine.

02:20:44PM 9 Q. Whose shoes are those?

02:20:46PM 10 A. Leroy Campbell. Excuse me.

02:20:48PM 11 Q. What size shoe do you wear?

02:20:52PM 12 A. I wear an 11 or 11 1/2, and if they are
02:20:58PM 13 loafers, I wear a 10 1/2.

02:21:00PM 14 Q. I will ask you again, is that you in
02:21:06PM 15 the video, the surveillance video we've been
02:21:08PM 16 seeing?

02:21:08PM 17 A. No, that's not me in the surveillance
02:21:10PM 18 video.

02:21:10PM 19 Q. Did you rob the Firehouse Subs?

02:21:12PM 20 A. No, I did not rob Firehouse Subs.

02:21:14PM 21 MR. KING: That's all the questions I
02:21:16PM 22 have, Your Honor.

02:21:16PM 23 THE COURT: Thank you.

02:21:20PM 24 Mr. Simpson.

02:21:20PM 25 MR. SIMPSON: Thank you, Your Honor.

CHRISTOPHER CAMPBELL - CROSS EXAM BY MR. SIMPSON

02:21:20PM 1 CROSS-EXAMINATION

02:21:20PM 2 BY MR. SIMPSON:

02:21:22PM 3 Q. Mr. Campbell, good afternoon.

02:21:22PM 4 A. Good afternoon.

02:21:30PM 5 Q. I would like to start, if I may, you

02:21:32PM 6 acknowledged in direct that armed robbery is such a

02:21:36PM 7 serious offense that you felt the detective should

02:21:40PM 8 have maybe not been taking the phone calls?

02:21:44PM 9 A. Yes, sir.

02:21:44PM 10 Q. Okay. And because it's a serious

02:21:48PM 11 offense and a serious job, you know, you of course

02:21:50PM 12 realize that the detective is a busy person when

02:21:54PM 13 working on such --

02:21:56PM 14 A. Yes, sir, I understand that.

02:21:56PM 15 Q. And it's important for him to get

02:21:58PM 16 information from other sources?

02:22:02PM 17 A. Yes, sir, I understand.

02:22:02PM 18 Q. A serious offense with serious

02:22:06PM 19 ramifications if you were convicted, correct?

02:22:08PM 20 A. Yes, sir.

02:22:08PM 21 Q. And we have discussed some of those

02:22:12PM 22 during this trial?

02:22:12PM 23 A. Yes, sir.

02:22:12PM 24 Q. Would you also acknowledge that facing

02:22:18PM 25 such ramifications would be a pretty powerful

CHRISTOPHER CAMPBELL - CROSS EXAM BY MR. SIMPSON

02:22:22PM 1 motive to not be completely forthcoming?

02:22:26PM 2 A. No, sir. I'm very honest about
02:22:28PM 3 everything that I do.

02:22:30PM 4 Q. Okay. Well, let's explore that
02:22:32PM 5 statement a little bit, if you don't mind.

02:22:36PM 6 A. Yes, sir.

02:22:36PM 7 Q. Serious offense, and you know, that.

02:22:40PM 8 And you're asked without knowing -- without knowing
02:22:44PM 9 what they know, have you ever -- are you familiar
02:22:48PM 10 at all with the Firehouse Subs? And your answer
02:22:50PM 11 was, well, of course, I ate there last night,
02:22:54PM 12 right?

02:22:54PM 13 A. No, I didn't immediately say that.

02:22:56PM 14 Q. Is there something wrong with eating
02:22:58PM 15 there?

02:22:58PM 16 A. No, there's nothing wrong with eating
02:23:00PM 17 there.

02:23:00PM 18 Q. Is it illegal?

02:23:00PM 19 A. No, it's not illegal.

02:23:02PM 20 Q. But when you were asked, have you ever
02:23:04PM 21 heard of, are you familiar with in any way, the
02:23:06PM 22 Firehouse Subs, you say, nope?

02:23:10PM 23 A. I did say that because, like I said, I
02:23:14PM 24 was very irritated and I already knew what he was
02:23:16PM 25 going to ask me. Previously, that morning,

CHRISTOPHER CAMPBELL - CROSS EXAM BY MR. SIMPSON

02:23:22PM 1 Jacquelin Green, who is Leslie Green's mother, came
02:23:22PM 2 and knocked on the door and said, oh, they have
02:23:26PM 3 Chris for robbing the Firehouse Subs.

02:23:30PM 4 Q. Okay.

02:23:30PM 5 A. And Martha Campbell, who is my
02:23:32PM 6 grandmother said, no, they don't, he's in there
02:23:36PM 7 sleeping. She woke me up, came to the door. So, I
02:23:40PM 8 mean, I was wanting him to get straight to the
02:23:44PM 9 point.

02:23:44PM 10 Q. Okay.

02:23:44PM 11 A. Like I said, I don't have time to play.
02:23:46PM 12 I know this is very serious.

02:23:52PM 13 Q. And that's why again, when given the
02:23:56PM 14 opportunity just now in front of the jury to
02:24:00PM 15 explain all the details of this serious matter,
02:24:02PM 16 again, you're adding details that you didn't tell
02:24:04PM 17 them in direct. This visit from Leslie Green's
02:24:10PM 18 mom.

02:24:10PM 19 A. Like I said before, I felt Detective
02:24:12PM 20 Williams was being a bit of a jerk. I was doing
02:24:16PM 21 the same thing, which I probably should have not.
02:24:20PM 22 Me being young and hotheaded, that's what happened.

02:24:22PM 23 Q. Okay. And then Detective Williams
02:24:26PM 24 says -- again, without you knowing what they know,
02:24:30PM 25 he says, tell me about your morning; is that

CHRISTOPHER CAMPBELL - CROSS EXAM BY MR. SIMPSON

02:24:32PM 1 correct?

02:24:32PM 2 A. I don't recall it, but I think he did.

02:24:36PM 3 Q. And you told him quite a few details

02:24:38PM 4 about your morning on the morning of May 4th,

02:24:42PM 5 correct?

02:24:42PM 6 A. Yes, sir.

02:24:42PM 7 Q. Slept a little late, that you had been

02:24:46PM 8 running late to Trident, right?

02:24:48PM 9 A. Yeah. When I came home, I went back to

02:24:50PM 10 sleep.

02:24:50PM 11 Q. Well, wait. Wait a second. Did you

02:24:54PM 12 tell him, when I came home from going to the

02:24:58PM 13 Firehouse Subs I fell asleep?

02:25:00PM 14 A. No, I did not.

02:25:00PM 15 Q. No. You said, I woke up late, thought

02:25:02PM 16 about going to class, correct?

02:25:04PM 17 A. Yes, sir.

02:25:04PM 18 Q. Thought I might be already running late

02:25:08PM 19 so I might as well not go because it's my birthday?

02:25:10PM 20 A. Yes, sir.

02:25:10PM 21 Q. At any time when he was saying, hey,

02:25:12PM 22 just tell me about your morning, did you say, yeah,

02:25:14PM 23 I took my cousin down to the Firehouse Subs?

02:25:16PM 24 A. No, I did not.

02:25:16PM 25 Q. You didn't. You eventually said that,

CHRISTOPHER CAMPBELL - CROSS EXAM BY MR. SIMPSON

02:25:20PM 1 right?

02:25:20PM 2 A. Yes, sir.

02:25:20PM 3 Q. But that was only after you were made
02:25:22PM 4 aware that they had information that you were going
02:25:26PM 5 down there, correct?

02:25:30PM 6 A. Yes, sir.

02:25:30PM 7 Q. And then you said, okay, well, yeah, I
02:25:34PM 8 didn't rob the place, but I took my cousins there?

02:25:36PM 9 A. Yes, sir, I did.

02:25:36PM 10 Q. And so as you yourself acknowledge in
02:25:42PM 11 the interview room, talking about a serious matter,
02:25:44PM 12 talking about a matter that you understand is
02:25:46PM 13 serious, correct?

02:25:46PM 14 A. Yes, sir.

02:25:46PM 15 Q. Why didn't we hear anything about
02:25:52PM 16 eating dinner there the night before?

02:25:54PM 17 A. Like I said, his line of questioning I
02:25:58PM 18 felt was very erratic, and also I felt he was being
02:26:04PM 19 a jerk once again. So I complied with the same
02:26:10PM 20 jerkiness, I guess, if I could use that, to him.

02:26:14PM 21 Q. So you want this jury to believe that
02:26:20PM 22 because you weren't pleased with the perceived
02:26:24PM 23 professionalism of Detective Williams, that you
02:26:26PM 24 just made the conscious decision, I'm not going to
02:26:30PM 25 mention anything about having dinner at the very

CHRISTOPHER CAMPBELL - CROSS EXAM BY MR. SIMPSON

02:26:34PM 1 scene of this robbery the night before?

02:26:36PM 2 A. It wasn't just that, sir. It was the
02:26:38PM 3 point that they lied to me from the jump saying
02:26:42PM 4 something about a home invasion and invading my
02:26:46PM 5 privacy, invading my grandmother's home about
02:26:50PM 6 something that has nothing to do with what they
02:26:54PM 7 were talking about.

02:26:54PM 8 Q. Isn't it true you didn't mention
02:26:56PM 9 anything about that dinner --

02:26:58PM 10 A. No, I did --

02:26:58PM 11 Q. -- the night before --

02:27:00PM 12 A. -- mention anything about the dinner
02:27:02PM 13 the night before.

02:27:02PM 14 Q. -- until you found out that they had
02:27:04PM 15 your fingerprint on the front door?

02:27:08PM 16 A. No, that's not true. I think I told
02:27:10PM 17 them I had dinner there. I don't know if it's on
02:27:14PM 18 the tape or when I was leaving, but I do remember
02:27:18PM 19 saying something like that to Detective Williams.

02:27:20PM 20 Q. Would you acknowledge that when a
02:27:24PM 21 person is being open, when a person is being candid
02:27:26PM 22 and truthful, and give a statement, that the
02:27:32PM 23 evidence then follows the statement or the evidence
02:27:34PM 24 that the police collects fits with that statement
02:27:38PM 25 because it's honest?

CHRISTOPHER CAMPBELL - CROSS EXAM BY MR. SIMPSON

02:27:38PM 1 A. In most cases, I would say that's true.

02:27:42PM 2 Q. Would you acknowledge that when a
02:27:44PM 3 person is being evasive and when a person is being
02:27:48PM 4 untruthful, it goes the other way around; the
02:27:52PM 5 statement has to change to follow the evidence?

02:27:54PM 6 A. I wouldn't say that's true.

02:27:56PM 7 Q. Okay. Isn't it true you have no idea
02:28:02PM 8 what the police know, so you aren't going to tip
02:28:06PM 9 anything, tip your hand at all, and that's when you
02:28:10PM 10 said, I don't know anything about the Firehouse
02:28:12PM 11 Subs, I don't even know it exists, I don't even
02:28:14PM 12 know it's a place, I don't know where it is.

02:28:18PM 13 MR. KING: Objection, Your Honor.
02:28:20PM 14 That's not what was in the statement.

02:28:22PM 15 THE COURT: I will give him a little
02:28:24PM 16 leeway; he's on cross-examination. Proceed.

02:28:24PM 17 BY MR. SIMPSON:

02:28:28PM 18 Q. And isn't it true that when you find
02:28:30PM 19 out that they already have information that you
02:28:32PM 20 should be aware of the Firehouse Subs, that's when
02:28:34PM 21 the statement changes? Oh, you know that? Okay.
02:28:40PM 22 Well, yeah, I gave Leslie a ride there. Isn't that
02:28:42PM 23 when that part changes, when you find out that they
02:28:46PM 24 know that you know about the Firehouse Subs?

02:28:48PM 25 A. I mean, his line of questioning was

CHRISTOPHER CAMPBELL - CROSS EXAM BY MR. SIMPSON

02:28:50PM 1 direct to that, did you give Leslie a ride? So I
02:28:54PM 2 said, yes, I gave Leslie a ride.

02:28:56PM 3 Q. After he had asked you about the
02:28:58PM 4 morning?

02:28:58PM 5 A. Yes, after he asked me about my
02:29:00PM 6 morning.

02:29:00PM 7 Q. But that's it. Gave him a ride?

02:29:02PM 8 A. That's all I did, gave him a ride.

02:29:06PM 9 Q. Until you find out that your
02:29:08PM 10 fingerprints are on the door, and then it changes
02:29:10PM 11 again, doesn't it?

02:29:12PM 12 A. No, it doesn't change. I mean, I spoke
02:29:16PM 13 to my lawyers about it. I told -- which at the
02:29:16PM 14 time was Martha Dikus, and then intern Jason King.

02:29:22PM 15 Q. You went there the night before the day
02:29:30PM 16 we're here about with two friends?

02:29:32PM 17 A. Yes. One cousin and one friend.

02:29:34PM 18 Q. Didn't hear from them?

02:29:38PM 19 A. No. Demetrius has moved away. I did
02:29:42PM 20 my best to reach out for both of them through
02:29:48PM 21 Facebook and various channels and Jason had their
02:29:50PM 22 investigator look for them.

02:29:50PM 23 Q. And lo and behold, you used cash,
02:29:54PM 24 right?

02:29:54PM 25 A. Yes, sir.

CHRISTOPHER CAMPBELL - CROSS EXAM BY MR. SIMPSON

02:29:54PM 1 Q. You paid for it with cash?

02:29:58PM 2 A. Yes, sir.

02:29:58PM 3 Q. I believe you mentioned the specific

02:30:00PM 4 sub that you ordered at the Firehouse?

02:30:02PM 5 A. Yes.

02:30:02PM 6 Q. What was that called?

02:30:04PM 7 A. Hook and Ladder.

02:30:06PM 8 Q. You're familiar with the menu enough to

02:30:08PM 9 know the specific sandwich?

02:30:08PM 10 A. Yes, sir.

02:30:10PM 11 Q. But never heard of the Firehouse

02:30:12PM 12 before, right?

02:30:12PM 13 A. Well, like I said before, he didn't

02:30:16PM 14 directly ask me that question so I didn't directly

02:30:20PM 15 give him an answer.

02:30:20PM 16 Q. A few other details and we'll be

02:30:24PM 17 finished. Okay. You said -- you made it sound

02:30:28PM 18 like to this jury that you decided to give Leslie a

02:30:34PM 19 favor, be a good person, reach out, give him a ride

02:30:38PM 20 when he called that morning?

02:30:40PM 21 A. Yes, sir.

02:30:40PM 22 Q. Did you tell the detectives, in fact,

02:30:42PM 23 that you were interested in using his car that day,

02:30:44PM 24 so he agreed to let you use the car that day?

02:30:48PM 25 A. Well, initially, I wasn't going to

CHRISTOPHER CAMPBELL - CROSS EXAM BY MR. SIMPSON

02:30:50PM 1 bother him about the car because we had our own
02:30:54PM 2 vehicle. So since he called and asked for a ride
02:30:56PM 3 for him to be dropped off, I said, well, let me use
02:31:00PM 4 your car.

02:31:02PM 5 Q. You said Leslie came to your house and
02:31:06PM 6 told you about the robbery?

02:31:08PM 7 A. Yes, sir, he did.

02:31:08PM 8 Q. You're being interviewed by the police
02:31:12PM 9 for this serious matter that you've acknowledged is
02:31:16PM 10 serious, and they come to you and they're like,
02:31:18PM 11 what's going on, and you don't know anything. You
02:31:20PM 12 didn't feel at that point to mention, well, my
02:31:24PM 13 cousin works there, he came over, he told me all
02:31:26PM 14 about it, he was worked up. Yeah, I know about it
02:31:30PM 15 because he told me about it. Instead you said, I
02:31:36PM 16 don't know anything about it?

02:31:36PM 17 A. Yes, sir. Like I said, at the time I
02:31:42PM 18 didn't feel like I needed to divulge any
02:31:42PM 19 information that I knew until he was direct with
02:31:44PM 20 me. And once they were direct with me, I divulged
02:31:48PM 21 all the information to my attorney.

02:31:50PM 22 Q. Not during the interview?

02:31:50PM 23 A. Not during the interview.

02:31:52PM 24 Q. Okay. When Leslie made this video --
02:31:56PM 25 made this visit to you, you lived with your

CHRISTOPHER CAMPBELL - CROSS EXAM BY MR. SIMPSON

02:32:00PM 1 grandmother and Leroy?

02:32:02PM 2 A. Yes, sir.

02:32:02PM 3 Q. Neither of them were home at the time?

02:32:06PM 4 A. My grandmother wasn't there. Leroy was

02:32:10PM 5 there.

02:32:10PM 6 Q. He was?

02:32:12PM 7 A. Yes.

02:32:12PM 8 Q. Okay. Leroy was home and you just

02:32:18PM 9 decided not to share that with us?

02:32:20PM 10 A. Well, he wasn't outside on the porch

02:32:22PM 11 when Leslie was telling me. He came out

02:32:26PM 12 afterwards, outside.

02:32:26PM 13 Q. So only you heard that?

02:32:28PM 14 A. Yes, sir.

02:32:28PM 15 Q. And cash was used at the Firehouse Subs

02:32:32PM 16 so they can't confirm that, correct?

02:32:34PM 17 A. Cash was used, yes, sir.

02:32:36PM 18 Q. And when you visited it the night

02:32:38PM 19 before, this new revolution, you were with two

02:32:38PM 20 friends who are not here?

02:32:42PM 21 A. Well, they're not available. One has

02:32:44PM 22 moved out of state and I don't know where the other

02:32:46PM 23 one is.

02:32:46PM 24 Q. And it's your position to this jury

02:32:46PM 25 that none of these new revolutions has anything to

CHRISTOPHER CAMPBELL - CROSS EXAM BY MR. SIMPSON

02:32:50PM 1 do with the fact that you learned your fingerprints
02:32:52PM 2 were on the front door?

02:32:54PM 3 A. None of that had anything to do with me
02:32:56PM 4 learning my fingerprints were on the door.

02:32:58PM 5 Q. Okay. Oh, so you're out with friends,
02:33:04PM 6 right? You guys were going out to have drinks?

02:33:06PM 7 A. Yes, sir.

02:33:06PM 8 Q. Were you carrying like a suitcase?

02:33:08PM 9 A. No.

02:33:08PM 10 Q. Were you carrying a gun?

02:33:10PM 11 A. No.

02:33:10PM 12 Q. Were you carrying a backpack?

02:33:12PM 13 A. No.

02:33:12PM 14 Q. You were out on the town so you were
02:33:12PM 15 just carrying some cash and you're ready to go,
02:33:14PM 16 right?

02:33:14PM 17 A. Cash in my wallet and ID.

02:33:18PM 18 Q. And that's it?

02:33:18PM 19 A. That's it.

02:33:20PM 20 MR. SIMPSON: Thank you. No further
02:33:22PM 21 questions.

02:33:22PM 22 THE COURT: Any redirect?

02:33:24PM 23 MR. KING: None, Your Honor.

02:33:24PM 24 THE COURT: Thank you. You may step
02:33:26PM 25 down.

02:33:26PM 1 THE DEFENDANT: Yes, sir.

02:33:40PM 2 MR. KING: Your Honor, the defense
02:33:42PM 3 rests.

02:33:42PM 4 THE COURT: State have any reply
02:33:46PM 5 testimony?

02:33:46PM 6 MR. ZIEGLER: No, Your Honor.

02:33:48PM 7 THE COURT: Let me see the lawyers for
02:33:50PM 8 a second.

02:33:50PM 9 (Off-the-record conference.)

02:34:48PM 10 THE COURT: All right. Ladies and
02:34:50PM 11 gentlemen, we have a few matters to take up with
02:34:52PM 12 the lawyers, then we're going to go ahead and try
02:34:56PM 13 to finish this case today so that you don't have to
02:34:58PM 14 come back tomorrow. I'm going to send you back to
02:35:02PM 15 the jury room while we take up a few matters and
02:35:06PM 16 come back and try to finish it up today.

02:35:10PM 17 Thank you. Please do not discuss
02:35:12PM 18 anything about the case while you're back there.

02:35:16PM 19 (Jury out, 2:34 p.m.)

02:35:18PM 20 THE COURT: Please be seated. Jury
02:35:36PM 21 seems to be relieved.

02:35:40PM 22 Any motions from the defense?

02:35:42PM 23 MR. KING: Your Honor, I would renew my
02:35:42PM 24 motion for directed verdict.

02:35:44PM 25 THE COURT: Okay. Anything from the

02:35:44PM 1 State?

02:35:46PM 2 MR. SIMPSON: No motions.

02:35:48PM 3 THE COURT: All right. My ruling is
02:35:48PM 4 the same, nothing has changed. I have sent you all
02:35:54PM 5 a copy of the charge -- draft charge. Any
02:36:00PM 6 alterations that you would like to see?

02:36:04PM 7 MR. SIMPSON: Judge, from the State --

02:36:06PM 8 THE COURT: Let me get to my copy here.

02:36:10PM 9 MR. SIMPSON: We admittedly with candor
02:36:14PM 10 may be being overly cautious here, but because we
02:36:16PM 11 don't have an actual gun in evidence, no gun was
02:36:20PM 12 ever found, we think we're entitled to the charge
02:36:22PM 13 that talks about a representation of a deadly
02:36:26PM 14 weapon, meaning -- you know, I believe that covers
02:36:28PM 15 BB gun --

02:36:30PM 16 THE COURT: Do you really need that
02:36:30PM 17 when you've got the video?

02:36:32PM 18 MR. SIMPSON: Well, you know, I guess
02:36:34PM 19 what I'm saying is, being overly cautious, there is
02:36:38PM 20 some concern that a juror could say, well, they
02:36:40PM 21 never proved that gun was real.

02:36:44PM 22 THE COURT: Okay. I see what you're
02:36:46PM 23 saying. Yeah, put that in there, because -- yeah,
02:36:48PM 24 representation of a gun. Even if it can't fire,
02:36:50PM 25 it's still suitable for an armed robbery. He could

02:36:54PM 1 have a BB gun or cap gun.

02:36:54PM 2 MR. SIMPSON: Admittedly, we may be
02:37:00PM 3 overly cautious.

02:37:00PM 4 THE COURT: That's the only concern you
02:37:00PM 5 had?

02:37:00PM 6 MR. SIMPSON: That's the only concern
02:37:02PM 7 with the charge we have.

02:37:02PM 8 MR. KING: I'm just objecting; that's
02:37:04PM 9 not alleged in the indictment. There are two --
02:37:08PM 10 the two forms of armed robbery --

02:37:08PM 11 THE COURT: Yeah, but -- are you
02:37:10PM 12 talking about for the presentation of a firearm,
02:37:14PM 13 not the armed robbery? Which one?

02:37:18PM 14 MR. SIMPSON: We're talking about armed
02:37:18PM 15 robbery.

02:37:18PM 16 THE COURT: The following examples of
02:37:20PM 17 instrument may be deadly weapons. I take a lot of
02:37:24PM 18 that out of there because we're not dealing with a
02:37:24PM 19 dirk, we're not dealing with a dagger, we're not
02:37:30PM 20 dealing with a knife, a slingshot. So we take that
02:37:32PM 21 out and then we say the gun may be a deadly weapon
02:37:34PM 22 even if it's not operating.

02:37:36PM 23 You don't want all that dirk, dagger
02:37:40PM 24 language in there, do you?

02:37:42PM 25 MR. SIMPSON: No. Just mainly the

02:37:42PM 1 part about not being --

02:37:44PM 2 THE COURT: We don't need to even talk
02:37:46PM 3 about a shotgun.

02:37:48PM 4 MR. SIMPSON: No.

02:37:48PM 5 THE COURT: And you're objecting to
02:37:50PM 6 that?

02:37:50PM 7 MR. KING: Just because in -- the
02:37:52PM 8 representation of a deadly weapon isn't alleged in
02:37:56PM 9 the indictment. It just alleges a deadly weapon, a
02:37:58PM 10 handgun. The evidence was that Christopher Riley
02:38:04PM 11 saw bullets. The testimony from Christopher Riley
02:38:10PM 12 was that he saw bullets inside the 38. Either it
02:38:14PM 13 was a hand gun or -- that's the only thing it could
02:38:16PM 14 be is a handgun.

02:38:16PM 15 MR. SIMPSON: Honestly, I haven't
02:38:20PM 16 reviewed the indictment so we might withdraw that.

02:38:22PM 17 THE COURT: How much more do you need
02:38:26PM 18 from the -- I mean, he says he saw hollow point. I
02:38:28PM 19 mean, that's how -- I mean, most people when they
02:38:32PM 20 see a weapon, usually the barrel looks like about
02:38:36PM 21 this big around. I don't think there's any
02:38:36PM 22 question it was a real gun. You have it on video.
02:38:38PM 23 They have seen it. I think you're arguing about
02:38:42PM 24 how many angels can dance on the head of a pin. If
02:38:46PM 25 you were worried this case is going to turn on

02:38:48PM 1 that, you have a bigger problem --

02:38:50PM 2 MR. KING: I'm not going into that.

02:38:52PM 3 That's not anything I'm going into.

02:38:56PM 4 MR. SIMPSON: I think Mr. King is
02:38:56PM 5 correct, that would need to be in the indictment,
02:38:58PM 6 so --

02:38:58PM 7 THE COURT: Okay.

02:38:58PM 8 MR. KING: I have one requested charge.

02:39:00PM 9 THE COURT: Yes.

02:39:02PM 10 MR. KING: A good character charge.
02:39:04PM 11 There has been evidence of good character from his
02:39:08PM 12 character witnesses and I'm referring to State v.
02:39:22PM 13 Lee-Grigg. I'm sorry, mine doesn't have a cite.

02:39:24PM 14 THE COURT: But you can't use good
02:39:26PM 15 character to show that somebody doesn't commit a
02:39:30PM 16 crime. You've got testimony -- they didn't object
02:39:32PM 17 to you going further than you did on that.

02:39:34PM 18 MR. KING: This case says that where
02:39:38PM 19 requested, and there was evidence of good
02:39:40PM 20 character, the Defendant is entitled to an
02:39:42PM 21 instruction to the effect that evidence of good
02:39:44PM 22 character and good reputation may in and of itself
02:39:48PM 23 create a doubt as to guilt and should be considered
02:39:52PM 24 by the jury in determining the guilt or innocence
02:39:54PM 25 of the accused.

02:39:56PM 1 I think there's been some evidence of
02:39:58PM 2 his good from his character witnesses and we would
02:40:00PM 3 request that charge, that good character and
02:40:02PM 4 reputation may in and of itself create a doubt as
02:40:06PM 5 to guilt and should be considered by the jury.

02:40:10PM 6 I can find the cite if you give me a
02:40:14PM 7 minute, Judge, but the copy of my case must be old.
02:40:16PM 8 It doesn't have --

02:40:18PM 9 THE COURT: It looks like State V Grigg
02:40:22PM 10 and State v. Harrison. Do you have any objection
02:40:24PM 11 to that?

02:40:34PM 12 MR. SIMPSON: Can I look over the
02:40:34PM 13 opinion?

02:40:36PM 14 THE COURT: Yes. Yes. Let me read
02:40:56PM 15 what the standard charge is. Generally, when there
02:41:00PM 16 is evidence of good character, the Defendant
02:41:04PM 17 evidence of good character, evidence of good
02:41:06PM 18 character and reputation, may in and of itself
02:41:08PM 19 create a doubt as to whether it should be
02:41:10PM 20 considered by the jury, along with all other
02:41:14PM 21 evidence, in determining the guilt or innocence of
02:41:16PM 22 the Defendant. If proved, may be taken into
02:41:20PM 23 consideration by the jury.

02:41:22PM 24 MR. SIMPSON: I mean, the case speaks
02:41:24PM 25 for itself.

02:41:24PM 1 THE COURT: We'll add that in there,
02:41:26PM 2 Mr. King.
02:41:28PM 3 MR. KING: Thank you.
02:41:28PM 4 THE COURT: Anything else?
02:41:32PM 5 Let's take a 30-minute recess for you
02:41:34PM 6 all to get your heads together and then we're going
02:41:36PM 7 to go ahead and charge the jury.
02:41:40PM 8 All right. Thank you.
02:41:40PM 9 (A recess transpired.)
02:41:40PM 10 THE COURT: Did you-all look at the
03:17:54PM 11 charge and the verdict form and we're good; is that
03:17:54PM 12 correct?
03:17:54PM 13 MR. ZIEGLER: Yes, Your Honor.
03:18:02PM 14 MR. KING: Yes, sir.
03:18:02PM 15 THE COURT: Are you ready to go?
03:18:54PM 16 Please bring the jury in.
03:19:02PM 17 (Jury in, 3:49 p.m.)
03:19:02PM 18 THE BAILIFF: All jurors are present
03:20:34PM 19 and seated.
03:20:34PM 20 THE COURT: You may be seated. Ladies
03:20:38PM 21 and gentlemen, as we said all of the evidence has
03:20:40PM 22 been presented to you. Now is the time where the
03:20:44PM 23 attorneys will give you their closing arguments.
03:20:46PM 24 After that, I will charge you the law that is
03:20:50PM 25 applicable to this particular case.

CLOSING BY MR. KING

03:20:52PM 1 Is the State ready to proceed?

03:20:54PM 2 MR. ZIEGLER: Yes, Your Honor.

03:20:54PM 3 THE COURT: Defense ready to proceed?

03:20:54PM 4 MR. KING: Yes, Your Honor.

03:20:54PM 5 THE COURT: Mr. Ziegler.

03:21:00PM 6 MR. ZIEGLER: Your Honor, the State

03:21:02PM 7 will waive opening on the law.

03:21:02PM 8 THE COURT: Mr. King.

03:21:04PM 9 MR. KING: Thank you, Your Honor.

03:21:10PM 10 I want to start off talking about the

03:21:12PM 11 shoes. The shoes may not be the most significant

03:21:20PM 12 thing about the case, but I want you to look at

03:21:22PM 13 these shoes. Look at the back of these shoes and

03:21:26PM 14 you'll see there's a lot white back here on both of

03:21:30PM 15 these on the back. And there is some black and

03:21:32PM 16 there's some red on the bottom of the heel, but a

03:21:34PM 17 lot of white on the back of these shoes. So I

03:21:36PM 18 wanted to show you something on the surveillance

03:21:40PM 19 video.

03:21:52PM 20 At least when I look at it -- one

03:22:26PM 21 minute.

03:22:28PM 22 THE CLERK: My apologies, Your Honor.

03:22:32PM 23 MR. KING: Anticipation.

03:22:40PM 24 (Video playing) Now there's a good

03:22:40PM 25 scene here where this robber is backing up, and you

CLOSING BY MR. KING

03:22:46PM 1 can see the back of those shoes. And they're
03:22:50PM 2 black. You might see a little white on there, but
03:22:56PM 3 not like on those shoes up there. Now, if you
03:23:06PM 4 watch him backing up -- here's a good one.

03:23:12PM 5 Now, at first I thought, is it the leg
03:23:14PM 6 of the sweatpants? Maybe that's hanging down. But
03:23:18PM 7 that's a good part of the back of that shoe, and
03:23:20PM 8 you don't see a big white spot like on the back of
03:23:24PM 9 those two shoes. And you can see that in different
03:23:30PM 10 places in the video the back of the shoes.

03:23:32PM 11 This is, I submit to you, the best one
03:23:36PM 12 because he's sort of backing up. If you look at
03:23:40PM 13 that left foot, that's a good portion of that shoe
03:23:42PM 14 showing, and it's not white. I'll rewind it just a
03:23:56PM 15 little bit more and see it one more time. I know
03:23:58PM 16 it can be difficult, the video is a little bit
03:24:02PM 17 jerky. (Video played)

03:24:02PM 18 Where are those big white spots on the
03:24:06PM 19 back of these shoes in the video? You can see a
03:24:10PM 20 little white there, but that's more like a sliver
03:24:16PM 21 of white towards the bottom. And the white on here
03:24:20PM 22 is up towards the top. And you should be able to
03:24:28PM 23 see the whites of the back of the shoes on that
03:24:32PM 24 video. That should be pretty clear. But you
03:24:36PM 25 can't. Back of the shoes are black.

CLOSING BY MR. KING

03:24:40PM 1 Play it one more time. (Video played.)

03:24:50PM 2 So I put up evidence that the shoes weren't his
03:24:58PM 3 through his mother and Mr. Campbell, Leroy
03:25:02PM 4 Campbell, but this is more clear than that. You
03:25:06PM 5 don't have to take their word for it, you can see
03:25:10PM 6 it. Those aren't the shoes. And why are they
03:25:20PM 7 trying to admit shoes into evidence that clearly
03:25:22PM 8 are not the shoes that were worn by the robber in
03:25:28PM 9 the video? That's bad. Shame on them. You know,
03:25:34PM 10 they can't pull the wool over your eyes.

03:25:36PM 11 They didn't find the gun. They didn't
03:25:40PM 12 find ammunition. They didn't find the backpack.
03:25:42PM 13 They didn't find the gray sweatpants. They didn't
03:25:44PM 14 find the hoodie. They didn't find the backpack.
03:25:46PM 15 They didn't find the cash. They pull in these old
03:25:48PM 16 pair of Aire Jordan shoes, which if you know
03:25:52PM 17 anything about them, they are a real common pair of
03:25:54PM 18 shoes that you could find in a lot of young men's
03:25:58PM 19 homes, and then bring those in as evidence to put
03:26:04PM 20 in front of you to convict a man. This isn't a
03:26:06PM 21 game, this is serious. And they're willing to put
03:26:10PM 22 this in to try to show you that that means he
03:26:16PM 23 committed the crime. Look at those shoes. That
03:26:18PM 24 means he guilty?

03:26:20PM 25 They put those shoes in and they put

CLOSING BY MR. KING

03:26:24PM 1 Leslie Green up on the stand to testify and give
03:26:26PM 2 you that testimony. We know that Leslie Green
03:26:34PM 3 lied. Leslie Green admitted that he lied. This is
03:26:42PM 4 what he tells them in the first interview.

03:26:48PM 5 Sorry, I had it on mute.

03:26:48PM 6 (Video played.)

03:26:58PM 7 MR. KING: Promise to God, that's the
03:26:58PM 8 man we're dealing with here who has no problem
03:27:04PM 9 lying. They put that testimony up there, and he
03:27:14PM 10 admits he lied. He says he lied out of fear and to
03:27:20PM 11 protect himself. Detective Kennedy told him, I'm
03:27:24PM 12 coming at you, 25 years of your life. If that's
03:27:26PM 13 not enough to scare somebody, I don't know what is.
03:27:30PM 14 Makes somebody want to protect themselves.

03:27:34PM 15 Detective Holmes tell him on the ride
03:27:36PM 16 the next day to the station, I'm going to burn you.
03:27:40PM 17 I give you two lies, second lie I burn you. Those
03:27:44PM 18 are strong words. Do you think that scared him?

03:27:52PM 19 Leslie Green says he doesn't know,
03:27:54PM 20 doesn't know who it is. The police still keep
03:27:58PM 21 coming at him, they're not going to stop. He tells
03:28:00PM 22 them it's a guy named L, but that doesn't work.

03:28:04PM 23 And this is the guy we're dealing with
03:28:06PM 24 too. The detective asks him, what's important to
03:28:20PM 25 you. (Video played.) Me. That's what comes to

CLOSING BY MR. KING

03:28:22PM 1 his mind. That's who we're dealing with. He's
03:28:30PM 2 backed into a corner, he's afraid, and he needs to
03:28:34PM 3 protect himself because the police aren't hearing
03:28:38PM 4 what he's saying and they're coming to get him for
03:28:42PM 5 25 years unless he tells them somebody. And when
03:28:44PM 6 he's backed into the corner, that's when he -- I'll
03:28:50PM 7 play the audio again, but -- when he makes the
03:28:54PM 8 identification of Christopher Campbell. (Video
03:28:54PM 9 played.)

03:29:24PM 10 That's the circumstances under which he
03:29:26PM 11 identified Mr. Campbell. Backed into a corner; you
03:29:30PM 12 rolled the dice and you lied to me. That's --
03:29:34PM 13 Detective Holmes has already told him, I'm going to
03:29:36PM 14 burn you. He sounds exasperated. He tries to say
03:29:42PM 15 it kind of looks like him, and Detective Holmes
03:29:46PM 16 yells at him and says -- (Indicating) And he was
03:29:48PM 17 like, it's him, it's him, it's him.

03:29:52PM 18 And we know he's still not being honest
03:29:58PM 19 as recently as January of this year -- I played
03:30:02PM 20 that for you too -- he says, a couple of cousins
03:30:06PM 21 dropped me off, and I watched the video and it kind
03:30:10PM 22 of looked like him. He's still saying that in
03:30:14PM 23 January, but he's gotten to the point now where his
03:30:18PM 24 life is in danger. Testifying on that stand and
03:30:24PM 25 blaming Christopher is his out. That's his only

CLOSING BY MR. KING

03:30:24PM 1 way out of this.

03:30:26PM 2 And he -- looks like this is going to
03:30:30PM 3 work. He wants to get out of this Scott free. You
03:30:32PM 4 know, he testified that Christopher dropped him off
03:30:36PM 5 in front of the store -- this is what he was saying
03:30:38PM 6 the other day -- and then drops him off in the
03:30:40PM 7 car -- and you can see it on the video. Detective
03:30:44PM 8 Kennedy testified it's like 17 seconds that the
03:30:48PM 9 robber is walking in right behind him.

03:30:50PM 10 So there's no way that Christopher
03:30:52PM 11 dropped him off in the car on King Street south of
03:30:58PM 12 Calhoun on a one-way street, drove down, parked the
03:31:02PM 13 car somewhere out of sight, walked back, robbed the
03:31:04PM 14 place, because Christopher Riley said that he ran
03:31:08PM 15 to the right and down an alley. He didn't get in a
03:31:12PM 16 car, so that's just not true. So he's still lying
03:31:14PM 17 to you. It is not enough time for him to park the
03:31:18PM 18 car and get back. That's not what happened.

03:31:24PM 19 If he's lying about that -- we know
03:31:26PM 20 he's lied and lied, and up to this point he's still
03:31:30PM 21 lying. He put his hand on that Bible and took an
03:31:36PM 22 oath, and he's still lying. If you can't trust
03:31:38PM 23 him, can you believe anything that he says? This
03:31:40PM 24 isn't evidence that you can believe.

03:31:44PM 25 Fear and to protect himself. And it's

CLOSING BY MR. KING

03:31:50PM 1 what he wants, he wants the police focusing on
03:31:52PM 2 somebody other than him, and somebody else can go
03:31:56PM 3 down for this, he gets to go free is what he's
03:31:58PM 4 hoping. Nobody has promised him, but that's what
03:32:02PM 5 he's hoping for, and that's what motivated him to
03:32:06PM 6 take that stand and blame his own cousin.

03:32:10PM 7 Christopher Riley testified and he --
03:32:12PM 8 Christopher Riley never identified Christopher
03:32:14PM 9 Campbell and -- even though the robber was right in
03:32:18PM 10 his face. They even demonstrated it. They had him
03:32:22PM 11 sit in the chair and show how close he got to him.
03:32:26PM 12 He was right in his face. He's not wearing a mask.
03:32:28PM 13 The robber is wearing sunglasses and a hoodie. So
03:32:32PM 14 why didn't Christopher Riley identify him? He was
03:32:36PM 15 that close to him and he saw him.

03:32:38PM 16 And I think Christopher has a
03:32:40PM 17 recognizable voice too. He has a voice that's a
03:32:44PM 18 loud voice, and I think that you would recognize
03:32:48PM 19 it. He never said he recognized his voice or any
03:32:50PM 20 kind of voice identification or anything like that.
03:32:52PM 21 So we get nothing from Riley. Leslie Green we
03:32:58PM 22 can't trust.

03:33:02PM 23 I want to talk about the prints. I'll
03:33:08PM 24 tell you -- I will play the video one more time
03:33:12PM 25 just to show you again to see where this robber

CLOSING BY MR. KING

03:33:14PM 1 touches the door on his way out. (Video played)
03:33:42PM 2 You can see him pushing the door on that left side
03:33:48PM 3 right where all the prints were found. Let me play
03:33:54PM 4 it one more time. I don't want to belabor it, but
03:33:58PM 5 it can be difficult to see.

03:34:20PM 6 (Video played) You can see him
03:34:20PM 7 touching the door right about -- one of these
03:34:28PM 8 photographs will show it from Mr. Sherman. We've
03:34:50PM 9 got -- it's kind of hard to see, but in State's
03:34:54PM 10 Number 28 you can see number 6. So here's the two
03:34:56PM 11 doors, and this is the right door. We don't care
03:35:00PM 12 about the right door because you don't see him
03:35:02PM 13 touching the right door. There are some prints in
03:35:06PM 14 here. That's number 5, and it really doesn't make
03:35:06PM 15 any difference.

03:35:08PM 16 But number 6 is right there. Here's
03:35:10PM 17 the door and right up and to the left, there's a
03:35:12PM 18 number 6 print. And you'll see it when you get to
03:35:14PM 19 look at this. That's where they took that number
03:35:18PM 20 6. That's a good print. That is a fingerprint
03:35:22PM 21 that's identifiable, but they have -- it's not
03:35:24PM 22 Christopher's.

03:35:24PM 23 The same thing goes -- you can see in
03:35:26PM 24 this picture, State's Number 29, you can see the
03:35:30PM 25 bottom tape of number 6 that I just showed you.

CLOSING BY MR. KING

03:35:32PM 1 And then there's number 7, 8, 9, and 10. Every one
03:35:38PM 2 of those is a good print. Every one of those is
03:35:42PM 3 identifiable and every one of those is not
03:35:44PM 4 Christopher Campbell.

03:35:46PM 5 They didn't compare them to Christopher
03:35:50PM 6 Riley or Leslie Green to eliminate them as possibly
03:35:52PM 7 leaving those prints, so we just don't know. All
03:35:54PM 8 we know is there are prints there where the robber
03:35:58PM 9 touched on the inside of the door that are good
03:36:00PM 10 prints, and they're not Christopher's. And if
03:36:04PM 11 Christopher was in there the night before, then
03:36:06PM 12 that would explain his prints. If he was in there
03:36:10PM 13 late, then he could have been the last one or one
03:36:12PM 14 of the last ones in.

03:36:14PM 15 The next morning they hadn't even
03:36:16PM 16 opened, so the only people who went in were
03:36:20PM 17 Christopher Riley and Leslie Green, whose testimony
03:36:26PM 18 said they know that they don't put their thumbs
03:36:28PM 19 there. And if the robber knew that too, and he
03:36:30PM 20 didn't put his thumbs on there, then that would
03:36:30PM 21 explain why his fingerprints are there. That's not
03:36:32PM 22 evidence beyond a reasonable doubt..

03:36:34PM 23 I can't prove he was in the restaurant
03:36:38PM 24 because the surveillance video is rewritten every
03:36:42PM 25 30 days. And the fingerprint report didn't come

CLOSING BY MR. KING

03:36:44PM 1 out until almost 30 days -- the video is long gone.
03:36:48PM 2 Any video from May 3rd is long gone within a day or
03:36:54PM 3 two of when they found the results, but still had
03:36:56PM 4 to be sent back to -- given back to the police and
03:36:58PM 5 go through the channels to even get to his lawyer.
03:37:02PM 6 So I can't prove that to you, it's just not
03:37:08PM 7 possible.

03:37:10PM 8 They're going to talk to you and tell
03:37:10PM 9 you that Christopher was not completely open with
03:37:14PM 10 Detective Williams. You know, he explained that to
03:37:16PM 11 you. Christopher testified about that. You know,
03:37:18PM 12 he took the stand. He didn't have to, but he got
03:37:22PM 13 up there and he talked to you.

03:37:24PM 14 He had just been handcuffed by the
03:37:26PM 15 police and felt he was lied to, taken downtown --
03:37:30PM 16 and you saw the interview with Detective Williams.
03:37:34PM 17 The phone keeps ringing, it's a silly ring tone,
03:37:36PM 18 and he's looking at his phone. And that would be
03:37:40PM 19 kind of annoying, trying to talk to somebody and
03:37:40PM 20 they're looking at their phone the whole time. I'm
03:37:42PM 21 a little bit -- I'm showing my age, I'm a little
03:37:44PM 22 bit older, but that can be annoying.

03:37:48PM 23 He gets up and leaves like three --
03:37:50PM 24 maybe three times, coming in and out. So, yeah,
03:37:54PM 25 Christopher was being smart, but that doesn't make

CLOSING BY MR. KING

03:37:58PM 1 him guilty. They're going to make a big deal out
03:38:02PM 2 of that, but they're still going to want you to
03:38:04PM 3 believe Leslie Green who we know has lied all over
03:38:08PM 4 the place. So they want you to hold that against
03:38:12PM 5 Christopher, but don't hold anything against Leslie
03:38:18PM 6 Green. Believe everything he's telling you.

03:38:18PM 7 Christopher testified he was already
03:38:20PM 8 home by 8:10 in the morning. His mother testified
03:38:24PM 9 he was home between 7:40 and 8:00 a.m. You heard
03:38:30PM 10 testimony from Leroy Campbell and George Martin
03:38:32PM 11 that he's -- he's a good guy, he wouldn't do
03:38:36PM 12 something like this. It's not in his character to
03:38:40PM 13 do something like this.

03:38:42PM 14 They have to prove this beyond a
03:38:46PM 15 reasonable doubt. And this needs to be -- I would
03:38:52PM 16 just like all 12 of you to consider all of this.
03:38:56PM 17 And each of you has a right to your own verdict,
03:39:02PM 18 your own beliefs. No one can criticize your
03:39:04PM 19 verdict and make you change what you feel in good
03:39:08PM 20 conscious is your verdict.

03:39:10PM 21 You don't have to have the same doubt,
03:39:12PM 22 same reasonable doubt. All 12 could have different
03:39:18PM 23 doubts about the case, doesn't have to be the same
03:39:18PM 24 thing. Each individual can make your own decision
03:39:22PM 25 about this. Christopher is counting on the 12 of

CLOSING BY MR. ZIEGLER

03:39:24PM 1 you. You're all he's got. You're the only thing
03:39:28PM 2 that stands between him and the State. And he's
03:39:30PM 3 been dealing with this for three-and-a-half years.
03:39:34PM 4 Please let him go home and find him not guilty.
03:39:42PM 5 Thank you.

03:39:42PM 6 THE COURT: Thank you, Mr. King.

03:39:46PM 7 Mr. Ziegler.

03:40:16PM 8 MR. ZIEGLER: Thank you, ladies and
03:40:18PM 9 gentlemen. Defense counsel has told you, and
03:40:24PM 10 Leslie Green has told you, that he was not
03:40:28PM 11 completely honest with the police when they first
03:40:34PM 12 talked with him. Well, Christopher Campbell, the
03:40:38PM 13 Defendant, has also told you that; he was not
03:40:40PM 14 completely honest with the police when they first
03:40:46PM 15 were speaking with him.

03:40:48PM 16 Do you know Firehouse Subs? That was
03:40:52PM 17 one of the first questions Detective Williams asked
03:40:54PM 18 the Defendant. No, the Defendant said. Well,
03:41:00PM 19 Detective Williams could have finished the
03:41:04PM 20 interview right there. The Defendant said he
03:41:06PM 21 didn't know anything about Firehouse Subs. Okay.
03:41:10PM 22 That's it.

03:41:10PM 23 But after a little further questioning,
03:41:12PM 24 Detective Williams learned the truth. In fact, the
03:41:18PM 25 Defendant did know Firehouse Subs. He said he

CLOSING BY MR. ZIEGLER

03:41:20PM 1 dropped his cousin off for work at Firehouse Subs
03:41:24PM 2 two days early. And that was the truth. So if it
03:41:34PM 3 also the truth that he was also at Firehouse the
03:41:36PM 4 night before, why didn't he say it? He mentioned
03:41:44PM 5 nothing about going to La Hacienda with two friends
03:41:46PM 6 who happen to be absent today.

03:41:50PM 7 And not even detectives knew at the
03:41:52PM 8 time of that initial interview with the Defendant
03:41:54PM 9 that his fingerprints were on those door handles.
03:42:00PM 10 So the Defendant could not have known that yet. It
03:42:04PM 11 was only today, after you, the jury, have been
03:42:08PM 12 presented with the evidence that his fingerprints
03:42:10PM 13 were on the doors -- on the door handles that he
03:42:14PM 14 has said he was at Firehouse the night before the
03:42:18PM 15 armed robbery.

03:42:22PM 16 Well, let's think about Leslie Green's
03:42:24PM 17 interviews. Do you know who robbed Firehouse Subs?
03:42:28PM 18 That was a question Detective Williams asked of
03:42:30PM 19 Leslie Green initially. No, Leslie Green said.
03:42:36PM 20 Again, detectives could have finished their
03:42:38PM 21 interviewing of Leslie Green right there. Leslie
03:42:42PM 22 Green said he didn't know who robbed the Firehouse
03:42:46PM 23 Subs. Okay. We're done.

03:42:48PM 24 But after a little further questioning,
03:42:50PM 25 detectives learned the truth. And, in fact, Leslie

CLOSING BY MR. ZIEGLER

03:42:54PM 1 Green did know who robbed the Firehouse Subs. He
03:42:58PM 2 admitted that his cousin -- his cousin, who he
03:43:02PM 3 spent time with, the Defendant, came in the
03:43:04PM 4 Firehouse Subs after him and robbed it.

03:43:10PM 5 Now, was Leslie Green honest with the
03:43:12PM 6 police at first when they asked him did he know who
03:43:18PM 7 robbed Firehouse Subs? No, he wasn't. He admitted
03:43:20PM 8 that. He initially told the police he didn't know
03:43:24PM 9 who the robber was; and, in fact, he did. Why
03:43:24PM 10 wasn't he honest? Fear and self protection, he
03:43:28PM 11 said. He was scared. He has no criminal record.

03:43:32PM 12 He was not accustomed to being in a
03:43:36PM 13 situation like this. He was being asked to
03:43:40PM 14 identify the person who committed an armed robbery
03:43:44PM 15 that he witnessed. He was protecting himself. He
03:43:52PM 16 might implicate himself if he admitted he knew the
03:43:56PM 17 robber. He was trying to stay out of the
03:43:58PM 18 situation. And he wasn't just protecting himself.
03:44:02PM 19 He was also protecting his cousin. Leslie Green
03:44:08PM 20 said he was trying -- Leslie Green testified that
03:44:10PM 21 he was trying to avoid giving up his cousin and
03:44:12PM 22 didn't want to get his cousin in any trouble, but
03:44:16PM 23 Leslie could only avoid it for so long.

03:44:18PM 24 Finally, he told police the truth about
03:44:20PM 25 who robbed the Firehouse Subs. He told you, the

CLOSING BY MR. ZIEGLER

03:44:24PM 1 jury, he told you it was the Defendant, Christopher
03:44:30PM 2 Campbell. And defense counsel played a clip of
03:44:38PM 3 Leslie Green's interview for you where Leslie Green
03:44:44PM 4 says to the detective, I think it looks like him,
03:44:46PM 5 was interrupted by the detective.

03:44:50PM 6 Well, Leslie Green testified that
03:44:52PM 7 before that clip he gave Christopher Campbell's
03:44:58PM 8 name. That's how detective's found Christopher
03:45:04PM 9 Campbell's photo, which is in evidence, to give to
03:45:06PM 10 Leslie Green to confirm that this was the person,
03:45:08PM 11 that the name he gave was the person who robbed the
03:45:14PM 12 Firehouse Subs. And Leslie Green did confirm that.
03:45:20PM 13 He signed his name to this document that detectives
03:45:24PM 14 presented to him, asked him if this was the person
03:45:26PM 15 that robbed the Firehouse Subs.

03:45:38PM 16 Well, Leslie Green knew what the
03:45:40PM 17 Defendant looked like. He knew the Defendant for
03:45:44PM 18 years at the time of this robbery. The two saw
03:45:46PM 19 each other two or three times per week. Leslie
03:45:50PM 20 testified that his cousin was wearing gray
03:45:54PM 21 sweatpants and a hoodie the morning of the robbery.
03:45:56PM 22 So when a man walked into Firehouse Subs in gray
03:46:00PM 23 sweatpants and a hoodie and spoke and stood
03:46:06PM 24 shoulder-to-shoulder, face-to-face with Leslie
03:46:08PM 25 Green, Leslie had a clear opportunity to see that

CLOSING BY MR. ZIEGLER

03:46:12PM 1 that man was the Defendant.

03:46:20PM 2 But Leslie's word alone is not the only
03:46:24PM 3 piece of evidence that the Defendant was inside
03:46:26PM 4 Firehouse Subs pointing a gun on May 4, 2011.
03:46:32PM 5 Chris Riley also got a close-up look at the robber
03:46:36PM 6 and gave a detailed description of him. He said
03:46:40PM 7 the robber was wearing gray sweatpants and a
03:46:44PM 8 hoodie, just like Leslie Green said. Just like
03:46:48PM 9 Leslie Green said his cousin was wearing that
03:46:52PM 10 morning, and red and black Jordan shoes.

03:46:56PM 11 Chris Riley said the robber was 6,1 to
03:47:00PM 12 6,3 in height and looked to be 21 years of age and
03:47:04PM 13 weighed over 175 pounds. When the Defendant was
03:47:06PM 14 arrested two days after the robbery, the detective
03:47:10PM 15 told -- testified, told you that he was 25 years
03:47:14PM 16 old, he was 6 feet, 2 inches in height and weighed
03:47:20PM 17 around approximately 185 to 190 pounds.

03:47:24PM 18 Well, the Defendant's house was
03:47:26PM 19 searched. The police found in that house a pair of
03:47:32PM 20 Jordan shoes, mostly black and red with some white.
03:47:36PM 21 And that matched the description in general of the
03:47:40PM 22 shoes that the robber was wearing.

03:47:46PM 23 Now, you will notice that that search
03:47:48PM 24 warrant did not recover any other items that
03:47:52PM 25 appeared to have been used in the robbery. There

CLOSING BY MR. ZIEGLER

03:47:54PM 1 was no gun found. There was no hooded sweatshirt
03:48:00PM 2 found, no sunglasses. But is that really all that
03:48:08PM 3 unusual? If the search warrant had been conducted
03:48:12PM 4 mere minutes, mere hours after the robbery
03:48:14PM 5 occurred, that might be a little unusual, but this
03:48:20PM 6 search warrant was executed two days after this
03:48:24PM 7 robbery. That is plenty of time for some of these
03:48:28PM 8 items to go away.

03:48:38PM 9 And there was one more item that Chris
03:48:40PM 10 Riley -- with Chris Riley that was of interest.
03:48:44PM 11 And Chris Riley told you himself he never told
03:48:46PM 12 anyone the robber had gold teeth. He was referring
03:48:52PM 13 to the robber's facial hair, a goatee.

03:48:56PM 14 So you've got Leslie Green's words.
03:49:00PM 15 You've got Chris Riley's description; it matches up
03:49:02PM 16 with the physical characteristics of the Defendant.
03:49:06PM 17 And then there are the Defendant's fingerprints.
03:49:14PM 18 We'll return to that later, but the defense counsel
03:49:22PM 19 did show you the surveillance video when the robber
03:49:30PM 20 leaves the Firehouse Subs store. He says, it
03:49:34PM 21 looked like the Defendant pushes on -- possibly
03:49:38PM 22 pushes on the glass.

03:49:38PM 23 Well, if you watch that video, it is
03:49:42PM 24 difficult to tell exactly where the Defendant
03:49:46PM 25 pushes on that door. It could be on that wood

CLOSING BY MR. ZIEGLER

03:49:48PM 1 frame, it could be on the glass. It's difficult to
03:49:52PM 2 tell. And it's also difficult to tell what he
03:49:54PM 3 pushed the door with. Was it his fingers? Was it
03:49:58PM 4 the back of his hands? Difficult to tell.

03:50:06PM 5 Defense counsel also presented some
03:50:08PM 6 witnesses. Ms. Martha Campbell took the stand and
03:50:12PM 7 told you the time line of when she heard
03:50:16PM 8 Christopher come home that day, heard the Defendant
03:50:20PM 9 come home that day, but on cross-examination it was
03:50:26PM 10 shown that her recollection of times was not as
03:50:30PM 11 precise as she initially indicated it was.

03:50:36PM 12 She mentioned quite a few different
03:50:40PM 13 dates for when Mr. Riley -- or Mr. Campbell, the
03:50:44PM 14 Defendant, returned home to her house from living
03:50:46PM 15 in Columbia. January or February she said, then
03:50:50PM 16 March or April. And then she said late in the year
03:50:54PM 17 at one point. So her recollection of time is not
03:51:00PM 18 precise.

03:51:02PM 19 How did she know that morning to look
03:51:06PM 20 at that clock and burn into her memory exactly what
03:51:12PM 21 time the Defendant was home that day?

03:51:22PM 22 And you heard from Mr. Martin. The
03:51:24PM 23 Defendant lived with Mr. Martin a brief time and
03:51:26PM 24 worked with him a few months. That arrangement
03:51:32PM 25 didn't work out. He went there to get back on

CLOSING BY MR. ZIEGLER

03:51:34PM 1 track as Mr. Martin said but there were issues
03:51:36PM 2 there, so the Defendant ended up leaving and moving
03:51:42PM 3 back to Charleston.

03:51:42PM 4 And you heard Leroy Campbell. He said
03:51:50PM 5 these are his shoes. Maybe they are his shoes.
03:51:54PM 6 But is that a question that the Defendant could
03:51:58PM 7 have had access to these?

03:52:10PM 8 Ladies and gentlemen, the Defendant in
03:52:12PM 9 this case is charged with armed robbery. Now,
03:52:16PM 10 armed robbery is when a person takes property --
03:52:22PM 11 personal property, that includes cash, from the
03:52:26PM 12 person or presence of another person. Now in this
03:52:32PM 13 case, Chris Riley was working in the Firehouse Subs
03:52:38PM 14 and he had access to that money, that money in the
03:52:40PM 15 safe. And the Defendant pointed the gun at him and
03:52:46PM 16 had Christopher Riley take that money from the safe
03:52:48PM 17 and place it into the Defendant's backpack. That
03:52:52PM 18 is taking money from the presence of another
03:52:56PM 19 person.

03:52:58PM 20 And the Defendant carried that property
03:52:58PM 21 away. It was cash. He put it in the backpack, he
03:53:02PM 22 left with it. Leslie Green testified to that and
03:53:06PM 23 Chris Riley testified to that.

03:53:08PM 24 Another element of armed robbery, the
03:53:12PM 25 property must be taken by violence or by putting

CLOSING BY MR. ZIEGLER

03:53:18PM 1 the owner of the property in fear of violence.
03:53:22PM 2 Now, pointing a gun at someone surely puts someone
03:53:28PM 3 in fear of violence. It put Christopher Riley in
03:53:32PM 4 fear of violence. He said he was scared, he was
03:53:34PM 5 nervous, he was shocked.

03:53:36PM 6 Finally, armed robbery, the State must
03:53:40PM 7 prove that the robbery was committed with the use
03:53:46PM 8 -- the robber must be armed with a deadly weapon,
03:53:46PM 9 and that includes a pistol. Now, Mr. Riley
03:53:52PM 10 testified that he could see that gun. He could see
03:53:56PM 11 the firearm being held and pointed at him. He knew
03:53:58PM 12 it was a 38 snub-nosed revolver. He knew it was a
03:54:06PM 13 revolver. He could see in the chamber of that
03:54:10PM 14 revolver. He was that close to him that he could
03:54:10PM 15 see hollow point bullets in the chamber. That's a
03:54:16PM 16 deadly weapon.

03:54:18PM 17 And as I explained to you in opening
03:54:22PM 18 statement, the Defendant is also charged with
03:54:24PM 19 possession of a weapon during the commission of a
03:54:28PM 20 crime. And he was carrying that revolver; that was
03:54:32PM 21 a weapon, that was a gun. And armed robbery is
03:54:38PM 22 considered a violent crime under South Carolina
03:54:40PM 23 law.

03:54:52PM 24 And defense counsel also spoke to you
03:54:54PM 25 about reasonable doubt. It's the State's burden to

CLOSING BY MR. ZIEGLER

03:55:00PM 1 prove to you that the Defendant is guilty of armed
03:55:04PM 2 robbery, possession of a weapon during the
03:55:10PM 3 commission of a violent crime beyond a reasonable
03:55:12PM 4 doubt. And that is evidence that leaves you, the
03:55:14PM 5 jurors, firmly convinced of the Defendant's guilt.

03:55:18PM 6 Now, that does not mean -- reasonable
03:55:20PM 7 doubt does not mean absolute certainty. And it
03:55:24PM 8 does not require the State to prove -- to give
03:55:28PM 9 proof that overcomes -- overcomes every possible
03:55:32PM 10 doubt. You simply must be firmly convinced that
03:55:38PM 11 the Defendant is guilty of the crime charged.

03:55:50PM 12 Ladies and gentlemen, I want to pose a
03:55:52PM 13 question to you. Why was the Defendant's left
03:56:00PM 14 thumb print recovered from both door handles at
03:56:08PM 15 Firehouse Subs? Why wasn't his left thumb
03:56:12PM 16 recovered from the left door handle and perhaps his
03:56:18PM 17 right thumb print recovered from the right door?
03:56:24PM 18 Before I answer that question, I want to point out
03:56:32PM 19 to you that in his interview with Detective
03:56:36PM 20 Williams, which is in evidence, the Defendant signs
03:56:42PM 21 his Miranda card -- Miranda warning card, signs
03:56:46PM 22 that with his right hand. Why is the Defendant
03:56:54PM 23 opening the doors to the Firehouse Subs with his
03:56:58PM 24 left hand?

03:56:58PM 25 Ladies and gentlemen, I'm going to play

CLOSING BY MR. ZIEGLER

03:57:54PM 1 this through for you one time before discussing it.
03:57:58PM 2 This is the part of the video where the Defendant
03:58:00PM 3 is getting ready to enter the Firehouse Subs.
03:58:40PM 4 (Video played) Here it appears that the Defendant
03:58:42PM 5 is looking in from the right door. And if you look
03:58:52PM 6 at the very left edge of the left door, you can see
03:58:56PM 7 what appears to be a little bit of the Defendant's
03:59:00PM 8 elbow, which would indicate that the Defendant
03:59:06PM 9 there has his left hand on the left door handle.
03:59:18PM 10 He doesn't open the left door. He opens the right
03:59:28PM 11 one. Excuse me, if you're -- if you're looking
03:59:36PM 12 from outside, the left door is on your -- it's the
03:59:40PM 13 one that is currently on your right.
03:59:54PM 14 (Video played.) So the Defendant has
04:00:06PM 15 to touch both door handles. Why does he do it with
04:00:16PM 16 his left hand? Ladies and gentlemen, it's because
04:00:22PM 17 his right hand is occupied. Where is it? It's
04:00:30PM 18 buried in or under that backpack and it's occupied.
04:00:46PM 19 And what is it occupied with? It's occupied with a
04:00:58PM 20 loaded 38 revolver.
04:01:20PM 21 You've heard all of the evidence in
04:01:22PM 22 this case. And the State submits to you that
04:01:28PM 23 evidence, Leslie Green's identification of the
04:01:32PM 24 Defendant, Christopher Riley's description, the
04:01:40PM 25 fingerprints on the door, among all the other

CLOSING BY MR. ZIEGLER

04:01:42PM 1 evidence, shows beyond a reasonable doubt, beyond a
04:01:50PM 2 reasonable doubt, that this Defendant was in the
04:01:52PM 3 Firehouse Subs on May 4, 2011.

04:01:54PM 4 And it shows beyond a reasonable doubt
04:01:56PM 5 not only that he was at the Firehouse Subs, but
04:02:00PM 6 that he walked into the Firehouse Subs and he put
04:02:02PM 7 his left hand on both door handles, and he walked
04:02:08PM 8 towards the employee and he pointed a gun with his
04:02:12PM 9 right hand, and he took over \$1,000 in cash and he
04:02:16PM 10 left.

04:02:22PM 11 This case is a story of two young men
04:02:26PM 12 each of whom woke up one morning to do a job. And
04:02:36PM 13 Chris Riley, the store manager, was working that
04:02:40PM 14 day for a paycheck. He was wearing a uniform shirt
04:02:44PM 15 and he was managing employees and preparing the
04:02:48PM 16 food. The Defendant -- you saw the Defendant. He
04:02:54PM 17 was wearing a hooded sweatshirt, sunglasses and he
04:02:58PM 18 was carrying a gun, and he was looking for a
04:03:00PM 19 different kind of paycheck.

04:03:02PM 20 Christopher Riley did not deserve what
04:03:06PM 21 happened to him that day and Christopher Campbell
04:03:12PM 22 does not deserve to get away with it. The State
04:03:18PM 23 requests -- implores you, you should find the
04:03:24PM 24 Defendant guilty of armed robbery, possession of a
04:03:24PM 25 weapon during the commission of a violent crime.

JURY CHARGE

04:03:34PM 1 Thank you.

04:03:34PM 2 THE COURT: Thank you. Please secure
04:03:36PM 3 the courtroom. All right.

04:03:56PM 4 Ladies and gentlemen, all of the
04:03:58PM 5 testimony and the other evidence to be presented in
04:04:00PM 6 this case has now been presented to you. The
04:04:00PM 7 attorneys have given you their closing arguments
04:04:04PM 8 and now is the time that I will charge you the law
04:04:06PM 9 that is to be applied in this case.

04:04:08PM 10 And I'll remind you, ladies and
04:04:10PM 11 gentlemen, during this trial you and I have certain
04:04:14PM 12 duties to perform. As the trial judge, it is my
04:04:16PM 13 responsibility to preside over the trial of this
04:04:20PM 14 case, and I also have the duty to rule on the
04:04:26PM 15 admissibility of the evidence that has been offered
04:04:28PM 16 during this trial.

04:04:28PM 17 You are to consider only the competent
04:04:30PM 18 evidence before you. If there was any testimony
04:04:34PM 19 ordered stricken from the record in this case, you
04:04:38PM 20 must disregard that testimony. As I say, ladies
04:04:42PM 21 and gentlemen, you are to consider only the
04:04:44PM 22 testimony that has been presented from the witness
04:04:46PM 23 stand and any exhibits which have been made a part
04:04:50PM 24 of the record in this case and any stipulations of
04:04:52PM 25 counsel.

JURY CHARGE

04:04:54PM 1 Now, ladies and gentlemen, I have the
04:04:56PM 2 additional duty to charge you the law that is
04:04:58PM 3 applicable to this case, and as the presiding judge
04:05:02PM 4 I am the sole judge of the law in this case. It is
04:05:08PM 5 your duty as jurors to accept and apply the law
04:05:12PM 6 exactly as I now state it to you. If you already
04:05:16PM 7 have some idea as to what the law is or what the
04:05:18PM 8 law ought to be, and it does not agree with what I
04:05:22PM 9 now tell you the law is, you must abandon that idea
04:05:26PM 10 because you're sworn to accept the law and apply
04:05:30PM 11 the law exactly as I state it to you.

04:05:32PM 12 In every case tried before a jury, the
04:05:36PM 13 jury becomes the sole and exclusive judges of the
04:05:40PM 14 facts. As a trial judge, I cannot intimate, state,
04:05:44PM 15 comment or in any way make a statement to the trial
04:05:48PM 16 jury about the facts in the case. Since you are
04:05:52PM 17 the jury, you are the sole judges of the facts, and
04:05:56PM 18 you are not to infer from anything that I've said
04:05:58PM 19 during the progress of the trial in ruling on the
04:06:04PM 20 admissibility of evidence or otherwise, or anything
04:06:06PM 21 that I might say during the course of the
04:06:08PM 22 instructions I give you, that I have any opinion
04:06:12PM 23 about the facts of the case. The law simply does
04:06:14PM 24 not allow me to have an opinion about the facts of
04:06:18PM 25 the case. This is a matter solely for you, the

JURY CHARGE

04:06:20PM 1 jury, to determine. And as jurors, it is your duty
04:06:26PM 2 to determine the effect, the value, the weight and
04:06:28PM 3 the truth of the evidence that has been presented
04:06:30PM 4 during this trial.

04:06:34PM 5 Now, ladies and gentlemen, the
04:06:34PM 6 indictments in this case charged the Defendant with
04:06:36PM 7 various crimes. And I remind you the fact that the
04:06:40PM 8 Defendant was arrested, charged and indicted in
04:06:44PM 9 this case is not evidence in this case and cannot
04:06:46PM 10 be considered by you as evidence of guilt. Nor
04:06:50PM 11 does it create any presumption or inference of
04:06:56PM 12 guilt. These indictments are simply the formal,
04:07:00PM 13 written instruments that contain the charges
04:07:02PM 14 against the Defendant, and they are the formal
04:07:04PM 15 written documents by which this case is brought
04:07:08PM 16 into Court.

04:07:10PM 17 Now, ladies and gentlemen, the
04:07:12PM 18 indictments in this case allege two different
04:07:14PM 19 offenses against the Defendant. The charges are
04:07:16PM 20 under indictment 2011-GS-104830, armed robbery, and
04:07:22PM 21 under indictment 2011-GS-104831, possession of an
04:07:30PM 22 -- of a firearm during the commission of a violent
04:07:36PM 23 crime. Each indictment charge is a separate and
04:07:38PM 24 distinct offense and you must decide each
04:07:42PM 25 indictment separately on the evidence of the

JURY CHARGE

04:07:44PM 1 applicable law, not influenced by your decision as
04:07:46PM 2 to any other indictment.

04:07:48PM 3 And the Defendant may be convicted or
04:07:52PM 4 acquitted on any or all of the offenses charged.
04:07:56PM 5 And you will be asked to write a separate verdict
04:07:58PM 6 of guilt or not guilty for each indictment.

04:08:02PM 7 Now, ladies and gentlemen, the
04:08:04PM 8 Defendant has pled not guilty to the charges in the
04:08:08PM 9 indictment, and that plea puts the burden on the
04:08:10PM 10 State to prove the Defendant guilty. A person
04:08:14PM 11 charged with committing a criminal offense in South
04:08:20PM 12 Carolina is never required to prove himself
04:08:20PM 13 innocent.

04:08:24PM 14 And I charge you, ladies and gentlemen,
04:08:26PM 15 this is an important rule of law that the Defendant
04:08:28PM 16 in a criminal trial, no matter how serious the
04:08:30PM 17 charge might be, will always be presumed to be
04:08:34PM 18 innocent of the crime for which the indictment was
04:08:38PM 19 issued unless guilt has been proven by evidence
04:08:42PM 20 satisfying you of that guilt beyond a reasonable
04:08:46PM 21 doubt.

04:08:46PM 22 This presumption of innocence does not
04:08:50PM 23 end when you begin your deliberations, but it
04:08:52PM 24 accompanies the Defendant throughout the trial
04:08:54PM 25 until you reach a verdict of guilt based upon

JURY CHARGE

04:08:58PM 1 evidence satisfying you of that guilt beyond a
04:09:02PM 2 reasonable doubt. The presumption of innocence is
04:09:04PM 3 like a robe of righteousness placed about the
04:09:08PM 4 shoulders of the Defendant which remain with that
04:09:10PM 5 Defendant until it has been stripped from the
04:09:14PM 6 Defendant by evidence satisfying you of the
04:09:18PM 7 Defendant's guilt beyond a reasonable doubt.

04:09:18PM 8 The presumption of innocence is not a
04:09:20PM 9 mere legal theory. It's not just a phrase that we
04:09:24PM 10 use, but it's a substantial right to which every
04:09:28PM 11 Defendant is entitled unless you, the jury, are
04:09:30PM 12 satisfied from evidence of the Defendant's guilt
04:09:36PM 13 beyond a reasonable doubt.

04:09:36PM 14 Ladies and gentlemen, the State has the
04:09:40PM 15 burden of proving the Defendant guilty beyond a
04:09:44PM 16 reasonable doubt. Some of you may have served as
04:09:46PM 17 jurors in civil cases where you were told that it's
04:09:50PM 18 only necessary to prove that a fact is more likely
04:09:56PM 19 true than not true, such is not a greater weight or
04:09:58PM 20 the preponderance of the evidence. Now, in
04:10:00PM 21 criminal cases, however, the State's proof must be
04:10:04PM 22 more powerful than that. It must be beyond a
04:10:06PM 23 reasonable doubt.

04:10:06PM 24 A proof beyond a reasonable doubt is
04:10:10PM 25 proof that leaves you firmly convinced of the

JURY CHARGE

04:10:14PM 1 Defendant's guilt. And, ladies and gentlemen,
04:10:14PM 2 there are very few things in this world that we
04:10:18PM 3 know with absolute certainty. And in criminal
04:10:20PM 4 cases, the law does not require proof that
04:10:26PM 5 overcomes every possible doubt.

04:10:28PM 6 If based upon your consideration of the
04:10:30PM 7 evidence you are firmly convinced of the Defendant
04:10:34PM 8 -- the Defendant is guilty of the crime charged,
04:10:38PM 9 you must find the Defendant guilty. If on the
04:10:42PM 10 other hand, you think that there's a real
04:10:44PM 11 possibility that the Defendant is not guilty, you
04:10:46PM 12 must give the Defendant the benefit of the doubt
04:10:50PM 13 and find him not guilty.

04:10:52PM 14 Now, ladies and gentlemen, there are
04:10:54PM 15 two types of evidence that are generally presented
04:10:56PM 16 during a trial. There's direct evidence and
04:11:00PM 17 there's circumstantial evidence. Direct evidence
04:11:02PM 18 is the testimony of a person who claims to have
04:11:06PM 19 actual knowledge of a fact, such as an eye witness.
04:11:10PM 20 It is evidence which immediately establishes the
04:11:12PM 21 main fact to be proved.

04:11:14PM 22 Circumstantial evidence is proof of a
04:11:18PM 23 chain of facts of circumstances indicating the
04:11:20PM 24 existence of the fact. It is evidence which
04:11:24PM 25 immediately establishes collateral facts from which

JURY CHARGE

04:11:28PM 1 the main fact may be inferred. The circumstantial
04:11:32PM 2 evidence is based on inference and not on personal
04:11:34PM 3 knowledge or observation.

04:11:38PM 4 The law makes absolutely no distinction
04:11:40PM 5 between the weight or value to be given to either
04:11:44PM 6 direct or circumstantial evidence, nor is a greater
04:11:48PM 7 degree of certainty required of circumstantial
04:11:52PM 8 evidence than of direct evidence.

04:11:56PM 9 Ladies and gentlemen, you should weigh
04:11:56PM 10 all of the evidence in this case. And after
04:12:00PM 11 weighing all of the evidence, if you are not
04:12:02PM 12 convinced of the guilt of the Defendant beyond a
04:12:06PM 13 reasonable doubt, you must find the Defendant not
04:12:08PM 14 guilty.

04:12:08PM 15 Now, ladies and gentlemen, you must
04:12:12PM 16 determine the credibility of the witnesses who have
04:12:14PM 17 testified in this case. And credibility simply
04:12:18PM 18 means believability. And, ladies and gentlemen, it
04:12:22PM 19 becomes your duty as jurors to analyze and to
04:12:26PM 20 evaluate the evidence and determine which evidence
04:12:30PM 21 convinces you of its truth. In determining the
04:12:34PM 22 believability of witnesses who have testified in
04:12:36PM 23 this case, you may believe one witness over several
04:12:40PM 24 witnesses or several witnesses over one witness.

04:12:44PM 25 You may believe a part of the testimony

JURY CHARGE

04:12:46PM 1 of a witness and reject the remaining parts of the
04:12:48PM 2 testimony of that same witness. You may believe
04:12:52PM 3 the testimony of a witness in its entirety or you
04:12:56PM 4 may reject the testimony of a witness in its
04:13:02PM 5 entirety. You may consider whether the witness has
04:13:04PM 6 exhibited to you any interest, bias, prejudice or
04:13:06PM 7 other motive in this case. You may also consider
04:13:12PM 8 the appearance and manner of the witness while on
04:13:14PM 9 the witness stand.

04:13:16PM 10 Now, ladies and gentlemen, the rules of
04:13:18PM 11 evidence ordinarily do not permit witnesses to
04:13:20PM 12 testify to opinions or conclusions. An exemption
04:13:26PM 13 to this rule exists for witnesses we refer to or
04:13:30PM 14 call expert witnesses; a witness who by education
04:13:34PM 15 and experience has become an expert in some art,
04:13:40PM 16 science, or profession, or calling may state an
04:13:42PM 17 opinion as to relevant and material matter in which
04:13:44PM 18 the witness claims to be an expert and may also
04:13:50PM 19 state the reason for the opinion.

04:13:52PM 20 Now, you should consider the expert
04:13:56PM 21 opinion received in evidence in this case like any
04:13:58PM 22 other evidence and give it the weight that you
04:14:00PM 23 think it deserves. If you decide that the opinion
04:14:04PM 24 of an expert is not based on sufficient education
04:14:08PM 25 and experience, or if you conclude that the reasons

JURY CHARGE

04:14:12PM 1 given in support of the opinion are not sound or
04:14:14PM 2 that the opinion is outweighed by other evidence,
04:14:20PM 3 you may disregard the opinion entirely. An expert
04:14:24PM 4 witness's testimony is to be given no greater
04:14:28PM 5 weight than that of any other witness simply
04:14:30PM 6 because they are an expert witness; and, further,
04:14:32PM 7 you are not required to accept an expert's opinion
04:14:36PM 8 even though it is not contradicted.

04:14:40PM 9 Now, ladies and gentlemen, the
04:14:40PM 10 Defendant has presented evidence of good reputation
04:14:46PM 11 and character to show that he -- that would be
04:14:48PM 12 inconsistent with the Defendant committing the
04:14:50PM 13 crime. The weight you give of that -- to that
04:14:54PM 14 testimony, like all other testimony in this case,
04:14:56PM 15 is for you to decide in your good judgment. You
04:15:02PM 16 may consider the testimony of the Defendant's good
04:15:04PM 17 character, along with other evidence, in deciding
04:15:08PM 18 whether or not the Defendant committed the crime.

04:15:12PM 19 Ladies and gentlemen, the Defendant is
04:15:14PM 20 charged with armed robbery. In order to prove the
04:15:18PM 21 offense the State must prove first, beyond a
04:15:20PM 22 reasonable doubt, that the Defendant took personal
04:15:22PM 23 property from the person or presence of another
04:15:26PM 24 person. Property is in the presence of another
04:15:30PM 25 person if it's within the person's reach,

JURY CHARGE

04:15:34PM 1 inspection, observation, or control so that the
04:15:36PM 2 person could, if not overcome with violence or --
04:15:42PM 3 or prevented by fear, keep possession of the
04:15:44PM 4 property.

04:15:46PM 5 The State must also prove beyond a
04:15:50PM 6 reasonable doubt that the Defendant carried the
04:15:52PM 7 property away intending to permanently deprive the
04:15:56PM 8 owner of the property and to keep the property for
04:15:58PM 9 the Defendant's own use. The slightest removal of
04:16:04PM 10 the property or the complete possession of the
04:16:06PM 11 property, even for an instant by the Defendant, is
04:16:10PM 12 sufficient to show a taking and carrying away of
04:16:12PM 13 the property.

04:16:14PM 14 The taking and carrying away of the
04:16:16PM 15 property must have been done with the violence or
04:16:18PM 16 by putting the owner of the property in fear of
04:16:22PM 17 violence. And, finally, the State must prove
04:16:26PM 18 beyond a reasonable doubt that the Defendant was
04:16:28PM 19 armed with a deadly weapon during the robbery. A
04:16:32PM 20 deadly weapon is any article, instrument, or
04:16:34PM 21 substance which is likely to cause death or great
04:16:38PM 22 bodily harm, and whether an instrument has been
04:16:42PM 23 used as a deadly weapon depends on the facts and
04:16:46PM 24 the circumstances of each case.

04:16:48PM 25 Now, the Defendant is charged with

JURY CHARGE

04:16:52PM 1 possession of a weapon during the commission of a
04:16:56PM 2 violent crime. The State must prove beyond a
04:16:58PM 3 reasonable doubt that the Defendant was in
04:17:00PM 4 possession of a firearm or visibly displayed what
04:17:04PM 5 appeared to be a firearm during the commission of a
04:17:04PM 6 violent crime.

04:17:08PM 7 A firearm means any machine gun,
04:17:12PM 8 automatic rifle, revolver, pistol, or any weapon
04:17:18PM 9 which will and is designed to or may be readily
04:17:20PM 10 converted to expel a projectile. In order to find
04:17:24PM 11 the Defendant guilty of possession of a weapon
04:17:28PM 12 during the commission of a violent crime, you must
04:17:28PM 13 first find the Defendant guilty of either
04:17:32PM 14 committing a violent crime or attempting to commit
04:17:36PM 15 a violent crime. Armed robbery is a violent crime.
04:17:38PM 16 The State must proof beyond a reasonable doubt that
04:17:42PM 17 the weapon further advanced or helped in the
04:17:46PM 18 commission of the crime.

04:17:48PM 19 Now, ladies and gentlemen, there are
04:17:48PM 20 two possible verdicts that you may find in this --
04:17:52PM 21 on the charges of armed robbery and possession of a
04:17:56PM 22 firearm during the commission of a violent crime.
04:18:00PM 23 Under count 2011-GS-104830, armed robbery, not
04:18:06PM 24 guilty or guilty. And under indictment
04:18:12PM 25 2011-GS-104831, possession of a firearm during the

JURY CHARGE

04:18:18PM 1 commission of a violent crime, not guilty or
04:18:20PM 2 guilty.

04:18:20PM 3 Now, ladies and gentlemen, there is no
04:18:22PM 4 significance whatsoever in the order that I state
04:18:24PM 5 the possible verdicts, it's simply that one must be
04:18:28PM 6 stated first.

04:18:28PM 7 Now, ladies and gentlemen, your verdict
04:18:32PM 8 must be a unanimous one. All 12 of you must agree
04:18:36PM 9 on the verdict and your decision must not be based
04:18:38PM 10 on sympathy, passion, prejudice, emotion or any
04:18:44PM 11 other consideration that is not in evidence in this
04:18:48PM 12 case.

04:18:48PM 13 Mr. Foreman, when the jury agrees on
04:18:52PM 14 the verdict, you will write the verdict in the
04:18:56PM 15 specific box that are stated here, not guilty or
04:19:00PM 16 guilty, not guilty or guilty, sign your name, and
04:19:02PM 17 then please knock on the jury room door. You will
04:19:06PM 18 then be received back here in the courtroom for the
04:19:08PM 19 publication of your verdict.

04:19:10PM 20 Now, ladies and gentlemen, I will ask
04:19:12PM 21 that you return to your jury room, but please do
04:19:16PM 22 not begin your deliberations until the Clerk tells
04:19:20PM 23 you to start your deliberations. There is still a
04:19:24PM 24 few matters that I have to take up with the
04:19:26PM 25 attorneys.

JURY CHARGE

04:19:26PM 1 Thank you, ladies and gentlemen. If
04:19:28PM 2 you all could please separate the alternate at this
04:19:30PM 3 point in time.

04:19:34PM 4 (Jury out, 4:18 p.m.)

04:19:54PM 5 THE COURT: Thank you. I will bring
04:19:56PM 6 the alternate back in here. Any objections to the
04:19:58PM 7 charge that was made to the jury from the State?

04:20:02PM 8 MR. ZIEGLER: No, Your Honor.

04:20:02PM 9 THE COURT: From the defense?

04:20:04PM 10 MR. KING: I may have missed it, Judge,
04:20:04PM 11 just regarding the good character, the language
04:20:08PM 12 about evidence of good character in and of itself
04:20:12PM 13 may create a doubt as to guilt. I thought maybe it
04:20:18PM 14 was diluted a little bit as far as, you know,
04:20:18PM 15 considering it with all the other evidence, with
04:20:20PM 16 the law that they can consider that in and of
04:20:24PM 17 itself as evidence.

04:20:24PM 18 THE COURT: I'm satisfied with it.

04:20:26PM 19 MR. KING: Thank you, Your Honor.

04:20:28PM 20 THE COURT: Okay. You made your
04:20:28PM 21 objection. You-all get together and make sure that
04:20:30PM 22 all of the evidence is there.

04:20:32PM 23 How do you want to handle it if they
04:20:34PM 24 want to come back and see a portion of the videos?
04:20:40PM 25 How do you generally do it?

JURY CHARGE

04:20:42PM 1 THE CLERK: We have a laptop that is
04:20:46PM 2 completely free of any software. There is no
04:20:48PM 3 Internet --

04:20:48PM 4 THE COURT: Who would play that? I've
04:20:50PM 5 had my law clerks do it before when they've asked
04:20:54PM 6 for a specific area. However you-all want to do
04:20:56PM 7 it. Sometimes we bring them back in here and play
04:20:58PM 8 the specific part they want, but I will do it any
04:21:00PM 9 way you-all want to. Maybe that's something we
04:21:04PM 10 don't need to discuss until they ask to see it.

04:21:06PM 11 MR. SIMPSON: My only reservation would
04:21:10PM 12 be, the Defendant's interview, we only admitted a
04:21:12PM 13 portion of that and there's a lot of things --

04:21:14PM 14 THE COURT: They can go back and look
04:21:16PM 15 at the whole thing. We will -- any video evidence
04:21:20PM 16 we will review in here then. Okay. Thank you.
04:21:24PM 17 Here's the verdict form.

04:21:26PM 18 In some cases, I have sent a copy of
04:21:30PM 19 the charge back there with them and -- but I don't
04:21:32PM 20 do it unless everybody agrees. Do you have any
04:21:36PM 21 objection of doing that?

04:21:38PM 22 MR. SIMPSON: No.

04:21:42PM 23 MR. KING: The entire charge?

04:21:42PM 24 THE COURT: The entire charge.

04:21:44PM 25 MR. KING: No objection.

JURY CHARGE

04:21:44PM 1 THE COURT: Okay.

04:21:46PM 2 MR. KING: Other than my objection I
04:21:48PM 3 just made regarding the --

04:21:50PM 4 THE COURT: But you're protected on the
04:21:50PM 5 record.

04:21:50PM 6 MR. KING: Yes, sir.

04:21:52PM 7 THE COURT: What I stated is going back
04:21:54PM 8 there. Thank you.

04:21:54PM 9 (A recess transpired.)

04:21:54PM 10 THE COURT: All right. The jury has
05:09:36PM 11 come up with some questions, and some of them I can
05:09:38PM 12 answer and some I don't think I can. They want to
05:09:40PM 13 see the video. The first question is, want to see
05:09:42PM 14 the video of the robber coming into the store. Is
05:09:46PM 15 that part of the total video? That is. Okay.

05:09:50PM 16 And they said they want to watch the
05:09:52PM 17 entire robbery video. So those are two right there
05:09:56PM 18 together.

05:09:58PM 19 And then it said, when did he tell the
05:10:02PM 20 investigators that he was at the Firehouse on the
05:10:04PM 21 night of May 3rd? I think that's in evidence. I
05:10:08PM 22 can't add or subtract from that. I think you-all
05:10:12PM 23 covered that. I will have to tell them that's in
05:10:14PM 24 evidence.

05:10:16PM 25 And when did the fingerprint card

JURY CHARGE

05:10:18PM 1 report come back? That's in evidence as well. I
05:10:24PM 2 can't emphasize or de-emphasize anything. She
05:10:26PM 3 testified when she finished that.

05:10:28PM 4 And what time did Christopher Campbell
05:10:30PM 5 go to the Firehouse on the night of May 3rd? I
05:10:36PM 6 don't that's in evidence. So for three of them
05:10:40PM 7 they're in evidence and you'll just have to rely on
05:10:42PM 8 your memories. And the other one is, there is no
05:10:46PM 9 evidence. So they're going to have to take it with
05:10:50PM 10 what they have.

05:10:52PM 11 Then this -- and I'm going to write
05:10:54PM 12 that on here and then I'm going to let you see my
05:10:56PM 13 responses, and then we'll bring them in and let
05:10:58PM 14 them watch the video.

05:11:00PM 15 THE BAILIFF: Your Honor?

05:11:00PM 16 THE COURT: Yes.

05:11:02PM 17 THE BAILIFF: They also asked if when
05:11:04PM 18 they're allowed to see the video, if they could
05:11:06PM 19 stand up closer.

05:11:08PM 20 THE COURT: I don't have a problem with
05:11:10PM 21 that. That's about as big of a TV -- what is that,
05:11:10PM 22 60 --

05:11:16PM 23 THE CLERK: 80 inches, Your Honor.

05:11:18PM 24 MR. SIMPSON: Your Honor, this has also
05:11:28PM 25 got a view if some of them wants to --

JURY CHARGE

05:11:30PM 1 THE COURT: Okay. So the three answers
05:12:14PM 2 on each one of these is, when did he tell
05:12:16PM 3 investigators that he was at Firehouse Subs on the
05:12:18PM 4 night of May 3rd? That's in evidence.

05:12:22PM 5 When did the fingerprint report come
05:12:24PM 6 back? That's in evidence.

05:12:24PM 7 And what time did Christopher Campbell
05:12:26PM 8 go to Firehouse on the night of May 3rd? That's
05:12:32PM 9 not in evidence. And then we'll bring them out.

05:12:34PM 10 Does that suit you all?

05:12:40PM 11 MR. SIMPSON: That is satisfactory to
05:12:40PM 12 us.

05:12:42PM 13 THE COURT: He said it was before he
05:12:44PM 14 went to a bar, but we don't have an exact time.

05:12:44PM 15 MR. KING: I can't -- Mr. Campbell
05:12:46PM 16 thinks he said the time, but I can't remember.

05:12:46PM 17 THE COURT: He didn't say the time, he
05:12:50PM 18 didn't. And I don't think anybody else remembers.

05:12:50PM 19 Do you remember?

05:12:56PM 20 THE COURT REPORTER: He didn't say the
05:12:56PM 21 time.

05:12:56PM 22 THE COURT: He didn't. Tell them that
05:13:26PM 23 I'll -- take that back to them. And then tell them
05:13:32PM 24 we'll bring them in here. Part of what they're
05:13:34PM 25 looking for is in the main video.

JURY CHARGE

05:13:36PM 1 THE BAILIFF: Okay.

05:13:38PM 2 THE COURT: Do you want to get that set
05:13:40PM 3 up, or do you have it set up?

05:13:40PM 4 MR. ZIEGLER: It's on the way out, the
05:13:44PM 5 disk itself.

05:13:44PM 6 THE BAILIFF: When do you want me to
05:13:48PM 7 bring them back?

05:13:48PM 8 THE COURT: Now.

05:13:48PM 9 MR. ZIEGLER: Judge, the surveillance
05:14:46PM 10 video has different windows and different parts.
05:14:50PM 11 We can respond to their question which parts they
05:14:54PM 12 want to see in depth.

05:14:56PM 13 THE COURT: I think one of them they
05:14:58PM 14 wanted to see was him coming in.

05:15:00PM 15 MR. ZIEGLER: Sure. And then they
05:15:00PM 16 wanted to see the whole thing --- -

05:15:02PM 17 THE COURT: I guess you'll just have to
05:15:02PM 18 play the whole thing and they'll have to look
05:15:06PM 19 around. That's what's in the evidence.

05:15:12PM 20 MR. KING: You can take an individual
05:15:14PM 21 screen, it's a split screen, but you can --

05:15:16PM 22 THE COURT: But we don't need to show
05:15:20PM 23 the back lot. I mean, is there one where he comes
05:15:22PM 24 through the door --

05:15:24PM 25 MR. SIMPSON: Yeah. There's a good one

JURY CHARGE

05:15:26PM 1 to respond to question 1. And, then, as to the
05:15:28PM 2 whole robbery, we'll just play the panels.

05:15:32PM 3 THE COURT: Right. And they can pick
05:15:34PM 4 out what they want. That's the only way I see to
05:15:36PM 5 fairly do it, fair to the State and fair to
05:15:38PM 6 you-all, because you don't want to zoom in on one.

05:15:42PM 7 MR. KING: Okay.

05:17:16PM 8 (Jury in, 5:16 p.m.)

05:17:20PM 9 THE BAILIFF: All jurors are present.

05:17:22PM 10 THE COURT: We're going to show you --
05:17:26PM 11 in the order that you asked, you wanted a specific
05:17:28PM 12 one of him coming in, and we have that. Then we
05:17:32PM 13 will show you all the panels, and that's the way it
05:17:34PM 14 came into evidence. And you'll just have to look
05:17:36PM 15 at it.

05:17:36PM 16 In evidence means that it is testified
05:17:38PM 17 to or in writing in some form during the trial.
05:17:44PM 18 And if it's not in evidence, it was not testified
05:17:46PM 19 to and there is nothing in writing.

05:17:48PM 20 Are you ready to proceed with the first
05:17:52PM 21 -- the first question was, they wanted to see the
05:17:56PM 22 robber coming through the door; is that right?

05:17:56PM 23 MR. FOREMAN: Yes, sir.

05:18:00PM 24 THE COURT: Please play that. You may
05:18:02PM 25 be seated. Get wherever is closest for you to

JURY CHARGE

05:18:06PM 1 watch.

05:18:16PM 2 (Video played.)

05:19:18PM 3 THE COURT: That's him coming in and
05:19:20PM 4 then you can play the whole thing.

05:20:08PM 5 (Video played)

05:20:08PM 6 THE COURT: Okay. Ladies and
05:22:00PM 7 gentlemen, if you would go back to the jury room
05:22:02PM 8 and continue your deliberations.

05:22:08PM 9 (Jury out, 5:21 p.m.)

05:22:12PM 10 THE COURT: Court will be at ease
05:22:28PM 11 pending the call of the Court.

05:22:40PM 12 (A recess transpired.)

05:22:40PM 13 (Court's Exhibit No. 4, jury note, in
05:22:40PM 14 evidence.)

05:22:44PM 15 THE COURT: Thank you. I understand
05:36:34PM 16 the jury has a verdict.

05:38:12PM 17 (Jury in, 5:37 p.m.)

05:38:16PM 18 THE BAILIFF: All jurors present and
05:38:52PM 19 seated.

05:38:52PM 20 THE COURT: All right. Please be
05:38:52PM 21 seated.

05:38:56PM 22 Mr. Foreman, has the jury reached a
05:38:56PM 23 verdict?

05:38:58PM 24 MR. FOREMAN: We have.

05:38:58PM 25 THE COURT: Is it unanimous?

VERDICT

05:39:00PM 1 MR. FOREMAN: It is.

05:39:00PM 2 THE COURT: Please pass it to the
05:39:02PM 3 bailiff. The Defendant will remain standing.

05:39:14PM 4 Please publish the verdict.

05:39:22PM 5 THE CLERK: In the State of South
05:39:22PM 6 Carolina, County of Charleston, in the Court of
05:39:26PM 7 General Sessions, State of South Carolina versus
05:39:28PM 8 Christopher D. Campbell, the Defendant; as to the
05:39:30PM 9 charge of armed robbery, we, the jury, unanimously
05:39:36PM 10 find the Defendant guilty.

05:39:38PM 11 As to the charge of possession of a
05:39:38PM 12 firearm during the commission of a violent crime,
05:39:42PM 13 we, the jury, unanimously find the Defendant
05:39:44PM 14 guilty.

05:39:44PM 15 Signed, Mr. Foreman, October 23rd,
05:39:48PM 16 2014.

05:39:48PM 17 Mr. Foreman, ladies and gentlemen, if
05:39:50PM 18 this is your verdict, please indicate so by raising
05:39:54PM 19 your right hand.

05:39:56PM 20 THE JURY: (Raised hands)

05:39:56PM 21 THE CLERK: Let the record reflect that
05:39:58PM 22 all jurors have raised their right hand.

05:40:02PM 23 THE COURT: Thank you. Does the
05:40:02PM 24 defense request polling?

05:40:04PM 25 MR. KING: Yes, sir.

05:44:26PM 1 beginning. When they release you, if you would
05:44:26PM 2 like to come back in and sit in the courtroom, you
05:44:30PM 3 are absolutely welcome to do that.

05:44:30PM 4 If you want to head on and try to beat
05:44:32PM 5 the traffic, I don't think you've made it by now,
05:44:36PM 6 but -- and do what you want to do, that is
05:44:38PM 7 certainly your right. But, ladies and gentlemen,
05:44:40PM 8 before you leave I, would like to have the honor as
05:44:44PM 9 a fellow citizen of shaking your hands as you
05:44:48PM 10 depart. Thank you again for your service as
05:44:52PM 11 jurors.

05:45:00PM 12 (Jury out, 5:44 p.m.)

05:45:00PM 13 THE COURT: Are there any motions to be
05:45:30PM 14 made by the defense?

05:45:30PM 15 MR. KING: I would just renew my
05:45:32PM 16 previous motions and make a motion for a new trial.

05:45:34PM 17 THE COURT: Mr. Ziegler.

05:45:40PM 18 MR. ZIEGLER: None, Your Honor.

05:45:40PM 19 THE COURT: All right. The verdict
05:45:42PM 20 stands. I will respectfully deny your motion. I
05:45:46PM 21 will give you 15 minutes and I'll sentence the
05:45:50PM 22 Defendant at 6:00. Thank you.

05:45:52PM 23 (A recess transpired.)

05:45:52PM 24 THE COURT: Do you have the sentencing
06:02:38PM 25 sheet?

SENTENCE

06:02:38PM 1 MR. ZIEGLER: Yes, Your Honor.

06:02:38PM 2 THE COURT: Solicitor, I believe I
06:02:40PM 3 remember his only conviction was a --

06:02:46PM 4 MR. ZIEGLER: Obtaining property by
06:02:48PM 5 false pretense.

06:02:50PM 6 THE COURT: Anything the State would
06:02:52PM 7 liked to present at this time?

06:02:52PM 8 MR. ZIEGLER: The State would submit to
06:02:54PM 9 the Court the Court has heard the events of this
06:03:00PM 10 incident. I would leave it up to the Court's
06:03:06PM 11 discretion regarding sentencing. The Court has
06:03:08PM 12 been made aware of the prior record as well.

06:03:10PM 13 THE COURT: Thank you. Mr. King.

06:03:10PM 14 MR. KING: Thank you, Your Honor.

06:03:12PM 15 I advised Mr. Campbell to remain
06:03:14PM 16 silent, that's what I normally do pending appeal.
06:03:18PM 17 He does just have that one misdemeanor on his
06:03:22PM 18 record and he paid a fine. It is a very minimal
06:03:26PM 19 prior record, Judge. I've been representing him
06:03:28PM 20 now for about two years. I got it from Martha
06:03:28PM 21 Dikus, who passed away in our office a couple of
06:03:28PM 22 years ago. I've been representing him, you know,
06:03:36PM 23 I've gotten to know him over the couple of years.
06:03:38PM 24 You know, I think he is a bright man. I think he
06:03:40PM 25 has a lot of potential.

SENTENCE

06:03:44PM 1 We're just asking if you would consider
06:03:46PM 2 leniency. I think he has a good potential for the
06:03:50PM 3 future that we shouldn't write him off. And
06:03:52PM 4 there's a lot of time hanging over his head, but we
06:03:56PM 5 would just ask you to sentence him to the minimum.

06:04:00PM 6 George Martin wanted to speak briefly.

06:04:02PM 7 THE COURT: Yes, sir.

06:04:04PM 8 MR. KING: He wants to speak briefly.

06:04:08PM 9 THE COURT: Mr. Martin.

06:04:10PM 10 MR. MARTIN: Your Honor.

06:04:12PM 11 THE COURT: Yes, sir.

06:04:12PM 12 MR. MARTIN: The State and the defense
06:04:16PM 13 lawyers sat here today -- he has a lot to salvage.
06:04:28PM 14 He's good with kids, he helped me with my children
06:04:32PM 15 and their homework. He's a bright human being, and
06:04:36PM 16 if you could please just be lenient on him. He has
06:04:38PM 17 a lot to salvage.

06:04:42PM 18 And I commend you guys. You-all have a
06:04:48PM 19 rough job. Sitting back here and watching the way
06:04:54PM 20 you handle your courtroom, it's just fair. And,
06:04:58PM 21 well, I don't know what word to use, just
06:05:02PM 22 impartial.

06:05:02PM 23 THE COURT: Thank you.

06:05:04PM 24 MR. MARTIN: Thank you, Judge. That's
06:05:06PM 25 all I have to say.

SENTENCE

06:05:06PM 1 THE COURT: What would his grand momma
06:05:10PM 2 like to say?

06:05:10PM 3 MS. CAMPBELL: Please have mercy on
06:05:12PM 4 him.

06:05:12PM 5 THE COURT: Yes, ma'am.

06:05:14PM 6 MS. CAMPBELL: Please be lenient on
06:05:16PM 7 him. He has a son also.

06:05:18PM 8 THE COURT: Thank you.

06:05:20PM 9 MR. KING: He has a six-year-old child,
06:05:24PM 10 about to turn seven. He's spent 319 days in jail.

06:06:50PM 11 THE COURT: All right. You know, in
06:06:50PM 12 this case, the -- the Defendant always has every
06:06:56PM 13 right to have a trial. And I never punish anybody
06:07:04PM 14 for going to trial, but I certainly saw the
06:07:06PM 15 evidence here and this case was just as clear as a
06:07:10PM 16 bell. I mean, it certainly -- from the evidence
06:07:14PM 17 that came in, I was surprised the jury took as long
06:07:18PM 18 as they did.

06:07:20PM 19 And I'm amazed that Mr. Campbell got up
06:07:22PM 20 here and -- and I feel like he lied to me when he
06:07:26PM 21 got on the stand. I think he was getting other
06:07:30PM 22 family members to lie for him. He would have done
06:07:32PM 23 anything he could. I'm not going to max him out,
06:07:36PM 24 but he's not getting the minimum on this one.

06:07:40PM 25 The Defendant would please stand. The

SENTENCE

06:07:42PM 1 sentence is that you be committed to the State
06:07:44PM 2 Department of Corrections for a period of 18 years
06:07:48PM 3 on the armed robbery charge and five years on the
06:07:54PM 4 possession of a firearm during the commission of a
06:08:00PM 5 violent crime. Also, because they were done at the
06:08:02PM 6 same time, I will run them concurrent. You will
06:08:04PM 7 serve 18 years, whatever that works out to be.

06:08:08PM 8 This is a -- is this a -- this is a
06:08:10PM 9 violent crime, so you will in all likelihood have
06:08:12PM 10 to serve 85 percent of that. The formula they come
06:08:18PM 11 up with up there, I'm not sure, but that's the
06:08:20PM 12 sentence of the court. Good luck.

06:08:22PM 13 And certainly he will get credit for
06:08:26PM 14 time served.

06:08:42PM 15 Let me commend both lawyers -- lawyer
06:08:46PM 16 teams, I think you certainly upheld your civility
06:08:48PM 17 oath and handled the evidence well. It was an
06:08:54PM 18 honor to try the case with you. Thank you.

06:08:54PM 19 (These proceedings were concluded at
20 6:08 p.m.)

21

22

23

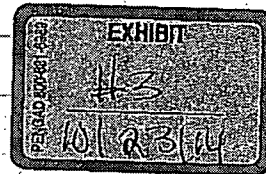
24

25

- Want to see the video of the robber coming into the store
- Want to watch the entire robbery video
- When did he tell investigators that he was at Firehouse on the night of May 3rd? *In evidence.*
- When did the fingerprint report come back? *In evidence*
- What time did Christopher Campbell go to Firehouse on the night of May 3rd? *Not in evidence.*

Justin Seto, #712 10/23/2014

W. J. Jones
Judge 9th Judicial Cir
5:10 pm 23 Oct 2014



SAV20110502832

DOCKET NO. 2011GS1004830

WITNESSES

Lauren Glover
Charleston City Police Department

AGENCY CASE NUMBER

1107282

ARREST WARRANT NUMBER

M640209

DATE OF ARREST

May 7, 2011

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury: AUG 1 - 2011
Date:

VERDICT

Guilty

Foreperson of Petit Jury

Date:

INDICT

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

August Term 2011

THE STATE

VS.

CHRISTOPHER D CAMPBELL

DOB: 1986-05-04
B/M

Indictment for

Armed Robbery

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.D.S. & F.C.
By *Chelle Vaux*
DEPUTY CLERK

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

INDICTMENT

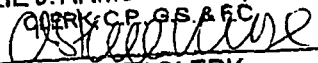
At a Court of General Sessions, convened on August 1, 2011 the Grand Jurors of Charleston County present upon their oath:

Armed Robbery

That on or about May 4, 2011, in Charleston County, South Carolina, at 357 King Street by use of force, threats or intimidation and while armed with a deadly weapon, to wit: a handgun, the Defendant, CHRISTOPHER D CAMPBELL, while acting in concert with another, did take and carry away goods and/or monies from the person or immediate presence of Christopher Riley with the intent to permanently deprive him of possession thereof, in violation of Section 16-11-330(A) of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


DALE SAVAGE
ASSISTANT SOLICITOR

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
By 
DEPUTY CLERK

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Charleston
 STATE: VS.
Christopher D Campbell

AKA:

Race: BLACK Sex: MA Age: 28DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Charleston, SC 29412-8804DL#: [REDACTED] SID#: SC01865773*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Armed Robbery

INDICTMENT/CASE#: 2011GS1004830A/W#: M640209Date of Offense: 5/4/2011S.C. Code §: 16-11-0330(A)CDR Code #: 0139

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSIn violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: Alex J. Ziegler 10/10/14

Ziegler, Alexander J.

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 18 days/months/years or ☐ under the Youthful Offender Act not to exceed yearsand/or to pay a fine of \$ provided that upon the service of days/months/years and/or paymentof \$ plus costs and assessments as applicable*, the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections. 319 Days

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
 Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing, ☐ OrderedTotal: \$ plus 20% fee: \$ Payment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:	\$	
§ 14-1-206 (Assessments 107.5%)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (DUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)	\$	\$ <u>3.90</u>
TOTAL	\$	\$ <u>133.90</u>

PTUP days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning \$ paid to Public Defender FundOther:

☐ Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Clerk of Court/ Deputy Clerk [Signature]Court Reporter: Denise Lander

SCCA/217 (03/2011)

Presiding Judge [Signature]Judge Code: 2156ATTEST: A TRUE COPY 23 Oct 2014

JULIE J. ARMSTRONG (SEAL)

CLERK, C.P., G.S. & F.C.

BY [Signature]
DEPUTY CLERK

320
SAV20110502832

WITNESSES

Lauren Glover
Charleston City Police Department

AGENCY CASE NUMBER

1107282

ARREST WARRANT NUMBER

M640210

DATE OF ARREST

May 7, 2011

ACTION OF GRAND JURY

TRUE BILL
Foreperson of Grand Jury: AUG 1 - 2011
Date: *[Signature]*
VERDICT: *Guilty*
[Signature] 10/2/2011
Foreperson of Petit Jury: *[Signature]*
Date: *[Signature]*
INDICT

DOCKET NO. 2011GS1004831

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS

August Term 2011

THE STATE

vs.

CHRISTOPHER D CAMPBELL

DOB: 1986-05-04
BAM

Indictment for

Possession of a Firearm During the
Commission of a Violent Crime

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P.G.S. & F.C.
By *[Signature]*
DEPUTY CLERK

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

INDICTMENT

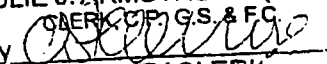
At a Court of General Sessions, convened on August 1, 2011 the Grand Jurors of Charleston County present upon their oath:

Possession of a Firearm During the Commission of a Violent Crime

That in Charleston County, South Carolina, on or about May 4, 2011, the Defendant, CHRISTOPHER D CAMPBELL, did possess a a gun or visibly display what appeared to be a gun during the commission, or attempted commission, of Armed Robbery, a violent crime. This is in violation of 16-23-490 of the South Carolina Code of Laws, (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


DALE SAVAGE
ASSISTANT SOLICITOR

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.C.
By 
DEPUTY CLERK

322

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Charleston
 STATE VS:
Christopher D. Campbell

AKA:

Race: Black Sex: Male Age: 28DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Charleston, SC 29412-8804DL#: [REDACTED] SID#: SC01865973*CDI, Yes ☐ No ☐ CMV, Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Possession of a Firearm or Knife During Commission of a Violent Crime

INDICTMENT/CASE#: 2011GS1004831A/W#: M640210Date of Offense: 5/4/2011S.C. Code § 16-23-0490CDR Code #: 0549

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSIn violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ § 17-25-45
 w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: Alex J. Ziegler10/10/14

Ziegler, Alexander J.

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed years.
 and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
 of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to: South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections: 319 Days

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
 Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing: ☐ Ordered PTUPTotal: \$ plus 20% fee: \$ days/hours. Public Service EmploymentPayment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:	\$	
§ 14-1-206 (Assessments 107.5%)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ <u>5.00</u>
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TOTAL	\$	\$ <u>133.40</u>

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Clerk of Court/Deputy Clerk Alex J. ZieglerCourt Reporter: Devine Lander

SCCA/217 (03/2011)

Presiding Judge: [Signature]ATTEST: A TRUE COPY 2156JULIE J. ARMSTRONG (SEA) 23 Oct 2014

CLERK/C.P. S.S. & F.C.

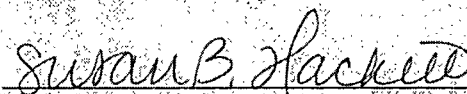
By: [Signature]

FIDELITY CLERK

CERTIFICATE OF COUNSEL FOR APPELLANT

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

November 24th, 2015



Susan B. Hackett
Appellate Defender

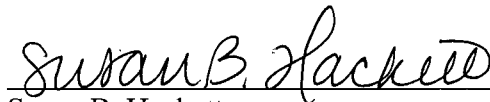
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

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Appellate Defender

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ATTORNEY FOR APPELLANT

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NOV 24 2015

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Charleston County

William Jeffrey Young, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CHRISTOPHER D. CAMPBELL,

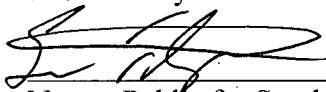
APPELLANT

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Mark R. Farthing, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 24th day of November, 2015.


Cruise Mitchell
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 24th day of November, 2015.


_____(L.S.)
Notary Public for South Carolina
My Commission Expires: October 30, 2022.

RECEIVED

NOV 24 2015

SC Court of Appeals