

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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**SC Court of Appeals**

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APPEAL FROM AIKEN COUNTY

Court of General Sessions  
Honorable Doyet A. Early, III

---

Case No. 2010-GS-02-670, 679, 294, 291

The State,

Respondent,

v.

Artrell Hickson,

Appellant.

---

**RECORD ON APPEAL**

---

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Columbia, SC 29201  
(803) 252-7757

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Attorney General

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Assistant Solicitor  
Second Judicial Circuit  
Aiken County Courthouse  
Aiken, S.C. 29801  
(803) 642- 1557

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Aiken County  
Honorable Doyet A. Early, III, Circuit Court Judge  
Appellate Case No. 2010-173668

---

THE STATE,

Respondent,

vs.

ARTRELL JABAR HICKSON,

Appellant.

---

**RECORD ON APPEAL**

---

Jerry M. Screen  
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Columbia, SC 29201  
(803) 252-7757

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ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA

COUNTY OF Aiken

STATE

VS.

Artrell Jabar Hickson

AKA:

Race: B Sex: M Age: 20

DOB: [REDACTED] SS#: [REDACTED]

Address: 13 [REDACTED]

City, State, Zip: Aiken, SC [REDACTED]

DL# 101592134\* SID#

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

In 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 ☐ §17-25-45(CSC w/minor 1<sup>st</sup> or Lewd Act)The charge is: ☐ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

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 28 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.☐ The Defendant is to be placed on 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:       Obtain GED ☐☐ Set by SCDPPPSAttend Voc. Rehab. Or Job Corp.       

Recipient:

\*Fine: \$       §14-1-206 (Assessments 107.5%) \$       §14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00§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 \$ 25.00§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 (SCCJA Surcharge) \$5 \$ 5.00§44-53-450(C) (Conditional Discharge) \$350 \$       3% to County (if paid in installments) \$ 3.90TOTAL \$ 133.90

Clerk of Court/Deputy Clerk

Court Reporter:

SCCA217 (06/2010)

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:       ☐ Conditional Discharge, §44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition☐ Appointed PD or appointed other counsel, §47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code:

Sentence Date

## STATE OF SOUTH CAROLINA

COUNTY OF Aiken

STATE

VS.

Artrell Jabar Hickson

AKA:

Race: Sex: M Age: 20

DOB: 10-23-1989 SS#: 508-23-233

Address: 1500 W. Main St.

City, State, Zip: Aiken, SC 29801

DL# 101592134\* SID#

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Poss. weapon during violent crime, if not also sentenced to life without parole or death

In violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code #. 0549

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45(CSC w/minor 1<sup>st</sup> or Lewd Act)The charge is: ☐ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

SC Bar # 74983

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: 09-65-02-2294☐ 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.☐ The Defendant is to be placed on 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 PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPSObtain 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 Fund

Other:

☐ Conditional Discharge, §44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition☐ Appointed PD or appointed other counsel, §47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge T. P. Early

Judge Code: 0136

Sentence Date Sept 22, 2010

Recipient:

\*Fine: \$

\$14-1-206 (Assessments 107.5%) \$

\$14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

\$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 \$ 25.00

\$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 (SCCJA Surcharge) \$5 \$ 5.00

\$44-53-450(C) (Conditional Discharge) \$350 \$

3% to County (if paid in installments) \$ 3.90

TOTAL \$ 132.90

Clerk of Court/Deputy Clerk

Court Reporter:

SCCA217 (06/2010)

NOTICE OF INTENT TO APPEAL  
THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
FROM AIKEN COUNTY  
THE HONORABLE DOYET A. EARLY, III  
September 30, 2010

Indictment # 2009-GS-02-2294  
2010-GS-02-670

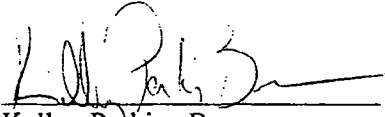
THE STATE OF SOUTH CAROLINA -- Respondent

VS.

ARTRELL HICKSON -- Appellant

NOTICE OF INTENT TO APPEAL

Artrell Hickson had a jury trial and was found guilty and was convicted of Armed Robbery and Possession of Firearm During Commission Of Or Attempt To Commit A Violent Crime on September 22, 2010 before the Honorable Doyet A. Early, III in Aiken, South Carolina. He appeals his conviction and sentence.

  
Kelley Perkins Brown  
Attorney for Defendant

Other Counsel of record is:

Suzanne Ringler  
Assistant Solicitor  
Second Judicial Circuit  
P.O. Drawer 3368  
Aiken, SC 29802

State of South Carolina )  
County of Aiken ) Court of General Sessions  
2010-GS-02-670, 679  
2009-GS-02-2291, 2294

The State of South Carolina )  
Plaintiff )  
vs. ) Transcript of Record  
Javier Hickson and Artrell )  
Hickson )  
Defendants )

September 20, 2010  
Aiken, South Carolina

B E F O R E:

The Honorable Doyet A. Early, III, Judge; and a jury.

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

J. Strom Thurmond, Jr., Solicitor  
Susanna Ringler, Assistant Solicitor  
Attorneys for the Plaintiff

Kelley P. Brown, Esq.  
Attorney for the Defendant Artrell Hickson

Michael Routzong, Esq.  
Attorney for the Defendant Javier Hickson

Lisa H. Davenport, RPR  
Official Court Reporter

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|----|-----------|--------------------|-----------|-----------|
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25

1 (Whereupon, on September 20, 2010 the following  
2 proceedings were held:)

3 MS. RINGLER: The State is ready to call its first  
4 case. It is State versus Javier Hickson, indictment  
5 number 2009-GS-02-2291 and 2010-GS-02-679. The State will  
6 also be calling State versus Artrell Hickson,  
7 2009-GS-02-2294 and 2010-GS-02-670.

8 THE COURT: All right. Please bring out Mr. Artrell  
9 Hickson or Jabar -- Javier, I guess.

10 All right. Gentlemen, come forward.

11 (Whereupon, the Defendants entered the courtroom.)

12 THE COURT: Is the State ready to proceed?

13 MS. RINGLER: Yes, Your Honor.

14 THE COURT: The Defendants ready to proceed?  
15 Mr. Artrell Hickson?

16 MRS. BROWN: Yes, Your Honor.

17 THE COURT: Mr. Javier Hickson?

18 MR. ROUTZONG: Yes, Your Honor.

19 THE COURT: Ladies and gentlemen of the jury panel,  
20 we're about to begin the trial of the case of the State of  
21 South Carolina versus Artrell Jabar Hickson.

22 Mr. Hickson, would you please stand and face the jury  
23 panel?

24 (Whereupon, the Defendant Artrell Hickson complies.)

25 THE COURT: Thank you. You may be seated.

1 As well as the case of the State of South Carolina  
2 versus Javier Hickson.

3 Mr. Hickson, am I pronouncing that correctly?

4 THE DEFENDANT JAVIER HICKSON: Yes, sir.

5 THE COURT: Would you look at the jury panel, please?  
6 (Whereupon, the Defendant Javier Hickson complies.)

7 THE COURT: Thank you.

8 Ladies and gentlemen, these two gentlemen have been  
9 indicted by the Aiken County Grand Jury. Please bear in  
10 mind that an indictment is not evidence in the case. It  
11 is simply the charging document by way the case comes into  
12 this courtroom. They have been indicted for -- each one  
13 of them for armed robbery and for possession of a firearm  
14 during the commission of or an attempt to commit a violent  
15 crime.

16 Both Defendants have plead not guilty to each  
17 indictment. A plea not of not guilty, obviously, places  
18 the burden on the State of South Carolina through the  
19 Solicitor's Office to prove to the jury beyond a  
20 reasonable doubt each and every allegation of each  
21 indictment and each and every element of each indicted  
22 offense. Obviously, I'll go over all of that with you at  
23 that time, but at this present time these are the two  
24 indictments that the state are proceeding against these  
25 two individuals.

1 I'll have to ask you some questions about this so if  
2 any of these questions apply to you please stand once  
3 again and give us your name.

4 Has any member of the jury panel ever been related by  
5 blood or marriage or do you now or have you in the past  
6 had a close personal or social relationship with either of  
7 the Defendants Artrell Hickson or Javier Hickson? If so,  
8 please stand.

9 Do not get frightened when I do this, but we have a  
10 potential witness list and I will ask you -- read out  
11 these names and then I am going to ask you the same  
12 question: Are you related by blood or marriage now or in  
13 the past or do you now or have you in the past had a close  
14 personal or social relationship and if any of the  
15 witnesses that I call or -- if you are in the courtroom  
16 would you please stand and face the jury panel?  
17 Investigator Greg Savell, S-A-V-E-L-L. Thank you. You  
18 may be seated. Lieutenant Clay Adams. Lieutenant Billy  
19 Fleury, F-L-E-U-R-Y, both of the Aiken County Sheriff's  
20 Office. Investigator Chuck Cain. Investigator James  
21 Criscillis, C-R-I-S-C-I-L-L-I-S, also with the Aiken  
22 County Sheriff's Office. Deputy Earl Roberts. Demetrick  
23 Drumming with the Aiken Department of Public Service --  
24 Public Safety. Daphne Carroll with Security Federal Bank.  
25 Ms. Carroll. Thank you. Tonya Key with Security Federal.

1 Thank you. Amanda Wood with Security Federal. Thank you.  
2 Gabrielle Hastings. Ms. Hastings. Carol McCleskey.  
3 Thank you. David Kearse. Stanley Galloway. Sabrina  
4 Oakman. Beatrix Wright. Candice Bryant. Monique  
5 Hickson. Devon Jones. Crystal Harris. Randolph  
6 Wilson, Jr. Phillip Paul. Chris Pitman. Beulah Hickson.  
7 Is Ms. Hickson in the courtroom? Beulah Hickson. Thank  
8 you. You may be seated. Tommy Lee Parker.

9 Any member of the jury panel related by blood or  
10 marriage now or in the past or do you now or have you in  
11 the past had a close personal or social relationship with  
12 any of these potential witnesses? If so, please stand.

13 Yes, ma'am, your name?

14 THE JUROR: My name is Aliceteen Belcher. I work  
15 with some of the family members.

16 THE COURT: Where do you work?

17 THE JUROR: Walmart.

18 THE COURT: Walmart. And the fact that you work with  
19 some of the Defendants' family members, would that in any  
20 way, ma'am, keep you from being fair and impartial in the  
21 trial of this case?

22 THE JUROR: I prefer not to.

23 THE COURT: I know you prefer not to, ma'am, but we  
24 have a civic duty for you to sit on a jury as a citizen of  
25 this community and can you sit on that jury panel and

1 determine what evidence you hear as to be true and apply  
2 those facts to the law as I give it to you. Can you do  
3 that?

4 THE JUROR: Yes, sir.

5 THE COURT: Thank you, ma'am. Your name, ma'am?

6 THE JUROR: Cagney Pruett, Juror 131, and I am  
7 personal friends with Demetrick Drumming -- was in the  
8 past.

9 THE COURT: The fact that you are a personal friend  
10 with a potential witness in the trial of this case, ma'am,  
11 would that any any way preclude or keep you from being  
12 fair and impartial in to both sides? We all have personal  
13 friendships.

14 THE JUROR: No, sir.

15 THE COURT: Thank you. You may be seated.

16 The lawyers in the case -- the State will be  
17 represented by members of the Solicitor's Office,  
18 Ms. Susie Ringler and Solicitor Thurmond -- Strom  
19 Thurmond, Jr. The Defendants are represented by  
20 Mr. Michael Routzong and Mrs. Kelley Perkins Brown.

21 Any member of the jury panel now or in the past have  
22 had a close personal or social relationship with any of  
23 the lawyers or are you related by blood or marriage to any  
24 of the lawyers involved in the case? If so, please stand.

25 MR. WEEKS: Your Honor, Mr. Hayes is going to be



1 participating.

2 THE COURT: Oh, I'm sorry. Mr. David Hayes. That's  
3 why I was looking at him trying -- I didn't know. Any  
4 member of the jury panel now or in the past had legal  
5 services provided by any of the lawyers? If so, please  
6 stand.

7 Ladies and gentlemen, it is alleged -- these are  
8 simply allegations. This is not evidence in the case.  
9 You will base your decision based on evidence that you  
10 hear from the witness stand from live witnesses and or  
11 exhibits that are relevant to the case, but it is alleged  
12 that here in Aiken County on or about June 25, 2009 that  
13 these two men participated in a robbery -- an armed  
14 robbery -- and took from Ms. Gabrielle Hastings and  
15 Ms. Amanda Wood by means of force or intimidation goods  
16 from the Security Federal Bank while using a deadly weapon  
17 and this bank -- the Security Federal Bank is located  
18 where?

19 MS. RINGLER: Graniteville, Your Honor.

20 THE COURT: In Graniteville, South Carolina. An  
21 alleged bank robbery or bank robbery that's alleged to  
22 have been committed by these gentlemen on June 25, 2009 in  
23 Graniteville at the Security Federal Bank.

24 Any member of the jury panel -- have you read  
25 anything about this case, heard anything about it? Has

1 anybody discussed it with you, seen anything on TV,  
2 anything on the internet? Anything anywhere? Know  
3 anything about the facts in the case, formed any opinions  
4 about the facts in the case? If so, please stand.

5 Any member of the jury panel been a victim of a  
6 violent crime? If so, please stand.

7 Any member of the jury panel either you or your close  
8 family member or have relatives who are -- work with or  
9 involved with the SLED -- State Law Enforcement  
10 Division -- work in the Solicitor's Office, attorney  
11 general's office, or any law enforcement agency? If so,  
12 please stand.

13 THE JUROR: My mother works for the Aiken County  
14 Sheriff's Department.

15 THE COURT: Ma'am?

16 THE JUROR: My name is Cagney Pruett. My mother  
17 works for the Aiken County Sheriff's Department.

18 THE COURT: Okay. The fact that your mom works for  
19 the Sheriff's Department, would that in any way preclude  
20 or keep you from being fair and impartial?

21 THE JUROR: No.

22 THE COURT: Thank you. You may be seated. Yes,  
23 ma'am, your name?

24 THE JUROR: My name is Margaret Lind, number 96. I  
25 go by Maggie.

1 THE COURT: Well, it's always interesting sitting up  
2 here when I ask people their names they look down at their  
3 name tags.

4 THE JUROR: My daughter works in Columbia County for  
5 the Sheriff's Department.

6 THE COURT: The fact --

7 THE JUROR: I don't know if that's relevant.

8 THE COURT: Well, it is. The fact that you have a  
9 daughter that's involved in law enforcement, would that,  
10 ma'am, keep you from being fair and impartial?

11 THE JUROR: No.

12 THE COURT: Thank you. Any member of the jury  
13 panel -- are you a member of or a contributor to an  
14 organization which has as its primary aim the enforcement  
15 of law such as MADD, Mothers Against Drunk Drivers; SADD,  
16 Students Against Drunk Drivers; CAV, Citizens Against  
17 Violent Crime, or any other type of organization? If so,  
18 please stand.

19 Ladies and gentlemen of the jury, one of the main  
20 responsibilities I have as the trial judge is to make sure  
21 that the Defendants in this trial as well as the State of  
22 South Carolina both receive a fair trial and to do that I  
23 have to make sure that my jurors are fair and impartial  
24 and what your role is is that when you're selected the 12  
25 of you acting collectively as one you become what we call

1 the judges of the facts or the finders of the facts.

2 I practiced law for 30 years. I have been a judge  
3 for over six, and I can tell you one thing that you will  
4 hear different versions of the facts from different  
5 witnesses like you do day-in and day-out with your  
6 children, husband, wife, employees, employers. People  
7 give you different versions of the facts.

8 Your job is to determine what the true facts are, and  
9 when you find what the true facts are then you apply it to  
10 the law as I give it to you or instruct you. So, I am  
11 asking does anyone on this jury panel -- are you unable to  
12 perform that duty because of personal beliefs against the  
13 jury system, religious beliefs, any kind of beliefs that  
14 would keep you from being fair and impartial and perform  
15 this civic duty, this civic obligation? Anybody that  
16 cannot do that, I need to know now.

17 Any additional questions by the State?

18 MS. RINGLER: None from the State, Your Honor.

19 THE COURT: Mr. Routzong?

20 MR. ROUTZONG: None, Your Honor.

21 THE COURT: Mrs. Kelley Perkins Brown?

22 MRS. BROWN: No, Your Honor.

23 THE COURT: All right. Ladies and gentlemen, we're  
24 going to draw the jury. In a criminal case such as this  
25 your names are put into a computer program and you're

1 randomly selected out. Your name will be called. When  
2 your name is called, please come forward and stand right  
3 here in front.

4 In this case each Defendant has ten strikes and the  
5 State has five strikes per Defendant. So, that's a total  
6 of 30 strikes. They don't have to use them all, but they  
7 can. So, let's get going, and we'll see how we go. As  
8 your name is called, please come forward right here. If  
9 you are selected, obviously, you'll sit in the jury box.  
10 If you are excused by either side, then return to your  
11 seat.

12 We've gone -- in the last year we've gone to a  
13 computer system that all the names are put into the  
14 computer and it randomly selects out whoever -- who is  
15 named first, second, third, fourth, and all the way down.  
16 So, you're randomly put into this. We just recently had  
17 an old metal box up here where they put all of the names  
18 in it and shake it up and draw one out at the time. We've  
19 moved forward.

20 THE CLERK: As I call your name, please come forward  
21 to the bench and face the attorneys. Juror number 96,  
22 Margaret Lind. (white female)

23 THE COURT: Mrs. Kelley P. Brown, Mr. Routzong, who  
24 is going first and who is going second? Or do you want to  
25 swap it back and forth?

1 MRS. BROWN: I think swapping back and forth would be  
2 fair.

3 THE COURT: All right. Mr. Routzong, ladies go  
4 first.

5 What say the State?

6 MS. RINGLER: Please present this juror.

7 THE COURT: What say Mrs. Kelley Perkins Brown?

8 MRS. BROWN: Please excuse the juror from the trial  
9 of this case.

10 THE COURT: You may have a seat.

11 THE CLERK: Juror number 105, Michael Mayo. (white  
12 male) What say ye for the State?

13 MS. RINGLER: Please present this juror.

14 THE CLERK: What say ye for the defense?

15 THE COURT: Mr. Routzong?

16 MR. ROUTZONG: Please seat this juror.

17 THE COURT: Mrs. Kelley Perkins Brown?

18 MRS. BROWN: Please seat the juror.

19 THE CLERK: Thank you. Please have a seat in the  
20 jury box. Juror number 129, Lisa Price. (black female)  
21 What say ye for the State?

22 MS. RINGLER: Please excuse this juror.

23 THE CLERK: Thank you. Please return to your seat.  
24 Juror number 27, Gladys Cannon. (black female)

25 What say ye for the State?

1 MS. RINGLER: Please excuse this juror.

2 THE CLERK: Thank you. Please return to your seat.

3 Juror number 120, Cynthia Nichols. (white female) What  
4 say ye for the State?

5 MS. RINGLER: Please present this juror.

6 THE CLERK: What say ye for the Defendant?

7 THE COURT: Hold on a second. Mrs. Brown?

8 MRS. BROWN: Please excuse the juror from the trial  
9 of this case.

10 THE CLERK: Thank you. Please return to your seat.

11 THE CLERK: Juror number 12, Joseph Bernier. (white  
12 male) What say ye for the State?

13 MS. RINGLER: Please present this juror.

14 THE CLERK: What say ye for the Defendant,  
15 Mr. Routzong?

16 MR. ROUTZONG: Please seat Mr. Bernier.

17 THE COURT: Hold on. Mrs. Kelley Brown?

18 MRS. BROWN: Please seat the juror.

19 THE CLERK: Please have a seat in the jury box.

20 Juror number 67, Connie Harms. (white female) What say  
21 ye for the State?

22 MS. RINGLER: Please present this juror.

23 THE CLERK: What say ye for the Defendant,  
24 Mrs. Brown?

25 MRS. BROWN: Please present this juror.

1 THE CLERK: Defendant, Mr. Routzong?

2 MR. ROUTZONG: Please seat Ms. Harm.

3 THE CLERK: Please have a seat in the jury box.

4 THE BAILIFF: Ma'am, this way.

5 THE COURT: That's a good try, Ms. Harm.

6 THE CLERK: Juror number 53, David Foreman. (white

7 male) What say ye for the State?

8 MS. RINGLER: Please present this juror.

9 THE CLERK: What say ye for the Defendant Routzong?

10 MR. ROUTZONG: Please seat Mr. Foreman.

11 THE CLERK: I'm sorry?

12 THE COURT: Mrs. Brown?

13 MRS. BROWN: Please seat the juror.

14 THE CLERK: Thank you. Please have a seat in the

15 jury box. Juror number 110, Sharon Melton. (white

16 female) What say ye for the State?

17 MS. RINGLER: Please present this juror.

18 THE CLERK: What say ye for Defendant Brown?

19 THE COURT: No. We have Mrs. Brown.

20 MRS. BROWN: Please present the juror.

21 THE CLERK: What say ye for Defendant Routzong?

22 MR. ROUTZONG: Please seat Ms. Melton.

23 THE CLERK: Please have a seat in the jury box.

24 Juror number 43, Jason Drennen. (white male) What say ye

25 for the State?



1 MS. RINGLER: Please present this juror.

2 THE CLERK: What say ye for the defense,

3 Mr. Routzong?

4 MR. ROUTZONG: Please excuse Mr. Drennen.

5 THE CLERK: Please return to your seat. Juror number

6 15, Myles Black. (white male) What say ye for the State?

7 MS. RINGLER: Please present this juror.

8 THE CLERK: What say ye for defense, Mrs. Brown?

9 MRS. BROWN: Please present this juror.

10 THE CLERK: What say ye for defense, Mr. Routzong?

11 MR. ROUTZONG: Please seat Mr. Black.

12 THE CLERK: Thank you. Have a seat in the jury box.

13 THE COURT: Mr. Black, you work for the University of

14 Georgia?

15 THE JUROR: Yes, sir.

16 THE COURT: Nice to have you with us.

17 THE JUROR: Thank you.

18 THE COURT: I won't say a word about Carolina

19 whipping you.

20 THE CLERK: Juror number 136, Laurie Roby. (white

21 female) What say ye for the State?

22 MS. RINGLER: Please present this juror.

23 THE CLERK: What say ye for the Defendant,

24 Mr. Routzong?

25 MR. ROUTZONG: Please seat Ms. Roby.

1 THE CLERK: What say ye for Defendant, Mrs. Brown?

2 MRS. BROWN: Please seat the juror.

3 THE CLERK: Please have a seat in the jury box. The  
4 State has exhausted two strikes, Defendant Routzong one,  
5 Defendant Brown two.

6 THE COURT: Did you leave something, ma'am?

7 THE JUROR: I left a paper.

8 THE COURT: Go get it. You're good. She can go get  
9 it or somebody give it to her.

10 THE CLERK: Juror number 106, Bryan McElwain. (white  
11 male) What say ye for the State?

12 MS. RINGLER: Please present this juror.

13 THE CLERK: Thank you. What say ye for defense,  
14 Mrs. Brown?

15 MRS. BROWN: Please present the juror.

16 THE CLERK: What say ye for the Defendant,  
17 Mr. Routzong?

18 MR. ROUTZONG: Please seat Mr. McElwain.

19 THE CLERK: If you would please have a seat. Juror  
20 number 46, Michelle Ebenroth. (white Female) What say ye  
21 for the State?

22 MS. RINGLER: Please present this juror.

23 THE CLERK: What say ye for the defendant,  
24 Mr. Routzong?

25 MR. ROUTZONG: Please excuse this juror.

1 THE CLERK: Please return to your seat. Juror number  
2 156, Danielle Walter'Dehn... (White female) What say ye  
3 for the State?

4 MS. RINGLER: Please present this juror.

5 THE CLERK: What say ye for the Defendant,  
6 Mrs. Brown?

7 MRS. BROWN: Please present this juror.

8 THE CLERK: What say ye for the Defendant,  
9 Mr. Routzong?

10 MR. ROUTZONG: Please excuse Ms. Walter-Dehn.

11 THE CLERK: Thank you. Please return to your seat.  
12 Juror number 103, Andrew Martin. (white male) What say  
13 ye for the State?

14 MS. RINGLER: Please present this juror.

15 THE CLERK: What say ye for the Defendant,  
16 Mr. Routzong?

17 MR. ROUTZONG: Please excuse Mr. Martin.

18 THE CLERK: Please return to your seat. The State  
19 has exhausted two strikes, Defendant Routzong four,  
20 Defendant Brown two. Juror number 92, Shane Lattimer.  
21 (white male) What say ye for the State?

22 MS. RINGLER: Please present this juror.

23 THE CLERK: What say for the Defendant, Mrs. Brown?

24 MRS. BROWN: Please excuse the juror.

25 THE CLERK: Thank you. Please return to your seat.

1 Juror number 9, John Beeland. (white male) What say ye  
2 for the State?

3 MS. RINGLER: Please present this juror.

4 THE CLERK: What say ye for the Defendant,  
5 Mr. Routzong?

6 MR. ROUTZONG: Please excuse Mr. Beeland.

7 THE CLERK: Thank you. Please return to your seat.  
8 Juror number 82, Melissa Johnson. (black female) What  
9 say ye for the State?

10 MS. RINGLER: Please excuse this juror.

11 THE CLERK: Please return to your seat. Juror number  
12 128, Hazel Ann Poston. (white female) What say ye for  
13 the State?

14 MS. RINGLER: Please present this juror.

15 THE CLERK: What say ye for the Defendant Brown?

16 MRS. BROWN: Please present the juror.

17 THE CLERK: What say ye for Defendant Routzong?

18 MR. ROUTZONG: Please excuse Ms. Poston.

19 THE CLERK: Thank you. Please return to your seat.  
20 Juror number 26, Ryan Campbell. (white male) What say ye  
21 for the State?

22 MS. RINGLER: Please present this juror.

23 THE CLERK: What say ye for Defendant Routzong?

24 MR. ROUTZONG: Please excuse Mr. Campbell.

25 THE CLERK: Thank you. Please return to your seat.

1 The state has exhausted three strikes, Defendant Routzong  
2 seven, Defendant Brown three. Juror number 95, Olivia  
3 Lewis. (black female) What say ye for the State?

4 MS. RINGLER: Please present this juror.

5 THE CLERK: Thank you. What say ye for Defendant  
6 Routzong?

7 MR. ROUTZONG: Please present Ms. Lewis.

8 THE CLERK: What say ye for Defendant Brown?

9 MRS. BROWN: Please seat the juror.

10 THE CLERK: Please have a seat in the jury box.  
11 Juror number 5, Jamie Anderson. (white female) What say  
12 ye for the State?

13 MS. RINGLER: Please present this juror.

14 THE CLERK: What say ye for Defendant Brown?

15 MRS. BROWN: Please present the juror.

16 THE CLERK: Thank you. What say ye for Defendant  
17 Routzong?

18 MR. ROUTZONG: Please seat Ms. Anderson.

19 THE CLERK: Thank you. Please have a seat in the  
20 jury box. Juror number 86, Twantanesha King. (black  
21 female) What say ye for the State?

22 MS. RINGLER: Please present this juror.

23 THE CLERK: Thank you. What say ye for Defendant  
24 Routzong?

25 MR. ROUTZONG: Please present Ms. King.

1 THE CLERK: What say ye for Defendant Brown?

2 MRS. BROWN: Please seat the juror.

3 THE CLERK: Please have a seat in the jury box.

4 Juror number 75, Sommer Horne. (white female) What say  
5 ye for the State?

6 MS. RINGLER: Please excuse this juror.

7 THE CLERK: Thank you. Please return to your seat.

8 Juror number 19, Tina Brown. (black female) What say ye  
9 for the State?

10 MS. RINGLER: Please present this juror.

11 THE CLERK: What say ye for Defendant Brown?

12 MRS. BROWN: Please present the juror.

13 THE CLERK: What say ye for Defendant Routzong?

14 MR. ROUTZONG: Please seat the juror.

15 THE CLERK: Thank you. Please have a seat in the  
16 jury box. Alternates?

17 THE COURT: Let me have two alternates. The State  
18 will have one strike -- The State will have two strikes  
19 and each Defendant -- The State will have one strike and  
20 each Defendant will have two strikes. One and two.

21 THE CLERK: Juror number 115, Wanda Moseley. (white  
22 female) What say ye for the State?

23 MS. RINGLER: Please excuse this juror.

24 THE CLERK: Thank you. Please return to your seat.

25 Juror number 4, Holly Anderson. (white female) What say

1 ye for the State?

2 MS. RINGLER: Please present this juror.

3 THE CLERK: Thank you. What say ye for Defendant  
4 Routzong?

5 MR. ROUTZONG: Please present Ms. Anderson.

6 THE CLERK: Thank you. What say ye for Defendant  
7 Brown?

8 MRS. BROWN: Please excuse the juror.

9 THE CLERK: You may return to your seat. Juror  
10 number 41, Mary Dawson. (white female) What say ye for  
11 the State?

12 MS. RINGLER: Please present this juror.

13 THE CLERK: What say ye for Defendant Brown?

14 MRS. BROWN: Please present the juror.

15 THE CLERK: What say ye for Defendant Routzong?

16 MR. ROUTZONG: Please seat Ms. Dawson.

17 THE CLERK: Thank you. Please have a seat in the  
18 jury box.

19 THE COURT: All right. One more alternate.

20 THE CLERK: Juror number 87, Kimberly Kirkbride.  
21 (white female) What say ye for the State?

22 MS. RINGLER: Please present this juror.

23 THE CLERK: What say ye for Defendant Routzong?

24 MR. ROUTZONG: Please present Ms. Kirkbride.

25 THE CLERK: What say ye for Defendant Brown?

1 MRS. BROWN: Please seat this juror.

2 THE CLERK: Please have a seat in the jury box.

3 THE COURT: Thank you. Any motions by the in  
4 connection with the selection of the jury?

5 MS. RINGLER: None from the State, Your Honor.

6 THE COURT: Mr. Routzong, any motions in connection  
7 with the selection of the jury?

8 (pause)

9 Mr. Routzong?

10 MR. ROUTZONG: Your Honor, I think juror number --

11 THE COURT: No, sir. Any motions?

12 MR. ROUTZONG: Yes, Your Honor, under Batson.

13 THE COURT: Mrs. Kelley Perkins Brown, any motions?

14 MRS. BROWN: No, Your Honor.

15 THE COURT: All right. Let me see the Solicitor,  
16 Mr. Routzong, Mrs. Kelley Perkins Brown here. Everybody  
17 sit tight for one second.

18 (Whereupon, a bench conference was held.)

19 THE COURT: Let the record reflect that the motion  
20 filed by Mr. Routzong on behalf of his client, the Batson  
21 motion, has been withdrawn. Is that correct;  
22 Mr. Routzong?

23 MR. ROUTZONG: Yes, Your Honor.

24 THE COURT: We are going to release them in just one  
25 second.



1 Can you wait just a second, ma'am? Are you a juror,  
2 ma'am?

3 MR. WEEKS: She is a witness.

4 THE COURT: Does she need to step outside a second?

5 FEMALE SPEAKER: I'll wait.

6 THE COURT: Ma'am, you can step right there if you  
7 need to step out.

8 All right. Let me have order. All right. Ladies  
9 and gentlemen, I am going to let y'all step back with  
10 Mr. Whittle just for a second and we'll go ahead and  
11 stretch your legs, if you need to use the restroom or  
12 whatever. We'll be starting in about 5 to 10 minutes.  
13 Thank you.

14 Everybody else remain seated.

15 (Whereupon, the jury exited the courtroom at 3:15.)

16 (Whereupon, a break was taken.)

17 THE COURT: Anything from the state before we bring  
18 the jury in?

19 MS. RINGLER: Nothing from the State, Your Honor.

20 THE COURT: Mrs. Kelley Perkins Brown?

21 MRS. BROWN: No, Your Honor.

22 THE COURT: Mr. Michael Routzong?

23 MR. ROUTZONG: Nothing, Your Honor.

24 MRS. BROWN: Your Honor, I have a quick question.

25 When would the court plan to hear the State's motion in

1     limine?

2           THE COURT: We've discussed it in chambers and I  
3     think I told them what to do. About the photographs?

4           MR. THURMOND: We had a motion about the photo and a  
5     motion in limine to prohibit them from crossing some of  
6     our witnesses about what their exposure was.

7           THE COURT: I said on both of them before you do that  
8     we'll do a proffer and I'll rule on it.

9           MRS. BROWN: Thank you, Your Honor.

10          THE COURT: Don't mention it in opening statement.

11          (Whereupon, the jury came into open court at  
12     approximately 3:33.)

13          THE COURT: All right. Ladies and gentlemen, the  
14     first thing we're going to do is you have to be sworn in  
15     again for this particular trial. So, if you would please  
16     stand and raise your right hand. The clerk will  
17     administer one more oath.

18          (Whereupon, the jury was sworn at 3:34.)

19          THE COURT: All right. Ladies and gentlemen, let me  
20     just tell you a little bit about what you can expect. In  
21     this case as I told you when we selected you as jurors --  
22     Y'all okay? Both of these young men have been indicted  
23     for armed robbery and possession of a firearm during the  
24     commission of a violent crime or the attempt to commit a  
25     violent crime and I'll remind you, once again, they have

1 both plead not guilty to each of the two indictments as it  
2 pertains to each one of them. Once again, the indictment  
3 is not evidence in the case. It is simply the charging  
4 document by which the case comes into this courtroom.

5 The way the case is tried is that these young men  
6 have plead not guilty and a plea of not guilty, obviously,  
7 puts the burden of proof on the State of South Carolina to  
8 prove the elements of each of the indictments to you  
9 beyond a reasonable doubt.

10 Last week we tried civil cases. Last week we had  
11 people involved in automobile wrecks, people suing their  
12 doctors, suing their lawyers for malpractice, breach of  
13 contracts, those sorts of things where you're asking for  
14 monetary damages. In those cases the parties come into  
15 court on an equal footing and for the plaintiff to prevail  
16 he has to prove by what we call the preponderance or  
17 greater weight of the evidence his case. He has to tip  
18 the scales of justice ever so slightly in order to  
19 prevail. That's the burden of proof in a civil case.

20 This is a criminal case. In in case the Defendants  
21 are presumed to be innocent until proven guilty beyond a  
22 reasonable doubt -- Constitutional safeguards. They come  
23 into the courtroom and the scales of justice tip way in  
24 their favor and in order for the state to prevail they  
25 have to prove their case beyond a reasonable doubt.

1 That's the degree of proof in a criminal case. It is  
2 different than a civil case.

3 The state has the burden of proof so they present  
4 their case first. Once they've completed all of their  
5 evidence the Defendants if they choose to do so have the  
6 right to present their own defense. So, that's how the  
7 case will proceed. After the Defendants have presented  
8 their case, then the State has the right to present any  
9 reply or rebuttal testimony. So, the State will go first  
10 with their case followed by the Defendants if they choose  
11 to put up anything followed by the State if they want to  
12 reply. Once we do that then the State and the Defendants  
13 will present final arguments. Now, after the final  
14 arguments are over then I will instruct or charge you the  
15 law and then you'll be in a position to make a decision in  
16 the case.

17 You and I have distinct roles to play in the trial of  
18 the case. Let me tell you about my role first because  
19 it's not nearly as important as your role. My role is  
20 two-fold. Number one, I am the Judge of the law in the  
21 case -- not Jack Early, but my position makes me the judge  
22 of the law in the case. So, you have taken an oath that  
23 when you come into the courtroom you have to accept the  
24 law as I give it to you. If you come in with some  
25 preconceived idea about what the law is or it should be

1 and it doesn't agree with what I tell you, please set that  
2 aside and accept the law as I give it to you. I am the  
3 judge of the law in the case. I tell you what the law is.

4 I also rule on the admissibility of evidence. The  
5 lawyers on both sides have to play or try the case within  
6 the rules of evidence, the rules of criminal procedure.  
7 Most everything that you hear will be admitted into the  
8 trial of the case. Once the evidence is admitted into the  
9 trial of the case, then you -- 12 of you collectively  
10 acting as one -- you determine what the true facts are.

11 As I told you when we were selecting the jury you  
12 will hear different versions of the facts more than  
13 likely. It is your job to listen to the evidence and  
14 determine which evidence convinces you of its truth.

15 You'll be asked to judge the credibility or  
16 believability of the witnesses so use your ordinary common  
17 sense on how you deal with your husbands, your wives,  
18 children, friends, and in dealing with how you tell the  
19 truth. Once you determine what the true facts are, then  
20 you take those true facts as you find them to be, apply it  
21 to the law as I give it to you, and you'll be in a  
22 position to render a true and just verdict. So, you are  
23 the judges of the facts. I am the judge of the law.  
24 Judges of the facts have a much more difficult task than  
25 my task.

1           Throughout the trial we will from time to time take  
2 breaks. We'll probably try to go until about 5 o'clock  
3 this afternoon. Is that okay with everybody? Everytime  
4 we take a break I will tell you please do not start  
5 deliberating. Do not start talking about the case. Don't  
6 discuss the case until all of the evidence is in. You've  
7 taken an oath to do so. So, please don't discuss or  
8 deliberate anything about the case until all the evidence  
9 is in. You can go back there and talk about anything you  
10 want -- how bad South Carolina beat Georgia -- I am not  
11 going to let you live that down. You can talk about  
12 anything, but don't start deliberating the case.

13           I will ask you when we take a break or perhaps over  
14 the evening when we come back in the morning to select a  
15 foreperson for the jury between the 12 of you. The  
16 foreperson is simply a person who acts as a spokesman for  
17 the jury. You head up the deliberations. You bring to my  
18 attention any problems you may have.

19           I try to run an efficient courtroom. I try to run  
20 things on time, start on time, keep the lawyers moving. I  
21 know your time is valuable as well as everyone else's, but  
22 I am not trying to run an endurance race so if at any time  
23 during the trial of the case you become uncomfortable,  
24 your back hurts, you need to go to the bathroom, you need  
25 to stand up, you need to stretch, you're tired of

1 listening to me, whatever, please raise your hand. Don't  
2 get uncomfortable. I want to make sure your needs are  
3 met.

4 Tomorrow we'll probably try to be efficient again and  
5 I'll probably order your lunch in so we can eat lunch here  
6 and take a minimal lunch break so we can try to get  
7 everything done by tomorrow. We'll just see how it goes.

8 In just a few minutes the state will make an opening  
9 statement -- the solicitor's office followed by the  
10 defendants, each one of them. Please bear in mind that  
11 the opening statements is not evidence in the case. It is  
12 simply what they contend the issues will be, what the  
13 facts will be. They'll give you sort of a roadmap as to  
14 what I they're going to attempt to prove or to prove.  
15 Likewise, the Defendant will give you some ideas about  
16 what their case is about, what their defenses are, that  
17 sort of thing, but bear in mind that the only facts that  
18 you can find come from this witness stand. So, please  
19 listen carefully so you'll be in a position to render a  
20 true and just verdict at the conclusion.

21 Any objections to my opening remarks by the state?

22 MS. RINGLER: None from the State, Your Honor.

23 THE COURT: By the Defendant, Mrs. Kelley Perkins  
24 Brown?

25 MRS. BROWN: No, Your Honor.

1 THE COURT: Mr. Routzong?

2 MR. ROUTZONG: Nothing, Your Honor.

3 THE COURT: Let the record please reflect that when I  
4 refer to the Defendant Kelley Perkins Brown, both  
5 Defendants have the same last name and it is just easier  
6 for everybody to keep that in mind.

7 Mrs. Ringler or Mr. Thurmond, which one?  
8 Mrs. Ringler?

9 OPENING STATEMENT

10 MS. RINGLER: It is June 25, 2009 and three men run  
11 into the Security Federal in Graniteville armed with guns,  
12 wearing masks. They shoved guns in the faces of the  
13 teller, demand money, and make off with \$4,900. Those  
14 three men are Artrell Hickson, Javier Hickson, and David  
15 Kearse. You are here today for the trials of Artrell  
16 Hickson and Javier Hickson sitting over there. David  
17 Kearse will have his day in court, but not today. All  
18 three have been charged with armed robbery, but David  
19 Kearse is going to testify during this trial and he is  
20 going to tell you about what happened on June 25, 2009.

21 The robbery happened around noon. The three men run  
22 in. David Kearse covers the door. Artrell Hickson covers  
23 the two offices, and Javier Hickson goes up to the  
24 counter. He demands money and the teller gives him money  
25 from her top drawer. Then Artrell Hickson turns from the



1 offices and goes up to the other teller. He demands money  
2 from her as well and she also gives him money. The three  
3 leave and it's all over in a matter of moments.

4 Now, all of this has been captured on the bank  
5 security video and you'll see that here today. Once  
6 outside the three men realize that their get-away car is  
7 not there so they split up. David Kearse runs and is  
8 found by law enforcement hiding under a shed near a nearby  
9 church and house. With him he still has his silver gun  
10 and he has \$290 in \$5 bills with him.

11 Now, in addition to the names of Artrell Hickson,  
12 Javier Hickson, and David Kearse, you're going to hear  
13 some other names as well. The names Jelani Edwards,  
14 Phillip Paul, and Randolph Wilson. Those three men were  
15 involved in another robbery that occurred after this one  
16 and Jelani Edwards was killed. Phillip Paul and Randolph  
17 Wilson are both currently incarcerated, but Randolph  
18 Wilson was there for some of the planning of this case.  
19 So, you'll hear from him. He is going to tell you what he  
20 witnessed.

21 Now, there is no physical evidence in this case  
22 linking the Defendants with the crime. The Defendants saw  
23 to that. They wore masks and gloves -- gloves so they  
24 wouldn't leave any fingerprints and masks and layers of  
25 clothing so that they wouldn't be identifiable from the

1 security video. So, instead, you're going to hear from  
2 the people who were there -- the people who were there  
3 during the planning meetings, the people that were there  
4 when the group met up at Kalmia Apartments near the bank  
5 just before committing the robbery, and you're going to  
6 hear from David Kearse, and he is going to be able to tell  
7 us the most about what happened because he took part in  
8 it.

9 Now, the individuals -- the Hicksons have been  
10 charged with arm robbery and possession of a firearm  
11 during the commission of a violent crime. Armed robbery  
12 is when a person commits a robbery, a taking from another,  
13 while armed with a deadly weapon, and possession of a  
14 firearm during a violent crime -- the law categorizes  
15 armed robbery as a violent crime.

16 So, the State is confident that after you watch the  
17 security video, hear the testimony from all the witnesses,  
18 and review all of the photographs that you will do what  
19 truth dictates and justice demands and find them guilty of  
20 armed robbery and possession of a firearm during a violent  
21 crime.

22 THE COURT: Mrs. Kelley Perkins Brown?

23 MRS. BROWN: Thank you, Your Honor. May it please  
24 the court.

25 OPENING STATEMENT

1           MRS. BROWN: It occurred to me on Saturday night that  
2 a trial is a lot like a football game. I'm not talking  
3 about the Gamecocks against Furman. I'm talking about  
4 sitting there watching Clemson play Auburn and everything  
5 was going great in the first half of that game until right  
6 at the end of the first half and then the momentum changed  
7 and everything changed and that second half was a whole  
8 lot different than the first half of that ballgame.  
9 Clemson went from being up 17 to nothing to it being tied  
10 at 17 to them tying again and ended up losing in overtime.

11           The reason that it occurred to me that a trial is a  
12 whole lot like that football game is that the game doesn't  
13 end at half-time. The state's case is like the first half  
14 of that football game. If I had gone to bed at half-time  
15 I would have missed everything that came after. That's  
16 why every time you leave this room the Judge is going to  
17 give you those instructions not to talk about the case --  
18 not with each other, not with your husband, not with your  
19 wife, not with your kids, not with your best friend, not  
20 with your preacher, not with anybody because when you  
21 start talking about it you start making up your mind and  
22 if you start making up your mind before you've heard  
23 everything, you may as well have gone to bed at half-time  
24 thinking that Clemson had everything well in hand because  
25 that's what a trial is about..

1           It's about the state presenting their case. It's  
2 about the defense questioning and presenting a case, but  
3 they don't have to. The reason why the defense doesn't  
4 have to do anything -- I didn't have to get up out of that  
5 chair and come talk to you. Mr. Routzong doesn't have to  
6 do that because it's up to the state to prove to you  
7 beyond a reasonable doubt that Artrell Hickson had  
8 anything to do with that robbery at the Security Federal.

9           Was there a bank robbery? Yes. Was it a horrific  
10 experience for these ladies who are going to have to  
11 testify? Yes, it was. And for one of the individuals  
12 involved, you're going to hear from him. One of the  
13 things that's going to be your job to decide as you hear  
14 from David Kearse and you hear from these other witnesses,  
15 who has something to gain?

16          At the end of this case the judge will tell you a  
17 whole bunch of stuff. That's called being charged on the  
18 law. Basically, the judge is going to give you the rules.  
19 The law that you have to look at to apply the facts as it  
20 comes out here to decide whether or not the State has  
21 proved beyond a reasonable doubt that Artrell Hickson was  
22 one of the three men who went into that bank.

23          He is going to talk about a whole lot of things, but  
24 one of the things he is going to talk about is credibility  
25 of the witnesses, the believability of the witnesses. The

1 fact that you -- each and every one of you has a job to do  
2 and that's to determine whether or not you believe what a  
3 witness has said. You can believe some of what they said  
4 but not everything. You can choose to believe everything  
5 or nothing or bits and pieces and it's up to each and  
6 every one of you individually to make that determination  
7 because as you do that you will decide whether or not the  
8 state has given you enough evidence to convince you beyond  
9 a reasonable doubt that Artrell Hickson was one of those  
10 three men.

11 One of my favorite images is of a court at one time  
12 stated that that burden of proof, that presumption of  
13 innocence is like a robe of righteousness that's been  
14 placed around the shoulders of Artrell Hickson and it's  
15 there right now and it's there all through this trial.  
16 It's there while the Judge is talking to you and it stays  
17 there until each and every one of you individually decide  
18 that the state has presented you enough evidence to take  
19 it off, and only at that point if you get to that point  
20 does it come off.

21 We ask you to wait, to be patient, to use that common  
22 sense, and, most of all, don't go to bed at half-time.

23 THE COURT: Mr. Routzong?

24 MR. ROUTZONG: May it please the court, Your Honor.

25 OPENING STATEMENT

1 MR. ROUTZONG: I will take a rare opportunity here to  
2 agree with the State on something. I will agree that on  
3 June 25, 2009 Security Bank in Graniteville got robbed,  
4 and I will agree with her on two other things. She used  
5 two words: Truth and justice. Those are kind of loaded  
6 words actually if you studied a little bit of philosophy.

7 Truth means or one definition of truth is that your  
8 belief corresponds to reality. Definitions of justice --  
9 I know at least three of them -- treating equal things  
10 equally. That means looking at who is offering the  
11 testimony and why they might be doing that.

12 Discriminating between good and evil or what's right and  
13 wrong, choosing what to believe, choosing what is  
14 believable. That's a second definition of justice.

15 Now, the third definition of justice is giving every  
16 person their due and that will be what arises out of your  
17 verdict. If you do that, ladies and gentlemen, you will  
18 -- if you do all of those things, those prerequisites to  
19 see that the belief corresponds to reality and those other  
20 things that justice involves, then you will, in fact, be  
21 giving Javier Hickson his due by finding him not guilty.  
22 Thank you.

23 THE COURT: You may call your first witness.

24 MR. THURMOND: Judge, the State calls Ms. Tonya Key.

25 TONYA KEY, after being duly sworn, testified as

1 follows:

2 THE CLERK: Please have a seat in the witness box and  
3 state your full name for the court spelling your last.

4 THE WITNESS: My name is Tonya Key; K-E-Y.

5 DIRECT EXAMINATION

6 BY MR. THURMOND:

7 Q Good afternoon, Ms. Key.

8 A Hello.

9 Q Where are you employed?

10 A Security Federal Bank in Graniteville.

11 Q What is the address there?

12 A 50 Canal Street, Suite one.

13 Q Is that in Aiken County?

14 A Yes, sir.

15 Q And how long have you been there?

16 A I have been there three years.

17 Q And how long have you been in the banking business or  
18 worked for Security Federal Corporation?

19 A Eighteen years.

20 Q What is your current position there at the bank in  
21 Graniteville?

22 A I am a Branch Manager.

23 Q Were you present on June 25 of 2009?

24 A Yes.

25 Q Ma'am, will you please tell the jury what you

1 observed around noon that day?

2 A At noon around 12 o'clock noon was a bank robbery.

3 Q And about what time would you usually take your  
4 lunch?

5 A I usually take my lunch about 12, 12:15. At this  
6 point something just asked me to stay a little longer, go  
7 about 12:30, and I went back to my office to go to my  
8 computer and do some work and at that point I heard a lot  
9 of noise coming from the lobby and I was about to go get  
10 up and see what was going on and as I was getting up out  
11 of my seat I -- someone -- well, one of the guys  
12 approached my office and pointed a gun at me.

13 Q You were in your office when the robbery began?

14 A Yes, sir.

15 Q What observations, if any, did you make about the  
16 person that you saw come by your office? What did he look  
17 like?

18 A It was a guy, a black male about 5'4 with dark  
19 clothing on. He had his face covered. I couldn't see who  
20 it was.

21 Q 5'4 . That's a pretty precise height. Was this  
22 person short?

23 A Basically about my height, yes.

24 Q And what did you notice about his face and about his  
25 clothing?



1 A I just noticed that it was dark clothing with -- with  
2 a dark piece of rag around his face. I couldn't see him.

3 Q How many people did you see at this time from the  
4 vantage point of your office?

5 A At that point I only saw one person.

6 Q What did this person do to you?

7 A He asked me to get out of the office and open the  
8 vault with a gun pointed at me.

9 Q The gun was pointed at you?

10 A Yes, sir, it was.

11 Q Did you open the vault?

12 A No, sir, I did not. I couldn't move. I was frozen.  
13 I couldn't move.

14 Q What happened next?

15 A I heard a lot of commotion. They finally left.

16 Q And about how many seconds or moments were they in  
17 the bank?

18 A Maybe 30 seconds to a minute or two. It wasn't very  
19 long.

20 Q Very were there any customers in the bank at this  
21 time?

22 A No, sir, there wasn't.

23 Q What did you do next?

24 A We immediately locked the door. We ran and locked  
25 the door and we called -- There was an alarm that we

1 pushed and the police came.

2 Q Did you activate an alarm?

3 A I did after they left.

4 Q Did anybody else in the bank activate an alarm?

5 A Yes, sir, they did.

6 Q And locked the door?

7 A Yes.

8 Q And that's pursuant to bank procedures?

9 A Yes.

10 Q About how many moments or minutes after the robbery  
11 did law enforcement arrive?

12 A It wasn't too long. It was a matter of minutes.

13 Q Have you ever had a gun pointed in your face before?

14 A Never.

15 Q Were you in fear for your life?

16 A Yes.

17 Q Did you give a statement to law enforcement after  
18 they arrived on the 25th?

19 A Yes, sir, I did.

20 Q Shortly after 12 pm?

21 A Yes, sir.

22 Q And specifically did you give the height description  
23 on June 25 of 2009 --

24 MRS. BROWN: Objection, Your Honor.

25 Q -- to a member of the Aiken County Sheriff's Office?

1 THE COURT: Hold on. What is the objection?

2 MRS. BROWN: It's already been asked and answered.

3 THE COURT: Overruled.

4 Q Did you give a specific description of the height to  
5 a member of the Aiken County Sheriff's Office?

6 A Yes, I did.

7 Q What height did you give to them?

8 A I said approximately 5'4, black male.

9 Q Does the bank have video surveillance equipment?

10 A Yes, sir, we do.

11 Q Was it working that day?

12 A Yes, it was.

13 Q Let me show you a couple of exhibits and what's been  
14 marked for ID as State's 1, 2, 3, 4, 5, and 12. I'll get  
15 you to flip through those and ask if you can identify  
16 them.

17 A Yes.

18 Q What are they?

19 A These are the outline of the bank.

20 Q State's --

21 A I'm sorry?

22 Q State's No. 1?

23 A State's No. 1.

24 Q Go ahead. I'm sorry to interrupt you.

25 A State's no. 2, this is the lobby of the entrance of

1 our bank. State's No. 3, this is the front door where the  
2 customer sits in the lobby. State's No. 4, this is a  
3 picture of the two offices as well as the teller line.  
4 State's No. 5, this is a picture of the teller window, and  
5 State's No. 12, this is where three guys was in the office  
6 in the branch robbing us.

7 Q All right. State's No. 1, 2, 3, 4, 5, and 12, do  
8 those exhibits truly and accurately depict what they  
9 purport to show?

10 A Yes.

11 MR. THURMOND: Judge, we'd offer those into evidence  
12 at this time.

13 THE COURT: Any objection, Mrs. Kelley Perkins Brown?

14 MRS. BROWN: No, Your Honor.

15 THE COURT: Mr. Routzong?

16 MR. ROUTZONG: No, Your Honor.

17 THE COURT: Without objection.

18 (Whereupon, State's Exhibit Nos. 1 - 5, 12 were  
19 admitted into evidence.)

20 MR. THURMOND: Your Honor, if I could ask her to step  
21 down and we are going to put up the big screen here and  
22 publish those photographs to the jury.

23 THE COURT: You may.

24 Q I am going to show you State's No. 1. If you can  
25 orient us, please. Show this jury where your office was.

1 A My office is here.

2 Q This is a schematic of the entrance of the bank; is  
3 that correct?

4 A That's correct.

5 Q And then who was at the teller positions?

6 A Gabrielle Hastings was at this teller window. Amanda  
7 Wood was here in the second one. There was no teller  
8 here. The third teller was at lunch.

9 Q So what are those teller positions called as far as  
10 how they are numbered?

11 A This is number one, two and three.

12 Q Whose office was this? Let me get you to step aside  
13 so these folks can see. Whose office was this?

14 A This is Daphne Carroll.

15 Q Thank you. State's No. 2, please. Okay. What are  
16 we looking at here?

17 A This is the front entrance of the branch.

18 Q If somebody came in the front door of the bank where  
19 would that be?

20 A Right here.

21 Q Okay. What is this?

22 A This is the tell -- this is the rope for the teller  
23 window.

24 Q Okay. Go to State's No. 3. I will show you State's  
25 No. 3. Orient us here. What is the layout there?

1 A This is also -- this is the same door entrance in the  
2 front. This is where the customers sit in the lobby, and  
3 this is the rope for the teller window.

4 Q Okay. Let me show you what's in evidence as State's  
5 No. 4.

6 A This is my office here, Daphne Carroll's office here.  
7 This is the teller window. This is teller station three.  
8 This was empty and this is where Amanda was at that time.

9 Q Let me show you what's in evidence as State's  
10 Exhibit No. 5. Tell us about that one, please.

11 A This is the teller window. There's the ropes. This  
12 is teller station three, two, and one. Gabrielle was  
13 here. Amanda Wood was here, and, like I said, there was  
14 no teller there.

15 Q Let me show you what's in evidence as State's Exhibit  
16 No. 12. What are we looking at here, State's No. 12?

17 A This is where the robbery happened. This is my  
18 office here. This is Daphne Carroll's office here. This  
19 is teller station two where Amanda was at and Gabrielle is  
20 on the other end.

21 Q Where is the man that you described in your written  
22 statement that you gave on June 25 of 2009 as being 5'4?  
23 Where is he standing?

24 A Right here. This guy here.

25 Q Thank you, ma'am. You can have a seat.

1 A Up here?

2 Q Yes, ma'am. Ms. Key, that's all the questions I am  
3 going to have for you. Answer any questions that  
4 Mr. Routzong or Mrs. Brown may have for you.

5 THE COURT: Mrs. Brown?

6 MRS. BROWN: I have no questions for this witness.

7 THE COURT: Mr. Routzong?

8 CROSS-EXAMINATION

9 BY MR. ROUTZONG:

10 Q Afternoon, Ms. Key.

11 A Hello.

12 Q You have never been presented with a photographic  
13 line-up so that you could identify anyone?

14 A No, I haven't.

15 Q In fact, you've never identified anyone as being one  
16 of the perpetrators?

17 A Right.

18 Q Thank you very much.

19 A You're welcome.

20 REDIRECT EXAMINATION

21 BY MR. THURMOND:

22 Q Did you see the robber's face?

23 A No, sir, I didn't.

24 THE COURT: You may step down. Next witness.

25 MS. RINGLER: The State calls Amanda Wood.

1 AMANDA WOOD, after being duly sworn, testified  
2 as follows:

3 THE CLERK: Please have a seat in the witness box.  
4 State your full name for the court and spell your last.

5 THE WITNESS: My name is Amanda Wood; W-O-O-D.

6 DIRECT EXAMINATION

7 BY MS. RINGLER:

8 Q Thank you, Ms. Wood. Where do you currently work?

9 A I am a homemaker now.

10 Q Were you working on June 25, 2009?

11 A Yes, I was.

12 Q Where were you working?

13 A I was in the middle teller station on teller station  
14 number two at Security Federal in Graniteville.

15 Q And what does a teller do?

16 A We handle all of the customer transactions such as  
17 deposits and savings and any kind of payments they may  
18 have for loans.

19 Q And do you remember the robbery that occurred on  
20 June 25, 2009?

21 A Yes, I do.

22 Q Were you working that day?

23 A Yes, I was.

24 Q And what happened -- excuse me. About what time did  
25 the robbery occur?



1 A It was somewhere around noon.

2 THE COURT: Ma'am, speak up for me, please.

3 THE WITNESS: Somewhere around noon.

4 Q And did you see them first, hear them at first?

5 A We saw them come in the door.

6 Q What happened when they came into the door?

7 A They came -- one come straight to my window and asked  
8 for money. The other ones went over to the offices next  
9 to us.

10 Q How many men were there?

11 A There were three.

12 Q So, one came to you; one went to the office, and  
13 where was the third gentleman?

14 A He was standing at the door.

15 Q What happened when the one man came up to your  
16 window?

17 A He told me, Give me your money. So I moved forward  
18 and handed him the money out of my top drawer.

19 Q Can you describe how he came up to the window?

20 A He came up and shoved my envelopes onto the floor in  
21 front of me and told me to, Give me your money. So that's  
22 what I did and I stood back afterwards.

23 Q Did he have a gun?

24 A Yes, he did.

25 Q What was he doing with the gun?

1 A He was pointing it at me.

2 Q And he demanded money. Did you give him any money?

3 A Yes.

4 Q You mentioned the individual by the offices. What  
5 did he do?

6 A He was standing there pointing guns at the two ladies  
7 that I worked with telling them to come out of the office  
8 and open the vault, and afterwards he walked over to me  
9 and asked for money and I told him I didn't have  
10 anymore -- that I gave it already. Then he went to the  
11 next teller and asked her.

12 Q I'm sorry this is difficult, but the money that you  
13 gave him, what money did you give him?

14 A It was the money out of my top drawer.

15 Q And why is that significant?

16 A Because that's where we have the smallest amount and  
17 it's not strapped.

18 Q What are dye packs?

19 A They have dye in them in the middle of the money  
20 where it sets off an alarm and explodes when they walk out  
21 the door.

22 Q Did you use any dye packs at your bank?

23 A No, we don't.

24 Q What do you remember -- you said there were two men:  
25 The first man that came up to your window and then the

1 second man. Please describe the first man. What do you  
2 remember about him?

3 A Both -- he was fairly short, probably about my  
4 height. He was wearing all black.

5 Q How tall are you? I'm sorry.

6 A I'm 29.

7 Q I'm sorry. How tall?

8 A I'm sorry. 5'4 or 5'3 1/2.

9 Q He was about your height? What else do you remember?

10 A He had all dark clothing on and he had on a bandanna  
11 around his face.

12 Q And then the second man that came up to you, what do  
13 you remember about his appearance?

14 A It was the same. He had dark clothing on. He was a  
15 black male. Also had a bandanna around his face.

16 Q And do you remember his height as well?

17 A He was a little bit shorter than the first one,  
18 probably maybe 5'4, 5'3, I guess. They were both fairly  
19 short.

20 Q Okay. I am handing you what's been previously marked  
21 as State's Exhibit no. 22. Do you recognize it?

22 A Yes, I do.

23 Q What is it?

24 A The footage from our bank from the robbery.

25 Q The security video?

1 A Yes.

2 Q Have you viewed the video?

3 A Yes, I have.

4 Q Does it truly and accurately depict the robbery that  
5 occurred on June 25, 2009?

6 A Yes, it does.

7 MS. RINGLER: Your Honor, at this time the state  
8 move's State Exhibit 22 into evidence.

9 THE COURT: Any objection?

10 MRS. BROWN: No, Your Honor.

11 MR. ROUTZONG: None, Your Honor.

12 THE COURT: No. 22, without objection.

13 (Whereupon, State's Exhibit No. 22 was admitted into  
14 evidence.)

15 MS. RINGLER: At this time, Your Honor, the state  
16 would like to publish the video to the jury.

17 THE COURT: You may.

18 MS. RINGLER: There were four cameras so we'll just  
19 watch one at the time. This is the first one.

20 Your Honor, if the witness may step down so that she  
21 can kind of talk us through it.

22 THE COURT: She may.

23 MS. RINGLER: If you want to stand to the side there  
24 that might be easier.

25 (Whereupon, the video is started.)

1 Q Where is this camera positioned?

2 A I believe that's the first teller station.

3 THE COURT: Speak up please, ma'am.

4 THE WITNESS: Station one.

5 Q Is that your --

6 A No, it's not.

7 MS. RINGLER: Actually, Your Honor, we're have having  
8 a little technical difficulty at this time.

9 THE COURT: You can call her back.

10 MS. RINGLER: We'll call her back. I apologize, Your  
11 Honor.

12 (Whereupon, the video is stopped.)

13 THE COURT: Come on back up here, ma'am. Just have a  
14 seat.

15 MS. RINGLER: Thank you.. We'll have no further  
16 questions at the time. The State would reserve the right  
17 to recall her once we get our technical difficulties  
18 worked out.

19 THE COURT: Thank you.. Any cross, Mrs. Brown?

20 MRS. BROWN: No, Your Honor.

21 THE COURT: Mr. Routzong?

22 MR. ROUTZONG: No, Your Honor.

23 THE COURT: All right. You may step down. Next  
24 witness.

25 MS. RINGLER: Thank you, Your Honor. The State next

1 calls Gabrielle Hastings.

2 GABRIELLE HASTINGS, after being duly sworn,  
3 testified as follows:

4 THE CLERK: Please have a seat in the witness box.  
5 State your full name for the court and spell your last.

6 THE WITNESS: Gabrielle Hastings; H-A-S-T-I-N-G-S.

7 DIRECT EXAMINATION

8 BY MS. RINGLER:

9 Q Thank you, Ms. Hastings. Where do you currently  
10 work?

11 A I still work at Security Federal.

12 Q What which branch are you working at now?

13 A Currently I am working at the Security Federal Bank  
14 on Whiskey Road.

15 Q Which branch were you working at in June of 2005 -- I  
16 mean, June of 2009?

17 A At the Graniteville branch.

18 Q Do you remember the robbery that occurred on June 25,  
19 2009?

20 A I do.

21 Q Were you working at that time?

22 A I was working, yes.

23 Q What were you doing there at that time?

24 A I was in -- I was a teller at the first station --  
25 the first teller window at the Graniteville branch.

1 Q And we've seen some photos of the bank at this point.  
2 Which window is yours?

3 A It would have been the one closest towards the wall.  
4 If you come into the main entrance I would be the first  
5 one straight ahead on the right.

6 Q So your window faces the front door?

7 A Yes, ma'am.

8 Q And, Ms. Woods -- which window is hers?

9 A She was right in the middle next to me to my right.

10 Q Okay. And what did you see around noon on June 25,  
11 2009?

12 A I was actually -- I was at my window clearing my  
13 station from some coin that I had taken in from the last  
14 customer when I looked up and I saw three men -- three  
15 figures kind of hunched back or bent over coming into the  
16 branch and I saw them having guns in their hands and I  
17 stepped away from my station because I realized what was  
18 going to happen and I pressed my alarm right under my  
19 table and I said, Oh my, and then they were here. I mean  
20 they were in the branch at that time.

21 Q Okay. So you pressed the alarm. Do you remember  
22 what, if anything, they said when they came into in the  
23 bank?

24 A They were demanding money, pointing guns at us -- at  
25 me and Amanda. They spread out when they came in, and we

1 were -- just like Amanda stated already, too, I opened my  
2 top drawer where I keep all the unstrapped money and I  
3 gave some money to them -- or to the one that was in my  
4 window.

5 Q So, just to clarify, the one that came up to your  
6 window, where was he before then?

7 A To be honest, I can't tell you that. I was -- I know  
8 that there were three people coming in and they spread out  
9 when they came in.

10 Q Okay.

11 A One went to the two offices. I do remember that.  
12 And the other one was -- stayed at the door and the second  
13 one came along and walked up and down the teller line for  
14 a while and demanded money from us.

15 Q And the man that came up to you, did he -- he  
16 demanded money. Did you give him any?

17 A I did.

18 Q Which money did you give him?

19 A I remember giving him some \$5 bills and some \$1  
20 bills, I think, and maybe a few 20's.

21 Q Where did you take the money from?

22 A The top drawer.

23 MS. RINGLER: Your Honor, I think we're ready to  
24 publish the video at this time. I think we can do so  
25 through this witness.



1 Your Honor, the state would ask the witness to please  
2 step down.

3 THE COURT: You can step down.

4 (Whereupon, the video is started.)

5 Q So this is your teller right there. Your teller  
6 window?

7 A Yes.

8 MS. RINGLER: Your Honor, I apologize. It keeps  
9 skipping and I am not really sure what's going on. We'll  
10 work on that and try again. If you can please have a  
11 seat. Up there. I'm sorry.

12 (Whereupon, the video is stopped.)

13 MS. RINGLER: Please answer any questions that  
14 defense counsel might have.

15 THE COURT: Any questions?

16 MRS. BROWN: No, Your Honor.

17 THE COURT: Mr. Routzong?

18 MR. ROUTZONG: No, sir.

19 THE COURT: You may step down. Next witness.

20 MS. RINGLER: And, Your Honor, the State calls Deputy  
21 Roberts.

22 EARL ROBERTS, after being duly sworn, testified  
23 as follows:

24 THE CLERK: Please have a seat in the witness box.

25 State your full name for the court and spell your last.

1 THE WITNESS: Sargeant Earl Roberts; R-O-B-E-R-T-S.

2 DIRECT EXAMINATION

3 BY MS. RINGLER:

4 Q Thank you, Deputy Roberts. Where where do you  
5 currently work?

6 A Aiken County Sheriff's Office.

7 Q And what is your position there?

8 A I am with the Juvenile Investigation Division, School  
9 Resource Officer at Midland Valley High School.

10 Q Are you a deputy?

11 A I am a sargeant.

12 Q Sargeant?

13 A Yes.

14 Q What are your responsibilities as Sargeant?

15 A Responsibilities as a Sargeant through the Juvenile  
16 Investigation Division, School Resource Officer is to  
17 handle anything that happens inside of the school at  
18 Midland Valley High School or Area Three School in Aiken  
19 County.

20 Q Do you also work on patrol?

21 A I do work the roads during the summertime.

22 Q And were you working the roads in June of 2009?

23 A I was.

24 Q Were you working on June 25, 2009?

25 A I was.

1 Q Did you respond to the Security Federal in  
2 Graniteville on that day?

3 A I did.

4 Q What did you see when you first arrived?

5 A When I first arrived at the scene along with Sergeant  
6 Loftin we observed the females in the bank in hysterics.  
7 We asked them, you know, what had happened. They  
8 described the three men that were inside the bank. They  
9 told us that they had run out the front of the bank and  
10 around the side towards the back into the wooded area.

11 At that time I told Sergeant Loftin to get back in  
12 his car, start a roving perimeter, and we cordoned off the  
13 scene with tape.

14 Q So you talked about setting up a a perimeter. What  
15 did you do with regard to the bank?

16 A We made sure all of the doors were locked. We made  
17 sure all of the females inside were safe and secure. We  
18 cordoned off the crime scene that no one else could enter  
19 and -- to interfere with the situation.

20 Q Did you obtain a description of the suspects?

21 A We did.

22 Q And how many individuals were you looking for?

23 A We were looking for three.

24 Q And where -- I'm showing you what's been previously  
25 marked as State's Exhibit 14. Do you recognize it?

1 A I do.

2 Q What is it?

3 A It is a map of Graniteville, South Carolina, Aiken  
4 County.

5 Q And does it truly and accurately depict the area in  
6 Graniteville around the bank?

7 A It does.

8 MS. RINGLER: Your Honor, at this time the State  
9 would move to admit State's Exhibit 14.

10 THE COURT: Any objection?

11 MRS. BROWN: No, Your Honor.

12 MR. ROUTZONG: None, Your Honor.

13 (Whereupon, State's Exhibit No. 14 was admitted into  
14 evidence.)

15 MS. RINGLER: And, Your Honor, the State would like  
16 to publish it at that time.

17 THE COURT: You may.

18 Q Sargeant Roberts, would you mind coming down and  
19 walking us through a little bit the area?

20 A I do not.

21 Q Where is the bank on this map?

22 A The bank is located right here on Canal Street.

23 Q Okay. And what are the major roads in this area?

24 A Major road is Canal Street. You also have Ascauga  
25 Lake Road. You have Gregg Highway, Trolley Line Road and

1 then you also have Aiken Road here. That goes out to  
2 Highway One.

3 Q Can you circle the bank on the map --

4 A I sure can.

5 Q -- with a red pen?

6 A Right there.

7 Q And is that -- what shopping center is that in?

8 A Masonic Shopping Center in Graniteville.

9 Q And then you talked about setting up a perimeter.  
10 What is involved in that?

11 A In setting a perimeter we broadcast the description  
12 of the individuals that we're looking for. We also set up  
13 areas that we need to put people in order to -- on main  
14 roads and off side streets either stationary or roving --  
15 roving meaning moving back and forth keeping each other in  
16 sight and looking and listening for anything out of the  
17 ordinary or looking for things that, you know, match the  
18 description of the individuals we're looking for around  
19 the area. It can be small or broad depending on what kind  
20 of situation we have.

21 Q In addition to securing the scene and setting up a  
22 perimeter, were there any other steps that you took when  
23 you arrived to help locate the suspects?

24 A I just assisted Investigator Savell with looking at  
25 the video, making sure that we had the right descriptions

1 with what the females gave us at the bank and what the  
2 video shows.

3 Q Was there a bloodhound tracking team involved?

4 A Yes, we called -- the on-duty road supervisor called  
5 out the bloodhound tracking.

6 Q And how many teams were there?

7 A I want to say they called out at least two teams.

8 Q And do you know where they started to track?

9 A They started tracking from the bank.

10 Q Do you know where around the bank they started to  
11 track?

12 A They started tracking around the side of the bank  
13 here and towards the wooded area in the back.

14 Q Are you familiar with the Kalmia Apartments?

15 A I am.

16 Q Can you -- I know you said your penmanship is not  
17 great, but can you maybe put a star by the bank?

18 A I can. Being left-handed, it's kind of...

19 Q And can you also circle Kalmia Apartments on there?

20 A Sure.

21 Q And then maybe write Kalmia next to that.

22 Nothing further from the witness. Please have a seat  
23 and answer any questions that defense counsel might have.

24 THE COURT: Cross?

25 THE COURT: Anything, Mrs. Brown?

1 MRS. BROWN: Yes, Your Honor.

2 CROSS-EXAMINATION

3 BY MRS. BROWN:

4 Q Sergeant, what other stores are in that shopping  
5 center?

6 A You have a hardware store. You have a Chinese  
7 restaurant. You have the judge's office at the top, and  
8 I'm sure there is another one in there somewhere.

9 Q Did you check with any of those stores to see if any  
10 of them had outside video surveillance?

11 A I did not.

12 MRS. BROWN: No questions, Your Honor.

13 THE COURT: Mr. Routzong?

14 CROSS-EXAMINATION

15 BY MR. ROUTZONG:

16 Q Do you have a copy of your incident report with you?

17 A I do not, no, sir. I was just the responding  
18 officer. Everything was handed over to the investigating  
19 officer.

20 Q Did you make an incident report or sign one?

21 A I believe I did.

22 Q Did not?

23 A I believe I did. I don't know -- I mean, I did an  
24 incident report.

25 Q You took a descriptions at the scene?

1 A What were written down, I believe, were -- yes, I  
2 did, actually. If they were written in the incident  
3 report, I haven't seen it. So, I can't remember a year  
4 ago.

5 MR. ROUTZONG: For ID purposes only, Your Honor.

6 THE COURT: Well, mark it for ID. Mr. Routzong, mark  
7 it for ID.

8 (Whereupon, Defendant's (Routzong) Exhibit No. 1 was  
9 marked for identification only.)

10 Q I guess this would be the descriptions for the height  
11 and weight descriptions for subject one.

12 THE COURT: Mr. Routzong, is that a question or are  
13 you just talking?

14 Q And subject two --

15 THE COURT: Sir, is that a question?

16 THE COURT: Mr. Routzong --

17 MR. ROUTZONG: Yes, sir.

18 THE COURT: -- ask it in a question.

19 Q Subject one and subject two -- could you give me the  
20 height and weight descriptions?

21 A Subject one was written down at 5'10, 160. Subject  
22 two, 6 foot, 200.

23 Q Sergeant Roberts, you've been to the Criminal Justice  
24 Academy; right?

25 A I believe I have.



1 Q And when you're at the academy they teach you things  
2 like being accurate?

3 A Yes, sir.

4 Q And they teach you not to make up things?

5 A Right.

6 Q So, you wouldn't have put something in your report  
7 unless somebody told you that?

8 A Right.

9 MR. ROUTZONG: I don't have any other questions, Your  
10 Honor.

11 THE COURT: Redirect, if any.

12 MS. RINGLER: Nothing from the State, Your Honor.

13 THE COURT: You may step down. Next witness.

14 MS. RINGLER: Demetrick Drumming.

15 DEMETRICK DRUMMING, after being duly sworn,  
16 testified as follows:

17 THE CLERK: Please have a seat in the witness box.  
18 State your full name for the court and spell your last.

19 THE WITNESS: My name is Demetrick Ruben Drumming.

20 DIRECT EXAMINATION

21 BY MS. RINGLER:

22 Q Thank you. Officer Drumming, where do you work?

23 A Aiken Public Safety.

24 Q How long have you been in law enforcement?

25 A Four and a half years.

1 Q Are you on the bloodhound tracking team?

2 A Yes.

3 Q How long have you been doing that?

4 A Approximately two and a half years.

5 Q And what agencies are -- take part in the tracking  
6 team?

7 A There is Aiken Public Safety, Aiken County Sheriff's  
8 Office, and North Augusta Public Safety.

9 Q And what sort of training did you do to be part of  
10 the team?

11 A There is a class we have to attend before we become  
12 members of the team as well as we train once a week as a  
13 team.

14 Q And what type of bloodhounds do you use?

15 A We use last-scent bloodhounds which, basically, go  
16 off the last human scent in that area.

17 Q What do you do as a handler to assist the  
18 bloodhounds?

19 A While the bloodhound is tracking we also hand-track  
20 and look for possible shoe impressions or shoe prints.

21 Q Do you work in teams?

22 A Yes.

23 Q How many individuals generally work in a team?

24 A Usually, it's three members per team.

25 Q How many bloodhounds?

1 A One bloodhound.

2 Q Do you ever work multiple teams?

3 A Yes.

4 Q Why is that?

5 A Usually, if there is multiple suspects or if the  
6 first team is getting tired or need assistance they'll  
7 call out a second team.

8 Q And did you respond to a bank robbery that occurred  
9 at Security Federal in Graniteville on June 25, 2009?

10 A Yes.

11 Q How many teams were working that day?

12 A We were the second team called out.

13 Q And do you remember -- excuse me. Does the  
14 temperature affect the bloodhound at all?

15 A Yes. When it's hotter days we're not able to push  
16 the bloodhounds as hard because they get tired and it's  
17 easily to over-run them.

18 Q Do you remember the temperature that day?

19 A It was in the low 90's. Low to mid 90's.

20 Q Where did you take the hounds that afternoon?

21 A I actually took them to St. James Church.

22 Q And what brought you there?

23 A There was a sighting -- a witness that called in and  
24 said they saw a subject in the wooded area.

25 Q Can you describe the area of the church?

1 A There's the actual church and then next door to it is  
2 separated by a driveway is a residence with two appeared  
3 to be garages or storage buildings in the backyard for  
4 that residence.

5 Q What did you do when you responded to the church and  
6 that residence -- that area there?

7 A When we responded to the area two of the other  
8 members -- team members -- went to search the wooded area.  
9 I went and searched in back of the residence up underneath  
10 the two storage buildings.

11 Q What, if anything, did you see back around those  
12 storage buildings?

13 A I located a suspect hiding up underneath the storage  
14 building.

15 Q What caught your attention?

16 A I looked at the bottom between the two storage  
17 buildings. It appeared to be a black shirt or something  
18 and when I looked down I actually saw his hands and his  
19 eyes.

20 Q What happened after you found the individual hiding  
21 under the shed?

22 A We basically got him out -- brought him from up  
23 underneath the shed and placed him in custody.

24 Q Did anything happen after that?

25 A We located some evidence up underneath the shed.

1 Q What items were under the shed?

2 A There was money underneath the shed as well as silver  
3 handgun.

4 Q Did you conduct a track after that?

5 A Well, we continued to track further just to see if we  
6 could locate any other suspects in the area.

7 Q Okay. And were you able to locate anyone else?

8 A No.

9 Q Just using this map that's already been previously  
10 admitted as State's Exhibit 14 can you just show us where  
11 the church was on this map?

12 THE COURT: You can step down. Officer, stand back  
13 so all of my jurors can see it.

14 Q Where was the church on this map? Or if you just  
15 remember the general area of where it was.

16 A The church, I believe, was in this general area.

17 Q Okay. You can please have a seat. Do you remember  
18 approximately how far from the bank to the church?

19 A I don't remember the exact distance.

20 Q Okay. Thank you. Please answer any questions that  
21 defense counsel may have.

22 CROSS-EXAMINATION

23 BY MRS. BROWN:

24 Q I may be asking a dumb or obvious question. How do  
25 the dogs know what they're looking for?

1 A Basically, what we do is the responding officers  
2 secure the area and as trackers we come to that area and  
3 try to locate signs of just whether somebody has been  
4 through there. If we locate a shoe impression or  
5 something like that we will strike the dog on that area in  
6 that area.

7 Q So, this wasn't a situation where you struck -- and  
8 by striking your dog, what do you mean by that?

9 A Basically, place the dog on the track and give him a  
10 command to start tracking.

11 Q Okay. Now, so, you didn't strike the dogs from the  
12 bank in this case; is that correct?

13 A Correct.

14 Q Okay. When did you arrive on scene?

15 A I arrived on scene at approximately 1:30.

16 Q A.m. or p.m.?

17 A P.m. Sorry.

18 Q If we can refer to State's 14, if you don't mind  
19 stepping down. Can you show me where it was marked  
20 approximately, the church?

21 A I believe the church is in this general area.

22 Q Okay. Now, where -- where approximately did you  
23 start or strike?

24 A We started in the church parking lot.

25 Q Okay. And how was it that you were called to that

1 location?

2 A There was a member at the church who saw a suspect in  
3 the woods and thought it was suspicious. So, they called  
4 us.

5 Q And where were you prior to striking your dogs there  
6 at the church?

7 A We met. I'm not. It wasn't at the incident  
8 location. It was another location where we met up with  
9 the actual deputy on the perimeter and they gave us --  
10 they told us to respond to the church -- that we had a  
11 possible sighting of one of the suspects.

12 Q And did you see anything else around the church area  
13 that you -- for which you struck your dog or you just  
14 struck him in the area in general?

15 A Well, we struck the dog, but I just went to secure  
16 the storage buildings -- basically went off what the  
17 witness stated where she saw the suspect last.

18 Q And approximately how far did you work your dogs out  
19 from the church?

20 A From the church we just -- before or after we located  
21 the suspect?

22 Q After.

23 A After? We continued to run the track until we got  
24 another possible sighting where the suspect was stated --  
25 somebody called and said he ran through a residence.

1 Q So, approximately -- so, you said the church is in  
2 this area?

3 A Yes.

4 Q Can you show me on the map approximately how far you  
5 worked your dog prior to getting another call? If you  
6 can.

7 A I mean, it's tough to remember exactly how far we  
8 went.

9 Q Can you estimate -- You can have a seat. Can you  
10 estimate distance?

11 A Yes, ma'am.

12 Q Or time?

13 A Yes.

14 Q Okay. And approximately what distance did you strike  
15 your dog from the church?

16 A Where we struck him from --

17 Q Or did you work your -- excuse me -- did you work  
18 your dog from the church?

19 A I would say approximately a quarter mile.

20 Q And how long did y'all work that?

21 A Approximately 30 minutes.

22 Q And that was with -- not finding anything?

23 A Well, we struck the dog and when I found a suspect we  
24 came back to that -- the other trackers came back to that  
25 location and then once we apprehended him we continued the



1 search.

2 Q Right. I was talking about after locating the  
3 suspect that you've testified about --

4 A Yes.

5 Q -- did you find anything else in that area?

6 A No, ma'am.

7 Q And then you left because y'all were called to  
8 another location?

9 A Yes.

10 Q Okay.

11 I have nothing further, Your Honor.

12 THE COURT: Mr. Routzong?

13 CROSS-EXAMINATION

14 BY MR. ROUTZONG:

15 Q The dog didn't find this person under the shed; isn't  
16 that correct?

17 A No, sir.

18 THE COURT: Redirect?

19 REDIRECT EXAMINATION

20 BY MS. RINGLER:

21 Q Now, when you found the individual what was -- you  
22 were hand-striking or -- what was the term for that?  
23 Hand-tracking?

24 A Hand-tracking, yes.

25 Q When you do any kind of tracking with the bloodhound

1 what is that called?

2 A It's just tracking.

3 Q Okay. And when you're tracking do you always find an  
4 individual?

5 A No.

6 Q What are some of the factors that play into when  
7 you're able to have a successful track? What affects a  
8 track?

9 A The weather, the amount of time it's been between the  
10 crime and the actual get to the scene and tracking.  
11 Subjects use cell phones and call up rides and have  
12 somebody pick them up.

13 MS. RINGLER: Nothing further from the this witness,  
14 Your Honor.

15 THE COURT: Thank you. You may step down.

16 MS. RINGLER: Your Honor, that's all that we have for  
17 today.

18 THE COURT: All right. Ladies and gentlemen, we're  
19 going to break for the evening. Once again I remind you  
20 please don't discuss the case or deliberate or talk with  
21 anyone about the case. I've got a 9:30 hearing in the  
22 morning that will take us about 15 or 20 minutes. So,  
23 let's start at 10. I don't want y'all sitting back there  
24 waiting on me while I am doing business.

25 I normally buy or have breakfast provided. The

1 choices are sausage biscuits, fruit, or pastries, i.e.,  
2 what is it Ms. Barbara, muffins?

3 THE BAILIFF: Yes.

4 THE COURT: Fattening stuff. What is your pleasure?  
5 Sir?

6 THE JUROR: Fruit.

7 THE COURT: What is your pleasure?

8 THE COURT: I figured a Georgia person would.

9 THE JUROR: Do we have to agree with the group?

10 THE COURT: No, ma'am.

11 THE JUROR: Fruit.

12 THE COURT: Fruit?

13 THE JUROR: Well, you've been picking on him all the  
14 time so I'm --

15 THE COURT: I am not picking on him. They normally  
16 beat us.

17 THE JUROR: I think we should have fruit and  
18 pastries.

19 THE COURT: That's fine.

20 THE BAILIFF: Fruit and pastries.

21 THE COURT: Yes. Mr. Bill can handle that. All  
22 right. I'll see y'all -- we'll start right at 10 o'clock.  
23 So, if you want to partake of the fruit and pastries, be  
24 here before that. We'll have some hot coffee back there  
25 tomorrow and I'll get you some lunch tomorrow.

1           Everybody else please remain seated.

2           I will excuse y'all. Ms. Barbara will show you how  
3 to get in and out in the morning and where to come. Thank  
4 you. Everybody got rides, everybody okay?

5           THE JUROR: Yes, sir.

6           THE COURT: You know I am picking on you.

7           THE JUROR: Oh, yea. I'll wear the appropriate  
8 colors tomorrow.

9           THE COURT: What's that? Arkansas?

10          THE JUROR: No, that's Alabama.

11          THE COURT: I know what it is.

12          (Whereupon, the jury exited the courtroom at 4:52.)

13          THE COURT: Anything for the record before we break  
14 for the evening?

15          MS. RINGLER: Nothing from the State, Your Honor.

16          THE COURT: Mrs. Kelley P. Brown?

17          MRS. BROWN: No, Your Honor.

18          THE COURT: Mr. Routzong?

19          MR. ROUTZONG: No, sir.

20          THE COURT: All right. The Defendants are in  
21 custody. Let me see the lawyers in chambers, please.

22          (Whereupon, the proceedings were concluded for the  
23 day and were reconvened on September 21, 2010 as  
24 follows:)

25          THE COURT: Mr. Solicitor, as I understand it from a

1 pretrial -- strike that -- from an in-chambers discussion  
2 there is a photograph taken at the booking of one of the  
3 Defendants. Identify him, please.

4 MR. THURMOND: Mr. Artrell Hickson, Judge.

5 THE COURT: Mr. Artrell Hickson -- that the State  
6 intends to introduce. Please --

7 MR. THURMOND: Yes, sir.

8 THE COURT: -- I don't know that we need to do a  
9 proffer. I think you can show the picture and tell me  
10 what's going on.

11 MR. THURMOND: Yes, sir. Judge, we propose to  
12 introduce what's been marked for ID as State's No. 20 as a  
13 booking photograph of Mr. Artrell Hickson. There are a  
14 couple of reasons for that.

15 THE COURT: We've shown that photograph in chambers.

16 MR. THURMOND: We've shown it in chambers.

17 THE COURT: Show it to defense counsel and make sure  
18 it is the same one.

19 MR. THURMOND: Judge, the record will reflect that  
20 his hair is longer than it is now and he's wearing a light  
21 blue or light green shirt. It would not identify as  
22 prison orange or black and white stripes and the relevance  
23 of this picture or the reasons the state seeks to  
24 introduce it are some surveillance videos which are marked  
25 for ID as State's No. 16 and State's No. 17 and I have

1 shown these to defense counsel and can pass all of these  
2 up to to court.

3 THE COURT: I have seen them in chambers.

4 MR. THURMOND: And Your Honor will note that State's  
5 No. 20 which is the photograph of Mr. Artrell Hickson he  
6 really has some pronounced eyebrows. He's got a real  
7 round area on the top of his nose and those are two pretty  
8 key identifiers in State's No. 17 and State's No. 16 --  
9 the pronounced eyebrows, the roundness of the nose.

10 Additionally, there appears to be a real fullness  
11 around his head. The photograph that was taken of him  
12 five days after this incident he has a full head of hair  
13 and we think that's relevant as well and goes directly to  
14 his identity.

15 Judge, the case we would rely on is State versus  
16 Traylor. It is a 2004 South Carolina Supreme Court case  
17 and it states that a mugshot -- of course, we wouldn't  
18 call it a mugshot. We would call it a photograph or a  
19 booking photograph -- of a defendant is reversible error  
20 unless the state has a demonstrable need to introduce the  
21 photograph and those are the reasons I just stated and  
22 then two and three are interesting -- the photograph shown  
23 to the jury does not suggest that the defendant has a  
24 criminal record and, three, the photograph is not  
25 introduced in such a way as to draw attention to its

1 origin or implication.

2 I think the bases behind two and three would be in a  
3 pre-arrest identification of a defendant where somebody  
4 was able to use a photo line-up and if they were in the  
5 black and white stripes or the orange that would then  
6 cause a subsequent jury to know that they had previously  
7 been arrested thus implicating a Fifth Amendment issue,  
8 but, Judge, we think there is a demonstrable need for it.

9 These bank robbers did their best to conceal any  
10 evidence that may have been left by virtue of their  
11 wearing gloves and masking up, but the eyebrows are  
12 pronounced. The top of the nose is pronounced. The  
13 poofiness of the area around the head is pronounced and we  
14 think that this picture speaks directly to those three  
15 issues.

16 We would ask that it be introduced -- it be  
17 introduced through Greg Savell, the case agent, the third  
18 proposed witness of this morning.

19 THE COURT: Mrs. Kelley Perkins Brown, any objection?

20 MRS. BROWN: Yes, Your Honor. May it please the  
21 court. Your Honor, I have had the chance to study state  
22 versus Traylor and the State is correct in the three-prong  
23 test in order to admit this mugshot into evidence. Your  
24 Honor, we would argue that there is no demonstrable need  
25 that is shown here. I believe that under the theory the

1 state essentially wants to be able to argue to the jury  
2 these similarities in the facial features of Mr. Hickson  
3 and the head shapes.

4 Mr. Hickson is here. The jury has ample opportunity  
5 to observe him here in the courtroom. If the jury is --  
6 can be -- he is sitting right here. The only demonstrable  
7 need that the state is attempting to show is for the jury  
8 to have this picture in order to be able to look at these,  
9 compare these pictures back in the jury room. I think if  
10 this were a case where Mr. Hickson were not present for  
11 his trial, there was no person here for the State to point  
12 at and say, Look at him, I think they may be closer to  
13 that showing that -- making that showing of a demonstrable  
14 need.

15 Mr. Hickson is present. If the State wishes to  
16 invite the jury to look at him so that they can draw their  
17 own conclusions in looking at the pictures which have been  
18 introduced into evidence or they're seeking -- I am not  
19 sure if the pictures of which they're speaking at the  
20 moment, they may not have been introduced yet, but I  
21 believe the state is seeking to introduce those.

22 THE COURT: Any other argument, ma'am?

23 MRS. BROWN: Yes, Your Honor. If the State -- if the  
24 court does see that there is the demonstrable need, then  
25 we would argue that the photograph does show jail uniform



1 and it would show as a booking photograph and if the court  
2 allows it we would ask that the photograph either be  
3 redacted to remove the jail uniform from it or to  
4 introduce the picture in black and white so that the color  
5 of the shirt does not show.

6 THE COURT: Thank you. Anything else? Mr. Routzong?

7 MR. ROUTZONG: Your Honor, Mr. Hickson is joining  
8 with Mrs. Brown's objection. It also seems to me, Your  
9 Honor, that the court held we find the demonstrable need  
10 to introduce the photo line-up because they had another  
11 way of identifying that the person was in the house in  
12 Traylor. Well, the same situation applies here, Your  
13 Honor. I assume they're going to call one of the  
14 co-defendants who is going to say that he was with the  
15 defendants in the bank.

16 I don't ---I do not see any need -- any demonstrable  
17 need to introduce this photograph. Moreover, Your Honor,  
18 even if it's relevant it irretrievably links a photograph  
19 with a person on the video. They're going to say, This  
20 person is this person, and that's just the opinion of the  
21 state. It's -- if it is relevant, Your Honor --

22 THE COURT: Isn't that a factual issue for the jury  
23 to determine?

24 MR. ROUTZONG: Well, it's prejudicial nature would  
25 outweigh it's probative value.

1 THE COURT: Thank you. Anything in reply?

2 MR. THURMOND: Well, Judge, I'll wait until you rule.

3 THE COURT: Thank you. Yes, ma'am?

4 MRS. BROWN: Your Honor, if I can just point out one  
5 final thing. In the conclusion of this case --

6 THE COURT: Which case?

7 MRS. BROWN: Of the Traylor case which the State has  
8 passed up to Your Honor. In the conclusion the Supreme  
9 Court fervently cautions trial court judges against  
10 utilization of mugshot photos unless absolutely necessary.  
11 We would argue that the State has not shown that this is  
12 absolutely necessary in this case.

13 THE COURT: I find that the State has met the  
14 three-prong test of Traylor. They have shown the  
15 demonstrable need to introduce the photograph. It is not  
16 suggestive that he has a criminal record and that the  
17 photograph is relatively benign and I caution the State  
18 when introducing it to not draw attention to its origin or  
19 implication. Thank you. Anything else?

20 MS. RINGLER: Your Honor, we just had one other  
21 matter. We did have the technical difficulty yesterday  
22 with the video. We have a working copy now. We've tested  
23 it. It is working. I didn't know if we could possibly  
24 now substitute that for the disk that was entered in  
25 yesterday, if that would be proper to proceed in that

1 matter.

2 THE COURT: Any objection by either defense counsel?

3 Just substitution of the disk. It is the same thing.

4 It's just a different disk that works.

5 Mrs. Kelley Perkins Brown?

6 MRS. BROWN: No, Your Honor.

7 THE COURT: Mr. Routzong?

8 MR. ROUTZONG: I don't have any.

9 THE COURT: All right. Just substitute it.

10 MR. ROUTZONG: Thank you, Your Honor.

11 THE COURT: All you do is just switch them out. All

12 right. Bring the jury in, please.

13 MR. THURMOND: Judge, just a point --

14 THE COURT: Hold on.

15 MR. THURMOND: -- of clarification on the

16 introduction of this photograph. Through Investigator

17 Savell can I ask him the date that the Defendants were

18 arrested?

19 THE COURT: Certainly.

20 MR. THURMOND: Can I ask him the date the photograph

21 was taken?

22 THE COURT: Certainly.

23 MR. THURMOND: Thank you.

24 THE COURT: I mean, the date that was taken certainly

25 doesn't show that he has a criminal record or draw

1 implication to its origin in my opinion.

2 Bring the jury in.

3 (Whereupon, the jury came into open court at  
4 approximately 10:09.)

5 THE COURT: Good morning. Who was the lucky person  
6 that got elected as foreperson? Who?

7 THE COURT: Mr. Whittle, can we have a Bulldog as a  
8 foreperson?

9 THE BAILIFF: We'll have to have a recount.

10 THE JUROR: It was unanimous.

11 THE COURT: You sure it wasn't 17 to 6? Thank you  
12 for letting me cut up with you. You got your garnet and  
13 black colors on today. You're doing well.

14 Sorry about the mix-up in the fruit this morning. I  
15 don't know how that happened. Mr. Whittle -- I heard him  
16 tell them to bring fruit. Apparently, they just -- we'll  
17 get it straightened out.

18 Lunch today -- we can do a couple of things. When  
19 you take your first break this morning we'll talk about it  
20 and make a decision on that. I will let the county  
21 purchase your lunch.

22 We're going to continue on with the testimony.  
23 Please pay close attention. If you get uncomfortable,  
24 cold, hot, or whatever, raise your hand and I'll make sure  
25 that you're taken care of.

1 Next witness, please.

2 MS. RINGLER: Thank you, Your Honor. The State calls  
3 Amanda Wood.

4 THE CLERK: Do you want her resworn? She was sworn  
5 yesterday.

6 THE COURT: You're still under oath from yesterday.

7 THE WITNESS: Okay.

8 THE COURT: You may have a seat. I think we -- they  
9 have the technical difficulties fixed, but please don't go  
10 over everything that you did yesterday. Just go over what  
11 didn't work so we won't be redundant.

12 AMANDA WOOD, after being previously duly sworn,  
13 testified as follows:

14 DIRECT EXAMINATION

15 BY MS. RINGLER:

16 Q Ms. Wood, just like we tried to do yesterday if you  
17 can come down and stand right there and sort of talk us  
18 through what's being depicted in the video. Just stand to  
19 the side so that the jury can see. Again, if you can just  
20 point out the number of cameras that are on this video.

21 A There are five cameras.

22 THE COURT: Ma'am, speak up for me, please.

23 THE WITNESS: Five cameras.

24 Q Which is the camera that shows your window?

25 A Right here where it says teller two.

1 Q Okay.

2 A That's the back of my head.

3 Q So that window is depicting your point of view as it  
4 faces the front door?

5 A Correct.

6 Q And then what is the teller where Ms. Hastings was?  
7 Which is the camera that depicts her view?

8 A She's here. Teller one.

9 Q And then teller three, that window is open?

10 A Correct. There was no one there.

11 Q And then the camera that's to the far right that  
12 appears to be an office?

13 A Correct. That's Daphne Carroll's office. She is our  
14 CSR.

15 Q The fifth camera, what is that view of?

16 A That's going to be the lobby area where the customers  
17 enter.

18 Q And now we'll just -- we'll play it and all the video  
19 will play at the same time, but we'll just pause it and  
20 kind of talk about it at that point.

21 (Whereupon, the video is started.)

22 Q Stop it right there. Okay. Back up where you see  
23 all three. Okay. And if you can look to the camera  
24 that's showing the full lobby area, can you just kind of  
25 talk us through what's going on at that point in time?

1 A Yes. The gentleman that's entering my window came up  
2 with a gun and demanded money from me. The one wearing  
3 the white standing towards the door was watching out as a  
4 look-out. He kept going out the door and looking to see  
5 if anyone was coming in. The gentleman over by the  
6 offices had guns pointed in both offices demanding that  
7 the ladies come out and open the vault.

8 Q Okay. And if you'll look to the camera that says  
9 teller two, what is going on at that point in time?

10 A That was when he approached my window. He leaned  
11 into the window, knocked my envelopes all onto the floor  
12 and demanded that I give him my money which I did.

13 Q Okay. There. What's happened at this point?

14 A At this point the other gentleman left my window.  
15 The one that was at the offices approached my window and  
16 asked for my money and then I told him that I had already  
17 given the other man everything that I had.

18 Q So, at that point what's going on there?

19 A At that point he went over to the other teller window  
20 to Ms. Hastings and approached her and asked her to give  
21 money to him.

22 Q Okay. Thank you. Please have a seat, Ms. Wood, back  
23 up there. Thank you. Ms. Wood, I am handing you what's  
24 been previously marked as State's 15, 16, 17, 18, and 19.  
25 What are they?

1 A They're all pictures of the robbery.

2 Q And do those -- do they truly and accurately depict  
3 the still shots of the video and what occurred at the  
4 robbery?

5 A Yes, they do.

6 Q Thank you.

7 At this time, Your Honor, the State would move to  
8 admit Exhibits 15, 16, 17, 18, and 19.

9 THE COURT: Mrs. Kelley Perkins Brown, any  
10 objections?

11 MRS. BROWN: No objection, Your Honor.

12 THE COURT: Mr. Routzong?

13 MR. ROUTZONG: No, sir.

14 THE COURT: Thank you.

15 (Whereupon, State's Exhibit Nos. 15 - 19 were  
16 admitted into evidence.)

17 MS. RINGLER: And, Your Honor, we would just like to  
18 publish them at this time.

19 THE COURT: You may.

20 Q Ms. Wood if you can come on down again just to kind  
21 of talk us through these. We're looking at what's been  
22 admitted as State's Exhibit 15. Can you talk a little bit  
23 about when during the robbery this was and what's going on  
24 or what's going on in the image?

25 A I believe that was when they first entered the branch



1 and the man who was look-out, he had the white cover on  
2 his face, he kind of started towards the teller line, but  
3 then he backed up and went to the door.

4 Q And then the other individual next to him?

5 A I believe from the way it is showing that that is the  
6 gentleman that entered my window.

7 Q Okay. And now State's Exhibit 16. What is being  
8 depicted in this photo?

9 A That was when he first approached my teller station.

10 Q Okay. And then was this the first gentleman or the  
11 second gentleman?

12 A I believe that was the second gentleman.

13 Q Okay. And State's Exhibit 17, what is being depicted  
14 in this photo?

15 A I believe that was after I told him I didn't have any  
16 more money left and he went on to the next teller and was  
17 fixing to move over.

18 Q And then State's Exhibit 18?

19 A That was the first gentleman that approached me and  
20 asked me to give him my money.

21 Q And does he have something with him in that photo?

22 A There was like a bookbag of some type.

23 Q Okay. And then -- Thank you so much. If you'll  
24 have a seat and answer any questions that defense counsel  
25 might have.

1 THE COURT: All right. Mrs. Brown, any cross  
2 concerning the photographs and the video?

3 MRS. BROWN: Just briefly for clarification, Your  
4 Honor.

5 CROSS-EXAMINATION

6 BY MRS. BROWN:

7 Q I am showing you what was introduced as State's  
8 Exhibit No. 17 which is what you were just shown on the  
9 large screen. Is that the first or the second or the  
10 third individual who came in?

11 A I don't remember exactly what order they came in. I  
12 know he was the second one that approached me at my teller  
13 station.

14 Q So he was the second one who approached you at your  
15 teller station?

16 A Correct.

17 Q So, that was a different individual from who you  
18 described as being the one who initially approached your  
19 teller station?

20 A Correct.

21 Q Okay. Thank you. I have no further questions, Your  
22 Honor.

23 THE COURT: Mr. Routzong, anything on the photos and  
24 the video?

25 MR. ROUTZONG: No, sir.

1 THE COURT: Thank you, ma'am. You may step down.

2 Next witness, please.

3 MR. THURMOND: The State calls Clay Adams.

4 MARTIN CLAY ADAMS, after being duly sworn,  
5 testified as follows:

6 THE CLERK: Have a seat in the witness box. State  
7 your full name for the court spelling your last.

8 THE WITNESS: Martin Clay Adams; A-D-A-M-S.

9 DIRECT EXAMINATION

10 BY MR. THURMOND:

11 Q You go by Lieutenant Adams; is that correct?

12 A Yes.

13 Q And where are you employed?

14 A I'm employed at the Aiken County Sheriff's Office.

15 Q How long have you been there?

16 A For approximately 10 years.

17 Q And what are your current duties?

18 A I am Lieutenant of Forensic Investigations. I  
19 oversee the crime scene response units.

20 Q That would be your day-to-day activities?

21 A Yes, sir.

22 Q And what kind of training or certifications do you  
23 hold in the area of fingerprints?

24 A I have additional studies at the South Carolina  
25 Criminal Justice Academy in latent print examination,

1 latent print processing, crime scene processing, detective  
2 level one. I have also served a three-year apprenticeship  
3 under a certified latent print examiner.

4 Q How many times have you testified in court?

5 A Twelve times.

6 Q Have you ever failed to testify -- failed to qualify  
7 to testify?

8 A No, sir.

9 MR. THURMOND: Your Honor, at this time we would  
10 offer Lieutenant Clay Adams as an expert in the area of  
11 latent print identification.

12 THE COURT: Mrs. Kelley Perkins Brown, any  
13 examination?

14 MRS. BROWN: No, Your Honor.

15 THE COURT: Mr. Routzong?

16 MR. ROUTZONG: No.

17 THE COURT: All right. Mr. Foreman, ladies and  
18 gentlemen, this witness will now since he's been qualified  
19 as an expert in fingerprints he'll be able to give opinion  
20 testimony. Normally, our rules of evidence do not allow  
21 people to give opinion testimony unless they have been  
22 qualified as an expert. So, please listen to his opinions  
23 and then, obviously, you can give them whatever weight, if  
24 any, you decide to give it. I'll explain that to you at  
25 the conclusion of the case.

1 Q Let me draw your attention to June 25, 2009. Do you  
2 recall that date?

3 A Yes, sir.

4 Q Can you tell us what you did that day?

5 A On that day I was dispatched to the Masonic Shopping  
6 Center for an armed robbery at the Security Federal bank.

7 Q Is that in Graniteville?

8 A Yes, sir.

9 Q And what did you do upon your arrival?

10 A Upon my arrival I met with the investigators that  
11 were already on the scene.

12 Q What, if anything, did you do there?

13 A Typically, we would approach the scene to process.  
14 However, I was informed that the persons that robbed the  
15 bank were wearing gloves and wearing masks.

16 Q And so what would you be looking for in processing  
17 the scene?

18 A Typically, fingerprints.

19 Q And, obviously, if somebody is wearing gloves do you  
20 expect to find fingerprints?

21 A No, sir.

22 Q All right. So, what did you do next?

23 A At that point in time we had three armed individuals.  
24 So, I redeployed to the perimeter.

25 Q And specifically where on the perimeter?

1 A Specifically, over towards the Laurel Drive area.

2 Q How many dog teams were utilized that day?

3 A In total, four dog teams.

4 Q And were you asked to transport any of the  
5 bloodhounds that day?

6 A Yes, sir, I was.

7 Q And so then where did you go?

8 A I went to a church located on Laurel Drive which is  
9 off of Trolley Line.

10 Q And what did you do next?

11 A At that point in time I met up with two of the  
12 bloodhound tracking team members. We started to  
13 hand-track the area at which time myself and one of the  
14 bloodhound tracking team members located a person  
15 underneath a storage building. We drew our weapons and  
16 ordered the person out from underneath the storage  
17 building and placed him into custody.

18 Q Okay. Do you recall the other member of that  
19 bloodhound tracking team?

20 A Drummond, I believe. He is a PSO with Aiken Public  
21 Safety.

22 Q What did you do next?

23 A After we had him in custody I relocated back to the  
24 Masonic Shopping Center to retrieve my vehicle and came  
25 back to the area where we found him and photographed the

1 scene around where he was discovered.

2 Q You went back and got your forensic vehicle and  
3 relocated back to the site of the arrest; is that correct?

4 A Yes, sir.

5 Q What did you do once you relocated?

6 A Photographed up underneath the metal storage building  
7 that he was underneath and that's where we located several  
8 items.

9 Q And that individual was under arrest and in custody  
10 at that point?

11 A Yes, he was.

12 Q Do you recall who that was?

13 A David Kearse.

14 THE COURT: Spell the last name.

15 THE WITNESS: I believe it is K-E-A-R-S-E.

16 THE COURT: Kearse.

17 Q And your duties in the forensics department is to  
18 take some photographs?

19 A Yes, it is.

20 Q Let me show you what's been marked for ID as State's  
21 6, 7, 8, 9, 10, and 11. Take a look at those and I ask  
22 you if you can identify them, please?

23 A Yes, I can.

24 MR. THURMOND: Judge, we'd offer 6, 7, 8, 9, 10, 11  
25 into evidence. Are these --

1 THE COURT: Hold on. Show them to them. Any  
2 objections, Mrs. Kelley P. Brown?

3 MRS. BROWN: Just for clarification, Your Honor, it  
4 is 6, 7, 8 --

5 THE COURT: Please stand when you --

6 MRS. BROWN: 6, 7, 8, 9, 10, and 11?

7 MR. THURMOND: That's correct, Your Honor.

8 MRS. BROWN: No objection, Your Honor.

9 THE COURT: Mr. Routzong?

10 MR. ROUTZONG: No, sir.

11 THE COURT: Without objection.

12 MR. THURMOND: Judge, we'd offer these into evidence  
13 at this time --

14 THE COURT: Without objection.

15 MR. THURMOND: -- and request to publish them to the  
16 jury on the big screen.

17 THE COURT: You may.

18 (Whereupon, State's Exhibit Nos. 6 - 11 were admitted  
19 into evidence.)

20 Q Can I get you to step down, sir? Let me show you  
21 what's been marked in evidence as State's No. 6. What are  
22 we looking at here?

23 A State's No. 6 is a picture of a double car garage  
24 next to a metal storage building.

25 THE COURT: Stand back this way so to make sure they



1 can see you.

2 THE WITNESS: This -- these two -- this garage and  
3 this storage building are located at 206 Laurel Drive  
4 which is right next door to a church.

5 Q And is this the location where your colleague at the  
6 Aiken Department of Public Safety on the bloodhound  
7 tracking team observed an individual?

8 A It is.

9 Q Let me show you what's in evidence as State's No. 7,  
10 Lieutenant Adams. Tell us what the scene depicts, please.

11 A This is the alley way between the two buildings.  
12 This is stick-built building and this is the portable  
13 metal building.

14 Q And did you find the individual between there? What  
15 is the significance of this?

16 A Mr. Kearse was up underneath this part of the  
17 building approximately a foot, 2 feet up under it.

18 Q Let me show you what's in evidence as State's no. 8.

19 A This is just a ground level view looking back up  
20 underneath.

21 Q And Mr. Kearse was up underneath here?

22 A Up underneath this area.

23 Q All right. Let me show you what's in evidence as  
24 State's No. 9. Now, this would ordinarily look like an  
25 uninteresting picture. Is there anything interesting that

1 you see in this picture?

2 A In this picture there is a wad of U.S. currency that  
3 was hidden back behind this cinder block which is holding  
4 up the frame of that metal building.

5 Q Let me show you what's in evidence as State's No. 10.

6 A These are the items that we recovered behind that  
7 cinder block where Mr. Kearse was. It is identified as a  
8 Jennings firearm and US currency in \$5 increments.

9 Q This is a firearm and the currency that was recovered  
10 from Mr. Kearse; is that correct?

11 A Yes, sir.

12 Q And then what's -- let me show you what's in evidence  
13 as State's No. 11.

14 A This is just a close-up photograph of the Jennings  
15 firearm pistol that was recovered.

16 Q Thank you. Have a seat. Let me show you what's been  
17 marked for ID as State's No. 13. I ask if you can  
18 identify that for me?

19 A Yes, sir, I can identify it.

20 Q What is it?

21 A It is a Jennings firearm, .22 caliber semiautomatic  
22 pistol.

23 Q Is that the pistol that you took into your possession  
24 on June 25 of 2009?

25 A It is.

1 MR. THURMOND: Your Honor, we'd offer State's 13 into  
2 evidence.

3 THE COURT: Any objection, Mrs. Kelley Perkins Brown?

4 MRS. BROWN: No, Your honor.

5 THE COURT: Mr. Routzong?

6 MR. ROUTZONG: No, sir.

7 THE COURT: Thank you.

8 (Whereupon, State's Exhibit No. 13 was admitted into  
9 evidence.)

10 Q Specifically, how did you take possession of the  
11 money and the gun out there by that shed on 25th? What  
12 did you do?

13 A The two items were packaged individually. I put the  
14 money into one bag, secured the gun into another one and  
15 secured the weapon into a gun box.

16 Q Did you handle the gun?

17 A Yes, I handled the gun to make sure that the weapon  
18 was not a loaded weapon.

19 Q And did you handle it in such a way as to not  
20 contaminate anything that may be on it?

21 A No, I didn't.

22 Q How about the money?

23 A No, I didn't.

24 Q What did you do with the -- how did you package the  
25 money?

1 A The money was put into a paper bag.

2 Q And what next did you do with the gun, with the  
3 money?

4 A They were transported back to the office to our  
5 forensic laboratory for processing.

6 Q Let me ask you this. What are fingerprints?

7 A A fingerprint is a water -- a mainly water-based  
8 residue impression of your finger. On our hands and the  
9 soles of our feet we have what's called ridge detail. It  
10 is friction ridge. It allows us to actually grasp an  
11 item. It can be correlated into a person who wears flats  
12 like loafers or something that has a very smooth bottom.  
13 You don't get very much traction. However, if you swear a  
14 tennis shoe or cleats or shoes that have a real rough  
15 bottom, you get traction and you can run. It's the same  
16 thing with a fingerprint. Our hands and our feet with  
17 those friction ridges that allow us to grasp items.

18 Well, a fingerprint is an oily water residue that is  
19 secreted through sweat pores in your fingers, hands and  
20 soles that is left when an item is handled or touched.

21 Q Now, on television the police always find  
22 fingerprints. Do you always find fingerprints?

23 A No, I do not.

24 Q How do you look for fingerprints?

25 A We use a variety of different methods. There's

1 chemical processes. There's powder processes. There's  
2 just looking through the naked eye. A fingerprint is a  
3 three dimensional item. It is water. It is actually on  
4 top of a nonporous surface. So, by just manipulating the  
5 change of light you can see them. The best example I can  
6 give you is a door to a convenience store. I mean, you  
7 look through that glass as you walk you can see the  
8 smudges. You can see -- those are fingerprints.

9 Q Did you perform any procedures in this case to look  
10 for fingerprints specifically on item number 13, the  
11 handgun?

12 A I did.

13 Q What procedure did you perform?

14 A I used the procedure called cyanoacrylate ester  
15 fuming and that is commonly known as super glue. It is  
16 where we take super glue and heat it up to where it forms  
17 a vapor and that vapor then adheres to the moisture of the  
18 fingerprint causing it to turn kind of a shade of white  
19 and also to permanently imprint that fingerprint.

20 Q Now, this gun was taken from the person of Mr. David  
21 Kearse; is that correct?

22 A It was taken in very close to proximity to where he  
23 was discovered.

24 Q So, were you necessarily looking for his fingerprints  
25 or somebody else's or any fingerprints?

1 A We were just looking for any fingerprints.

2 Q Did you find any fingerprints?

3 A I did not.

4 Q Now, tell us in your experience are guns generally a  
5 suitable for -- a suitable surface for obtaining  
6 fingerprints?

7 A Typically not. The make of a weapon, the metals that  
8 are used and sometimes even polymers or plastics that are  
9 used in some of the weapons are not good surfaces for a  
10 fingerprint. A fingerprint typically requires a good  
11 smooth surface for us to develop for identification. In  
12 this case on these weapons the surface area is not as  
13 smooth as what would be needed for development.

14 Q And what are -- in your experience what are some  
15 other reasons for not finding fingerprints?

16 A A fingerprint is the most delicate physical evidence  
17 at any crime scene. It is water -- about 98 percent  
18 water. The rest of it is typically oils, amino acids, and  
19 other oils of the human body. A fingerprint being  
20 typically 98 percent water is equivalent to taking a drop  
21 of water and putting it on a piece of glass such as a  
22 condensation from a drink -- how you can put it on a table  
23 and when you lift it off there is a water ring. Well, all  
24 you have to do is just swipe your hand and the ring is  
25 gone or take a piece of cloth or paper towel. So, a

1 fingerprint is very delicate. It is very easily  
2 destroyed.

3 In this case you could have environmental conditions  
4 such as rain, extreme heat because water evaporates, and  
5 just general contact with outside forces such as grass,  
6 cloth, wood, any other contact that would cause a wiping  
7 of that imprint.

8 Q Now, this gun, item number 13, that was found in  
9 close objection proximity to Mr. David Kearse; is that  
10 correct?

11 A Yes, it was.

12 Q Did you fingerprint the money?

13 A No, I did not.

14 Q Why not?

15 A Well, fingerprint -- the money was not fingerprinted  
16 because it was brought to our attention that the  
17 assailants were wearing gloves.

18 Q No reason to look for them; is that correct?

19 A That's correct.

20 Q What are shoe impressions?

21 A A shoe impression is an impression left by the  
22 outsole of a shoe. This is, basically, a negative  
23 impression. Whereas a fingerprint is a secretion of water  
24 that is on an item, a foot print is a reversed imprint  
25 negative impression into a substance such as soil, mud, or

1 any other medium that will accept the print.

2 Q Did you look for any shoe impressions in this case?

3 A I did.

4 Q Did you find any?

5 A We found some partials. However, they were not  
6 enough detail to render any kind of size or outsole  
7 characteristics.

8 Q I am going to get you to step down and help me with  
9 this map a little bit, please. Okay. You want to orient  
10 us? Where is the Security Federal Bank?

11 A The Security Federal Bank is right here in the  
12 Masonic Shopping Center.

13 Q Step a little closer, if you don't mind. Where was  
14 Mr. Kearse arrested?

15 A Mr. Kearse was arrested underneath that metal  
16 building. You can see a parking lot. This is the rear  
17 parking lot to this church. This is 206 Laurel Drive and  
18 those two metal buildings right there.

19 Q Where was bloodhound tracking team one working that  
20 day?

21 A Bloodhound tracking team one went to this direction.

22 Q Okay. Following a track or scent?

23 A Following the scent.

24 Q Where was the bloodhound tracking team two?

25 A We were deployed up here.



1 Q And where is the water tower in this case?

2 A The water tower in this case is located right here  
3 off of Mt. Arthur Drive.

4 Q You can have a seat, please. Thank you.

5 Lieutenant Adams, that's all the question I have for you.

6 If you would care to answer any that Mr. Routzong or

7 Mrs. Brown would have for you.

8 THE COURT: Mrs. Kelley P. Brown?

9 MRS. BROWN: Thank you, Your Honor. May it please  
10 the court.

11 CROSS-EXAMINATION

12 BY MRS. BROWN:

13 Q Investigator Adams, I apologize. I did not have the  
14 best of views just then so if you could step back down so  
15 you could help me see those areas in which you were just  
16 pointing. Could you please show again the direction --  
17 well, first of all, show again where the two buildings  
18 were where David Kearse was detained?

19 A The two buildings were located right there right here  
20 next to this parking lot.

21 Q Okay. And the direction that tracking team one went?

22 A Tracking team one went off in this direction.

23 Q And tracking team two?

24 A Tracking team two was up here in this direction.

25 Q Okay. And the water tower was where?

1 A Water tower is located right here off of Mt. Arthur  
2 Drive.

3 Q Okay. Thank you very much for that. Now,  
4 Investigator Adams, you made an assumption about that  
5 money, didn't you?

6 A I don't follow.

7 Q Did you make an assumption about that money not  
8 having any fingerprints for you to discover?

9 A Yes, I did.

10 Q Based on the fact that these individuals were wearing  
11 gloves there in the bank?

12 A Yes.

13 Q What was the time of this robbery at the bank?

14 A I do not know right offhand.

15 Q Do you know approximately?

16 A Approximately 12 o'clock noon.

17 Q And what was the time in which you detained or you  
18 were part of the bloodhound tracking team that detained  
19 David Kears?

20 A At, I believe, approximately 2:15.

21 Q So, approximately two hours and 15 minutes had  
22 elapsed in that timeframe in between when the bank was  
23 robbed and when your team and you recovered this money; is  
24 that correct?

25 A That's correct.

1 Q Thank you.

2 I have no further questions, Your Honor.

3 THE COURT: Mr. Routzong?

4 CROSS-EXAMINATION

5 BY MR. ROUTZONG:

6 Q You've gotten fingerprints off of guns before?

7 A I'm sorry?

8 Q You have gotten fingerprints off of guns before?

9 A Latent fingerprints have been developed on weapons  
10 before, yes, sir.

11 MR. ROUTZONG: I don't have anything else.

12 THE COURT: Thank you. Anything on redirect?

13 MR. THURMOND: Yes, sir, Judge, just for  
14 clarification.

15 REDIRECT EXAMINATION

16 BY MR. THURMOND:

17 Q Lieutenant Adams, if I can get you to step down and  
18 circle these locations that we mentioned earlier. If you  
19 would draw a circle around the location where Mr. Kearse  
20 was taken into custody.

21 A He was taken into custody underneath those buildings.

22 Q Okay. And if you would draw number one the area  
23 where bloodhound tracking team number one was operating.

24 A Approximately in this direction.

25 Q Okay. Where was bloodhound tracking team two

1 operating?

2 A Bloodhound number two was right there.

3 Q And if you would also circle the water tower  
4 previously you referenced.

5 A And the water tower is right there.

6 Q Thank you. That's all the questions I have for you.

7 THE COURT: Anything else from this witness?

8 MR. THURMOND: No, sir.

9 THE COURT: Next witness, please.

10 MR. THURMOND: Your Honor the State calls  
11 investigator Greg Savell, S-A-V-E-L-L.

12 GREG SAVELL, after being duly sworn, testified  
13 as follows:

14 THE CLERK: Have a seat in the witness box. State  
15 your full name for the court spelling your last.

16 THE WITNESS: Investigator Greg Savell; S-A-V-E-L-L.

17 DIRECT EXAMINATION

18 BY MR. THURMOND:

19 Q Good morning..

20 A Good morning, sir.

21 Q Are you employed by the Aiken County Sheriff's  
22 Office?

23 A Yes, I am.

24 Q And how long have you been there?

25 A Approximately nine years.

1 Q What are your current duties with the Aiken County  
2 Sheriff's Office?

3 A I am currently assigned with the CID division which  
4 is Criminal Investigative Division on the adult crimes.

5 Q And did you have an opportunity to respond to  
6 Security Federal Bank in Graniteville on June 25 of 2009?

7 A Yes, I did.

8 Q Tell us what you did when you got there.

9 A Upon my arrival I first off made sure that the scene  
10 was secured. I made sure that everybody inside of the  
11 bank was okay. Then I got with the branch manager of the  
12 bank, sat down and spoke with her and the rest of the  
13 clerks to ascertain description of suspects. Once I  
14 gathered all that intel I immediately gave a BOLO out to  
15 to the perimeter units on the description of suspects that  
16 we're looking for.

17 Q Let me ask you about the BOLO at the moment. As a  
18 result of your interviews with those in the bank were you  
19 able to determine how many suspect were involved?

20 A Yes. There were three suspects.

21 Q How about a description -- how about a physical  
22 description of them and what they were wearing?

23 A Three black male subjects wearing dark clothing,  
24 masks, 5'4 on the description.

25 Q What about gloves?

1 A And all wearing gloves, yes.

2 Q And you sent something out called a BOLO. What is a  
3 BOLO?

4 A It's Be-On-The-Look-Out for all units. It's a way of  
5 us communicating so that we put it out to all of the  
6 people on the road so that they would know what we're  
7 looking for.

8 Q You say you spoke with each employee of the bank?

9 A Yes, I did.

10 Q The ladies present here?

11 A Yes, sir.

12 Q Specifically speak with Ms. Key?

13 A Mrs. Key.

14 Q Did you ask her to provide a written statement?

15 A Yes, I did.

16 Q Did the information she provided you go into this  
17 BOLO -- this Be-On-the-Look-Out?

18 A Yes, I did.

19 Q What information did you send out on the BOLO?

20 A I sent out three armed subjects with carrying  
21 handguns, dark clothing, gloves, ski masks or bandannas on  
22 the face and the height range was 5'4 is what I was given.  
23 5'4.

24 Q 5'4. That came directly from --

25 A Ms. Key.

1 Q -- Ms. Key? What was the demeanor of these ladies in  
2 the bank upon your arrival?

3 A Very upset, tears, distraught, just in shock.

4 Q And did you remain there at the bank?

5 A Yes, I did.

6 Q Why did you remain there?

7 A It took quite some time to interview each one  
8 individually and also had to stand by for security --  
9 their security officer to come by and generate a copy of  
10 the surveillance.

11 Q And did you receive a copy of the video of the bank's  
12 videotape surveillance at that point?

13 A Yes, sir.

14 Q And this kind of became your case, if you will --

15 A That's correct.

16 Q -- is that correct? And at some point you left the  
17 bank; is that correct?

18 A I was notified by Lieutenant Fleury that a suspect  
19 had been caught and he was at that point at the St. James  
20 Lutheran Church so I responded over to there.

21 Q You then left the Security Federal Bank in  
22 Graniteville and went to the St. James Lutheran Church.  
23 About how far are those two locations?

24 A About a mile, mile and a half maybe.

25 Q Are you familiar with the Kalmia Apartments?

1 A Yes.

2 Q How far are the Kalmia Apartments from the Security  
3 Federal Bank?

4 A Just a couple of blocks.

5 Q A couple of blocks? Close proximity?

6 A Yes, sir, walking distance.

7 Q All right. What did you do next once you got to the  
8 St. James Lutheran Church?

9 A I arrived there and David Kearse was the suspect. I  
10 put him in my patrol vehicle and transported him to the  
11 Aiken County Detention Center for an interview.

12 Q Did you, in fact, interview Mr. Kearse?

13 A Yes, I did.

14 Q Did you read him his rights before you interviewed  
15 him?

16 A Yes, sir, I did.

17 Q Specifically, what rights did you read him?

18 A Our agency miranda rights forms that are issued.

19 Q I ask you to read those rights that you read to  
20 Mr. Kearse before he told you what happened.

21 A Yes, sir. Would you like for me to read them?

22 Q Yes, sir.

23 A Before I ask you any questions you must understand  
24 your rights. You have the right to remain silent.

25 Anything you say can and will be used against you in a



1 court of law. You have the right to talk to an attorney  
2 for advice before we ask you any questions and have him or  
3 her present during questioning. If you cannot afford an  
4 attorney, the court will appoint an attorney to represent  
5 you without cost if you wish. If you decide to answer  
6 questions now without an attorney present you will still  
7 have the right to stop answering questions at any time.  
8 You also have the right to stop answering questions at any  
9 time until you talk to your attorney.

10 I asked him if he clearly understood those and he  
11 initialed each box stating that he did and he signed his  
12 name.

13 Q What time did he sign that?

14 A 2:45.

15 Q What time was the bank robbery?

16 A 12:08.

17 Q So less than three hours after the robbery you have  
18 Mr. Kearse in custody?

19 A Yes, sir.

20 Q You've read him his miranda rights?

21 A Yes, sir.

22 Q He's agreed to talk to you?

23 A Yes, sir.

24 Q Does he implicate himself in this robbery?

25 A Yes, he did.

1 Q Who else did he implicate?

2 A He implicated Artrell and Javier Hickson.

3 Q Would you point them out for me, please?

4 A Yes, sir.

5 Q Which one is Mr. Artrell Hickson?

6 A Artrell Hickson is on the right and Javier is on the  
7 left.

8 Q Mr. Artrell Hickson is seated next to his lawyer  
9 Mrs. Brown?

10 A Yes.

11 Q Mr. Javier Hickson is seated next in to his lawyer  
12 Mr. Routzong?

13 A Yes, sir.

14 Q What did you do with Mr. Kearse after you talked to  
15 him?

16 A Mr. Kearse indicated an area where the three subjects  
17 -- where the three of them divided the money up and  
18 separated and parted ways and we transported him back to  
19 the water tower.

20 Q You had Mr. Kearse at the Sheriff's Office; correct?

21 A Yes, sir.

22 Q And you transported him back to a location where he  
23 had advised you that he divided the money with Mr. Artrell  
24 Hickson and Mr. Javier Hickson; is that correct?

25 A That's correct.

1 Q Can I get you to step down for a moment, please. Let  
2 me show you State's no. 14. If you could point to the  
3 location. That's where Mr. Kearse took you at  
4 approximately 3 o'clock --

5 A Yes, sir.

6 Q -- on June 25, 2009?

7 A That's correct.

8 Q And that's where he told you that he divided the  
9 monies up from with his co-defendants Artrell and Javier  
10 Hickson?

11 A That's correct.

12 Q Okay. Have a seat, please, sir. And after  
13 Mr. Kearse provided you an oral statement after you read  
14 his miranda rights what did you then ask Mr. Kearse to do?

15 A I asked him to provide me with a written statement.

16 Q Would he agree to do that then?

17 A No, sir, he wouldn't.

18 Q Why not?

19 A He was scared.

20 Q What did you do with Mr. Kearse next?

21 A After we went out to the water tower shortly a while  
22 after walking around and looking around I transported him  
23 to the Aiken County Detention Center.

24 Q Let me show you what's in evidence as State's No. 17.  
25 Have you had occasion to go back in the Security Federal

1 Bank in Graniteville?

2 A Yes, I have.

3 Q For what purpose?

4 A To measure the countertops.

5 Q What is the height of the countertops depicted in  
6 State's No. 17?

7 A At the highest point of the countertop is 56 inches  
8 tall or 4 feet 8 inches. The lowest portion of the  
9 countertop is 40 inches or 3 feet 4 inches.

10 MR. THURMOND: Judge, if he can step down, I'd like  
11 to show him No. 17 on the big screen, please.

12 Tell the jury the countertop heights that you  
13 measured.

14 A At the two different heights. This is the -- this  
15 portion right here is the tallest portion of the  
16 countertop and this being the lowest portion of the  
17 countertop.

18 Q And what was the height of this countertop?

19 A This right here was 40 inches or 3 feet 4 inches.

20 Q And how about the height of this countertop?

21 A 56 inches.

22 Q Now, this particular bank robber's face is mostly  
23 covered. Do you have any observations about the  
24 characteristics as to his facial features?

25 A The eyebrows are very pronounced.

1 MRS. BROWN: Objection, Your Honor. It calls for  
2 speculation on the witness. He's not been qualified as an  
3 expert in facial recognition. I think the photograph  
4 speaks for itself for the jury.

5 MR. ROUTZONG: I join in that objection, Your Honor.

6 THE COURT: Overruled. He can say what the guy looks  
7 like.

8 Q Tell us about the eyebrows.

9 A Pronounced, very bushy eyebrows. Also, the head area  
10 here is extremely full. There is no -- it almost gives  
11 the impression that it's packed. There is no -- there is  
12 no sagging or anything in the hood itself.

13 Q Thank you. Have a seat. Again, let me pass you back  
14 up State's No. 17. If I could ask you to write on  
15 State's No. 17 the countertop heights of the lower  
16 countertop and the taller countertop.

17 A (Witness complies)

18 Q Now, Investigator Savell, the upper countertop --  
19 where does it appear to hit this bank robber in his chest?

20 A It's right at his arm pit.

21 Q Let me show you what's in evidence as State's no. 16.  
22 Does that appear to be the same individual as in  
23 State's No. 15?

24 A Yes, sir.

25 Q Same facial characteristics as in No. 15?

1 MRS. BROWN: Same objection as before, Your Honor.

2 MR. ROUTZONG: Join in that objection.

3 THE COURT: Overruled.

4 THE WITNESS: Yes, sir.

5 Q What kind of handgun do you carry?

6 A I carry a Glock .40 caliber.

7 Q Can you make any observations about the handgun  
8 depicted in State's 15 and 16?

9 A That would be a Glock.

10 Q That would be a full sized Glock just like yours?

11 A Full sized Glock, yes, sir.

12 Q Let me ask you about some heights and weights of  
13 several individuals. The name Jelani Edwards has been  
14 mentioned. What is Mr. Edwards' height and weight?

15 A Jelani was 6'3, 180 pounds.

16 MRS. BROWN: Your Honor, objection to relevance. The  
17 only persons who have mentioned this individual was the  
18 state in opening. No foundation has been made for  
19 relevance.

20 THE COURT: Lay a foundation, Mr. Solicitor.

21 MR. ROUTZONG: Join in that objection, Your Honor.

22 MR. THURMOND: Your Honor, it would be easier to  
23 approach.

24 (Whereupon, a bench conference was held.)

25 THE COURT: All right. Based on the side bar I will

1 allow the testimony with the assurance of the Solicitor  
2 that he will tie in the relevance through -- Ma'am in the  
3 Levi's t-shirt, if you want to stay in here, this is not a  
4 social gathering. You can behave or leave. Your choice.

5 FEMALE SPEAKER IN AUDIENCE: You said behave?

6 THE COURT: Yes, ma'am. Behave. Thank you.

7 Move forward.

8 MR. THURMOND: Thank you, Your Honor.

9 Investigator Savell, you stated that Mr. Jelani  
10 Edwards' height was 6'3, 180 pounds?

11 THE WITNESS: Yes, sir.

12 Q How about Mr. Phillip Paul?

13 A He was 6-foot, 375 pounds.

14 Q Great big man?

15 A Yes, ma'am.

16 Q How about Mr. Randy Wilson?

17 A 5'8, 190 pounds.

18 Q How about Mr. Devon Jones?

19 A 5'11, 195 pounds.

20 Q Let me ask you a couple of easy ones. How about  
21 Mr. Artrell Hickson?

22 A Mr. Hickson is 5'4, 170 pounds.

23 Q How about his brother Mr. Javier Hickson?

24 A 5'6, 160 pounds.

25 Q Now, Mr. Artrell Hickson and Mr. Javier Hickson, they

1 were arrested on June 30, 2009; is that correct?

2 A That's correct.

3 Q Now, have you come into possession of a photograph  
4 that was taken of Mr. Artrell Hickson on June 30, 2009?

5 A Yes, sir.

6 Q Let me show you what's been marked for ID as  
7 State's No. 20 and ask if you can identify it?

8 A Yes, sir.

9 Q What is it?

10 A That is a photograph of Artrell Hickson.

11 Q Is that photograph a true and accurate depiction of  
12 how he appeared on June 30, 2009, five days after the  
13 robbery?

14 A Yes, sir, it does.

15 MR. THURMOND: Your Honor, we offer that photograph.

16 THE COURT: You've stated your objection prior.  
17 Anything additional to that?

18 MRS. BROWN: Your Honor, I would renew my objection  
19 at this time and ask for clarification what number this  
20 was identified as.

21 MR. THURMOND: Twenty.

22 MRS. BROWN: Thank you.

23 THE COURT: You're protected on the record. Same  
24 ruling. Likewise, Mr. Routzong.

25 MR. ROUTZONG: Thank you.



1 (Whereupon, State's Exhibit No. 20 was admitted into  
2 evidence.)

3 Q Investigator Savell, how much money was stolen from  
4 the Security Federal Bank?

5 A \$4,902.

6 Q And how much money did you recover from the person of  
7 Mr. David Kearse upon his arrest?

8 A \$290 all in \$5 bills.

9 Q All in \$5 bills?

10 A Yes, sir.

11 Q Has any other monies that were taken from the  
12 Security Federal Bank that day on June 25 been recovered?

13 A No, sir.

14 Q As a result of your investigation did you attempt to  
15 obtain any video surveillance tape from the Walmart on the  
16 south side of Aiken?

17 A Yes, sir.

18 Q Excuse me, on the north side of Aiken. Where is that  
19 Walmart located?

20 A It's off of Whiskey Road, sir.

21 Q South side?

22 A South side. Yes, I did attempt to get video  
23 surveillance.

24 Q Did you determine who worked at the Walmart on  
25 Whiskey Road in June of 2009?

1 A Yes, sir. It was Artrell and Javier's sister and --  
2 just bear with me for a moment. Ms. Hicks.

3 Q Hickson or Hicks?

4 A Ms. Hickson and --

5 Q Is the name Crystal Harris familiar?

6 A I am corrected. Crystal Harris. That's correct.

7 Q Again, what is Ms. Hickson's relationship with the  
8 Defendants Mr. Javier Hickson and Mr. Artrell Hickson?

9 A Sister.

10 Q And what is the relationship of Ms. Harris to  
11 Mr. Javier Hickson?

12 A That would be the girlfriend.

13 Q Were you able to -- I believe you testified you were  
14 not able to obtain any video surveillance from the  
15 Walmart?

16 A I did not get any video surveillance from them. They  
17 changed systems and did not save any of the old system or  
18 any of the old footage.

19 Q Did you interview any of the witnesses associated  
20 with this case?

21 A No, I didn't.

22 Q Now, there were several interviews that were  
23 conducted in March of 2010; is that correct?

24 A That's correct.

25 Q Approximately, nine months after the bank robbery?

1 A Yes, sir.

2 Q Did you conduct those interviews?

3 A No, I didn't.

4 Q Who did?

5 A Investigator Chuck Cain.

6 Q Investigator Savell, that's all the questions I have  
7 for you. Please answer any anything that the defense has  
8 for you.

9 THE COURT: Mrs. Kelley Perkins Brown.

10 CROSS-EXAMINATION

11 BY MRS. BROWN:

12 Q Investigator Savell, this incident happened a little  
13 over a year ago; isn't that correct?

14 A That's correct.

15 Q One of the jobs that you have as lead investigator on  
16 this case is to prepare a report; correct?

17 A That's correct.

18 Q And that's just one of the functions that you do;  
19 right?

20 A Yes, ma'am.

21 Q Because you investigate a lot of cases over the  
22 course of a year; right?

23 A Yes, I do.

24 Q And it would be virtually impossible for you to  
25 remember the fine details of all of those cases over the

1 course of a year; correct?

2 A That's correct.

3 Q That's why a report is done pretty much at the time  
4 after you're doing an investigation or as you do your  
5 investigation along the way; correct?

6 A It's done in a timely manner.

7 Q Done in a timely manner so that you can note down the  
8 pertinent information at that time; right?

9 A That's correct. We do take notes along the way as  
10 we're going.

11 Q Right. And you prepare that report in order to be  
12 able to remember what happened; right?

13 A That's correct.

14 Q And what was told to you; right?

15 A That's correct.

16 Q And why you went to to any particular areas; correct?

17 A (No response.)

18 Q Now, I believe your testimony earlier was that you  
19 went with David Kearse and you pointed out an area on the  
20 map where it was a location where they divided the money  
21 and parted ways; correct?

22 A That's correct.

23 Q Yet in your report you mentioned none of that; isn't  
24 that correct?

25 A I believe I indicated in my report that they also

1 ditched a gun. That's correct.

2 Q In your report you didn't mention anything about him  
3 taking you to the location where they divided money and  
4 parted ways; isn't that correct?

5 A I -- honestly, I'd have to go back and --

6 Q Would looking at your report refresh your  
7 recollection?

8 A Sure. Yes, I don't indicate in there anything about  
9 the money.

10 Q You merely mentioned that he told you where a gun was  
11 tossed; isn't that right?

12 A That's correct.

13 Q And who went out later to look for that? Was that  
14 you or was that other individuals?

15 A When we went and looked for the gun?

16 Q Yes.

17 A I was present.

18 Q And did you find anything?

19 A No.

20 Q Investigator Savell, what's a CAD report?

21 A It's the report of the calls coming in of dispatch,  
22 the times.

23 Q A CAD report notates what information is going out on  
24 the radios; is that right?

25 A That's correct.

1 Q Information such as this BOLO that went out?

2 A Yes.

3 Q And you testified earlier that in that BOLO was the  
4 description of subject being 5'4; is that correct?

5 A That would be correct; yes.

6 Q Yet in this CAD report there is no mention of height  
7 of subject in the BOLO, is there?

8 A I haven't seen the CAD report.

9 Q Would reviewing that refresh your recollection of  
10 that? Without saying what that is can you identify what  
11 I've handed you?

12 A Yes. I don't see it on here, but I don't recall  
13 whether or not I put it out on the 400 -- 0400 system.  
14 That is the 800 system.

15 Q But you testified earlier that when you put out the  
16 BOLO you used the height that was given; is that correct?

17 A Yes, I did.

18 Q And you testified that this CAD report is the report  
19 for essentially the radio chatter of the things that are  
20 going out; correct?

21 A That's correct.

22 Q And, yet, there is no mention in that CAD report of a  
23 height being listed in the BOLO, is there?

24 A No, there's not.

25 Q You also testified earlier that Mr. Kearse gave you a

1 statement; right?

2 A Yes.

3 Q And that he implicated himself?

4 A Yes, he did.

5 Q And that he implicated Mr. Artrell and Mr. Javier  
6 Hickson; is that correct?

7 A That's correct.

8 Q At what point in time did he give you those names?

9 A When we were at the Sheriff's Office after I  
10 mirandized him.

11 Q During that initial interview?

12 A Yes.

13 Q So, why is it that those names don't go out until  
14 17:07?

15 A Probably until I was able to obtain warrants for  
16 them.

17 Q Well, don't you put out identifications in the BOLOs  
18 as soon as you get information?

19 A Sometimes.

20 Q Isn't it helpful as soon as you have the name of a  
21 potential suspect to get that name out to other law  
22 enforcement so they can narrow their search for  
23 individuals?

24 A Yes. We also utilized our cell phones a lot in the  
25 course of a day. We don't -- a lot of our communication

1 with people on the road, we use our cellular telephones  
2 quite often.

3 Q Well, a cellular telephone communication is just  
4 going out to one individual; correct?

5 A One individual who then passes on a lot of  
6 information to a lot of other people out there. We do  
7 utilize our cell phones quite often.

8 Q But a radio transmission goes out to everybody at  
9 once; isn't that correct?

10 A That's correct.

11 Q And in this case the names of the potential suspects  
12 didn't get broadcast out on the radio to all individuals  
13 right at the time when Mr. David Kearse gave his initial  
14 statement to you, did they?

15 A I'm not -- you said that it was put out at what time?

16 Q Would looking at that refresh your recollection?

17 A Well, I am not familiar with it because I didn't put  
18 it out.

19 MR. THURMOND: He is kind of being cross examined on  
20 a document created by a dispatcher that he has no control  
21 over what they put out or don't put out.

22 THE COURT: I agree.

23 MR. THURMOND: I object on along the lines of  
24 relevance at this point.

25 THE COURT: Well, it's relevant, but I don't know --



1 Sir, if you know it -- did you create that document? Do  
2 you know what's on there, how it's created? If you can,  
3 if not.

4 THE WITNESS: No, sir.

5 THE COURT: Thank you.

6 (Whereupon, Defendant's (Brown) Exhibit No. 1 was  
7 marked for identification only.)

8 Q I am giving you what's been marked as Defendant's  
9 Exhibit 1 Brown. Do you recognize the individual --  
10 without saying what that piece of paper is, do you  
11 recognize the individual mentioned in that report?

12 A Yes.

13 Q Or mentioned on that page?

14 A Yes.

15 Q And who is that?

16 A Randy Wilson.

17 Q And what is his height and weight listed on there?

18 A 5'5, 163.

19 Q Thank you.

20 I beg the court's indulgence one moment, Your Honor.

21 Thank you, Your Honor. I have no further questions for  
22 this witness at this time.

23 THE COURT: Mr. Routzong?

24 CROSS-EXAMINATION

25 BY MR. ROUTZONG:

1 Q Investigator Savell, when did you go the Walmart to  
2 get that surveillance video that you couldn't get?

3 A The exact date?

4 Q This year?

5 A Yes.

6 Q What month?

7 A September.

8 Q This September 2010?

9 A Yes, sir.

10 Q When did you go out to measure those cabinets -- that  
11 countertop, rather?

12 A I believe that was in August.

13 Q 2010?

14 A Yes.

15 Q Thank you, Investigator Savell.

16 THE COURT: Redirect, if any.

17 REDIRECT EXAMINATION

18 BY MR. THURMOND:

19 Q Investigator Savell, is a CAD report -- does a CAD  
20 report contain every bit of radio traffic?

21 A No, sir.

22 Q Who generates the CAD report?

23 A Dispatch.

24 Q And can you control what dispatch puts in or does not  
25 put in a CAD report?

1 A No, sir.

2 Q Just because something is not in a CAD report that  
3 wouldn't mean it didn't happen; is that correct?

4 A That's correct.

5 Q Thank you.

6 THE COURT: You may step down.

7 Would y'all rather order and let me get the lunch  
8 here or would you rather walk up the street to the Bowery  
9 or would you rather eat on your own? What's the easiest?  
10 Y'all want to walk up there to the Bowery?

11 THE JUROR: Whatever is convenient.

12 THE COURT: Just call them and tell them. We're  
13 going to break about 12:15 or 12:30 because I got two  
14 1:30's. We'll go from there. Y'all step in the jury  
15 room. Stretch your legs. We'll start back up in five or  
16 10 minutes. Don't discuss the case and deliberate,  
17 please.

18 (Whereupon, the jury exited the courtroom at 11:24.)

19 THE COURT: All right. Anything from the state  
20 before we take a short break?

21 MR. THURMOND: Judge, the next witness is  
22 investigator Chuck Cain. He might be a three or four  
23 minute witness. That will kind of close out the law  
24 enforcement witnesses. If you did want to do one more  
25 that would be it for the morning.

1 THE COURT: Well, I want to go until about 12:15. So  
2 if you got stuff to keep us busy until then, that would be  
3 great.

4 MR. THURMOND: Okay.

5 THE COURT: If you don't --

6 MR. THURMOND: Okay.

7 THE COURT: If you don't, let me know. Anything from  
8 Mrs. Kelley Perkins Brown?

9 MRS. BROWN: No, Your Honor.

10 THE COURT: Mr. Routzong?

11 MR. ROUTZONG: No, sir.

12 THE COURT: We'll stand at ease for about 10 minutes.

13 (Whereupon, a break was taken.)

14 THE COURT: Anything for the record before we start  
15 back on behalf of the state?

16 MR. THURMOND: No, sir.

17 THE COURT: Mrs. Kelley P. Brown?

18 MRS. BROWN: No, Your Honor.

19 THE COURT: Mr. Routzong?

20 MR. ROUTZONG: No, sir.

21 (Whereupon, the jury came into open court at  
22 approximately 11:39.)

23 THE COURT: You may call your next witness.

24 MS. RINGLER: Thank you, Your Honor. The State calls  
25 investigator Chuck Cain.

1 CHARLES CAIN, after being duly sworn, testified  
2 as follows:

3 THE CLERK: Have a seat in the witness box. State  
4 your full name for the court and spell your last.

5 THE WITNESS: Investigator Charles Cain; C-A-I-N.

6 DIRECT EXAMINATION

7 BY MS. RINGLER:

8 Q Thank you. Investigator Cain, where do you work?

9 A I work at the Aiken County Sheriff's Office.

10 Q What do you do there?

11 A I am a criminal investigator.

12 Q And as -- what type of cases do you investigate?

13 A Property crime, violent crime, financial crime, but  
14 the largest percentage of my investigation is violent  
15 crime.

16 Q And how long have you been an investigator?

17 A I have been an investigator for seven years.

18 Q How long have you been in law enforcement?

19 A Twenty years.

20 Q In March of this year were you investigating another  
21 case and then was there a break in this case? Did you  
22 receive information on this bank robbery?

23 A Yes, that's correct.

24 Q And how did that come about?

25 A Originally, I had gone to Dry Branch Road in New

1 Ellenton, South Carolina for a drive-by shooting into a  
2 residence. While I was there looking into that separate  
3 incident the victims of the home mentioned information to  
4 me pertaining to this case.

5 Q And based on that information that you obtained what  
6 did you do as a result of that?

7 A Resulting from that I spoke -- I provided that  
8 information to Investigator Savell and several months  
9 later I revisited Investigator Savell and offered my  
10 assistance to completely follow up on that small amount of  
11 information I received.

12 Q And did you follow up? Did you speak to any  
13 individuals as a result of that information?

14 A Yes, I did in March of this year.

15 Q Did you speak to Stanley Galloway?

16 A Yes, I did.

17 Q Sabrina Oakman?

18 A Yes, ma'am.

19 Q Beatrix Wright?

20 A Yes, ma'am.

21 Q Candice Bryant?

22 A Yes, ma'am.

23 Q Did they tell you what they saw?

24 A Yes, ma'am. They --

25 Q Did you get a statement?

1 A -- reflected to me their experiences pertaining to  
2 the incident.

3 Q Did you make any threats or promises to them?

4 A No, ma'am.

5 Q Did you also speak to Crystal Harris?

6 A Yes, ma'am.

7 Q And you said March of this year. Do you have the  
8 specific dates or range of days that this occurred when  
9 you spoke to them?

10 A Yes, ma'am. That was March 11 through March 15 of  
11 this year.

12 Q Thank you. Please answer any questions that the  
13 defense counsel might have.

14 THE COURT: Mrs. Kelley P. Brown, any questions?

15 MRS. BROWN: Yes, Your Honor.

16 CROSS-EXAMINATION

17 BY MRS. BROWN:

18 Q This investigation that you were conducting that led  
19 you to this -- how did you describe it, break in the  
20 case -- that occurred on July 27 of 2009; isn't that  
21 correct?

22 A When you said the investigation I was conducting,  
23 which one do you mean?

24 Q You just testified that you were investigating an  
25 unrelated --

1 A Drive-by shooting.

2 Q -- drive-by shooting --

3 A Yes, ma'am.

4 Q -- on Dry Branch Road?

5 A Yes, ma'am.

6 Q And that was July 27 of 2009; is that correct?

7 A Yes, ma'am.

8 Q And you provided that information to Investigator

9 Savell in July of 2009; is that correct?

10 A July 28, yes, ma'am.

11 Q And you were not asked to do any follow-up at that  
12 time?

13 A No, ma'am.

14 Q And you did not offer to do any follow-up -- Let me  
15 rephrase. Your testimony was that you then offered to do  
16 further follow-up in March of this year?

17 A Yes, ma'am.

18 Q Some how many months after you received that  
19 information?

20 A Eight months.

21 Q You also had the occasion to investigate a case  
22 involving Randy Wilson; is that correct?

23 A Yes, ma'am.

24 Q And you were there when Randy Wilson plead guilty; is  
25 that correct?



1 A Yes, ma'am.

2 Q And at the time he plead his sentence was deferred so  
3 that you could do some follow-up --

4 A Yes, ma'am.

5 Q -- for some information that he gave?

6 A Yes, ma'am.

7 Q And later when he was sentenced you informed the  
8 court that that information was of no value; is that  
9 correct?

10 A I informed the courts that the information that Randy  
11 Wilson provided was consistent with what I had already  
12 developed. The question was did it further my  
13 investigation and my answer to that was no.

14 Q Thank you. I have no further questions.

15 THE COURT: Mr. Routzong?

16 MR. ROUTZONG: Nothing, Your Honor.

17 THE COURT: Redirect, if any?

18 MS. RINGLER: None from the State, Your Honor.

19 THE COURT: You may step down. Next witness.

20 MR. THURMOND: The State calls Ms. Sabrina Oakman;

21 O-A-K-M-A-M.

22 THE COURT: Ms. Oakman, please.

23 SABRINA OAKMAN, after being duly sworn,  
24 testified as follows:

25 THE CLERK: Have a seat in the witness box. State

1 your full name for the court spelling your last.

2 THE WITNESS:

3 DIRECT EXAMINATION

4 BY MR. THURMOND:

5 Q Good morning.

6 A Good morning.

7 Q How are you doing?

8 A Fine.

9 THE COURT: Speak up loud for me.

10 Q Ms. Oakman, where do you reside?

11 A Right now?

12 Q Yes, ma'am.

13 A In Crosland Park.

14 Q Where did you reside in June of 2009?

15 A On Brayboy Road.

16 Q Specifically, what was that address?

17 A 539 Brayboy Road.

18 Q Where is Brayboy Road?

19 A Off of 278.

20 Q Off of where?

21 A Highway 278.

22 Q That little square in front of you is a microphone.

23 Speak into that as best you can. Back in June of 2009 who  
24 was living there with you?

25 A My kids and David Kearse.

1 THE COURT: Ma'am, you're going to have to speak up  
2 louder. Your kids and who?

3 THE WITNESS: David Kearse.

4 Q David Kearse?

5 A Uh-huh.

6 THE COURT: Thank you.

7 Q How long have you and David been together?

8 A Five years.

9 Q You still together?

10 A Uh-huh.

11 Q Was David working at the time?

12 A No, sir.

13 Q June of 2009?

14 A No, sir.

15 Q Ma'am, the day prior to the robbery -- the robbery  
16 occurred on June 25 -- June 24 were you with David Kearse  
17 that day?

18 A Not the whole day.

19 Q You don't know what he did or where we went on  
20 June 24, the day prior to the robbery?

21 A No, sir.

22 Q On the morning of the robbery, June 25, about what  
23 time did Mr. David Kearse get up?

24 A Between 8 and 9.

25 Q Did he get up before you?

- 1 A Yes, sir.
- 2 Q What time did you get up?
- 3 A I got up about 10.
- 4 Q Did David leave that morning?
- 5 A Yes, sir.
- 6 Q About what time did David leave?
- 7 A He left about right when I got up.
- 8 Q And what, if anything, did you tell him when he left?
- 9 A Be back before 11.
- 10 Q What vehicle did he take?
- 11 A My Tahoe.
- 12 Q Why did you tell him to be back before 11?
- 13 A Because I had plans to go to Augusta.
- 14 Q Did David tell you where he was going?
- 15 A No, sir.
- 16 Q Was he gone long?
- 17 A No, sir.
- 18 Q About what time did he get back?
- 19 A He got back about 10:15, 10:30.
- 20 Q You told him to be back before 11; is that correct?
- 21 A Uh-huh.
- 22 Q Did he get back before 11?
- 23 A Uh-huh.
- 24 Q Did he then ask you to take him somewhere?
- 25 A Yes, sir.

1 Q And what vehicle did you take when you left?

2 A My Tahoe.

3 Q Your Tahoe. Your black Tahoe?

4 A Uh-huh.

5 Q Where did he ask you to take him?

6 A To Javier and Artrell's house.

7 Q To Javier and Artrell's house. And about how far  
8 away did Javier and Artrell live from your residence at  
9 539 Brayboy Road?

10 A About five minutes.

11 Q Let me ask you this. How long have you known  
12 Mr. Artrell Hickson?

13 A About four years.

14 Q How long have you known his brother Mr. Javier  
15 Hickson?

16 A About four years.

17 Q Are you better friends with one of them than the  
18 other?

19 A Knew Javier more.

20 Q And how did you know Javier better than Artrell?

21 A Him and David used to DJ together.

22 Q Him and David DJ's together? Him and David were  
23 friends?

24 A Uh-huh.

25 Q Could you please point out Mr. Artrell Hickson for

1 me, please?

2 A Right there in the white shirt.

3 Q Sitting next to his lawyer there at the end?

4 A Uh-huh.

5 Q How about Mr. Javier Hickson? Can you point him out

6 for me?

7 A Right here.

8 Q Seated to your right of his lawyer?

9 A Yes, sir.

10 Q So, you and David left and left at approximately what

11 time?

12 A Between 10:15, 10:30.

13 Q And where did you go?

14 A We went to Javier and Artrell's house.

15 Q And who did they live with?

16 A Their grandmother.

17 Q What road is that on?

18 A Woodland Extension, off of Woodland Extension.

19 Q Woodland Extension?

20 A Uh-huh.

21 Q Again, that's about five minutes from you?

22 A Uh-huh.

23 Q What happened when you got to Artrell and Javier

24 Hickson's house on the morning of June 25?

25 A They came out and got in the truck with us.

1 Q What, if anything, were you telling them at this  
2 point?

3 A Hurry up because I had to go.

4 Q Hurry up, you had an appointment? Did Javier or  
5 Artrell have anything with them that morning?

6 A Artrell had a black bookbag.

7 Q Artrell had a black bookbag. Everybody got into your  
8 Tahoe?

9 A Uh-huh.

10 Q Where did you go next?

11 A We went to David's grandmother's house.

12 Q Where does David's grandmother live?

13 A On Camel Street in New Ellenton.

14 Q Again, what was your conversation with them in the  
15 car?

16 A Nothing really.

17 Q Was it hurry up?

18 A Yes, to David when we he got out to hurry up.

19 Q All right. What happened when you got to David's  
20 grandmother's house?

21 A He went in the backyard. He came back out and he put  
22 something in the back of the truck.

23 Q All right. So you get to David's grandmother's  
24 house?

25 MRS. BROWN: Your Honor, I am still having a very

1 hard time hearing the witness. I apologize.

2 THE COURT: Thank you.

3 Ma'am, speak up a little bit louder for me, please.

4 You got to David's grandmother's house and what?

5 THE WITNESS: We got to David's grandmother's house.

6 He went in the backyard. He came back out. He put

7 something in the back of my truck, got in and we left.

8 Q All right. You're driving?

9 A Uh-huh.

10 Q Where is Mr. David Kearse seated?

11 A Passenger side.

12 Q Front passenger seat?

13 A Uh-huh.

14 Q Who was in the back passenger seats?

15 A Javier and Artrell.

16 Q And you go to David's grandmother's house?

17 A Uh-huh.

18 Q And David went inside. Was he in long?

19 A No. He didn't go inside. He went in the backyard.

20 Q What did he do when he came back out?

21 A He put something in the back of the truck, got back

22 in the truck and said okay.

23 Q Where did you go after you left David's grandmother's  
24 house?

25 A They told me to go to Walmart.



1 Q And which Walmart would that be?

2 A The South side on Richland Avenue. Whiskey Road, I'm  
3 sorry.

4 Q Whiskey Road? Where did you park at the Walmart?

5 A Back by Tire and Lube Express.

6 Q Tire and Lube? Why did you go to the Walmart?

7 A Javier had to talk to his sister and his girlfriend  
8 about something.

9 Q Who is Javier's sister?

10 A Monique Hickson.

11 Q She was employed at the Walmart?

12 A Uh-huh.

13 Q Who was his girlfriend?

14 A Crystal.

15 Q She was employed at the Walmart?

16 A Uh-huh.

17 Q Do you know what kind of vehicles these young ladies  
18 drive?

19 A Not exactly. I know Monique has a Jeep. I am not  
20 sure exactly what kind of car Crystal drives.

21 Q Monique has a Jeep. So you go to the Walmart. What  
22 happens next?

23 A Javier and David got out. Javier went inside. He  
24 went inside and I guess he went in and talked to them. I  
25 am not sure. Me and Artrell stayed outside in the truck.

1 David stayed outside.

2 Q You and Artrell stayed in the Tahoe.

3 A We was in the Tahoe.

4 Q All right. What happened next?

5 A Javier went inside, came back out and we left.

6 Q David get in your car?

7 A David got in my car.

8 Q And did David Kearse have a cellphone then?

9 A Yes, sir.

10 Q Did he have his own phone?

11 A No, sir.

12 MR. HAYES: Objection, leading.

13 THE COURT: Is this your witness? Are you going to  
14 cross examine her?

15 MR. HAYES: No, sir.

16 THE COURT: You can't make the objection. You know  
17 the rules.

18 MR. HAYES: Yes, sir.

19 Q Did Mr. David Kearse have his own phone in June of  
20 2009?

21 A No.

22 Q Did you have your own phone in June of 2009?

23 A Yes.

24 Q Was your phone working then?

25 A No, sir.

1 Q All right. So, you leave the Walmart. Where did you  
2 go next?

3 A We went down the bypass.

4 Q Is everybody in the car at this point?

5 A Me, David, and Artrell are in the car.

6 Q Okay. So, Javier is not in the Tahoe at this point?

7 A No. He is behind us in another car.

8 Q In another car. Do you remember what that car looked  
9 like?

10 A No, sir.

11 Q So, Javier is following --

12 A Uh-huh.

13 Q -- the Tahoe and you're driving the Tahoe, David in  
14 the front seat, Artrell in the back seat; is that correct?

15 A Yes, sir.

16 Q Where did you go next?

17 A We went to Graniteville. We went through on the back  
18 road going right off the bypass like going through  
19 Clearwater.

20 Q All right. Then where did you go?

21 A We went to Kalmia Apartments.

22 Q Kalmia Apartments?

23 A Uh-huh.

24 Q What did you do once you got to Kalmia Apartments?

25 A We turned in. We turned in and we made the first

1 left into the dead end and I dropped them off there.

2 Q You drove to the back of the Kalmia Apartments?

3 A No, the front. We're still in the front.

4 Q Who did you drop off?

5 A Artrell and David.

6 Q Did Artrell have anything with him when he got out?

7 A A bookbag.

8 Q A bookbag. All right. What did you do next after  
9 you dropped them off? Do you remember about what time  
10 that was?

11 A Not exactly.

12 Q Before 12 o'clock?

13 A It was before 12 o'clock.

14 Q What did you do next after you dropped them off?

15 A I left.

16 Q Then where were you headed?

17 A I was fixing to go to my grandmother's house.

18 Q Before you went to visit your friend?

19 A Uh-huh.

20 Q What happened on the way to your grandmother's house?

21 A My truck broke down right up Whiskey Road -- I mean,  
22 Richland Avenue.

23 Q When you say broke down, in retrospect what happened  
24 to your truck?

25 A I ran out of gas.

1 Q Ran out of gas. What did you do with your truck once  
2 it ran out of gas?

3 A This man came out of the car lot and he helped me get  
4 it out of the road and I used his cellphone. Well, I used  
5 his phone to call my cousin Vonda to bring me some gas.

6 Q Somebody loaned you a phone and you called a friend?

7 A Uh-huh.

8 Q Did that friend show up?

9 A Uh-huh.

10 Q Did they help you get some gas in your car?

11 A Yes, sir.

12 Q Now, at some point -- this is shortly after

13 12 o'clock?

14 A Uh-huh.

15 Q At some point you hear a noise in the back seat.

16 What is that?

17 A A phone ringing.

18 Q Phone ring. Was it a ringing tone or was it music?

19 A Music.

20 Q And then did you retrieve a phone from the back seat?

21 A Yes, sir.

22 Q Where did you find the phone?

23 A Like down in between the back of my seat.

24 Q Between the seats?

25 A Uh-huh.

1 Q Did you look at the phone?

2 A Yes, sir.

3 Q And as the phone was ringing what did you see on the  
4 phone?

5 A My bro.

6 Q My bro.

7 A Uh-huh.

8 Q Did you see a telephone number on the phone?

9 A Yes, sir.

10 Q And whose numbers did you recognize that as being?

11 A Artrell's.

12 Q How do you know it was Artrell's number?

13 A It had called my phone before.

14 Q Could you describe the phone? What does it look  
15 like?

16 A It was like a little black, nothing extravagant  
17 little phone.

18 Q You had seen Artrell with that phone?

19 A I seen Javier with that phone.

20 Q You seen Javier with that phone. And the words that  
21 came up when the phone rang was "my bro?"

22 A Uh-huh.

23 Q Did you answer the phone?

24 A Yes.

25 Q Who was on the other end of the line?

1 A David.

2 Q And David did not have a phone?

3 A No.

4 Q And the phone that you had came up "my bro" when it  
5 rang?

6 A Yes.

7 Q And you've testified the phone that you had you knew  
8 to be Javier Hickson's phone?

9 A Yes.

10 Q So you answered the phone and it's David?

11 A Yes.

12 Q And what conversation did you have with David?

13 A He asked me where I was at.

14 MRS. BROWN: Objection, Your Honor.

15 THE COURT: What is the objection?

16 MRS. BROWN: Objection to hearsay of her testifying  
17 to what David Kearse said to her.

18 THE COURT: Overruled.

19 MR. ROUTZONG: Your Honor, I join in that objection.

20 THE COURT: Thank you.

21 THE WITNESS: He asked me where I was at and I told  
22 him my truck broke down. He just started telling me to  
23 come get him, I had to come get him.

24 Q What was his demeanor on the telephone?

25 A He sounded like he was mad. He was breathing heavy.

- 1 Q Where was he telling you to come get him?
- 2 A He was trying to describe a church.
- 3 Q And that call then ended; is that correct?
- 4 A Yes.
- 5 Q And you're on Javier's telephone?
- 6 A Uh-huh.
- 7 Q Talking to David on the phone that has rang on
- 8 Javier's phone as "my bro;" is that correct?
- 9 A Yes.
- 10 Q Where did you go next?
- 11 A I walked to the Circle K.
- 12 Q And then what did you do once you left the Circle K?
- 13 A I went and got my truck and went back to Kalmia
- 14 Apartments.
- 15 Q Back to Kalmia Apartments.
- 16 A Uh-huh.
- 17 Q Who did you see at the Kalmia Apartments when you
- 18 pulled up?
- 19 A Monique, Crystal, and Devon.
- 20 Q When you say Monique, Monique Hickson?
- 21 A Yes.
- 22 Q That's the sister of the Defendants?
- 23 A Yes.
- 24 Q And how long have you known Monique?
- 25 A About four years -- don't know her personally, but I



1 know her.

2 Q And Crystal Harris was there?

3 A Uh-huh.

4 Q How well do you know her?

5 A We speak.

6 Q How long have you known her?

7 A About four years.

8 Q And at some point at the Kalmia Apartments did you  
9 notice any law enforcement vehicles or anything on your  
10 way back there?

11 A I noticed a lot of them going down past me when I was  
12 on the phone.

13 Q And did you speak to Crystal Harris at the Kalmia  
14 Apartments?

15 A Yes.

16 Q How would you describe that conversation you had with  
17 her?

18 A An argument.

19 Q What was the nature of that argument?

20 A Me siding with David over her siding with Javier.

21 Q And then while -- you didn't remain for a few moments  
22 at the Kalmia amounts?

23 A We were out there for a while.

24 Q Do you recall if you saw a Phillip Paul or a Jelani  
25 Edwards at the Kalmia Apartments afterwards?

- 1 A Yes.
- 2 Q What did you do next?
- 3 A We went out looking for David.
- 4 Q Did you find him?
- 5 A No.
- 6 Q You ultimately left the Kalmia Apartments?
- 7 A Yes.
- 8 Q In what vehicle were you in?
- 9 A I was driving Jelani's Cadillac.
- 10 Q You got there in a Tahoe. Why were you leaving in a
- 11 Cadillac?
- 12 A Because everyone had started saying that I was
- 13 supposed to be there to go back and pick them up and I am
- 14 the reason why they got left and I didn't want to drive my
- 15 Tahoe.
- 16 Q Let me make sure I understand what you said. People
- 17 were suggesting that you were the getaway driver?
- 18 A Yes.
- 19 Q Is that why you didn't want to drive your Tahoe when
- 20 you left?
- 21 A Yes.
- 22 Q All right. So, what vehicle did you leave in?
- 23 A The Cadillac.
- 24 Q Describe that Cadillac for me?
- 25 A It is brown, four-door. I think it had the 28-inch

1 rims on it, I think.

2 Q And that was Mr. Jelani Edwards' vehicle?

3 A Uh-huh.

4 Q Where did you drive his vehicle?

5 A Dexter Arms.

6 Q Where did he drive your vehicle?

7 A To Dexter Arms.

8 Q And this, again, is in the afternoon of June 25,  
9 2009?

10 A Uh-huh.

11 Q What did you do when you got back to Dexter Arms?

12 A We swapped cars.

13 Q You got the Tahoe back?

14 A Uh-huh.

15 Q Where did you go?

16 A I went to New Ellenton.

17 Q Let me show you what's in evidence as State's no. 18.  
18 Take a look at that for me.

19 A Uh-huh.

20 Q Do you recognize that bag?

21 A Yes.

22 Q Who had that bag earlier that morning?

23 A Artrell.

24 MR. THURMOND: Step down. I want to show her this  
25 photo on the big screen, Judge.

1 THE COURT: Step down for me, ma'am.

2 Q Would you point that bookbag out for us?

3 A It's right there.

4 Q Had you seen that before?

5 A Uh-huh.

6 Q Had you seen it that morning?

7 A Yes.

8 Q Thank you. You may have a seat. Ma'am, thank you.

9 That's all the questions I have for you. Please answer  
10 any questions that the defense counsel has for you.

11 THE COURT: Mrs. Brown?

12 CROSS-EXAMINATION

13 BY MRS. BROWN:

14 Q Ms.~Oakman, how many children do you have with David  
15 Kearse?

16 A Two.

17 Q You had an opportunity to speak with investigator  
18 Cain regarding this incident back in March of this year;  
19 correct?

20 A Yes, ma'am.

21 Q And you hadn't talked to anybody about this incident  
22 before March -- well, any law enforcement officers about  
23 this incident prior to March of this year, did you?

24 A No, ma'am.

25 Q And, in fact, you wrote a statement outlining what

1 you talked to Investigator Cain about, didn't you?

2 A Yes.

3 Q In that statement you don't make any mention of  
4 Javier Hickson leaving the Walmart in a different vehicle,  
5 did you?

6 A No.

7 Q But, yet, you testified to that today?

8 A Yes.

9 Q You didn't tell that to Investigator Cain?

10 A I forgot.

11 Q You forgot?

12 A Yes.

13 Q So, you just so happened to remember everything else  
14 about a day that had happened some nine months earlier,  
15 but you forgot that Javier Hickson was not in the vehicle  
16 with you in the Tahoe when you dropped people off at  
17 Kalmia Apartments?

18 A I forgot certain parts..

19 Q You forgot certain parts?

20 A Yes.

21 Q But you just happened to remember other parts?

22 A Yes.

23 Q Did you also forget to mention to Investigator Cain  
24 that you left Kalmia Apartments trying to find David?

25 A I told that. I told him when I went back I had every

1 intention of finding David.

2 Q You said -- you told him that you had every intention  
3 of finding him?

4 A Yes.

5 Q But you didn't tell him that you actually left --

6 A Kalmia.

7 Q -- and tried to look for him?

8 A Yes.

9 Q So, your testimony today is that you dropped who off  
10 at the Kalmia Apartments?

11 A I dropped off David and Artrell.

12 Q And where did you drop them off?

13 A In Kalmia Apartments.

14 Q And your testimony today is that Javier Hickson was  
15 not with you when you dropped them off?

16 A He was there.

17 Q He was there?

18 A He followed us there.

19 Q And you conveniently forgot that when you talked with  
20 Investigator Cain?

21 A Yes.

22 Q You likewise said nothing to Investigator Cain about  
23 Artrell having a backpack, did you?

24 A I don't remember.

25 Q You don't remember?

1 A No.

2 Q Would reading the statement that you wrote refresh  
3 your recollection?

4 A Yes.

5 (Whereupon, Defendant's (Brown) Exhibit No. 2 was  
6 marked for identification only.)

7 Q I am showing you what's been marked for  
8 identification Defendant's Exhibit 2 Brown. Do you  
9 recognize what that is?

10 A Yes.

11 Q Is that the statement that you wrote for Investigator  
12 Cain in the March 2010?

13 A It is the statement I gave.

14 Q It is the statement you gave?

15 A Yes.

16 Q Take a moment to read it, please.

17 A Yes, this is what I said.

18 Q Did you mention Artrell having a bookbag?

19 A I didn't go into detail about anything because I  
20 didn't feel I was going to be --

21 Q Did you mention --

22 A No.

23 THE COURT: Held on, ladies. Let her finish the  
24 sentence. Then answer. Let her answer. Then you ask.

25 Q Did you mention that Artrell had a bookbag?

1 A No, I did not.

2 Q Likewise, did you tell Investigator Cain in your  
3 statement that David Kearse brought anything out from his  
4 grandmother's house?

5 A No.

6 MRS. BROWN: I beg the court's indulgence one moment.  
7 Thank you, Your Honor. I have no further questions for  
8 this witness at this time.

9 THE COURT: Mr. Routzong?

10 CROSS-EXAMINATION

11 BY MR. ROUTZONG:

12 Q Have you had a chance to look at your statement?

13 A Yes, sir.

14 Q And you remember telling Investigator Cain that you  
15 got a Ford Focus three days after the robbery?

16 A Yes, sir.

17 Q And you recall from your statement -- that you said  
18 in your statement, rather, that you asked David Kearse,  
19 What have you done?

20 A Uh-huh.

21 Q Then you switched the cars with Jelani?

22 A Yes, sir.

23 Q And you drove the Cadillac?

24 A Yes, sir.

25 Q He drove the Tahoe?



1 A Yes, sir.

2 Q Thank you very much.

3 A Uh-huh.

4 THE COURT: Redirect?

5 REDIRECT EXAMINATION

6 BY MR. THURMOND:

7 Q Ma'am, how about read your statement that you gave in  
8 its entirety rather than it being parsed. Read every  
9 word.

10 A On the morning the Security Federal Bank in  
11 Graniteville got robbed me and David Kearse were at my  
12 place in Aiken, South Carolina. David said he needed my  
13 car, the black Tahoe. I told him to be back before 11.  
14 He left for a while and came back. He said I am ready to  
15 go. He directed me to pick up Artrell Hickson at  
16 Artrell's house. I drove there and Artrell and Javier  
17 Hickson got in. I drove to David's grandma's house on  
18 Camel Street, New Ellenton, South Carolina. We stayed in  
19 the the Tahoe but David went inside for minute and came  
20 back. We went to Walmart south side. I parked by Tire  
21 and Lube. I drove there because Javier wanted to meet --  
22 wanted to talk to his sister Monique and his girlfriend  
23 Crystal. Javier walked to the front parking lot out of  
24 sight and came back a few minutes later. Artrell and  
25 David were giving me directions to drive to the apartments

1 in Graniteville. I drove them to the apartment complex,  
2 made the first left, drove to the dead end and dropped  
3 them off. I drove away and went to my grandmother's house  
4 on Plunkett Street but never made it. My Tahoe broke down  
5 on Richland Avenue at the Highway 421 exit by the car lot.  
6 A guy at the car lot helped me push it out. It was  
7 between 11 and 12 when I dropped them off. I walked to  
8 the store, the Circle K, and used the store phone. I  
9 called Vonda for a ride. I had Javier's cellphone. It  
10 had been on the back seat. I took it when I walked to the  
11 store. It was locked so I could not call out. Javier's  
12 phone rang and it showed bro or my brother. I answered  
13 it. It was David. David asked, where you at? I told him  
14 my car broke down. He said over and over come get me. I  
15 asked, Where you at? What have you done? He did not  
16 answer, but tried to describe where he was at. I could  
17 not understand. Vonda brought me money to get gas. I got  
18 gas at Circle K and drove back to the apartments in  
19 Graniteville. Monique, Crystal, Devon Jones were at the  
20 entrance to the apartments. Phillip and Jelani showed up  
21 later. People were accusing me saying I was the getaway  
22 driver. I said, Hell no, and got scared. I drove  
23 Jelani's Cadillac to Dexter Arms and Jelani drove my Tahoe  
24 to Dexter Arms. I drove my Tahoe to David's grandmother's  
25 and learned what happened to David. In March 2009 my

1 Tahoe got hit on the driver's side by Shante. After the  
2 robbery I put the Tahoe in Kelly's Paint and Body in Aiken  
3 for repairs. Her Nationwide insurance paid for an  
4 Enterprise rental car, a silver Ford Focus, three days  
5 after the robbery.

6 Q Is that statement in your handwriting?

7 A No.

8 Q You gave that statement to Investigator Cain?

9 A Yes, sir.

10 Q You told him what happened?

11 A Yes, sir.

12 Q He wrote down what happened?

13 A Yes, sir.

14 Q So, he made the decision what went in the statement  
15 and what didn't?

16 A Yes, sir.

17 Q That's all the questions I have for you.

18 THE COURT: Thank you, ma'am. You may step down.

19 MRS. BROWN: Your Honor, may I have brief recross?

20 THE COURT: No, ma'am. It's discretionary with the  
21 court. I treat everybody the same. No recross.

22 We're going to break for lunch. We'll start back at  
23 2 o'clock. That's a little longer that you may need, but  
24 I've got three hearings at 1:30. That will take about 30  
25 minutes to do. So, y'all are going to walk up there. It

1 is pretty upside. Everybody comfortable walking?

2 THE JUROR: Yes, sir.

3 THE COURT: All right. And once you finish your  
4 lunch if you want to stroll downtown or whatever, just be  
5 back and be ready to go at 2 o'clock. Please do not  
6 discuss the case. Do not let anybody discuss it with you.  
7 There are a lot of people in the courtroom. If you see  
8 any of them, just stay away from them. If anybody tries  
9 to discuss it with you, let me know and I'll take care of  
10 that situation. Who is going to lunch?

11 THE BAILIFF: Jimmie and Mert.

12 THE COURT: You got two people and just have a nice  
13 lunch.

14 (Whereupon, the jury exited the courtroom at 12:16.)

15 THE COURT: Anything from the State before we break  
16 for lunch?

17 MR. THURMOND: No, sir.

18 THE COURT: The Defendants collectively, Mrs. Kelley  
19 P. Brown?

20 MRS. BROWN: No, Your Honor.

21 THE COURT: Mr. Routzong?

22 MR. ROUTZONG: No, sir.

23 THE COURT: Thank you. We'll stand at ease. We'll  
24 start the trial of this case back at 2 o'clock sharp.

25 (Whereupon, a break was taken.)

1 THE COURT: Officer McFarland, please relate to me  
2 what happened when we adjourned court for lunch.

3 THE POLICE OFFICER: I heard a disturbance from the  
4 front door. I proceeded upstairs where I saw a large  
5 crowd of people that were verbally sparring with each  
6 other, for better choice of words. At the same point in  
7 time I saw that the jury was coming out right through the  
8 two crowds of people. We immediately tried to separate  
9 the two crowds that were having a disagreement and at the  
10 same time getting the jury out of the building at which  
11 point in time we sent the parties that were having the  
12 disagreement outside and they were dispersed by the  
13 Sheriff's Office and Aiken Department of Public Safety.

14 THE COURT: And, obviously, the parties were talking  
15 about -- in the courtroom I observed we got sort of two  
16 sides. We got the people here in support of the  
17 Defendants and I assume there is another group here with  
18 the lady who testified -- Ms. Oakman -- before lunch and  
19 I -- even though I didn't see any misbehavior I sensed  
20 there was some tension in the crowd and I got the lawyers  
21 in chambers and requested additional security for this  
22 afternoon. I am concerned now, Solicitor, Defense lawyers  
23 of any tainting of that jury by anything they may have  
24 heard, seen, or observed out there.

25 Was any words spoken, Officer McFarland?

1 THE POLICE OFFICER: The only thing I could hear was  
2 from several of the parties that were outside that were  
3 accusing the other parties of, quote, unquote, Don't put  
4 your hands on my brother, and He could wouldn't do that,  
5 he didn't do this. Those were the only words that stand  
6 out in my mind.

7 THE COURT: All right. Any suggestion,  
8 Mr. Solicitor?

9 MR. THURMOND: I mean, I --

10 THE COURT: Confer with the old sage over here.

11 MR. THURMOND: -- don't want to make it a bigger deal  
12 than it is.

13 THE COURT: Mrs. Kelley Perkins Brown?

14 MRS. BROWN: Your Honor, can I have a moment to  
15 confer with my colleagues as well?

16 (Pause)

17 THE COURT: All right. Mrs. Kelley Perkins Brown,  
18 Mr. Routzong, Mr. Solicitor, here is what I think I am  
19 going to do. I am just going to explain to the jury,  
20 obviously, a lot of times in these cases we have emotions  
21 that get rather heated and people sometimes say things in  
22 the heat of passion. I apologize for not letting the jury  
23 go out separately, but we don't have but one way out and  
24 they may have observed some display of emotions out there  
25 but they're not to let that in any way enter into their

1 deliberations.

2 Is that satisfactory, something along those lines, by  
3 the Solicitor?

4 MR. THURMOND: Yes, sir.

5 THE COURT: Mr. Routzong, Mrs. Perkins Brown --  
6 Kelley P. Brown?

7 MRS. BROWN: I have no objection to that, Your Honor.

8 MR. ROUTZONG: That's fine, Your Honor.

9 (Whereupon, a break was taken.)

10 THE COURT: Ladies and gentlemen, this is a public  
11 courtroom. You are all welcome to attend and listen to  
12 the proceedings, but you must conduct yourselves  
13 accordingly. It's been brought to my attention that  
14 tempers flared, words were exchanged, accusations were  
15 made out in the hall when we broke for lunch. It was also  
16 done in the presence of my jury.

17 I have called in extra security. You can look around  
18 the courtroom and see that. You are -- each and every one  
19 of you are welcome to stay. However, if anyone creates a  
20 disturbance, if anyone points fingers at the other, if  
21 anyone disturbs these proceedings you'll be held in  
22 contempt of court and locked up immediately. If you do  
23 not feel that you can comply with that behavior code,  
24 please leave now. Fair warning. Thank you.

25 MS. RINGLER: Your Honor, I think we do have one

1 matter to bring up before the jury comes in.

2 THE COURT: Wait on Mrs. Brown, please.

3 MS. RINGLER: Thank you, Your Honor. Just the one  
4 matter that we wanted to bring up is our next witness is a  
5 records custodian from Walmart who is going to present  
6 evidence of time sheets. We did Rule Five the time sheets  
7 that we had to the defense last week. However, when the  
8 custodian of records showed up today he had additional  
9 records that we did not have prior. Basically, the sheets  
10 that we had before now just showed that Monique Hickson  
11 and Crystal Harris left work early that day. They were  
12 scheduled to work approximately eight hours and both left  
13 five hours early.

14 The sheet that we were just provided today, Your  
15 Honor, shows the exact hours that they left -- excuse me,  
16 shows the exact hours that they worked that day.

17 THE COURT: And you've given those to the defense?

18 MS. RINGLER: Yes, Your Honor. Over the lunch break.  
19 That's when we got them and we immediately Rule Fived  
20 them.

21 THE COURT: Thank you. Any objection to that by  
22 Defense counsel?

23 MRS. BROWN: Yes, Your Honor. I would object to  
24 evidence being introduced that I was provided with by it  
25 being on the table, you know, some a minute or so before



1 they seek to introduce it.

2 THE COURT: Well, they just got it themselves.

3 MRS. BROWN: But if they had it available to them --

4 THE COURT: Well, they subpoenaed the records. They  
5 got what they subpoenaed. I don't think they're under an  
6 obligations to go out and go through Walmart's records.

7 THE COURT: Mr. Routzong?

8 MR. ROUTZONG: We would join in that objection.

9 THE COURT: Thank you. Bring the jury in. Objection  
10 overruled.

11 (Whereupon, the jury came into open court at  
12 approximately 2:17.)

13 THE COURT: I hope you enjoyed your lunch. It's been  
14 brought to my attention that as you were leaving to go to  
15 lunch there was some disturbance out in the hall.  
16 Obviously, when we try cases sometimes we have family  
17 members and friends that are here for both sides, so to  
18 speak, and sometimes emotions get a little heated. So, if  
19 you heard anything or saw anything, just disregard all of  
20 that. That's just people's emotions running a little bit  
21 and you know how people act.

22 So, we're going to try this case based on what we see  
23 and hear in this courtroom that comes from the witness  
24 stand. So please don't let -- if you saw anything or  
25 heard anything -- let that have any influence on you

1    whatsoever and they've all been reminded that if we have  
2    any further outbursts they'll be immediately incarcerated  
3    for contempt of court. So I don't think we'll have any  
4    more problems.

5           Any objection to that ---

6           MS. RINGLER: None from the state, Your Honor.

7           THE COURT: -- instruction to the jury? By the  
8    Defendants?

9           MRS. BROWN: No, Your Honor.

10          MR. ROUTZONG: No, sir.

11          THE COURT: Thank you. You may call your next  
12    witness.

13          MS. RINGLER: Chris Pittman.

14                 JACK CHRISTOPHER PITTMAN, after being duly  
15    sworn, testified as follows:

16          THE CLERK: Have a seat in the witness box. State  
17    your full name for the court spelling your last.

18          THE WITNESS: Jack Christopher Pittman;

19    P-I-T-T-M-A-N.

20                         DIRECT EXAMINATION

21    BY MS. RINGLER:

22    Q    Thank you. Where do do you work?

23    A    Walmart.

24    Q    And how long have you worked there?

25    A    The current facility I've worked there for a year.

1 Overall I've worked for Walmart for five years.

2 Q And which location is that?

3 A I am currently at the Whiskey Road location.

4 Q What is your title there?

5 A Shift Manager.

6 Q As Shift Manager are you familiar with how Walmart  
7 keeps track of its employees' hours?

8 A Yes, ma'am.

9 Q Is it necessary for Walmart to keep track of hours of  
10 employee hours as part of their regular business practice?

11 A Yes, ma'am.

12 Q I am handing you what's been previously marked as  
13 State's Exhibit No. 23. Do you recognize it?

14 A Yes, I do.

15 Q What is it?

16 A This is the week to date hours and expense report  
17 which keeps up with associates' time throughout the week.

18 MS. RINGLER: Your Honor, at this time the State  
19 would move to admit State's Exhibit No. 23 in evidence.

20 THE COURT: All right. Subject to the objections  
21 expressed earlier by defense counsel I'll allow it.

22 MRS. BROWN: Your Honor, specifically for the record  
23 my objections would be to the last two pages of State's  
24 23.

25 THE COURT: Thank you, ma'am.

1 (Whereupon, State's Exhibit No. 23 was admitted into  
2 evidence.)

3 Q You can hold on to State's Exhibit 23. I am going to  
4 ask you a few questions about it. What are the three  
5 reports that are included in State's Exhibit No. 23?

6 A The first part is the week to date hours and expense  
7 summary.

8 Q What is that?

9 A This would actually break down -- we can we can print  
10 it off each day showing the amount of hours that an  
11 associate accumulates by each day.

12 Q Okay and the other two reports? The other report?

13 A The second report is the attendance tracking  
14 exception report. It prints off any associate's name if  
15 they do not work the scheduled shift that's in system and  
16 then we can look at that and see what times they did work.

17 Q Okay. And then the third report?

18 A The third report is the at attendance tracking  
19 maintenance report. This can be printed off by each  
20 associate's name and break down every exception they've  
21 had in the system anytime they've worked off their  
22 schedule.

23 Q Okay. And what do you mean by exception?

24 A Ma'am?

25 Q What do you mean by exception? I'm sorry.

1 A Anytime you don't work your schedule, the scheduled  
2 shift. If it was a defined shift of you working 7 o'clock  
3 to 4 o'clock, if you came in 7:15 or left 30 minutes early  
4 any deviation from that schedule it'll keep up with and  
5 start tracking.

6 Q Okay. And does Crystal Harris work for Walmart?

7 A Yes, she does.

8 Q Was she working on June 25, 2009?

9 A Yes, ma'am, she was.

10 Q And what -- how many hours was she scheduled to work  
11 that day?

12 A She was scheduled to work from 10:30 am to 7 o'clock.

13 Q So, seven and a half hours?

14 A Yes, ma'am.

15 Q And did she leave early that day?

16 A Yes. She did.

17 Q How many hours of her -- excuse me. How many hours  
18 of her shift did she not work?

19 A She did not work five hours of her shift.

20 Q Okay. And the third report that you mentioned, the  
21 attendance tracking maintenance report, what is the  
22 detailed in that report?

23 A Showing the times that she actually worked for that  
24 day.

25 Q And what were the times that she worked that day?

1 A She worked from 10:26 to 12:55.

2 Q Okay. And then Monique Hickson -- did she work at  
3 Walmart in June -- Does she work there now?

4 A Yes, she does.

5 Q Did she work there on June 25, 2009?

6 A Yes, she did.

7 Q Was she under a different name in your records?

8 A It goes under her first name Shantrell.

9 Q So, it has her as Shantrell Monique Hickson?

10 A Yes.

11 Q And she worked on June 25. How many hours was she  
12 scheduled to work that day?

13 A She was scheduled to work eight hours.

14 Q What hours was she scheduled to work?

15 A She was scheduled to from work from 7 am until 4 in  
16 the afternoon.

17 Q And did she work the full eight hours?

18 A No, she did not.

19 Q What hours did she work?

20 A She worked from 9:55 am to 12:55 pm.

21 Q And do employees have to give advance warning for  
22 doctor appointments?

23 A If they would like for it to be excused -- an excused  
24 absence -- they must have something showing that they were  
25 having -- they must put in for that day off or for that

1 day to leave early.

2 Q And how long -- do you have security video at the  
3 store?

4 A Yes, we do have security video.

5 Q How long is the video kept?

6 A No more than two and a half months.

7 Q When they left suddenly at 12:55 that day were their  
8 absences excused or not excused?

9 A No, neither one of them were excused.

10 Q Nothing further. Please answer any questions that  
11 the defense counsel might have.

12 THE COURT: Mrs. Kelley Perkins Brown?

13 MRS. BROWN: I have no questions, Your Honor.

14 THE COURT: Mr. Routzong?

15 MR. ROUTZONG: I don't have any, Your Honor.

16 THE COURT: Thank you. You may step down. You are  
17 released from your subpoena. You may go back to Walmart  
18 or I can keep you here a little while.

19 THE WITNESS: They'll start come up here looking for  
20 me.

21 THE COURT: Thank you. Next witness, please.

22 MR. THURMOND: Your Honor, the State calls  
23 Mr. Stanley Galloway.

24 STANLEY GALLOWAY, after being duly sworn,  
25 testified as follows:

1 THE CLERK: Have a seat in the witness box. State  
2 your full name for the court spelling your last.

3 THE COURT: Good afternoon, Mr. Galloway. How are  
4 you doing?

5 THE WITNESS: I'm all right.

6 MR. THURMOND: You need to spell your name, sir.

7 THE WITNESS: S-T-A-N-L-E-Y.

8 DIRECT EXAMINATION

9 BY MR. THURMOND:

10 Q Afternoon. How are you doing?

11 A I am all right.

12 Q You are here pursuant to a subpoena; is that correct?

13 A Uh-huh.

14 THE COURT: All right, sir. Hold on. Not uh-huh,  
15 huh-uh. Please yes or no.

16 THE WITNESS: Yes.

17 MRS. BROWN: Your Honor, if he could speak a little  
18 louder.

19 THE COURT: Speak a little louder.

20 THE WITNESS: Yes.

21 THE COURT: Thank you.

22 Q Mr. Galloway, how old are you, sir?

23 A Twenty-one.

24 Q Where do you live?

25 A New Ellenton, South Carolina.



- 1 Q Where were you living back in June of 2009?
- 2 A New Ellenton, South Carolina.
- 3 Q Where were you working?
- 4 A Reids.
- 5 Q How long have you been at Reids?
- 6 A About a year and a half.
- 7 Q How many hours a week do you work?
- 8 A At least six or seven.
- 9 Q I draw your attention to June 25 of 2009. Do you
- 10 remember that day?
- 11 A Uh-huh.
- 12 THE COURT: Yes or no.
- 13 THE WITNESS: Oh, yea.
- 14 Q Where did you wake up that morning?
- 15 A In Kalmia.
- 16 Q Where specifically in Kalmia?
- 17 A 703.
- 18 Q 703 Kalmia Apartments?
- 19 A Uh-huh. Yes, sir.
- 20 THE COURT: Thank you.
- 21 Q Do you know a Mr. David Kearse?
- 22 A Yea.
- 23 Q How long have you known Mr. Kearse?
- 24 A For about all my life. Half of it.
- 25 Q Do you know Mr. Artrell Hickson?

1 A Yea.

2 Q Do you see him in the courtroom?

3 A Yea.

4 Q Can you point him out for me, sir?

5 A Right there.

6 THE COURT: What color shirt does he have on?

7 THE WITNESS: White.

8 THE COURT: Thank you.

9 Q How long have you known Mr. Artrell Hickson?

10 A Half my life.

11 Q Do you know Mr. Javier Hickson?

12 A Yea.

13 Q Do you see him present in the courtroom?

14 A Yea.

15 Q Can you point him out for me?

16 THE COURT: What color shirt does he got on?

17 THE WITNESS: I don't know what color that is, man.

18 THE COURT: Well, is it checked or solid?

19 THE WITNESS: No, it's checked.

20 THE COURT: Thank you.

21 Q On June 25 of 2009 outside of the Kalmia Apartments

22 before lunch time who did you see?

23 A Dave, Artrell and Jav.

24 Q Dave, Artrell, and Jav?

25 A Yea, Javier.

1 Q Artrell Hickson and Javier Hickson?

2 A Yea.

3 Q Where did you see them?

4 A They was up to my door like where I be at. We was  
5 talking. They asked me about a black. I didn't told them  
6 that I didn't have one.

7 Q They asked you about a black. What is a black?

8 A A black.

9 Q A cigar?

10 A Yea.

11 Q Did they come in 703 Kalmia Apartments?

12 A No.

13 Q Where did you see them?

14 A They was outside in the front.

15 Q Did you see any vehicles?

16 A Just the black Tahoe. That's it.

17 Q Did you see any other vehicles?

18 A No.

19 Q On March 15 of 2010 were you interviewed by Chuck  
20 Cain with the Aiken County Sheriff's Office?

21 A Yes, sir.

22 Q Did you give him a statement?

23 A Yea. He wrote it, though.

24 Q Did you tell him that on March 15 -- when you told  
25 him on March 15 what you had seen the previous June 25 did.

1 you tell him that you had seen David Kearse, Artrell  
2 Hickson, and Javier Hickson?

3 A Uh-huh.

4 Q Together?

5 A They was like separated, but Dave was next to me  
6 talking to me.

7 Q At the Kalmia Apartments?

8 A Yea.

9 Q On June 25, 2009?

10 THE COURT: That's yes or no?

11 THE WITNESS: I said yea.

12 Q Before lunch time?

13 A I don't know what time it was. That's what I told  
14 him.

15 Q That's all the questions I have for you. Thank you.

16 THE COURT: Mrs. Brown, any questions?

17 MRS. BROWN: Yes, Your Honor.

18 CROSS-EXAMINATION

19 BY MRS. BROWN:

20 Q When you gave that statement to Investigator Cain you  
21 signed it, didn't you?

22 A Yea, I signed it.

23 Q Indicating that what you have said in it was correct?

24 A Yea.

25 Q And you said in that statement that they left in a

1 black Tahoe.

2 A I ain't say what they left in because I didn't see  
3 what they left in.

4 (Whereupon, Defendant's (Brown) Exhibit No. 3 was  
5 marked for identification only.)

6 Q Let me rephrase the question first. Did you see them  
7 leave?

8 A No.

9 Q You did not see them leave?

10 A I walked back in the house before I seen that. I  
11 ain't seen where they went.

12 Q I am going to ask you to take a look at what's been  
13 marked Defendant's Exhibit 3 Brown. Do you recognize  
14 that?

15 A Yea, I remember that.

16 Q Is that your signature?

17 A Yea.

18 Q Is that the statement that Investigator Cain wrote  
19 and that you signed?

20 A I ain't read this part, though. I signed it though.

21 Q What you signed indicated that they left in a black  
22 Tahoe?

23 A Uh-huh.

24 THE COURT: Is this a yes or no?

25 A Yes.

1 Q All three of them?

2 A Who? All three of them? Yea, I guess, but I told  
3 him I didn't even see them though. I didn't know that was  
4 in there to tell you the truth. I should have read it  
5 more carefully.

6 Q I guess so. No further questions, your Honor.

7 THE COURT: Mr. Routzong?

8 MR. ROUTZONG: I don't have any questions, Your  
9 Honor.

10 THE COURT: Redirect?

11 MR. THURMOND: No, sir.

12 THE COURT: You're excused to go. Thank you for  
13 coming.

14 THE WITNESS: You're welcome.

15 MS. RINGLER: Beatrix Wright.

16 BEATRIX WRIGHT, after being duly sworn,  
17 testified as follows:

18 THE CLERK: Have a seat in the witness box. State  
19 your full name for the court spelling your last.

20 THE WITNESS: Beatrix Wright; W-R-I-G-H-T.

21 DIRECT EXAMINATION

22 BY MS. RINGLER:

23 Q Thank you, Ms. Wright. Where were you living in June  
24 of 2009?

25 A 703 Kalmia.

1 THE COURT: Speak up, please.

2 THE WITNESS: 703 Kalmia.

3 Q And was anybody with you the morning of September 25  
4 or before noon of September 25, 2009?

5 A Stanley Galloway and Candice Bryant.

6 Q Okay. And who are they? What is your relationship  
7 with Stanley Galloway?

8 A That's my boyfriend.

9 THE COURT: Ma'am, do me a favor. You're going to  
10 have to speak up louder, please.

11 Q What is your relationship to Candice Bryant?

12 A My cousin.

13 Q She's your cousin?

14 A Uh-huh.

15 Q And before lunch did you look outside your apartment?

16 A Before breakfast, yea.

17 Q Okay. What caused you to look outside?

18 A Stanley got up and went outside.

19 Q What did you see outside?

20 A I seen cars out there.

21 Q Who was that?

22 A Cars. I seen cars outside.

23 Q Okay. Which cars did you see?

24 A I seen an SUV.

25 Q Do you remember what kind of SUV?

1 A No.

2 Q Do you remember what color?

3 A Black.

4 Q And was there another car there?

5 A Yea.

6 Q What kind of car?

7 A It was a small car. I am not sure what kind.

8 Q I'm sorry. And I'm talking about June 25, 2009. I

9 apologize for that. But on June 25 did you see a black

10 SUV outside?

11 A Yea.

12 Q What was the other car? I'm sorry.

13 A A small car. I am not sure what kind.

14 Q Do you remember if it was a light colored, do dark

15 colored?

16 Q Light.

17 Q Do you remember the exact color?

18 A Like a beige color.

19 Q In addition to seeing the SUV and the small beige car

20 did you see anybody that you recognized out there?

21 A Not really. I just took a quick glance outside.

22 Q You didn't see anybody that you recognized out there?

23 A No, not really. People was in the cars, but I don't

24 know for sure who was in there. I was inside.

25 Q Okay. Do you remember meeting with Investigator



1 Bodie and Investigator Greg Savell who are both here today  
2 on the 17th?

3 A I don't know what day it is, but, yea, I remember.

4 Q Do you remember coming down and meeting with them?

5 A Yes.

6 Q Okay. Do you remember speaking with them and what  
7 you said?

8 A Uh-huh.

9 THE COURT: Yes or no?

10 THE WITNESS: Yes.

11 Q And on that day you told them that you saw Javier  
12 Hickson out there?

13 A No. I told them what -- Stanley told me he went  
14 outside to talk to him. I am not sure who was outside. I  
15 am just going on that's like hearsay like you say that's  
16 why someone else was not in.

17 Q You deny that you said Javier Hickson was outside?

18 A Yea, I said he was outside. Yea, I did.

19 Q You did see him outside?

20 A No. I said he was outside because I know who Stanley  
21 went out there to talk to.

22 Q Do you admit or deny saying that you saw Artrell  
23 Hickson out there?

24 A Same situation.

25 Q Do you admit or deny that you saw David Kearse

1 outside?

2 A I saw him outside.

3 Q You saw him outside? And do you know Artrell  
4 Hickson?

5 A Yes.

6 Q How long have you known him?

7 A Not long. I know of him, but I really don't know  
8 him.

9 Q Do you know him to recognize him?

10 A Yes.

11 Q Do you see him here in the courtroom today?

12 A Yes, with the white shirt on.

13 Q Okay. And do you know Javier Hickson?

14 A Yes.

15 Q Do you see him in the courtroom today?

16 A Yea, I do.

17 Q And do you know David Kearse?

18 A Yes.

19 Q How do you know him?

20 A Just from the neighborhood.

21 Q And, again, from that meeting do you remember saying  
22 that you saw Artrell and Javier in a small car?

23 A I knew what car they was in. So, I knew what car  
24 they was in, but I didn't really see them. With my own  
25 eyes I didn't see them.

1 Q Did you tell Investigator Savell that you saw Artrell  
2 and Javier in a small car?

3 A No. I said it was a small car out there and I knew  
4 David was with his girlfriend.

5 Q And do you admit or deny that you saw -- you said  
6 that you saw David Kearse and Sabrina Oakman in the SUV?

7 A Uh-huh.

8 THE COURT: Is that yes or no?

9 THE WITNESS: Yes.

10 Q And after the robbery did you see anybody in the  
11 apartment complex?

12 A Yea. I seen someone in the apartment complex.

13 Q Okay. Who did you see?

14 A I mean, who did I see? What you mean?

15 Q Did you see Devon Jones in the apartment complex  
16 after the robbery?

17 A Yea, yea.

18 Q Thank you. Please answer any questions that defense  
19 counsel might have.

20 MRS. BROWN: I beg the court's indulgence one moment.

21 CROSS-EXAMINATION

22 BY MRS. BROWN:

23 Q Do you remember meeting with Investigator Cain back  
24 in March of 2010?

25 A Yes, ma'am.

1 Q Did you tell -- you didn't tell Investigator Cain  
2 about seeing any vehicles outside the house, did you?

3 A I think I did.

4 Q You think you told him about seeing vehicles?

5 A Yea, I think so.

6 Q At what point in time did you see vehicles outside  
7 your house?

8 A When I glanced out when Stanley went outside.

9 Q And what time of the morning was that?

10 A I am not sure what time it was. It was early.

11 Q So was it closer to breakfast or closer to lunch?

12 A Early breakfast time.

13 Q I have no further questions, Your Honor.

14 THE COURT: Mr. Routzong?

15 MR. ROUTZONG: Nothing, Your Honor.

16 THE COURT: Redirect?

17 MS. RINGLER: No redirect, Your Honor.

18 THE COURT: You may step down. You're excused to go.

19 Next witness.

20 MS. RINGLER: Candice Bryant.

21 CANDICE BRYANT, after being duly sworn,

22 testified as follows:

23 THE CLERK: Have a seat in the witness box. State  
24 your full name for the court spelling your last.

25 THE WITNESS: Candice B-R-Y-A-N-T.

DIRECT EXAMINATION

1  
2 BY MS. RINGLER:

3 Q Ms. Bryant, are you in school right now?

4 A Yes.

5 Q Where do you go to school?

6 A Silver Bluff High School.

7 Q What year are you? What grade?

8 A Twelfth.

9 Q So you're a senior this year?

10 A Yes, ma'am.

11 Q And what do you plan on doing after you graduate?

12 A I am going into the Army.

13 Q Did you come speak to me this week or last week?

14 A Yes, ma'am.

15 Q Okay. Excuse me -- on Monday. And did you receive a  
16 text message last night?

17 A Yes, ma'am.

18 Q What did the text message say?

19 MRS. BROWN: Your Honor, objection, relevance.

20 THE COURT: You received a text message? That's the  
21 answer?

22 THE WITNESS: Yes.

23 THE COURT: I assume the next question is going to be  
24 what did it say; is that correct?

25 MS. RINGLER: Yes, Your Honor.

1 THE COURT: And is it relevant to this case?

2 MS. RINGLER: Yes, Your Honor. I think it will  
3 explain the witnesses' demeanor here today for the jury.

4 THE COURT: I'll allow it. If it's not relevant,  
5 I'll strike it. I don't know what it's going to be.

6 Q What did the text message say?

7 A What are you at the courthouse snitching?

8 THE COURT: What?

9 THE WITNESS: What are you at the courthouse  
10 snitching?

11 Q When did you receive that text message?

12 A Yesterday about four.

13 Q Did you receive a subpoena to be here today?

14 A Yes.

15 Q Are you nervous about being here today?

16 A Yes.

17 Q Where were you on the morning -- excuse me -- before  
18 lunch on June 25, 2009?

19 A 703 Kalmia.

20 Q Were you staying there at that time?

21 A Yes.

22 Q Who's apartment was that?

23 A Beatrix.

24 Q Beatrix Wright?

25 A Yes.

- 1 Q Did you see anyone in the complex that morning?
- 2 A Yes.
- 3 Q Did you see David Kearse there that morning?
- 4 A Yes.
- 5 Q Did you see Javier Hickson there that morning?
- 6 A Yes.
- 7 THE COURT: Speak up, please.
- 8 THE WITNESS: Yes.
- 9 Q Did you see Artrell Hickson there that morning?
- 10 A Yes.
- 11 Q Okay. How do you know Artrell Hickson?
- 12 A I went to school with him.
- 13 Q You went to school with him?
- 14 A Yes.
- 15 Q High school, middle school?
- 16 A Middle school.
- 17 Q And do you know Javier Hickson?
- 18 A I seen him a couple times.
- 19 Q Do you see him here in the courtroom today?
- 20 A Yes.
- 21 Q What kind of shirt does he wear?
- 22 A That checkered shirt.
- 23 Q And Artrell -- do you see him in the courtroom today?
- 24 A Yes.
- 25 Q What is he wearing?

1 A A white shirt.

2 Q And have you been convicted of a crime?

3 A Yes.

4 Q What was that crime?

5 A Credit card fraud.

6 Q Nothing further from the state. Please answer any  
7 questions that the defense might have.

8 THE COURT: Any questions, Mrs. Brown?

9 CROSS-EXAMINATION

10 BY MRS. BROWN:

11 Q Ms. Bryant, is financial transaction card fraud the  
12 only thing that you've been convicted of?

13 A No.

14 Q In fact, you've also been convicted of a shoplifting;  
15 is that correct?

16 A Yes.

17 Q Do you remember speaking with Investigator Chuck Cain  
18 in March of this year?

19 A Yes.

20 Q Do you remember telling him that you saw these three  
21 drive up in a white Ford Focus?

22 A No.

23 Q You don't remember?

24 A I told him that I seen a white Ford Focus in the  
25 parking lot.



1 Q Do you remember giving a statement to Investigator  
2 Cain?

3 A Yes.

4 THE COURT: Clean copy, please. Not one that's  
5 highlighted.

6 (Whereupon, Defendant's (Brown) Exhibit No. 4 was  
7 marked for identification only.)

8 Q I am handing you what's been marked as Defendant's  
9 Exhibit 4 Brown. Do you recognize that?

10 A Yes.

11 Q Is that the statement that you signed on March 12,  
12 2010?

13 A Yes.

14 Q Is that the statement that you signed telling  
15 Investigator Cain what you saw that day?

16 A Yes.

17 Q Have you had a chance to read that statement?

18 A Yes.

19 Q You've read it right now?

20 A Uh-huh.

21 Q And didn't you tell Investigator Cain in that signed  
22 statement, They were in a white Ford Focus?

23 A Yea. I told him that it was the in the parking lot.  
24 I didn't tell him that I seen them drive up in it.

25 Q Did you sign that statement?

1 A Yes, I did.

2 Q And in that statement does it say, They were in a  
3 white Ford Focus?

4 A Yes, it says that.

5 Q No mention of seeing a black Tahoe at that time;  
6 correct?

7 A No.

8 MRS. BROWN: No further questions.

9 THE COURT: Mr. Routzong?

10 MR. ROUTZONG: I don't have any questions, Your  
11 Honor.

12 THE COURT: Redirect?

13 REDIRECT EXAMINATION

14 BY MS. RINGLER:

15 Q Can you please read your entire statement? Do you  
16 have a copy of it in front of you?

17 A No.

18 THE COURT: Can you read your entire statement?

19 THE WITNESS: I got one page of it.

20 MS. RINGLER: You just got one page of it?

21 THE COURT: Was there more than one page?

22 MS. RINGLER: Yes, Your Honor.

23 THE COURT: Well, let's put the whole thing in  
24 instead of parcels of it.

25 MS. RINGLER: Can we just put the exhibit marker on

1 this one?

2 THE COURT: It is two pages to the statement? Two  
3 pages to that statement to be included in the record.

4 Q If you could plead just read both pages to us?

5 A Both of these are the same thing.

6 MS. RINGLER: I've got the two pages right here. Can  
7 we just use that copy?

8 THE COURT: Time out. Walk up here and make sure  
9 it's right, Mrs. Brown. You put it in.

10 MRS. BROWN: Your Honor, I would object. This is the  
11 statement as was presented. I would object to the  
12 statement being read in its entirety as it does contain  
13 inadmissible hearsay.

14 THE COURT: Well, Mrs. Brown, you're the one who put  
15 it in the record. Overruled.

16 MRS. BROWN: Your Honor, I did not introduce it as  
17 evidence.

18 THE COURT: You certainly did.

19 MRS. BROWN: No, Your Honor. I had it marked for  
20 identification purposes. I did not introduce it as  
21 evidence.

22 THE COURT: You may read it.

23 MR. ROUTZONG: I join in that objection.

24 THE COURT: Thank you.

25 THE WITNESS: On the day of the robbery at Security

1 Federal.

2 THE COURT: Hold on. You have read it more distinct  
3 than that.

4 THE WITNESS: On the day of the robbery at Security  
5 Federal Graniteville Artrell Hickson, Javier Hickson, and  
6 David Kearse came to my cousin's Beatrix Wright's  
7 apartment. They were in a white Ford Focus. A dark  
8 skinned girl was driving. She worked -- she -- it was  
9 thought that she worked at Walmart on the south side.  
10 They were talking to Beatrix's boyfriend Stanley. After a  
11 while they left. Stanley remained. Me and Beatrix took  
12 Stanley home to New Ellenton. We came back and saw the  
13 police who told us the bank had been robbed. Sabrina  
14 Oakman drove her black Tahoe and asked if Stanley knew  
15 where David was. We told her we had taken him to New  
16 Ellenton. Big Phil and Devon were at Kalmia Apartments  
17 saying, Them boys done robbed the bank I think. I saw a  
18 white Ford Focus. Phil and Devon were at the entrance to  
19 Kalmia Apartments. Sabrina kept calling Artrell's  
20 cellphone because David had it because Big Phil said David  
21 had the phone. Sabrina kept saying, David is in a storage  
22 in the woods. Sabrina was crying and said she was here to  
23 find him and pick him up. Sabrina and Artrell -- Sabrina,  
24 Artrell, and Javier along with Devon. Beatrix told me  
25 that Artrell, Javier, and David were trying to get Stanley

1 to rob the bank with them. Beatrix said Stanley told me  
2 this. Artrell dated a girl at Walmart on the south side.  
3 The girl was thought to be in the white Ford Focus.

4 Q Okay. And then when you say Phillip Paul, who do you  
5 mean by -- excuse me. When you say Phil, who do you mean  
6 by that?

7 A Big Phil.

8 THE COURT: Who?

9 THE WITNESS: Phillip Paul.

10 Q Okay. And then when you say Devon, do you know  
11 Devon's full name?

12 A Devon Jones.

13 Q And Sabrina?

14 A Oakman.

15 Q And Beatrix is?

16 A My cousin.

17 Q Thank you.

18 THE COURT: You may step down.

19 MR. THURMOND: May we approach briefly?

20 THE COURT: Ma'am, you're free to go if you'll wait  
21 right there at the back door. Thank you. Sheriff?

22 MS. RINGLER: Crystal Harris.

23 THE COURT: Ms. Harris? Crystal Harris? Is she  
24 outside?

25 THE BAILIFF: Crystal Harris?

1 THE COURT: Yes, ma'am.

2 (Pause)

3 THE BAILIFF: Judge, I called three times for Crystal  
4 Harris and there was no response, nor did I see any people  
5 in the foyer.

6 THE COURT: Thank you, Ms. Barbara. Is she under  
7 subpoena?

8 MS. RINGLER: Yes, Your Honor. She was here  
9 yesterday. She is still under subpoena. She's not been  
10 excused.

11 THE COURT: Next witness after her.

12 MR. THURMOND: Judge, the State calls Mr. Randy  
13 Wilson.

14 RANDY WILSON, after being duly sworn, testified  
15 as follows:

16 THE CLERK: Have a seat in the witness box. State  
17 your full name for the court spelling your last.

18 THE WITNESS: Randy Wilson.

19 MR. THURMOND: Judge, if I could have a little  
20 latitude to lead him through why he is dressed like he  
21 is.

22 DIRECT EXAMINATION

23 BY MR. THURMOND:

24 Q Mr. Wilson, good afternoon. I noticed you're in  
25 South Carolina Department of Corrections prison clothes

1 and handcuffs?

2 A Yes, sir.

3 Q You were arrested on July 1, 2009 for robbing the  
4 First Citizens Bank in Jackson, South Carolina; is that  
5 correct?

6 A Yes, sir.

7 Q Who was with you that day?

8 A Phillip Paul and Jelani Edwards.

9 Q Was Jelani Edwards shot and killed that day?

10 A Yes, sir.

11 Q Phillip Paul was arrested that day along with you?

12 A Yes, sir.

13 Q And late in the afternoon or evening of July 1, 2009  
14 were you interviewed by an FBI agent?

15 A Yes, sir.

16 Q During that interview more than a year ago did you  
17 confess to your involvement in the armed robbery of that  
18 First Citizens Bank in Jackson?

19 A Yes, sir.

20 Q And I believe you gave a six-page typed statement to  
21 the FBI. Is that your recollection?

22 A I am not sure about how long it was, but, yes, sir.

23 Q And, also, during that interview did you disclose to  
24 the FBI what you knew about the Security Federal robbery  
25 that occurred in Graniteville on the 25th of June of 2009?

1 A Yes, sir.

2 Q Did you implicate Mr. Artrell Hickson and Mr. Javier  
3 Hickson in that robbery?

4 A Yes, sir.

5 Q How do you know Mr. Artrell Hickson? How long have  
6 you known him?

7 A Probably since '06.

8 Q Five or six years?

9 A Yea.

10 Q Point him out for me. Is he in the white shirt?

11 A Yes.

12 Q How about Mr. Javier Hickson? How long have you  
13 known him?

14 A Probably about seven years.

15 Q Is he in a checked shirt?

16 A Yes, sir.

17 Q So, on December 14 of 2009 you plead guilty to armed  
18 robbery; is that correct?

19 A Yes, sir.

20 Q Three days prior to your guilty plea were you  
21 interviewed by Investigator Chuck Cain with the Aiken  
22 County Sheriff's Office?

23 A Yes, sir.

24 Q And on December 11, 2009 did you tell him who robbed  
25 the bank in Graniteville on June 25, 2009?



1 A Yes, sir.

2 Q Who did you tell him?

3 A Javier and Artrell.

4 Q Now, on March 8 of 2010 you were sentenced for the  
5 offense of armed robbery; is that correct?

6 A Yes, sir.

7 Q And subsequent to your sentencing your attorney filed  
8 a motion on your behalf; is that correct?

9 A Yes, sir.

10 Q All right. To ask that the court reconsider your  
11 sentence?

12 A Yes, sir.

13 Q Do you see your lawyer in the courtroom?

14 A Yes, sir.

15 Q What is your lawyer's name?

16 A Bob Harte.

17 Q That motion has not been heard to your understanding?

18 A No, sir.

19 Q Has any deal been made with you in exchange for your  
20 testimony today?

21 A No, sir.

22 Q Have you been promised anything in exchange for your  
23 testimony today?

24 A No, sir.

25 Q Let me ask you this. June 24 of 2009, the day before

1 the bank robbery, did you have conversations about the  
2 robbery that was to take place on the 25th?

3 A Yes, sir.

4 Q Where did those conversations take place?

5 A In my yard.

6 Q In your yard?

7 A Yes, sir.

8 Q Who was present at that meeting?

9 A Phillip Paul, Jelani Edwards, Artrell, and Javier.

10 Q When you say Artrell and Javier, it's Artrell and  
11 Javier Hickson, the Defendants?

12 A Yes, sir.

13 Q Was Mr. Kearse present for that meeting?

14 A No, sir.

15 Q This is the day before the robbery; correct?

16 A Yes, sir.

17 Q Do you recall about what time the meeting was that  
18 day?

19 A I can't remember what time.

20 Q Just that it occurred that day?

21 A Yea.

22 Q And at this meeting what was decided?

23 A What bank we were going to rob and who was going to  
24 go.

25 THE COURT: I'm sorry. What bank was going to be

1 robbed and what?

2 THE WITNESS: Who was going to go.

3 THE COURT: Thank you.

4 Q And it was decided that which bank was going to be  
5 robbed?

6 A The one in Graniteville.

7 Q The Security Federal in Graniteville?

8 A Yes, sir.

9 Q And was going to commit that robbery?

10 A Artrell and Javier.

11 Q And who else?

12 A I can't remember his name. Kearse is his last name.

13 Q Kearse is his last name?

14 A Yea.

15 Q You did not know David Kearse well?

16 A I met him one time.

17 Q You didn't know him like you knew Artrell and Javier;  
18 is that correct?

19 A No, sir.

20 Q Who was going to supply the guns for this robbery?

21 A Phillip Paul.

22 Q Who was Phillip Paul going to supply the guns to?

23 A Artrell and Javier.

24 Q Do you remember Artrell asking to use a specific kind  
25 of gun?

1 A AK-47.

2 Q What is an AK-47?

3 A It is a gun.

4 Q What is it a rifle, a pistol, a shotgun?

5 A A rifle, I guess.

6 Q Got a big clip in it?

7 A Yes, sir.

8 Q With bullets?

9 A Yes, sir.

10 Q Would Phillip Paul give the AK-47 to Artrell Hickson?

11 A No, sir.

12 Q Did Phillip Paul have any other guns?

13 A Yes, sir.

14 Q What other guns did he have?

15 A .38, a Glock 40.

16 Q A Glock 40?

17 A Yes, sir.

18 Q Who was going to drop Mr. Hickson -- Mr. Artrell

19 Hickson, Mr. Javier Hickson, and Mr. David Kearse off at

20 the bank from what you learned from the meeting on the

21 24th?

22 A Kearse's girlfriend.

23 Q Kearse's girlfriend. And you don't know if his

24 girlfriend was in on it or not. You just heard that she

25 was to drop them off; is that correct?

1 A Yes, sir.

2 Q Was there a plan for a getaway driver?

3 A Yes, sir.

4 Q Who was the getaway driver to be?

5 A I just know him by Von.

6 Q Von?

7 A Yes, sir.

8 Q As in Devon Jones?

9 A I'm not sure of his last name. I just know him by  
10 Von.

11 Q The day of the robbery, the 25th of June of 2009,  
12 where were you?

13 A I was home.

14 Q Were you home on the afternoon of the 25th?

15 A Yes, sir.

16 Q Who was there at your house on the afternoon of the  
17 25th?

18 A Phillip Paul and Jelani Edwards.

19 Q Anybody receive a phonecall on the afternoon of  
20 June 25?

21 A Jelani.

22 Q Were you sitting right next to him?

23 A Yes, sir.

24 Q Did you hear a voice --

25 A Yes, sir.

1 Q -- on the other end of the line?

2 A Yes, sir.

3 Q Whose voice was it?

4 A Artrell.

5 Q How do you know Artrell Hickson's voice?

6 A Just being around him talking to him.

7 Q For years and years?

8 A Yes, sir.

9 Q What did you hear Artrell Hickson say to Jelani  
10 Edwards at your house on the afternoon of June 25, 2009?

11 A That they're hemmed up in Graniteville.

12 Q I'm sorry. They're what in Graniteville?

13 A They're hemmed up.

14 Q Hemmed up in Graniteville. Did Jelani then leave?

15 A Yes, sir.

16 Q Who did he leave with?

17 A Phillip Paul.

18 Q What car did they leave in?

19 A Jelani's Cadillac.

20 Q What color Cadillac?

21 A Champagne color.

22 Q Did you go with them?

23 A No, sir.

24 Q Did you speak to Mr. Artrell Hickson a couple of days  
25 after the robbery?

1 A Yes, sir.

2 Q A couple of days after the 25th of June?

3 A Yes, sir.

4 Q What did you ask him?

5 A What did they get out of there.

6 Q What did Mr. Artrell Hickson tell you?

7 A Little or nothing.

8 Q Little or nothing. That's all the questions I have  
9 for you. Please answer any questions from either  
10 Mrs. Brown or Mr. Routzong.

11 THE COURT: Mrs. Kelley Perkins Brown?

12 CROSS-EXAMINATION

13 BY MRS. BROWN:

14 Q You had a rather extensive interview with the FBI  
15 agent on July 2, 2009, didn't you?

16 A I can't remember the date.

17 Q Well, how about that interview that you just told  
18 Mr. Thurmond that you had right after you were arrested?  
19 Do you remember that?

20 A Yes, ma'am.

21 MR. THURMOND: Just for clarification we object. I  
22 gave the interview that evening. It was typed up by the  
23 agent the following day. He gave the interview after the  
24 arrest that evening of the 1st.

25 THE COURT: Thank you.

1 Q You gave an extensive interview to the FBI agent the  
2 evening you were arrested on July 1; is that correct?

3 A Yes, ma'am.

4 Q Talked to him for a while, didn't you?

5 A Yes, ma'am.

6 Q Told him a lot of stuff, didn't you?

7 A Yes, ma'am.

8 Q You didn't tell him about this planning meeting that  
9 happened the day before this robbery, did you?

10 A They didn't ask.

11 Q Oh, and they asked you specifically about everything  
12 else you told them?

13 A Yes, ma'am.

14 Q Did they ask you about the Graniteville robbery?

15 A I think so, yes, ma'am.

16 Q But you didn't tell them about being in on a planning  
17 meeting for the Graniteville robbery, did you?

18 A I wasn't in on the planning. I was just there.

19 Q Didn't you just testify answer Solicitor Thurmond's  
20 questions about this meeting on June 24?

21 A Yes, ma'am. I was there.

22 Q And that was in relation to the Graniteville robbery?

23 A Yes, ma'am.

24 Q Correct?

25 A Yes, ma'am.



1 Q And in answering the question that the agent posed  
2 about the Graniteville robbery you said nothing about a  
3 meeting or any conversations that were held on June 24,  
4 did you?

5 A No, ma'am.

6 Q When you spoke with Investigator Cain on December 11  
7 you didn't say anything about this conversation that was  
8 had the day before, did you?

9 A They didn't ask.

10 Q They were asking you about the robbery, yes?

11 A Mostly asking about my robbery.

12 Q Again, on that day when you talked with Investigator  
13 Cain three days prior to pleading guilty to the First  
14 Citizens robbery you likewise gave them a lot of  
15 information about different kinds of things; right?

16 A Yes, ma'am.

17 Q And you did not say anything about any conversation  
18 prior that you had with any of these people prior to the  
19 Graniteville robbery, did you?

20 A No, ma'am.

21 Q As it stands right now you're going to be in the  
22 South Carolina Department of Corrections for a good long  
23 time, aren't you?

24 A Yes, ma'am.

25 Q And you know that that motion to have your sentence

1 reconsidered hasn't been heard yet, has it?

2 A No, ma'am.

3 Q And you're hoping that whatever help you give to the  
4 state will help you on that motion to reconsider, don't  
5 you?

6 A I wasn't promised anything.

7 Q I didn't ask if you were promised anything. I am  
8 asking are you hoping that the help that you give the  
9 State will help you on your motion to have your sentence  
10 reduced?

11 A I'm hoping that the State will reduce my time -- I am  
12 not saying for this, but I am hoping that they do.

13 Q You're hoping that the State will reduce your time;  
14 right?

15 A Yes.

16 MRS. BROWN: I have no further questions, Your Honor.

17 THE COURT: Mr. Routzong?

18 CROSS-EXAMINATION

19 BY MR. ROUTZONG:

20 Q The robbery that you were convicted for you were  
21 wearing a black mask, black neck bandanna, black gloves,  
22 all of that kind of stuff; right?

23 A I didn't have no bandanna on.

24 Q Everything was all black?

25 A I can't really remember.

1 Q You don't remember what you were wearing when you  
2 robbed the bank.

3 Thank you, Your Honor.

4 THE COURT: Redirect?

5 REDIRECT EXAMINATION

6 BY THE SOLICITOR:

7 Q How tall are you?

8 A About 5'8.

9 Q Are you sure?

10 A I am not really sure.

11 Q You want to step down and we'll check? Stand right  
12 here in front of this jury, Mr. Wilson. Would you agree  
13 that you're approximately 68 1/2 inches tall? I'll give  
14 you 68. How about that?

15 THE WITNESS: Yes, sir.

16 MRS. BROWN: Your Honor, let the record reflect --

17 THE COURT: Ma'am --

18 MRS. BROWN: -- that the tape measure --

19 THE COURT: Ma'am --

20 MRS. BROWN: -- is not parallel.

21 MR. THURMOND: Mrs. Brown can hold the bottom of the  
22 tape. Mrs. Brown can measure the defendant (sic), Judge.

23 THE COURT: Y'all quit squabbling over that. Put it  
24 all of the way to the floor and tell me how tall he is.

25 Stand up straight for me, sir.

1 What does it say, Sergeant Toole?

2 THE POLICE OFFICER: Sixty-eight and a half inches.

3 THE COURT: Is that it for him?

4 MR. THURMOND: Yes, sir.

5 THE COURT: You may go back. Next witness.

6 MS. RINGLER: Your Honor, Investigator Criscillis.

7 JAMES G. CRISCILLIS, II, after being duly sworn,  
8 testified as follows:

9 THE CLERK: Have a seat in the witness box. State  
10 your full name for the court spelling your last.

11 THE WITNESS: James Green Criscillis, II;

12 C-R-I-S-C-I-L-L-I-S.

13 DIRECT EXAMINATION

14 BY MS. RINGLER:

15 Q Thank you. Investigator Criscillis, where do you  
16 work?

17 A Aiken County Sheriff's Office.

18 Q How long have you worked there?

19 A Since 2005.

20 Q And how long have you been an investigator?

21 A Since September of 2008.

22 Q Were you an investigator in June of 2009?

23 A Yes, ma'am.

24 Q Did you respond to the Security Federal on June 25,  
25 2009?

1 A Yes, ma'am, I did.

2 Q Did you work the perimeter there?

3 A Yes, ma'am, I did.

4 Q What does working the perimeter entail? Actually, if  
5 you could come down and use the map. This is State's  
6 Exhibit 14.

7 A We're given an assignment.

8 Q Could you stand to the side?

9 A Certainly. We're given an assignment of an area to  
10 cover. At the beginning I was roving from Gregg Street up  
11 Gregg Highway all the way --

12 Q Maybe just -- I'm sorry. If you could just kind of  
13 hit the major roads and sort of orient the jury as to the  
14 map a little bit.

15 A This would be Gregg Highway in Graniteville. This  
16 would be Gregg Street. Okay. This is actually a dirt  
17 path and this would be Canal Street in Graniteville and  
18 the bank would be right here.

19 Q I'm sorry. Please continue. You said you were  
20 roving?

21 A I was roving for the majority of the time and then I  
22 would sit stationary right here below the old Lavelle  
23 McCampbell High School ball field pointing towards the  
24 bypass.

25 Q Okay. And what, if anything, happened while you were

1 stationed -- I mean, parked in front of the ballpark  
2 there?

3 A I observed Jelani Edwards' car pass by me --

4 Q Okay.

5 A The gold Cadillac with 22-inch rims.

6 Q Can you show us where they were coming from and where  
7 they were traveling to?

8 A I was parked here facing up towards the bypass. They  
9 came from behind me traveling this way. I followed in  
10 behind them catching up to them almost to the bypass. We  
11 went left onto 118, went to Trolley Line Road behind USC  
12 Aiken, and made a right on to Trolley Line Road and pulled  
13 into the University behind the old softball entrance is  
14 where I initiated a traffic stop.

15 Q Okay. Thank you. Please have a seat. Okay. You  
16 said you mentioned Jelani Edwards. You were able to  
17 identify the driver?

18 A Yes, ma'am. Once the vehicle was stopped the driver  
19 was identified as Jelani Edwards. It was also occupied by  
20 Phillip Paul. Jelani was driving.

21 Q What kind of car was Jelani driving?

22 A It was a gold -- champagne gold Cadillac with very  
23 large rims like 22-inch.

24 Q You said -- if we can just go back to the map again.  
25 I'm sorry. You said that when you were at the ball park

1 is when you first saw them?

2 A That's correct.

3 Q Can you point that out again here? And about what  
4 time was that?

5 A I believe around 3:30, 3:29, somewhere right around  
6 there.

7 Q Okay. And then can you show us where the Kalmia  
8 Apartments are on this?

9 A Kalmia Apartments would be right here.

10 Q Okay. And then are you familiar with the Lutheran  
11 Church?

12 A The Lutheran Church? Yes, ma'am. The Lutheran  
13 Church if I am not mistaken would be right here.

14 Q Okay.

15 A I'm sorry. I apologize. The Lutheran Church is up  
16 here. That's the Catholic Church. I'm sorry.

17 Q Thank you.

18 A Yes, ma'am.

19 Q Thank you. Please answer any questions that the  
20 defense counsel might have.

21 THE COURT: Mrs. Brown?

22 MRS. BROWN: I have no questions, Your Honor.

23 THE COURT: Mr. Routzong?

24 MR. ROUTZONG: No questions, Your Honor.

25 THE COURT: You may step down. Next witness.

1 MS. RINGLER: Your Honor, we might see if Crystal  
2 Harris is here.

3 THE COURT: Have you gotten somebody to call her?

4 MRS. HALLING: We have.

5 MS. RINGLER: Your Honor, she should be a short  
6 witness. I think the witness after her would be a rather  
7 lengthy one.

8 THE COURT: I suspect that you need to call your next  
9 one. She doesn't appear to be here.

10 MR. THURMOND: Judge, the State calls Mr. David  
11 Kearse.

12 THE COURT: Is she here, Ms. Barbara?

13 THE BAILIFF: No, sir. I was told by one of the  
14 persons outside that she is on her way. She is not here.

15 THE COURT: We'll have to call her out of turn, I  
16 guess.

17 Hold on one second, Mr. Thurmond. You say this one's  
18 a little lengthy?

19 MS. RINGLER: Yes, Your Honor.

20 THE COURT: Everybody okay? Do you need a bathroom?  
21 Ma'am, do or don't? You do need a bathroom break?

22 THE JUROR: I'm okay.

23 THE COURT: Alabama, are you okay? Ladies?  
24 Mr. Foreman? If you get uncomfortable, just please,  
25 please raise your hand. All right. Bring the next



1 witness, please. Right up here, sir.

2 DAVID KEARSE, after being duly sworn, testified  
3 as follows:

4 THE CLERK: Have a seat in the witness box. State  
5 your full name for the court spelling your last.

6 THE COURT: Full name and spell your last.

7 THE WITNESS: David Kearse; K-E-A-R-S-E.

8 THE COURT: Mr. Kearse, if you would, please, answer  
9 loud -- not shout, but answer loud enough so that the  
10 jurors can hear you. Fair enough?

11 THE WITNESS: David Kearse; K-E-A-R-S-E.

12 DIRECT EXAMINATION

13 BY MR. THURMOND:

14 Q Good afternoon, Mr. Kearse. You are currently  
15 charged with two offenses; is that correct?

16 A Yes, sir.

17 Q Armed robbery?

18 A Yes, sir.

19 Q Possession of a firearm during the commission of a  
20 violent crime; is that correct?

21 A Yes, sir.

22 Q Is that stemming from the June 25 incident at the  
23 Security Federal Bank?

24 A Yes, sir.

25 Q Has your case been resolved?

1 A Yes, sir.

2 Q Is it still pending?

3 A Yes, sir.

4 Q Listen to my question. Your case hadn't be resolved  
5 yet, has it?

6 A No, sir.

7 Q Have you been promised anything in exchange for your  
8 testimony?

9 A No, sir.

10 Q Any deals been cut with you?

11 A No, sir.

12 Q Anything, a wink and a nod at all?

13 A No, sir.

14 Q Is your lawyer present in the courtroom?

15 A Yes, sir.

16 Q You want to point him out for us?

17 A Right here.

18 Q What is his name?

19 A Everett chandler.

20 MR. THURMOND: Mr. Everett Chandler?

21 (Whereupon, Mr. Everett Chandler stands.)

22 Q I'll get right to the point. Let's go to June of  
23 2009. Where were you working?

24 A Savannah River Site.

25 Q What kind of money were you making a week?

1 A About \$400 a week.

2 Q Who were you living with at the time?

3 A I stay with my mother.

4 Q You stay with your mother? Were you dating

5 Ms. Sabrina Oakman at the time?

6 A Yes, sir.

7 Q Are you still dating her?

8 A Yes, sir.

9 Q You and her on good terms?

10 A Yes, sir.

11 Q How do you know Artrell and Javier Hickson?

12 A I knew them since elementary. We grew up together.

13 Q You known them most of your life?

14 A Yes, sir.

15 Q Are they present in the courtroom?

16 A Yes, sir.

17 Q You want to point them out for me?

18 A Right here.

19 Q What color shirt is Mr. Artrell Hickson wearing?

20 A A white shirt.

21 Q How about his brother Mr. Javier Hickson?

22 A Beige shirt.

23 Q This bank robbery that occurred on June 25 of 2009,  
24 when was it planned?

25 A Last week -- the last week before the bank robbery.

1 Q About a week before?

2 A A week before.

3 Q Where was the first conversation that you had about  
4 this bank robbery?

5 A New Ellenton in front of the Sunshine Club.

6 Q The Sunshine Club in New Ellenton? Who was present  
7 for that conversation?

8 A It was my, Jelani, Artrell.

9 Q You, Jelani Edwards, and Artrell Hickson?

10 A Yes, sir.

11 Q Where specifically did you have a conversation?

12 A Inside the car -- Jelani's car.

13 Q Inside Jelani's car. What kind of car did he have?

14 A A Cadillac.

15 Q At the Sunshine Club?

16 A Uh-huh.

17 Q In New Ellenton about a week prior to the robbery?

18 A Yes, sir.

19 Q Tell me about the conversation in that car.

20 A Jelani brought it up we need to do another bank and  
21 Artrell was like we need another bank because money is  
22 running low. So we need to hit another bank.

23 Q Did you owe anybody any money?

24 A Yea, Jelani.

25 Q How much money did you owe Jelani?

- 1 A 500.
- 2 Q Have any other conversation that evening?
- 3 A No, sir.
- 4 Q Everybody kind of went their separate ways?
- 5 A Yes, sir.
- 6 Q When was the next conversation about the bank
- 7 robbery?
- 8 A The same week we did the bank robbery.
- 9 Q Earlier that part of the week?
- 10 A Uh-huh.
- 11 Q The 25th was a Thursday. It was before Thursday?
- 12 A Yes, sir.
- 13 Q Do you remember about what day that was?
- 14 A I would say Tuesday.
- 15 Q And where did this conversation take place?
- 16 A At Artrell and them's house.
- 17 Q At whose house?
- 18 A Artrell's. Javier. At their grandma house.
- 19 Q Where did they live?
- 20 A Woodland drive.
- 21 Q Did they live with their grandmother?
- 22 A Yes, sir.
- 23 Q Did you go there?
- 24 A Yes, sir.
- 25 Q And who was present at that meeting?

- 1 A Artrell, me, Javier, and Big Phillip.
- 2 Q Big Phil. Is that Phillip Paul?
- 3 A Yes, sir.
- 4 Q Is he called Big Phil because he's 400 pounds as
- 5 we've heard in testimony?
- 6 A Yes.
- 7 Q And what was planned at that meeting?
- 8 A When we was going to do the bank, what we was going
- 9 to wear, all kind of stuff like that.
- 10 Q What was your role to be?
- 11 A The lookout.
- 12 Q Who picked the bank?
- 13 A Artrell.
- 14 Q Did Jelani Edwards go? Did he want to go?
- 15 A Yea, he wanted to go.
- 16 Q Why didn't he go?
- 17 A He was being watched. He said he was being watched.
- 18 The police was watching him.
- 19 Q Who agreed to go in his place?
- 20 A Whose place?
- 21 Q In Jelani Edwards' place?
- 22 A Nobody. I don't know nothing about that.
- 23 Q Who all agreed to do the robbery?
- 24 A Us three.
- 25 Q Who is us three?

1 A Jelani and Artrell and me.

2 Q Listen to my question. Who are the three people who  
3 agreed to do the robbery?

4 A Artrell, Javier, and me.

5 Q Artrell, Javier, and you?

6 A Uh-huh.

7 Q Let me go to Wednesday the 24th, the day before the  
8 robbery. What did you do that day?

9 A We was -- we had got in his car. So we went to his  
10 house. So we got in the car and we rode around the bank.  
11 We was supposed to be do it that day, but I told them we  
12 don't need to do it that day. We just rode around.

13 Q Whose car were you in?

14 A Artrell's car.

15 Q Artrell's car. What was Artrell driving in June of  
16 2009?

17 A A red Crown Vic.

18 Q Who was in the car?

19 A Me, Artrell, and Javier.

20 Q And where did you go?

21 A In Graniteville around the bank.

22 Q When you say the bank, what bank are you talking  
23 about?

24 A Security Federal.

25 Q What time did you go by there?

1 A Around lunch time.

2 Q After you rode by the bank where were you taken?

3 A Back home.

4 Q All right. Let's go to the day of the robbery, the  
5 25th. That morning did you receive a phonecall?

6 A Yes, sir.

7 Q What time?

8 A 8 o'clock.

9 Q 8 o'clock. Who called you?

10 A Artrell.

11 Q Artrell Hickson?

12 A Yes, sir.

13 Q What did he say to you when he called?

14 A He called me and asked was I ready.

15 Q Were you ready. What did you do then?

16 A I asked Sabrina for the keys to truck and I rode down  
17 there.

18 Q And the keys to the truck -- specifically, what kind  
19 of vehicle was that?

20 A A Tahoe, Chevrolet.

21 Q All right. Where did you go once you left yours and  
22 Sabrina's house with the Tahoe?

23 A Repeat the question.

24 Q Where did you go?

25 A I went to Artrell's house.



1 Q Went to Artrell's house. When you're saying  
2 Artrell's house, you're talking about his grandmother's  
3 house?

4 A Yes, sir.

5 Q And who was present when you got to his house?

6 A Jelani, Artrell, Javier, me -- during the bank  
7 robbery that day, right --

8 Q This is the morning of the robbery.

9 A Okay. Just us three and they grandma. They grandma  
10 that was there.

11 Q What is the grandmother's name?

12 A Beulah Mae Hickson.

13 Q She was present at her house on the morning of the  
14 25th?

15 A Yes, sir.

16 Q When you went there to pick up her grandsons Javier  
17 and Artrell?

18 A Yes, sir.

19 Q About what time did you get there?

20 A At about 8:30.

21 Q What did you do when you got there?

22 A I got out of the truck and went inside and got them.

23 Q Did you then leave their house and go back to your  
24 house?

25 A No, sir. I went straight to my grandma's house.

1 Q Listen to my question. I know you're nervous.

2 A Yea.

3 Q You've testified that on the morning of the  
4 robbery --

5 A Uh-huh.

6 Q -- you drove the Tahoe to Mrs. Beulah Mae Hickson's  
7 house?

8 A Uh-huh.

9 Q That was the first thing in the morning; is that  
10 correct?

11 A Yes, sir.

12 Q You were there a few moments; is that correct?

13 A Yes, sir.

14 Q What did you do when you left back there? Where did  
15 you go?

16 A Oh, I went back to Sabrina's house.

17 Q You went back to Sabrina's that house?

18 A Yes, sir...

19 Q By yourself?

20 A Yes, sir.

21 Q Then what did you ask Sabrina to do?

22 A I asked her to take me back to the house.

23 Q Back at their house. About what time are you and  
24 Sabrina going back to the Hickson's residence?

25 A About I would say 9:30.

- 1 Q Did you go inside?
- 2 A Yes, sir.
- 3 Q Did Sabrina remain in the car?
- 4 A Yes, sir.
- 5 Q All right. What happened next?
- 6 A We -- they got a bookbag. Artrell had got his
- 7 bookbag and he had some stuff in it. I don't know -- he
- 8 had clothes, clothes in there and we went back to the car.
- 9 Q Who went back to the car?
- 10 A Us three.
- 11 Q You, Javier, and Artrell Hickson; is that correct?
- 12 A Yes, sir.
- 13 Q Did you testify that Artrell Hickson had a bookbag?
- 14 A Yes, sir.
- 15 Q What color was it?
- 16 A It was black.
- 17 Q Where did they put the bookbag?
- 18 A Inside the car.
- 19 Q Where were you sitting when you left?
- 20 A I was in the front seat, passenger side.
- 21 Q Who was seated in the back seat?
- 22 A Artrell and Javier.
- 23 Q Where did you go after you left the Hickson house for
- 24 the second time that morning?
- 25 A My grandmother.

- 1 Q Where does your grandmother live?
- 2 A New Ellenton, 519 Camel Street.
- 3 Q What is her name?
- 4 A Cara Mae Gray.
- 5 Q Why did you go to your grandmother's house that
- 6 morning?
- 7 A They said they needed some gloves so I went and got
- 8 my granny's gloves out the drawer.
- 9 Q You went to your grandparent's house and took your
- 10 granddaddy's gloves?
- 11 A Uh-huh.
- 12 Q Where did you go next?
- 13 A Went to Aiken. We stopped by Walmart.
- 14 Q Which Walmart?
- 15 A South side.
- 16 Q Where did you park?
- 17 A In front of Walmart.
- 18 Q Anybody get out of the car?
- 19 A Javier. Javier and me.
- 20 Q Where did y'all go?
- 21 A We went inside Walmart.
- 22 Q Who works at the Walmart?
- 23 A His girlfriend Crystal.
- 24 Q Do you know her full name?
- 25 A Harris.

- 1 Q Who else works at the Walmart?
- 2 A His sister Monique.
- 3 Q Monique Hickson?
- 4 A Yes, sir.
- 5 Q At some point you left the Walmart. Did you get back
- 6 in the Tahoe?
- 7 A Yes, sir.
- 8 Q What did Javier do?
- 9 A He got Crystal car.
- 10 Q What kind of car does Crystal have?
- 11 A She had a Cavalier, Chevrolet Cavalier.
- 12 Q What color was it?
- 13 A Beige.
- 14 Q A beige Cavalier. Did you get back in the Tahoe?
- 15 A Yes, sir.
- 16 Q Who is still in your back seat?
- 17 A Artrell.
- 18 Q All right. Where did you go next?
- 19 A Graniteville.
- 20 Q Who follows you?
- 21 A Javier.
- 22 Q In what vehicle?
- 23 A The Cavalier.
- 24 Q Where in Graniteville did you go?
- 25 A Kalmia Apartments.

- 1 Q What happened when you got to Kalmia Apartments?
- 2 A We parked in front of some apartments.
- 3 Q What did you do then?
- 4 A We got out.
- 5 Q Did you see anybody there?
- 6 A Yes, sir.
- 7 Q Who did you see?
- 8 A Devon.
- 9 Q Devon as in Devon Jones?
- 10 A Yes, sir.
- 11 Q Who was he talking to?
- 12 A Artrell.
- 13 Q Did Devon Jones know of the plan to rob this bank?
- 14 A Yes, sir.
- 15 Q Was he given a role?
- 16 A Yes, sir.
- 17 Q What was his role to be?
- 18 A The getaway.
- 19 Q And how was he to be to getaway? What vehicle were
- 20 you taking to the bank?
- 21 A Crystal car, the beige Cavalier.
- 22 Q The beige Cavalier. Who was to drive it?
- 23 A Devon.
- 24 Q Where did you get your clothes ready for the robbery?
- 25 A Outside of the car in front of the apartments.

1 Q What did you wear?

2 A I had some black pants on and a white t-shirt -- well  
3 a black t-shirt, too.

4 Q What did you have covering your face?

5 A A white t-shirt.

6 Q What was Artrell and Javier wearing?

7 A Artrell had a black hoodie and Javier had two black  
8 hats. He had a hat on top of a hat.

9 Q Javier had a bandanna?

10 A Yes, sir.

11 Q Where were the guns?

12 A They were in the bookbag.

13 Q What gun were you given?

14 A A .25 pistol.

15 Q Chrome?

16 A Chrome.

17 Q When was the first time you seen that gun?

18 A That was the first time.

19 Q What other gun did you see?

20 A A black 40.

21 Q A big black gun?

22 A Uh-huh.

23 Q Did you see what kind of gun Javier was given?

24 A No, sir.

25 Q All right. So, you and your co-defendants have

1 readied yourselves. You've put on your clothes,  
2 distributed the guns. Devon is going to drive you in the  
3 beige Cavalier.

4 A Yes, sir.

5 Q You leave out of Kalmia Apartments at that point?

6 A Yes, sir.

7 Q Where do you go?

8 A Goes behind the bank.

9 Q And what was the plan as far as how you were going to  
10 get back in that car?

11 A Get dropped off. We got dropped off behind the bank.  
12 The plan was to go inside of the bank as he drive around  
13 the bank as soon as we come out he should be out there  
14 ready for us to get in the car.

15 Q Was he to circle the bank?

16 A Yes, sir.

17 Q Who all went into the bank?

18 A Me, Artrell, and Javier.

19 Q The three of y'all.

20 A The three of us.

21 Q What was your role?

22 A My role was to be the watch-out.

23 Q Kind of the front of the bank where the doors are?

24 A Yes, sir.

25 Q What were Artrell's and Javier's roles to be?



- 1 A To go get the money.
- 2 Q How long did the robbery take?
- 3 A No longer than 10 minutes.
- 4 Q How about a few second, maybe?
- 5 A A few seconds. You could say that.
- 6 Q After the robbery did you run out the door?
- 7 A Yes, sir.
- 8 Q Did Javier did run out the door?
- 9 A Yes, sir.
- 10 Q Did Artrell run out the door?
- 11 A Yes, sir.
- 12 Q Who do you think was the last one out the door?
- 13 A Artrell.
- 14 Q What happened to your ride, Mr. Kearse?
- 15 A He wasn't there. He was gone.
- 16 Q He left you. What did y'all do next?
- 17 A We was in the wooded area where it is getting cleared
- 18 off.
- 19 Q Did you start running?
- 20 A Yes, sir.
- 21 Q Who was running right with you?
- 22 A Javier.
- 23 Q And then at some point did Artrell meet up with you?
- 24 A Yea. He caught up with us.
- 25 Q Where did the three of y'all meet up?

- 1 A Behind a blue water tower.
- 2 Q A blue water tower. And what was done when you met  
3 up behind the blue water tower?
- 4 A Artrell went to separate the money.
- 5 Q Separate the money. You were given some money?
- 6 A Yes, sir.
- 7 Q Were everybody's gloves on or off when this money was  
8 distributed?
- 9 A Our gloves was on, but as we was getting the money --  
10 as we done got settled we took them off.
- 11 Q When you started distributing the money everybody had  
12 the gloves on?
- 13 A Uh-huh.
- 14 Q What kind of gloves did you have on?
- 15 A A latex glove and a regular glove.
- 16 Q You had your granddaddy's glove on one hand?
- 17 A Uh-huh.
- 18 Q And a latex glove on the other?
- 19 A Yes, sir.
- 20 Q What about the glove -- did you give one of your  
21 granddaddy's gloves to either Artrell or Javier?
- 22 A Javier.
- 23 Q You gave one of your gloves to Javier?
- 24 A Yes, sir.
- 25 Q So, once the money is divided up what happens next?

1 A Durango sees one of us and we run off. I ran off and  
2 then they ran off too.

3 Q Was anybody running with you at that point?

4 A No, sir.

5 Q Did you have a telephone on you?

6 A Yes, sir.

7 Q Back in June of 2009 did you have your own phone?

8 A Yes, sir.

9 Q Did you have your phone with you that day?

10 A Oh, no, sir.

11 Q Mr. Kearse, whose phone did you have?

12 A Artrell Hickson.

13 Q Artrell Hickson's phone. Why did you have his phone?

14 A He gave it to me.

15 Q When did he give it to you?

16 A As we was in the woods.

17 Q So you continued to run?

18 A Yes, sir.

19 Q And you ultimately were caught; is that correct?

20 A Yes, sir.

21 Q With Artrell's phone did you start calling anybody  
22 else's phone?

23 A Yes, sir.

24 Q Whose phone were you calling?

25 A I called my mother and Sabrina's phone.

1 Q Do you remember if you called Javier's phone?

2 A No, I didn't call his phone.

3 Q And at some point you were arrested under a shed; is  
4 that correct?

5 A Yes, sir.

6 Q And when you were arrested you had a gun on you; is  
7 that correct?

8 A Yes, sir.

9 Q And you had some money on you?

10 A Yes, sir.

11 Q Quite a few \$5 bills; is that correct?

12 A Yes, sir.

13 Q You were placed under arrest?

14 A Yes, sir.

15 Q Taken to the Sheriff's Office?

16 A Yes, sir.

17 Q You were read your miranda rights?

18 A Yes, sir.

19 Q And then at that point you agreed to tell  
20 Investigator Greg Savell what you had done; is that  
21 correct?

22 A Yes, sir.

23 Q And also to tell what Mr. Javier Hickson and  
24 Mr. Artrell Hickson had done; is that correct?

25 A Yes, sir.

1 Q Let me get you to step down. I want to show you some  
2 exhibits. Step over here for a minute. Let me show you  
3 what's in evidence as State's No. 12. I want you to  
4 orient us on this bank robbery. Where are you?

5 A I am right there in the white.

6 Q Get up there and point out for the jury. You are  
7 wearing the white t-shirt on your head. This little short  
8 guy here with the long pants, who is he?

9 A Artrell.

10 Q Artrell Hickson. Stand away for me so the people  
11 behind you can see. Who is standing right here with the  
12 bandanna tied around his head?

13 A That's Javier.

14 Q Let me show you State's No. 15. Where are you in  
15 this picture, Mr. Kearse?

16 A Right here.

17 Q And tell me about these gloves you're wearing. What  
18 glove is this?

19 A That's the regular -- regular glove, I think. I  
20 really can't tell.

21 Q I hate to keep saying, but is that is that your  
22 grandfather's glove on your left hand?

23 A Yes, sir.

24 Q And this kind of clear glove, what is that on your  
25 right hand?

1 A Latex.

2 Q Who is this standing right behind you?

3 A Javier.

4 Q Javier Hickson?

5 A Yes, sir.

6 Q Let me show you what's marked in evidence as

7 State's No. 16. Who is that a photograph of?

8 A That's Javier.

9 Q Is that Javier or Artrell? Who had the big Glock?

10 A That's Artrell.

11 Q Let me show you what's marked as State's No. 18 in

12 evidence. Mr. Kearse, who is this?

13 A That's Javier.

14 Q Is that the blue bandanna he was wearing?

15 A Yes, sir.

16 Q Is that his backpack?

17 A Yes, sir.

18 Q Is that the backpack that you had seen earlier that

19 day?

20 A Yes, sir.

21 Q Now, is that Artrell's backpack or Javier's backpack?

22 A Artrell's.

23 Q Let me show you one more picture, State's No. 19.

24 All right. That blue bandanna, is that Javier?

25 A Yes, sir.

1 Q And do you notice his his right hand?

2 A Uh-huh.

3 Q What do you notice is on his right hand? Is he  
4 wearing a glove?

5 A Yes, sir.

6 Q Is that the right glove?

7 A Yes, sir.

8 Q You were wearing the left glove?

9 A Yes, sir.

10 Q You gave Javier the right glove?

11 A Yes, sir.

12 Q Have a seat for me, please. Let me show you what's  
13 in evidence as State's 13. Is this the handgun you used  
14 to commit that armed robbery?

15 A Yes, sir.

16 MR. THURMOND: Mr. Kearse, that's all the questions I  
17 have for you. Thank you.

18 THE COURT: Just sit tight. All right.

19 Mr. Foreman, ladies and gentlemen, we're going to  
20 take a quick bathroom break. Don't discuss the case.  
21 Don't start deliberating. We're going to go until about  
22 5, I suspect, depending on what else we got left, but we  
23 will not finish tonight. I'll talk to you a little bit  
24 about the situation tomorrow.

25 THE BAILIFF: Everyone remain seated.

1 THE COURT: Thank you. Y'all step on out.

2 (Whereupon, the jury exited the courtroom at 3:44.)

3 THE COURT: A couple of things. Anything for the  
4 record before we break by the State?

5 MR. THURMOND: No, sir.

6 THE COURT: Mr. Kelley Perkins Brown?

7 MRS. BROWN: No, Your Honor.

8 THE COURT: Mr. Routzong?

9 MR. ROUTZONG: No, sir.

10 THE COURT: All right. Mr. Kearse, you're absolutely  
11 under in the middle of your testimony so do not discuss  
12 your testimony with anybody while we take a break. The  
13 officers will make arrangements for you to use the  
14 restroom.

15 For those in the audience, we're going to take about  
16 a 10-minute break. My admonitions about the behavior  
17 carry over into the hall. If there is any disruptions in  
18 the hall the officers are instructed to immediately detain  
19 you. Please behave as you have done so. Thank you. Ten  
20 minutes. let me see the lawyers when y'all have had a  
21 chance to go to the bathroom.

22 (Whereupon, a break was taken.)

23 THE COURT: Mr. Solicitor, what is your decision on  
24 that? For the record when I say that, we had an  
25 in-chambers discussion in connection with cross



1 examination and a discussion on State versus --

2 MRS. BROWN: Mizell.

3 THE COURT: Mizell?

4 MRS. BROWN: Yes, Your Honor.

5 THE COURT: Dealing with biased testimony or showing  
6 bias by -- showing the amount of time that the witness is  
7 potentially facing because there's not been a negotiation  
8 or plea agreement at this point in time.

9 MR. THURMOND: Judge, the case says what it says.

10 THE COURT: It does say what it says. We'll just go  
11 ahead and continue like we've been doing.

12 Bring the jury in, please.

13 MR. THURMOND: Your Honor, could I be heard on one  
14 more point?

15 THE COURT: Hold on, Ms. Jimmie.

16 MR. THURMOND: I assume that inquiry would end with  
17 you're looking at 10 to 30 on the armed robbery and not  
18 get into the discussion of 85 percent and all this  
19 business?

20 THE COURT: That's correct. Very succinct. All  
21 right.

22 (Whereupon, the jury came into open court at  
23 approximately 4:03.)

24 THE COURT: Mrs. Kelley P. Brown, you may cross.

25 CROSS-EXAMINATION

1 BY MRS. BROWN:

2 Q Mr. Kearse, you had a conversation with Investigator  
3 Greg Savell right after they arrested you for this, didn't  
4 you?

5 A Yes, sir. Yes, ma'am.

6 Q And you gave him a little bit different story than  
7 you gave to the jury today, didn't you?

8 A Yes, ma'am.

9 Q In fact, you told him that y'all had met at the  
10 Sunshine Club that morning; correct?

11 A Yes, ma'am, but I didn't remember.

12 Q You didn't give any information about Sabrina Oakman  
13 being involved, did you?

14 A No, ma'am.

15 Q What?

16 A No, ma'am.

17 Q Because y'all aren't just dating. She's the mother  
18 of your kids; right?

19 A Correct.

20 Q And you were just trying to keep her out of it,  
21 weren't you?

22 A (No response.)

23 Q You were trying to keep her out of it, weren't you?

24 A No, ma'am.

25 Q No?

1 A She's not involved.

2 Q Well, but your testimony today was that you had her  
3 drive back to Artrell and Javier's grandmother's house and  
4 had her pick them up; right?

5 A Yes, ma'am.

6 Q You didn't tell that that Investigator Savell, did  
7 you?

8 A No, ma'am.

9 Q And you didn't tell Investigator Savell about any  
10 meetings that y'all had in the week or two prior to this,  
11 did you?

12 A No, ma'am.

13 Q In fact, you told him that you had met up with these  
14 boys earlier at the Sunshine Club; right?

15 A I think I did.

16 Q And that y'all left directly from there; right?

17 A Yes, ma'am.

18 Q And you didn't tell them anything about having met up  
19 and divided money, did you?

20 A No, ma'am.

21 Q In fact, you told him -- the only thing you told him  
22 about afterwards was throwing away a gun; right?

23 A Yes, ma'am.

24 Q A gun that they never found?

25 A Yes, ma'am.

1 Q Because your statement was you threw away one gun but  
2 you had forgotten about the gun that was in your pocket;  
3 right?

4 A No. I ain't forgot about it.

5 Q What's that?

6 A I didn't forget about it.

7 Q And that wasn't your statement to Investigator  
8 Savell?

9 A Yes, it was.

10 Q It was?

11 A Yes, ma'am.

12 Q So, you lied on several occasions during that  
13 conversation with Investigator Savell, didn't you?

14 A I was nervous at the time when I got caught.

15 Q Oh, you were nervous at the time?

16 A Yea, I was scared.

17 Q Scared?

18 A Yes, ma'am.

19 Q So, right there when everything was fresh and you're  
20 nervous and scared you lied about what happened?

21 A Repeat that one more time.

22 Q So when you were nervous and scared you lied about  
23 what happened?

24 A Yes, ma'am. It was just words coming out. I was  
25 scared. Put it like that. I just --

1 Q Yes. You lied?

2 A Uh-huh.

3 Q Correct?

4 A Yea. Yes, ma'am.

5 Q You're facing a pile of time for this charge, aren't

6 you?

7 A I don't know.

8 Q You don't know?

9 A No, ma'am.

10 Q You don't know that you're facing 10 to 30 years on

11 an armed robbery?

12 A No, ma'am.

13 Q Oh, you don't know that? Your lawyer hasn't gone

14 over that with you?

15 A Yes, he has. Yes, ma'am.

16 Q Well, which is it? Yes or no you know how much time

17 you're facing?

18 A Yes, ma'am.

19 Q So that was another lie just then, wasn't it?

20 A I am not looking at that time. I'm just -- I know

21 what I am facing, but I am not looking at that time.

22 Q You're not looking at that time? You're not looking

23 at that time because you're here telling this story to the

24 jury? So you're not worried about that?

25 A I am not saying that.

1 Q You're hoping to help yourself out here today, aren't  
2 you?

3 A Yes, ma'am.

4 Q Just like you're looking to help yourself because you  
5 know that you're looking at up to five years on that  
6 possession of that gun during the commission of a violent  
7 crime, aren't you?

8 A Yes, ma'am.

9 Q Looking to help yourself out.

10 No further questions, Your Honor.

11 THE COURT: Mr. Routzong?

12 CROSS-EXAMINATION

13 BY MR. ROUTZONG:

14 Q Afternoon, Mr. Kearse.

15 A How are you doing?

16 Q I'd like to ask you to look at State's Exhibit --  
17 what's been admitted as State's Exhibit No. 17. Remember  
18 when you were standing over here just a second ago you  
19 first identified that as Javier Hickson, didn't you?

20 A Yes, sir.

21 Q Okay. Thank you. You spoke to Investigator Savell.  
22 You didn't say anything about Devon Jones?

23 A No, sir.

24 Q Beige car?

25 A Oh, no, sir.

1 Q You were the person that was wearing the white  
2 t-shirt; right?

3 A Yes, sir.

4 Q Can you refresh my memory? How long have you said  
5 that you've known the Hicksons?

6 A For a good -- a long time. Since we were young since  
7 I would say elementary.

8 Q Just a second, Your Honor. That's it, Your Honor.

9 REDIRECT EXAMINATION

10 BY MR. THURMOND:

11 Q Mr. Kearse, just brief follow up. The document that  
12 Mrs. Kelley Brown cross examined you about she attributed  
13 as your statement was Investigator Savell's typed  
14 rendition of what he says you said; is that correct?

15 A Yes, sir.

16 Q You declined to give a videotaped statement the  
17 afternoon that you were arrested; right?

18 A Yes, sir.

19 Q You declined to give a written statement?

20 A Yes, sir.

21 Q So, everything that's in his typed report is his  
22 rendition of what you said?

23 A Yes, sir.

24 Q It may not be everything you said.

25 A (No response.)

1 MR. THURMOND: That's all the questions I have.

2 THE COURT: Thank you. You may step down. Next

3 witness.

4 MS. RINGLER: Crystal Harris, Your Honor.

5 THE COURT: Hold on one second. Just go right there

6 with the Sheriff.

7 MS. RINGLER: Crystal Harris.

8 CRYSTAL C. HARRIS, after being duly sworn,

9 testified as follows:

10 THE CLERK: Have a seat in the witness box. State

11 your full name for the court spelling your last.

12 THE COURT: State your full name for the record,

13 please.

14 THE WITNESS: Crystal Carhonda Harris.

15 DIRECT EXAMINATION

16 BY MS. RINGLER:

17 Q Ms. Harris, you date Javier Hickson; is that correct?

18 A Right.

19 Q You were dating in June of 2009?

20 A Yes.

21 Q Do you own a Chevy Cavalier?

22 A Yes.

23 Q Did you own it in June of 2009?

24 A Yes.

25 Q What color is your Chevy Cavalier?



1 A Gold.

2 Q Nothing further from the state.

3 THE COURT: Cross?

4 MRS. BROWN: No, Your Honor.

5 THE COURT: Mr. Routzong?

6 MR. ROUTZONG: No, sir.

7 THE COURT: You may step down. Thank you. Next  
8 witness.

9 MR. THURMOND: Your Honor, the State rests.

10 THE COURT: Thank you. Mr. Foreman, ladies and  
11 gentlemen of the jury, that concludes the testimony by the  
12 state. I am going to ask you the step back to your jury  
13 room just for a second to determine how much more  
14 testimony we got on behalf of the Defendant. We may have  
15 some. We may not have any. I don't know quite yet, but  
16 I'll let you know. If we have some I am going to try to  
17 finish it up this afternoon. If we don't have any, we're  
18 going to probably break because it's 4:15 now and by the  
19 time we got to the arguing and charging it would be 6,  
20 6:30, 7. We would be running late. So, I think what  
21 we'll do is just start in the morning fresh and if we're  
22 through with the testimony we'll leave. If not, we'll  
23 come back and finish it up.

24 Step back there just for a second. Let me make the  
25 determination. Then I'll get you back.

1 (Whereupon, the jury exited the courtroom at 4:15.)

2 THE COURT: All right. Anything from the State?

3 MR. THURMOND: No, sir.

4 THE COURT: Motions by the Defendant on behalf of --  
5 Mrs. Kelley Perkins Brown, on behalf of your client any  
6 motions?

7 MRS. BROWN: Yes, Your Honor. May it please the  
8 court. Your Honor at this time on behalf of my client  
9 Mr. Artrell Hickson I would request that the court direct  
10 a verdict of not guilty to the two indictments, one for  
11 armed robbery and one for possession of a weapon during  
12 the commission of a violent crime. Your Honor, taking the  
13 evidence in the light most favorable to the State there  
14 has been no credible evidence presented which would link  
15 Mr. Hickson to these crimes by which the jury could find  
16 him guilty beyond a reasonable doubt and we would move  
17 that the directed verdict be granted.

18 THE COURT: Thank you. Respectfully denied. I think  
19 you hit the nail on the head. You say no credible  
20 evidence. There's been plenty of evidence and the jury  
21 determines whether or not it's credible. I respectfully  
22 deny your motion.

23 Mr. Routzong?

24 MR. ROUTZONG: As to Javier Hickson, Your Honor, we  
25 would join that motion.

1 THE COURT: For the same reason I respectfully deny  
2 it. All right.

3 Mr. Javier Hickson and Mr. Artrell Hickson, would  
4 y'all please stand and raise your right hand?

5 JAVIER HICKSON AND ARTRELL HICKSON, after being  
6 duly sworn, testified as follows:

7 THE COURT: You can be seated. Gentlemen, let me  
8 explain to you a couple of things. We're at the stage of  
9 the trial now where, obviously, you have the right to  
10 present your own defense. That includes calling any  
11 witness that you deem necessary to call, introducing any  
12 evidence or any exhibits that are relevant to the case,  
13 and, more importantly, you have the right to testify in  
14 your own defense. Okay?

15 You also have the right to claim the protections  
16 given to you by the Fifth Amendment of the Constitution to  
17 the United States which states in part that no person  
18 shall be compelled in a criminal case to be a witness  
19 against himself. What that means is that you have the  
20 absolute right to remain silent. You do not have to  
21 testify in this case. If you choose to testify,  
22 obviously, you'll be put on the witness stand, put under  
23 oath, and you'll be subjected to the same rules of  
24 evidence that every other witnesses have been subjected to  
25 including cross examination and if you -- Do they have

1 prior records that would be impeachable?

2 MRS. BROWN: No, Your Honor.

3 THE COURT: Neither one?

4 MR. ROUTZONG: I think Mr. Javier Hickson, Your  
5 Honor, has a possession with intent to distribute that is  
6 probably impeachable.

7 THE COURT: Mr. Javier Hickson, if you were to  
8 testify then the state may could use your prior record to  
9 attack your credibility or believability. If they tried  
10 to do so, obviously, I would have to weigh the fact as to  
11 whether or not it was more prejudicial than probative or  
12 more probative than prejudicial before I would let them  
13 introduce that, but if I did allow them to introduce it it  
14 would simply be to attack your credibility and I will  
15 instruct the jury that that is the only reason they could  
16 use that prior record. That is if you testified.

17 If you exercised your constitutional right to remain  
18 silent, then when I instruct the jury or when I charge the  
19 jury one of the main charges would be that, ladies and  
20 gentlemen of the jury panel, these Defendants have chosen  
21 not to testify. You cannot hold the fact that they did  
22 not testify against them in any manner whatsoever. In  
23 fact, I would instruct them that they can't even consider  
24 the fact that you did not testify when they deliberate  
25 your guilt or innocence. It would be a violation of their

1 oath to even talk about the fact that you didn't testify  
2 when they deliberated your case.

3 So, that's what I would tell them if you choose not  
4 to testify. Obviously, whether or not you exercise this  
5 constitutional right is a personal right that you  
6 individually must decide. I will give you an opportunity  
7 to talk to your lawyers, talk among yourselves or however  
8 you want to do it before you make that choice.

9 First of all, Mr. Javier Hickson, do you understand  
10 what I've told you?

11 THE DEFENDANT JAVIER HICKSON: Yes, sir.

12 THE COURT: Any questions you'd like to ask me about  
13 your Fifth Amendment right to remain silent?

14 THE DEFENDANT JAVIER HICKSON: No, sir.

15 THE COURT: Mr. Artrell Hickson, do you understand  
16 what what I've told you?

17 THE DEFENDANT ARTRELL HICKSON: Yes, sir.

18 THE COURT: Do you have any questions you'd like to  
19 ask me about your Fifth Amendment right to remain silent?

20 THE DEFENDANT ARTRELL HICKSON: No, sir.

21 THE COURT: And do y'all need additional time to  
22 discuss it with your lawyers or are you in a position now  
23 to tell me whether or not you will testify in the trial of  
24 the case. Mr. Artrell Hickson? Are you going to testify  
25 or are you going the exercise your right to remain silent?

1 THE DEFENDANT ARTRELL HICKSON: Remain silent.

2 THE COURT: And, Mr. Javier Hickson, what is your  
3 decision?

4 THE DEFENDANT JAVIER HICKSON: The same.

5 THE COURT: And in exercising that right and making  
6 that decision, obviously, the jury will be informed what I  
7 just told you about failure of the defendant to testify.  
8 It will be a charge on that and I'll tell them exactly  
9 what I just told you and, obviously, that they cannot hold  
10 the fact that you do not testify against you in any manner  
11 what several. Okay?

12 Now, Mrs. Kelley Perkins Brown, do you intend to  
13 offer any additional witnesses?

14 MRS. BROWN: No, Your Honor.

15 THE COURT: And Mr. Michael Routzong?

16 MR. ROUTZONG: No, sir.

17 THE COURT: Okay. Well, it is 4:25. I think what I  
18 am going to do is bring the jury back out and tell them  
19 that we have concluded all of the testimony. I am going  
20 to excuse them and as I told you in chambers we will not  
21 be able to start at 9:30 in the morning. We will start at  
22 10 because of a personal commitment my court reporter has  
23 and it is very, very seldom that she asks for an  
24 additional 30 minutes, but I am going to give it to her  
25 tomorrow.

1           We'll start right at 10 and, gentlemen, when we come  
2 in in the morning we'll be at the stage of the trial where  
3 we will listen to the closing arguments made by the state,  
4 by your lawyers, and then I will instruct or charge the  
5 jury on the law in the case. I'll go over that law with  
6 your lawyers this afternoon before they leave.

7           Mrs. Kelley Perkins Brown, you've asked me for a copy  
8 of my reasonable doubt charge. I have it right here. If  
9 you'll remind me when we take the break I will be more  
10 than happy to go back in the back and copy it for you.

11           Anything else by the state?

12           MS. RINGLER: Nothing from the State, Your Honor.

13           THE COURT: By Mrs. Kelley Perkins Brown?

14           MRS. BROWN: Yes, Your Honor. As in essence the  
15 defense has rested I would renew my motion for directed  
16 verdict on behalf of Artrell Hickson.

17           THE COURT: And likewise, Mr. Routzong?

18           MR. ROUTZONG: Yes, sir.

19           THE COURT: For the same reason, respectfully denied.  
20 Anything else?

21           MRS. BROWN: Your Honor, I would assume that  
22 Mr. Routzong and I are able to use amongst ourselves the  
23 order in which we close?

24           THE COURT: I will give you that opportunity.

25           MRS. BROWN: Thank you, Your Honor.

1 THE COURT: Anything else?

2 MR. THURMOND: For purposes of preparation did  
3 Mrs. Brown introduce the statement?

4 THE COURT: I think she did. Didn't you introduce  
5 evidence?

6 MRS. BROWN: No, Your Honor. I moved nothing into  
7 evidence.

8 THE COURT: Is that correct, Mrs. Lisa?

9 THE COURT REPORTER: I think she just marked it for  
10 ID.

11 THE COURT: So they'll have the final say. Is that  
12 your understanding, Mrs. Kelley?

13 MRS. BROWN: Yes, Your Honor.

14 THE COURT: I assume you that did that for a purpose.

15 MRS. BROWN: Yes, sir.

16 THE COURT: Mr. Routzong, is that your understanding?

17 MR. ROUTZONG: Yes, sir.

18 THE COURT: Gentlemen, what I'm talking about when  
19 you don't introduce exhibits or evidence and you do not  
20 take any -- strike that -- and you do not introduce any  
21 witnesses or testimony you have the right for the last  
22 argument. So, normally the state does, but you'll have  
23 that argument tomorrow.

24 Explain that to them, please, ma'am.

25 MRS. BROWN: I have.



1 THE COURT: Anything else?

2 Mert, see if you can get my jury in.

3 Everybody please remain seated.

4 (Whereupon, the jury came into open court at  
5 approximately 4:24.)

6 THE COURT: Mr. Foreman, ladies and gentlemen, that  
7 will conclude all of the testimony in the case. What we  
8 have left is the final argument by the state, final  
9 arguments by each Defendant, and then my charge. My  
10 charge is about 10 minutes, 12 minutes, 15 at the most. I  
11 don't limit the lawyers on their argument, but I don't  
12 suspect it will be real, real long. So, if we start at 10  
13 in the morning it should be in your hands by -- I am not  
14 going to say -- before lunch.

15 Here is what we'll do. I'll have you some  
16 refreshment in the morning like we did this morning. I'll  
17 try to have some fruit tomorrow. I'll get more sausage  
18 biscuits. I had to eat the ones y'all didn't eat. That's  
19 terrible. We'll come on out and hear the arguments.  
20 You'll hear my instructions. Depending on where we are  
21 probably close to lunch time and I'll give you an  
22 opportunity to see how we're running. If we have to we'll  
23 order lunch in so you don't have to go out and continue  
24 with your deliberations so you can be efficient with your  
25 time. So, we'll just see how we're running at that time.

1 I am going to ask you once again please do not  
2 discuss the case. Do not do any deliberating. Don't go  
3 home and do any internet research about armed robbery or  
4 anything of that nature, please. We try these cases based  
5 simply on what we hear in the courtroom.

6 Does anyone need a ride? We okay with everyone? All  
7 right.

8 Mr. Bailiff, officers, how about y'all escort the  
9 jury out?

10 Everyone else remain seated, please.

11 I'll see you bright and early in the morning. We'll  
12 start at 10. If you want your biscuits be here a few  
13 minutes early. Have a very pleasant evening.

14 (Whereupon, the jury exited the courtroom at 4:26.)

15 THE COURT: Ladies and gentlemen in the audience, I  
16 am going to ask that you please remain seated. I am going  
17 to go in my chambers and meet with the lawyers for a  
18 second.

19 Ladies, y'all may leave. See you in the morning.

20 Officer, I am going to let the bank tellers leave out  
21 this door. Go on down -- these ladies right here. You're  
22 going to get a message from downstairs when they're clear?

23 THE POLICE OFFICER: Yes, sir.

24 THE COURT: When the jurors have cleared the  
25 courthouse, everyone else will be allowed to leave at that

1 time. Thank you for being courteous to everyone this  
2 afternoon.

3 (Whereupon, the proceedings were concluded for the  
4 day and were reconvened on September 22, 2010 as  
5 follows:)

6 THE COURT: While we're waiting for them to complete  
7 their wardrobe, as to the charge any specific requests by  
8 the state?

9 MS. RINGLER: None from the State, Your Honor.

10 THE COURT: By the Defendant Brown?

11 MRS. BROWN: No, Your Honor.

12 THE COURT: Routzong?

13 MR. ROUTZONG: No, sir.

14 THE COURT: Very well.

15 (Whereupon, a break was taken.)

16 THE COURT: Is the State ready to proceed?

17 MR. THURMOND: Yes, Your Honor.

18 THE COURT: Is the Defendant ready to proceed?

19 MR. ROUTZONG: Yes, sir.

20 THE COURT: Where is the clients?

21 MRS. BROWN: They won't leave them out here when  
22 we're at ease.

23 THE COURT: Bring them in.

24 (Whereupon, both Defendants entered the courtroom.)  
25

1           (Whereupon, the jury came into open court at  
2           approximately 10:05.)

3           THE COURT: Good morning, Mr. Foreman, ladies and  
4           gentlemen. I'm sorry about the parking situation. I'm  
5           going to talk with the clerk and we're going to start  
6           getting some reserved parking for you. I apologize. If  
7           anybody gets a ticket today -- I don't know if you would  
8           or not. Do they have meters out there? If you get a  
9           ticket, let me know. I'll make sure that's taken care of.

10          What we got left is the closing arguments. Just like  
11          opening arguments this is not evidence in the case.  
12          Obviously, you've already heard all the evidence from  
13          which you'll make your determination as to what is the  
14          true facts. Each side, obviously, represents their  
15          clients so they'll be arguing as adversaries, arguing to  
16          you the evidence as they seem to think it came out as in  
17          their client's best interest, but the arguments are not  
18          evidence.

19          Please listen carefully to both sides. Once they  
20          have completed their arguments, then I will charge or  
21          instruct you on the law which it's not a very long charge.  
22          So, we should have the case to you sometime early this  
23          morning. Thank you.

24          Mr. Solicitor?

25          MR. THURMOND: Thank you, Your Honor. May it please

1 the court.

2 CLOSING STATEMENT

3 MR. THURMOND: Mr. Foreman, ladies and gentlemen of  
4 the jury, good morning. I want to talk with you about a  
5 couple of things today. I want to talk to you about the  
6 law in the case. I want to talk about the facts of the  
7 case and how those facts apply to the law.

8 The crime is armed robbery and the crime is  
9 possession of a firearm during the commission of a violent  
10 crime. I am going to let the Judge read the statutes to  
11 you, but it's common sense you can't go into a bank with a  
12 firearm pointed at people, demand money from them, take  
13 the money from them, and run out. You don't need a law  
14 degree to know that. You need common sense to know that.

15 That's what this case is really about. It's about  
16 common sense. We all come from different walks of life,  
17 from different backgrounds. This jury was picked for this  
18 trial for this moment to tell us what happened in this  
19 case. When you came through the metal detector downstairs  
20 if you had a pocketknife you had to leave that in the car.  
21 You may have had to leave the cellphone in the car. You  
22 may have had to leave your personal belongings in the car,  
23 but you brought your common sense up here with you. You  
24 brought your life experiences up here with you and that's  
25 going to be important in telling us what the truth is in

1 this case and telling us what happened on June 25 of 2009.

2 In their opening statements Mrs. Brown and  
3 Mr. Routzong talked a lot. Mrs. Brown talked in an  
4 analogy that a trial is like a football game. I think  
5 Ms. Tonya Key and her colleagues at the bank who have been  
6 here all week -- I think it's a little more serious than a  
7 game. We try cases up here all week long, all day long,  
8 all year long. Sometimes victims will take the stand and  
9 testify, get out the courthouse, they did their job, go on  
10 with their lives, go on with their daily duties, their  
11 daily obligations. These ladies have sat here for three  
12 days waiting to see what y'all are going to do with this  
13 case.

14 Mr. Routzong talked -- and he's a philosopher --  
15 about the origins of the words of truth and the origins of  
16 the words of justice and the philosophical connotations of  
17 those. Mrs. Brown talked about the cloak of  
18 righteousness, and all of that stuff is important and  
19 interesting and some of it sounds like it ought to be in a  
20 classroom setting in a college philosophy course or in a  
21 Shakespeare play, but let me tell you what the law is.

22 Reasonable doubt. Are you firmly convinced that  
23 Artrell and Javier Hickson did it or not? Firmly  
24 convinced. It's not a burden that can't be reached. It  
25 is a high burden. We welcome that burden. That's what

1 the State of South Carolina does in criminal prosecutions.  
2 Are you firmly convinced they did it? All of this  
3 high-minded talk about cloaks of righteousness and origins  
4 of words, it's interesting but it doesn't really appeal to  
5 your common sense. You've heard everything that's happened  
6 in this case. Everything. Are you firmly convinced that  
7 they did it?

8 Now let me tell you how you're going to be firmly  
9 convinced and I am going to give you some reasons why you  
10 should. You may have some of your own. These are the  
11 witnesses we called. We called 17 people to tell you how  
12 this bank robbery at Security Federal on the 25th of June  
13 of 2009 happened and when we call them we kind of grouped  
14 them so they would be easy for you all to understand.

15 We have bank employees that we called first. Our  
16 next group were the law enforcement officers. Our next  
17 group were our witnesses from the community. We called  
18 Investigator James Criscillis a little out of turn because  
19 he corroborated what Randy Wilson said. Out of these 17  
20 people came in here -- and this is a vast conspiracy  
21 involving the Security Federal Bank Corporation, the Aiken  
22 County Sheriff's Office, the Aiken Department of Public  
23 Safety, the FBI, Walmart, and several members of our  
24 community who join this conspiracy, who perjured  
25 themselves to frame Artrell and Javier Hickson or they're

1 guilty of armed robbery. That's the choice. What makes  
2 sense? What does your common sense tell you is the  
3 reasonable outcome of those two choices?

4 Let me start with these ladies at the bank.  
5 Ms. Tonya key. Been there for 18 years. Works hard.  
6 Does her job. Responsible for millions of dollars of the  
7 customer's money. Any given moment they've got tens if  
8 not hundreds of thousands of dollars of cash in that bank.  
9 You think in her 18 years she takes notice of who comes in  
10 and out of that bank? You think she's learned how to size  
11 people up, to make mental notes of people? Do you think  
12 she needed training to do that or does 18 years of  
13 on-the-job experience and somebody comes in the bank and  
14 just take note of them, just file it away in your head.

15 State's no. 12. That's her office right there. She  
16 sees the guy come in her office, point a gun at her --  
17 open the vault. She freezes. Scared to death. Fear is  
18 going to be a theme kind of throughout my comments. She's  
19 scared to death. The bank robbery happens at 12 noon. At  
20 12:15 -- 15 minutes later -- she's giving a written  
21 statement the man who was standing in my doorway was 5'4.  
22 You believe her? Is she lying when she said that in 18  
23 years of experience -- the man in my doorway was 5'4,  
24 African American male, had a gun, pointed a gun at me, I  
25 was afraid for my life. He was 5'4 fifteen minutes



1 afterwards.

2 She doesn't know Artrell and Javier Hickson. She  
3 doesn't have any reason to make this up against them. She  
4 doesn't have an axe to grind with the defense in this  
5 case. That's what she saw. That's what she perceived.  
6 Her colleagues in the bank are scared to death. The right  
7 corner of this picture -- there is a Amanda Wood in the  
8 blue shirt with her hands up. Please don't kill me.  
9 Don't shoot me. She said she's about 5'3 1/2. One of the  
10 bank robbers was about her height. 5'4. The other bank  
11 robber was a little taller. 5'6. Is she making this up?  
12 That was her perception. That's what these people are  
13 trained to do when people come in that bank. They know  
14 who is coming in there.

15 State's 16 and 17, 5'4. Mr. Artrell Hickson, 5'4.  
16 Forty inches high to the lower counter. Investigator  
17 Savell came back and measured it. Mr. Routzong wanted to  
18 know when did you measure it? Who cares? Was the counter  
19 supposed to shrink? Was it supposed to grow between when  
20 the time the bank robbery occurred and when it was  
21 measured? Lower counter, 40 inches. Upper counter,  
22 56 inches. He is 5'4. Look at where it hits him on the  
23 chest. Right here.

24 This is the first time you're seeing this picture,  
25 State's No. 20 we put in evidence. I've waited until now

1 to show it to you. This is Mr. Artrell Hickson. This is  
2 how he appeared five days after the robbery June 30, 2009.  
3 You will be able to take all of this back with you. We  
4 got nothing to keep from you. Study these. Study the  
5 eyebrows of Mr. Artrell Hickson. Study the eyebrows of  
6 the man in this picture. Study the top of Mr. Artrell  
7 Hickson's nose. It's round. Study the top of the nose of  
8 the man in this picture. Study the hairstyle of  
9 Mr. Artrell Hickson. Notice in these two exhibits -- look  
10 how poofy he is around the head. He's got hair piled up  
11 under there.

12 What makes sense? They are high and tight today.  
13 Look how he looked on the 25th. His hair looked -- look  
14 at the hat he had on. Look at how the hair was piled up  
15 underneath the hat. What makes sense? What is  
16 reasonable? Be firmly convinced that this is him.

17 After these three ladies were terrorized they gave up  
18 the money. They didn't give up a lot. It's a lot to  
19 me -- \$4,900... Maybe not a lot to the bank which usually  
20 has custody of tens if not hundreds of thousands of  
21 dollars, but they gave them what they had. They didn't  
22 give them any dye packs. Forty-nine hundred bucks. They  
23 set off the alarms. They locked the doors. That is the  
24 procedure. These lady didn't take the stand and say, yea,  
25 I recognize this defendant. I recognized this defendant.

1 Yea, that looks just like Mr. Javier Hickson. That is  
2 Mr. Artrell Hickson. That's him right there. They're not  
3 saying that to you. They're not saying that to you.  
4 They're saying he was 5'4 and this is what they did to us.

5 If these bank witnesses were going to frame these  
6 Defendants as part of this conspiracy they would do a  
7 better job. They would sit in that stand and say that's  
8 him, I recognize him. I recognize his face. I recognize  
9 his eyes. They didn't do that. They didn't come in here  
10 and enhance their testimony and make that up. They told  
11 you on this witness stand what they perceived.

12 Deputy John Roberts, first law enforcement officer on  
13 the scene. He is a School Resource Officer. This bank  
14 robbery is a big deal. You got everybody and anybody in  
15 law enforcement descending on the Security Federal at that  
16 time. We got three armed gunmen with physical  
17 descriptions on the loose. They're trying to find them.  
18 Everybody goes to the bank. So he gets there, and his day  
19 job is protecting kids, making sure that the schools are  
20 safe, but he runs to the bank first. He makes sure these  
21 ladies are safe. He tells you about their demeanor.  
22 They're hysterical. They're crying. He didn't need to  
23 tell you that. You saw Ms. Wood on the stand breaking  
24 down reliving having a pistol stuck in her face over a  
25 year ago, and then on cross examination -- he's got no axe

1 to grind with Artrell and Javier Hickson. He just says I  
2 went there to make sure the door was locked, to make sure  
3 nobody was coming in and out at that point and did my best  
4 to comfort these ladies and wait for the Calvary to  
5 arrive.

6 Mr. Routzong is asking him when you went to the  
7 police academy, Mr. Roberts, is that where they taught you  
8 how to tell the truth? Folks, people in law enforcement  
9 deserve a little better than that. What did he do wrong?  
10 What did Officer Roberts do wrong? Should he not have  
11 responded? Is that how you avoid the ire of defense  
12 counsel? You not go to the bank? No. You go to the  
13 bank. He went to the bank. He did his job. He saw that  
14 that crime scene was secure and he comforted the people  
15 inside of it that had guns stuck that their face.

16 We also heard from Demetrick Drumming with dog team  
17 number two. We had dog team number one that was working  
18 this way following a scent this way in the direction of  
19 the water tower and dog team number two that was working  
20 up this direction. It was 95 degrees and I don't think it  
21 took much testimony for y'all to kind of understand that  
22 it was kind of hot for the dogs out that day. They  
23 weren't doing a very good job. They didn't catch anybody  
24 over here. They tried.

25 They finally caught Mr. Kearse up here. Here is this

1 water tower. Here is where Mr. Kearse and Mr. Artrell and  
2 Mr. Javier Hickson ran from the bank. Here is where the  
3 money was split up and David Kearse goes back up this way.  
4 That's a pretty good clip -- runs back up this way where  
5 he is ultimately caught at that shed. They use some terms  
6 like sight tracking. I think that's a fancy way of saying  
7 there were some citizens who had the courage to say,  
8 officer, I saw them go that way. Officer, they went that  
9 way. And I think that the citizens of Graniteville who  
10 were unafraid, who were willing to do the right thing, who  
11 appreciated right from wrong, who knew the importance of  
12 cooperating with law enforcement when one of our banking  
13 institutions has been robbed at gun point to tell these  
14 police officers the direction that they saw an individual  
15 who ultimately turned out to be Mr. Kearse who was  
16 apprehended right here not too far away from the bank here  
17 on Canal Street, not too far away from the Kalmia  
18 Apartments that you're going to hear about more in a  
19 little bit.

20 We called Lieutenant Clay Adams. This is kind of the  
21 state of affairs these days. It seems like everybody  
22 watches CSI and everybody watches Law and Order and I had  
23 to call a fingerprint expert to tell you we didn't find  
24 any fingerprints. That may seem kind of silly. If we  
25 don't do that, you're going to have defense counsel

1 rolling around in here in front of you, they didn't look  
2 for fingerprints. They should have looked for  
3 fingerprints.

4 Mrs. Brown talked about the little Chinese restaurant  
5 in Graniteville and if we looked to see if they had a  
6 video surveillance system that was so sophisticated it  
7 could view the traffic out on the street to see if maybe  
8 Mr. Artrell Hickson or Mr. Javier Hickson had ridden by.  
9 Is that what we are expecting of little Chinese  
10 restaurants in Graniteville?

11 Please don't go down that road. Don't trick yourself  
12 into thinking that the burden of proof is this  
13 insurmountable hurdle where every possible investigative  
14 technique must be utilized and then and only then have we  
15 met our burden. I suppose if we looked there and didn't  
16 didn't find any we could have called somebody to say we  
17 looked and didn't find any. Then it would be, well, did  
18 you check any satellite systems? Maybe NASA or somebody  
19 could have had an aerial that shown this vehicle going by.  
20 If we had the vehicle we could have said, well, yea, we  
21 did that and we've got the vehicle. Well, you should have  
22 looked in the vehicle to see if you could have found any  
23 DNA on Mr. Artrell and Mr. Javier Hickson. Then and only  
24 then will the state have met its burden, and the game that  
25 Mrs. Brown references -- the game she references is to

1 continue to move the goal lines to a field that the  
2 evidence is not playing on. I think you're smarter than  
3 that to not play that game. I think you're smart enough  
4 to focus on what we've presented to you in this case.

5 Clay adams said I was with investigator -- with  
6 Mr. Drumming with the Aiken Department of Public Safety  
7 dog team when we caution Mr. Kearse right here. I brought  
8 the dog wagon back over here. I saw Mr. Kearse taken into  
9 custody. I looked under the shed. I found \$290 in \$5  
10 bills. Artrell and Javier kind of stiffed him if there  
11 was \$4,900. Mr. Kearse is only going to have half the  
12 money that he needed to pay back Jelani Edwards who he  
13 owed \$500 which is his reason for doing the robbery to  
14 start with. And we found a pistol. The gun is in  
15 custody. The gun is in evidence. It is going back in the  
16 jury room. It's the gun in Mr. Kearse's hand in the  
17 robbery. A little small silver gun. We have photographs  
18 of it. Found in proximity to him. Nothing else was found  
19 with him other than the gun and money. Whatever phone he  
20 had on him he had done away with. Anything else he had on  
21 him he had disposed at that point in this vast amount of  
22 woods through there.

23 We heard from Investigator Savell. He gave us this  
24 height and weight of these countertops. He also gave us  
25 some other pretty critical information. There had been

1 some mention of an individual by the name of Jelani  
2 Edwards, 6'3, 180 pounds. Well, you know that's not  
3 Jelani Edwards because he is 5'4. He is a little taller,  
4 about 5'6. Amanda Wood is about 5'3 1/2. He's a little  
5 bit taller than she is.

6 Ladies and gentlemen, it's not Phillip Paul. These  
7 guys aren't 6 foot tall and 375 pounds. It's not Phillip  
8 Paul. It's not Randy Wilson, 5'8 1/2, 190 pounds. How do  
9 you know Randy Wilson is 5'8? You watched me measure him.  
10 He's not 5'5. I don't know what document Mrs. Brown had  
11 to try to suggest to one of our investigators that Randy  
12 Wilson was 5'5 hoping to plant in your mind that Randy  
13 Wilson is 5'5 and so this is not Artrell Hickson. By God,  
14 it is Randy Wilson. Wrong. Randy Wilson measured right  
15 in front of you yesterday 5'8 1/2. I even offered to let  
16 Mrs. Brown measure him.

17 We heard from Investigator Chuck Cain. He was kind  
18 of late coming into this investigation. Through working  
19 another case in March 2010 he was able to identify several  
20 fact witnesses. They talked to him. They gave him  
21 statements. They said this is what we saw. They didn't  
22 give him a hard time. They didn't lie to him. He didn't  
23 have to beat it out of them. They said this is what we  
24 saw.

25 On September 11, 2001 -- I know a day we all



1 remember -- I was in this courtroom picking a jury in an  
2 armed robbery case and when we all got the news about what  
3 had happened the Judge on the bench broke court, led the  
4 courtroom in a prayer which was something I appreciated,  
5 and that moment is kind of burned in my own memory. That  
6 was a big event in my life. A big event in everybody's  
7 life. I am not going to forget it. I can't tell you what  
8 color tie I wore that day. I can't tell you what I had  
9 for breakfast that day. I can't tell you what time I went  
10 to bed that night, but I remember that day. I remember  
11 that being a critical aspect of that day.

12 By way of another analogy my kid the other day  
13 brought home a 93 on the test. He did pretty good. He  
14 understood the big concepts. He got them right. He  
15 missed some of the details, but his teacher, ladies and  
16 gentlemen, was firmly convinced that he understood the big  
17 concepts, the big deals on that test. He may have got  
18 some of the details wrong, but he knew what he was doing.

19 These other folks -- Ms. Oakman, Mr. Galloway,  
20 Ms. Wright, Mrs. Bryant -- they all gave statements.  
21 Believe it or not there are very few kind of Perry Mason  
22 Matlock moments in here. We talk to the witnesses  
23 beforehand. They have given statements. We know what  
24 they're going to say up there. We know if they have a  
25 written statement given nine months after an event or if

1 some of the details are fuzzy.

2 Don't let them have it both ways. If they get up  
3 there -- a witness gets up here and says exactly the same  
4 thing -- if Sabrina Oakman has committed her three-page  
5 statement that she read to you in its entirety in her  
6 handwriting -- Chuck Cain didn't write that for her -- if  
7 she studies it really hard and remembers every word and  
8 repeats it out verbatim like a computer, she is obviously  
9 lying because nobody can say the same thing twice. If you  
10 say the same thing twice, you've rehearsed it and you're  
11 lying. If you miss a few of the details, you missed  
12 detail A and R. So, you missed those details, you're  
13 obviously lying. We can't take your statement for  
14 anything. You're not telling the truth. That is just an  
15 unreasonable expectation of anybody at this stand.

16 These folks that we call -- they told you what they  
17 perceived on June 25 of 2009. Just like September 11 was  
18 a big deal for me, this bank robbery that you can hit the  
19 Kalmia Apartments with a rock from the Security Federal  
20 Bank was a big deal in that neighborhood. It was a big  
21 deal to them. They remember it.

22 Sabrina remembers Artrell and Javier and David being  
23 dropped off at the Kalmia Apartments. Stanley Galloway  
24 who clearly did not want to be here had some courage. You  
25 got to walk through the gauntlet of the peanut gallery to

1 step into this arena and take that stand and that takes  
2 courage. That takes being unafraid.

3 Stanley Galloway came up here with his mother. Has a  
4 job. He works at Reids. Not in trouble. Knows right  
5 from wrong. Didn't want to be here. Didn't want to be a  
6 snitch per the text message on Ms. Bryant's cellphone.  
7 Text message didn't say don't you get up there and lie.  
8 Don't you go make something up. Don't snitch. Don't  
9 tell. Don't cooperate. Be afraid.

10 Stanley Galloway was unafraid. He didn't like me. I  
11 don't think he liked Mrs. Brown. I don't think he liked  
12 anybody, but he took an oath on that Bible and sat up  
13 there and Stanley Galloway told you before lunch time on  
14 June 25, 2009 Artrell Hickson, Javier Hickson, and David  
15 Kearse were out in front of 703 Kalmia Apartments. Kalmia  
16 Apartments. Security Federal Bank. Oh my God, he is  
17 lying. His statement said he thought they left in a black  
18 car instead of a white car. You can't believe anything he  
19 said. He said they were there. That is the take-away  
20 from you. That is the important thing that he said.

21 Sabrina Oakman gave a very detailed statement and I  
22 think the best way of kind of separate it and make it a  
23 little understandable -- she read the whole statement in  
24 the record. We didn't try to parse things and pull  
25 snippets from statements that will be helpful to our case,

1 helpful to our witnesses. We said, ma'am, read the whole  
2 statement. Tell the jury everything you said. We got  
3 nothing to hide. We want you to hear it all.

4 Sabrina Oakman woke up that morning, took David to  
5 the Hickson's house. Artrell came out with a black  
6 backpack. Went from there to David's grandparent's house  
7 where David tells you -- and this is is kind of one of the  
8 sadder points of the whole case. David goes and gets his  
9 granddaddy's gloves to perpetrate this armed robbery and  
10 they go from there to the Walmart. Sabrina omits in her  
11 written statement that Javier followed in his girlfriend's  
12 beige Cavalier -- I guess that means the whole statement  
13 is not true -- and go from there to Kalmia where they were  
14 dropped off. So, Kalmia's (sic) statement -- one trip to  
15 the Hicksons, one trip to David's grandparents, drops him  
16 off at Kalmia. She then leaves and ultimately runs out of  
17 gas. I'll talk a little bit more in a few moments about  
18 some of the other things in her statement. I dropped  
19 David off. I dropped Artrell off. I dropped Javier off  
20 at the Kalmia Apartments.

21 Stanley Galloway -- before noon on the 25th. I don't  
22 want to be here, but I saw David Kearse. I saw Artrell  
23 Hickson. I saw Javier Hickson at the Kalmia Apartments.  
24 Stanley Galloway. Did you hear any testimony, any beef he  
25 had with the Hicksons? Any axe to grind that he had with

1     them?

2             Candice Bryant. The snitch. She had courage. She's  
3     like a scared rabbit hiding in that witness stand. Did  
4     you see her body language was like this? She didn't want  
5     to be here. She's afraid. A lot of elements of fear in  
6     this case. She told you on the morning of June 25 before  
7     noon she was at the Kalmia Apartments with her cousin  
8     Beatrice Wright and Stanley Galloway. She told you before  
9     noon on the 25th of June I saw David Kearse, I saw Artrell  
10    Hickson, I saw Javier Hickson at the Kalmia Apartments  
11    together.

12            Some other details -- she said she thought she saw a  
13    white Ford Focus, I think. I think the vehicle that we  
14    believed was used as to getaway vehicle was a beige  
15    Chevrolet Cavalier. If Candice Bryant thinks it was a  
16    white Ford Focus, is she a liar? I guess she's already a  
17    snitch. Is she a liar and a snitch? I submit to you that  
18    the crux of her testimony, the thrust of her testimony --  
19    the statement that she gave in March of 2010 I saw them  
20    there. Stanley Galloway saw them there. Sabrina Oakman  
21    took them there. There is some details in Sabrina's  
22    statement that kind of gets put in the category of is kind  
23    of the stuff you couldn't make up especially on no notice  
24    by Investigator Chuck Cain knocks on your door in  
25    March 2010 -- ma'am, I want to talk to you about the

1 Security Federal Bank robbery that happened June 25, 2009  
2 approximately nine months ago. Would you talk to me? She  
3 talks to him.

4 After she drops the three of them off at Kalmia  
5 Apartments she has run out of gas up on Richland Avenue  
6 headed back to Graniteville. It all makes sense. We're  
7 all from the Aiken area. We know these roads. She hears  
8 a ringing in the back seat. It is a phone that has fallen  
9 between the seats. She's good friends with Artrell and  
10 Javier Hickson. She's better friends with Javier. She  
11 knows Artrell. She says I know Artrell's number, and on  
12 that phone I submit to you that's Javier's phone that he  
13 inadvertently left in the car and fell between the seats  
14 it comes up "my bro" with Artrell's phone number. They're  
15 brothers. It comes up "my bro." It is significant and I  
16 think that's something that you just don't concoct nine  
17 months after the fact on no notice when you're interviewed  
18 by the investigators.

19 It is David on the other end of the line. He's got  
20 Artrell's phone. I don't know how many phones Artrell  
21 has. I suppose he can have as many as he chooses, but  
22 it's David saying, Come get me, I'm at the church. You  
23 heard her testimony. He's out of breath. Come get me.  
24 Come get me.

25 She heads back down Richland Avenue back to the

1 Kalmia Apartments and sees police cars everywhere. This  
2 is after 12 noon. Critical point. When she's at the  
3 Kalmia Apartments she sees Ms. Shontrell Monique Hickson,  
4 the sister of Javier and Artrell, and Mr. Javier Hickson's  
5 girlfriend Ms. Crystal Harris who testified under oath  
6 yesterday, yea, I got a beige Chevrolet Cavalier. Yes, I  
7 am Javier Hickson's girlfriend. She puts the two women  
8 who are most important in Javier Hickson's life at the  
9 Kalmia Apartments after the bank robbery that is a stone's  
10 throw from the bank.

11 She says we went to Walmart on the south side. She  
12 says David and Javier got out. Javier and Monique --  
13 sister. Javier and Crystal -- boyfriend and girlfriend.

14 The other component of this conspiracy to frame  
15 Mr. Artrell Hickson, Mr. Javier Hickson is the Walmart  
16 Corporation and we heard yesterday from an individual  
17 employed by Walmart, Mr. Chris Pittman. He is kind of a  
18 Walmart bureaucrat, if you will. He brought the  
19 timesheets. Shontrell Monique Hickson -- Shontrell  
20 Hickson -- and Crystal Harris, both employees at Walmart.  
21 Lo and behold Thursday June 25, 12:55 pm 55 minutes after  
22 the bank robbery at Security Federal Bank in Graniteville  
23 the two women closest to Javier Hickson have fled work  
24 with no excuse, no notice presumably in Monique Hickson's  
25 Jeep because Crystal Harris' Chevrolet Cavalier was

1 already at the Kalmia Apartments.

2 Sabrina Oakman says I saw them there. Why are they  
3 there? There's lots of apartments in Aiken. This one  
4 happens to be right next to the bank. Why are these two  
5 women so close to this Defendant with no notice leaving  
6 their work, not telling anybody, descending on the Kalmia  
7 Apartments? I'll tell you why. Because they're part of  
8 the group looking for Artrell and Javier to pick them up  
9 out of those woods. That's why they're there. That's the  
10 only plausible reason why these two ladies on no notice  
11 would leave their jobs. No doctors appointments. No  
12 emergencies. They just left. 12:55. I think that's  
13 critical. I think that's an aspect that goes into your  
14 common sense and being firmly convinced of what happened  
15 on June 25.

16 Folks, we called Randy Wilson -- 5'8 1/2 Randy  
17 Wilson, not 5'5 Randy Wilson, and we didn't dress him up.  
18 I didn't put him in a suit. He was handcuffed, shackled  
19 in a brown South Carolina Department of Corrections  
20 uniform. Let me give you -- let me get my file on Randy  
21 Wilson.

22 On July 1, 2009, six days -- five days after the  
23 Security Federal Bank robbery Mr. Randy Wilson, Mr. Jelani  
24 Edwards, and Mr. Phillip Paul -- again, Phillip Paul, 6  
25 foot tall, 375 pounds; Jelani Edwards, 6'3 -- robbed the



1 First Citizens Bank in Jackson. They are caught shortly  
2 thereafter. You've heard some testimony that Jelani  
3 Edwards was killed during the course of that robbery and  
4 that Phillip Paul and Randy Wilson were arrested.

5 That evening July 1, 2009 Randy Wilson has been  
6 captured. Randy Wilson is being interviewed by the FBI  
7 and on July 1, 2009 before Mr. Wilson has a lawyer, before  
8 he had Bob Harte sitting in here with him, he tells you  
9 Mr. FBI Agent, you got me. I want to cooperate. I want  
10 to tell you about the bank robbery at the Security Federal  
11 in Aiken on June 25, 2009, and I want to tell you that  
12 Artrell and Javier Hickson were involved in it.

13 Fast forward a few months later. November 11, 2009.  
14 Randy Wilson has not plead guilty yet. He pleads guilty  
15 on December 14 to armed robbery. He is interviewed by  
16 Chuck Cain. Investigator Cain, you got me. I want to  
17 cooperate. I want to tell you about the bank robbery at  
18 Security Federal June 25, 2009. Investigator Cain, I want  
19 to tell you that Artrell and Javier Hickson were involved  
20 in that. He's ultimately sentenced on March 8, 2010. His  
21 attorney has filed a motion with the court for the Judge  
22 to reconsider that sentence. You heard the testimony. No  
23 deals, no promises. The only thing you need to do,  
24 Mr. Wilson, is get up here and tell the truth. That was  
25 the testimony from the stand.

1           What else did Mr. Randy Wilson tell us on the stand?  
2   He tells us about a meeting that occurred June 24 of 2009,  
3   the day before the bank robbery. There is a meeting at  
4   Randy Wilson's home. Present was Jelani Edwards, Phillip  
5   Paul, Mr. Artrell Hickson, Mr. Javier Hickson. David  
6   Kearse was not present. This is one of those details you  
7   can't make up. David Kearse's testimony -- David Kearse's  
8   testimony says the day before the bank robbery the 24th I  
9   was with Artrell and I was with Javier and about lunch  
10   time we rode by the Security Federal Bank. We are in  
11   Artrell's red Ford Crown Vic. We checked it out. We  
12   checked the bank out and they took me home.

13           Randy Wilson says David Kearse was not at that  
14   meeting, the operational planning session the day before.  
15   David Kearse says they took me home. Are those details  
16   that these two guys are going to get together and concoct?  
17   So at this meeting Randy says Artrell is wanting this  
18   great big AK-47 assault rifle and it's not given to him.  
19   I think one of Phillip Paul's roles, I suppose, is out of  
20   the armour -- Phillip Paul, 6-foot tall, 375 pounds, keeps  
21   the guns. I asked Mr. Wilson what kind of guns does  
22   Mr. Paul have? One of the guns he said he has is a Glock  
23   pistol. How do we know that's a Glock pistol? It is the  
24   same kind of pistol that Investigator Greg Savell carries.  
25   He told you it's a Glock pistol.

1           They decided who was going to drop him off. Randy  
2 Wilson told us Kearse's girlfriend. I think Sabrina  
3 Oakman was kind of an unwitting participant in all of  
4 this. I don't know that she knew that she was to be a  
5 getaway driver. I don't know that it ultimately matters  
6 for you. Their plan was she was going to take them there.  
7 This guy who Randy Wilson only knows as Von was to be to  
8 getaway driver.

9           We've heard testimony from a couple of witnesses.  
10 Devon Jones was hanging around there. We've heard  
11 testimony from David Kearse who said we've got Devon Jones  
12 to get us in that beige Cavalier that belonged to Crystal  
13 Harris that Javier drove from the Walmart and followed the  
14 Tahoe from the Walmart to the Kalmia Apartments. That's  
15 Devon Jones. He wasn't a very good getaway driver. He  
16 drove them to the bank. David Kearse, Artrell Hickson,  
17 Javier Hickson go in and do the robbery and they come out  
18 waiting on their ride and their ride has probably thought  
19 a little better of himself than the position he had just  
20 inserted himself in and he left. Among other things, when  
21 Crystal Harris and Monique go back to the Kalmia  
22 Apartments I suppose that's so Crystal Harris can get her  
23 car back.

24           Randy Wilson also told us on the afternoon of the  
25 25th, the day of the robbery, he was with Jelani Edwards.

1 and he was with Phillip Paul again at Randy Wilson's house  
2 and Jelani Edwards gets a telephone call after 12 after  
3 the bank robbery. Randy Wilson has told you how well he  
4 knows Artrell Hickson. He heard Artrell talking to Jelani  
5 Edwards. He was sitting right next to him. He hears  
6 Artrell on the telephone, We're hemmed up. We're hemmed  
7 up.

8        Shortly thereafter Jelani Edwards and Phillip Paul  
9 leave in a gold Cadillac. That's why Investigator  
10 Criscillis' testimony is so important. At 3:39 pm -- now  
11 mind you, David Kearse was caught at 2:15 and at 2:40 he's  
12 been mirandized and is saying, Guys, you got me. I did  
13 this. This is how it happened. He gave us some more  
14 details on the stand than he did orally to Greg Savell on  
15 the 25th of June, but, again, on the 25th of June -- I did  
16 this robbery. Artrell Hickson, Javier Hickson are with  
17 me.

18        Did he omit some details? Are some of the details  
19 fuzzy? Perhaps? Are those details fuzzy, who is with me?  
20 This is what I did. This is how I was dressed. I put two  
21 white t-shirts over my head. That's me David Kearse. I'm  
22 an armed robber. Here is a silver gun in my hand, in my  
23 -- in State's 15 in my right hand I am wearing a latex  
24 glove. In my left hand I am wearing the glove I took from  
25 my granddaddy.

1           Look at the picture of Mr. Javier Hickson. David  
2           Kearse says I gave one of my gloves to Javier. Again,  
3           this is the stuff that you don't make up. David Kearse  
4           has his left glove. He said I gave my other glove to  
5           Javier. You can clearly see Javier has got a leather  
6           glove on his right hand. I mean, is that a detail that's  
7           capable of just being concocted?

8           Then at 3:39 pm, an hour after David Kearse is now at  
9           the Sheriff's Office giving a statement implicating  
10          himself, implicating 5'4 Artrell Hickson and 5'6 tall  
11          brother Javier Hickson Investigator Criscillis is right  
12          here and sees Jelani Edwards and Phillip Paul in a gold  
13          Cadillac driving down this road. Stops him over here.  
14          Why are they there? They're there for the same reason  
15          that Crystal Harris and Monique Hickson left work with no  
16          notice and go to Kalmia Apartments. They are looking for  
17          Artrell Hickson and are looking for Javier Hickson.

18          This road is right in the middle of this massive  
19          police manhunt. In fact, this road splits dog team one  
20          from dog team number two. Here is the blue water tower.  
21          Here is where David Kearse said, We divided up the money.  
22          We had our gloves on. When the money was divided the  
23          gloves came off and I got short-changed. I took my \$290  
24          in \$5 bills with me, and I guess Artrell and Javier got  
25          the other 4,000.

1 But what this tells you is when they're stopped.  
2 here -- when they're stopped up here but seen here at 3:39  
3 a quarter mile away from the Kalmia Apartments it tells  
4 you Randy Wilson was telling the truth about the phonecall  
5 he overheard with Jelani Edwards. It corroborates that.  
6 It corroborates it. He says -- when Randy Wilson says,  
7 We're at my house. I hear Jelani talking on the phone to  
8 Artrell. We're hemmed up. We're hemmed up. Jelani and  
9 Phil leave. They leave Randy Wilson's house. What are  
10 they doing right here? What are they doing in the middle  
11 of the police manhunt other than looking to pick up  
12 Artrell and Javier?

13 What makes sense? Be firmly convinced that that is  
14 the reason that they were there. Folks, we heard from  
15 David Kearse -- I think we called Crystal Harris last  
16 because she wasn't available, but David Kearse was the  
17 last long fact witness -- the admitted armed robber, the  
18 third man in the deal. He told us what happened. If he  
19 was just going to frame them he would have said, yea, I  
20 did it with them. That's my testimony. They came and got  
21 me. It was all their idea. But he gave us this pretty  
22 elaborate statement -- how this scheme was hatched about a  
23 week prior to it in the Sunshine Club. Again, in Jelani  
24 Edwards' gold Cadillac. The three of them met in Jelani  
25 Edwards' car. Artrell, David Kearse, Jelani Edwards. The

1 plan was hatched.

2 The Monday or Tuesday the week that the bank was  
3 robbed there is a second meeting at the Hickson's house.  
4 They live with their grandma. Present at that meeting --  
5 Phillip Paul, Jelani Edwards, David Kearse, Artrell,  
6 Javier Hickson. Randy Wilson is not there. They talk  
7 about what they're going to do, how they're going to do  
8 it. The day before the robbery -- that meeting took place  
9 Monday or Tuesday the week of the robbery. The day before  
10 the robbery David Kearse tells us Artrell has got a red  
11 Crown Vic. We drove by the place about lunch time.  
12 Picked that bank, not a lot of people there, knew there  
13 wouldn't be a lot of people inside. They took me home.  
14 Javier and Artrell then go on to the meeting at Randy  
15 Wilson's house.

16 The day of the robbery I got up early, got a call  
17 from Artrell. Are you ready? I go to Artrell's house,  
18 come back to my house. Sabrina takes me back to Artrell's  
19 house. We pick up Artrell and Javier. Javier has a  
20 backpack. We go from there to my grandparents' house, I  
21 take my granddaddy's gloves. We go from there to the  
22 Walmart, Whiskey Road on the south side. I get out.  
23 David Kearse gets out. Javier gets out. We're there  
24 because Javier's girlfriend works there. We're there  
25 because Javier's sister Monique Shontrell Hickson works

1 there.

2 Crystal Harris has a beige Chevrolet Cavalier.

3 Crystal took the stand and told you I got a beige

4 Chevrolet Cavalier. They follow the Tahoe. Javier is

5 driving the Cavalier, follows the Tahoe, and in the Tahoe

6 Sabrina Oakman driving, David Kearse front seat, Artrell

7 back seat. Go to the Kalmia Apartments. That's when he

8 told you happened. Asked Von Jones, Will you help us?

9 Von Jones agrees to it.

10 Are you firmly convinced that David Kearse is

11 involved in this thing? I sure hope so. David is saying,

12 That's me. I did it. Are you firmly convinced that

13 Artrell Hickson and Javier Hickson are the co-defendants

14 in this case? 5'4. By way of analogy my Deputy who is

15 not in the courtroom is Bill Weeks. He is about 6'8 1/2.

16 You may have seen him in and out of the courtroom during

17 the trial. He is a giant of a man. He is perhaps the

18 only person I know who is 6'8. He's probably taller than

19 95 percent of the male population. By the same token if

20 you're 5'4 -- I don't know how many 5'4 people I know. I

21 suggest to you that that is such a distinguishing feature

22 it is something that you have to consider. I would say a

23 male who is 5'4 is probably 95 percent shorter than most

24 of the male population. I think it's something that is

25 critical in this case. 5'4. Look at the photographs.



1 Ladies and gentlemen, Ms. Tonya Key and the employees  
2 of her bank have been waiting 15 months since June 25,  
3 2009 for justice in this case, for a jury just like this  
4 to be firmly convinced of the guilt of Artrell and Javier  
5 Hickson. Don't let them down. Go back there and convict  
6 these guys.

7 THE COURT: Mr. Solicitor, if you'll take that easel  
8 down.

9 Mr. Foreman, ladies and gentlemen, I got a matter I  
10 need to address real quickly. Y'all step back in the jury  
11 room. Go ahead and take your bathroom break. We'll start  
12 back in about five or ten minutes. Don't discuss the  
13 case. Don't deliberate.

14 Everybody else remain seated.

15 (Whereupon, the jury exited the courtroom at 10:56.)

16 THE COURT: All right. Son with the red hair, come  
17 up here.

18 (Whereupon, the Judge spoke with the man outside of  
19 my hearing.):

20 THE COURT: Anybody else's phones or texting messages  
21 in this courtroom, please cut your phones off. If I find  
22 any more texting going out during these proceedings you'll  
23 be arrested for contempt of court.

24 We'll take a quick five-minute break. Thank you.

25 (Whereupon, a break was taken.)

1 THE COURT: Mrs. Brown, are you ready to proceed?

2 MRS. BROWN: Yes, Your Honor.

3 THE COURT: Bill, bring them in.

4 (Whereupon, the jury came into open court at  
5 approximately 11:08.)

6 THE COURT: Mrs. Kelley Perkins Brown?

7 MRS. BROWN: Mr. Routzong.

8 MR. ROUTZONG: Thank you, Your Honor.

9 CLOSING STATEMENT

10 MR. ROUTZONG: Good morning, ladies and gentlemen. I  
11 guess I would like to start out by thanking the Solicitor  
12 for his kind comments about my being a philosopher or  
13 thinking philosophically. I would like to return the  
14 compliment and do him some good by inviting him to elevate  
15 his thinking into the realm of common sense.

16 THE COURT: Mr. Routzong, we're not going to make  
17 personal attacks on anybody. Y'all are much more  
18 professional than that.

19 MR. ROUTZONG: We know -- the Solicitor mentioned  
20 common sense. We know that our common sense tells us a  
21 couple of things -- one of which is that people who have  
22 reason to lie will lie. We know that. That's our common  
23 sense. Our life experiences tell us that.

24 What else do we know? We know that it's common sense  
25 to realize that when people present you a false choice

1 that you have to choose one or the other. That's not  
2 true. For example, the solicitor said either this is a  
3 grand conspiracy on behalf of the Sheriff's Department or  
4 those two guys are guilty. That would be a little bit  
5 like me saying you can either drive Chevrolet or Ford.  
6 One or the other. Actually, we know that's not true.  
7 There is a whole host of other possibilities that you must  
8 consider.

9 Investigator Roberts sat right there in that chair  
10 and I asked him the question about subject number one,  
11 subject number two, subject number three. I asked him,  
12 What does it say? He says one person the description was  
13 6 feet tall. Another person was 5'10. And I asked him --  
14 I didn't disparage him. I said you've been to the  
15 criminal justice system -- I'm sorry, the academy where  
16 they teach you to be accurate and not to make things up --  
17 not that he would make something up anyway, but -- and I  
18 asked him, You didn't make it up, did you? He said no.  
19 He said somebody told me that.

20 Here we go with one of those other things that's  
21 common sensical (sic) about treating equal witnesses  
22 equally. Now, we know that those ladies out there are  
23 being truthful as best they can, no doubt, because they  
24 don't have anything to lose or gain. They just merely  
25 reported what they think they saw -- just like Sergeant

1 Robert was told by someone that those people that did this  
2 crime were 6 feet tall and 5'10.

3 Investigator Adams testified ---by the way, before I  
4 get to that, Ms. Hastings also said -- remember what she  
5 said? She used the word hunched over. I remember it just  
6 distinctly as it can be. In her testimony she said they  
7 were hunched over. I guess almost skulking might be a  
8 better word for it.

9 Investigator Adams -- what did he say? He said that  
10 about 2 o'clock, thereabouts, under that shed he found  
11 David Kearse. He found guns and he found money. He found  
12 David Kearse. You know what's odd about all that? What  
13 they didn't find is a cellphone. They didn't find a  
14 cellphone. Maybe because it didn't exist. Remember what  
15 Ms.~Oakman said? I got a phonecall and it was from  
16 Javier. It was on Javier's phone from Artrell and it said  
17 my brother. Yet, they didn't find a cellphone. You don't  
18 see any cellphone. They didn't talk about that. Nobody  
19 wonders where the cellphone went that he was supposed to  
20 have? He said -- excuse me, Ms.~Oakman said something  
21 about being around the storage. Eight months after the  
22 fact, but still there is no cellphone. Where is it at?  
23 An inconsistency.

24 And I know the Solicitor made a comment about we were  
25 going to try to make hay out of the fact that the

1 fingerprints weren't done. You know I do have to point  
2 out that one of the steps when you do investigation to  
3 fingerprint stuff because you know what? What did they  
4 say? They said different people may have handled the  
5 money because there was -- part of their story was the  
6 money was split up. Who knows? It is a possibility, but  
7 they didn't do it.

8 Then we come to Investigator Savell. Investigator  
9 Savell testified that pretty early on he was told they  
10 were looking for somebody 5'4, yet he can't find it  
11 anywhere on the CAD report. The CAD report is that report  
12 of radio traffic, what they say over the radio.  
13 Mrs. Brown asked him about the CAD report. He said, well,  
14 I don't know that much about it, I guess, more or less and  
15 he said, We like to talk on cell phones.

16 That doesn't make a whole lot of sense, ladies and  
17 gentlemen, because if you're forming a perimeter and it  
18 takes more than one person to form a perimeter what you do  
19 is you broadcast it to everybody -- all of the information  
20 to everybody, but it wasn't done. Maybe it wasn't  
21 important.

22 When they found David Kearse I think the testimony  
23 was they took him to the Sheriff's Office and started  
24 talking to him according to them at about 2:40. He is  
25 spilling the beans, apparently, and yet no mention of who

1 to look for until after 5 o'clock. It doesn't make sense.

2 Remember what we talked about in the beginning about  
3 truth and belief. Truth is belief that corresponds to  
4 reality. Truth is not just what the state says. We know  
5 that.

6 Investigator Cain -- he didn't have a whole lot to  
7 offer except it is interesting on a separate case that  
8 he's investigating somebody says, oh, by the way, I know  
9 this, that, and the other -- completely unrelated, yet  
10 they know. So he goes back and he tells another  
11 investigator -- I think it might have been Criscillis --  
12 hey, guess what I found out? Shazam. I found out some  
13 new information. And it was so important and accurate  
14 that they had to think about it for eight or nine months  
15 before they acted on it.

16 Meanwhile, by the way, David Kearse has told his  
17 story to law enforcement and over this eight or nine  
18 months he's got plenty of time to line up everybody else  
19 because he needs this story to be believed because he is  
20 depending on it. He told them the story and he can't back  
21 off of it because, guess what? If you change your story,  
22 they can't use you because people like me will point it  
23 out. And he needs to line these other people up and who  
24 does he line up? Baby's mama. His baby's mom. That lady  
25 that he has two children with came in here and she added

1 things that weren't in her statement.

2 It's actually a year now -- over a year, but even in  
3 March I think when she made her statement she didn't put  
4 those things in there, but after the story evolves -- the  
5 truth doesn't have to evolve, ladies and gentlemen. The  
6 only people that have to try to remember what they said or  
7 what they did are liars. People who know -- like the  
8 solicitor said, when you've been in an event that is  
9 startling you don't have to sit down and think about this,  
10 that, and the other thing. You know the truth.

11 She wants him back home and that's why she comes in  
12 here and testifies because she knows he's facing a lot of  
13 time. So, their story is evolving to fit what the state  
14 wants you to believe, and we know that truth is not equal  
15 to what they want you to believe. Truth corresponds to  
16 reality.

17 I don't know what to make of Stanley Galloway. What  
18 I do remember he said was he didn't know -- excuse me --  
19 and some of the things that he did say weren't in his  
20 statement.

21 Beatrix and Candice. Candice, poor thing, is a  
22 shoplifter and I think there's a check fraud. That means  
23 she's a thief and a deceitful person. Look who the state  
24 is trying to fix their case with. Bank robbers,  
25 shoplifters, and people who have a very definite interest

1 in making sure the least thing --

2 MR. THURMOND: Object. Move to strike as to an  
3 allegation of shoplifting.

4 THE COURT: That's denied. It was brought out in the  
5 testimony.

6 MR. ROUTZONG: Here is the thing. Going back look  
7 who they're trying to fix their case with -- these people,  
8 the armed robbers, the people who get -- who were there  
9 when somebody got killed because they just robbed a bank  
10 and who are facing -- already have been sentenced to a lot  
11 of time and hope to get some consideration and the people  
12 who are facing time because they haven't been convicted  
13 yet and people who have already been convicted. What are  
14 their motivation?

15 I am not speculating on anything. I don't know.  
16 It's not my job to speculate, but, ladies and gentlemen,  
17 look at this case and see what corresponds to reality.  
18 It's not equal to what they say. Mr. Kearse and  
19 Mr. Wilson are two of those people that I just mentioned.  
20 The people that need to do it.

21 Ladies and gentlemen, taking my cue from them on my  
22 opening statement I talked about what truth is and what  
23 justice is. Here is what justice is. Remember what I  
24 talked about? Justice is treating equal things equally.  
25 That's the definition. In other words, treating equal



1 witnesses equally. You can't give the same weight to bank  
2 robbers and shoplifters and people that have a reason to  
3 lie -- you can't give those people the same weight that  
4 you give those ladies right there. You have to treat  
5 equal witnesses equally, and if you do that then you have  
6 to discriminate between what's truth and what's false.  
7 That's another definition of justice -- looking at finding  
8 what is true and separating it out from what is false that  
9 is somewhat predicated on what comes before. The quality  
10 of the witnesses.

11 Finally, ladies and gentlemen, the third definition  
12 of justice is you give every person their due. Now, if  
13 you do all of those things, ladies and gentlemen, you  
14 don't come up with this story that the solicitor comes and  
15 tells you about because it's not true just because they  
16 say it. You get this. Nothing. They don't have anything  
17 and they're trying to fix their case.

18 Ladies and gentlemen, if you consider all of the  
19 evidence you will find I'm confident that these men are  
20 not guilty.

21 THE COURT: Mrs. Brown?

22 CLOSING STATEMENT

23 MRS. BROWN: Your Honor, may it please the court.

24 THE COURT: Yes, ma'am.

25 MRS. BROWN: I think you all are smart enough to

1 realize that when I use an analogy to invite you to wait  
2 to hear all of the evidence in this case I'm not  
3 belittling this process. This isn't a game. I never said  
4 this was a game. It's not a game when two young men are  
5 facing trial. It's not a game when people have to come in  
6 here to talk about David Kearse who admitted to being one  
7 of those who walked in with a gun that day. That's not a  
8 game.

9 I think what Mr. Thurmond has invited you to do he  
10 wants to confuse the issue with this talk of a vast  
11 conspiracy versus their guilt because the fact is the  
12 State has rested their case squarely on the shoulders of  
13 the man who's desperate to get out of prison, the man who  
14 is desperate not to go to prison, and the woman who is  
15 desperate to keep him home.

16 This idea that Sabrina Oakman was completely  
17 surprised with that knock on her door in March of 2010 --  
18 how is that shocking to her when the man that she's been  
19 with for five years was arrested for this charge back in  
20 June of 2009? His case hasn't gone to trial yet. He  
21 hasn't plead guilty yet. How is that a surprise to her  
22 for that investigator to knock on her door? Don't you  
23 think she knows it's coming? Don't you think they know  
24 this investigation is ongoing?

25 And this isn't about these ladies waiting for justice

1 because one of the things that the Judge is going to tell  
2 you is it's not your job to reward. It's not your job to  
3 punish. Your job is to find the truth of this case.  
4 That's your role, and if the state was so concerned about  
5 these ladies having to wait so long, why hasn't David  
6 Kearse's case been resolved yet? They asked him, The case  
7 hasn't been resolved yet, has it? He hasn't come to  
8 trial. He hasn't come and put his hand on that Bible and  
9 plead guilty, been sentenced. If he is so eager and  
10 willing to take responsibility, why are they waiting?  
11 Because he has something to gain.

12 David Kearse didn't omit details that he added to  
13 here in court. He changed it up. He changed it up, and  
14 he admitted to that. He admitted that he went from  
15 talking about having a meeting that morning which is what  
16 he said back when he was arrested to having these couple  
17 of meetings, and if Randy Wilson is saying that the  
18 meeting that happened on the day before was to decide what  
19 bank to rob and the Solicitor pointed out to you that  
20 Randy Wilson said David Kearse wasn't there for that  
21 meeting, then why is David Kearse talking about the day  
22 before they're scoping out the bank that Randy Wilson is  
23 saying we hadn't even chosen that bank until the meeting?  
24 That doesn't make any sense, and it doesn't make any sense  
25 because Randy Wilson is also trying to add things so he

1 can get a benefit.

2 I thought it was very interesting what Investigator  
3 Cain testified to. He told you that when Randy Wilson  
4 plead guilty to his armed robbery the Judge didn't  
5 sentence him right away because the Investigator wanted  
6 sometime to check out this information that he had given  
7 three or four days before he plead, and upon being  
8 questioned about what he told the court when Randy Wilson  
9 was finally sentenced he said, I told the court that his  
10 information was of no further value. In other words, he  
11 hadn't given us anything new.

12 So, what do you have now? You have Randy Wilson who  
13 is in prison who admitted he wants the state to reduce his  
14 sentence. He's all of a sudden talking about this  
15 conspiracy, these planning meetings that he attended that  
16 he never said one word about either six days after this  
17 robbery happened or six months after it happened. Two  
18 opportunities six months apart to talk about Artrell  
19 Hickson having planned this out and him, Randy Wilson,  
20 being present for that. But what he did hear at his  
21 sentencing was that his information had given no further  
22 value so he knows he better come up with something  
23 different because that motion to reconsider his sentence  
24 is still outstanding and he's hoping that the state is  
25 going to reduce his sentence.

1 David Kearse. You saw his demeanor when I was  
2 questioning him. Did that look like a man who is worried  
3 about what is going to happen? We don't know why he  
4 picked their names. Bad blood. The fact that perhaps  
5 they had been together earlier that morning and it would  
6 be plausible? We don't know. What I do know is that the  
7 state is weighing its whole case on those three  
8 individuals who have everything to gain.

9 Is this a vast conspiracy by Walmart and Security  
10 Federal and the Sheriff's Office? No. No. To suggest  
11 that, I would suggest that is ludicrous. What this is are  
12 three individuals who were shown to be liars on that stand  
13 by saying different things -- not just missed details.  
14 Different things.

15 Sabrina Oakman leaving out Artrell Hickson having  
16 this black backpack when she gave that statement in March.  
17 Is that a missed detail or is that a new fabrication? And  
18 this idea that, well, Investigator Cain didn't write  
19 everything in the report, don't you think that seasoned  
20 investigator would have put that in that statement for her  
21 to sign if she had said it? Don't you think that that  
22 fact was so important that if she had told him that it  
23 would have been in that statement? I think it's even more  
24 critical to realize that Investigator Cain was the one who  
25 wrote down the summary of what she said and then she

1 signed it because he is going to know what's important and  
2 what's not. And with everything else that was in there  
3 did he forget that she told him about about a black  
4 bookbag? No. She didn't tell it to him because that was  
5 a new fact that she threw in to bolster the case, to help  
6 her man look better so he can come home.

7 And when we talk about reasonable doubt it is a  
8 fundamental bed rock of our system -- our system that has  
9 been held up as being the best in the world. The bedrock  
10 of our system and our way of life. That's not philosophy.  
11 That's not showmanship. That's truth. That's what we  
12 fight for. And if you think that there is a real  
13 possibility that the only three individuals who directly  
14 linked them to this bank robbery are lying about it, you  
15 have a reasonable doubt.

#### 16 JURY CHARGE

17 THE COURT: Mr. Foreman, ladies and gentlemen of the  
18 jury, let me now charge or instruct you on the law. The  
19 first part will be sort of general propositions of law  
20 that I charge throughout the state in all criminal cases  
21 and then once we complete that we'll turn our attention to  
22 the indictments in this case. There are two charges in  
23 this case, i.e., armed robbery and possession of a weapon  
24 during the commission or attempt to commit a violent  
25 crime.

1           Let me remind you once again, ladies and gentlemen,  
2   that the two Defendants -- the fact that the two  
3   Defendants in these cases were arrested, charged, and  
4   indicted in the case by these four indictments, these four  
5   indictments are not evidence in the case and, obviously,  
6   cannot be considered by you as evidence of guilt in this  
7   case, nor does it create any presumption or inference of  
8   guilt. These indictments are simply the charging  
9   documents or the written -- formal written instruments by  
10   which the charges are given to the Defendant and it is the  
11   formal document by way these cases are brought into the  
12   court.

13           In this particular case we're dealing with,  
14   obviously, two Defendants and each Defendant has two  
15   indictments against him. So you're to consider each  
16   indictment separate and apart from the other and you're to  
17   consider the case against each separate and apart from the  
18   other. So, you have the right to find one Defendant not  
19   guilty, the other guilty, both guilty, both not guilty, or  
20   any combination thereof. You have to consider each  
21   indictment separate and each Defendant separate based on  
22   the facts that you heard, and you'll be given four  
23   different verdict forms dealing with all four indictments,  
24   and I'll explain that to you in just a few minutes.

25           To each of these four indictments the -- or each

1 Defendant has plead not guilty. A plea of not guilty as I  
2 told you earlier puts the burden on the State of South  
3 Carolina to prove each Defendant guilty beyond a  
4 reasonable doubt as to each indictment. A person charged  
5 with committing a criminal offense in our state is never,  
6 never required to prove himself innocent. The burden is  
7 on the State of South Carolina to prove his guilt beyond a  
8 reasonable doubt or their guilt in this case.

9 I charge you and instruct you that it is an important  
10 rule of law that a defendant in a criminal trial no matter  
11 how serious the crime or the charges may be they will  
12 always be presumed to be innocent of the crimes for which  
13 the indictments were issued unless guilt has been proven  
14 by evidence satisfying you of that guilt beyond a  
15 reasonable doubt. The presumption of innocence does not  
16 end when you begin your deliberations but it stays with  
17 the Defendants throughout the trial unless and until you  
18 reach a verdict of guilt based on evidence satisfying you  
19 of that guilt beyond a reasonable doubt.

20 Presumption of innocence is not a mere legal theory.  
21 It is a most important constitutional protection that all  
22 defendants are entitled to. It is not just a legal  
23 phrase. It is a substantial constitutional right to which  
24 every defendant is entitled unless you, the jury, are  
25 satisfied from the evidence of the defendant's guilt



1 beyond a reasonable doubt.

2 Reasonable doubt has been defined on a number of  
3 occasions by our State Supreme Court, and it is very  
4 simply defined as the kind of doubt that would cause a  
5 reasonable person to hesitate to act. A reasonable doubt  
6 is the kind of doubt that would cause a reasonable person  
7 to hesitate to act. They also define reasonable doubt --  
8 they say proof beyond a reasonable doubt is proof that  
9 leaves you firmly convinced of the defendant's guilt.

10 There are very few things in the world that we know  
11 with absolute certainty, and in criminal cases the law  
12 does not require proof that overcomes every possible  
13 doubt, but based on your consideration of the evidence you  
14 are firmly convinced that the defendant is guilty of the  
15 crimes charged, then you must find the defendant guilty.

16 However, on the other hand, if you think there is a  
17 real possibility that the defendants are not guilty, you  
18 must give the defendants the benefit of the doubt and find  
19 them not guilty.

20 As I told you when we first started the trial of this  
21 case, ladies and gentlemen, that you and I have certain  
22 duties to perform. My duties have been to rule on the  
23 admissibility of evidence and my duty is to instruct and  
24 charge you on the law. More importantly is your duty to  
25 determine the true facts in the case. Since I am the

1 Judge of the law in the case the law does not allow me to  
2 have any opinion about the facts. So if at any time  
3 during the trial of the case I yawned or rolled my eyes or  
4 raised my eyebrows or did something that you would think  
5 that I have some opinion about the facts, please  
6 disconsider that. The law does not allow me to have any  
7 opinion about the facts. You are the sole finders of the  
8 facts in the case and it is your responsibility to  
9 determine what the true facts are in this case.

10 Obviously, in doing that you have the responsibility  
11 and you are charged with determining the credibility of  
12 the witnesses who have testified in the case. Credibility  
13 simply means believability. It becomes your duty as  
14 jurors to analyze and evaluate the evidence and determine  
15 which evidence convinces you of its truth. In carrying  
16 out the task of determining credibility or believability  
17 of witnesses you may believe one witness over several,  
18 several over one. You can believe everything a witness  
19 says. You can disregard everything a witness says. You  
20 can believe a portion of what he says, disregard the  
21 remaining portion. You have the right to consider how the  
22 witness appeared on the stand and whether or not the  
23 witness has exhibited to you any interest, prejudice,  
24 bias, or other motive in the case.

25 If after considering all of the evidence you're not

1 convinced of the guilt beyond a reasonable doubt, then,  
2 obviously, your verdict would be not guilty. If you're  
3 convinced of the evidence beyond a reasonable doubt your  
4 verdict would be guilty.

5 Now, one other important constitutional safeguard  
6 that all people who are tried is the right to remain  
7 silent. I charge and instruct you and emphasize that the  
8 fact that the Defendants in this case did not testify is  
9 not a factor to be considered by you in any way in your  
10 deliberation and in your consideration on the question of  
11 the guilt or innocence of the defendant. It must not be  
12 considered by you in any manner whatsoever. A defendant  
13 has a constitutional right to remain silent, and the  
14 assertion of his right to remain silent must not be  
15 considered by you in your deliberations.

16 I repeat you're under oath not to place any emphasis  
17 whatsoever on the fact that these Defendants did not  
18 testify in the case. It is a fact that should not even be  
19 brought up or considered in your deliberation of guilt or  
20 innocence.

21 Mr. Foreman, that's one of your duties. If anybody  
22 as attempts to bring that up, please remind them that the  
23 Defendants have the constitutional right to remain silent  
24 and absolutely no inference should be derived from their  
25 exercise of their constitutional right to remain silent.

1 The Defendants are not required to prove their innocence.  
2 The burden remains on the State of South Carolina to prove  
3 guilt beyond a reasonable doubt.

4 One other proposition in determining credibility or  
5 believability of a witness. A person who has a past  
6 criminal record is competent to testify during the trial.  
7 A past record does not affect the ability of that witness  
8 to testify. Past record may only be considered by you, if  
9 at all, in determining the witness' believability.  
10 Remember, you're the sole judges of the facts in the case  
11 and the believability or credibility of any and all  
12 witnesses is within your province.

13 You've heard some argument and testimony about the  
14 punishment -- concerning the punishment or penalties a  
15 person can serve for the crime alleged. In determining  
16 the guilt or innocence of the Defendants you cannot  
17 consider any possible penalty or sentence of a particular  
18 crime. The punishment for the crime is a matter for me to  
19 determine and should never be considered by you in any way  
20 whatsoever in arriving at a fair and impartial verdict in  
21 this case.

22 Mr. Foreman, ladies and gentlemen of the jury, those  
23 are pretty standard constitutional safeguards that all  
24 defendants have. It is the definition of reasonable  
25 doubt, the explanation of failure to testify, the exercise

1 of constitutional right to remain silent. It's a charge  
2 to you on how you determine believability and credibility  
3 of witnesses. Mainly you use your common sense to  
4 determine who is telling the truth.

5 Now let's turn to the two offenses charged in this  
6 case or indicted in this case. Each Defendant has been  
7 charged with armed robbery. Each Defendant has been  
8 charged with possession of a weapon during the commission  
9 or the attempt to commit violent crime. A person or  
10 defendant charged with armed robbery as they are in this  
11 case -- in order to prove this offense the state must  
12 first prove beyond a reasonable doubt that the Defendants  
13 took personal property from the person or presence of  
14 another person. Pretty simple. Property is in the  
15 presence of a person if it is within the person's reach,  
16 control so that the person could, if not overcome with  
17 violence or prevented by fear, keep possession of the  
18 property.

19 The state also must prove beyond a reasonable doubt  
20 that the Defendants carried the property away intending to  
21 permanently deprive the owner of the property and keep the  
22 property for the Defendants' own use. The slightest  
23 removal of the property or complete possession of the  
24 property even for an instance by the Defendant is  
25 sufficient to show a taking and carrying away of the

1 property. The taking and carrying away of the property  
2 must have been done with violence or by putting the owner  
3 of the property in fear of violence.

4 Finally, the state must prove beyond a reasonable  
5 doubt that the Defendant or the Defendants were armed with  
6 a deadly weapon during the robbery. Obviously, a deadly  
7 weapon is any instrument which is likely to cause death or  
8 great bodily harm. Whether an instrument has been used as  
9 a deadly weapon depends on the facts and circumstances of  
10 each case and, obviously, a pistol is an example of a  
11 deadly weapon and a gun may be a deadly weapon even if it  
12 is not operating or empty or not operational.

13 So, armed robbery is not that complicated of an  
14 offense. Let me just go over it one more time. To prove  
15 armed robbery the state must prove beyond a reasonable  
16 doubt, number one, that the defendant took property from  
17 the person or a company; that they had to take complete  
18 control of that property. It must be done with violence  
19 or putting the owner of the property in fear of violence,  
20 and it must be shown that the Defendants were armed with a  
21 deadly weapon during the robbery and all of that must be  
22 shown and proven beyond a reasonable doubt.

23 The second indictment in this case is possession of a  
24 weapon during the commission of or attempt to commit a  
25 violent crime. These Defendants are charged with that.

1 In order to prove it the state must show beyond a  
2 reasonable doubt that the Defendants were in possession of  
3 a firearm or visibly displayed what appeared to be a  
4 firearm during the commission of a violent crime. Our law  
5 defines firearms as any gun, revolver, pistol which is  
6 designed to or may be readily conversed to expel a  
7 projectile, and in order to find the Defendants guilty of  
8 a weapon during the commission of a violent crime you must  
9 find them either guilty of committing a violent crime or  
10 attempting to commit a violent crime and our law defines  
11 the offense of armed robbery as a violent crime.

12 Ladies and gentlemen, your verdict must be unanimous.  
13 All twelve of you must unanimously agree as to what the  
14 verdict is. You must consider all four indictments. As  
15 to each Defendant you'll have to consider the armed  
16 robbery first of all. If you find the Defendants not  
17 guilty of armed robbery, obviously, you would not go to  
18 the possession of a weapon because no violent crime has  
19 been committed. If you find the Defendants guilty of  
20 armed robbery or one of them or both of them or a  
21 combination thereof, then you would then consider whether  
22 or not they possessed a weapon during the commission of  
23 that violent crime.

24 The verdict form is very simple. It is as to each  
25 Defendant, each offense, armed robbery, commission --

1 possession of a weapon during the commission. It's either  
2 not guilty or guilty. When you make your unanimous  
3 decision you check whichever one is appropriate, sign your  
4 name. Obviously, when you finish everything let the  
5 bailiff know and he'll let me know and we'll receive you  
6 back into the courtroom and receive the verdict at that  
7 time.

8 As I said your verdict must be unanimous. It must be  
9 solely based on the facts as you find them to be, the true  
10 facts, apply those fact to the law as I have given it to  
11 you. You have absolutely no friends to reward, no enemies  
12 to punish. It can't be based on passion, anything of that  
13 nature. It has to be simply based on the evidence in this  
14 case as you find it to be.

15 If at any time during the deliberations, Mr. Foreman,  
16 y'all have a question, please write that question out on a  
17 notepad that you'll have in there. Knock on the door.  
18 The bailiffs will give it to me. Sometimes I can answer  
19 the question. Sometimes I can't depending on what the  
20 question is, but if it is something that I can answer I'll  
21 either send an answer back in there, I'll bring you back  
22 out here and I'll give you the answer, or I'll write that  
23 I cannot answer that and I'll try to give you a reason.  
24 There would be a reason if I can't.

25 I will now ask you twelve to return to your jury



1 room. Let's put the two alternates in the alternate room.  
2 Do not start deliberating. I have to ask the lawyers if I  
3 have left anything out. We have to gather the exhibits  
4 and make sure we have them all. Once we do that, it takes  
5 two or three minutes. We'll send all of the exhibits back  
6 into the jury room along of the verdict forms and you may  
7 start your deliberations.

8 We've ordered you lunch. I am not sure if it is here  
9 yet. It should be shortly. You can do a couple of  
10 things. You can stop deliberating while you eat. You can  
11 eat and deliberate, but I am not going to let you go  
12 downstairs and get separated. Once we turn it over to you  
13 I am going to keep you together as a group. If you want  
14 to eat and deliberate or however you want to do it, that's  
15 up to you.

16 Just let me know when you've completed your task.  
17 Thank you very, very much. You may go with the bailiff.

18 (Whereupon, the jury exited the courtroom at 11:52.)

19 THE COURT: Any requested admissions, deletions, or  
20 objections to the charge by the state?

21 MS. RINGLER: None from the state, Your Honor.

22 THE COURT: By the Defendant represented by  
23 Mrs. Brown?

24 MRS. BROWN: No, Your Honor.

25 THE COURT: By the Defendant represented by

1 Mr. Routzong?

2 MR. ROUTZONG: No, sir.

3 THE COURT: Would each of you please come forward and  
4 go through the exhibits to make sure that we have each and  
5 every one? Would you please review the verdict form?  
6 Completely unloaded?

7 THE POLICE OFFICER: Yes, sir.

8 THE COURT: No bullets in the bag? All right. On  
9 behalf of the state are all exhibits accounted for?

10 MR. THURMOND: Yes, sir.

11 THE COURT: On behalf of the Defendant represented by  
12 Mrs. Brown? Mrs. Brown, are you satisfied?

13 MRS. BROWN: What was 22?

14 THE COURT REPORTER: Video.

15 MRS. BROWN: Yes, Your Honor.

16 THE COURT: Is everyone satisfied that all exhibits  
17 are present? Mr. Thurmond?

18 MR. THURMOND: Yes, sir.

19 THE COURT: Mrs. Brown?

20 MRS. BROWN: Yes, Your Honor.

21 THE COURT: Mr. Routzong?

22 MR. ROUTZONG: Yes, sir.

23 THE COURT: Have y'all reviewed the verdict forms?  
24 Are you satisfied with those? All of them are simply not  
25 guilty, guilty.

1 MS. RINGLER: Yes, Your Honor.

2 THE COURT: The State?

3 MS. RINGLER: Yes, Your Honor.

4 MRS. BROWN: Yes, Your Honor, as to Artrell Hickson.

5 THE COURT: Mr. Routzong?

6 MR. ROUTZONG: As to Javier Hickson, yes, sir.

7 THE COURT: All right. Mr. Bailiff, if you'll take  
8 the exhibits and verdict forms and tell the jury they may  
9 start deliberating. It is 11:56. We'll stand at ease  
10 just for a second.

11 (Whereupon, the Jury begins to deliberate at 11:56.)

12 THE COURT: I got a note from the jury: Can we get a  
13 computer to see the DVD and video? With permission from  
14 all parties I am going to ask the Foreperson do they want  
15 it back there or look at it out here.

16 (Whereupon, the Foreperson enters the courtroom at  
17 approximately 1:30.)

18 THE COURT: Mr. Foreman, I got your note. We may  
19 have a little technical difficulty sending it back there  
20 with the computer. I got the guy coming up to find out.  
21 Would it suit you to come out here and look at it or do  
22 y'all want it back in there so you can watch it?

23 THE FOREPERSON: Well, we do need to see it.

24 THE COURT: I understand that. Would it suit to see  
25 it out here or suit to see it better suited back there? I

1 don't know if I can send it back there. I don't know if I  
2 have the capability.

3 THE FOREPERSON: I see what you're saying.

4 THE COURT: Go back there and discuss it with them.  
5 Tell them I know I can show it to them out here and I'll  
6 see if I can do it back there. We'll get you an answer in  
7 just a few minutes.

8 THE FOREPERSON: All right. Thank you.

9 (Whereupon, the Foreperson exits the courtroom at  
10 approximately 1:31.)

11 THE COURT: What we're trying to find out is can we  
12 only watch the video out here or can we send the computer  
13 back there and they can watch it back there?

14 MR. NORWOOD BODIE: This is not an easy video to play  
15 so it would probably be easier to bring it out here.

16 THE COURT: I am going to tell them unless they  
17 absolutely got to have it I would have to send the whole  
18 contraption back there.

19 Any problems with that?

20 MRS. BROWN: No, Your Honor.

21 THE COURT: Mr. Whittle, I am going to send it back  
22 to them and tell them that it'll have to be played out  
23 here or you can just tell them that it has to be played  
24 out here, and if they want to let me know and I'll bring  
25 them out to show it to them or not.

1 (Whereupon, a break was taken.)

2 (Whereupon, the jury came into open court at  
3 approximately 1:45.)

4 THE COURT: All right. Mr. Foreman, it is my  
5 understanding that y'all would like to review the video.  
6 I apologize for not having the technical capabilities of  
7 sending it to the jury room so I have to reshow it to you  
8 out here. We'll play it as many times as you want and  
9 stop it when you want it stopped. Y'all just let us know.

10 THE FOREPERSON: Twice to start off with.

11 THE COURT: If you want it stopped at any point  
12 during the video raise your hand. All right.

13 (Whereupon, the video is played.)

14 THE COURT: What you need?

15 THE FOREPERSON: One more time.

16 THE COURT: One more time.

17 (Whereupon, the video is played.)

18 THE FOREPERSON: Thank you, Your Honor.

19 (Whereupon, the jury exited the courtroom at 1:58.)

20 (Whereupon, a break was taken.)

21 THE COURT: Ladies and gentlemen, I am informed the  
22 jury has a verdict in the trial that we just concluded.  
23 Some of the members of the jury panel are, I think, in the  
24 restroom so it's going to be about three or four more  
25 minutes before we receive the verdict. First of all, let

1 me say this. I don't know what the verdict is.  
2 Obviously, it is going to be one of two things, but if you  
3 cannot control your emotions -- notwithstanding whether  
4 it's guilty or not guilty, if you cannot control your  
5 emotions I am asking you now very nicely to please step on  
6 out and you can find out what the verdict is after the  
7 fact.

8 Everyone is to conduct themselves with good behavior  
9 like you've done so far through the trial. I know it's an  
10 emotional situation for family members as well as victims  
11 as well as friends, but I intend for this courtroom to be  
12 respected, and if you cannot do that I am asking you to  
13 leave now. If there is any outburst, any untoward  
14 behavior the courtroom has deputies all around and you  
15 will be gently, if possible, removed and held in contempt.

16 So, fair warning. If you cannot conduct yourself  
17 appropriately, please leave now. Thank you.

18 (Whereupon, the jury came into open court at  
19 approximately 2:20.)

20 (Whereupon, Court's Exhibit Nos. 1 - 2 were marked  
21 for identification only.)

22 THE COURT: Mr. Foreman, have y'all reached a  
23 verdict?

24 THE FOREPERSON: Yes, Your Honor, we have.

25 THE COURT: If you would pass it to the bailiff,

1 please.

2 THE CLERK: Your Honor, the State of South Carolina  
3 versus Artrell Jabar Hickson, indictment number  
4 2010-GS-02-00670, As to the offense of possession of a  
5 firearm --

6 THE COURT: Do the other one first.

7 THE CLERK: Sir?

8 THE COURT: Do the armed robbery first.

9 THE CLERK: Yes, sir. As to offense of armed robbery  
10 we, the jury -- excuse me. Let me start over. The State  
11 of South Carolina versus Artrell Jabar Hickson, indictment  
12 number 2009-GS-02-02294, as to the offense of armed  
13 robbery we, the jury, find the Defendant guilty. We  
14 unanimously agree, Foreperson, Myles Black, September 22,  
15 2010.

16 The State of South Carolina versus Javier Hickson,  
17 indictment number 2009-GS-02-02291, as to the offense of  
18 armed robbery we, the jury, find the Defendant guilty. We  
19 unanimously agree, Foreperson, Myles L. Black, September  
20 22, 2010.

21 The State of South Carolina versus Artrell Jabar  
22 Hickson, indictment number 2010-GS-02-670, as to the  
23 offense of a possession of a firearm during the commission  
24 of or attempt to commit a violent crime, we, the jury,  
25 find the Defendant guilty. We unanimously agree, Myles L.

1 Black, September 22, 2010.

2 The State of South Carolina versus Javier Hickson,  
3 indictment number 2010-GS-02-00679, as to the offense of  
4 possession of a firearm during the commission of or an  
5 attempt to commit a violent crime we, the jury, find the  
6 Defendant guilty. We unanimously agree, September 22,  
7 2010, Myles L. Black.

8 Mr. Foreman, ladies and gentlemen of the jury, is  
9 this still your verdict? Please indicate by raising of  
10 your right hand.

11 All hands are raised, Your Honor.

12 THE COURT: Thank you. Mr. Routzong, Mrs. Perkins,  
13 anything for the jury before I release them?

14 MR. BROWN: No, Your Honor.

15 MR. ROUTZONG: Nothing, Your Honor.

16 THE COURT: All right. Everybody remain seated,  
17 please.

18 Mr. Foreman, ladies and gentlemen, I thank you for  
19 your service. I could not have asked for a better jury.  
20 Y'all payed close attention. You've taken your duties  
21 serious. You listened to the evidence, and you've done  
22 your job. I appreciate it.

23 You're welcome to leave now. You'll be excused for  
24 the balance of the week. If anyone needs a work excuse  
25 we'll be glad to get one of those for you.



1           What is left I'll be doing here in just a few minutes  
2 will be the sentencing. You're welcome to stay for that  
3 if you would like. If not, you're free to go. We'll be  
4 sentencing here in just a few seconds. So if you'd like  
5 to leave you can leave now. If not, you're welcome to  
6 stay.

7           (Whereupon, the jury exited the courtroom at 2:26.)

8           THE COURT: Sheriff, I'd like at least a deputy or  
9 two to escort them out in the parking lot so they can get  
10 out.

11          THE SHERIFF: Yes, sir.

12          THE COURT: Pass up the sentence sheets, please.

13          Mr. Routzong, Mrs. Kelley Perkins Brown, if you'd  
14 bring your clients forward, please.

15                 JAVIER HICKSON AND ARTRELL HICKSON, after being  
16 duly sworn, testified as follows:

17          THE CLERK: Sworn, Your Honor.

18          THE COURT: Mrs. Kelley Perkins Brown, Mr. Michael  
19 Routzong, in connection with the armed robbery charges it  
20 is my understanding that carries a minimum of 10, maximum  
21 of 30.

22          Is that correct, Ms. Solicitor?

23          MS. RINGLER: Yes, Your Honor.

24          THE COURT: Mr. Routzong, Mrs. Kelley P. Brown, do  
25 you agree with that?

1 MRS. BROWN: Yes, Your Honor.

2 MR. ROUTZONG: Yes, Your Honor.

3 THE COURT: Possession of a weapon during the  
4 commission of a violent crimes carries up to five.

5 MS. RINGLER: Five years, Your Honor, yes.

6 THE COURT: Y'all all agree to that?

7 MRS. BROWN: Yes.

8 MR. ROUTZONG: Yes, Your Honor.

9 THE COURT: Bear with me one second. I am going to  
10 listen to you, but I need to sign some things. I am not  
11 putting the sentence off.

12 Also, Ms. Ringler would you, please, give me the  
13 prior record of Mr. Javier Hickson, if any?

14 MS. RINGLER: Yes, Your Honor, he's got a 2003 public  
15 disorderly conduct and also a possession of a controlled  
16 substance first. In 2004 he has a possession of a stolen  
17 pistol.

18 THE COURT: Would you please give me the record of  
19 Mr. Artrell Hickson, if any?

20 MS. RINGLER: He does not have a record, Your Honor.

21 THE COURT: All right. Ladies first. Mrs. Kelley  
22 Perkins Brown, I'll be glad to hear as to Artrell Jabar  
23 Hickson.

24 MRS. BROWN: Thank you, Your Honor. Your Honor,  
25 Artrell is 20 years old. He has lived here in the Aiken

1 area for all of his life. He went to Silver Bluff High  
2 School. He did not graduate and he tells me that he was  
3 trying to get into a GED program. He has one child who  
4 was born in April of this year -- a son -- and as the  
5 court has heard he was living with his grandmother. He  
6 was working doing part-time work at a carwash.

7 Your Honor, the court has heard he has no prior  
8 record. He is a young man. We would ask the court  
9 sentence him accordingly.

10 THE COURT: Mr. Artrell Hickson, anything you'd like  
11 to tell me?

12 THE DEFENDANT ARTRELL HICKSON: No, sir.

13 THE COURT: Does he have any members of his family  
14 that would like to speak? Thank you.

15 Mr. Michael Routzong?

16 MR. ROUTZONG: May it please the court.

17 (Whereupon, the attorney conferred with the client.)

18 MR. ROUTZONG: May it please the court, Your Honor.

19 THE COURT: Yes, sir.

20 MR. ROUTZONG: Mr. Hickson is 27 years old. He is a  
21 resident of Aiken. I think he has one child. I believe  
22 that child is 10 years old, Your Honor. I'd also ask the  
23 court to consider a relatively minor record in sentencing,  
24 Your Honor.

25 THE COURT: Mr. Javier Hickson, anything you want to

1 tell me?

2 THE DEFENDANT JAVIER HICKSON: No, sir.

3 THE COURT: Any member of his family would like to  
4 say anything? Any comments by the victims, the tellers?  
5 Anyone want to say anything?

6 MS. RINGLER: I believe none of them would like to  
7 speak, Your Honor. None wish to speak.

8 THE COURT: All right. Mr. Javier Hickson, as to  
9 indictment 2009-GS-02-2291, an indictment for armed  
10 robbery, the sentence of this court is that you be  
11 committed to the State Department of Corrections for a  
12 period of 28 years. As to the possession of a weapon  
13 during the commission of a violent crime the sentence of  
14 this court is that you be committed to the State  
15 Department of Corrections for a period of five years.  
16 They're to run concurrent.

17 Mr. Artrell Hickson, as to indictment  
18 2009-GS-02-2294, an indictment for armed robbery, the  
19 sentence of this court is that you be committed to the  
20 State Department of Corrections for a period of 28 years.  
21 As to indictment 2010-GS-02-670, the sentence of this  
22 court is that you be committed to the State Department of  
23 Corrections for a period of five years. They're to run  
24 concurrent.

25 Good luck to both of you. We'll stand at ease for a

1 few minutes.

2 (End of Transcript of Record.)

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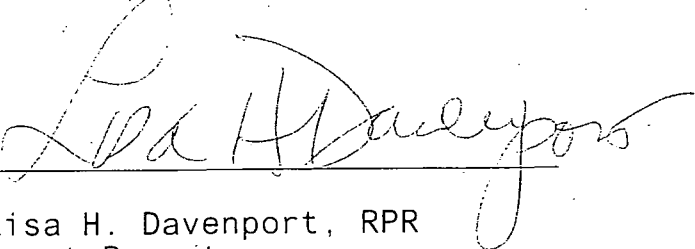
CERTIFICATE OF REPORTER

State of South Carolina       )  
                                          )  
County of Aiken                )

I, Lisa H. Davenport, Official Court Reporter for the  
Second Judicial Circuit of the State of South Carolina, do  
hereby certify that the foregoing is a true, accurate and  
complete Transcript of Record of the proceedings had and  
evidence introduced in the trial of the captioned case,  
relative to appeal, in the Court of General Sessions for  
Aiken County, South Carolina, on the 20-22 day of  
September, 2010.

I do further certify that I am neither of kin,  
counsel nor interest to any party hereto.

March 12, 2011

  
\_\_\_\_\_  
Lisa H. Davenport, RPR  
Court Reporter

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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APPEAL FROM AIKEN COUNTY

Court of General Sessions  
Honorable Doyet A. Early, III

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Case No. 2010-GS-02-670, 679, 294, 291

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The State,

Respondent,

v.

Artrell Hickson,

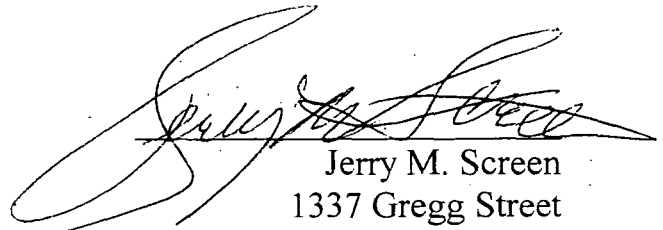
Appellant.

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**CERTIFICATION OF COUNSEL**

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The undersigned attorney for appellant Artrell Hickson, certify that the Record on Appeal contain the material proposed to be included in the appeal and no other material.



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