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STATE OF SOUTH CAROLINA

In The Court of Appeals

 ORIGINAL

APPEAL FROM HORRY COUNTY

Benjamin H. Culbertson, Circuit Court Judge

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THE STATE,

SC Court of Appeals

RESPONDENT,

V.

JAMAR ANTONIO HUGGINS,

APPELLANT

APPELLATE CASE NO. 2014-002022

RECORD ON APPEAL

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INDEX

INDEX.....	i
TRIAL TRANSCRIPT (dated September 15-17, 2014)	1
OPENING STATEMENT BY MS. ELDER.....	2
OPENING STATEMENT BY MR. LONG	6
TESTIMONY	
DEAUNGELA MONTGOMERY	13
DIRECT EXAMINATION BY MS. ELDER	13
CROSS EXAMINATION BY MR. LONG	26
REDIRECT BY MS. ELDER.....	26
ANGELA ECKLER.....	28
DIRECT EXAMINATION BY MS. ELDER	28
CROSS EXAMINATION BY MR. LONG	39
JONATHAN MARTIN	57
DIRECT EXAMINATION BY MS. ELDER	57
CROSS EXAMINATION BY MR. LONG	65
REDIRECT BY MS. ELDER.....	72
MOTIONS	75
CLOSING ARGUMENT BY MS. ELDER.....	81
CLOSING ARGUMENT BY MR. LONG	92
JURY CHARGE.....	99
VERDICT	103
MOTIONS	104
SENTENCING	106
INDICTMENTS	109
CERTIFICATE OF COUNSEL.....	115

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

6 Now, in just a moment the Solicitor will make what's
7 called an opening statement in which the Solicitor will
8 explain to you the issues in this case or at least what the
9 Solicitor feels the issues in this case are. The attorney for
10 the Defendant may also make an opening statement, although he
11 is not required to do so. What the attorneys tell you during
12 their opening statements is not evidence in this case. It is
13 only their contention as to what the issues in this case are.
14 The evidence in this case will be presented to you by
15 testimony of sworn witnesses from the witness stand and any
16 other exhibits that may be introduced into evidence.

17 Now, in determining what the true facts are in this case,
18 you must decide whether or not the testimony of a witness is
19 believable. It will be my responsibility to rule as a matter
20 of law as to whether certain testimony is admissible at all or
21 not, but once testimony is admitted into evidence, whether or
22 not you believe it is solely for you to determine. In
23 deciding whether to believe a witness, you have the right to
24 consider the interest of any witness, the bias of any witness,
25 the prejudice of any witness, the opportunity for the witness

1 to have seen the matters and things about which the witness
2 may testify and the way the witness acts on the witness stand.
3 You have the right to consider anything that is in the record
4 that will help you evaluate the testimony of these witnesses.
5 That means that it is your duty to pay close attention to the
6 witnesses, to observe them, to listen to them and to pay close
7 attention to the attorneys and the Court. Don't let your
8 thoughts wander, but give strict attention to the testimony in
9 this case so at the end of all the testimony, after the
10 arguments of counsel and a charge on the law by the Court, you
11 will then be in a position to determine what the true facts
12 are and apply the law to those facts and thus render a true
13 and just verdict.

14 All right. Now, is there any challenges or additional
15 charges from the State?

16 MS. ELDER: No, sir, Your Honor.

17 THE COURT: Any from the Defense?

18 MR. LONG: No, Your Honor.

19 THE COURT: All right. Ladies and gentlemen, we'll now
20 begin the trial with the opening statements by the attorneys.
21 As I told you, these opening statements are not evidence. It
22 is simply the attorneys' contention as to what they think the
23 issues in this case are. Ms. Elder.

24 MS. ELDER: If it pleases the Court, Your Honor?

25 THE COURT: Yes, ma'am.

1 MS. ELDER: Good morning. I'm Donna Elder. I didn't
2 get a chance to introduce myself during jury qualifications.
3 I do work for the State of South Carolina, in particular the
4 15th Circuit. We cover Horry and Georgetown Counties, and we
5 bring criminal cases to prosecute for -- on behalf of the
6 State that occurs in one of those two counties.

7 I'm going to take you back to December 20th, 2012. Angela
8 Eckler became a victim that night, something nobody wants to
9 be, certainly not a victim of a violent crime, but she became
10 a victim that night to a burglary, to a kidnapping and to an
11 armed robbery, but what was even worse than becoming a victim
12 was living a mother's worst nightmare. She was at home alone
13 with her 12 year old daughter. They had been watching movies.
14 They were there together on a Wednesday night. Approximately
15 1:15 in the morning there's a knock on her door. She doesn't
16 think anything about it. She doesn't think bad things. She
17 doesn't think anything but, "Somebody's knocking on my door.
18 I need to go and open it. I need to go see who it is."

19 She goes to the front door and there's a woman, and the
20 woman's there and she's asking for somebody named Dre. Angela
21 doesn't know who Dre is. She doesn't know anybody by that
22 name, but she tells her to hold on because she had a chocolate
23 lab, "Hold on. Let me put my dog up." She's talking to --
24 talking through the storm door at that point, a glass storm
25 door.

1 She puts the dog up and goes or tries to put the dog up
2 and unlock the storm door for the woman. She doesn't see
3 anybody else except a female. When she goes and she turns to
4 grab her dog to take it back, let the female in, that female
5 doesn't come in. What comes in are two males. What comes in
6 is this Defendant, Jamar Huggins, with a hood over his face
7 and a gun. There's another individual, another male that
8 comes in with him. That male grabs Angela Eckler, puts her in
9 a choke hold, is holding her from behind. He's pulling her.
10 He's jerking on her, and while that guy's doing that, this
11 Defendant is holding the gun pointing it at her saying,
12 "Where's the money? Where's the money?" She says, "I don't
13 know anything about money. Please don't kill me. My baby is
14 in the other room," and they keep asking for the money. Then
15 when she tells them that her child is in the other room and
16 begging for her life, they say, "Take us to that room." "No,
17 no, no, please don't. My baby is in there."

18 They go to the other room. When they do, they push this
19 mother into the bathroom, separating her from her daughter,
20 and she's in the bathroom. She can't get to her daughter.
21 She's got one person that won't let her out, and she knows
22 that man with that gun is out there with her daughter, with
23 her 12 year old daughter, and she can hear through the door,
24 "Where's the money? Where's the money?"

25 They get \$15 of that little girl's birthday money because

1 that's all she had, and she gave it to them. That's all she
2 had left out of her birthday card. When they get that, they
3 put M.E. the 12 year old girl, into the bathroom with her
4 mother. They finally let them together, and Angela's going to
5 tell you she's hysterical at this point because not only has
6 she had her life threatened, but again, more importantly to
7 her, her daughter was threatened, seen a gun, was, was
8 confronted by some masked person demanding money and she
9 couldn't do anything about it.

10 She and her daughter then stay in the bathroom, and her
11 response, as anybody would be, would be to, "Let's get out of
12 here," but she waited until they knew or they didn't hear them
13 anymore. They thought they heard a car drive off. So Angela
14 gets up. She gets her daughter. She gets in the car. She
15 goes to the police station. She's getting out of the house.
16 She doesn't know if they're coming back. She doesn't know
17 where they are.

18 This case is about one thing. It's just getting
19 something that you're not entitled to at any cost, and it
20 doesn't have to be a large amount for somebody like Jamar
21 Huggins. He doesn't care. Doesn't have to be televisions and
22 things like that. \$15, and you'll hear some testimony that
23 there was a couple of DVD Wii games that were taken. That's
24 what this about. They went into this woman's house armed with
25 a weapon at night, threatened her, had a gun, threatened her

1 daughter, all for what, for the fun of it? Who knows. Who
2 knows why people do stuff like that, and when you hear all the
3 evidence in this case from the witness stand, you're going to
4 ask yourself, "Who would do that? Who in the world would do
5 that kind of thing? Who behaves like that," and the answer is
6 going to be real clear. It's that man right there, Jamar
7 Huggins.

8 Thank you very much for your attention throughout today.
9 We look forward to working with you, and I appreciate your --
10 all your service here.

11 THE COURT: All right. Mr. Long, does the Defense wish
12 to make an opening statement?

13 MR. LONG: Yes, Your Honor.

14 THE COURT: All right.

15 MR. LONG: May it please the Court?

16 THE COURT: Yes, sir.

17 MR. LONG: That -- Ms. Elder made the case sound very
18 simple. She made the case sound like there's a home invasion,
19 there's evidence to prove that Jamar Huggins was involved in
20 the home invasion and he should be found guilty. As
21 everything in life is, it's not that simple. So I want you to
22 keep an open mind and to listen to all the facts. Listen to
23 the witnesses, analyze what the witnesses are saying and give
24 Jamar a fair chance.

25 Now, my name is John Reuben Long. I'm an attorney in

1 Conway at Thompson and Henry Law Firm. I graduated from law
2 school in 2007. The reason why I went to law school, I had a
3 good job with the federal government. I quit it to go to law
4 school. I -- it seemed like a good idea, but the reason why I
5 went to law school is for cases just like this. In this case
6 you have a Defendant who's been wrongly accused for a crime
7 that he did not commit and he's looking to spend a significant
8 amount of time of his life in jail, and he's accused falsely
9 based on one person's testimony, and you'll hear her today,
10 Deaungela Shanta Montgomery, a convicted felon, a crack head,
11 somebody who has something to gain by testifying. You will
12 not hear testimony from the victim, Angela Eckler, that she
13 saw Jamar Huggins. She cannot identify the people who went
14 into her house. I am not here to convince you that a terrible
15 heinous crime was not committed. I believe without a shadow
16 of a doubt a terrible crime happened. Ms. Eckler's home was
17 invaded. Her daughter and she were traumatized, but don't
18 confuse your emotions and anger with that to point the finger
19 at Jamar Huggins.

20 Now, this case gets kind of technical because there are a
21 lot of names being -- that are going to be thrown around
22 during testimony; and so if you'll indulge me for one second.
23 I'm a very visual type person. You can tell me things all day
24 long and I will not retain it, but if I see it, I'll retain
25 it. So if you're like that, this might help, and if my hands

1 are shaking and if my handwriting is not very good, it's
2 because I'm nervous. I don't mind telling you. This is a big
3 deal. Okay?

4 All right. So I mentioned Deaungela. Her name is also
5 Shanta, and you'll hear Deaungela Shanta Montgomery. This is
6 all the same person. She's the only witness who can -- who is
7 going to testify against Jamar Huggins. Okay?

8 She's addicted to crack cocaine. She'll admit that. She
9 had, for lack of a better word, a sugar daddy, someone who
10 would supply her with crack cocaine and get high with her.
11 His name is Adrian Moore. His nickname is either Dre or
12 Drake. You're going to hear Dre or Drake a lot. So Adrian
13 Moore, the evidence will show, Adrian Moore had a lot of
14 money, comparatively speaking, and he bought crack cocaine so
15 that he and Deaungela Moore [sic] could smoke crack cocaine
16 together.

17 Adrian Moore or Drake was Angela Eckler's boyfriend,
18 live-in boyfriend. I'll put Angela down there. Angela,
19 there's no evidence to show Angela's involved in any type of
20 drugs, not trying to paint that picture at all. I think she's
21 just an innocent victim of this whole thing. Okay?

22 Now, evidence will show that Adrian Moore and Deaungela
23 or Shanta they got their crack cocaine from one guy named
24 Juice. Juice had the crack. As a matter of a fact, the
25 evidence will show that Juice introduced Shanta and Drake. So

1 the three of them knew each other well. They got together.
2 They knew each other's cell phone numbers. Drake, he started
3 getting on hard times and bad health issues. He got behind on
4 the money he owed Juice for some crack cocaine. He owed Juice
5 \$600 for crack cocaine at the time this incident occurred.
6 Then, excuse me, Drake, he goes into the hospital about a week
7 before this home invasion occurred. So he's out of the
8 picture.

9 Deaungela, she's still smoking crack. She doesn't know
10 where Drake is. She's still smoking crack. She's getting it
11 from Juice. Evidence will show that she was hurting for some
12 cocaine. She needed, she needed some money or she needed some
13 cocaine. She knew that Adrian was getting his money from
14 Angela, and so evidence will show that Shanta, Deaungela and
15 Juice went into Angela's house and did the home invasion.
16 You're going to hear that -- you're going to hear that from
17 Shanta. She's going to tell you that Juice had on the mask.
18 Juice got mad at the second guy.

19 Now, about three weeks after the home invasion, Shanta's
20 in jail for another crime. It's armed robbery, burglary.
21 She's involved in a lot of crimes. Evidence will show that.
22 So while she's at J. Reuben Long, the police come to talk to
23 her. Detective Martin talks to her and about this home
24 invasion, and Deaungela, you'll see, that she said, "Oh, it
25 was Junk." Junk is Jamar Huggins, my client. See, now,

1 aren't you glad I'm -- it's technical. Now, that's about
2 three weeks after the crime. Okay?

3 Now, as Shanta is telling this story to the police that,
4 "Junk was involved, Junk did this, Junk did that," she is
5 intermingling the name Juice with Junk. She said, "Junk went
6 into the house and Juice put on his, his mask and Juice got
7 mad," and so she can't keep her story straight. She changes
8 her story three or four times in the last year and a half.
9 Evidence is going to show that.

10 Then just yesterday, you'll see, just yesterday Deaungela
11 changes her story once again and brings in a guy named Tyjuan.
12 That's brand new stuff, never mentioned Tyjuan before. She's
13 mentioned him. Said he wasn't involved. So Shanta is -- she
14 doesn't -- the truth is not in this woman, and as I said,
15 she's the only one who can show, or not show, but the only one
16 who will testify that Jamar Huggins went in that house.

17 Now, the police once they heard about Jamar Huggins and
18 Shanta said, "It was Jamar," even though the police heard her
19 get Juice and Jamar confused, once they got the name Jamar
20 Huggins, they stopped their investigation. They quit. They
21 didn't do anything. They said, "We got our man. We're done."
22 Close this case with Jamar's name on it, never arrested the
23 second guy, never interviewed Juice, never searched Jamar
24 Huggins' house, never, never -- talked to Adrian Moore once.
25 That's it, one time. Never searched Juice's house, never

1 searched Juice's car. They did nothing, nothing.

2 So now we're here today, and I'm here to clear Jamar
3 Huggins' name. Jamar, he comes to this court with a cloak of
4 innocence wrapped around him. He is innocent until proven
5 guilty. It is the State's responsibility to take that robe
6 off of him, that heavy cloak off of him thread by thread to
7 prove that he is guilty beyond a reasonable doubt.

8 Now, what does that mean? That's kind of lawyer talk.
9 The best way I can describe it -- as I said, I'm kind of
10 visual. Beyond a reasonable doubt, if this banister here was
11 doubt, at this end you say there's no way, absolutely not, it
12 never could have happened, it's impossible. This end you say
13 absolutely it happened, "I have no doubt about it." Now,
14 where is reasonable doubt? Nobody knows for sure. It's
15 somewhere down here. It's not here in the middle. Here in
16 the middle is like 50, 50. You say it might have happened, it
17 might not have happened. "I can't tell." Jamar might have
18 been involved, it might have been Juice, "I don't know. I
19 can't tell." That's the middle. That's not reasonable doubt.
20 To get reasonable doubt, you've got to come down here and say
21 is there a nagging feeling in my head maybe Jamar didn't do
22 it? If it is, that's reasonable doubt. That's reasonable
23 doubt, and they have to prove it beyond a reasonable doubt
24 that Jamar Huggins was the person who went into that house.

25 Ladies and gentlemen, I'm sorry to take so long. I thank

1 you for your service. All I'm asking you to do is keep an
2 open mind, use your common sense, which is kind of a rare
3 commodity in the court system at sometimes. Weigh the
4 evidence. Look at the testimony of Shanta Montgomery, and at
5 the end of the day I think you'll find that my client, Jamar
6 Huggins, is not guilty of this home invasion. Thank you.

7 THE COURT: All right. Ladies and gentlemen, we will now
8 begin the evidentiary portion of the trial with the State's
9 case. Ms. Elder, the State can call their first witness.

10 MS. ELDER: We would call Deaungela Montgomery.

11 THE COURT: All right. All right. Ma'am, if you'd
12 please come around.

13 Whereupon, Deaungela Montgomery was called to the stand,
14 duly sworn by the clerk and testified as follows:

15 THE CLERK: Please be seated. State your full name,
16 spell your last name for the Court, please.

17 MS. MONTGOMERY: Deaungela Montgomery, M-O-N-T-G-O-M-E-R-
18 Y.

19 THE COURT: All right. Could you spell your first name
20 as well, please?

21 MS. MONTGOMERY: D-E-A-U-N-G-E-L-A.

22 THE COURT: All right. Thank you. All right. Ms.
23 Elder.

24 MS. ELDER: Thank you, Your Honor.

25 DIRECT EXAMINATION

Deaungela Montgomery - Direct by State

49

1 BY MS. ELDER:

2 Q Ms. Montgomery, you obviously are incarcerated currently;
3 is that correct?

4 A Yes, ma'am.

5 Q Okay. And you pled guilty to some offenses a short time
6 ago?

7 A Uh-huh. Yes, ma'am.

8 Q What, what did you plead guilty to?

9 A Two counts of armed robbery.

10 Q Okay. And you are currently in the Department of
11 Corrections; is that correct?

12 A Yes, ma'am.

13 Q And you were brought here today by the State; is that
14 correct?

15 A Yes, ma'am.

16 Q All right. And just to go ahead, and for the jury, have
17 you talked to me before?

18 A No. I don't remember.

19 Q Okay. And have I offered anything to you for your
20 testimony here today?

21 A No, ma'am.

22 Q And without telling us your sentence, you have, in fact,
23 already been sentenced by the Court; is that correct?

24 A Yes, ma'am.

25 Q Okay. And did you get any assistance with that from the

1 State?

2 A No, ma'am.

3 Q One of the armed robberies that you have been convicted
4 for, I want to take you back to the one in December of 2012.

5 A Uh-huh.

6 Q Do you remember that?

7 A Not really.

8 Q Okay. Do you remember going to a house on Lane?

9 A Yes, ma'am.

10 Q And tell me about what happened when you went to that
11 house.

12 A I can't really remember.

13 Q All right. Do you remember giving statements before?

14 A No. I'm on medication now. So I don't -- I can't
15 remember nothing really.

16 Q All right. Do you remember talking to somebody last
17 night, yesterday?

18 A Yes.

19 Q Okay. Well, tell us what you told him about this event.

20 A I told him about me and Tyjuan McKiethan going, planning
21 a robbery and went to, I guess, her name is M.E. .

22 Q Uh-huh.

23 A And he called somebody but that -- he don't look like the
24 same guy.

25 Q Do you remember telling him that it was Junk?

Deaungela Montgomery - Direct by State

51

1 A Yeah. I remember the name by Tyjuan but he doesn't look
2 like the same person.

3 Q Do you remember talking to the detective?

4 A Which one?

5 Q This one right here.

6 A No. I don't remember him.

7 Q Do you deny picking out Jamar Huggins back in early
8 January of 2013?

9 MR. LONG: Objection, Your Honor. She says she doesn't
10 recall.

11 THE COURT: She said she didn't recall the incident.
12 This is a different question. I'll allow it. Overruled.

13 A What you said again?

14 Q Do you recall telling this detective that Junk was with
15 you and you picked him out and showed, showed the detective?

16 A After they say -- after they asked me was it Junk. So I
17 assumed that that was Junk. I, I don't remember him. I don't
18 know him.

19 Q I'll have you take a look at State's Exhibit One for
20 identification. Is that the picture they showed you?

21 A No. I don't know.

22 Q Do you recall giving a statement to police at all?

23 A To what police?

24 Q In January, this man right here in January of 2013?

25 A I don't remember him.

1 Q And you -- do you deny that you made a statement?

2 A I probably did because, I mean, I don't know. I don't
3 know. I can't really remember nothing.

4 Q Okay. Did you make a statement to police identifying
5 Junk as the one who went with you and Ty to do an armed
6 robbery?

7 A I remember the name. So, yes, I did make the statement,
8 but what I'm telling you is this is not the same person.

9 Q Okay. Do you recall when you say that Junk went with you
10 that the person you identified as Junk was Jamar Huggins?

11 A I guess because they asked me was it Junk and I assumed
12 that it was Junk by the name. So I said it was him.

13 Q And you described him at that time.

14 A I don't remember describing him.

15 Q Do you deny that you described him as a man between five
16 six and five eight?

17 A I don't remember.

18 Q Do you recall that you described him as long dreds?

19 A I never said if his dreds was long or not. I said he had
20 hair. I never recall any dreds. I just said he had hair.

21 Q You know your statement was recorded at the time?

22 A Uh-huh.

23 Q So are you saying that if we play the recorded statement
24 there would be nothing in there about long dreds?

25 A I don't know. I don't know. I can't remember.

Deaungela Montgomery - Direct by State

53

- 1 Q You also recall saying that he had a grill in his mouth?
- 2 A Uh-huh.
- 3 Q Okay.
- 4 REPORTER: Is that a yes?
- 5 THE COURT: Is that a yes?
- 6 A Yes, ma'am.
- 7 Q And that he was approximately 30 years old?
- 8 A I don't remember what age I said.
- 9 Q Okay. Do you recall that you actually gave and described
- 10 where he lived on Avenue in Conway?
- 11 A Yes. Because we pulled over across the street from that
- 12 house. That's why I gave that house.
- 13 Q And you said that's where he lives?
- 14 A Yeah.
- 15 Q And do you recall telling the detective that the car that
- 16 drove you to Ms. Eckler's house was Jamar Huggins?
- 17 A Yes, ma'am.
- 18 Q And that Jamar Huggins was driving the car when you went
- 19 over to Angela Eckler's house?
- 20 A Yes, ma'am.
- 21 Q And that Jamar Huggins had a mask on when he went into
- 22 Ms. Eckler's house?
- 23 A Yes, ma'am.
- 24 Q And he also had a weapon.
- 25 A Uh-huh.

1 Q Is that a yes?

2 A Yes, ma'am.

3 THE COURT: Excuse me.

4 Q So you do say you --

5 THE COURT: Hold. We've got an objection.

6 MR. LONG: Objection. It's -- I don't understand the
7 forms of her answers. She's saying -- I'm not sure what she's
8 affirming or what the question is. If Ms. Elder could be a
9 little more specific as to what she's actually asking.

10 THE COURT: I think she's asking if in her prior
11 statement this is what she said in her prior statement, but
12 I'll let you address that on cross examination. All right.
13 Go ahead.

14 Q So you do recall telling the detective that he, Jamar
15 Huggins, had a mask and a gun on when he went to Ms. Eckler's
16 house?

17 A Yes, ma'am.

18 Q You also recall that you gave a statement saying that you
19 went to the house and knocked on the door?

20 A Uh-huh. Yes, ma'am.

21 Q And there was another male with you?

22 A Uh-huh. Yes, ma'am.

23 Q Tell me what happened after you knocked on the door.

24 A I turnt -- she -- when I first knocked on the door the
25 victim didn't open her screen door. She opened her first

Deaungela Montgomery - Direct by State

55

1 door, and after I asked for Dre she say he wasn't there. So I
2 turned around and walked off. When I walked off she opened
3 her screen door and was hollering at me trying to make me stop
4 so she could tell me where he was at, but I kept on walking
5 and got back inside the vehicle.

6 Q What happens next?

7 A And the two guys went in.

8 Q The two guys being Jamar Huggins and another individual?

9 A I guess Jamar Huggins, and yes, another one.

10 Q You know you were in his car?

11 A Uh-huh.

12 Q You described his car as a Cadillac.

13 A Uh-huh.

14 Q You even described the color.

15 THE COURT: Is that a yes?

16 A Yes.

17 THE COURT: Ma'am, you need to answer yes or no.

18 A Yes, ma'am.

19 THE COURT: Okay.

20 Q You even described the color.

21 A Uh-huh. Yes, ma'am.

22 Q And how long was it before Jamar came out and got in the
23 car with the other male?

24 A I cannot state that. I don't know.

25 Q Okay. And do you recall telling the detectives what you

1 saw them come out with?

2 A I can't remember.

3 Q Do you recall why you told detectives that you went over
4 to Angela Eckler's house that night?

5 A No. I can't remember. Most of what I said to the
6 detective was not true because --

7 Q Okay. What about yesterday?

8 A I don't even -- to tell you the truth I don't -- I can
9 only say who went with me. That's all I can say. I really
10 can't even recall that night.

11 Q But you pled guilty to it?

12 A Yes. I pled guilty to it. I was convinced that that was
13 the only deal that I was going to get and if I brought it to
14 trial I can get up to 30 years. So I took the ten.

15 Q So you said that you know the two people you were with?

16 A I know one of them.

17 Q And you identified Jamar Huggins?

18 A I described him the best I could.

19 Q And his vehicle?

20 A And the vehicle. Yes, ma'am.

21 Q And where he lived?

22 A Yes, ma'am.

23 Q And that's the man that you told police had the mask and
24 went in with the gun?

25 A Yes, ma'am.

Deaungela Montgomery - Direct by State

57

1 Q Do you recall telling investigators that you knew Jamar
2 from the neighborhood?

3 A No.

4 Q And that he threatened you?

5 A No.

6 Q About drug money?

7 A No. I never said that.

8 Q Are you denying that you ever said that?

9 A Yeah. I never said that.

10 Q You never said he came to your house and said, "You're
11 giving me the money?"

12 A Oh, yeah, that -- I did say that. I was trying to
13 clarify myself out of it. I didn't know what to say off top.
14 I was scared, but that wasn't true. I said it.

15 Q Well, how did you come to be in Jamar Huggins' vehicle
16 that night?

17 A I was called downstairs by the other Co-Defendant.

18 Q So they came to pick you up?

19 A Well, when he came to my house we both got in the car but
20 I got dropped off at -- back at my house, and I don't know
21 where they went and then I was called downstairs. I walked
22 downstairs and got in the car.

23 Q With the -- with Jamar and the other guy?

24 A Yes, ma'am.

25 Q And is that when you went to Ms. Eckler's house?

1 A Yes, ma'am.

2 Q And that's when you went up and knocked on the door?

3 A Uh-huh. Yes, ma'am.

4 Q Why did you go up to the door and ask for Drake?

5 A Because I know what I was -- I knew what was going to
6 happen. That's the only way I could have got her to open the
7 door.

8 Q What did you know when you knocked on the door was going
9 to happen?

10 A That she was going to be robbed.

11 Q By who?

12 A By Tyjuan McKiethan and his friend.

13 Q Who was driving the car?

14 A Uh-huh.

15 Q Who you've identified as Jamar Huggins?

16 A Yes, ma'am.

17 MS. ELDER: One moment, Your Honor.

18 THE COURT: All right.

19 BY MS. ELDER:

20 Q Do you recall telling the detectives how you knew Jamar
21 Huggins?

22 A No. I don't remember.

23 Q How you knew him as Junk?

24 A No. I don't.

25 Q Do you deny that you told him that you saw him every day?

Deaungela Montgomery - Direct by State

59

1 A I'm not going to deny it. I just don't remember. It's
2 been a while.

3 Q Okay. So if I tell you that it's recorded and you, you
4 admitted that?

5 A I mean, if it's recorded it's recorded, but I don't
6 remember is what I'm saying.

7 Q Okay. So is it possible that you told the detectives
8 that you knew him and saw him every day and you knew him as
9 Junk?

10 A Maybe.

11 Q Is it possible that you told an investigator last night
12 that very same thing?

13 A No. I don't think so.

14 Q Do you recall talking to an investigator last night?

15 A I remember.

16 Q Okay.

17 A But I think he was asking about another person.

18 Q Named Junk?

19 A No. Tyjuan.

20 Q Who is Drake?

21 A The victim's boyfriend.

22 Q All right. And were you involved with him?

23 A Yes, ma'am.

24 Q And do you recall telling, telling the detectives who
25 Drake got his drugs from that you all used together?

1 A I don't think I stated the correct name when I said it,
2 but I remember talking about it.

3 Q Well, who did you tell them that you -- that he got the
4 drugs from?

5 A I told them Junk, but it was a lie. We -- I didn't want
6 to say the name that we got it from, and I still don't want to
7 say the name.

8 Q But you told them at the time right after this happened
9 that it was Junk?

10 A Yes. I did. Yeah. But it was a lie.

11 Q Do you recall telling the detectives why Junk or Jamar
12 Huggins was looking for Drake?

13 A It was a lie. He wasn't looking for Drake. He don't
14 know who Drake is. He never saw him before.

15 Q All right. Well, my question is this. What did you tell
16 the detectives in January --

17 A I told --

18 Q -- of 2013?

19 A I told them that he came to my house ordering for us to
20 pay money that we owe him, but it was a lie.

21 Q Okay. And yesterday, what did you tell the detectives
22 about Junk?

23 A I didn't tell them nothing. I just said he went with us.
24 That's all I said.

25 Q Okay. So was that made up, too?

1 A Was what made up?

2 Q What you said yesterday.

3 A No, ma'am.

4 Q Okay. So Junk, Jamar Huggins, did, in fact, go with you
5 to Ms. Eckler's house?

6 A Junk went with me, nut what I'm telling you is I don't
7 remember him. I don't know who he is.

8 Q Okay. So it's possible that he looks substantially
9 different?

10 A Yes. Maybe. It just don't look like the same person
11 that went with me.

12 Q Okay. Were his dreds that long?

13 A No.

14 Q So his hair was different?

15 A Yeah.

16 Q Do you remember telling the detectives that you were
17 scared?

18 A Uh-huh.

19 Q That you were scared of Junk?

20 A I remember telling them that. Yeah. Because I didn't
21 know who he was. I don't know anything about him. So, yeah,
22 I did say it.

23 MS. ELDER: I have no other questions, Your Honor.

24 THE COURT: All right. Mr. Long, cross examination.

25 CROSS EXAMINATION

1 BY MR. LONG:

2 Q Ms. Montgomery, this is not the person who went in that
3 home invasion with you; is it?

4 A No, ma'am. No, sir.

5 Q It is not the person who went in the home invasion with
6 you?

7 A No, sir.

8 Q That's all the questions I have.

9 THE COURT: Redirect?

10 REDIRECT EXAMINATION

11 BY MS. ELDER:

12 Q But that's the person you identified in 2013; is that
13 correct?

14 A I identified Junk.

15 Q As, as Jamar Huggins?

16 A I don't know -- I didn't know his real name until I read
17 my motion of discovery.

18 Q Okay. Well, you knew his name when they showed you a
19 picture?

20 A I just knew him by Junk. I never said his name.

21 Q But you said that is Junk?

22 A Yes. Yes, ma'am.

23 Q Okay. And the detective then told you who that picture
24 was of?

25 A No. They didn't.

1 Q Okay. But the picture -- the person that you pointed out
2 to this detective in January is the person you know as Junk
3 that you're talking about today?

4 A I believe they already had it circled when they showed me
5 the pictures.

6 Q Is that the picture you -- I'm -- my question is, did you
7 identify the person you're referring to as Junk to this
8 detective?

9 A Yes, ma'am.

10 Q And is that the person that you're testifying went into
11 Ms. Eckler's house with a mask and a gun?

12 A I don't know. It's confusing.

13 Q Is that the person who drove you over there in his
14 Cadillac?

15 A That's not the person. That's what I'm saying.

16 MR. LONG: Your Honor, I object. It's been asked and
17 answered now several.

18 THE COURT: Sustained. Asked and answered.

19 Q The person you identified to detectives, is that Junk?

20 MR. LONG: Objection.

21 THE COURT: Sustained. Asked and answered.

22 A Yes, ma'am.

23 THE COURT: Strike the last.

24 MS. ELDER: I have no other questions, Your Honor.

25 THE COURT: All right. You may step down.

1 The State can call their next witness.

2 MS. ELDER: The State would call Angela Eckler.

3 THE COURT: All right.

4 Whereupon, Angela Nichole Eckler Dillon was called to the
5 stand, duly sworn by the clerk and testified as follows:

6 THE CLERK: Please be seated. State your full name,
7 spell your last name for the Court.

8 MS. ECKLER: My name is Angela Nichole Dillon now. It
9 was Angela Nichole Eckler, E-C-K-L-E-R, last name now is
10 Dillon, D-I-L-L-O-N.

11	DIRECT EXAMINATION
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12 BY MS. ELDER:

13 Q Ms. Dillon, I want to take you back to December 20th,
14 2012. Where were you living at the time?

15 A We were living on Lane in Conway.

16 Q And you have a daughter?

17	A	I do.
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18 Q And what's her name?

19	A	M.E.	.
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20 | Q And how old is she now?

21	A	She is 13 now.
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22 Q She was 12 at the time?

23 A Yes, ma'am.

24 Q Tell me what you recall about that night.

25 A It was a very busy night. It was right before Christmas.

Angela Eckler - Direct by State

65

1 Of course, Adrian had been gone for almost a week, just about
2 a week. So the kids and I literally was just trying to get
3 our Christmas tree up and get in our -- they -- we -- my
4 husband and I -- ex-husband and I have shared parenting. So
5 it's one, one -- one week on, one week off. That particular
6 week was not my week for any of my children, but in return
7 because us three were upset with -- I had thought at the time
8 Adrian was just having an affair with someone else. He wasn't
9 answering his phone when I was calling. He literally went to
10 work and never returned back. He does have a child in
11 Michigan, and he had -- knew he had been talking to his baby's
12 mamma. So in return I thought that he had just went back to
13 her.

14 We had put the tree up. A good friend of mine actually
15 bought the Christmas tree for me and went to my ex-husband's
16 to bring the children to me to help me decorate the tree. My
17 son, C.E. , and my daughter, M.E. , decided to come. My
18 oldest child went to a friend's.

19 We'd put up the Christmas tree. Jessica Hucks was my
20 good friend that had been there literally up until 11:30 that
21 night. We were watching Christmas movies, and I had made
22 dinner for all of us. Her oldest daughter was my daughter's
23 age. So she was actually supposed to spend the night with us
24 that night. Fortunately, she didn't.

25 They left. M.E. and I cleaned up the kitchen. In the

1 middle -- we have a -- had an apartment behind our house that
2 we were renting to another good friend of mine's grandmother.
3 I had spoke to her earlier that day due to the fact that Jenny
4 and her child were in the hospital and the baby had been very
5 sick and Grandma was going. I called her Grandma, but she
6 wasn't my Grandma. She was just a very good friend that I
7 called Grandma, too, also. She had come to house late,
8 probably about 9:30, 10:00 o'clock because we had had company.
9 Jessica was there with the children -- to let me know she was
10 going to go see Jenny and the baby, and I said, "No matter
11 what, when you get back, come and let me know how they're
12 doing."

13 Lane is a dead-end road. We were the youngest
14 couple on the street. Unfortunately, there was many times
15 that we never even locked our doors at night. When M.E. and
16 I went to bed she slept with me, actually. All of Adrian's
17 things had been packed because he'd never returned, and I had
18 had them packed prior to the night of this home invasion and
19 it was in my bedroom. M.E. and I had crawled in bed, and we
20 were watching the movie Elf, and I have a big fat chocolate
21 lab. She's ten years old, but I have had her since she's been
22 about a year and a half old. She's never been one of a dog to
23 bark. She's very well-behaved dog. She always slept in my
24 bedroom. So I was kind of in a sleep and out of a sleep. I
25 thought that I could hear a door, somebody knocking at the

Angela Eckler - Direct by State

67

1 door, but I could also hear Chocolate kind of growling
2 underneath her voice, and that's what kind of startled me, and
3 then I heard the knock, and I thought, well, for sure, it was
4 Grandma at the door.

5 I had walked into the living room. All of the house was
6 dark minus my TV on in the bedroom, and we had tea lights in
7 the window. I had opened the front, the big door, and in
8 front of me stande[d] [sic] a very-well dressed, well-put-
9 together, attractive woman, and my first response was really
10 not even what time of the night it was because I was -- it was
11 just -- I was so just focused on it being Grandma and it not
12 being her, knowing that maybe this lady has -- my porch light
13 is on, knowing that Grandma's going to be coming, I thought
14 that she had broken down, and at the time Chocolate's barking,
15 which Chocolate was never a barker.

16 Chocolate starts barking, and she's talking, and I can't
17 hear because there's still the door between me and her, and
18 because Chocolate had never barked, I was trying to get her
19 quiet, and literally, as I went to -- because Chocolate never
20 even wore a collar -- to get her to go back to the room, I had
21 -- there was a -- my daddy's rocking chair was right by the
22 front door. I had just made that turn, and immediately two
23 men came in.

24 As I glanced through, that's when I seen the female
25 running off that quickly. From that point on, it was just a

1 lot of yelling. The one particular man I remember having a
2 really thick jacket on. I wasn't able to see his face because
3 he made sure in the headlock I wasn't able to see him at all,
4 but the first thing I hit was my daddy's rocking chair which
5 was sitting right by the door, being drugged and slung by the
6 hair of my head, by the nape of my neck, and when I was able
7 to look up due to another gentleman yelling and screaming,
8 "Where's the f'ing money?" That's all I kept hearing is,
9 "Where's he at, and where's the f'ing money?" And I just kept
10 saying, "I don't have any money. Please stop." My baby was
11 in the next room. "Please just leave me alone."

12 They kept dragging me. I was there by the couch, and
13 Chocolate was trying to get her nose in between me and this
14 one gentleman, and he was becoming agitated because the dog
15 was trying to come in between us, and I kept saying, "Please,
16 my baby is in the next room. I don't have any money."

17 Then the other gentleman squatted down and put a gun in
18 my face and said, "Where's the f'ing money?" He had gloves
19 on. I wasn't able to see his face. I just seen everything
20 was black. His gloves were black. The gun was black. His
21 face was black, and as soon as I said for the last time,
22 "Please leave me alone. My baby is in my room," he drug me by
23 the hair of my head into the room and made me put my dog in my
24 walk-in closet. I kept telling him because Chocolate wouldn't
25 go, and you couldn't see M.E. because M.E. was covered in

Angela Eckler - Direct by State

69

1 a blanket in my bed, and I even told the man, "She's not going
2 to go unless you let me go and walk in the closet so she'll
3 follow." He did, but by the hair of my head just enough to
4 get her in there, and the gentleman with the gun stood at the
5 foot of the bed, still with the weapon, and in return he
6 pulled me by the hair of my head, the same one that had been
7 aggressive from the beginning, and shut me in the bathroom and
8 held the door shut as I was trying to pull it open because
9 that's when I heard M.E. , and I knew what they had put me
10 through, and I was so afraid they would touch her like they
11 did me, and I was scared. She had to have been. So I'm
12 pleading through the door, "Just leave her alone," because
13 they're asking her, "Where's the f'ing money," over and over
14 and over again, and all I can hear is M.E. saying, "We don't
15 have any money. The only money I have is in my purse on the
16 table for my birthday."

17 And I'm still yelling and screaming to let me have her,
18 "Just give her to me." The door opens very quickly, and they
19 push her in it. We had a garden tub, and I was sitting
20 because when she come in here and I just grabbed each other
21 and her and I sat down on the thing and I had had my cell
22 phone in my pocket, and how it stayed in there I don't know.
23 I went to grab it out, and I was the one hysterical, but my 12
24 year old was staying calm, and I went to dial 911, and she
25 said, "Mommy, please don't. Wait till they're gone."

1 I did. I waited until I hear them plundering through the
2 house. I can hear them rustling through stuff, and until we
3 heard nothing more, the only thing I could think of was I
4 didn't want us in there anymore. I wanted to protect her
5 because she was so scared and she just wanted out. So that's
6 when I went to the police department, and I really don't even
7 know how I had the strength to even get in the car to go. I
8 just knew I needed to get somewhere safe, and that's what
9 happened that night.

10 Q Take a deep breath. Now, I'm going to ask you about some
11 particulars of what you just described. Okay?

12 A Yes, ma'am.

13 Q You said one man had a gun?

14 A Yes, ma'am.

15 Q Tell me again what you remember about that man.

16 A He -- I was not able to see his face. He had a hood type
17 of thing on like it was black as well, and I wasn't able to
18 see anything besides literally everything on the top was
19 black. He did have shiny looking gloves on, and the gun was
20 black.

21 Q And tell me about the other guy.

22 A I never even got a chance to see his face because he
23 never gave me the option. He took me from the back
24 immediately, and so he never -- he had me in such a chokehold
25 that literally my neck was bruised for weeks; and so I wasn't

Angela Eckler - Direct by State

71

1 able to see him at all.

2 Q Okay. And when detectives came to talk to you, did you
3 -- they showed you a couple of lineups?

4 A Yes, ma'am.

5 Q And as you've indicated you couldn't pick out the two
6 males?

7 A No, ma'am.

8 Q You did identify the female?

9 A Yes, ma'am. At first I was -- I couldn't because I had
10 -- she -- it -- she -- it kind of was. So I had asked if they
11 had a different picture, and he did, in return, bring me one
12 that -- of her done up, and I was able to that way.

13 Q Okay. And that was the woman who was just in here; is
14 that correct?

15 A Yes, ma'am.

16 Q Now, you indicated Adrian was someone that was living
17 with you at that time?

18 A We were actually engaged to be married.

19 Q Okay. And how long had he been gone from your house
20 prior to this?

21 A Adrian had went to work on a, on a Monday morning. He
22 hadn't returned at all. So it would have been a week prior
23 to, I believe.

24 Q Do you know if Adrian had a street name?

25 A No, ma'am. The only thing I've ever known about Adrian

1 is just the fact that him and I actually went to school
2 together back in elementary and middle school, and his family
3 was good friends with mine, my family. His daddy was a
4 preacher. We remained friends all through childhood and
5 somewhat of an adulthood, through our marriage, through my
6 marriage, just Adrian Maurice Moore.

7 Q And subsequent to this, all of this happening, have you
8 learned that he had another life?

9 A Unfortunately, yes.

10 Q And were you aware of it while he was living there with
11 you?

12 A No. I did not.

13 Q Have you talked with him since that night?

14 A Absolutely not.

15 Q When's the last time you spoke to him?

16 A I actually got a phone call. This is -- that's how I
17 knew where he was at. Prior to him going to work and not
18 coming home, I had gotten a phone call that he was at the
19 Conway Medical Center and had requested to talk to me.

20 Q And since that time, do you have any idea where he is
21 now?

22 A No, ma'am.

23 Q Have you asked anybody where he was --

24 A I --

25 Q -- family members or anything like that?

Angela Eckler - Direct by State

73

1 A No, ma'am.

2 Q Do you know if he's still even in the area?

3 A I do not.

4 Q Now, when you identified Ms. Montgomery, did you -- were
5 you able to see outside? When she knocked on the door, did
6 you see --

7 A My, my porch light was on --

8 Q Uh-huh.

9 A -- and my light is right by the door. So, yes, ma'am. I
10 was able to see her.

11 Q Okay. Did you see a car?

12 A No, ma'am.

13 Q And did you see the males, the two males when she knocked
14 on the door?

15 A No, ma'am.

16 Q What time of day was this again?

17 A It was at middle of the night. I want to say it was like
18 2:20 in the morning.

19 Q Okay. And this happened here in Conway?

20 A Yes, ma'am.

21 Q And what did they take out of your house?

22 A At the time, of course, I left. So I didn't know what
23 they had taken, but when I had went back prior to being with
24 the investigators, there was games that my son had said were
25 missing, and of course, I really didn't keep track of the

- 1 games that they had just because there were so many. There
2 was some games missing. There was a camera missing, and
3 M.E. money was missing.
- 4 Q Do you remember how much money that was?
- 5 A I really do not.
- 6 Q When they had you separated from your daughter, where
7 were you in the house?
- 8 A I was in the master bathroom, which is in my bedroom.
- 9 Q And what prevented you from getting out?
- 10 A I was trying to pull on the bathroom door, and one of the
11 gentlemen was holding it tight, and I was pulling and he was
12 pulling and I was screaming.
- 13 Q So you couldn't leave?
- 14 A No, ma'am.
- 15 Q And you couldn't get out?
- 16 A I begged.
- 17 Q Did your bathroom have a window?
- 18 A Yes, ma'am. By the shower.
- 19 Q All right. And why didn't go out the window?
- 20 A I just wanted M.E.
- 21 Q Your daughter was still in another part of the house?
- 22 A Yes, ma'am.
- 23 MS. ELDER: I have no further questions, Your Honor.
- 24 THE COURT: All right. Cross examination.
- 25 MR. LONG: Yes, sir.

1 CROSS EXAMINATION

2 BY MR. LONG:

3 Q Ms. Eckler, I'm sorry you had to go through such a tragic
4 event. Nothing we can do to stop that. You cannot identify
5 the two men who went into your house; can you?

6 A Unfortunately, no, sir.

7 Q You cannot identify that Jamar Huggins went into your
8 house; can you?

9 A No, sir.

10 MR. LONG: That's all the questions I have.

11 THE COURT: Redirect?

12 MS. ELDER: No further questions, Your Honor.

13 THE COURT: You may step down.

14 The State can call their next witness.

15 MS. ELDER: Your Honor, we have a matter we need to
16 address with the Court.

17 THE COURT: All right. Ladies and gentlemen, I'm going
18 to excuse you back to the jury room while we take up this
19 matter of law with the attorneys, and I tell you why we excuse
20 you back to the jury room. It's not that we're trying to hide
21 anything from you. As I told you at the outset, you and you
22 alone decide the facts of this case. I decide the law to be
23 applied in this case. Well, sometimes when these questions of
24 law come up that I need to discuss with the attorneys, it
25 requires me as the Judge and the attorneys to discuss factual

1 MS. ELDER: Okay.

2 THE COURT: Well, first you're going to have to put up
3 the proof that it was voluntarily made --

4 MS. ELDER: Yes, sir.

5 THE COURT: -- and things of that nature, and then I'll
6 need to review the statement whether it's written or recorded,
7 however.

8 MS. ELDER: It's recorded, Your Honor.

9 THE COURT: It's recorded.

10 MS. ELDER: Yes, sir.

11 THE COURT: Okay. Well, you're going to need to put up
12 your evidence that shows that it was a voluntary statement,
13 and then if I rule that it was voluntary, I'll review the
14 statement and then, and then we'll proceed; okay?

15 MS. ELDER: Okay.

16 THE COURT: All right. So let's take about a five-minute
17 break, get ready and we'll, we'll do that.

18 MS. ELDER: There was a second matter, Your Honor --

19 THE COURT: All right.

20 MS. ELDER: -- I wanted to address so we didn't have to
21 send the jury out and in.

22 THE COURT: All right.

23 MS. ELDER: The -- this detective, Your Honor, when I, I
24 call him to the stand, I believe it is proper based on my
25 questioning of, of Ms. Montgomery to impeach her by allowing

1 the publication of her statement that was taken by this
2 detective.

3 THE COURT: I don't know. She didn't deny making the
4 statement. She just said --

5 MS. ELDER: She denied that it was this Defendant.

6 THE COURT: Yeah. She denied that. So does the
7 statement identify -- she said it was Junk. She said she said
8 Junk. She just said Junk was not this Defendant. So --

9 MS. ELDER: And she also said she -- he didn't show her
10 this, that he showed her a circled picture. He also -- she
11 also said that she don't remember -- she didn't see that, and
12 that's --

13 THE COURT: Well, you never did show -- did you -- yeah,
14 you showed her that.

15 MS. ELDER: Yes, sir. I did. Yes, sir. I did, and it's
16 clear in the recorded statement that this detective showed
17 them, showed her the picture, and she said, "Yes, that is
18 Junk."

19 THE COURT: Well, I mean, I don't know -- you never did
20 play the statement to her. She just --

21 MS. ELDER: Your Honor, I asked her about the -- I asked
22 her about that, she denied it.

23 THE COURT: Yeah. But I mean, how do I know that the
24 statement you're going to play to the Court now is the one she
25 gave if you never played it to her to identify? She said she

1 did not recall.

2 MS. ELDER: Your Honor, I -- I think the rule requires us
3 to let her know the content of the statement, which I did, and
4 she denied saying that -- she denied this picture and said,
5 "No. I didn't, I didn't see that."

6 THE COURT: Yeah. But then at that point in time you
7 need to play the statement to her and say -- I mean, I -- the
8 question is is can you bring it in now, or when she denied it,
9 then you could have used it to impeach her testimony. I don't
10 know that you can get it in with another witness.

11 MS. ELDER: Your Honor, I think that it -- that I could
12 at the very least put the detective up and ask him if he
13 showed Ms. Montgomery this photograph and was she able to
14 identify that individual as Junk because she did specifically
15 --

16 THE COURT: You might be able to -- you might be able to
17 do that. Let me hear from Mr. Long on that.

18 MR. LONG: She -- this -- it's too late. She had the
19 opportunity to refresh her recollection at the time of cross
20 examination.

21 THE COURT: Well, she did show her the photograph when
22 she was on the stand and she denied.

23 MR. LONG: And, and it was asked and answered, and she
24 did -- could not identify this man as Junk, as Jamar Huggins.

25 THE COURT: Well, and I understand that. What she's

1 talking about now is she showed her that photograph, and she
2 denied that that was the photograph where she identified Junk.
3 So the question is now can the officer say this is the
4 photograph I told -- showed her and she did identify him as
5 Junk. Now, that's different than the recorded statement.

6 MS. ELDER: Yes, sir.

7 THE COURT: Where she denied making statements in the
8 recorded statement, I think at that point in time is where you
9 can introduce the prior inconsistent statement.

10 MS. ELDER: Yes, sir.

11 THE COURT: But I don't know that you can get in the
12 prior inconsistent statement with this witness when she is no
13 longer available for cross examination on that issue.

14 MS. ELDER: Yes, sir. Then I'll, I'll focus then on the
15 question that I just presented to the Court.

16 THE COURT: Well, I don't know. Let me, let me take a
17 break.

18 MR. LONG: She -- the --

19 MS. ELDER: Your Honor, the only way to impeach her with
20 that is by the testimony of this individual.

21 THE COURT: On that one, I understand that.

22 MS. ELDER: Yes, sir.

23 THE COURT: Yes.

24 MS. ELDER: That's the only way I can impeach her --

25 THE COURT: On that.

1 MS. ELDER: -- is by putting him up and asking that
2 question specifically.

3 THE COURT: Because that was not written or recorded or
4 that was not referenced in the recorded statement or any
5 written statement where she identified him. That was all
6 unwritten, unrecorded or did she identify him in a recorded
7 statement?

8 MS. ELDER: He said, "I want to show you this picture."

9 THE COURT: That's on the recorded statement?

10 MS. ELDER: Yes. And she said, "Yes, that's Junk," but
11 now she specifically denied that, and that's what the rule
12 requires. he has to specifically deny it.

13 THE COURT: Well, so why didn't you play the recording at
14 that time?

15 MS. ELDER: Well, Your Honor, the photograph, I can't get
16 the photograph in if she's denying it until I put this witness
17 up because it's not a video statement. It's a recorded
18 statement. So I can't possibly say that this is the photo
19 that was shown to her unless I put this witness up because
20 it's not a visual statement. It could have been any
21 photograph.

22 THE COURT: All right. Let me take that under advisement
23 and do some, do some research on that.

24 All right. Mr. Long, anything further before we take a
25 break?

1 MR. LONG: No, Your Honor.

2 THE COURT: All right. Let me take a break, do a little
3 bit of research, go ahead and get your system set up so we can
4 do the Jackson v. Denno. We'll take about a 10-minute break.

5 MS. ELDER: Yes, sir.

6 THE COURT: And then come back.

7 MS. ELDER: Thank you.

8 ***** OFF THE RECORD *****

9 (On the record. The following takes place outside the
10 presence of the jury.)

11 THE COURT: All right. We'll go forward. I am going to
12 allow the Jackson v. Denno hearing to determine the
13 voluntariness of the Defendant's statement, to determine
14 whether or not it's going to be admissible at trial. As to
15 the identification, the photo, the lineup photograph, we have
16 not had a Neil v. Biggers hearing. It's being challenged by
17 the Defendant. So it doesn't come in.

18 MS. ELDER: It wasn't a lineup, Your Honor.

19 THE COURT: It was a photo lineup or --

20 MS. ELDER: Yeah. Well, it was a -- no, it was the DMV
21 photo because she said she knew him. She knew him, and that
22 didn't require a photo lineup.

23 THE COURT: But still, any identification of the
24 Defendant we're still going to need a Neil v., I mean a, yeah,
25 a Neil v. Biggers hearing --

1 MS. ELDER: Then we're prepared to.

2 THE COURT: -- to determine whether it was overly
3 suggestive and things of that nature, and I just, I mean, and,
4 and what -- and she's saying that this is not the Defendant.

5 MS. ELDER: Today.

6 THE COURT: Yes.

7 MS. ELDER: That's not what she said in, in January of
8 2013.

9 THE COURT: But you're still offering a photograph to
10 identify the Defendant without a witness saying that's the
11 Defendant.

12 MS. ELDER: But I can use that to -- Your Honor, I have
13 --

14 THE COURT: See, there's a question. Even if you use it
15 to impeach her testimony, you're still offering the photograph
16 for the truth of the matter asserted, to identify the
17 Defendant.

18 MS. ELDER: Yes.

19 THE COURT: Okay.

20 MS. ELDER: Well, well, I'm using it to impeach her
21 initially.

22 THE COURT: But if it's just for impeachment purposes you
23 still don't have an identification. If you're offering it for
24 the truth of the matter asserted, the fact that she identified
25 that photograph as the Defendant, that's an out-of-court

1 statement, if you're offering it for the truth of the matter
2 asserted it's inadmissible by hearsay.

3 MS. ELDER: It is admissible though. It makes it
4 admissible under the rules if it's for the purpose of
5 impeachment.

6 THE COURT: Okay. If it's solely for the purpose of
7 impeachment and you're not offering it for the truth of the
8 matter asserted, then you don't have an identification.

9 MS. ELDER: But a prior inconsistent statement is a
10 exception to hearsay.

11 THE COURT: Well, I'm, I'm, I'm not going to allow the
12 photograph. We'll go forward with the Jackson v. Denno
13 hearing since it is a statement by the Defendant and we
14 haven't reached that posture at this point in time, but I'm
15 not going to allow the photo because she's, she's saying she
16 never saw that. Well, let me, let me reserve ruling. I'm
17 going to do some more research on that. Let's go ahead and do
18 the Jackson v. Denno hearing.

19 MS. ELDER: Well, Your Honor, that then brings us to the,
20 to the next thing I was going to tell Your Honor. I have
21 decided not to put that --

22 THE COURT: Okay.

23 MS. ELDER: -- into evidence --

24 THE COURT: All right.

25 MS. ELDER: -- his statement, but I would -- I am

1 pursuing the identification.

2 THE COURT: All right. Well, let's go ahead and bring
3 the jury in. I'm going to let them go ahead and break for
4 lunch because I'm going to need to do some more research on
5 this. Okay?

6 MS. ELDER: Yes, sir. And that would not give us an
7 opportunity to present case law after lunch, is that --

8 THE COURT: No. I'm going to do my own research and make
9 a decision --

10 MS. ELDER: Okay.

11 THE COURT: -- because I don't want to -- I, I ought to
12 be able to find something out. I mean, I think we're pretty
13 well -- you were pretty much expecting Ms. Montgomery to
14 identify the Defendant. She didn't do it on the stand. So
15 now you're wanting to use a prior photograph that she
16 identified.

17 MS. ELDER: Well, she did on the stand. She did say,
18 "Yes, I did say he was Junk was Jamar Huggins," and blah,
19 blah, blah, blah, blah, blah.

20 THE COURT: And this is not Junk. That's what -- her
21 testimony, as I recall it, is, "I identified Junk. I
22 identified a photograph. This Defendant is not Junk, and is
23 not the person I identified."

24 MS. ELDER: She says, "This doesn't look like the person
25 that was with me that night." I mean, we've got it on tape.

1 We can hear it.

2 THE COURT: Cross examine, yeah, cross examination he
3 said, "Is this the person," and she said no.

4 MS. ELDER: But I also asked her on direct, "Did you
5 identify Jamar Huggins on Avenue, drives a Cadillac,"
6 describes his long dreds, "as Junk," and she said yes.

7 MR. LONG: Then --

8 THE COURT: But that this is not him.

9 MS. ELDER: And when I showed --

10 MR. LONG: And she also said --

11 THE COURT: I understand what you're saying. She said
12 Jamal [sic], yes.

13 MS. ELDER: Yes.

14 THE COURT: She said that address yes. She said, "I
15 picked out a photograph, yes." She said, "But all of that
16 that I gave is not this Defendant."

17 MS. ELDER: But it is that Defendant. I mean, that is,
18 that is the Defendant. That's the -- that is where he lives.
19 That is his address. That is his description. That is -- and
20 that goes to the photograph she said she never saw.

21 THE COURT: Well, but, but still, I'll do the research on
22 it. We'll decide. I'll do the research, but I still, I still
23 don't think -- my initial inclination is that it doesn't come
24 in.

25 MS. ELDER: Well, Your Honor, and I'm not, I'm not

1 taking to berate the point, but she denies -- the rule
2 requires me to present her --

3 THE COURT: What rule are you going by?

4 MS. ELDER: Rule -- I just had it. I'm sorry, (as
5 read), "Extrinsic evidence is permissible," it says State
6 versus Blalock, it's a 2003 case.

7 THE COURT: That dealt with a prior --

8 MS. ELDER: Inconsistent statement. (As read),
9 "Extrinsic evidence is a -- of a prior inconsistent statement
10 is admissible if the witness is advised of the substance, time
11 and place of the statement, and either denies making the
12 statement, states he does not fully recall or does not
13 unequivocally admit he made it."

14 THE COURT: And what case is that?

15 MS. ELDER: State versus Blalock. It's 357, South
16 Carolina 74. It's also -- there's another case where
17 apparently they put up an inconsistent statement prior to the
18 witness actually taking the stand. They did reverse that
19 indicating that a prior inconsistent statement without first
20 having take the stand and denying making it is, is error, that
21 the declarant has to actually take the stand, deny making it
22 before we can introduce extrinsic evidence to the contrary.

23 THE COURT: Well, and the thing is is here she does not
24 deny making these statements.

25 MS. ELDER: She denied seeing that picture.

1 THE COURT: Well, she did deny seeing that picture. I'll
2 grant you that.

3 MS. ELDER: And that's what I'm focusing on right there,
4 Your Honor. That is the only thing that I'm talking about.
5 She denied, I showed it to her, she said, "No, he didn't show
6 me that," and --

7 THE COURT: He showed her one with a circle around it.

8 MS. ELDER: Some circle around it.

9 THE COURT: All right. Let me do the research on it.

10 MS. ELDER: Yes, sir.

11 THE COURT: But you are offering it as an identification
12 of the Defendant.

13 MS. ELDER: Well, I'm offering it to clear up her initial
14 identification, yes.

15 THE COURT: Okay. All right. Let me bring the jury in
16 and we'll cut them loose for lunch and that'll give me a while
17 to do some research. Okay?

18 MS. ELDER: Yes, sir.

19 THE COURT: All right. Let's bring the jury in.

20 (Whereupon, the following takes place in the presence of
21 the jury.)

22 THE COURT: All right. Ladies and gentlemen, welcome
23 back. These issues that we're dealing with now are going to
24 take a little bit longer, and given the time of day, it's
25 12:30, I'm going to go ahead and let you go to lunch on your

1 own today. So we're going to take a break. Please be back in
2 the jury room at 2:15. That'll give you about an hour and 45
3 minutes to eat lunch and come back. Do not discuss the case
4 even among yourselves at this point in time. Don't conduct
5 any independent investigations into the case. Hope everybody
6 has a good lunch, and we'll see you back at 2:15.

7 (Whereupon, the following takes place outside the
8 presence of the jury.)

9 THE COURT: All right. Anything from the State before we
10 adjourn for lunch?

11 MS. ELDER: Your Honor, are we going to allow the
12 Defendant to remain out at this point?

13 MR. LONG: He's been out on bond for a year and a half,
14 has got \$45,000 surety bond -- his -- based on his
15 grandmother's property. He's not going anywhere. I need him
16 to prepare for this afternoon.

17 THE COURT: Okay. I'm going to allow him to stay out.

18 MS. ELDER: Yes, sir.

19 THE COURT: Okay. All right. Anything from the Defense
20 before we --

21 MR. LONG: No, Your Honor.

22 THE COURT: All right. We'll go ahead and break for
23 lunch. Be back at -- I'll probably take -- I have them coming
24 back at 2:15. So I'll probably take the bench at about 2:20,
25 2:25, something like that. Okay?

1 MR. LONG: Thank you, Your Honor.

2 MS. ELDER: Yes, sir.

3 THE COURT: All right. Thank you.

4 MS. ELDER: Thank you.

5 ***** OFF THE RECORD *****

6 (On the record. The following takes place outside the
7 presence of the jury.)

8 THE COURT: Thank you very much. Please be seated.

9 All right. Ms. Elder, we've done some pretty exhaustive
10 research, and what you're proposing, as I understand, is to
11 call who to testify?

12 MS. ELDER: Detective Martin, Your Honor.

13 THE COURT: To testify that the witness identified that
14 photograph as the person who perpetrated the crime?

15 MS. ELDER: Yes, sir.

16 THE COURT: Okay. And that's being offered as a prior
17 inconsistent statement of Ms. Montgomery's testimony?

18 MS. ELDER: Correct.

19 THE COURT: All right. Rule 613(B), (as read),
20 "Extrinsic evidence of a prior inconsistent statement by a
21 witness is not admissible unless the witness is advised of the
22 substance of the statement," which I think she was, "the time
23 and place it was allegedly made, and the person to whom it was
24 made, and given the opportunity to explain or deny the
25 statement." I don't recall any testimony as to the time and

1 place of the statement.

2 MS. ELDER: Your Honor, I know that I consistently asked
3 her about January in 2013 and pointed out this detective.

4 THE COURT: You said January, yeah, and place, where is
5 the place?

6 MS. ELDER: I don't recall.

7 THE COURT: The only thing I can find is there was, there
8 is a case law and it dealt with prior inconsistent statement
9 and the State proffered testimony, they wanted to call a
10 police officer that said he was present when the witness made
11 a statement on the second floor of the police building in
12 November or December, and the Court held that was not specific
13 as to time, place, person to whom the statement was made, nor
14 was the Defendant given an opportunity. So it made it sound
15 like that you pretty much have to say, cross examine the
16 witness, and even under the rule, you cross examine the
17 witness and say or you examine the witness and say on this
18 date, this place, did you not make this statement to this
19 officer, and if they admit making the statement then it
20 doesn't come in. So I don't think it comes in under, under
21 two scenarios. Number one, we didn't identify a specific
22 place. I think you have to give a more exact time, and as I
23 recall her testimony she said, yeah, she could have, but she
24 was lying. Now, that deals with the other statements. As far
25 as this photograph, she did say, "No, he never showed me this

1 photograph," but unless you can point me to testimony where
2 you said date, time and place, I don't know that it comes in
3 under Rule 613.

4 MS. ELDER: Your Honor, I don't remember -- I listened to
5 her testimony. I don't remember if I said while -- "when you
6 were at the jail." I don't remember -- I don't, I don't know
7 if I asked her that or not.

8 THE COURT: Okay. All right. I don't know what you want
9 to do. I don't recall it coming in, and quite honestly, I
10 don't recall you ever identifying the officer. You may have.
11 I just recall you saying didn't you, did you, have you ever
12 seen this photograph and she said no, and you said didn't you
13 identify -- I know when you asked didn't you identify the
14 Defendant at this address, the color of the vehicle, that she
15 admitted to doing that, but said she lied. So because she
16 admitted to making that statement it doesn't come in.

17 MS. ELDER: Right. Yes, sir. I understand that. Your
18 Honor, I don't think I said the jail. I mean, I don't have it
19 in my notes that I said the jail. I know I pointed to this
20 officer. So I think, I think that was met during my direct of
21 her, but I don't recall --

22 THE COURT: Okay.

23 MS. ELDER: -- hearing that it was at the jail.

24 THE COURT: All right. And that, and I don't recall it.
25 I don't recall place, and quite frankly, I don't recall

1 testimony as to time either. So I'm going to, I'm going to
2 deny your motion to admit the identification or the prior
3 inconsistent statement on the identification of the
4 photograph.

5 MS. ELDER: Yes, sir.

6 THE COURT: All right. Anything further from the State
7 before we bring the jury in?

8 MS. ELDER: Just a -- no, sir, Your Honor. We're ready.

9 THE COURT: Anything from the Defense before we bring the
10 jury in?

11 MR. LONG: No, Your Honor.

12 THE COURT: All right. Let's bring the jury in.

13 (Whereupon, the following takes place in the presence of
14 the jury.)

15 THE COURT: All right. Ladies and gentlemen, welcome
16 back. I hope everyone had a good lunch. We're now ready to
17 resume the trial of this case. Ms. Elder, the State can call
18 their next witness.

19 MS. ELDER: I'm sorry, Your Honor. Just a moment,
20 please.

21 THE COURT: All right.

22 MS. ELDER: Your Honor, the State would call Detective
23 Martin at this time.

24 THE COURT: All right.

25 Whereupon, Jonathan Martin was called to the stand, duly

Jonathan Martin - Direct by State

95

1 sworn by the clerk and testified as follows:

2 THE CLERK: Please be seated. State your full name,
3 spell your last name for the Court, please.

4 MR. MARTIN: Jonathan Martin, M-A-R-T-I-N.

5 THE COURT: All right. Ms. Elder.

6 DIRECT EXAMINATION

7 BY MS. ELDER:

8 Q Detective Martin, you're with what department?

9 A I work for the Horry County Police Department.

10 Q In what capacity?

11 A I'm a major crimes detective. It's in the violent crime
12 section.

13 Q How long have you been there?

14 A I've been there a little over three years.

15 Q And have you always been in the detective division?

16 A Before that I was in patrol for approximately five years.
17 I've also served for about six months in crime scene
18 investigation.

19 Q And in December of 2012, January of 2013, did you have an
20 opportunity to be assigned to a case involving the victim,
21 Angela Eckler?

22 A Yes.

23 Q And tell me in general what do you do in the course of an
24 investigation, or in that investigation what did you do?

25 A On this investigation the first thing I did was collect

1 all the incident reports, any background information on Ms.
2 Eckler and then I met her at her residence. I believe that
3 day she hadn't even been back to the house since the incident
4 occurred. She, she met me there like and we went in together.
5 She walked me through the house, showed me kind of what had
6 happened, how that the front door all the way through till
7 where she was in the house. She gave detailed statements
8 about what she remembers about the people, and then we went
9 into some background about her ex-fiancé.

10 Q And how long was this after the incident happened?

11 A I believe it was maybe two days, two, three days.

12 Q And did you do anything else at the scene?

13 A At the scene I took an exterior photo of the house.
14 There wasn't really any damage or anything to photograph since
15 the door had been opened. I did -- she identified -- she
16 hadn't touched anything. She hadn't even gone back to the
17 house since it happened. So I did take two swabs at the house
18 for touch DNA. It'd be at a location where someone maybe just
19 touched, their DNA might still be on the scene, and it was
20 kind of guess, just guessing because she wasn't very certain
21 about where people had touched. She knew she had been held in
22 the bathroom and then also that someone had gone out the front
23 door, you know, after they had come in on her. So she wasn't
24 -- that was about the only two places she could be a hundred
25 percent sure. Everywhere else would have just been swabbing

1 for, you know, you don't know what you got.

2 Q And when you say touch DNA, that's a relatively new term
3 of art in the legal world. What exactly does that mean?

4 A It's, it's -- used to be where DNA would be with blood or
5 semen or spit, very strong DNA. Touch is a lot less quantity
6 and strength. There's new methods of DNA identification where
7 they can actually take a little bit and make it a lot, and
8 from that then they can compare it to a suspect or a victim or
9 anybody else. So when there was touch DNA you may not have a
10 lot. Me touching this table right here doesn't look -- is not
11 going to look like me if I bled all over the counter here. So
12 this little amount right here I can take a swipe of it. They
13 put it in what's called a PCR. It's called polymerase chain
14 reaction. They put -- the scientific -- it's all -- they put
15 a bunch of stuff together, throw it in a machine, heats up,
16 cools down, heats up, cools down and makes lots of copies.
17 With all those copies then they came compare it. It'd be just
18 the same as looking at blood DNA.

19 Q Now, just because I touch something here does that mean
20 I'm going to leave DNA?

21 A You're going off a lot of if it's your hands are oily.
22 If you're wearing gloves there's not going to be DNA there.
23 In this instance she was pretty sure one person was wearing
24 gloves. So she wasn't sure on the other one. That was why I
25 took only two. I wasn't certain where to look or even if

1 there would be a possibility of DNA.

2 Q So if you had gloves on you're not going to leave
3 anything behind --

4 A You're not going to leave DNA.

5 Q -- to collect off of touch DNA?

6 A No.

7 Q And is for that matter fingerprints, would you leave
8 fingerprints through gloves?

9 A No.

10 Q Now, Detective Martin, you showed -- I believe you also
11 -- what else did you do in this, in your investigation?

12 A The next thing I did was I followed up on some
13 information on her ex-fiancé, Adrian.

14 Q Do you know what his street name is?

15 A He, he goes by Dre. Is -- Dre is what he told me. I, I
16 met him at the hospital. He had actually self-admitted
17 himself over at Conway Hospital where he was receiving some
18 medical treatment. He had been there for over a week. I, I
19 went to him with kind of what we had gotten from information
20 from the -- Ms. Eckler, and he was able to identify a couple
21 of people in his life that he had run in circles with that
22 might be able to -- might commit a crime like that.

23 Q And based on that information, did you, subsequent to
24 that interview, did you have occasion to interview anybody
25 else?

1 A Yes. He identified Deaungela -- I can't think right off
2 -- I can't think of her last name right now, Deaungela.

3 Q The lady that was here earlier?

4 A The lady that was up here a little while ago. He had --
5 she had -- he identified her as pretty much the only female
6 that matched the description of the female that had come to
7 the door on the night of the robbery. He said that they hung
8 out.

9 MR. LONG: Objection.

10 THE COURT: Sustained.

11 Q So she was identified at that point in time?

12 A Yes.

13 Q And subsequent to your discussions and interview with
14 Adrian, did you have occasion to interview anybody else after
15 that?

16 A I interviewed Ms. --

17 Q Ms. Montgomery?

18 A Yes. Ms. Montgomery, thank you, or she had several
19 names, Shandre [sic] or yeah.

20 Q And where did you -- when did you interview her?

21 A I interviewed at the J. Reuben Long Detention Center in
22 one of the booking interview rooms. She had actually been
23 arrested on a separate armed robbery subsequent to the one
24 that occurred here.

25 Q And based on that interview, did you do, as a result of

1 her -- of interview with her, did you identify any other
2 individuals to conduct interviews with?

3 A With information she had provided, I had developed Mr.
4 Huggins here as a person that she had identified as an
5 individual named Junk.

6 Q And did she give any type of address or anything like
7 that?

8 A She didn't give the address. She gave -- she said he
9 lived at the intersection of and there was a church
10 right across the street. It was a brick house. She described
11 the vehicle that he drove and described him in detail and the
12 fact he wore a grill in his teeth. He had long hair. He was
13 in his early 30s and a black male. She was very descriptive
14 about the location because I wasn't exactly sure. I don't
15 know Conway that well, but she kept describing caddy-corner to
16 the church, and with that, I was able to locate the house and
17 do some follow-up information that back-tracked me to Mr.
18 Huggins who lived at that residence.

19 Q And did you run vehicles through the Department of Motor
20 Vehicles that he owned at the time?

21 A I did. There was one that came back, and it was a
22 Cadillac. It was also observed on scene.

23 Q I'll have you take a look at what's been marked for
24 State's Identification Number Two. Is that the document that
25 you retrieved from the Department of Motor Vehicles?

Jonathan Martin - Direct by State

101

1 A It is. I have access to the DMV. So I printed it off of
2 their, their server. It's a DMV form for a customer vehicle,
3 indicates one page, page one of one. So only one vehicle
4 registered, and --

5 Q And who is -- I'm sorry -- who is the owner of that
6 vehicle?

7 A Jamar Antonio Huggins, Ave., Conway.

8 MS. ELDER: Your Honor, I'd like to introduce this into
9 evidence.

10 MR. LONG: No objection.

11 THE COURT: State's Exhibit Number Two admitted into
12 evidence without objection.

13 (State's Exhibit Number Two [DMV Form] admitted into
14 evidence and appropriately marked.)

15 BY MS. ELDER:

16 Q And that was a -- I'm sorry -- what kind of car?

17 A It was a Cadillac Deville.

18 Q And I don't think they have colors listed on the DMV?

19 A They do not identify it on the DMV. That's why when I
20 went to the residence to try to figure out where she was
21 talking about, I observed it was, it was a darkish blue
22 Cadillac.

23 Q And the residence that was describe to you during the
24 course of your investigation, was that, in fact, where Jamar
25 Huggins lives?

1 A Yes. It's the address listed on that DMV form and his
2 driver's license form.

3 Q Okay. And so that we're clear, is that Jamar Huggins
4 that you identified through your investigation the same Jamar
5 Huggins that's sitting here today?

6 A It is.

7 Q All right. Does he look a little different?

8 A I think he lost a little weight, but hair's still pretty
9 long. Other than that, yes.

10 Q Now, during the course of your investigation, you also
11 interviewed another individual; is that correct?

12 A Yes. Oh --

13 Q Did you --

14 A Yes. It was a Tyjuan -- I don't -- his last name, I'm
15 sorry.

16 Q Do you have your case report here with you?

17 A I do have it right there.

18 Q Would it help you to refresh your memory if I ---

19 A It would just mainly for some names and dates if that's
20 okay.

21 MS. ELDER: Your Honor, if I could provide that to him?

22 THE COURT: Any objection?

23 MR. LONG: It's his --

24 A It's my report of investigation.

25 MR. LONG: Just to refresh his memory?

1 MS. ELDER: Yes.

2 MR. LONG: No objection.

3 THE COURT: All right.

4 A Yes. On January 19th, 2013, I interviewed Tyjuan
5 McKiethan at J. Reuben Long. He'd also been arrested on an
6 armed robbery charge with the, the Ms. Montgomery.

7 Q On an unrelated charge?

8 A Unrelated case, yes.

9 Q Subsequent to your initial interview with Adrian or Drake

10 --

11 A Yes.

12 Q -- have you been able to get in touch with him or locate
13 him since that time?

14 A I, I have not. He removed himself from the area, and I
15 think it -- part of it was medical, and we weren't able to
16 locate where he was transferred to because of the medical
17 background.

18 MS. ELDER: I don't have any other questions, Your Honor.

19 THE COURT: All right. Cross examination.

20 CROSS EXAMINATION

21 BY MR. LONG:

22 Q Detective Martin, your interview with Deaungela Shanta
23 Montgomery is what led you to arrest Jamar Huggins; correct?

24 A Yes, sir.

25 Q Solely based on that, on her interviews, after you

1 interviewed Montgomery, you arrested Jamar Huggins?

2 A Yes, sir.

3 Q And you were in the courtroom earlier when you heard
4 that, that Shanta Deaungela Montgomery said Jamar Huggins was
5 not involved? You were in the courtroom; right?

6 A She identified that that man was not involved.

7 Q That's correct.

8 A To me she identified Jamar Huggins was involved.

9 Q And you realize -- you understand that Deaungela
10 Montgomery is a crack addict?

11 A She probably uses drugs. She -- I --

12 Q She told you she was a crack --

13 A She told me she uses drug.

14 Q Are you trying to cover up for her?

15 A No. I just don't know her background as a crack addict.
16 I, I wouldn't --

17 Q You don't know her background as crack addict? You
18 interviewed her and she told you she used crack.

19 A She told me she does use drugs, yes.

20 Q Crack cocaine?

21 A Crack cocaine.

22 Q She told you that.

23 A Yes.

24 Q Okay.

25 A I'm not judging her addiction. I -- or trying to cover

1 for her. I'm just saying.

2 Q I'm not asking you, I'm not asking you that.

3 A Okay. I'm just saying would she --

4 Q I'm just saying ---

5 REPORTER: Judge, they're talking over.

6 THE COURT: Yeah. You --

7 A I'm sorry.

8 THE COURT: -- one talk at a time. Let him ask the
9 question.

10 A Okay.

11 THE COURT: Then you answer it.

12 A I'm sorry.

13 THE COURT: And then you can ask your question. Ask your
14 question.

15 Q And you know that she is a convicted felon?

16 A Yes, sir.

17 Q And you told her when you were interviewing her, you told
18 her that she can help herself by identifying Jamar Huggins;
19 didn't you?

20 A No. I told her she could help herself by identifying the
21 other parties involved.

22 MR. LONG: The Court's indulgence.

23 THE COURT: All right.

24 BY MR. LONG:

25 Q You told Deaungela Montgomery during that interview that

1 the only way she was going to get out of this is if she
2 identifies Jamar Huggins? Do you remember that?

3 A To identify him as the person that committed the crime or
4 to ID him.

5 Q That's correct.

6 A No.

7 Q You don't remember that?

8 A I do not remember ever pointing out anybody for her to
9 identify. She identified Jamar Huggins as a suspect.

10 Q And you interviewed her on January -- what was the date?
11 January 11th, 2013?

12 A You mind if I look? It was January 11th, 2013. Yes. I
13 interviewed her twice that day.

14 Q About what time of day was that?

15 A The first one is about 9:40 in the morning, and the
16 second time was about 1 p.m. when I returned with DMV
17 information based on the information she had provided me.

18 Q And you later told her -- she said -- you said, "I'm
19 going to close this case with your name on it." Do you
20 remember that?

21 A I don't remember saying that exactly, but it is possible.

22 Q Okay. And you showed -- when you talked to Deaungela
23 Montgomery you showed her a photographic lineup of herself;
24 correct?

25 A I did.

1 MR. LONG: If I may approach?

2 THE COURT: All right.

3 A Yes, sir.

4 Q Is that what you showed her?

5 A That's a copy of it, yes.

6 Q I don't have the original? And on this picture is that
7 Deaungela's picture that's circled?

8 A Number three, yes.

9 Q And by that it says, "This is lady who robbed me. She
10 knocked on my door and asked for Dre," and it's got some
11 initials by it.

12 A Uh-huh.

13 THE COURT: Is a that a yes?

14 A Oh, I'm sorry. That's a yes.

15 THE COURT: All right.

16 A I'm sorry.

17 Q And you told Deaungela that the, that the victim, Angela
18 Eckler wrote that; didn't you?

19 A I told her she was identified, yes.

20 Q And you, you told her that --

21 A I showed her that photo, yes.

22 Q But you wrote that?

23 A I did.

24 Q You wrote that?

25 A I did.

1 Q You said, "This is the lady who robbed me." Did
2 Deaungela Montgomery rob you?

3 A No. I used what's called police deception.

4 Q "She knocked, she knocked on my door." Did she knock on
5 your door?

6 A No. She did not.

7 Q "And asked for Dre." Did she ask you for Dre?

8 A No.

9 Q So this is a lie?

10 A It's deception.

11 Q It's deception. You operate in deception a lot?

12 A Sometimes when we're doing interviews with individuals
13 everyone's not always forthcoming with the truth. Sometimes
14 they have to believe there's more information on our side than
15 we actually have at that time.

16 Q And so you interviewed a grand total of five people for
17 this investigation, Deaungela Montgomery, Angela Eckler, Jamar
18 Huggins, Tyjuan McKiethan, and Adrian Moore?

19 A Yes, sir.

20 Q Let's talk about what you did not do. You did not get
21 DNA analysis from the house; correct?

22 A Those items were sent off.

23 Q But you never got anything back?

24 A We did not have anything to compare them to.

25 Q You did not conduct a search warrant on one single

1 vehicle; did you?

2 A No, sir.

3 Q You did not conduct a search warrant on one house; did
4 you?

5 A No, sir.

6 Q The victim testified that there was a gun involved.
7 You never looked for that gun.

8 A I never located the gun, no.

9 Q The victim said there was a mask involved. Never found
10 the mask?

11 A No, sir.

12 Q Once you arrested Jamar Huggins you stopped your
13 investigation?

14 A Actually after him I believe I interviewed Ty McKiethan
15 also.

16 Q But you never made another arrest.

17 A No.

18 Q There were two people -- two men went in that house?

19 A Yes, sir.

20 MR. LONG: The Court's indulgence.

21 THE COURT: All right.

22 BY MR. LONG:

23 Q And the victim told you that she could not identify the
24 perpetrators of this crime; correct?

25 A Yes, sir.

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

2 THE COURT: Redirect?

3 MS. ELDER: Thank you, Your Honor.

4 REDIRECT EXAMINATION

5 BY MS. ELDER:

6 Q When you interviewed Ms. Montgomery she had not yet been
7 convicted of a felony; is that correct?

8 A I'm unaware of her -- at that time if I knew her criminal
9 history or not. I knew she had been arrested on a felony
10 charge.

11 Q She was being held?

12 A She was being held at J. Reuben Long Detention. Yes.

13 Q But had not been convicted of that yet?

14 A Of this crime or others?

15 Q Of the armed robbery.

16 A Of that -- this armed robbery. No. No She was still in
17 detention.

18 Q Or the other one?

19 A NO.

20 Q And when you identified or you identified -- you
21 testified you've identified two people that you could have
22 identification of, Jamar Huggins and Deaungela Montgomery.

23 A Yes.

24 Q And you got warrants for both of those individuals?

25 A Yes.

1 Q Did anybody ever prior to that day or that day or shortly
2 thereafter, anybody ever give you a statement or has anyone
3 ever given you a statement that identifies the third Co-
4 Defendant?

5 A Yes. There was information provided about Tyjuan
6 McKiethan.

7 Q Did they tell you that he did the robbery?

8 A No.

9 Q Did they tell you who was in this house?

10 A No.

11 Q Did they tell you they went -- that he went to Ms.
12 Eckler's house?

13 A No.

14 Q So you didn't have anybody saying that this third person,
15 whoever that may have been, went into Ms. Eckler's house?

16 A No. It was more information that put him up to that
17 point but not going in.

18 Q Okay. So you didn't have enough to get warrants for him?

19 A No. There was not enough probable cause on the third
20 person.

21 Q So you got warrants for the two people that you had
22 developed leads on?

23 A Yes.

24 Q And when Mr. Long was asking you, you go to the police
25 academy; is that correct?

1 A Yes.

2 Q And you go there's certain training about interviewing
3 and things like that?

4 A Yes.

5 Q And is it permissible or do they train law enforcement
6 officers to use deceptive tactics when trying to gain
7 admissions --

8 A Yes.

9 Q -- on parties and witnesses?

10 A Through training and the academy we're told the Supreme
11 Court's ruled that we're allowed to use certain deceptive
12 practices most times because people who commit crimes aren't
13 going to just come out and say, "I did it." They need to
14 believe that we have some information on them that helps them
15 along to tell the truth.

16 Q And when Mr. Long was asking you if you told Ms.
17 Montgomery, "You've got to say that Jamar Huggins did this
18 crime," did you say that? Did you tell her to pick Jamar
19 Huggins by name?

20 A I, I, I hadn't heard the name Jamar Huggins before she
21 provided me the information to develop Jamar Huggins. I never
22 heard his name before in my life before that investigation
23 started. What I did was I told her that she needed to provide
24 the other parties who were involved in the crime or she
25 probably was going to be the one that stood to try for, to

Motions

113

1 stand for it all. Without her information we weren't going
2 to develop any, anybody else.

3 Q So you weren't asking her for this particular person, you
4 were just asking her for the other two individuals?

5 A Yes.

6 MS. ELDER: I have no further questions, Your Honor.

7 THE COURT: All right. You may step down.

8 A Thank you.

9 THE COURT: All right. The State can call their next
10 witness.

11 MS. ELDER: Your Honor, at this time the State of South
12 Carolina would rest.

13 THE COURT: All right. All right. Ladies and gentlemen,
14 the State has rested their case. So now is the time of the
15 trial where I need take up some matters of law with the
16 attorneys. So as I did before, I'm going to excuse you back
17 to the jury room for just a few minutes and we'll bring you
18 back out shortly. Do not discuss the case even among
19 yourselves at this point in time. Thank you very much.

20 (Whereupon, the following takes place outside the
21 presence of the jury.)

22 THE COURT: All right. Motions.

23 MR. LONG: I have a motion for a directed verdict, Your
24 Honor.

25 THE COURT: All right. What have we got in evidence as

1 far as identification?

2 MS. ELDER: Your Honor, I went back and listened to the
3 testimony of Ms. Montgomery, and she consistently said, "He
4 doesn't look like the same person." She described him. She
5 even described him today on the stand as the guy who lives on

6 Avenue who drives the Cadillac who -- she's -- I don't
7 think she said anything about the size, but she did describe
8 and connect him to what I have put in evidence through
9 Detective Martin, that being his vehicle and the location of
10 his residence.

11 She also indicated in her testimony when I listened to
12 it, she described his car and color. She described him --
13 this is her statement, describe, "I described him to
14 Detective," the best she could, where he lived and the car,
15 which was confirmed by the detective's testimony just then.
16 She said that she did -- she indicated that it was Junk that
17 was with them that robbed, that was driving, that had the
18 mask, that he was driving his car that had the gun --

19 THE COURT: I mean, what evidence do we have that the
20 Defendant is Junk?

21 MS. ELDER: Your Honor, in opening statement they said
22 he's referred to as Junk.

23 THE COURT: Opening statements aren't evidence.

24 MS. ELDER: Well, she also said Junk.

25 THE COURT: No. She said this is not Junk.

1 MR. LONG: That's right.

2 MS. ELDER: Well, she did today, but that goes to, that
3 goes to credibility, Your Honor. The fact that she changed
4 her statement goes to her credibility.

5 MR. LONG: The prior --

6 MS. ELDER: The jury --

7 MR. LONG: Sorry.

8 THE COURT: Go ahead.

9 MS. ELDER: The jury can believe her prior statement
10 where she admits vividly that she said Junk and that when I
11 asked her, because Mr. Long objected and said or wanted
12 clarification of what she was admitting, it was to my question
13 of, "You described the car that was Jamar's, Jamar was
14 driving, Jamar had the mask, Jamar had the gun," and she
15 answered yes, yes, yes to each of those questions. So she
16 admitted that she told the detectives that Jamar Huggins was
17 the one doing all those things. Now, the fact that she
18 changed today goes to her credibility. A jury can believe her
19 former statement that she admitted making and has now changed.
20 They can believe the statement in court and disregard and say,
21 "Yes, she was lying before," but that's for them to determine.
22 That goes to the weight and credibility of this witness.

23 THE COURT: All right.

24 MS. ELDER: She also says when I ask -- I did ask her --
25 she said, "Yes, Junk went with us," and I asked, I believe, is

1 it possible, and she says, "It's possible, but these don't
2 look like the same person." That is not -- I know she
3 answered him, Mr. Long, as that's not the same guy, but then
4 she went back again and said, "Well, it's possible, but he
5 doesn't look like the same person," because I started asking
6 about, "Maybe he looks a little different. Maybe his hair's a
7 little different." "Yeah. Yeah." "Is it possible?" "Yes."
8 Again, that goes to the credibility of this witness, and they
9 can believe, Your Honor, based on that that she's not
10 credible. They can believe that she's lying today or that she
11 was hesitant today. They can believe that she didn't pick him
12 out, but it goes to her credibility, which has clearly been
13 held in the province of the jury.

14 THE COURT: All right. Anything in reply?

15 MR. LONG: Yes, Your Honor. There -- I would submit
16 that the prior statements of Ms. Montgomery, they're not into
17 evidence. There's no evidence showing that.

18 THE COURT: Well, I mean, you've got her testimony where
19 she said, "Yeah, I did say that."

20 MR. LONG: But --

21 THE COURT: "I did say he lived here. I did say he drove
22 a blue car. I did say this, but that's not him."

23 MR. LONG: And she said she was lying when she said those
24 things.

25 THE COURT: Well, but I mean --

Motions

117

1 MR. LONG: But even if, even if --

2 THE COURT: Right.

3 MR. LONG: -- as you know, the -- we are entitled to a
4 directed verdict when the evidence merely raises a suspicion
5 of guilt. At best, I mean, not that I concede, but at best
6 Ms. Montgomery's testimony raises a suspicion of guilt. She
7 said she was lying, "Possibly it was the same guy, doesn't
8 look like him, confused, I was lying, I was on crack." So at
9 best there's a mere suspicion, but when I asked her point
10 blank the one question I asked her, "Is Jamar Huggins involved
11 in this home invasion," she said no. The -- to me that
12 cancels out all other mere suspicions. So even if it is a
13 mere suspicion, that's not enough for the State to overcome
14 the directed verdict, and that is the only shred of evidence
15 they have. Angela Eckler, the victim, she can't identify the
16 perpetrators. She specifically said she cannot identify Jamar
17 Huggins as the person who went into her house. So all we're
18 left with is Deaungela Montgomery's testimony, and it's so all
19 over the board, and I would say it's not even just goes to her
20 weight because she -- her evidence is not even credit worthy.
21 So I would say that we're entitled to a directed verdict. We
22 just ask that you give us a directed verdict based on the fact
23 they don't have enough evidence to prove their case.

24 THE COURT: All right. I'm going to take a short recess.
25 Let me go look at one something. So I'm going to take that

1 and when I come back, if I deny this motion for a directed
2 verdict, I'll then ask you whether or not you wish to testify
3 in this case; okay?

4 MR. HUGGINS: Yes, sir.

5 THE COURT: All right. Let's take a short recess. I'll
6 be right back.

7 MS. ELDER: Thank you, Your Honor.

8 THE COURT: Thank you.

9 ***** OFF THE RECORD *****

10 (On the record. The following takes place outside the
11 presence of the jury.)

12 THE COURT: Thank you very much. Please be seated.

13 All right. Mr. Long, I've looked over some case law, and
14 as I understand, a motion for directed verdict, it's kind of
15 hard to understand in a criminal case. It says that I just
16 look for the existence of evidence and not the weight or that
17 the evidence must raise more than the suspicion. So there is
18 testimony from Ms. Montgomery where she admitted to making
19 these prior statements. She said she lied, but I think that
20 creates a jury issue as to whether or not to believe her
21 former statement or to believe her testimony here at trial.
22 So I'm going to deny your motion for a directed verdict. All
23 right.

24 MR. LONG: Thank you, Your Honor.

25 THE COURT: Anything further?

Closing Argument by State

130

1 (Whereupon, the following takes place in the presence of
2 the jury.)

3 THE COURT: All right. Ladies and gentlemen, welcome
4 back. Hope everyone had a good evening. I appreciate your
5 being on time this morning, and I apologize for keeping you
6 back in the jury room for so long, but we are now ready to
7 proceed in the trial of this case.

8 We've reached the stage of the case where the attorneys
9 will make their closing arguments to you. Now, just like
10 their opening statements, these closing arguments are not
11 evidence in this case. It is simply the attorney's contention
12 as to what they think the evidence in this case has shown and
13 what they think the facts are and what they think the law to
14 be applied in this case is. If at any time an attorney makes
15 reference to a factual matter that is different from the facts
16 as you find them to be or references the law that is different
17 from the law as I will charge you at the end of their
18 arguments, then you're to disregard that portion of their
19 closing arguments because these closing arguments are not
20 evidence. It's just their contention as to what the evidence
21 has shown in this case.

22 All right. With no defense the State wish to close?

23 MS. ELDER: May it please the Court, Your Honor?

24 THE COURT: Yes, ma'am.

25 MS. ELDER: Good morning. We've reached the stage as the

1 Judge has indicated, that he's about to give you the law in
2 this case, what South Carolina says and the elements of the
3 law that I have to prove to find the Defendant or get you to
4 find the Defendant guilty, and he's going to give you several
5 charges. One of them is burglary first degree. One of them
6 is armed robbery and a lesser included offense of robbery, and
7 the third one is kidnapping.

8 Now, typically this is the time in closing that I would
9 go over the evidence, and I would go over the elements of the
10 crime or the crimes in this case, but I'm going -- not going
11 to spend a lot of time on the elements because they're un-
12 contradicted. There's no doubt that a burglary happened.
13 There's no one that's given any evidence to the contrary. We
14 know a burglary happened. We know a burglary happened at
15 night. We know a burglary happened while one of the three
16 individuals had a weapon, and we know that weapon was
17 presented to the victim.

18 Armed robbery, again, there's not a lot of time --
19 there's not a lot of reason for me to spend on that. Again,
20 the only testimony that you have to consider is that of the
21 victims, nothing contradicts that, in fact, three people came
22 to her house that night, two went in. They had a weapon and
23 they took some of her belongings, un-contradicted.

24 Kidnapping, again, the only person that told you about
25 what happened in the house is the victim. Nobody said

1 anything to the contrary. Those two men came into her house.
2 One of them had a gun. One of them grabbed her from behind,
3 pulled her around the house and then put her in the bathroom
4 and prevented her from getting out to get to her daughter.
5 That is, in fact, kidnapping. Even in his opening Mr. Long
6 indicated, they have no doubt that these crimes happened.

7 The Judge is also going to give you a charge that we call
8 hand of one, hand of all, and basically that means that when
9 you go and you participate in a crime you are as guilty as the
10 next person beside you. For example, Deaungela Montgomery,
11 you heard her part even from the victim that she played in
12 this offense. She didn't have the weapon. She didn't even go
13 into the house, but because she was an active participant, she
14 went up on that door, knocked on it, got Angela to come to the
15 door so that the other two Co-Defendants could go in, that she
16 knew what they were going there for, she was as guilty under
17 hand of one, hand of all as the one who went into the house
18 and pointed the gun at Angela. That's the theory of hand of
19 one, hand of all.

20 Now, the only question left really that is at issue is
21 was that Defendant one of the three people that went to Angela
22 Eckler's house that night, and the evidence clearly shows that
23 he was. Deaungela Montgomery gave a statement in January of
24 2013. This was about a month, the month proceeding this,
25 subsequent to this home invasion. At the time, as you heard,

1 she had been arrested on an unrelated charge. She had not
2 been convicted. She was not a felon. She was in jail. She
3 described what happened at that house. She decided -- which
4 was consistent, by the way, with the victim. She described
5 how she got to the house, the type of car she was riding in,
6 who that car belonged to, that it belonged to a man that she
7 knew as Junk, that that was his street name. She described
8 who was driving the car, and she gave a physical description
9 of the man she knew as Junk. She said it was a Cadillac, that
10 it was Junk's Cadillac, and that she didn't know this guy's
11 real name, she only knew him by his street name, but what does
12 she do? She gives this detective not the house address, but
13 description of how to get to his house. You go down this
14 road. You go down that road. It's across from the church.
15 Detective Martin told you how he found Junk's house, and when
16 he went to the house based on the directions that Ms.
17 Montgomery gave him, he found the Cadillac that she also
18 described.

19 Now, the detective, Detective Martin got on the stand and
20 there was some questions about who -- whether he told her to
21 pick out Jamar. He told you he didn't know who Jamar was when
22 he first talked to Deaungela. He had no idea who the other
23 two individuals were that went into this house. She tells him
24 somebody with a street name Junk. He has to go out, use her
25 directions, find the house on Avenue, find the Cadillac,

1 which he does. He runs the DMV registration for that
2 Cadillac, that it's registered to Jamar Antonio Huggins at
3 Avenue in Conway. He then goes back to the jail
4 and talks to Deaungela again to make sure this is the same guy
5 she was talking about.

6 Now, she came in here yesterday and testified, and on one
7 question that Mr. Long asked her on cross examination she
8 says, I wrote it down, that the Defendant, this person right
9 here sitting in the courtroom, was not the same person that
10 she identified as Junk, Jamar Huggins, in January of 2013.
11 Now, that was over two years ago when she did that, but upon
12 my questioning and pushing her a little bit more about her
13 prior statement, she says, "Well, it's possible. He just
14 doesn't look the same," and I tell you that because that's,
15 that's what I heard her say, and I know she told me that, but
16 if you have any question about it while you're back there
17 deliberating and one person remembers it one way and one
18 person remembers it another, you can ask the Judge to rehear
19 her testimony. The lady right there took down and recorded
20 every testimony, every word that was said during the course of
21 this trial, and that is available for you should you have any
22 questions.

23 Now, when Detective Martin was on the stand, Mr. Long
24 kind of got into him a little bit about police techniques, and
25 that Detective Martin, almost to the point that it was a bad

1 thing, for Mr. Martin to go to the jail, question Ms.
2 Montgomery about her two Co-Defendants. Wouldn't you expect
3 the police to go out and try to identify the two men who went
4 into this woman's house at night with a gun and jerked her
5 around her house, terrorized her daughter? Wouldn't you
6 expect him to go to the jail and question her about that?
7 Absolutely. It is not some sinister plot to arrest Jamar
8 Huggins because remember he didn't even know who Jamar Huggins
9 was. He had no idea until he talked to her. Yes. He told
10 her, "Don't take these charges by yourself," because guess
11 what, she wasn't by herself. There's no doubt that she wasn't
12 by herself. "Don't go down for something that two other
13 people were involved in," and think about her part in this.
14 Yes. She is as guilty as they are, but when you look, when we
15 look at cases and we look at Defendants and we say who's more
16 culpable, who's the bad one in this threesome? She's the
17 least culpable. She knocked on the door. She got them in,
18 but she turned around and left. So, of course, he's going to
19 tell her, "Don't go down for this by yourself," absolutely.

20 Mr. Long indicated in his opening that once they got
21 Jamar Huggins that was it, this officer was done, this
22 detective was done, that's all he cared about, making the
23 arrest, that's it. He never interviewed anybody else. Who
24 else is there to interview? How many people were there that
25 night? He interviewed Ms. Eckler. He interviewed Deaungela,

1 told you he interviewed Jamar, and he told you after Jamar he
2 went and interviewed somebody named Tyjuan. How many people
3 is that? The victim, and one, two, three, four people. Now,
4 again, if he was the kind of officer that just wanted to close
5 a case by arrest, why didn't he rush out and get warrants
6 against all of them? He didn't. He got warrants against two
7 people, two of the three because although he may have had
8 suspicions about that third individual and who that may have
9 been, that it may have been Ty, he didn't feel that he had
10 enough evidence against that person because nobody described
11 him, nobody pointed him out, wasn't his car. So he did the
12 right thing. He didn't rush to arrest anybody. He arrested
13 the two people that he -- his investigation led to. That is
14 responsible police work.

15 There was, when Deaungela was up there and she was being
16 cross examined, there was some question about maybe she just
17 gave them a name to make the police happy. Well, let's think
18 about that. If she was just giving them a name to make police
19 happy, to get them off her back and she was pulling it out of
20 the air, why not pull two people out of the air because we all
21 know we're looking for two other guys. So if one would make
22 the police happy, two would certainly make them even happier
23 with her. She didn't do that. The reason she didn't do that
24 is because she could describe and she knew one person and that
25 was the one she described as Junk and that is Jamar Huggins,

1 and a lot of times in cases like this when we have Co-
2 Defendants like we do in this case, that's what we call them,
3 Co-Defendants, one oftentimes will come and try to, to get
4 themselves some help, who wouldn't, and Ms. Montgomery talked
5 to Detective Martin in January of 2013, and I'm sure she
6 wanted to cooperate, and I'm sure she was hoping that that
7 would help her.

8 Now, you're looking at a very serious charge. Don't you
9 think she has all the incentive and motivation in January of
10 2013 when she identified Jamar Huggins to tell the truth, when
11 it was fresh in her mind to tell the truth, because lying was
12 certainly not going to help her and lying to a police officer
13 about a felony would have resulted in even more charges. She
14 would have gotten in even more trouble had she made it all up.
15 She told the truth to this detective about who was involved.

16 MR. LONG: Objection, Your Honor.

17 THE COURT: What ground?

18 MR. LONG: She's misstating the evidence. The witness
19 admitted lying to the police.

20 THE COURT: Sustained.

21 MS. ELDER: In January of 2013, she told the detective
22 what happened that night. Mr. Long wants you to believe that
23 you can't believe anything she says because as he called her,
24 an addicted crack head. There is absolutely no evidence,
25 nothing, that she was an addict or that she was a crack head.

1 He asked Mr. Martin if she admitted that she had done crack in
2 the past, and he said, yes, she did admit that, but he had no
3 idea, and yes, crack is bad. People shouldn't do it, but to
4 label her as an addicted crack head without any evidence to
5 support that is just not, it's just not the case. It's just
6 not appropriate, and remember, when she gave her statement in
7 January of 2013 she was not out on the street. She was in
8 jail.

9 Now, Deaungela only became hesitant when she walked into
10 this courtroom, and think about her testimony, and you can re-
11 listen to it, the parts that she was hesitant about. The only
12 thing that she was hesitant about was identifying the man that
13 sat in front of her. She talked to detectives in January of
14 2013. She provided descriptions, cars, directions,
15 everything. We know that's not a lie because the detective
16 said, "That's the only way I found him was what she told me in
17 January of 2013," and again, when she took that stand, she did
18 say some of things that she said in January 2013 was not
19 truthful and that some of them obviously leads you to believe
20 that her testimony was some of them were, some of them
21 weren't, but what the victim told you and what she told on the
22 stand about what happened that night it matched. You know
23 that wasn't a lie. It's the same thing she told them in
24 January of 2013. The only problem she had was coming in here
25 and telling you what she told the detectives.

1 MR. LONG: I object, Your Honor. Speculation.

2 THE COURT: Sustained.

3 MS. ELDER: She had a problem on the stand with
4 identifying the Defendant, and think about why that would be
5 the case, why it might be difficult for someone to come in and
6 take the stand and sit across from a man and point the finger
7 and say that's the man who would go into somebody's house at
8 night with a gun and point it at a 12 year old child, take \$15
9 in cash and go on like nothing ever happened. Why would that
10 be difficult?

11 Mr. Long told you a few things in his opening that some
12 of them came in through trial and some of them we never heard
13 about. One of them was that you did hear a street name, Junk,
14 and he said that his client goes, that's -- client goes by or
15 is referred to as Junk. He said that you hear about some guy
16 named Juice, that somebody was going to stand up there and say
17 that it was actually Juice that went into the house. There is
18 nobody that got on that stand and said that some guy named
19 Juice went into the house with a mask and a gun. Junk, Junk,
20 Junk, Junk, that's the only name you heard.

21 You -- told you that you weren't going to be able to
22 believe the person we were putting on the stand because she
23 was an addicted crack head, except for now the part, just the
24 small part, the one question he wants you to believe, no,
25 that ain't the man right there. Now, you disregard everything

1 else because she's an addicted crack head, but he wants you to
2 hold on to that.

3 You're going to have to determine if you believe what
4 Deaungela told the detective outside the presence of the
5 Defendant in January. You're going to have to -- the Judge is
6 going to give you a charge about why -- what you may consider
7 as to why she may have testified differently, she had a motive
8 to testify differently, she had a bias, coercion, those types
9 of things. He's also going to tell you that you can fully
10 believe her prior statement and disregard some, all or part of
11 what she said on the stand because of those biases or motives.

12 You were placed on this jury and are asked to use your
13 common sense and your life experiences to figure out and to
14 see through what is really going on here, and to see why and
15 why, what motive Deaungela had and her hesitation in court in
16 specifically identifying Jamar Huggins.

17 On December 19th, 2012, a mother and her children enjoyed
18 the spirit of Christmas, the season. They put a tree up.
19 They watched a movie, never realizing the terror that was
20 literally right outside their door, that the peace and joy and
21 their security would be completely shattered and that the
22 innocence of that season, the innocence of her child would be
23 taken away in a couple of hours. She never saw that coming,
24 and all, that was all taken by three people who got \$15, a
25 camera and some video games. That's what it's for. There's

1 nothing you can do today that is going to restore that
2 security or that innocence, nothing.

3 I wanted to leave you with this. Mr. Long told you in
4 his opening that why he became a lawyer. He became a lawyer
5 to protect the rights of people like Jamar Huggins, and I've
6 been doing this for a very long time, and I started thinking
7 about why 20 some years ago I chose this path, and I thought
8 it was interesting when I saw the date today, September 17th.
9 225 years ago today the United States Constitution was
10 created, and by its subsequent ratification and amendments, we
11 or every citizen of the United States was given inalienable
12 rights, and one of those rights is to feel secure in their
13 homes, that every citizen, that Angela Eckler, that the
14 victims who come, came before Angela, and unfortunately, the
15 victims that will come after, that they all have a right to be
16 secure in their homes from people like Jamar Huggins, and
17 that's why I became a lawyer.

18 MR. LONG: Ms. Elder just spent about 15 minutes trying
19 to mold and shape and explain to you what her star witness
20 said and why she said it, what she may have meant and this and
21 that. I'm just going to stick to the facts as they have been
22 presented to you because you are the finder of fact; okay?

23 Deaungela Montgomery, the State's witness, the first
24 witness that was called, she said, I asked her one question,
25 as you may recall, was Jamar Huggins involved in the home

1 invasion that night? Her answer, no. One question, one
2 answer. He was not involved. She said she -- when she was
3 initially interviewed by the police a year and a half ago she
4 said, yeah, she implicated Junk. She told the police that
5 Junk was involved, but then she later said she lied to the
6 police during those interviews, none of that stuff was true.
7 She said they were twisting her words around. She was
8 confused. She's on medication. She was smoking crack at the
9 time. She doesn't remember. She said, "But that guy right
10 there is not Junk." So she does not implicate Jamar Huggins.
11 Jamar Huggins, she said, she looked at that man right there
12 and said, "He was not involved in this crime." That's
13 testimony under oath. All her previous statements to the
14 police were not under oath. This was a sworn statement she
15 gave yesterday and you heard it.

16 Now, as I said, the police were satisfied when they
17 arrested Jamar Huggins. I want you to make sure you
18 understand that an arrest, the Judge is going to tell you, an
19 arrest does not equal guilty. You can arrest somebody and
20 them not be guilty. You can indict somebody, and they were
21 not guilty just because they're indicted, and they are -- he
22 admitted, that Detective Martin admitted that he arrested
23 Jamar Huggins for this crime solely based on the testimony of
24 -- I'm sorry, not the testimony, but the statements of
25 Deaungela Montgomery. He got that arrest warrant the next day

1 after he talked to Deaungela Montgomery because the only
2 evidence he had to arrest Jamar Huggins was her statement. So
3 he did rush out and arrest. They -- he knew at the time that
4 she was on crack cocaine. He knew that she had other pending
5 felony charges at that time, but solely based -- with all that
6 knowledge he still took that only bit of information and
7 arrested Jamar Huggins, and no other information has been
8 obtained since.

9 I asked Detective Martin, I said, "Let's talk about what
10 you did not do." He did not get a search warrant for anyone's
11 house. He did not get a search warrant for anyone's car. He
12 knew that there was a gun involved, a mask involved, gloves
13 involved. He didn't look for any of that stuff. They got DNA
14 swabs but he never followed up. He said he never got results
15 from the SLED lab. This is a CSI world just like you see on
16 TV. There is technology out there that if somebody is guilty
17 of a crime they can catch that guy. We got no hard evidence.
18 There's no exhibits. Oftentimes in a trial you've got
19 exhibits stacked up here, one after another. In this case
20 you've got words. You've got words of a woman who admitted
21 she lied, but, but then she under testimony she says, "That
22 man right there, Jamar Huggins, didn't do it. He wasn't
23 involved in this crime." They never arrested a second person.
24 They say two men went in there, but they only arrested one
25 person, and they arrested the wrong guy. They stopped their

1 investigation. They closed that case.

2 Ms. Elder mentioned Juice, and I talked about Juice
3 during my openings statements. If you remember, Deaungela
4 Montgomery said that there was a person that she was involved
5 with in this, but she would prefer not to give his name. I'll
6 leave that to you. Jamar Huggins, as what the witness said,
7 Deaungela Montgomery, was not involved in this crime. He
8 comes into this courtroom, as I said, wearing a cloak of
9 innocence, just like this coat, innocent. For him to be
10 proven guilty, the State has to take off that robe of
11 innocence, prove him guilty beyond a reasonable doubt of each
12 and every element of each and every crime. That's a very high
13 standard. As I said yesterday, if you look at this banister
14 here, and if this is absolutely no doubt, not guilty, and you
15 come down here, this is absolutely no doubt guilty, you've got
16 to start down here, okay, because you've got this cloak of
17 innocence. Then you walk down this way to get to guilty
18 beyond a reasonable doubt, a reasonable doubt, that thing in
19 your head that makes you hesitate and go, wait a minute, maybe
20 that's not right, that hesitation, that moment of hesitation.
21 That's doubt. So to get beyond any hesitation to decide,
22 you've got to be down here.

23 So let's look at the evidence. Let's start down here
24 because he's innocent till proven guilty beyond a reasonable
25 doubt. All right. The first witness, you've got Deaungela

1 Montgomery. Under oath she looked at you, and she said, "That
2 man, Jamar Huggins, was not involved in this crime." So based
3 on her testimony, can we take a step forward? No.

4 The next witness was the victim, Angela Eckler. I hate
5 what happened to her. It's not right. People should not be
6 subjected to that. I agree with Ms. Elder, you have the right
7 to be protected in your home, but does that mean we're going
8 to send an innocent man to jail based on what terrible thing
9 happened to Ms. Eckler? I hope we don't do that.

10 Now, based on Ms. Eckler's testimony, I asked her, "Can
11 you identify Jamar Huggins as the man who went into your house
12 during that home invasion?" She said, "No." We can't take a
13 step forward. We cannot get there. Now, then we had
14 Detective Martin, he wasn't in the home. He wasn't an
15 eyewitness. He didn't see it. He didn't collect any hard
16 evidence. Can we state -- can you take a step forward based
17 on his statements? No. So how are we going to get from here
18 to here? How you going to get there? What evidence are you
19 going to base this long walk on? What if you got in the
20 middle? That's loud. That'll wake you up. What if you got
21 in the middle? What if you said, "Man, I don't know.
22 Deaungela, she lied. She said she's telling the truth, but
23 she's lying. I don't know what to believe." I mean, you
24 know, what if you said, "Well, she did give the police a
25 nickname. She did give the police an address, and she did

1 give the police a description of a car. Maybe, maybe that's
2 enough." Look, I know about a hundred people in Conway right
3 now if based on that information I could arrest them. I could
4 make up anything. I know John Smith lives at Street
5 driving a blue Cadillac. Go to the police and make up a story
6 on him. You got to have more than that. That's not enough.
7 So we're looking right here, "Well, maybe he did. Maybe he
8 didn't." Kind of look at the scales of justice 50-50, "Maybe,
9 maybe not. I don't know. I don't know." That's not enough.
10 You've got to take three or four more steps to get past that,
11 and I submit to you you can't get there. If you've got a
12 doubt whether or not Jamar Huggins was involved in this crime,
13 you cannot find him guilty. You're going to -- as Ms. Elder
14 said, we're kind of on the same wavelength in this, normally
15 we talk about the elements of each crime, and go, you've got
16 to make sure they're guilty beyond a reasonable doubt, each
17 and every element, go over each and every element of the
18 crime, but in this case it, it is the important thing, and
19 you're going to hear the Judge instructions, the important
20 thing in this case is the identity of the Defendant. You have
21 to be proven, proven beyond a reasonable doubt down here that
22 Jamar Huggins was involved in this home invasion. You've got
23 to get down here, start down there, end up down here. The
24 testimony you heard you can't get there from here, and also,
25 you're going to hear a charge from the Judge about credibility

1 of the witnesses. I don't have to explain that to you when it
2 comes to Deaungela Montgomery. That's common sense. You can
3 look at her credibility. Ask yourself, did these witnesses
4 prove beyond a reasonable doubt Jamar Huggins invaded that
5 home?

6 I made some notes here as Ms. Elder was talking, so. Ms.
7 Elder talked about me getting on Detective Martin about using
8 deceptive tactics. It is true. I don't like people to lie.
9 I'm not -- I make no bones about it. I don't think it's
10 necessary in law enforcement. I don't have a problem with him
11 going and interviewing people. You've got to interview
12 people, but when you start writing statements and putting
13 initials, circling the suspect's picture and writing a
14 statement by it and putting the initials of the victim, that's
15 a problem. I got a problem with that. He's not -- Detective
16 Martin is not on trial here today, don't intend to be, but I
17 just want to show you this whole investigation is messed up,
18 very non-typical, honestly. This is non-typical
19 investigation, and so you've got, you've got people using
20 deceit. Deaungela Montgomery, she admitted she lied to the
21 police. The police officer, Detective Martin, he admitted he
22 lied to her.

23 Now, I looked this up. I found a proverb. Proverbs
24 20:17 says, "What you get by dishonesty you may enjoy like the
25 finest food, but sooner or later it will be like a mouthful of

Charge

148

1 sand." Now, when Deaungela Montgomery and Detective Martin,
2 when they used that dishonesty, they enjoyed it, like a
3 mouthful of the finest food. They said, "Man, this
4 dishonesty, this is going to get me what I want, and it's
5 good," but today they got a mouthful of sand. So I just ask
6 you use your common sense, remember what Deaungela Montgomery
7 said, Jamar Huggins did not do it. Remember what the victim
8 said, Angela Eckler, she could not identify the person went
9 into her house. Thank you for your, your cooperation and your
10 time and I thank you.

11 THE COURT: All right. Ladies and gentlemen, all of the
12 evidence in this case has been presented to you. The
13 attorneys have made their closing arguments, and now is the
14 time of the trial where I will charge you with the law to be
15 applied in this case.

16 The indictments in this case allege several different
17 offenses against the Defendant. The charges against the
18 Defendant in this case are burglary in the first degree,
19 kidnapping, and armed robbery. Each indictment charges a
20 separate and distinct offense. You must decide each indictment
21 separately on the evidence and the law applicable to it,
22 uninfluenced by your decision as to any other indictment. The
23 Defendant may be convicted or acquitted on any or all of the
24 offenses charged. You will be asked to write a separate
25 verdict of guilty or not guilty for each indictment.

1 for you, the jury, to determine. As jurors, your duty is to
2 determine the effect, value, weight and truth of the evidence
3 presented during this trial.

4 Now, two types of evidence are generally presented during
5 a trial, direct evidence and circumstantial evidence. Direct
6 evidence is the testimony of a person who claims to have
7 actual knowledge of a fact, such as an eyewitness.
8 Circumstantial evidence is proof of a chain of facts and
9 circumstances indicating the existence of a fact. The State
10 has the burden of proving the Defendant guilty beyond a
11 reasonable doubt. This burden rests solely with the State
12 regardless of whether the State relies on direct evidence,
13 circumstantial evidence or some combination of the two.
14 However, the law makes absolutely no distinction between the
15 weight or value to be given to either direct or circumstantial
16 evidence, nor is a greater degree of certainty required of
17 circumstantial evidence than of direct evidence. You should
18 weigh all of the evidence in this case. After weighing all of
19 the evidence, if you are not convinced of the guilt of the
20 Defendant beyond a reasonable doubt, you must find the
21 Defendant not guilty.

22 Necessarily, you must determine the credibility of
23 witnesses who have testified in this case. Credibility simply
24 means believability. Your duty as jurors is to analyze and
25 evaluate the evidence and determine which evidence convinces

Charge

153

1 you of its truth. In determining the believability of
2 witnesses who have testified in this case, you may believe one
3 witness over several witnesses or several witnesses over one
4 witness. You may believe a part of the testimony of a witness
5 and reject the remaining part of the testimony of that same
6 witness. You may believe the testimony of a witness in its
7 entirety or reject the testimony of a witness in its entirety.
8 You may consider whether any witness has exhibited to you any
9 interest, bias, prejudice or other motive in this case. You
10 may also consider the appearance and manner of the witness
11 while on the witness stand.

12 Evidence has been presented that a witness made prior
13 statements which are not consistent with the witness' present
14 testimony. You may use this evidence to decide whether to
15 believe the witness. You may also use evidence of the earlier
16 contradictory statements to determine the truth of those
17 statements. You are to decide whether to believe the earlier
18 statements or the testimony given at trial. If a witness is
19 shown to have knowingly testified untruthfully concerning any
20 material matter, you may consider this in determining whether
21 to trust the witness' testimony as to other matters. You may
22 reject all of the testimony of that witness or give all or a
23 part of the testimony the weight you think it deserves.

24 One of the witnesses in this case has a criminal record.
25 A person who has a past criminal record is competent to

1 testify during a trial. A past record does not affect the
2 ability of that witness to testify. The past record may only
3 be considered by you, if at all, in determining the witness'
4 believability. Remember, you are the sole judges of the facts
5 in this case and the believability of any or all of the
6 witnesses.

7 I instruct you and emphasize that the fact that the
8 Defendant did not testify in this case is not a factor to be
9 considered by you in any way in your deliberations and in your
10 consideration on the question of the guilt or the innocence of
11 the Defendant. The Defendant's failure to testify must not be
12 considered by you in any manner whatsoever. A Defendant has
13 the constitutional right to remain silent, and the assertion
14 of this right must not be considered by you in your
15 deliberations. I repeat, under your oath, you are to draw no
16 conclusion whatsoever from the fact that the Defendant in this
17 case did not testify. The fact that this Defendant did not
18 testify should not even be discussed in the jury room.
19 The burden of proof, as I have stated to you, is on the State
20 to prove the Defendant's guilt beyond a reasonable doubt. The
21 Defendant is not required to prove his innocence. The burden
22 of proof remains on the State to prove the Defendant's guilt
23 beyond a reasonable doubt.

24 Now, if a crime is committed by two or more people who
25 are acting together in committing a crime, the act of one is

Verdict

170

1 bailiff.

2 (Complies with request and Court reviews.)

3 THE COURT: Thank you, sir. All right. I'll ask the
4 clerk if she'd please publish the verdicts.

5 THE CLERK: Court of General Sessions, 15th Judicial
6 Circuit, Indictment 2013-GS-26-1076, the State of South
7 Carolina, County of Horry, State of South Carolina versus
8 Jamar Antonio Huggins, first degree burglary, we, the jury,
9 find the Defendant, Jamar Antonio Huggins, guilty of first
10 degree burglary, signed by foreperson, Gary Clark, September
11 17th, 2014.

12 The Court of General Sessions, 15th Judicial Circuit,
13 Indictment 2013-GS-26-1077, the State of South Carolina,
14 County of Horry, State of South Carolina versus Jamar Antonio
15 Huggins, kidnapping, we, the jury, find the Defendant, Jamar
16 Antonio Huggins, guilty of kidnapping, signed by foreperson,
17 Gary Clark, September 17th, 2014.

18 The Court of General Sessions, 15th Judicial Circuit,
19 Indictment 2013-GS-26-1078, the State of South Carolina,
20 County of Horry, State of South Carolina versus Jamar Antonio
21 Huggins, armed robbery, we, the jury, find the Defendant,
22 Jamar Antonio Huggins, guilty of armed robbery, signed by
23 foreperson, Gary Clark, September 17th, 2014.

24 Ladies and gentlemen of the jury, if this is your verdict
25 so signify by raising your right hand.

1 only in this case but for your services this week as jurors.

2 You're free to go at this time and thank you very much.

3 (Jury exits courtroom.)

4 THE COURT: All right. Any post-trial motions at this
5 time?

6 MR. LONG: Yes, Your Honor. As -- make a motion for you
7 to exercise your discretion as the 13th juror based upon the
8 facts that I alluded to as the -- during the motion for
9 directed verdict. I know you were very close to, to awarding
10 the directed verdict. The, they sole witness that could
11 possibly identify my client admitted that she lied to the
12 police originally. Under sworn testimony she said that she
13 lied to the police. Then under sworn testimony she identified
14 my client was not involved in the crime.

15 The only other witness who could have possibly identified
16 was the victim, and she testified she could not identify the
17 Defendant as being involved in the crime. So there is
18 absolutely no evidence for the jury to base their conviction
19 upon.

20 THE COURT: All right. What's the State's position?

21 MS. ELDER: Your Honor, my, my position would be that
22 which I argued at directed verdict stage. After the State
23 closed their case, there was a -- obviously, as Your Honor
24 knows, there was a question about inconsistent statements, and
25 I believe the charge was correct. It is the jury's province

Motions

175

1 to determine whether or not or how much of her statement from
2 the stand they're going to believe and they've got to take
3 into consideration why she may be testifying today differently
4 than what she gave a statement to before. That's the whole
5 reason that we have the rule on prior inconsistent statements
6 to allow the jury to weigh those out. Also in your charge,
7 Your Honor, it's very clear that the, that the courts have
8 indicated that the jury has the right to consider a prior
9 inconsistent statement in deliberating and granting, finding
10 guilt, Your Honor. That's in the charge that was given to the
11 jury. That's what they did. They stayed out for over four
12 hours. They had all that information. They had those
13 charges, and I think that they determined the credibility of
14 that witness in what they chose to believe and what they chose
15 not to believe.

16 THE COURT: All right. I'm pretty sure I know how I'm
17 going to rule, but I do want to check one case before I do so.
18 I'm going to take it under advisement. I'm going to -- Mr.
19 Long, we're going to have to hold your client for tonight, and
20 I'll come back tomorrow morning and let you know my decision
21 or let's wait. Let me go take a look. It's only 3:30. I was
22 thinking a little bit later. So, let's, let's, let's stand
23 down for just a minute while I take this under advisement.
24 Okay?

25 MR. LONG: Thank you.

1 THE COURT: Any other motions?

2 MR. LONG: No, sir.

3 THE COURT: Okay. All right. I'm going to take it under
4 advisement. I'll be back out. Don't go anywhere. I'll be
5 back out in just a minute. Okay?

6 ***** OFF THE RECORD *****

7 (On the record.)

8 THE COURT: Thank you very much. Please be seated.

9 All right. Mr. Long, I'm going to deny your motion.
10 Just like directed verdict, I go with whether or not the
11 existence of evidence to justify the jury's verdict, and they,
12 they just believed Ms. Montgomery's prior statement and didn't
13 believe her testimony at trial. So I think there is evidence
14 to justify the jury's verdict. So I'm going to deny your
15 motion. Anything else?

16 MR. LONG: Nothing. I would submit formal notice of
17 appeal, but I would like to state for the record we will be
18 appealing the motion for direct verdict that was denied.

19 THE COURT: And I understand, and that is a close call,
20 and you may very well prevail on that. I just have to make a
21 ruling the way I, the way I read it.

22 MR. LONG: Yes, sir.

23 THE COURT: And it's -- as I see, it's existence.

24 MR. LONG: No disrespect to you.

25 THE COURT: Yeah. And I understand that and it's --

Sentencing

188

1 for 15 years. On the charge of armed robbery the sentence of
2 the Court is that you be confined to the State Department of
3 Corrections for ten years. On the charge of kidnapping the
4 sentence of the Court is that you be confined to the State
5 Department of Corrections for 15 years. The finding of the
6 Court is that the kidnapping did not include a sexual offense.
7 The sentences will run concurrently. You'll be given credit
8 for any time served.

9 MS. ELDER: Thank you, Your Honor.

10 THE COURT: All right. Thank you.

11 (Adjourned.)

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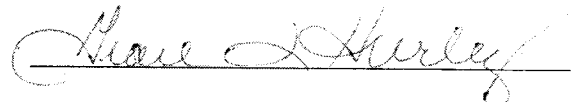
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C E R T I F I C A T E

I, the undersigned, Grace L. Hurley, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the trial held in the case of The State versus Jamar Antonio Huggins, held in the Court of General Sessions for Horry County, Horry County Courthouse, Conway, South Carolina, on September 15-17, 2014.

I do hereby certify that I am neither of kin, counsel, nor interest to any party hereto.



Grace L. Hurley, CVR-CM-M

Official Reporter

December 15, 2014.

WITNESSES

Jonathan Martin Horry County Police Department

DOCKET NO. 2013-GS-26- 1076

The State of South Carolina

County of Horry

Heather von Herrmann
13H00429

COURT OF GENERAL SESSIONS

MARCH, 2013 TERM

ARREST WARRANT NUMBER

M976497

CDR: 0079 16-11-0311

DOA: 1/19/2013

ACTION OF GRAND JURY

THE STATE

vs.

Jamar Antonio Huggins
B/ M

Ave
Conway, SC 29527-5428
DOB:
SSN: :

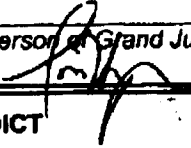
ATTORNEY: Taylor, R. Paul

Indictment for

BURGLARY 1ST DEGREE

Jimmy A. Richardson, II, Solicitor

Foreperson of Grand Jury

Date: 

VERDICT

Foreperson of Petit Jury

Date:

FILED
CLERK OF COURT
2014 SEP 17 PM 4:44
COURT DATE
PLED GUILTY/TRIAL

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on MARCH 28, 2013, the Grand Jurors of Horry County present upon their oath:

BURGLARY, FIRST DEGREE

CDR: 0079 16-11-0311

That Jamar Antonio Huggins did in Horry County, on or about December 20, 2012 enter the dwelling of Angela Eckler without consent and with the intent to commit a crime therein and when in effecting entry or while in the dwelling or in immediate flight, was armed with a deadly weapon, he or another participant in the crime, caused physical injury to non-participant in the crime, in violation of Section 16-11-0311(A), S. C. Code of Laws, 1976, as amended.

*and/or occurred during nighttime.
(MHC)*

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

DOCKET NO. 2013-GS-26-1077

WITNESSES

Jonathan Martin Horry County Police Department

The State of South Carolina

County of Horry

Heather von Hermann
13H00429

COURT OF GENERAL SESSIONS

MARCH, 2013 TERM

ARREST WARRANT NUMBER

M976498

CDR: 0095 16-03-0910

DOA: 1/19/2013

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: *[Signature]*

MAR 28 2013

VERDICT

Foreperson of Petit Jury
Date:

THE STATE

vs.

Jamar Antonio Huggins
B/ M

Ave

Conway, SC 29527-5428

DOB:

SSN: :

ATTORNEY: Taylor, R. Paul

Indictment for

KIDNAPPING

Jimmy A. Richardson, II, Solicitor

FILED
Horry County
2014 SEP 17 PM 4:47
COURT DATE
PLED GUILTY/TRIAL

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

INDICTMENT

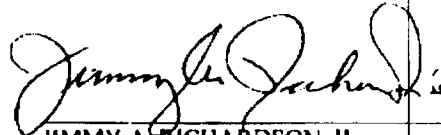
At a Court of General Sessions, convened on MARCH 28, 2013, the Grand Jurors of Horry County present upon their oath:

KIDNAPPING

CDR: 0095 16-03-0910

That Jamar Antonio Huggins did in Horry County on or about December 20, 2012, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away one Angela Eckler, without authority of law, in violation of Section 16-03-0910, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

WITNESSES

Jonathan Martin Horry County Police Department

DOCKET NO. 2013-GS-26- 1078

The State of South Carolina

County of Horry

Heather von Herrmann
13H00429

COURT OF GENERAL SESSIONS

MARCH, 2013 TERM

ARREST WARRANT NUMBER

M976500

CDR: 0139 16-11-0330(A)

DOA: 1/19/2013

THE STATE

vs.

ACTION OF GRAND JURY

Jamar Antonio Huggins
B/ M

Ave

Conway, SC 29527-5428

DOB:

SSN:

ATTORNEY: Taylor, R. Paul

Indictment for

ARMED ROBBERY

Jimmy A. Richardson, II, Solicitor

Foreperson of Grand Jury

Date: *[Signature]*

VERDICT

Foreperson of Petit Jury

Date:

2014 SEP 17 PM 4:47
COURT DATE
PLED GUILTY/TRIAL

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

INDICTMENT

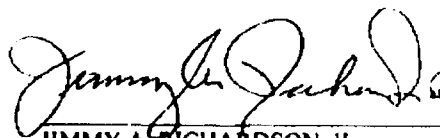
At a Court of General Sessions, convened on MARCH 28, 2013, the Grand Jurors of Horry County present upon their oath:

ARMED ROBBERY

CDR: 0139 16-11-0330(A)

That Jamar Antonio Huggins did in Horry County on or about December 20, 2012, while armed with a deadly weapon, to wit: HANDGUN, take and carry away personal property of Angela Eckler from or in the immediate presence of Angela Eckler with intent to deprive Angela Eckler of possession by use of force, threats or intimidation, in violation of Section 16-11-0330(A), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

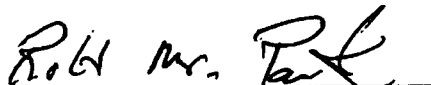


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

June 30, 2015


Robert M. Pachak
Appellate Defender

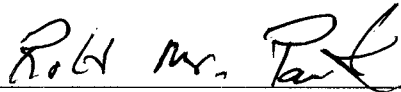
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

June 30, 2015

A handwritten signature in black ink, appearing to read "Rob M. Pachak", written over a horizontal line.

Robert M. Pachak
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT



STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Horry County

Benjamin H. Culbertson, Circuit Court Judge

RECEIVED

JUN 30 2015

THE STATE,

RESPONDENT, SC Court of Appeals

V.

JAMAR ANTONIO HUGGINS,

APPELLANT

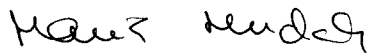
APPELLATE CASE NO. 2014-002022

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Jennifer Ellis Roberts, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 30th day of June, 2015.


Cruise Mitchell
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
This 30th day of June, 2015.


(L.S.)

Notary Public for South Carolina
My Commission Expires: July 3, 2023.