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SC Court of Appeals

ANDERS

STATE OF SOUTH CAROLINA

In The Court of Appeals

No Respondent's Brief Filed
ORIGINAL

APPEAL FROM LAURENS COUNTY

R. Lawton McIntosh, Circuit Court Judge

ANDERS RESPONSE BRIEF

THE STATE,

RESPONDENT,

v.

OBRYAN EXXIDICE COPELAND

APPELLANT

APPELLATE CASE NO. 2014-000703

RECORD ON APPEAL

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State of South Carolina) In General Sessions Court
County of Laurens) Eight Judicial Circuit

State of South Carolina) Transcript of Record
 V. 2009-GS-30-1481,
O'Bryan E. Copeland,) 1482, 1483, 1484
 Defendant.)

November 15, 2010

Laurens, South Carolina

B E F O R E:

The Honorable R. Lawton McIntosh, Presiding Judge

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

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CIRCUIT COURT REPORTER

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1 Monday, November 15, 2010

2 THE COURT: Okay. Ladies and gentlemen, we're
3 about to begin the trial of the State vs. O'Bryan
4 Exxidice Copeland.

5 Did I pronounce that correct, Counsel, Exxidice
6 Copeland?

7 MR. ST. PIERRE: You did, Your Honor.

8 THE COURT: Thank you very much.

9 Who has four indictments. The first indictment is
10 armed robbery, the second indictment is assault with
11 intent to kill, third indictment is possession of a
12 violent weapon during a violent -- excuse me, possession
13 of a weapon during a violent crime, and the fourth
14 indictment is criminal conspiracy.

15 Now, ladies and gentlemen, I tell you this now and
16 I'll tell you this again. The fact that this defendant
17 has been indicted is not evidence whatsoever of the
18 defendant's guilt. In fact, he says he's not guilty.
19 Those are just the mechanisms by which the State brings
20 the charges to court for a determination by the jury of
21 guilt or innocence. But before we get started I need to
22 ask you several questions.

23 I'm also going to ask the clerk to administer the
24 oath, please, ma'am.

25 (WHEREUPON, the jury panel was given their oath.)

1 THE COURT: All right. Ladies and gentlemen of the
2 jury, again, if I ask anything that you do not understand
3 or you cannot hear or you need me to rephrase it for any
4 reason just raise your hand and I'll be glad to do so.

5 The first question I have, has anyone ever been
6 related by blood or marriage to a O'Bryan Exxidice
7 Copeland? If so, would you please stand.

8 (There was no response.)

9 THE COURT: Has anyone ever had a close personal or
10 social relationship with O'Bryan Exxidice Copeland? If
11 so, would you please stand.

12 (There was no response.)

13 THE COURT: Ladies and gentlemen, I'm going to read
14 a list of possible, and I'll say possible, witnesses that
15 may appear in this case. It's a fairly lengthy list so
16 if you'll listen very closely to the questions and to the
17 people's names and I'll follow with the other questions.

18 The first potential witness is Ila Simmons. The
19 second is Laurens County 911 Dispatcher Joey Avery or
20 Kristy Meadows; MPTL Shane Martin, Laurens Police
21 Department; Sergeant Cunningham; Christine Grant, store
22 clerk; Edwin Turner.

23 MR. ST. PIERRE: It's Edward, Your Honor.

24 THE COURT: Edward. Thank you, sir.

25 Edward Turner; Leann Riggot, Laurens Police

1 Department; Sergeant Dwight Craft, Laurens Police
2 Department; Lieutenant Brandy Anderson, Laurens Police
3 Department; Detective Tony Linch, Laurens Police
4 Department; Chief Robin Morris, Laurens Police
5 Department; Detective Walter Bentley, Laurens Police
6 Department; Ryan Noland, Laurens Police Department;
7 Captain John Stankus, Laurens Police Department; Latasha
8 Shumate, Latasha Shumate; Agent Kim Dinh, SLED latent
9 prints; Stanley Jones; Chris West, South Carolina Highway
10 Patrol; and Marty Crain LCSO.

11 Has anybody ever been related by blood or marriage
12 to any of the people that I've just read to you? If so,
13 would you please stand.

14 Okay, sir -- ma'am, I'm going to go to you first.
15 What is your jury number?

16 POTENTIAL JUROR: 86.

17 THE COURT: 86.

18 And let me just tell both, Counsel, that what I
19 normally do is ask questions and if you want to have any
20 additional voir dire I'll let you have it. Okay?

21 You're Kristen Nelson?

22 POTENTIAL JUROR: Yes, sir.

23 THE COURT: And you are related by blood or
24 marriage to one of the witnesses I read out?

25 POTENTIAL JUROR: Kristy Meadows, 911 dispatcher.

1 THE COURT: I'm sorry?

2 POTENTIAL JUROR: Kristy Meadows.

3 THE COURT: Kristy Meadows, the dispatcher?

4 POTENTIAL JUROR: (Nodded).

5 THE COURT: And what is your relationship to her?

6 POTENTIAL JUROR: Cousin.

7 THE COURT: It's your first cousin, second cousin?

8 POTENTIAL JUROR: Third.

9 THE COURT: Third?

10 POTENTIAL JUROR: Uh-huh.

11 THE COURT: Okay. Would the fact that Ms. Meadows

12 is a potential witness in this case, would it prevent you

13 from being fair and impartial to both the State of South

14 Carolina and to the defendant in this matter?

15 POTENTIAL JUROR: No, sir.

16 THE COURT: Okay. Thank you very much.

17 Any additional voir dire from the State?

18 MR. FLEMING: Nothing from the State, Your Honor.

19 THE COURT: From the defense?

20 MR. ST. PIERRE: Nothing, Your Honor.

21 THE COURT: Thank you, ma'am.

22 Okay, sir. What is your jury number?

23 POTENTIAL JUROR: 77.

24 THE COURT: I'm sorry?

25 POTENTIAL JUROR: 77.

1 THE COURT: Charles Miller?

2 POTENTIAL JUROR: That's right.

3 THE COURT: Okay, sir. Mr. Miller, you are related
4 by blood or marriage to one of the potential witnesses?

5 POTENTIAL JUROR: Yes, I am. The same one, Kristy
6 Meadows.

7 THE COURT: Oh, really. What is the nature of your
8 relationship with her?

9 POTENTIAL JUROR: Second cousin.

10 THE COURT: Second cousin?

11 POTENTIAL JUROR: Yes.

12 THE COURT: Would the fact that Ms. Meadows is a
13 potential witness in this case, would it prevent you from
14 being fair and impartial to both the State of South
15 Carolina and to the defendant in this matter?

16 POTENTIAL JUROR: No, it would not.

17 THE COURT: Any additional voir dire from the
18 State?

19 MR. FLEMING: Nothing from the State, Your Honor.

20 THE COURT: From the defense?

21 MR. ST. PIERRE: Nothing, Your Honor.

22 THE COURT: Thank you, sir.

23 Anyone else?

24 (There was no response.)

25 THE COURT: Has anyone ever had a close personal,

1 social or other relationship with any of the potential
2 witnesses that I've just read out to you? If so, would
3 you please stand.

4 Yes, ma'am? Would you give me your jury number.

5 POTENTIAL JUROR: 42.

6 THE COURT: 42. You are Ms. Fuller?

7 POTENTIAL JUROR: Right. When my husband was in
8 law enforcement Tony Lynch was his partner.

9 THE COURT: Ma'am?

10 POTENTIAL JUROR: When my husband was in law
11 enforcement Tony Lynch was his partner.

12 THE COURT: Was his partner. Okay. And is your
13 husband currently in law enforcement?

14 POTENTIAL JUROR: No. He's disabled.

15 THE COURT: Okay. Would the fact that -- did you
16 say Mr. Lynch?

17 POTENTIAL JUROR: Yes, sir.

18 THE COURT: Would the fact that Mr. Lynch is a
19 potential witness in this matter prevent you from giving
20 the State a fair trial and the defendant a fair and
21 impartial trial?

22 POTENTIAL JUROR: Probably.

23 THE COURT: All right. Well, that's honest.

24 POTENTIAL JUROR: I'm sorry.

25 THE COURT: Well, I'm going to go ahead and excuse

1 you from the trial of this case. Ma'am, if you would,
2 Ms. Fuller, look on your card. There's a call-in number,
3 and I'm going to ask that you keep calling in each night
4 after six o'clock. It will tell you whether or not you
5 need to report, and if so when.

6 POTENTIAL JUROR: Okay. Thank you.

7 THE COURT: Yes, ma'am. Thank you.

8 Anyone else? Okay.

9 POTENTIAL JUROR: Robin Morris. I attend the same
10 church as he does.

11 THE COURT: Robin Morris?

12 POTENTIAL JUROR: Uh-huh.

13 THE COURT: Would the fact that you attend church
14 with Ms. Morris -- is that a man or a lady?

15 POTENTIAL JUROR: A man.

16 THE COURT: A man.

17 MR. FLEMING: Judge, can I get her name and number?

18 THE CLERK: 116.

19 MR. FLEMING: 116.

20 THE COURT: Thank you. I'm jumping ahead of myself
21 over here. Okay. And you are Jimmie Vinson?

22 POTENTIAL JUROR: Yes, sir.

23 THE COURT: Would the fact that you go to church
24 with Mr. Morris prevent you from giving the State a fair
25 and impartial trial, and the defendant a fair and

1 impartial trial?

2 POTENTIAL JUROR: No, sir.

3 THE COURT: Any additional voir dire from the
4 State?

5 MR. FLEMING: Nothing from the State, Your Honor.

6 THE COURT: From the defense?

7 POTENTIAL JUROR: And there is another person also
8 that I do.

9 MR. ST. PIERRE: I do, but she indicates she has
10 another.

11 THE COURT: Oh, you do? I'm just running all over
12 myself today. I'm sorry. What other?

13 POTENTIAL JUROR: John Stankus.

14 THE COURT: And what is your relationship with
15 Mr. Stankus?

16 POTENTIAL JUROR: I just used to keep his little
17 girl at the daycare I worked at.

18 THE COURT: How long has that been?

19 POTENTIAL JUROR: Seven.

20 THE COURT: Seven?

21 POTENTIAL JUROR: Seven or eight years ago.

22 THE COURT: And, ladies and gentlemen, what we're
23 looking at is to make sure that the jurors selected can
24 be fair and impartial to both parties in this case.

25 And my question, again, to you, ma'am, would the

1 fact that you kept Mr. Stankus's child seven years ago
2 prevent you from being fair and impartial to both the
3 State and to the defendant in this mater?

4 POTENTIAL JUROR: No, sir.

5 THE COURT: Okay. And I know you have a question,
6 Counsel, but from the State do you have any additional
7 voir dire as a result of Mr. Stankus? Solicitor, do you
8 have any additional questions of this potential juror?

9 MR. FLEMING: No, sir, Your Honor.

10 THE COURT: Okay. All right, sir.

11 MR. ST. PIERRE: Ms. Vinson, how often do you see
12 either Captain Stankus or Chief Morris?

13 POTENTIAL JUROR: Captain Stankus rarely, and Chief
14 Morris just in church.

15 MR. ST. PIERRE: So every Sunday?

16 POTENTIAL JUROR: Yes.

17 MR. ST. PIERRE: Do you talk to him?

18 POTENTIAL JUROR: No, not on a social. No, sir.

19 MR. ST. PIERRE: Okay. Thank you very much.

20 No further questions.

21 THE COURT: Any additional voir dire from the State
22 as a result of that?

23 MR. FLEMING: No, sir, Your Honor.

24 THE COURT: Very good.

25 All right. Counsel for the defense, I'm going to

1 ask you to stand up and introduce yourself and your firm.

2 MR. ST. PIERRE: Morning. My name is Joe
3 St. Pierre. This is my client, O'Bryan Copeland.

4 THE COURT: Thank you, sir.
5 Solicitor?

6 MR. FLEMING: Thank you, Your Honor.

7 My name is Rob Fleming. I'm one of the assistant
8 solicitors here for Laurens County. Sitting with me is
9 Tony Linch with Laurens Police Department, and Leann
10 Riggot who works for Laurens Police Department.

11 THE COURT: All right. Ladies and gentlemen, has
12 any member of the jury panel ever been represented by any
13 of the attorneys involved in this case or any lawyers in
14 their respective firms? If so, would you please stand.

15 Okay, ma'am. What's your juror number?

16 POTENTIAL JUROR: 27.

17 THE COURT: 7 --

18 THE CLERK: 27.

19 THE COURT: 27. Gina Clevenger?

20 POTENTIAL JUROR: Yes, sir. They did my trial
21 about two years ago.

22 THE COURT: The State did?

23 POTENTIAL JUROR: Yes.

24 THE COURT: And were you a victim of a case?

25 POTENTIAL JUROR: Yes, sir.

1 THE COURT: Would the fact that they represented a
2 case that you were a victim of prevent you from being
3 fair and impartial --

4 POTENTIAL JUROR: No, sir.

5 THE COURT: -- to the State in this case as well as
6 to the defendant in this case?

7 POTENTIAL JUROR: No, sir.

8 THE COURT: Any additional voir dire from the
9 State?

10 MR. FLEMING: Nothing from the State, Your Honor.

11 THE COURT: From the defense?

12 MR. ST. PIERRE: Nothing, Your Honor.

13 THE COURT: Very good. Thank you, ma'am.

14 Ladies and gentlemen, has anyone ever been related
15 by blood or marriage or have you ever had a close
16 personal or social relationship with either of these
17 attorneys involved in this case or any members of their
18 firm? If so, would you please stand.

19 (There was no response.)

20 THE COURT: Is any member of the jury panel aware
21 of any bias or prejudice that you may have either against
22 the State of South Carolina or the defendant in this
23 case? If so, would you please stand.

24 (There was no response.)

25 THE COURT: Is there any member of the jury panel

1 that was a member of the Laurens County Grand Jury that
2 issued any of the indictments involved in this case? If
3 so, would you please stand.

4 (There was no response.)

5 THE COURT: Is there any member of the jury panel
6 who is a member of or a contributor to any group which
7 has as its primary concern the promotion of law the
8 enforcement or victims' rights? These groups would
9 include but not necessarily be limited to MADD, SADD, or
10 CAVE. If you are a member of or a contributor to these
11 groups or any other group that has as their primary
12 concern the promotion of the law enforcement or victims'
13 rights, would you please stand..

14 POTENTIAL JUROR: Juror number 54. I'm a guardian
15 ad litem. I contribute to MADD.

16 THE COURT: You say you are a contributor to MADD?

17 POTENTIAL JUROR: And also I'm a guardian ad litem?

18 THE COURT: Through DSS?

19 POTENTIAL JUROR: No. The guardian ad litem is a
20 separate entity from DSS but we work closely with them
21 for children's rights.

22 THE COURT: Right. Okay. Would the fact that you
23 are a contributor to MADD or a guardian ad litem prevent
24 you from giving both the State of South Carolina and this
25 defendant a fair trial and impartial trial?

1 POTENTIAL JUROR: I don't think so.

2 THE COURT: Well, we have to be a little more sure
3 than that.

4 POTENTIAL JUROR: I could be fair.

5 THE COURT: And here's what we're asking everybody
6 to do, to be able to listen to all the testimony and the
7 evidence, to apply the law as I give to it you at the end
8 of the trial and to find facts on a fair and impartial
9 basis without bias or prejudice to one side other the
10 other. Can you do that?

11 POTENTIAL JUROR: Yes, sir.

12 THE COURT: Any additional questions from the
13 State?

14 MR. FLEMING: Nothing from the State, Your Honor.

15 MR. ST. PIERRE: Briefly.

16 THE COURT: Yes, sir.

17 MR. ST. PIERRE: Could you please explain your
18 hesitancy about that question. What causes you concern
19 or reservation?

20 THE COURT: Counsel, if you would step to the
21 right. I think the court reporter is having a little
22 difficulty seeing.

23 POTENTIAL JUROR: I'm just really not sure. I've
24 just seen so much crime and so much heartache, you know,
25 to children, to young adults. It just tears me up. Let

1 me just put it that way.

2 MR. ST. PIERRE: So I guess what you are saying is
3 that you think you may let your emotions get the better
4 part of you?

5 POTENTIAL JUROR: That might be a possibility if I
6 have to be perfectly honest.

7 MR. ST. PIERRE: We appreciate your honesty.

8 Judge, I would ask that she be excused.

9 THE COURT: All right. And what's your number
10 again, please, ma'am?

11 POTENTIAL JUROR: 54.

12 THE COURT: 54, Ms. Higdon. I'm going to excuse
13 you from the trial of this matter. Again, you have on
14 your card a number to call in. If you would call in
15 tonight after six and each night this week after six
16 o'clock. There will be a message on whether or not and
17 when and where you need to report, please, ma'am. But I
18 will excuse you from this case and if you would like you
19 are free to leave.

20 POTENTIAL JUROR: Thank you.

21 THE COURT: Yes, ma'am.

22 Is there any other potential jurors that are
23 contributors to or members of groups that are primarily
24 concerned with promotion of victims or law enforcement?
25 If so, would you please stand.

1 (There was no response.)

2 THE COURT: Does any member of the jury panel know
3 of any reason whatsoever why he or she should not serve
4 on the jury in this case with particular emphasis being
5 placed on your ability to both be fair and impartial to
6 the State of South Carolina and to this defendant? If
7 that applies to you, would you please stand.

8 (There was no response.)

9 THE COURT: Has any potential juror, close family
10 member, a relative or a friend ever been the victim of a
11 serious crime? If so, identify the nature of the crime
12 and the person involved.

13 And give us your number, please, ma'am.

14 POTENTIAL JUROR: I think it was 114.

15 THE COURT: 114?

16 POTENTIAL JUROR: Yeah.

17 THE COURT: Celia Timmerman?

18 POTENTIAL JUROR: Yeah, that's right.

19 THE COURT: Okay. Let me say this to everybody.

20 If you do not want to speak out on some of these
21 questions, again, just indicate, and I'm going to ask you
22 to indicate with each question and come forward and we
23 can take the information on a more confidential basis.

24 If that applies to you, Ms. Timmerman, would you
25 prefer to come forward?

1 POTENTIAL JUROR: No, it doesn't matter.

2 THE COURT: Okay.

3 POTENTIAL JUROR: My dad was murdered six years ago

4 and in Horry County.

5 THE COURT: Your dad?

6 POTENTIAL JUROR: Yeah.

7 THE COURT: Would the fact that your dad was

8 murdered six years ago prevent you from being fair and

9 impartial to the State and to this defendant?

10 POTENTIAL JUROR: Quite possibly.

11 THE COURT: Okay. I'm going to excuse you from

12 this trial.

13 POTENTIAL JUROR: Okay. Thank you.

14 THE COURT: Yes, ma'am. Again, if I excuse you,

15 you have to call in after six o'clock.

16 POTENTIAL JUROR: Okay.

17 THE COURT: And determine whether or not and when

18 you need to come back. Okay?

19 POTENTIAL JUROR: Okay. Thank you.

20 THE COURT: Thank you very much.

21 Yes, ma'am. Would you give me your juror number.

22 POTENTIAL JUROR: 11.

23 THE COURT: 11. You are Ms. Blackwell.

24 POTENTIAL JUROR: Yes, sir.

25 THE COURT: And I don't want to repeat myself too

1 much, but again, I'm not wanting to embarrass anyone. So
2 if -- again, if you don't want to speak up in public just
3 indicate and I'll take your information.

4 POTENTIAL JUROR: No, I don't mind.

5 THE COURT: Okay, Ms. Blackwell.

6 POTENTIAL JUROR: I've got a grandson that served
7 time last year for breaking in homes and stealing a car.

8 THE COURT: Okay. And would the fact that your
9 grandson either pled guilty or was found guilty to
10 breaking into homes and stealing a car --

11 POTENTIAL JUROR: Yes, sir.

12 THE COURT: -- would that prevent you from being
13 fair and impartial to the State of South Carolina or to
14 this defendant?

15 POTENTIAL JUROR: I really don't know.

16 THE COURT: You don't know?

17 POTENTIAL JUROR: No, I don't.

18 THE COURT: Well, I'm going to excuse you.

19 Let me see the attorneys up here for a minute.

20 (WHEREUPON, a bench conference was had.)

21 THE COURT: The next question, does any potential
22 juror or member of your immediate family know anyone who
23 works in the Eighth Circuit Solicitor's Office? If so,
24 would you please stand.

25 (There was no response.)

1 THE COURT: Has any potential juror or member of
2 your family or a close personal friend ever been a
3 civilian or military law enforcement officer? If so,
4 would you please stand.

5 Okay. Let's start over here. I know that you
6 worked at a penitentiary.

7 POTENTIAL JUROR: Yes. I worked for the department
8 of corrections and I was a military police officer.

9 THE COURT: Let me stop you real quick, and so I
10 don't get ahead of myself. What is your jury number,
11 please?

12 POTENTIAL JUROR: I'm sorry?

13 THE COURT: What is your jury number, please?

14 POTENTIAL JUROR: 118.

15 THE COURT: 118. Ms. Waldrop?

16 POTENTIAL JUROR: Yes, sir.

17 THE COURT: Okay. I'm sorry. Go ahead, please.

18 POTENTIAL JUROR: Military police officer, worked
19 for Greenwood Detention Center and with the department of
20 corrections.

21 THE COURT: Okay. And how long has that been?

22 POTENTIAL JUROR: I retired two years ago.

23 THE COURT: Okay. Would the fact that you had
24 those occupations prevent you from giving both the State
25 of South Carolina and this defendant a fair and impartial

1 trial?

2 POTENTIAL JUROR: Absolutely not.

3 THE COURT: Very good.

4 Any additional voir dire from the State?

5 MR. FLEMING: Nothing from the State, Your Honor.

6 THE COURT: From the defense?

7 MR. ST. PIERRE: Nothing from us.

8 THE COURT: Thank you, ma'am.

9 Okay, ma'am, what is your --

10 POTENTIAL JUROR: Juror 58.

11 THE COURT: 58. You are Leslie Hughes?

12 POTENTIAL JUROR: Yes. My father is a magistrate

13 here.

14 THE COURT: Your father?

15 POTENTIAL JUROR: Yes.

16 THE COURT: And would the fact that your dad is a
17 magistrate here in Laurens County prevent you from being
18 fair and impartial to both the State and the defendant?

19 POTENTIAL JUROR: Yes.

20 THE COURT: It would?

21 POTENTIAL JUROR: I think so, probably.

22 THE COURT: Ma'am, I can't hear you, please.

23 POTENTIAL JUROR: Yes.

24 THE COURT: It would prevent you?

25 POTENTIAL JUROR: Yes.

1 THE COURT: All right. I'm going to excuse you.
2 All right. Ma'am in the brown shirt, give me your
3 juror number.
4 POTENTIAL JUROR: 86.
5 THE COURT: 86. Ms. Nelson?
6 POTENTIAL JUROR: Yes.
7 THE COURT: And what is -- -
8 POTENTIAL JUROR: My father is a retired police
9 officer with Clinton.
10 THE COURT: For Clinton. How long has your dad
11 been retired?
12 POTENTIAL JUROR: Four or five years.
13 THE COURT: Would the fact that your dad was a
14 former police officer for Clinton prevent you from being
15 fair and impartial to both the State and the defendant in
16 this matter?
17 POTENTIAL JUROR: No, sir.
18 THE COURT: Thank you very much.
19 Sir?
20 POTENTIAL JUROR: 71.
21 THE COURT: 71. You are Mr. McCarson?
22 POTENTIAL JUROR: McCarson.
23 THE COURT: McCarson. I'm sorry. I'll butcher
24 some names. I'm sorry. And who do you know in law
25 enforcement?

1 POTENTIAL JUROR: My son is a state trooper in
2 Lexington County.

3 THE COURT: And is he currently a state trooper?

4 POTENTIAL JUROR: Right.

5 THE COURT: Would that prevent you from being fair
6 and impartial to both the State of South Carolina and the
7 defendant in this mater?

8 POTENTIAL JUROR: No.

9 THE COURT: Any additional voir dire from the
10 defense or from the State?

11 MR. FLEMING: Nothing from the State.

12 MR. ST. PIERRE: Nothing from the defense, Your
13 Honor.

14 THE COURT: Thank you, Mr. McCarson.

15 Ma'am, right here.

16 POTENTIAL JUROR: 76.

17 THE COURT: 76. You are Ms. Mickens?

18 POTENTIAL JUROR: Yes.

19 THE COURT: Okay.

20 POTENTIAL JUROR: My brother is a retired jailer,
21 executor and a constable, Terrell Bird --

22 THE COURT: I heard your brother was a retired
23 jailer in Lexington. I didn't hear the other part.

24 POTENTIAL JUROR: No, here in Laurens.

25 THE COURT: Oh, here in Laurens?

1 POTENTIAL JUROR: Yes, and he's a constable.

2 THE COURT: And he's a constable?

3 POTENTIAL JUROR: Yes.

4 THE COURT: Would that prevent you from being fair
5 and impartial to both the State of South Carolina and the
6 defendant?

7 POTENTIAL JUROR: No.

8 THE COURT: Any additional voir dire from the
9 State?

10 MR. FLEMING: No.

11 THE COURT: From the defense?

12 MR. ST. PIERRE: Nothing from the defense.

13 THE COURT: Thank you, ma'am.

14 POTENTIAL JUROR: 46.

15 THE COURT: 46. You are Mr. Gibbs?

16 POTENTIAL JUROR: Yes, sir.

17 THE COURT: Okay, sir.

18 POTENTIAL JUROR: I have a son-in-law that's a
19 member of Clinton Police Department.

20 THE COURT: Would that prevent you from being fair
21 and impartial to both the State of South Carolina and
22 this defendant?

23 POTENTIAL JUROR: No, sir.

24 THE COURT: Any additional voir dire from the
25 State?

1 MR. FLEMING: Nothing, Your Honor.

2 THE COURT: From the defense?

3 MR. ST. PIERRE: What is his name?

4 POTENTIAL JUROR: Greg Snyder.

5 MR. ST. PIERRE: Greg Snyder.. Thank you.

6 THE COURT: Thank you, sir.

7 And the blue shirt over here.

8 POTENTIAL JUROR: 77.

9 THE COURT: Mr. Miller?

10 POTENTIAL JUROR: Yes, sir.

11 THE COURT: Okay.

12 POTENTIAL JUROR: I have a brother who is a retired
13 police officer.

14 THE COURT: How long has he been retired and from
15 where?

16 POTENTIAL JUROR: Four years in Taylorsville, North
17 Carolina.

18 THE COURT: Would the fact that your brother is a
19 retired police officer prevent you from being fair and
20 impartial to State of South Carolina and this defendant?

21 POTENTIAL JUROR: No, sir.

22 THE COURT: Thank you very much.

23 Any additional questions from the State?

24 MR. FLEMING: Nothing, Your Honor.

25 THE COURT: From the defense?

1 MR. ST. PIERRE: Nothing, Your Honor.

2 THE COURT: Thank you.

3 Ma'am?

4 POTENTIAL JUROR: Juror number 50, and my first
5 cousin is a Greenville County police officer.

6 THE COURT: Is a Greenville County police officer,
7 and you're number 50?

8 POTENTIAL JUROR: Uh-huh.

9 THE COURT: So you're Ms. Griffin?

10 POTENTIAL JUROR: Yes.

11 THE COURT: Ms. Griffin, would the fact that your
12 cousin --

13 POTENTIAL JUROR: Yes.

14 THE COURT: -- is a Greenville police officer
15 prevent you from being fair and impartial to the State
16 and the defendant?

17 POTENTIAL JUROR: No.

18 THE COURT: Any additional voir dire from the
19 State?

20 MR. FLEMING: Nothing, Your Honor.

21 THE COURT: From the defense?

22 MR. ST. PIERRE: No, sir.

23 THE COURT: Thank you.

24 Does any potential juror know any law enforcement
25 officer or have some sort of connection with a law

1 enforcement officer through your business, school, church
2 or community activities? If so, would you please stand.

3 (There was no response.)

4 THE COURT: Does any member of the jury panel now
5 or has at any time in the past served as a law
6 enforcement officer or a constable? If so, would you
7 please stand.

8 (There was no response.)

9 THE COURT: Would any member of the jury panel
10 believe the testimony of a law enforcement officer over
11 that of any other person simply because that person is a
12 law enforcement officer? If so, would you please stand.

13 (There was no response.)

14 THE COURT: Does any member of the jury panel
15 believe that a defendant is guilty or probably guilty
16 just because he is on trial? If so, would you please
17 stand.

18 (There was no response.)

19 THE COURT: Does any member of the jury panel
20 believe that the defendant has to prove that he is not
21 guilty in order to obtain an acquittal? If so, would you
22 please stand.

23 (There was no response.)

24 THE COURT: Very good. Gentlemen, are you ready to
25 strike the jury?

1 MR. FLEMING: Yes, sir, Your Honor.

2 THE COURT: You ready to strike the jury?

3 MR. ST. PIERRE: If we may approach?

4 THE COURT: Yes, sir.

5 (WHEREUPON, a bench conference was had.)

6 THE COURT: Ladies and gentlemen, one last
7 question. Has any member of the jury panel ever heard
8 about the case of the State of a O'Bryan Exxidice
9 Copeland by reading it in the newspaper, hearing it over
10 the news broadcast or in any other fashion, have you ever
11 heard any case of the State vs. O'Bryan Exxidice
12 Copeland? If so, would you please stand.

13 (There was no response.)

14 THE COURT: Very good. Now, if both counsel would
15 pass forward any voir dire they had and we'll make that a
16 court's exhibit.

17 (WHEREUPON, Court's Exhibit No 1, Defendant's Voir
18 Dire Request, was marked and made a part of the record.)

19 THE COURT: Ladies and gentlemen of the jury, how
20 we select juries in criminal court is that usually before
21 I had gray hair we had this old spindle and they'd spin
22 it around and pull the name out and your name would be
23 called and you'd come forward and the parties would look
24 at you and determine whether or not they were going to
25 select you to serve on the jury.

1 We do the same process, however the selection comes
2 from a computer that puts your names and spins them up
3 without that having to be manually done. But if your
4 name is called up I'm going to ask that you come forward
5 through the turnstile, stand between the State and the
6 defendant and look towards them and the determination
7 will be made whether or not you'll be selected to sit on
8 this jury.

9 You ready to proceed?

10 THE CLERK: Yes, sir.

11 Juror number 44, Robert M. Garron.

12 (A white male came forward.)

13 THE CLERK: What says the State?

14 MR. FLEMING: Please present this juror.

15 THE CLERK: What says the defense?

16 MR. ST. PIERRE: Please seat the juror.

17 THE CLERK: Juror number 39, Tamara L. Fitzgerald.

18 (A white female came forward.)

19 MR. ST. PIERRE: Madam clerk, what was the number?

20 THE CLERK: 39.

21 What says the State?

22 MR. FLEMING: Please present this juror.

23 THE CLERK: What says the defense?

24 MR. ST. PIERRE: Please excuse this juror.

25 THE CLERK: Juror number 71, Jacob L. McCarson.

1 (A white male came forward.)
2 THE CLERK: What says the State?
3 MR. FLEMING: Please present this juror.
4 THE CLERK: What says the defense?
5 MR. ST. PIERRE: Please excuse this juror.
6 THE CLERK: Juror number 36, Dorica Curenton.
7 (A black female came forward.)
8 THE CLERK: What says the State?
9 MR. FLEMING: Please excuse this juror.
10 THE CLERK: Juror number 50, Ansley E. Griffin.
11 (A white female came forward.)
12 THE CLERK: What says the State?
13 MR. FLEMING: Please present this juror.
14 THE CLERK: What says the defense?
15 MR. ST. PIERRE: Please seat the jury.
16 THE CLERK: Juror number 84, Linda K. Myers.
17 (A white female came forward.)
18 THE CLERK: What says the State?
19 MR. FLEMING: Please present this juror.
20 THE CLERK: What says the defense?
21 MR. ST. PIERRE: Please seat the juror.
22 THE CLERK: Juror number 94, Dawn M. Pirkle.
23 (A white female came forward.)
24 THE CLERK: What says the State?
25 MR. FLEMING: Please present this juror.

1 THE CLERK: What says the defense?

2 MR. ST. PIERRE: Please seat the juror.

3 THE CLERK: Juror number 9, William D. Bibb.

4 (A white male came forward.)

5 THE CLERK: What says the State?

6 MR. FLEMING: Please present this juror.

7 THE CLERK: What says the defense?

8 MR. ST. PIERRE: Please excuse this juror.

9 THE CLERK: Juror number 43, Kandice A. Gaddis.

10 (A white female came forward.)

11 THE CLERK: What says the State?

12 MR. FLEMING: Please present this juror.

13 THE CLERK: What says the defense?

14 MR. ST. PIERRE: Please seat the juror.

15 THE CLERK: Juror number 46, Joseph D. Gibbs Jr.

16 (A white male came forward.)

17 THE CLERK: What says the State?

18 MR. FLEMING: Please present this juror.

19 THE CLERK: What says the defense?

20 MR. ST. PIERRE: May I just have one minute, Your

21 Honor?

22 THE COURT: Yes, sir.

23 (PAUSE.)

24 MR. ST. PIERRE: Please excuse this juror.

25 THE CLERK: Juror number 90, Maxine S. Owens.

1 (A white female came forward.)
2 THE CLERK: What says the State?
3 MR. FLEMING: Please present this juror.
4 THE CLERK: What says the defense?
5 MR. ST. PIERRE: Please seat this juror.
6 THE CLERK: Juror number 77 Charles C. Miller.
7 (A white male came forward.)
8 THE CLERK: What says the State?
9 MR. FLEMING: Please present this juror.
10 THE CLERK: What says the defense?
11 MR. ST. PIERRE: Please excuse this juror.
12 THE CLERK: Juror number 116, Jimmie A. Vinson.
13 (A white female came forward.)
14 THE CLERK: What says the State?
15 MR. FLEMING: Please present this juror.
16 THE CLERK: What says the defense?
17 MR. ST. PIERRE: Please excuse this juror.
18 THE CLERK: Juror number 105, Savannah W. Shelton.
19 (A black female came forward.)
20 THE CLERK: What says the State?
21 MR. FLEMING: Please excuse this juror.
22 THE CLERK: Juror number 76, Christine V. Mickens.
23 THE COURT: I'm sorry. What number?
24 THE CLERK: 76.
25 (A black female came forward.)

1 THE CLERK: What says the State?

2 MR. FLEMING: Please present this juror.

3 THE CLERK: What says the defense?

4 MR. ST. PIERRE: Please seat the juror.

5 THE CLERK: Juror number 86, Kristen J. Nelson.

6 (A white female came forward.)

7 THE CLERK: What says the State?

8 MR. FLEMING: Please present this juror.

9 THE CLERK: What says the defense?

10 MR. ST. PIERRE: Please excuse Ms. Nelson.

11 THE CLERK: Juror number 27, Gina C. Clevenger.

12 (A white female came forward.)

13 THE CLERK: What says the State?

14 MR. FLEMING: Please excuse this juror.

15 THE CLERK: Juror number 12, Annitta G. Blakely.

16 (A white female came forward.)

17 THE CLERK: What says the State?

18 MR. FLEMING: Please present this juror.

19 THE CLERK: What says the defense?

20 MR. ST. PIERRE: Please seat the juror.

21 THE CLERK: Juror number 118, Jackie D. Waldrop.

22 (A white female came forward.)

23 THE CLERK: What says the State?

24 MR. FLEMING: Please present this juror.

25 THE CLERK: What says the defense?

1 MR. ST. PIERRE: Please excuse her.

2 THE CLERK: Juror 128, Willie L. Yeargin.

3 (A black male came forward.)

4 THE CLERK: What says the State?

5 MR. FLEMING: Please present this juror.

6 THE CLERK: What says the defense?

7 MR. ST. PIERRE: Please seat the juror.

8 THE CLERK: Juror number 122, Donna P. Wilson.

9 (A white female came forward.)

10 THE CLERK: What says the State?

11 MR. FLEMING: Please present this juror.

12 THE CLERK: What says the defense?

13 MR. ST. PIERRE: Please seat this juror.

14 THE CLERK: Juror number 87, Deborah A. Nordquist.

15 (A white female came forward.)

16 THE CLERK: What says the State?

17 MR. FLEMING: Please present this juror.

18 THE CLERK: What says the defense?

19 MR. ST. PIERRE: Please excuse this juror.

20 THE CLERK: Juror 102, Geoffrey T. Robins.

21 (A white male came forward.)

22 THE CLERK: What says the State?

23 MR. FLEMING: Please present this juror.

24 THE CLERK: What says the defense?

25 MR. ST. PIERRE: Please seat this juror.

1 THE CLERK: Juror number 75, Adam C. Mick.
2 (A white male came forward.)
3 THE CLERK: What says the State?
4 MR. FLEMING: Please excuse this juror.
5 THE CLERK: Juror 95, Oletha L. Pittman.
6 (A white female came forward.)
7 THE CLERK: What says the State?
8 MR. FLEMING: Please present this juror.
9 THE CLERK: What says the defense?
10 MR. ST. PIERRE: Please seat this juror.
11 THE CLERK: This is your alternate. Juror number
12 13, Bobby S. Bluford.
13 (A black male came forward.)
14 THE CLERK: What says the State?
15 MR. FLEMING: Please present this juror.
16 THE CLERK: What says the defense?
17 MR. ST. PIERRE: Please seat this juror.
18 THE CLERK: Juror number 7, Neal M. Beggs.
19 (A white male came forward.)
20 THE CLERK: What says the State?
21 MR. FLEMING: Please present this juror.
22 THE COURT: What says the defense?
23 MR. ST. PIERRE: Please seat the juror.
24 THE COURT: May I see both attorneys over here at
25 the side, please.

1 MR. FLEMING: Yes, sir.

2 (WHEREUPON, a bench conference was had.)

3 THE COURT: All right. Ladies and gentlemen of the
4 jury panel who have not been selected to serve on the
5 jury, I'm going to excuse you at this time. If you
6 would, keep your cards with you, look at the number on
7 that card. There is a number that you'll need to call in
8 tonight after 6:00 p.m. to let you know when or if we
9 need you to report back, and I'm going to ask that you
10 check that number each night this week after 6:00 p.m.
11 for instructions as to when or if you are supposed to
12 report. But at this time I'm going to excuse you for
13 the remainder of the day. Thank you for being here.

14 (WHEREUPON, the jury panel leaves the courtroom.)

15 THE COURT: Ladies and gentlemen of the jury, what
16 I'm going to do at this point is select -- I'm going to
17 ask you to go back to the jury room and select a
18 foreperson that you want to serve as the foreperson in
19 this trial. I'll tell you that a foreperson is someone
20 who basically presides over your deliberations. If there
21 needs to be any communication with the Court the
22 foreperson will basically be in charge of making those
23 communications. In other words, acts as the spokesperson
24 for the jury.

25 I will tell you that neither Mr. Bluford nor

1 Mr. Beggs can be selected as the foreperson since you are
2 alternates. Which one are you two?

3 (Hands raised.)

4 THE COURT: Okay. You have a right to vote on who
5 you want to be a foreperson but you may not be selected
6 because you are alternates in this case.

7 Now, before I send you back I'm going to ask and
8 instruct you that you are not to speak with anyone about
9 this case and that means each other, and I'll give you
10 further instructions as we start going further but bear
11 in mind this, that you've been selected by both of these
12 parties because they feel like you could be fair and
13 impartial to both sides of this case.

14 You will take an oath before we begin the trial to
15 do just that, but until the point in this trial where I
16 make it perfectly clear that you may begin your
17 deliberations that means that you are not allowed to
18 speak with anyone concerning this case. That means each
19 other during breaks or overnight, family members,
20 spouses, friends, certainly not press or anyone. Okay?

21 At the beginning we want you to listen to all the
22 testimony that's presented in this case, and at such time
23 as I feel like the case is over and deliberations are
24 appropriate that you can keep an open mind. But at this
25 point I'm going to ask that you step back to the jury

1 room, that you select a foreperson.

2 Once that person is selected you write that
3 person's name down, give it to Mr. Bolt, our bailiff, and
4 he'll bring it back to our attention, then I will give
5 you further instructions later. But at this point I'm
6 going to ask you to retire to the jury room.

7 (WHEREUPON, the jury leaves the courtroom at
8 approximately 12:16 p.m.)

9 THE COURT: From the State, is there any objections
10 or exceptions to the jury selection process itself?

11 MR. FLEMING: Nothing from the State, Your Honor.

12 THE COURT: From the defense?

13 MR. ST. PIERRE: Nothing from the defense, Your
14 Honor.

15 THE COURT: And is there any exceptions or
16 objections to the instructions to this point that I've
17 given either the panel or this particular jury?

18 MR. FLEMING: None from State, Your Honor.

19 THE COURT: From the defense? I'm going to give
20 you a chance about your voir dire next.

21 MR. ST. PIERRE: Okay. Then if it's not about voir
22 dire then no, sir.

23 THE COURT: And to be fair to you I changed gears
24 on you during the selection process, and there's a couple
25 voir dire items that I told you I would ask the jury and

1 I said I would not after I told you I would, and I'll be
2 glad to hear you on those.

3 MR. ST. PIERRE: Thank you, Your Honor. I have in
4 my hand Court's Exhibit 1 which I presented to Your Honor
5 back in chambers asking for you to consider these
6 questions asked of the potential jury venire. There were
7 some questions that I had submitted to you that were not
8 asked by Your Honor and that would so be reflected in
9 Court's Exhibit 1, and I'll hand that up now.

10 THE COURT: Let me make sure, just for the record,
11 keep that with you so we're clear and the record is
12 clear.

13 MR. ST. PIERRE: Okay.

14 THE COURT: I refused to charge 1-C. And I think I
15 did on 1-A and B, I charged those in my general questions
16 to the jury and I told you I'd ask those questions.

17 MR. ST. PIERRE: Yes, sir.

18 THE COURT: I did ask number two, I believe. I
19 refused to question the panel on question number three,
20 four, five, six.

21 MR. ST. PIERRE: I believe you did ask five.

22 THE COURT: I did?

23 MR. ST. PIERRE: You did ask six.

24 MR. FLEMING: You asked seven, Your Honor.

25 MR. ST. PIERRE: And seven.

1 THE COURT: All right. Okay.

2 MR. ST. PIERRE: You asked 8, 9, and 10. You asked
3 11, you asked 12, 13, did not ask 14. You did ask 15,
4 and did not ask 16 and 17.

5 THE COURT: Okay. Anything further on that
6 objection that you feel like you need to put on the
7 record at this stage?

8 MR. ST. PIERRE: Nothing further as long as the
9 objection is noted.

10 THE COURT: It's noted for the record. Thank you
11 very much.

12 MR. ST. PIERRE: Thank you.

13 THE COURT: Just some administrative matters; is
14 Mr. Copeland out on bond?

15 MR. ST. PIERRE: No, he's remain --

16 THE COURT: He is incarcerated. Okay.

17 All right. We'll be in recess until the jury comes
18 back, if there's no other matters, with the name of their
19 foreperson.

20 MR. FLEMING: Nothing from the State, Your Honor.

21 MR. ST. PIERRE: Nothing, Your Honor.

22 THE COURT: We're in recess until the jury comes
23 back with a foreperson.

24 MR. FLEMING: Thank you, Your Honor.

25 (WHEREUPON, a brief recess was taken.)

1 THE COURT: Mr. Bolt, will you please bring the
2 jury in, please, sir.

3 THE BAILIFF: Yes, sir.

4 (WHEREUPON, Court's Exhibit Number 2, a Note from
5 the Jury Foreperson, was marked and made a part of the
6 record.)

7 THE COURT: For the record, Counsel, Linda Myers,
8 number 84 has been selected as the foreperson.

9 (WHEREUPON, the jury enters the courtroom at
10 approximately 12:35 p.m.)

11 THE BAILIFF: All present, Your Honor.

12 THE COURT: Thank you, Mr. Bolt.

13 Ladies and gentlemen of the jury, my understanding
14 is you have selected Linda Myers -- are you Ms. Myers?

15 JUROR MYERS: Yes.

16 THE COURT: -- to be the foreperson.

17 JUROR MYERS: Yes.

18 THE COURT: And, Ms. Myers, as I stated earlier, it
19 will be your job to preside over deliberations at that
20 point in the trial when I tell you you can begin your
21 deliberations. If at any time there needs to be
22 communication with the Court the procedure that I ask
23 that you follow is to write a note just like you just
24 did, hand it to Mr. Bolt or the bailiff who is outside
25 your door and we'll mark it as an exhibit and bring up.

1 the matter here in the courtroom. Okay?

2 JUROR MYERS: Okay.

3 THE COURT: Now, ladies and gentlemen, let me tell
4 you this. We are not going to begin the trial today. We
5 are actually going to begin, I believe, at two o'clock
6 tomorrow.

7 Is that correct, Counsel?

8 MR. FLEMING: Yes, sir.

9 THE COURT: Is that right, Counsel?

10 MR. ST. PIERRE: That's my understanding.

11 THE COURT: And the reason being we have some
12 administrative matters that we have to deal with up until
13 that time, and so I am in just a minute going to excuse
14 you from any further participation today. But I want to
15 tell you before you leave, and I'll reenforce this
16 throughout the trial, that it is critical that you not
17 speak with anybody about this case. That includes one
18 another. We have a process in which there will be -- you
19 are not to talk about what you just heard or what you
20 heard so far.

21 I can imagine that if I came home in your situation
22 my wife would be asking me, What have you done, what are
23 you hearing? Just tell her you've been selected and just
24 don't speak about the case with them. Don't speak to
25 your children or any friends. That means not only direct

1 face-to-face communications but also any e-mails,
2 telephone calls. ' What is it my 20-year-old daughter
3 does? Twit, Twitter, whatever that is. Just do not
4 communicate about the case. And again, the reason being
5 is we want you to keep an open mind and listen to all the
6 evidence and then be charged on the law before we start
7 allowing you to begin your deliberations.

8 Our chief justice of the South Carolina Supreme
9 Court, Chief Justice Jean Toal, has instructed every
10 trial level judge, which I am, to tell the juries that
11 during the course of a trial they are not to do any of
12 their own independent research about the case.

13 That means you are not to look up this matter in
14 the newspaper, or Google it or look up on any source that
15 you may have available to you. You are not to look up
16 any witness, any lawyer, court personnel, which would
17 include myself, the clerk. At such time as the case is
18 over with you can search to your heart's desire.

19 The idea behind these prohibitions is that we want
20 the jury to get the evidence that's presented in the
21 courtroom and not from some other source. That would
22 include your prohibition about researching any issues
23 that you think may be relevant during the course of this
24 trial, and I'm going to again remind you of that
25 tomorrow. But we will begin the trial promptly around

1 two o'clock tomorrow, but up until that time you're
2 excused and the bailiff will show you your way out. But
3 thank you very much for being here.

4 (WHEREUPON, the jury leaves the courtroom at
5 approximately 12:40 p.m.)

6 THE COURT: Any additions or exceptions from the
7 State so far as to my instructions to the jury?

8 MR. FLEMING: Nothing from the State, Your Honor.

9 THE COURT: From the defense?

10 MR. ST. PIERRE: Nothing from the defense.

11 THE COURT: Okay. And I understand that
12 Mr. Copeland is being housed at the county; is that
13 right?

14 MR. ST. PIERRE: He is, Your Honor. It's a quarter
15 million dollar bond. Yes, sir.

16 THE COURT: I'll keep him so housed.

17 Any other matters at this point I need to deal with
18 from the State?

19 MR. FLEMING: Nothing from the State, Your Honor.

20 THE COURT: From the defense?

21 MR. ST. PIERRE: No, sir, Your Honor.

22 THE COURT: What time you want to begin your motion
23 hearings in the morning, at 9:30?

24 MR. FLEMING: Whatever the Court deems appropriate,
25 Your Honor, is fine with us.

1 THE COURT: Well, do you think we can get them all
2 in before we begin the trial at 2:00, if that's what goes
3 on?

4 MR. ST. PIERRE: I don't see why not. I don't see
5 why we wouldn't.

6 THE COURT: Okay. Let's start at 9:30 then. That
7 will work.

8 MR. FLEMING: Yes, sir.

9 THE COURT: Al right. Thank you, Gentlemen. Thank
10 you, Counsel.

11 (WHEREUPON, the trial was concluded for the day.)

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1 C E R T I F I C A T E

2

3 I, Sharon L. Vizer, Official Court Reporter for the
4 Eighth Judicial Circuit of the State of South Carolina,
5 do hereby certify that the foregoing is a true, accurate
6 and complete transcript of record of all the proceedings
7 had and the evidence introduced in the trial of the
8 captioned case in Circuit Court on the 15th day of
9 November 2010.

10 I do further certify that I am neither of kin, counsel
11 nor have an interest to any party hereto.

12

13 March 17, 2015

14 s/Sharon L. Vizer

15 SHARON L. VIZER

16 CIRCUIT COURT REPORTER

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STATE OF SOUTH CAROLINA	)	IN THE EIGHTH JUDICIAL CIRCUIT
COUNTY OF LAURENS	)	THE COURT OF GENERAL SESSIONS
	)	2009-GS-30-01481-01484
STATE OF SOUTH CAROLINA,	)	2009-GS-30-01285-01292
	)	2010-GS-30-00585
PLAINTIFF,	)	
	)	
VERSUS	)	
	)	
O'BRYAN EXXIDICE COPELAND,	)	
	)	DATE: NOVEMBER 16-17, 2010
DEFENDANT.)		LAURENS, SOUTH CAROLINA

TRIAL/GUILTY PLEA TRANSCRIPT

B E F O R E:

THE HONORABLE R.LAWTON MCINTOSH

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SOUTH CAROLINA JUDICIAL DEPARTMENT

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DIRECT EXAMINATION OF LEANN RIGGOT BY MR. FLEMING

6

1 MORNING - NOVEMBER 16, 2010

2 THE COURT: Is this going to be the Jackson Denno
3 hearing?

4 MR. ST. PIERRE: Yes, sir. We can start with that. I've
5 got a few motions, but I believe that one's going to be the
6 lengthiest.

7 THE COURT: Well, I'm not trying to put you on the spot.
8 Whatever you want to do is fine with me.

9 MR. ST. PIERRE: Okay. If you're ready?

10 THE COURT: I am. Just one second. I was just making a
11 couple of notes so I can get my stuff going.

12 JACKSON/DENNO HEARING

13 MR. FLEMING: Yes, sir. The State would call Leann Riggot
14 to the stand, Your Honor.

15 (After being duly sworn by the Clerk of Court,
16 **LEANN RIGGOT** testified as follows:)

17 DIRECT EXAMINATION

18 BY MR. FLEMING:

19 Q Officer Riggot, can you state your full name for the
20 record, please, ma'am?

21 A Leann Riggot.

22 Q Okay. And what is your profession?

23 A Detective for Laurens City Police Department.

24 Q Okay. And you're currently employed by Laurens City?

25 A Yes, I am.

THE STATE OF SOUTH CAROLINA VERSUS O'BRYAN E. COPELAND

DIRECT EXAMINATION OF LEANN RIGGOT BY MR. FLEMING

7

1 Q Okay. How long have you worked there?

2 A Approximately, twelve years.

3 Q Okay. And in those twelve years, have you always been a
4 detective?

5 A No, sir.

6 Q Okay. How long have you been a detective?

7 A January will be two years.

8 Q Okay. And prior to working with Laurens Police
9 Department, where did you work?

10 A Prior to that, I worked at the Greenville County
11 Detention Center.

12 Q Okay. How long did you work there?

13 A Three years.

14 Q So, for about fifteen years you've been in some type of
15 law enforcement?

16 A Yes, sir.

17 Q Okay. What are you present duties as far as being a
18 detective?

19 A I look over the daily reports, investigate crimes,
20 locate witnesses, take statements, sign warrants.

21 Q Okay. And part of your duties involve investigating
22 armed robberies?

23 A Yes, it is.

24 Q Are you familiar with something called Miranda warnings
25 on a suspect's constitutional rights?

THE STATE OF SOUTH CAROLINA VERSUS O'BRYAN E. COPELAND

DIRECT EXAMINATION OF LEANN RIGGOT BY MR. FLEMING

8

1 A Yes, I am.

2 Q And have you had an occasion to advise a suspect of
3 those rights during the course of your work in law
4 enforcement?

5 A Yes, I have.

6 Q Okay. And were you employed with Laurens Police
7 Department on July the 7th of 2009?

8 A Yes, I was.

9 Q Were you involved on an armed robbery investigation, car
10 wreck investigation, and report on false, a false report
11 on a stolen vehicle on that day?

12 A Yes, sir, I was.

13 Q And were those instances concerning the Defendant,
14 O'Bryan Copeland?

15 A. Yes, sir.

16 Q And how did you become involved in that, in the
17 investigation of that case?

18 A That particular week in July 2009, I was the
19 investigator on call. After the incident happened, Chief
20 Morse called my residence, I would say a little after
21 2:00 in the morning, around 2:00 in the morning, and
22 advised me of the situation and told me I needed to come
23 to the scene. At which time, I got up, got dressed, and
24 drove to the location.

25 Q Okay. And what location was that?

THE STATE OF SOUTH CAROLINA VERSUS O'BRYAN E. COPELAND

DIRECT EXAMINATION OF LEANN RIGGOT BY MR. FLEMING

9

1 A It was the J&K, which is The Corner Stop on North Harper
2 Street. I believe it's [REDACTED] North Harper Street.

3 Q Okay. That's the Citgo Station. Is that correct?

4 A Yes, sir.

5 Q Okay.

6 MR.. ST. PIERRE: Judge, I'm sorry. I meant to do this
7 before this even started. Could we sequester the witnesses
8 for purposes of the Denno?

9 MR. FLEMING: I have no problem with it, Your Honor.

10 THE COURT: Who do you intend...

11 MR. FLEMING: Detective Lynch and possibly one other
12 person.

13 THE COURT: All right. If you have no problem with it,
14 I'll be glad to -- Officer, would you mind stepping back into
15 the lobby? Thank you, sir.

16 (Whereupon, Officer Tony Lynch leaves the courtroom)

17 MR. ST. PIERRE: I apologize for interrupting, Judge.

18 THE COURT: That's okay. So, it was J&K Corner Stop, the
19 Citgo?

20 MR. FLEMING: Yes, sir, Your Honor.

21 CONTINUED DIRECT EXAMINATION

22 BY MR. FLEMING:

23 Q What did you do when you got to the Citgo Corner Stop
24 there on North Harper?

25 A When I got on the scene, I started with Chief Morse. He

DIRECT EXAMINATION OF LEANN RIGGOT BY MR. FLEMING

10

1 advised me of the situation. He advised me that he had a
2 vehicle that was wrecked on Mill Street that may have
3 possibly been involved in the robbery and that they had
4 a suspect on Price Street and he advised me to go to
5 Price Street at that time.

6 Q Okay. Why were you going to Price Street?

7 A To speak with the officers there and the suspect that
8 they had on Price Street.

9 Q Okay. And how did you come to know that the Price Street
10 suspect was at Price Street?

11 A They advised me that the lieutenant on the shift,
12 Lieutenant Anderson and another officer, were out with
13 the individual who reported the wrecked vehicle on Mill
14 Street was the owner of the vehicle on Mill Street.

15 MR. ST. PIERRE: I object. That's hearsay.

16 THE COURT: Just re-phrase your question, please.

17 Q Just without getting into hearsay, was there a call
18 reported or a report of a stolen vehicle from Price
19 Street?

20 A Yes, sir.

21 MR. ST. PIERRE: I'd object. That's leading.

22 THE COURT: Overruled.

23 Q Is that why you went to Price Street?

24 A Yes, sir.

25 Q Okay. And once at Price Street, what did you do then?

THE STATE OF SOUTH CAROLINA VERSUS O'BRYAN E. COPELAND

DIRECT EXAMINATION OF LEANN RIGGOT BY MR. FLEMING

11

1 A Once I arrived there, I spoke with Lieutenant Anderson.
2 He advised me that the female there at the residence
3 called in a vehicle stolen, and the vehicle I'm
4 referring to was the green Crown Vic on Mill Street. I
5 don't believe at that time she was aware that that was
6 the vehicle, that that vehicle was at that location.

7 MR. ST. PIERRE: Object to speculation.

8 THE COURT: Sustained.

9 Q Without speculating about anything, what did you do next
10 after you got the -- what did you do next?

11 A After I spoke with Lieutenant Anderson, I spoke with Mr.
12 Copeland who was sitting in the back seat of the patrol
13 car. He explained the situation to me about the vehicle
14 being stolen, that his vehicle was stolen. Then I spoke
15 with Ms. Shumate ---

16 THE COURT: Stop for a second, officer, if you don't mind
17 so I can follow along. Mr. Copeland said to you that the
18 vehicle was stolen?

19 OFFICER RIGGOT: Yes, sir.

20 THE COURT: He did?

21 OFFICER RIGGOT: Yes, sir.

22 THE COURT: Okay. I'm sorry. I didn't mean to interrupt
23 you.

24 OFFICER RIGGOT: That's okay.

25 A Then I spoke with Ms. Shumate and she told me that the

THE STATE OF SOUTH CAROLINA VERSUS O'BRYAN E. COPELAND

1 vehicle that she called in to 911, that the vehicle was
2 stolen while they were in the residence.

3 Q Okay. And after they told you that, what did you do
4 next?

5 A We spoke with the grandfather, I mean me and Lieutenant
6 Anderson, to advise him of the situation, asked him if
7 we could check the residence. He signed a consent to
8 search. We checked the residence. After that, we took
9 them, which was Mr. Copeland and Ms. Shumate, to the
10 police department.

11 Q Okay. And what did you do when you got to the police
12 department?

13 A I interviewed Ms. Shumate.

14 Q Okay. And after you interviewed Ms. Shumate, what did
15 you do?

16 A I interviewed Mr. Copeland.

17 Q Okay. So you interviewed Mr. Copeland. What did you do
18 before you interviewed Mr. Copeland?

19 A I took some photographs, read him his Miranda rights.

20 Q So you read him his Miranda warnings at that time. Is
21 that correct?

22 A Yes, sir, I did.

23 Q Would you tell the Court what that document is right
24 there.

25 A It's a Laurens Police Department Miranda Advice of

DIRECT EXAMINATION OF LEANN RIGGOT BY MR. FLEMING

13

1 Rights.

2 Q Okay. Is that the form you used to read the Defendant,
3 Mr. Copeland, his rights at that time?

4 A Yes, sir, it is.

5 Q Okay. And what time was that Miranda warning given?

6 A At 6:10 AM.

7 Q 6:10 AM. Okay. And what, specifically, what rights did
8 you advise him of?

9 A You want me to read them?

10 Q Yes, please.

11 A "Before I ask you any questions, you must understand
12 your rights. You have the right to remain silent, to not
13 make any statement. Anything you say can and will be
14 used against you in court. You have the right to talk to
15 a lawyer for advice before I ask you any questions and
16 have him or her with you during questioning. If you
17 cannot afford a lawyer, one will be appointed for you by
18 the court before any questioning, if you wish. If you
19 decide to answer questions now without a lawyer present,
20 you still have the right to stop answering at any time.
21 You also have the right to stop answering at any time
22 until you talk to a lawyer."

23 Q Okay. And off to the side to the right-hand side of
24 that, what is that?

25 A Where you initial the statements that are read.

THE STATE OF SOUTH CAROLINA VERSUS O'BRYAN E. COPELAND

1 Q Okay. And is that initialed?

2 A Each statement that I read, I initialed to the right.

3 Q Okay. You initialed and who else initialed it?

4 A O.C., O'Bryan Copeland.

5 Q Okay. And you saw him initial that?

6 A Yes, sir, I did.

7 Q Okay. And after you read the rights down at the bottom,
8 what questions are there?

9 A "Do you understand these right as I have read them to
10 you", and then there's a place for "yes" or "no" and
11 "are you willing to talk to me now without a lawyer
12 present", and there's also a place for "yes" or "no".

13 Q Okay. And were those boxes both checked?

14 A They're both checked "yes".

15 Q Okay. And down at the bottom, at the very bottom, what
16 is there?

17 A A place for a witness, the date, and the signature of
18 the individual who's reading the rights to you.

19 Q Okay. And what does it say under that, under where it
20 says waiver of rights, down at the bottom?

21 A It says, "I have read or had read to me the statement of
22 my rights. I understand what my rights are. I am willing
23 to make a statement and answer any questions. I do not
24 want a lawyer at this time. I understand and know what
25 I'm doing. No promise or threats have been made against

DIRECT EXAMINATION OF LEANN RIGGOT BY MR. FLEMING

15

1 me by anyone."

2 Q Okay. And whose signature is at the bottom of that?

3 A My signature and O'Bryan Copeland's.

4 Q Okay. And what date is on that?

5 A 7/7/09.

6 Q Okay. So this Miranda or Advisement of Rights Form is
7 what you read to Mr. Copeland and what he executed that
8 evening. Is that correct?

9 A Yes, sir, it is.

10 Q Okay. And...

11 MR. FLEMING: Your Honor, the State would move to have
12 this admitted into evidence at this time, just a Court's
13 Exhibit, I guess.

14 THE COURT: Any objections?

15 MR. ST. PIERRE: Of what, the cover sheet?

16 MR. FLEMING: Yeah, the Miranda warnings.

17 MR. ST. PIERRE: No objection.

18 THE COURT: That would be without objection.

19 MR. ST. PIERRE: As a Court's Exhibit?

20 MR. FLEMING: Yes, sir.

21 (Whereupon, an advisement of rights form is entered into
22 evidence as Court's Exhibit #3, with no objection, for
23 purposes of this hearing)

24 Q And what did you do after you read him those rights at
25 that time?

THE STATE OF SOUTH CAROLINA VERSUS O'BRYAN E. COPELAND

DIRECT EXAMINATION OF LEANN RIGGOT BY MR. FLEMING

16

1 A I took his statement.

2 Q Okay. Let me show you this here. Can you tell the Court
3 what that document is?

4 A It's a City of Laurens Voluntary Statement.

5 Q Okay. And at the top there's a place to fill out
6 information, the place and who the person that's giving
7 the statement, where they live and right up under that,
8 what is that? What does it say?

9 A You mean right before the actual statement, the little
10 paragraph?

11 Q Yes.

12 A It says that, "I do not have to make any statement at
13 all nor answer any questions or do anything that might
14 tend to go against me or incriminate me in any manner.
15 That any statement I make can and will be used against
16 me in a trial or trials for the offense or offenses
17 concerning what the following statement is herein made.
18 I was also warned and advised of my right to advice and
19 presence of a lawyer. It's my own choice before or at
20 any time during any of my questioning or on any
21 statement I make and if I'm not able to hire a lawyer, I
22 may request to have a lawyer appointed for me by the
23 proper authority without cost or charge to me. I do not
24 want to talk to a lawyer and I hereby knowingly and
25 purposely waive my rights to the advice and presence of

THE STATE OF SOUTH CAROLINA VERSUS O'BRYAN E. COPELAND

DIRECT EXAMINATION OF LEANN RIGGOT BY MR. FLEMING

17

1 a lawyer during any questioning or any time before while
2 I voluntarily make the following statement to the
3 aforesaid person, knowing that anything I say can and
4 will be used against me in the court or courts of law.
5 I declare that the following voluntary statement is made
6 to the aforesaid person of my own free will, without
7 promise of hope or reward, without fear or threat of
8 physical harm, without coercion, favor, or offer,
9 without leniency or offers of leniency by any person or
10 persons, whomsoever."

11 Q Okay. Did Mr. Copeland fill this statement out himself
12 or did you fill it out for him?

13 A I filled it out for him.

14 Q Okay. And what did -- what does the statement basically
15 say?

16 A Do you want me to read the whole thing?

17 Q Yeah, please.

18 A I'm Detective Riggot and I'm writing this statement for
19 O'Bryan Copeland on 7/7/09. He said, I left my home
20 boy's house, Bear, over on Hooker Avenue and went to my
21 girlfriend's house on Price Street, Latasha Sumate's
22 around 12:00 midnight. Well, I've got 12:00. I knocked
23 on the window. She opened the door in the front and I
24 went into the house. I went to the bathroom. While I was
25 in the bathroom I heard my car rev up with it's loud

1 pipes. So I ran out the house and saw my car going down
2 the street towards Green Street. I ran up and down the
3 street yelling and cursing and told her to go call the
4 police. I had been there for about ten or fifteen
5 minutes when my car was stolen. The police got there
6 about five minutes after they were called. My car was a
7 1998 Crown Vic, green and black, with twenty-three inch
8 black wheels with a paper tag. End of statement.

9 Q Okay. And did he sign that statement?

10 A Yes, sir, he did.

11 Q Okay. Did he indicate to you that he was giving that
12 statement freely and voluntarily?

13 A Yes, sir, he did.

14 Q Okay.

15 MR. FLEMING: Your Honor, I'd like to admit this as
16 State's -- Court's Exhibit #2 at this time.

17 MADAM COURT REPORTER: That'll be #4.

18 THE COURT: Any objection, Mr. St. Pierre?

19 MR. ST. PIERRE: No objection as a Court's Exhibit.

20 THE COURT: Admitted without objection.

21 (Whereupon, Court's Exhibit #4 was marked and admitted
22 into evidence for purposes of this hearing)

23 Q I'm going to give that back to you, Detective Riggot.
24 Based on the statement that he gave in that statement,
25 or based on information he gave in that statement,

THE STATE OF SOUTH CAROLINA VERSUS O'BRYAN E. COPELAND

DIRECT EXAMINATION OF LEANN RIGGOT BY MR. FLEMING

19

1 specifically; the fact that he got to his girlfriend's
2 house at 12:00, the fact that he stated in there that
3 ten to fifteen minutes after he had been there his car
4 was stolen and the fact that five minutes after they
5 were called, after the police were called, they got
6 there and based on all of that, were things adding up?

7 MR. ST. PIERRE: I object, Your Honor. This has nothing
8 to do with the free and voluntariness of this statement as to
9 her conclusions of the investigation. I think that's for a
10 different time and place.

11 THE COURT: What's the relevance, Mr. Fleming?

12 MR. FLEMING: Your Honor, it goes to the point that they
13 continued to question him, because the facts didn't add up in
14 the first statement.

15 MR. ST. PIERRE: You can just ask that.

16 MR. FLEMING: I did. I thought that's what I did, Your
17 Honor.

18 THE COURT: I'll allow it. Go ahead.

19 Q Were things adding up?

20 A No, sir. The times did not add up.

21 Q Okay. Actually, do you have any knowledge of what time
22 the call was placed, about the stolen vehicle?

23 MR. ST. PIERRE: I object. It has nothing to do with the
24 freeness and voluntariness of the statement.

25 THE COURT: I think, Mr. Fleming is leading to further

1 questioning of the Defendant. That's where I'm taking it. Is
2 that where you're going?

3 MR. FLEMING: Yes, sir, Your Honor.

4 THE COURT: Okay, sir. I'll allow it.

5 Q Do you have any knowledge of about what time the call on
6 the stolen vehicle was made?

7 A Yes, sir, at 2:11 in the morning, AM.

8 Q Okay.

9 THE COURT: What was it? At 2:11 in the morning?

10 MR. FLEMING: When the call for the stolen vehicle was
11 made, Your Honor.

12 Q So, the call for the stolen vehicle was made at 2:11.
13 Yet, he said in his statement he got there at 12:00 and
14 ten to fifteen minutes later his car was stolen, they
15 called 911, and five minutes after that, police arrived?

16 A Yes, sir.

17 Q There's no way that that could be true. Is that correct?

18 A That's correct.

19 Q Okay. So what did you do as a result of that information
20 that you had?

21 A I continued my investigation. I knew I needed to keep
22 questioning to get the truth of what actually took
23 place.

24 Q Okay. Let me show you this document here.

25 (Mr. Fleming shows Mr. St. Pierre a document and then

DIRECT EXAMINATION OF LEANN RIGGOT BY MR. FLEMING

21

1 hands it to the witness)

2 Q Could you tell me what that is?

3 A It's a ---

4 MR. FLEMING: May I approach, Your Honor?

5 THE COURT: Yes, sir.

6 Q Could you tell this Court what that document is?

7 A Laurens Police Department's Miranda Warning Statement.

8 Q Okay. And were you present when this document was
9 executed?

10 A No, sir, I wasn't in the room when this one was read.

11 Q Okay. So, after the first statement was taken that you
12 took of Mr. Copeland, what did you do after that?

13 A I continued to talk with Ms. Shumate.

14 Q Okay. Well, concerning Mr. Copeland, did you continue to
15 question him after he made the first statement?

16 A No, sir, I did not.

17 Q You didn't? Okay. So what did you do after that?

18 MR. ST. PIERRE: Asked and answered, Your Honor.

19 THE COURT: Overruled.

20 A I spoke with Ms. Shumate.

21 Q Okay. So, you left Mr. Copeland at that time?

22 A Yes, sir.

23 Q Okay. And where did all this take place?

24 A In the -- what we call the booking room at the old
25 Laurens Police Department, which is on West Laurens

1 Street.

2 Q Okay. Is it kind of like an office?

3 A Yes, sir. It has a desk, a chair, a computer and camera,
4 you know, for processing.

5 Q Was anybody else in the room with you when you were
6 actually questioning Mr. Copeland?

7 A No. No, sir.

8 Q Okay. And during that time, did you put any kind of
9 undue pressure on him? Did you threaten him or promise
10 him anything in any manner concerning -- with any
11 statement given?

12 A No, sir, I did not.

13 MR. FLEMING: I beg the Court's indulgence for one
14 minute, Your Honor.

15 THE COURT: Yes, sir.

16 Q In your opinion, when you were asking the Defendant
17 questions, did he look like he was under the influence
18 of any kind of alcohol or drugs at that time?

19 A No, sir. He did not.

20 Q Okay. Did he appear to have any kind of physical or
21 mental disability that would have impaired his ability
22 to understand what you were questioning him about at
23 that time?

24 A No, sir. He did not.

25 Q In the room that you took the, that you're doing the

DIRECT EXAMINATION OF LEANN RIGGOT BY MR. FLEMING

23

1 questioning, you said there was a desk and chairs?

2 A Yes, sir.

3 Q Okay. So the chair that was there was -- I mean, it's a
4 pretty comfortable chair?

5 A The one I was sitting in or the one he was sitting in?

6 Q Any and all of the chairs in there.

7 A Yes, sir, they're padded chairs.

8 Q How long did you question the Defendant before you
9 finished?

10 A I'm not quite sure, but it wasn't for long. I would say
11 a half hour or less.

12 Q Okay. At any time, was the Defendant denied access to
13 using the telephone, using the bathroom, or any kind of
14 food or drink at that time?

15 A No. No, sir, he wasn't.

16 Q Was the Defendant under arrest at that time?

17 A No, sir. He was in investigative detention.

18 Q Okay. Did you advise him of the nature of the
19 investigation at that time?

20 A Yes, sir, I did.

21 Q Okay. When you read the Defendant his rights, did he
22 appear to have any trouble understanding those rights?

23 A No, sir, he did not.

24 Q Okay. Did he demonstrate his ability of whether or not
25 he could read at that time?

CROSS EXAMINATION OF LEANN RIGGOT BY MR. ST. PIERRE

24

1 A I didn't have him read anything.

2 Q Okay. So you didn't -- did you ask him or did he say
3 that he could read at that time?

4 A I don't recall.

5 Q Okay. Did anyone in your presence threaten or coerce the
6 Defendant at any time or in any fashion, or offer
7 promises to him, any kind of hope of reward in regards
8 to these statements that he gave?

9 A No, sir.

10 Q And to your knowledge, the statement that you took, was
11 it freely and voluntarily given?

12 A Yes, sir.

13 MR. FLEMING: I have no further questions at this time,
14 Your Honor.

15 THE COURT: Cross examination.

16 MR. ST. PIERRE: May it please the Court.

17 CROSS EXAMINATION

18 BY MR. ST. PIERRE:

19 Q Detective, you just testified you didn't have him read
20 anything.

21 A I don't know. I stated, I don't recall.

22 Q Did you read the small print right there at the bottom
23 of Court's Exhibit #2?

24 A It says: I have read each page of the statement. It's
25 just the one page. Each page which bears my signature

CROSS EXAMINATION OF LEANN RIGGOT BY MR. ST. PIERRE

25

1 and each line which bears my initials and I certify the
2 facts contained herein are true and correct. I further
3 certify that I made no request for advice or presence of
4 a lawyer before regarding any part of the statement nor
5 any time before it was finished did I request this
6 statement be stopped. I also declare the officer was
7 told what to say in this statement.

8 Q Okay. Let me have that back. And I'm sorry, that was
9 Court's Exhibit #4 you read from. So, you testified that
10 you didn't have him read over anything but he signed
11 after that where it says, "I have read each page of this
12 statement"?

13 A Yes, sir. I read that to him.

14 Q Okay. And then I'm going to show you Court's Exhibit #3
15 where the initials are, the initials section. He didn't
16 initial all his rights, did he?

17 A He just initialed two.

18 Q Okay. Which ones were they?

19 A "Before I ask any questions you must understand your
20 rights and if you cannot afford a lawyer, one will be
21 appointed for you by the Court upon request, if you
22 wish."

23 Q Which ones did he not initial?

24 A "You have the right to remain silent, not make any
25 statement, anything you say can and will be used against

1 you in court, you have the right to talk to a lawyer for
2 advice before I ask any question of you or with you
3 during questioning and if you decide to answer questions
4 now without a lawyer present, you still have the right
5 to stop answering any time, you also have the right to
6 stop answering any time until you talk to a lawyer."

7 Q Do you recall why he didn't initial any of those?

8 A No, sir, I do not recall.

9 Q Okay. And I was reading over the CAD detail report
10 yesterday and you are D2, correct?

11 A Yes, sir.

12 Q So you got to [REDACTED] Price -- if I may have just a second
13 here -- 1023 means?

14 A Arrived on the scene.

15 Q Arrived on the scene. Okay. So you got there at 3:02,
16 [REDACTED] Price. Correct?

17 A Yes, sir.

18 Q Okay. And then you testified that when you got there,
19 the Defendant was already in the back of Lieutenant
20 Anderson's car. Correct?

21 A He was in the back of a car. I'm not sure whose car it
22 was.

23 Q Needless to say, he was in custody?

24 A He was in investigative detention.

25 Q Okay. And then you said that you spoke with him and he

CROSS EXAMINATION OF LEANN RIGGOT BY MR. ST. PIERRE

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1 told you about how his car was stolen?

2 A Yes, sir.

3 Q But you did not testify whether or not you gave Miranda
4 warnings to him before that. Would you agreed to that?

5 A Yes, sir, I would agree.

6 Q So is it a true statement, you did not give him a
7 Miranda warning when you were speaking with him when he
8 was in the back of the car?

9 A When he was sitting in the car, I didn't.

10 Q Okay. And then you testified that you went back to the
11 station and you took his photograph and then eventually
12 interviewed him. Correct?

13 A Yes, sir.

14 Q And then after you interviewed him, you had no further
15 contact with him and you went on to Shumate's?

16 A Yes, sir.

17 Q But before the interview, you also performed a gunshot
18 residue analysis on him. Right?

19 MR. FLEMING: I would object, Your Honor. That has
20 nothing to do with the statement.

21 MR. ST. PIERRE: Well ---

22 THE COURT: It has to do with coercion. Go ahead.

23 Q When he was in the back of the cruiser or the patrol
24 car, presumably a car owned and operated by Laurens
25 Police Department, was he free to go?

1 A At that time, no.

2 Q Okay, so ---

3 A He was in investigative detention. He wasn't handcuffed
4 or anything. He was just sitting in the car and I spoke
5 with him, to find out what happened with his car.

6 Q Okay. So he was, just on his own will, just sitting in
7 the back of a police car?

8 A Yes, sir.

9 Q And also when he was being interviewed and after a
10 gunshot residue analysis and photographs, he was
11 handcuffed to a chair. Correct?

12 A Yes, sir.

13 Q Okay.

14 MR. ST. PIERRE: I beg the Court's indulgence for one
15 second.

16 Q When you arrived at [REDACTED] Price at 3:02 AM, wasn't Mr.
17 Copeland handcuffed in the back of the police car?

18 A I don't recall, but I don't think -- I'm not sure, but I
19 don't think he was.

20 Q Okay. But you're not denying that he may have been?

21 A He may have been. To my best of my knowledge, I don't
22 believe he was.

23 Q Okay.

24 MR. ST. PIERRE: I've got no further questions for this
25 witness at this time, Your Honor.

REDIRECT EXAMINATION OF LEANN RIGGOT BY MR. FLEMING

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1 THE COURT: Redirect?

2 MR. FLEMING: Yes, sir. Just a couple of follow-ups.

3 REDIRECT EXAMINATION

4 BY MR. FLEMING:

5 Q Lieutenant Riggot, when you do the GSR test, do you have
6 the ability to find out the results right there on the
7 spot?

8 MR. ST. PIERRE: Objection, Your Honor. This has nothing
9 to do with the statement, unless a GSR result ---

10 THE COURT: What is the relevance of it?

11 MR. FLEMING: Well, the relevance is, is he brought the
12 GSR test up, Your Honor. If you're saying its coercive in
13 nature ---

14 THE COURT: The results ---

15 MR. FLEMING: Yeah, the results.

16 THE COURT: --- don't necessarily have to do with the
17 coercive nature of the events going on that night.

18 MR. FLEMING: Yes, Your Honor, I was going to -- I was
19 leading up to that, though, Your Honor, with -- you know, I
20 think if the results are -- if she could perform her results
21 there, I think that could be, that maybe could have been
22 coercive, but if not, if she doesn't see the results, then I
23 think that's less coercive than ---

24 THE COURT: All right. I'll allow it. Go ahead.

25 Q Do you have the ability to get the results of a GSR test

1 right there on the spot?

2 A No, sir.

3 Q How do you get those results?

4 A You have to send it to SLED.

5 Q Okay. At any point in time did you use the GSR test to
6 try to coerce the Defendant into giving a statement?

7 A No, sir.

8 Q And all these questions, Miranda warnings and
9 everything, you read all those to the Defendant. Is that
10 correct?

11 A Yes, sir. I did read every one to him.

12 Q And he indicated to you that he understood those rights.
13 Is that correct?

14 A Yes, sir, he did.

15 Q Okay. At any time did he say, no, I don't want -- I want
16 to stop or at this point in time I want to see a lawyer?

17 A He didn't say that to me, no, sir.

18 Q Okay.

19 MR. FLEMING: No further questions.

20 RE-CROSS EXAMINATION

21 BY MR. ST. PIERRE:

22 Q While we're on the topic of the GSR test, after you
23 performed it, was there any way -- well, let me step
24 back. Is there anyway to determine whether you can see
25 if there's airbag residue on him?

RE-CROSS EXAMINATION OF LEANN RIGGOT BY MR. ST. PIERRE

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1 A No, sir.

2 Q Okay. But would you agree that you said that you found
3 airbag residue on him?

4 A Excuse me? No, sir, I did not.

5 Q You never said that?

6 A No, sir.

7 Q Okay. So you never indicated the results of any kind of
8 test; GSR or airbag residue? Is that correct?

9 A That's correct.

10 Q Okay. You just performed the GSR kit and then packaged
11 it up and sent it off. Right?

12 A Yes, sir.

13 Q Okay.

14 MR. ST. PIERRE: Nothing further, Your Honor.

15 THE COURT: Okay. Can she step down?

16 MR. ST. PIERRE: We have no problem.

17 THE COURT: Thank you.

18 MR. FLEMING: The State would call Detective Lynch to
19 the stand.

20 (After being duly sworn by the Clerk of Court,

21 **TONY LYNCH** testified as follows:)

22 MR. FLEMING: May it please the Court, Your Honor.

23 THE COURT: Yes, sir.

24 DIRECT EXAMINATION

25 BY MR. FLEMING:

THE STATE OF SOUTH CAROLINA VERSUS O'BRYAN E. COPELAND

1 Q Can you state your full name for the record, please,
2 sir?

3 A Tony Lynch.

4 Q Okay. And Mr. Lynch where do you work?

5 A At Laurens City Police Department.

6 Q Okay. And what are your duties at Laurens City police
7 Department?

8 A Investigations.

9 Q Okay. And how long have you been doing investigations
10 for Laurens Police Department?

11 A About seven years now.

12 Q Okay. And before those seven years, what did you do
13 prior to the seven years?

14 A I worked in security at Whitten Center.

15 Q Okay. How long did you do that?

16 A Approximately, four years.

17 Q Okay. Did you do any kind of law enforcement work prior
18 to Whitten Center?

19 A I did.

20 Q What was that?

21 A Before I went to The Whitten Center, I was working with
22 the Abbeville County Sheriff's Department. Before I went
23 to work with Abbeville, I worked with the Laurens County
24 Sheriff's Department and during the time I worked at the
25 Sheriff's Department, I worked with the Laurens City

DIRECT EXAMINATION OF TONY LYNCH BY MR. FLEMING

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1 Police Department.

2 Q Okay. All and all, how long have you worked in law
3 enforcement?

4 A Thirty-three years.

5 Q Thirty-three?

6 A Yes, sir.

7 Q Okay. And you said your duties was investigations. Is
8 that correct?

9 A That's right.

10 Q Okay. And as a result of your duties investigating
11 crimes, are you familiar with the Miranda warnings on a
12 suspect's constitutional rights?

13 A Yes, sir.

14 Q Okay. Have you had an occasion to advise suspects of
15 those rights during the course of your work in law
16 enforcement?

17 A Yes, sir.

18 Q Okay. And were you employed with Laurens Police
19 Department on July the 7th of 2009?

20 A I was.

21 Q Okay. Did you have a chance to become involved in an
22 investigation of an armed robbery here on Harper Street,
23 specifically the Citgo, the Corner Stop Citgo, a car
24 wreck, which occurred on Mill Street, and then a report
25 of a stolen vehicle, which came from Price Street?

1 A Yes, sir.

2 Q Okay. And could you tell us what was your initial
3 involvement on this case?

4 A The morning that happened I came in early, about 6:30.
5 I always turn the radio on when I get up in the morning
6 and I came on in knowing that they had a robbery and I
7 assisted them with the statements.

8 THE COURT: Officer, would you speak up a little bit or
9 pull that microphone closer, please?

10 Q Okay. So you knew that they were working a robbery, a
11 car wreck and a stolen vehicle call. Is that correct?

12 A Yes, sir.

13 Q Okay. Where did you go when you first became involved in
14 this case?

15 A I went directly to the city jail, which is the old city
16 police department.

17 Q Okay. What did you do when you got there?

18 A Well, I walked to the courtroom where they had a subject
19 that they were interviewing or was going to interview.
20 Mr. Craft, Sergeant Craft was there with him and I sat
21 back there with him and started taking a statement.

22 Q Okay. And who was that person that they were
23 questioning?

24 A Sitting right there, Mr. Copeland.

25 Q Okay.

DIRECT EXAMINATION OF TONY LYNCH BY MR. FLEMING

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1 THE COURT: What was that again, please? I just didn't...

2 MR. FLEMING: I asked him who he was questioning, who
3 was being questioned or who the individual was there. He
4 said it was the subject, Mr. Copeland, Your Honor.

5 THE COURT: Gotcha.

6 Q Okay. And what was Sergeant Craft doing at the time
7 when you came in?

8 A He was just sitting there with the subject until I got
9 there.

10 Q Okay. And what did you do when you got there?

11 A Well, when I first got there, I spoke to Mr. Copeland
12 and I read him his rights and then we started talking
13 about what occurred.

14 Q Okay. Now, is this, can you tell the Court, what's
15 that. (Hands a document to the witness)

16 A That's the Miranda.

17 Q Okay. And is that the Miranda warning that you read to
18 Mr. Copeland at that time?

19 A That is.

20 Q Okay. And what time was those Miranda warnings given?

21 A 8:05 AM.

22 Q Okay. And what were the rights that you read to him at
23 that time that you advised him of?

24 A You want me to read them verbatim?

25 Q Yes, sir.

1 A I told him: before we ask any questions you must
2 understand your rights. You have the right to remain
3 silent and not make any statement. Anything you say can
4 and will be used against you in court. You have the
5 right to talk to a lawyer for advice before the
6 questions and have him or her with you during
7 questioning. If you cannot afford a lawyer, one will be
8 appointed to you by the court before any questions are
9 asked, if you wish. If you decide to answer questions
10 now without a lawyer present, you still have the right
11 to stop answering questions at any time. You also have
12 the right to stop answering at any time until you talk
13 to a lawyer.

14 Q Okay. When you read him those rights did he indicate
15 that he understood those rights?

16 A He did.

17 Q Okay. And what's that little place out beside the far
18 right there of all the rights that you read him?

19 A That's where I initialed it and he initialed it that he
20 understood his rights.

21 Q Okay. Did he initial all of them?

22 A He did.

23 Q Okay. And you initialed all of them. Is that correct?

24 A That's correct.

25 Q Okay. And then down at the bottom there are two

DIRECT EXAMINATION OF TONY LYNCH BY MR. FLEMING

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1 questions there. What is that?

2 A Do you understand these rights I've read to you, and he
3 checked "yes", or I checked "yes". Are you willing to
4 talk to me now without a lawyer present and I checked,
5 "yes".

6 Q And you checked "yes" because of why?

7 A He said he wanted to talk.

8 Q Okay. And then down at the very bottom, what's that at
9 the bottom?

10 A It says: I have read or had read to me this statement of
11 my rights. I understand what my rights are. I am willing
12 to make a statement and answer any questions. I do not
13 want a lawyer at this time. I understand and know what
14 I'm doing. No promises or threats have been made against
15 me by anyone.

16 Q Up at the top there, there's some information filled out
17 and it says grade level and school. What did you put
18 down on that?

19 A Eleventh grade.

20 Q Okay. Did he ever indicate to you that he couldn't read?

21 A No, sir.

22 Q Okay.

23 MR. FLEMING: Your Honor, the State would move to put
24 this in as Court's Exhibit #5.

25 THE COURT: Any objection?

1 MR. ST. PIERRE: No objection.

2 THE COURT: It will be in, without objection.

3 (Whereupon, a Miranda warnings form is marked as Court's
4 Exhibit #5, without objection)

5 Q So what did you do after you read him those rights,
6 Detective Lynch?

7 A I asked him what happened and he began telling me, going
8 into a statement that I started taking.

9 Q Okay. Did you complete that statement?

10 A No, sir, I didn't.

11 Q Okay. I'll show you a copy of this. Is that the
12 statement that he started giving you at that time?

13 A Yes, sir.

14 Q Okay. And could you read that to the Court, please?

15 A Yes, sir. He says: We were coming down North Harper
16 Street this morning, July the 7th, 2009. I turned in
17 behind the old J&K Store on North Harper Street, in
18 front of the Mexican Store that sits across the street
19 in front of it. I was driving when we pulled in behind
20 the store to scope it out. Bryan Jones was telling me he
21 needed some money for his son's birthday that is on the
22 16th day of July. I drove over to the Mexican store and
23 parked my car and Bryan Jones gets out to go in the
24 store and leaves the car running. I slid across the seat
25 to the passenger's side. Bryan Jones goes into the

DIRECT EXAMINATION OF TONY LYNCH BY MR. FLEMING

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1 store, robs the store, and comes running out of the
2 store, jumps into my car, which was headed towards Mill
3 Street. Bryan Jones jumps into the car and turned onto
4 Mill Street. And he stopped.

5 Q Okay. He stopped right there?

6 A Yes, sir.

7 Q And then what happens?

8 A He doesn't want to talk anymore, at that time.

9 Q Okay. Everything on this page, it was written out by
10 you. Is that correct?

11 A That's correct.

12 Q Okay. Are those the exact words he told you?

13 A Exactly.

14 Q Okay. At that point in time, did you stop the
15 investigation?

16 A No, sir.

17 Q You didn't?

18 A No, sir.

19 Q I mean, how -- let me re-phrase that. Did you stop
20 questioning him at that time?

21 A I did.

22 Q Okay. All right. And what did you do after you stopped
23 questioning him?

24 A I left out of the room and started seeing what else
25 needed to be done.

1 Q Okay.

2 MR. FLEMING: Your Honor, the State would admit, would
3 like to admit this statement into evidence as State's Exhibit
4 #6 at this time, or just a Court's Exhibit.

5 MR. ST. PIERRE: I would just have a best evidence
6 objection to that, Your Honor. It's a copy.

7 THE COURT: Is that the only objection you have?

8 MR. ST. PIERRE: Yes, sir.

9 THE COURT: Can you get some background to authenticate
10 it?

11 MR. FLEMING: Yes, sir.

12 Q If you could look at that officer. Is that a -- you took
13 that statement?

14 A I did.

15 Q You wrote it out?

16 A I did.

17 Q Okay. Is that a true and accurate copy of the statement,
18 of the original statement, that you took that night?

19 A It is.

20 THE COURT: Any further objection, Mr. St. Pierre?

21 MR. ST. PIERRE: I'd like to see the original of that,
22 Your Honor, just to see if there's any notes on the front,
23 side, or back side of it.

24 THE COURT: Well, that may be for other purposes.

25 However, for purposes of admission, it is admitted and I find

DIRECT EXAMINATION OF TONY LYNCH BY MR. FLEMING

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1 that he's authenticated it.

2 MR. FLEMING: Well we'll provide that for him, Your
3 Honor.

4 THE COURT: All right. He's said he's going to do that.

5 MR. FLEMING: We just don't have it here right now.

6 THE COURT: But I'm going to find that it's admissible
7 and it's been authenticated.

8 (Whereupon, a statement by the Defendant is marked as
9 Court's Exhibit #6, for purposes of this hearing.)

10 Q So, Detective Lynch after questioning him on this
11 statement and he wanted to stop, you say that you left
12 out of the room. Is that correct?

13 A That's correct.

14 Q And what did you do then?

15 A I think I left the city jail and drove to Price Street.

16 Q Okay. And how long did you stay at Price Street?

17 A I was there until I got a phone call, I think from
18 Sergeant Craft.

19 Q Okay.

20 A That he wanted to talk.

21 Q So, they informed you that Mr. Copeland wanted to talk?

22 A That's correct.

23 Q Did you go back to the station at that time?

24 A I did.

25 Q Okay. And what did you do when you got back to the

1 station?

2 A I walked back in the courtroom where he was at and asked
3 him did he want to tell the truth and he said he wanted
4 to talk.

5 Q Okay. And what did you do then?

6 A I sat down and started taking another statement.

7 Q All right. I'll hand you that right there. Would you
8 tell the Court what that document is.

9 A That's the second statement he gave that morning.

10 Q Okay. And did you write that out?

11 A I did.

12 Q Okay. And are these his words that you wrote down on the
13 statement?

14 A Yes, sir.

15 Q Okay. Can you tell us what that says?

16 A I was riding with a friend, Bryan Jones, who I got with
17 last night at the Laurens (inaudible). I told Bryan that
18 my car would go fast if he wanted to drive it. We had
19 been to Watts Mill and I drove it then and a short time
20 later he wanted to drive it. We turned left onto Mill
21 Street and we came by the fire department and that's
22 when Bryan Jones lost control of it and hit the pole. I
23 knew that he didn't have a driver's license and we both
24 ran from the car. We started running towards the red
25 lights and after we ran past the red light, we got onto

DIRECT EXAMINATION OF TONY LYNCH BY MR. FLEMING

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1 the railroad tracks and went to Latasha Shumate's house
2 who lives at [REDACTED] Price Street. I told her to call the
3 police to report the car stolen. Bryan Jones and I
4 talked about this while we were headed to Latasha's
5 house and Bryan left her house just before the police
6 got there and I haven't seen him since.

7 Q Okay.

8 A And at the end of this statement, he initialed at the
9 top left and at the end of the statement he put his
10 initials and we signed it.

11 Q Okay. Did he sign it, as well?

12 A He did.

13 Q Okay. And then down at the bottom, is your signature
14 there, as well?

15 A It is.

16 Q Okay. And is this a true and accurate copy of the
17 statement that you wrote out that night?

18 A It is.

19 MR. FLEMING: Your Honor, the State would like to admit
20 this as State's Exhibit #6 or as Court's Exhibit #7. Excuse
21 me, Your Honor.

22 THE COURT: Any objection?

23 MR. ST. PIERRE: There's no objection for purposes of
24 this hearing only.

25 THE COURT: Yes, sir. Admitted without objection.

1 (Whereupon, a second statement is marked as Court's
2 Exhibit #7, without objection)

3 Q What did you do after you took this statement, Detective
4 Lynch?

5 A I left back out of the room and I may have driven, I
6 might have driven back over to Price Street.

7 Q Okay. At any time during the taking of any of these
8 statements, did you put any kind of undue influence on
9 the Defendant? Did you make any threats or make any
10 promises to get him to make these statements?

11 A No, sir.

12 Q Did you coerce any of these statements from the
13 Defendant at any time?

14 A No, sir.

15 Q And in every instance where he gave a statement did he
16 indicate to you that he understood all of his rights and
17 that he was waiving those rights?

18 A He did.

19 Q The place where you were talking to him at, you said it
20 was a courtroom?

21 A Yes, sir.

22 Q Okay. What's in there?

23 A Just a table and chairs and it's up there out of the way
24 of everybody else coming and going out of the police
25 department.

DIRECT EXAMINATION OF TONY LYNCH BY MR. FLEMING

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1 Q Okay. At any time when you were talking to the
2 Defendant, did he seem to be under the influence of any
3 kind of alcohol or drugs that would impair his ability
4 to understand what was going on and the rights that you
5 had stated to him that he had?

6 A No, sir.

7 Q Did he exhibit any kind of physical or mental
8 disabilities that you could tell that would have
9 impaired his ability to understand what was being asked?

10 A No, sir.

11 Q Okay. Was at any time the Defendant denied any kind of
12 access to telephone, bathroom, food or drink at that
13 time?

14 A No, sir.

15 Q Did he request to take any kind of break? Was he denied
16 a break at any time?

17 A No, sir.

18 Q Was the Defendant under arrest at that time?

19 A Not to my knowledge.

20 Q Okay. Was he advised of the nature of the investigation
21 that was going on?

22 A He was.

23 Q Okay. Any time did it appear, did the Defendant appear
24 to have any trouble understanding any of his rights that
25 you had advised him of?

1 A No, sir.

2 Q And at any time, did he tell you that he could not read?

3 A No, sir.

4 Q Okay. At any time did anyone in your presence ever
5 threat or coerce the Defendant in any fashion or offer
6 or promise any kind of hope or reward to get him to make
7 a statement?

8 A No, sir.

9 Q At the time when you advised him of his right to have an
10 attorney and if he couldn't afford one, one would be
11 appointed to you, at any time did he tell you that he
12 wanted an attorney?

13 A No, sir.

14 Q The only time that you know that -- or was the only time
15 that you know of where he wanted to stop questioning was
16 where you ended the second statement?

17 A Where he signed the second statement?

18 Q Not the signed one. The second statement that you took.
19 Ms. Riggot took the first one, then you took another
20 one, which would have been your first statement that you
21 took. Let's phrase it that way. When you took the first
22 statement, is that the only time that he ever wanted to
23 stop making a statement, where you stopped at?

24 A That's right.

25 MR. FLEMING: No further questions at this time, Your

CROSS EXAMINATION OF TONY LYNCH BY MR. ST. PIERRE

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1 Honor.

2 THE COURT: Cross examination?

3 MR. ST. PIERRE: Yes, sir.

4 CROSS EXAMINATION

5 BY MR. ST. PIERRE:

6 Q All right. Detective Lynch, let's try to sort this out.

7 First I'll show you Court's #5. Who are the police
8 officers who signed that Statement?

9 A Sergeant Dwight Craft.

10 Q Okay. And yourself, right?

11 A I initialed it.

12 Q You initialed it?

13 A Yes, sir.

14 Q That's your handwriting?

15 A Yes, sir.

16 Q Okay. And for the Court's edification, that is the
17 waiver of rights form that you took with O'Bryan
18 Copeland. Right?

19 A That's correct.

20 Q Okay. And then I'm going to show you what the State
21 purports to be the second statement that you took,
22 Court's #7.

23 A That's correct.

24 Q Who signed that?

25 A Mr. O'Bryan Copeland, and he initialed it, and Sergeant

1 Dwight Craft and I signed it.

2 Q But you're saying that this unsigned, untimed statement
3 is written -- that's your handwriting, right?

4 A That's correct.

5 Q And I'm showing you Court's #6 right now. You're saying
6 that Court's #6 is the first statement you took?

7 A That's right.

8 Q Okay. Were you aware of the contents of the statement
9 that Leann got?

10 A No, sir, I don't believe I was.

11 Q You had no idea, you just ---

12 A I knew she had talked to him, but I wasn't aware of what
13 was in her statement.

14 Q So, you got into the station and you filled out a waiver
15 of rights form at 8:10. You got in at 6:30. That's an
16 hour and forty minutes and you had no idea what Leann's
17 statement said when she finished her statement at 6:40
18 AM?

19 A I can't recall.

20 Q I'll hand you back Court's #6, which you purport to be
21 the first statement you did.

22 A That's correct.

23 Q Now, that's your handwriting?

24 A That's correct.

25 Q And nowhere does it say, I'm writing a statement on

CROSS EXAMINATION OF TONY LYNCH BY MR. ST. PIERRE

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1 behalf of O'Bryan Copeland, does it?

2 A No, sir.

3 Q Okay. There's no indication of what time it was taken.

4 That's correct, right?

5 A Not on this statement, no, sir.

6 Q Okay. It's not signed by O'Bryan Copeland?

7 A Not on this statement.

8 Q It's not initialed by O'Bryan Copeland?

9 A That's correct.

10 Q It's not signed by Tony Lynch?

11 A That's correct.

12 Q It's not signed by Dwight Craft?

13 A That's correct.

14 Q Not initialed by Tony Lynch?

15 A That's correct.

16 Q It's just an incomplete statement written by you and in
17 your handwriting?

18 A When he stopped talking to me, I stopped writing. That
19 is correct.

20 Q But you didn't even verify it by saying this is what he
21 said to me and he stopped talking, signed Tony Lynch at
22 whatever time, right?

23 A I didn't.

24 Q Why not?

25 A I guess I got up and left out and started doing

CROSS EXAMINATION OF TONY LYNCH BY MR. ST. PIERRE

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1 something else.

2 Q Okay. Before you slammed your hand on the table calling
3 him an M-effer, I got you M-effer?

4 A No, sir.

5 Q So, you want this Court to believe that a voluntary --
6 that a Miranda form signed and initialed by both,
7 written by you, signed by Dwight Craft, doesn't match a
8 statement given by O'Bryan Copeland, which is signed,
9 initialed by O'Bryan Copeland, signed by Tony Lynch and
10 Dwight Craft, in your handwriting?

11 A I beg your pardon?

12 Q You want the Court to believe that these two don't
13 match? That's Court's #5 and #7.

14 A All that was read. Miranda was read. That was the first
15 statement. That was the second statement.

16 Q Uh-huh. And Dwight Craft never signed this statement
17 either, did he?

18 A That's correct.

19 Q That was Court's #6. Now, let's go over this with logic
20 here. The first statement that this Court has to
21 consider, and you're familiar with this case, is Court's
22 Exhibit #4, which, in essence says, my car was stolen.
23 Correct?

24 A I beg your pardon?

25 Q The first statement that Detective Riggot took, in

CROSS EXAMINATION OF TONY LYNCH BY MR. ST. PIERRE

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1 essence says, someone stole my car from [REDACTED] Price
2 Street. Correct?

3 A Give me just a second.

4 Q Sure.

5 A Okay.

6 Q Do you agree with that?

7 A Uh-huh.

8 Q Okay. Then your contention is, the next statement he
9 gives says we were riding up and down Mill Street --
10 strike that. The second statement that you contend is
11 that O'Bryan says that Bryan Jones robbed the store.
12 Correct?

13 THE COURT: Is that Exhibit #6?

14 MR. ST. PIERRE: That is Exhibit #6, yes, sir.

15 A I believe that's correct.

16 Q Okay. And then the next statement, according to you, is
17 a statement that says, "I was riding up and down the
18 road with my friend Bryan Jones and we crashed."

19 A Let me look at this thing.

20 Q Okay. Absolutely. Court's #7?

21 A Let me look at the other one.

22 Q I'll give you #6, too.

23 A You want to ask me the question again?

24 Q Yeah. The first statement says someone stole my car from
25 [REDACTED] Price Street. Right?

CROSS EXAMINATION OF TONY LYNCH BY MR. ST. PIERRE

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- 1 A Are you talking about his statement or her statement?
- 2 The first statement that he gave to Leann?
- 3 Q The very first statement he gave.
- 4 A That's right.
- 5 Q Okay. And you're saying the second statement he gave,
- 6 which was unsigned, un-timed, all that stuff, says,
- 7 yeah, Jones robbed the store.
- 8 A That's what he said.
- 9 Q Okay. And then the third statement you allege he gave
- 10 says nothing about a store, just that we were racing up
- 11 and down Mill Street and he crashed, ran back to Price
- 12 Street and reported it stolen.
- 13 A That's correct.
- 14 Q Okay. How does that, logically, make sense?
- 15 A It really don't, but that's coming from him.
- 16 Q Uh-huh. So, you're saying the Defendant gave up Bryan
- 17 Jones robbing the store in the middle of his three
- 18 statements?
- 19 A The two I took, yes, sir.
- 20 Q Let me get these back from you. So, if that's true, then
- 21 one statement doesn't have a Miranda form, right?
- 22 A His Miranda was read to start with and I didn't see any
- 23 need of reading it the second time.
- 24 Q Okay. But the interrogation stopped and you said you
- 25 left and went to Price Street.. Right?

CROSS EXAMINATION OF TONY LYNCH BY MR. ST. PIERRE

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1 A I left and came back. That's right.

2 Q Okay. So you're saying that you didn't start
3 interrogating him again?

4 A When I came back?

5 Q Yes.

6 A I did.

7 Q But you didn't give him another Miranda warning, right?

8 A No, sir. He hadn't left. He was still sitting in the
9 same seat as he was sitting in when I left the first
10 time.

11 Q And you said he wasn't under arrest. He was just sitting
12 handcuffed to a chair for no reason?

13 A He was there. I can't recall if he was handcuffed to the
14 chair or not.

15 Q Okay. And he was free to leave at any point?

16 A He was.

17 Q Handcuffed to a chair?

18 A Sir?

19 Q So, if he would have taken the chair with him, you
20 wouldn't have ---

21 MR. FLEMING: Objection, Your Honor. He already said he
22 couldn't recall if he was handcuffed to the chair.

23 THE COURT: I'll let him explore it. Go ahead.

24 Q So, if he would have walked out with a chair belonging
25 to LPD and the handcuffs belonging to LPD, you wouldn't

CROSS EXAMINATION OF TONY LYNCH BY MR. ST. PIERRE

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1 have charged him with any crime?

2 A I can't remember him being cuffed.

3 Q Okay. Where did he go after he left LPD?

4 A I don't know that.

5 Q You don't?

6 A After I finished the statement, I left the room.

7 Q Oh. Do you know where he went, now?

8 A I know he's here now.

9 Q Yeah. Do you know where he went after you left LPD now?

10 At this point in time, do you know where he went after
11 you left LPD?

12 A I do not.

13 Q Okay. So you're not investigating the case. You didn't
14 investigate the case?

15 A I assisted Detective Riggot.

16 Q Okay. Who's the lead investigator?

17 A Detective Riggot.

18 Q Okay. I'm handing you Court's #7 and Court's #5. The
19 people in the room, Dwight Craft, O'Bryan Copeland, Tony
20 Lynch, all match?

21 A Yes, sir.

22 Q I'll take those back. I'm handing you Court's #6. The
23 only person that you can prove that is in that, in the
24 same room with that piece of paper, is Tony Lynch.
25 Right?

CROSS EXAMINATION OF TONY LYNCH BY MR. ST. PIERRE

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1 A And O'Bryan Copeland and I know Dwight Craft was there.

2 Q Well, then why didn't you put it on the paper?

3 A I just didn't.

4 Q I have another question for you. Did you videotape any
5 of these statements?

6 A Never have, no, sir.

7 Q Never have?

8 A No, sir.

9 Q Do you think we'd be here today if you did?

10 A Probably so.

11 Q Okay. Do you think it'd be safer for everyone involved
12 if you did videotape?

13 MR. FLEMING: Your Honor, this calls for speculation.

14 THE COURT: I sustain that. Go ahead.

15 Q He sustained the objection so you don't have to answer.
16 Why didn't you videotape it?

17 A Because we're not equipped with the video.

18 Q Just the answer I'm looking for. But Tony or Detective
19 Lynch, I'm sorry, you do a lot of drug investigations,
20 right?

21 A I do.

22 Q And in drug investigations, you make controlled
23 purchases of narcotics, right?

24 A I do.

25 Q And as part of the purchase of narcotics, you have them

1 filmed with audio and video equipment. Correct?

2 A That's correct.

3 MR. FLEMING: Your Honor, I would object to this ---

4 MR. ST. PIERRE: Judge, I think this is a very ---

5 MR. FLEMING: I don't see where this is going.

6 THE COURT: Hold on just one second, gentlemen. I'm
7 going to let each -- I'm going to hear the objection. Go
8 ahead.

9 MR. FLEMING: I don't see where this is going as far as
10 the voluntariness of the statement, whether or not it was
11 coerced or not, whether or not LPD has video equipment to do
12 drug buys and everything.

13 MR. ST. PIERRE: Judge, it goes ---

14 THE COURT: I'll let you go for it. Go ahead.

15 Q And as part of the controlled drug buys, like I said,
16 you have recorded audio and video. Correct?

17 A Correct.

18 Q Okay. And part of your video recording devices include
19 very small cameras in pens, hats, purses, hidden
20 cameras. Correct?

21 A. That's correct.

22 Q Okay. And you use those all the time to purchase \$20
23 crack rocks and, you know, little bags of pot, pills,
24 stuff like that. Correct?

25 A That's correct.

CROSS EXAMINATION OF TONY LYNCH BY MR. ST. PIERRE

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1 Q Okay. So in interrogating a suspect in an armed robbery,
2 you're telling this Court that you don't have the video
3 equipment to record a statement?

4 A That's correct. And we're not required to.

5 Q Okay. So you're not required to is more like it. Right?

6 A That's right.

7 Q Because you don't want the Court to see what's really
8 going on in that interrogation room. Do you?

9 A I wouldn't have a problem.

10 MR. FLEMING: Objection.

11 THE COURT: Sustained. Go ahead.

12 Q You couldn't take one of those undercover hidden pens or
13 hats or purses or anything of that and put it right on
14 the table and record it?

15 A It wasn't available at the time.

16 Q Wasn't available at time? Why? Was the police station
17 closed?

18 A It was across the street, yes, sir.

19 Q And in your hour and forty minutes before interviewing
20 the subject, you didn't have the opportunity to go pick
21 up one of those cameras?

22 A I never have done that in my investigations.

23 Q Both of your statements are in your handwriting. Right?

24 A That's correct.

25 Q Okay. Did you -- and I'm familiar with your

1 investigations. And you always write statements on
2 behalf of Defendants. Right?

3 A Most of the time.

4 Q Okay. And the defendants never write it in their own
5 handwriting, do they?

6 A Sometimes.

7 Q Sometimes. Like when?

8 A Like when they want to write it, I let them write it.

9 Q Court's #6 and Court's #7, I hand you again. Where in
10 those statements does it say I, Tony Lynch am writing
11 this statement at the Defendant's request?

12 A It doesn't.

13 Q Okay. You didn't offer him to write his own statement.
14 Did you?

15 A I did.

16 Q You did?

17 A Yes, sir.

18 Q But again, if that was recorded, we'd know whether or
19 not you did or didn't. Right?

20 A Yes, sir.

21 Q We would also know the order of the statements taken.
22 Right?

23 A Beg your pardon?

24 Q We'd also know the order of the statements taken?

25 A That's correct.

REDIRECT EXAMINATION OF TONY LYNCH BY MR. FLEMING

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1 MR. ST. PIERRE: One moment, Your Honor.

2 THE COURT: Yes, sir.

3 MR. ST. PIERRE: No further questions at this time.

4 THE COURT: Redirect?

5 MR. FLEMING: Just a couple of follow-up, Your Honor.

6 REDIRECT EXAMINATION

7 BY MR. FLEMING:

8 Q Detective Lynch, I'll show you State's [verbatim]
9 Exhibit #6 right there. This statement, which was an
10 oral statement given to you by O'Bryan Copeland, it's
11 the one where he stopped. He not only implicates Bryan
12 Jones robbing the J&K Store, he implicates himself as
13 well. Doesn't he?

14 A That's correct.

15 Q He does that by saying that he knew about the robbery
16 beforehand. Correct?

17 A That's correct.

18 Q And in regards to the video equipment, Mr. St. Pierre
19 cleverly stated that if you had the video equipment we
20 would have known that the statement, whether or not Mr.
21 Copeland gave the first statement when, in fact, we
22 already know that, because you're stating that to be
23 truthful. Is that correct?

24 A That's correct.

25 Q And he also stated that if we had the video equipment we

RE-CROSS EXAMINATION OF TONY LYNCH BY MR. ST. PIERRE

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1 would know the order of the statements, which way they
2 were given to you, but we already know that because
3 you're truthful in telling this Court that this was the
4 first, Exhibit #6, was the first statement given to you.
5 Correct?

6 A That's correct.

7 Q And Exhibit #7 was the final statement given. Is that
8 correct?

9 A That's correct.

10 MR. FLEMING: I have no further questions, Your Honor.

11 RE-CROSS EXAMINATION

12 BY MR. ST. PIERRE:

13 Q Court's #6 that Mr. Fleming just handed you, that I'm
14 handing you now, is where Mr. Fleming asked you if the
15 Defendant implicated himself and you responded, "yes".
16 And he did that in Court's #6. Is that right?

17 A Just a minute. Let me re-read his statement. What was
18 your question again?

19 Q My question is, Detective Lynch, Court's Exhibit #6 is
20 the only document that implicates my client in any sort
21 of J&K connection?

22 A That's not the only document where he gave a statement.

23 Q The only statement that you're aware of. Right?

24 A You need to give me the other statements.

25 Q I'll give you the other statements. I'm handing you

RE-CROSS EXAMINATION OF TONY LYNCH BY MR. ST. PIERRE

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1 Court's #7 and Court's #4.

2 A Would you repeat the question?

3 Q Court's #6 is the only statement implicating, mentioning
4 anything about J&K. Right?

5 A Correct.

6 Q And a robbery. Correct?

7 A That's correct.

8 Q And that's the only statement that -- if that's the only
9 statement implicating my client, why is it that it's
10 unsigned, it's incomplete, it's un-timed, it's not
11 initialed, it's not acknowledged in any way by anybody
12 in law enforcement or the Defendant?

13 A Because I didn't do it.

14 Q And that's the only statement you got from my client
15 that implicates him?

16 A That's the ---

17 Q And that's the only statement that's unsigned and
18 unacknowledged. He's given -- isn't it true he initialed
19 and signed Court's #3, Court's #4, Court's #7, and
20 Court's #5?

21 A Correct.

22 Q Okay. Didn't he tell you he wasn't signing it because
23 that's not what he said?

24 A No, sir, he didn't.

25 Q What reason did he give you for not signing it?

1 A He didn't give a reason. He just stopped in the middle
2 of the statement.

3 Q Just like you didn't give a reason for not signing it,
4 too. Right?

5 A Yes, sir.

6 MR. ST. PIERRE: No further questions.

7 THE COURT: Anything further, Mr. Fleming?

8 MR. FLEMING: Nothing from the State, Your Honor.

9 THE COURT: Can Officer Lynch step down? Thank you,
10 officer. Do you have any other witnesses?

11 MR. FLEMING: Yes, sir. The State would call Sergeant
12 Craft to the stand.

13 THE COURT: Gentlemen, while we're doing this, let me
14 clarify on the record what statements you're asking me to
15 consider in this Jackson Denno hearing. I mean, I've heard
16 several things. I just want to make sure I'm on the same base
17 you are. Would you like to articulate those for me, Mr.
18 Fleming?

19 MR. FLEMING: Yes, sir, Your Honor. The State would be
20 asking the Court to make a decision on Court Exhibit #4,
21 which was the statement given by Detective Riggot where the
22 Defendant gives times of when the car was stolen and
23 everything. Court Exhibit #7, Your Honor, which is the ---

24 THE COURT: Lynch' first statement?

25 MR. FLEMING: It's the second statement given by

1 Detective Lynch and it's signed by Copeland.

2 THE COURT: But it's the first Lynch statement?

3 MR. FLEMING: Yes, sir.

4 THE COURT: And then Exhibit #6 is the Lynch second
5 statement?

6 MR. FLEMING: Yes, sir. Yes, sir. And those are the ones
7 we would be asking to get in as well, since it was an oral
8 statement and it was recorded.

9 THE COURT: All right.

10 MR. FLEMING: The other witness is not here yet. He's on
11 his way.

12 THE COURT: Well, let's take ---

13 MR. FLEMING: I'm sorry, Your Honor. I called him about
14 thirty minutes ago and told him to be here.

15 THE COURT: All right. Well, let's take a five minute
16 break. How about getting back with me and let me know when
17 you are ready.

18 MR. FLEMING: Okay.

19 MR. ST. PIERRE: The sequestration rules would remain?

20 THE COURT: Yes, sir. Absolutely.

21 MR. ST. PIERRE: Thank you.

22 THE COURT: All right. We'll be in recess for five
23 minutes.

24 MR. FLEMING: Yes, sir.

25 (BRIEF RECESS)

THE STATE OF SOUTH CAROLINA VERSUS O'BRYAN E. COPELAND

DIRECT EXAMINATION OF DWIGHT CRAFT BY MR. FLEMING

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1 THE COURT: Mr. Fleming, are you ready with your next
2 witness?

3 MR. FLEMING: Yes, sir, Your Honor. We would call Dwight
4 Craft to the stand.

5 (After being duly sworn by the Clerk of Court,
6 **DWIGHT CRAFT** testified as follows:)

7 MR. FLEMING: May it please the Court, Your Honor?

8 THE COURT: Yes, sir.

9 DIRECT EXAMINATION

10 BY MR. FLEMING:

11 Q Sir, would you state your full name for the record,
12 please.

13 A Dwight O'Dell Craft.

14 Q Okay. And what's your profession, Mr. Craft?

15 A Police officer.

16 Q And who do you work for?

17 A For the City of Laurens.

18 Q Okay. How long have you worked for them?

19 A Approximately, ten years.

20 Q Okay. And what are your duties with the City of Laurens?

21 A I'm currently a road sergeant with the City of Laurens.

22 Q Okay. How long have you been in that position?

23 A Approximately, five years.

24 Q Okay. And do you have any previous law enforcement
25 experience?

THE STATE OF SOUTH CAROLINA VERSUS O'BRYAN E. COPELAND

DIRECT EXAMINATION OF DWIGHT CRAFT BY MR. FLEMING

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1 A No, sir, always with the City of Laurens.

2 Q Is one of your duties to help investigate crimes?

3 A Yes, sir, at least ordinary investigations of crime.

4 Q Okay. And as a result of your duties, are you familiar
5 with so-called Miranda warnings on a suspect's
6 constitutional rights?

7 A Yes, sir.

8 Q Have you, on occasion, advised a suspect those rights
9 during the course of your work in law enforcement?

10 A Yes, sir.

11 Q And were you working with the City of Laurens on July
12 the 7th of 2009?

13 A Yes, sir.

14 Q And did you have a chance to become involved in a case
15 of State versus O'Bryan Copeland, which was concerning
16 an armed robbery, a car wreck, and a report of a stolen
17 vehicle from Price Street?

18 A Yes, sir.

19 Q Okay. And could you tell the Court, what was your
20 initial involvement on that case?

21 A My initial involvement was with a car that had been
22 crashed and abandoned on Mill Street in the city limits.

23 Q Okay. And after that, after you dealt with the car on
24 Mill Street, what did you do after that?

25 A After we cleared that scene on Mill Street, we were back

1 at the police department with the suspect who had called
2 the car in stolen.

3 Q Okay. And that was who?

4 A Mr. Copeland.

5 Q Okay. And did you have an opportunity to sit in on the
6 questioning of Mr. Copeland?

7 A Yes, sir, I did.

8 Q Okay. I'll hand you this document here, which is -- can
9 you tell us, what is that document?

10 A That is a Miranda warning.

11 Q Okay. And that's labeled as Court Exhibit #5. And is
12 your signature anywhere on that document?

13 A Yes, sir, at the bottom lefthand corner.

14 Q Okay. And you witnessed that?

15 A Yes, sir, I did.

16 Q Okay. Did you see who executed this or signed this
17 document?

18 A Yes, sir. Detective Lynch was the detective involved and
19 Mr. Copeland.

20 Q Mr. Copeland signed it?

21 A Yes, sir.

22 Q Okay. Did you see the initials?

23 A The initials, yes, sir.

24 Q You saw him initial it as well?

25 A Yes, sir.

DIRECT EXAMINATION OF DWIGHT CRAFT BY MR. FLEMING

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1 Q And were you in the room when Detective Lynch read out
2 his rights to him?

3 A Yes, sir.

4 Q Okay. Did he read out all the rights?

5 A Yes, sir.

6 Q Okay. And while you were in there, did the Defendant
7 give you an impression that he didn't understand any of
8 those rights at that time?

9 A No, sir. He didn't give me any impression.

10 Q Okay. And down at the bottom, I think there's a couple
11 of boxes down there to check. What are those?

12 A One is that I've read the rights to you and are you
13 willing to talk with me now without a lawyer.

14 Q Okay. Was Mr. Copeland, did he indicate whether or not
15 he was willing to talk without a lawyer?

16 A Yes. Yes, he did verbally and because the box, he
17 checked it "yes".

18 Q So, he was wanting to talk without a lawyer at that
19 time. Is that correct?

20 A Yes, sir.

21 Q And just one more thing. Let me ask you this: what time
22 was that document executed?

23 A 8:05 AM.

24 Q As a result of that document, what happened next?

25 A Detective Lynch took a statement from Mr. Copeland.

DIRECT EXAMINATION OF DWIGHT CRAFT BY MR. FLEMING

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- 1 Q Okay. What statement did he take from him at that time?
- 2 A In reference to the robbery at the J&K on North Harper
- 3 Street.
- 4 Q Was it completed?
- 5 A That one was not, but then there was a completed
- 6 statement.
- 7 Q Okay. Let me show you this one. This is Court's
- 8 Exhibit #6. Will you look at that for me?
- 9 A Yes, sir. Yes, sir. I'm familiar with that statement.
- 10 Q Is that the first statement he gave Detective Lynch?
- 11 A Yes, sir.
- 12 Q So, after Miranda warnings, he gave this statement and
- 13 stopped. Is that correct?
- 14 A Yes, sir.
- 15 Q Did Detective Lynch stop at the time that he stopped?
- 16 A He stopped when the writing on the paper stopped. Yes,
- 17 sir.
- 18 Q All right.
- 19 A He stopped.
- 20 Q So, that happened some time shortly after he signed this
- 21 waiver form that we were talking about?
- 22 A Yes, sir.
- 23 Q Let me show you this one, Court's Exhibit #7. You
- 24 recognize that?
- 25 A Yes, sir.

DIRECT EXAMINATION OF DWIGHT CRAFT BY MR. FLEMING

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1 Q Okay. And is your signature on that anywhere?

2 A Yes, sir. It's on the bottom right-hand corner.

3 Q Okay. Did you witness Mr. Copeland sign that?

4 A Yes, sir.

5 Q Okay. Did you witness the statement being given at the
6 time that it was given on that?

7 A Yes, sir.

8 Q Okay. Both statements, the one that was Exhibit #6,
9 which was the one where he stopped, and the one that he
10 finished the entire statement, Exhibit #7, were both of
11 those statements given freely and voluntarily by the
12 Defendant, Mr. Copeland?

13 A Yes, sir.

14 Q Was any kind of undue force, promise, undue influence,
15 threats, promises ever made to Mr. Copeland to give
16 either one of those statements?

17 A No, sir.

18 Q In your opinion of observing the Defendant during this
19 time before he gave his statement, was he under the
20 influence of any alcohol or drugs that would impair his
21 ability to understand what was going on?

22 A No, sir. I did observe him and not to my knowledge.

23 Q Okay. In your observations, did he have any kind of
24 physical or mental disabilities that would impair his
25 ability to understand what was going on or being asked?

CROSS EXAMINATION OF DWIGHT CRAFT BY MR. ST. PIERRE

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1 A No, sir, not that were observable.

2 Q Do you recall the room where he was being questioned?

3 A Yes, sir, it was the courtroom that's at the, what's
4 referred to as the city jail. There's a courtroom in
5 that building.

6 Q Okay. Do you recall at any time, did the Defendant ask
7 to take any breaks or ask to use the telephone or use
8 the bathroom or ask for something to eat or drink and he
9 was denied that?

10 A No, sir.

11 Q To your understanding, was he under arrest at that time?

12 A No, sir.

13 Q At any time, did he ever have any trouble understanding
14 what his rights were?

15 A No, sir.

16 Q Okay. Did he ever demonstrate to you or in your presence
17 whether or not he could read?

18 A I can't recall that, no.

19 Q Okay. In any way, in your presence or while you were
20 around the co-defendant, [verbatim] did he ever threaten
21 or coerce the Defendant in any fashion or offer him any
22 kind of promise or hope of reward to give those
23 statements?

24 A No, sir.

25 Q At any time during your presence, did he ever ask to

CROSS EXAMINATION OF DWIGHT CRAFT BY MR. ST. PIERRE

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1 stop and ask to speak to a lawyer?

2 A No, sir.

3 MR. FLEMING: I beg the Court's indulgence.

4 THE COURT: Yes, sir.

5 MR. FLEMING: No questions, Your Honor. No further
6 questions.

7 THE COURT: Cross examination?

8 MR. ST. PIERRE: Yes, sir. If it please the Court.

9 CROSS EXAMINATION

10 BY MR. ST. PIERRE:

11 Q Hey, Officer Craft. What time did you get here this
12 morning?

13 A Probably 11:30, 11:45.

14 Q And what did you do when you got here?

15 A I come through the hall around there to wait to come
16 into court.

17 Q Did you talk to anybody?

18 A I stepped in the room where the officers were at.

19 Q The officers were in one room together?

20 A Yes, sir.

21 Q All right. Did you say anything to them?

22 A Just about having to get up here this morning was the
23 main topic of conversation.

24 Q Okay. Were there any sub-topics of the conversation?

25 A No, sir.

1 Q I've got a few of the documents here. I'm showing you
2 Court's #5. That is the waiver of rights form that you
3 and Tony went through the painstaking time and effort to
4 go through and initial and sign and go over with the
5 Defendant his rights. Is that right?

6 A Yes, sir.

7 Q Okay. And your testimony is that that waiver of rights
8 form coincides with Court's #6 or Court's #7?

9 A As I recall, it was for this one.

10 Q Okay. Are you positive?

11 A Yes, it was before this one. This was the first one.
12 They done this at the beginning.

13 Q Was it right before this one or was that before both of
14 these?

15 A This was before both of these statements.

16 Q Okay. Which statement was after that? After, I'm sorry,
17 Court's -- is that #3 you've got in your hand?

18 A This is Exhibit #5. I have in my hand.

19 Q Okay. Court's #5. Which one comes right after
20 Court's #5?

21 A This one.

22 Q Okay. And you're pointing to Court's #6. Okay. So, you
23 want -- if I can have that back.

24 A Sure.

25 Q You want this Court to believe that after you've gone

CROSS EXAMINATION OF DWIGHT CRAFT BY MR. ST. PIERRE

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1 through the painstaking effort of filling out, in its
2 entirety, this Laurens Police Department Miranda Form
3 where you even put down his height, weight, social
4 security number, date of birth, address, two addresses,
5 you go through and initial, sign, and witness, you want
6 this Court to believe that Court's #6 came next as
7 opposed to Court's #7, which isn't signed, witnessed,
8 initialed, or acknowledged by both you, Lynch, and
9 Copeland? Correct?

10 A Right.

11 Q Okay. Does that make any sense to you?

12 A That's the way it happened.

13 Q Okay. So, if I showed you Court's #5 and #7 that have
14 both Tony Lynch's, Dwight Craft's, and O'Bryan
15 Copeland's seal on it, would that make sense that those
16 two match?

17 A I would agree with that they match.

18 Q Okay. So, let me ask you something: how sure are you
19 that this is what happened?

20 A Just as sure as I was when I stated it a minute ago.

21 Q Okay. Tony Lynch, after Lynch wrote the first statement,
22 what did he do next?

23 A After he wrote the first statement, this statement, he
24 said he wanted to stop and he stopped it.

25 Q Wanted what?

1 A Said he wanted to stop the statement so he stopped it.

2 Q Okay. So, he invoked his right to stop?

3 A He stopped the statement.

4 Q Okay. Because he wanted to stop? What did Tony Lynch do
5 after the first statement?

6 A He stopped. He stopped questioning him. I can't recall
7 everything he done in the moment, but he stopped
8 questioning him.

9 Q Okay. But he didn't leave the station to go to [REDACTED]
10 Price, did he?

11 A He could have.

12 Q Okay.

13 MR. ST. PIERRE: Your Honor, I'm waiting for Ms. Tucker
14 to get back with a document.

15 THE COURT: Okay, sir.

16 Q You are familiar with the booking process at the jail,
17 right?

18 A Yes, sir.

19 Q And explain to me about the booking process, what has to
20 take place in order to be booked?

21 A At the jail, I'm assuming the normal process is ---

22 Q At the city jail. I'm sorry.

23 A At the city jail?

24 Q Yeah.

25 A Okay. In our jail?

CROSS EXAMINATION OF DWIGHT CRAFT BY MR. ST. PIERRE

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1 Q Yes, sir.

2 A I'm trying to recall. At the time, I'm not sure we were
3 able to do fingerprints, which we can do now, but that
4 would be the only thing different. But normally, you do
5 a booking sheet. You take a photograph if it's possible,
6 at the time and I can't recall at that time if we were
7 doing fingerprints or we were not doing fingerprints.
8 That would also be a part of the booking processing.

9 Q Okay. Take about twenty, thirty minutes?

10 A Probably. Maybe a little longer than that sometimes.

11 Q A little longer, maybe forty-five minutes?

12 A Right. It could stretch into an hour, just depending on
13 what you've got going on at the time.

14 Q Okay. I'm showing you a booking report, which is a
15 Laurens Police Department Booking Report. Do you
16 recognize that?

17 A Yes, sir.

18 Q Okay. What time does it say, arrested?

19 A 08:25.

20 Q 8:25?

21 A Yes, sir.

22 Q And that's pretty much the time when you start booking
23 someone? Is that what you put down under, "time of
24 arrest"?

25 A As close as possible, yes, sir.

1 Q Okay. And what was he charged with then?

2 A That was a false information charge.

3 Q A false information charge at 8:25. So, I'm showing you
4 Court's Exhibit #7. If you would read that, refresh your
5 memory with that a little bit. That's the story where he
6 admits to giving false information, isn't it?

7 A Yes, sir.

8 Q Okay. Now, where are we? Ah, here we are. This is
9 Court's Exhibit #5. Court's Exhibit #5 is the waiver of
10 Miranda. Correct?

11 A Yes, sir.

12 Q Signed by you, signed by O'Bryan, and signed by Tony
13 Lynch. Correct?

14 A Yes, sir.

15 Q What time was that given?

16 A 8:05 AM.

17 Q Okay. So, you want this Court to believe that at 8:05
18 you got a statement saying he was involved in robbing
19 the store, but you then arrested him for false
20 information at 8:25. Right?

21 A That was the time written down, yes, sir.

22 Q Okay. How long does it take to write a statement?

23 A (No verbal response).

24 Q How long did it take in this particular instance?

25 A As long as it would take to write this on those pages

CROSS EXAMINATION OF DWIGHT CRAFT BY MR. ST. PIERRE

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1 right there.

2 Q Okay. I'll hand you another booking report.

3 MR. ST. PIERRE: And, Your Honor, I need to back up.

4 Where's that booking report? I would ask to introduce this as
5 Court's, the booking report that we previously got into, as
6 Court's #8.

7 THE COURT: Any objection, Mr. Fleming?

8 MR. FLEMING: I don't think he's established a foundation
9 for that, Your Honor.

10 THE COURT: On what basis? The officer said that was the
11 booking report ---

12 MR. FLEMING: I, I, ---

13 THE COURT: Just one second. On what basis, please?

14 MR. FLEMING: He hasn't established that this officer was
15 the one that filled that booking report out.

16 MR. ST. PIERRE: I'll be happy to.

17 THE COURT: Go ahead.

18 Q Who's the arresting officer?

19 A I'm the arresting officer.

20 Q Okay.

21 A You want me to tell you who the booking officer is?

22 It's to the far left over here. That would have been
23 Brady Anderson.

24 Q Thank you, for the ---

25 A He's the one that filled it out.

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1 Q Thank you for answering that question I didn't ask.

2 A You asked me who the booking officer was.

3 THE COURT: All right. Just for the record, I'm going to
4 admit it. Go ahead.

5 MR. ST. PIERRE: Thank you, Your Honor.

6 (Whereupon, a booking report is marked as Court's
7 Exhibit #8, without objection)

8 Q I'm showing you a booking report for assault with intent
9 to kill. Do you recognize that?

10 A No, sir, I can't say I recognize that.

11 Q Okay. Do you know how to read those?

12 A Yes, sir.

13 Q Okay. Or decipher information from the time? What time
14 is he booked for assault with intent to kill?

15 A That's showing 9:00.

16 Q Okay. And that was at the Laurens Police Department?

17 A I'm assuming that one was, but I did not ---

18 Q I can show it to you again ---

19 A That was Detective Riggot on that one, so...

20 Q When you're booked at Laurens Police Department, does it
21 say Laurens Police Department Booking Report?

22 A Yes, sir, that would be a booking report generated by
23 our computers.

24 MR. ST. PIERRE: No further questions, Your Honor.

25 MR. FLEMING: No follow-up, Your Honor.

1 THE COURT: May the officer step down?

2 MR. FLEMING: Yes, sir..

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

4 MR. FLEMING: We'd ask that the witness be excused, Your
5 Honor.

6 THE COURT: Yes, sir, you may be excused unless there's
7 an objection from St. Pierre?

8 MR. ST. PIERRE: He's no longer needed for purposes of
9 this hearing.

10 THE COURT: Thank you, sir. All right. Mr. Fleming, do
11 you have any further witnesses?

12 MR. FLEMING: No, sir, Your Honor. .

13 THE COURT: Anything from you, Mr. St. Pierre, from the
14 Defense?

15 MR. ST. PIERRE: Just regular arguments.

16 THE COURT: All right. I'll be glad to hear from you or
17 the State, whichever wants to go first.

18 MR. ST. PIERRE: Okay. If I may just have one moment to
19 gather my papers and thoughts.

20 ARGUMENT - MR. ST. PIERRE

21 The State put up evidence through two witnesses, Your
22 Honor. We really, the Exhibits #3, and #4, Ms. Riggot's
23 statements, we're pretty much going to -- we know that Your
24 Honor is not going to find these to be considered
25 involuntary. The only thing that her testimony revealed as

1 being an involuntary statement was made while the Defendant
2 was in custody in the back of a police car.

3 Now, where we get into problems is with Court's #5, #6,
4 and #7. It's very obvious that Mr. Copeland's position is
5 that he was given Miranda warnings on Court's Exhibit #5.
6 They filled out the entire form, it was initialed by the
7 Defendant, by the interviewer and by a witness, it's dated,
8 filled out every line in the waiver form. They want you to
9 believe that that Miranda form coincides with an un-timed,
10 unsigned, unacknowledged, incomplete piece of paper and it
11 doesn't make sense, logically. If you look at the contents of
12 Court's #7, which pretty much admits to filing a false police
13 report, the time the Miranda was given, 8:05, and the time he
14 was booked for filing a false report, 8:25, there's
15 uncontroverted testimony that there's two statements,
16 allegedly, you know, that Tony Lynch wrote down two
17 statements.

18 Following his booking at 8:25, he gets booked for
19 assault with intent to kill, presumably and logically from
20 this un-timed, unsigned, Court's Exhibit #6, a statement that
21 Tony Lynch wrote that Bryan Jones and the Defendant were
22 riding in the car and Bryan Jones robbed the store. The time
23 line makes sense, from our perspective, that Court's #5 and
24 Court's #7 were done at the same time. Time line, logic, and
25 common sense contradict that Court's #5 and #6 were done at

1 the same time. Why would you go through and fill out this
2 whole form, Court's #5, and not even acknowledge on Court's
3 #6 that that's what he said. Tony Lynch didn't say he stopped
4 writing or he stopped telling me a story. Obviously, the
5 Defendant never got an opportunity to acknowledge it, didn't
6 -- and if he did, he said, "That's not my statement". So, of
7 course, he wouldn't acknowledge it. I mean, logically, aside
8 from the times of booking and statements, if you think about
9 it this way, why would it make sense for a Defendant to say
10 first, someone stole my car, second, Brian and I were riding
11 together and Brian robbed the store and then third say, we
12 were riding down the street, crashed my car and we ran and
13 reported it stolen? It makes no logical sense at all.

14 The only logical scenario, Your Honor, was that this is
15 the third statement and I want to get into that third
16 statement. I find it unreasonable for it to be determined
17 that a statement was given freely, knowingly, and voluntarily
18 when you have no Miranda forms, when you have no
19 acknowledgment of any sort, that has not been adopted by the
20 Defendant. It has not been initialed. The officer doesn't
21 even say, "This is what he told me and he refused to sign
22 it". He's just now testifying.

23 THE COURT: Well, let me ask you something, Mr. St.
24 Pierre, and I want to say this and I don't mean to interrupt
25 you. I'm going to let you make your argument, but we had a

1 little meeting in my chambers between the attorneys when we
2 were waiting for the other witnesses to come and I expressed
3 to Mr. Fleming that I had some concerns about some of the
4 statements and I had no concerns about other statements.
5 And, certainly, counsel, I want you to make sure that you
6 clarify anything that we did in the back room so it's on the
7 record, but under Lego versus Twomey, T-W-O-M-E-Y, which is a
8 United States Supreme Court Case \$404 U.S. 477, it appears to
9 me that the issue in the case is, if they're in custody, they
10 have to have Miranda before they can be interrogated and then
11 the next analysis is whether or not that alleged statement or
12 confession was voluntary or was somehow coerced. And it says
13 in the Lego case, the sole issue in such a hearing is whether
14 the confession was coerced, whether or not it be true or
15 false is irrelevant. In fact, it said such inquiry is
16 forbidden.

17 So, it seems to me that you're arguing that he didn't
18 make the statement and that's not the issue that we're
19 involved with at this stage of the game. The question is
20 whether or not it was a voluntarily made statement, almost as
21 if we'd go to the weight of whether or not the statement is
22 made, not its admissibility.

23 MR. ST. PIERRE: Well, and that's one hypothesis.
24 Another hypothesis is ---

25 THE COURT: No, that's not a hypothesis. I'm just telling

1 you what the law says. And, I mean, if that law is incorrect,
2 I'd like to know.

3 MR. ST. PIERRE: As far as to whether my argument is that
4 it was never given, my argument could also be that words were
5 twisted, information was used from other statements.

6 THE COURT: And I understand that and the question though
7 is, and that's a trial tactic, but I'm asking you from a
8 legal perspective ---

9 MR. ST. PIERRE: Okay.

10 THE COURT: --- that when we start looking under the
11 admission of an alleged statement or confession under
12 Jackson/Denno, isn't the question, once you get past Miranda,
13 whether or not the statement was voluntarily made and as to
14 whether or not the statement is truly made or not is a jury
15 question, but it's not evidence as to admissibility?

16 MR. ST. PIERRE: I'm not trying to argue with Your Honor.

17 THE COURT: I want you to. I'm asking.

18 MR. ST. PIERRE: I'm just trying to say how could it be
19 proved by a preponderance of the evidence that any statement
20 that is unacknowledged by anybody can be ---

21 THE COURT: Well, I take exception to that. The officer
22 acknowledged that the statement was made and just because
23 only one statement, one witness makes an assertion at trial
24 doesn't mean that, even though it's uncorroborated, doesn't
25 mean it's not something that's credible. It's a jury charge

1 in each and every one of my charges that they can, a jury can
2 believe or disbelieve all of a witness' testimony, part of a
3 witness' testimony, one or two more witnesses' testimony. So
4 just because one person said it and it's not corroborated in
5 writing does not mean it's not admissible and that's what I
6 think that I'm hearing you say, that just because the officer
7 is the only person who testified about it and it was not
8 signed by him, was not initialed by the Defendant, which
9 obviously would be preferable for everybody and that's part
10 of my concern that I expressed to the Solicitor, it does not
11 mean it's not admissible and I still think the analysis is
12 whether or not that statement was voluntarily made or was it,
13 under the totality of the circumstances, somehow coerced and
14 not voluntary.

15 MR. ST. PIERRE: And also I'd like for you to look up and
16 I'll hand you the case ---

17 THE COURT: Yes, sir.

18 MR. ST. PIERRE: --- of Wong Sun versus The United
19 States, 371 U.S. 471. And there is a -- it states on page
20 491 the fact that a statement was unsigned, whatever bearing
21 this may have upon its weight or credibility, does not render
22 it inadmissible. And it goes on to explain Wong Sun
23 understood and adopted its substance, though he could not
24 comprehend the English words. The petitioner has never
25 suggested any impropriety in the interrogation itself, which

1 would require the exclusion of the statement.

2 THE COURT: Well, isn't that what we just said?

3 MR. ST. PIERRE: No, I'm saying I'm suggesting an
4 impropriety of the statement, which would require the
5 exclusion.

6 THE COURT: Well, the impropriety would come in, would it
7 not, under the factors that you have set forth in Withrow
8 versus Williams, a United States Supreme Court case at
9 \$507 U.S. 680, or under State versus Miller, which is
10 \$652 S.E.2d 440, and that has to do with the coercion,
11 location, maturity and the different factors it sets forth.
12 Right?

13 MR. ST. PIERRE: Well, it's not an exhaustive list.

14 THE COURT: I agree, without question.

15 MR. ST. PIERRE: And in his statement, also -- I was
16 about to hand this up.

17 THE COURT: Yes, sir.

18 MR. ST. PIERRE: The officer on the unsigned statement
19 in Wong Sun says: That Wong Sun, being unable to read
20 English, did not sign this statement. However, I read the
21 statement to him and he stated that the contents thereof were
22 true to the best of his knowledge, signed the detective. And
23 I've earmarked it, the pages for you.

24 THE COURT: Thank you.

25 MR. ST. PIERRE: That, in no way, happened in this case

1 until -- and Tony Lynch never even testified that the
2 statement he wrote was acknowledged by the Defendant.

3 THE COURT: Okay.

4 MR. ST. PIERRE: So, I mean, all he testified to is that
5 that was his statement, word for word, and then he stopped
6 talking. My problem with the statement here is that if it's
7 not acknowledged, how can it be voluntary, voluntarily given?
8 That's why they have them sign and initial every one of their
9 statements. And the fact that the Defendant signed and
10 initialed two prior statements, makes it even more
11 concerning, that if that was his statement then he would sign
12 and initial it. So, that's what's concerning here.

13 And I also want to ask this Court to consider, aside
14 from Denno, a 403 analysis on this case, on this statement,
15 which is Exhibit #6, Court's #6.

16 THE COURT: Well, that would be more appropriately raised
17 at trial, not in the Jackson/Denno hearing, would it not?

18 MR. ST. PIERRE: Correct.

19 THE COURT: Okay.

20 MR. ST. PIERRE: But, you know, I do want to inform you
21 that I'm going to be raising that issue and, you know ---

22 THE COURT: And any ruling I make, I don't think would
23 forestall you being able to raise that motion. My
24 understanding of Jackson/Denno is just solely for the
25 purposes of whether or not these statements were considered

1 to be voluntarily, or not, made. And then they have to meet
2 the 403 analysis, independent of that.

3 MR. ST. PIERRE: Right.

4 THE COURT: Without us going through that analysis
5 necessarily here.

6 MR. ST. PIERRE: The main crux of my Denno argument is
7 that anything not acknowledged, not signed, you know, can't
8 be considered voluntary, especially when, you know, minutes
9 before or, you know, hours before there were two other
10 statements, which were signed, initialed, you know, circled,
11 by each officer. And also, I mean, the credibility of the
12 officers is shot after I called them out on the timing of the
13 statements.

14 THE COURT: Okay, sir. Do you have anything further?

15 MR. ST. PIERRE: Not at this time.

16 THE COURT: Okay. Mr. Fleming.

17 MR. FLEMING: Thank you, Your Honor. Basically, the
18 State's argument would be, Your Honor, that Mr. St. Pierre is
19 just basically relying on his argument as the sole evidence,
20 whether or not this was voluntary, the statement was given
21 voluntarily or not. There is nothing being put up in front of
22 this Court to contradict that the statements by the police
23 officers, that these statements that were given, were
24 voluntary.

25 Also, Mr. St. Pierre, his argument states that just

1 because Exhibit #6 was not signed by the Defendant is an
2 acknowledgment that it cannot come in. It's not involuntary
3 just because he didn't sign it. Your Honor, there's plenty of
4 case law in this State that says just because a statement is
5 oral doesn't mean it can't come in. If a statement is oral,
6 I'm not acknowledging it by a signature, but it can still be
7 voluntarily given.

8 What Mr. St. Pierre is trying to argue is that no oral
9 admission can be voluntarily given and we know that that's
10 not true based on the fact of State versus Simmons §384 S.C.
11 145. Things that -- I think the crux of the argument is, Your
12 Honor, and it was in Jackson versus Denno, is there
13 conflicting evidence of voluntariness? If there is, the Judge
14 must make a determination if the confession is voluntary
15 before submitting it to the jury.

16 There's nothing that's conflicting about the
17 voluntariness of these statements that have been given, Your
18 Honor, that has been presented by the Defense. The question
19 whether law enforcement complied with the requirements of
20 Miranda is for the Court to decide, not the jury and that's
21 what the Court is here to decide for this hearing, Your
22 Honor. Once the Court determines that the Defendant received
23 and understood his rights, then the Court must allow a
24 confession into evidence. That is under State versus Davis,
25 Your Honor, §309 SC 326. It is then for the jury to decide

1 whether the confession was voluntary, voluntarily given, at
2 that time, Your Honor.

3 THE COURT: So, is it your position that the State, at
4 this stage, does not have the burden of proving voluntariness
5 of the statement?

6 MR. FLEMING: Only by a preponderance of the evidence,
7 Your Honor.

8 THE COURT: I understand the standard. That's why I'm
9 asking, is the burden ---

10 MR. FLEMING: Only by a preponderance of the evidence.

11 THE COURT: Is the burden -- just one second. Is the
12 burden still not on the State to establish that this
13 statement, regardless of Miranda, even if you assume Miranda
14 was being properly administered, that the statement -- the
15 State still bears the burden, by a preponderance of the
16 evidence, to establish voluntariness of the statement.

17 MR. FLEMING: If there is conflicting evidence of
18 voluntariness, Your Honor.

19 THE COURT: Okay.

20 MR. FLEMING: If there's not conflicting evidence of
21 voluntariness, then obviously this Court, in my mind in
22 reading the case law that I've read, if there's not
23 conflicting evidence of voluntariness, the Court must find
24 that that is a voluntary confession, it must go into evidence
25 and then the jury decides whether or not the confession was

1 voluntary, beyond a reasonable doubt, at that time.

2 THE COURT: All right. Mr. Fleming, do you have anything
3 further?

4 MR. FLEMING: Only that the case law that Mr. St. Pierre
5 was alluding to on the Wong Sun case, Your Honor, that's
6 still with the statements that were taken after an unlawful
7 arrest and that's not what we're dealing with here. Your
8 Honor, those were statements -- also, it said that the reason
9 they didn't let those statements in, Your Honor, was because
10 they weren't corroborated by other evidence. That's the only
11 way that they got the conviction. In other words, they didn't
12 meet the corpus delecti in that State. It tends to prove the
13 corpus delecti, along with the Defendant's confession, Your
14 Honor.

15 THE COURT: All right.

16 MR. ST. PIERRE: Just briefly. We don't think they've
17 met their burden by a preponderance of the evidence and we
18 don't need to call him to the stand to get up there and say
19 that the statement, the unsigned statement, was the last one
20 given. Logic shows that. We caught them in a lie. Their
21 credibility's shot. How can an incredible witness prove
22 something by the preponderance of the evidence? And that's
23 where we're going.

24 THE COURT: I understand. All right. Let me tell both
25 of you, and thank both attorneys for fine argument, fine

1 preparation. I appreciate your assistance to me and my law
2 clerk in providing the law, but I'm ready to rule.

3 RULING BY THE COURT ON JACKSON/DENNO HEARING

4 First, in my mind, this is the way it is and if I'm
5 wrong, then there'll be a way to correct it, but I believe
6 I'm correct, and number one is, was the Defendant in custody.
7 All the testimony in this case has shown that from the
8 beginning of the evidence in this hearing, he was in custody.
9 He was in the back of a police car and questionably
10 handcuffed. Who knows? But regardless, before he could be
11 interrogated, there had to be Miranda administered.

12 In this case you had Officer -- was it Leann Riggot,
13 however you pronounce her name, who mirandized the Defendant
14 and questioned him. Then you have Officer Lynch, who
15 thereafter Mirandized and questioned the Defendant. The
16 question in my mind then is, with having a Miranda
17 administered, which it has been, was the statements that were
18 obtained, voluntarily given by the Defendant and the factors
19 under the Withrow versus Williams case, which is a United
20 States Supreme Court case, says you have a crucial element of
21 police coercion, you have length of the interrogation, it's
22 location, its continuity, i.e., whether it was broken up or
23 whether it was conducted by different personnel. You look at
24 the Defendant's maturity, his education, his physical and
25 mental health and also, whether or not the police fail to

1 advise the Defendant of his right to remain silent or a right
2 to counsel and right to terminate the interrogation at any
3 point.

4 Under South Carolina, you have essentially the same
5 conditions, the same factors as to the voluntariness, and
6 that's under State versus Miller and that's \$652 S.E.2d 444.
7 You also look at the experience of the Defendant, any
8 misrepresentations of the police, threats of violence,
9 threats of leniency or isolation of a minor from their
10 parents, which is not relevant here.

11 In this case, there's nothing to indicate from a view of
12 the totality of all the factors that the Defendant's
13 statement was anything but voluntarily given. He may say that
14 it is not my statement and I disagree with it, but under the
15 Lego case, as I read it, that's not an analysis we engage in
16 at this stage. The question is simply whether or not it was
17 voluntary. The question whether it be true or not goes to its
18 weight, not to its admissibility.

19 In fact the case of Wong Sun versus U.S., although it
20 may be a different factual scenario, and it's aptly pointed
21 out, says that the fact that a statement was unsigned,
22 whatever bearing this may have on its weight and credibility,
23 does not render it inadmissible.

24 So, all of that said and done, I feel, and I'm ruling
25 that the State has met its burden of proving that the

1 Defendant was properly mirandized. Further, they have met
2 their burden of proving and I think they have established the
3 Miranda, Mr. Fleming, but also, they have established that
4 the statements that were given by the Defendant were
5 voluntarily given and that would include the unsigned, un-
6 initialed exhibit, which I believe is #6 and the statements
7 which would be #4 and #7. So, I'm going to find that all
8 three of those statements were voluntarily given and subject
9 to further evidentiary objections as we discussed, Mr. St.
10 Pierre. Anything further from the State?

11 MR. FLEMING: Nothing from the State, Your Honor.

12 THE COURT: Anything further at this stage, Mr. St.
13 Pierre?

14 MR. ST. PIERRE: Nothing for Denno.

15 MR. FLEMING: Your Honor, could I get a copy of the case
16 law that you were using and citing?

17 THE COURT: Yes, sir. I can give you the cite. Now, the
18 cases that I have, the Wong Sun case was just handed up to
19 me.

20 MR. FLEMING: No, that one. The ones that you had.

21 THE COURT: Okay. The Withrow, W-I-T-H-R-O-W versus
22 Williams case. It's 507 US 680. You have the State versus
23 Miller, which is a South Carolina Supreme Court case, I
24 believe, and it's 651 S.E. 2d 444.

25 MR. FLEMING: Thank you, Your Honor. I just want those

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1 for my personal use.

2 THE COURT: All right. Thank you, gentlemen. Anything
3 further before we start the trial at 2:00?

4 MR. ST. PIERRE: Yes, sir, Your Honor.

5 THE COURT: Okay. Sir.

6 MR. ST. PIERRE: I don't know what you want to do as far
7 as scheduling. I've got a motion to suppress certain
8 irrelevant and unduly prejudicial evidence and I guess that
9 would be -- we could do that during trial, if they intend to
10 bring that in as evidence. I would like to just give the
11 Court notice that, namely, I'm speaking of a silencer booklet
12 and a torn five dollar bill found near the accident. So,
13 whenever the State does intend to bring that in, I would like
14 to have a hearing on that outside the presence of the jury.

15 THE COURT: I think that, probably under the
16 circumstances and the timing where we are now, that makes a
17 lot sense, Mr. St. Pierre. Let's handle it in that fashion.

18 MR. ST. PIERRE: Yes, sir.

19 THE COURT: Now, Mr. Fleming, if you would -- and you
20 attorneys have engaged and battled with each other once
21 before or I'm sure on a number of occasions. Make sure, if
22 you would, please, that you coordinate with him so we can get
23 that in-camera hearing before we get out and have to
24 reconsider something else.

25 MR. FLEMING: Yes, sir.

1 MR. ST. PIERRE: We went over another motion that would
2 go in front of -- before the statements come in. We'll have
3 another hearing outside the presence of the jury. I'm going
4 to have a 404 -- a motion under 404 to suppress any prior bad
5 acts and just the background on this case; Judge, the
6 Defendant, after this arrest, was served with multiple
7 warrants alleging other armed robberies in this county and
8 another county, or in Spartanburg County and none of those
9 have been even proved or tried. This is the first trial.
10 Under Lott, State v. Lyle on \$125 S.C. 406, which is the
11 controlling case of Rule 404(b), we're asking this Court to
12 eliminate or suppress the State from introducing in any way
13 any kind of statements from either law enforcement officer
14 witnesses, or any other witnesses, about any other crimes
15 trying to help prove this case. Lyle goes into it at great
16 length and ---

17 THE COURT: All right. Let me ask Mr. Fleming. Under Rule
18 404, it clearly says, and under Lyle it clearly says, you
19 cannot bring up other crimes or other wrongs or acts unless
20 it goes to show motive, identity, existence of a common
21 scheme or plan or the absence of mistake or accident or
22 intent.

23 MR. FLEMING: While I think I could probably get some of
24 in there under Lyle to show common scheme or plan, Your
25 Honor, or identity, we're not going to be doing that.

1 THE COURT: Okay. Well, I'm going to grant the motion.

2 MR. FLEMING: Yes, sir.

3 THE COURT: Okay.

4 MR. ST. PIERRE: And another preliminary matter, next
5 would be to prevent any questions, testimony, or inferences
6 by the State of their witnesses as to any hearsay, namely
7 that of Latasha Shumate and how she has heard that the
8 Defendant was robbing places. Nothing in the reports say who
9 she heard it from and she's told us and my investigator that
10 she doesn't remember who she heard that from and I don't want
11 any kind of hearsay testimony.

12 THE COURT: Let me tell you this. You know, I'll be glad
13 to handle all of these objections in a fashion that both of
14 us -- we have some fairly high stakes in this case. It seems
15 to me that, clearly, is hearsay. It's not going to overcome
16 your obligation to contemporaneously object, however, in case
17 it does come up. But, I mean, I would tend to agree with him.

18 MR. FLEMING: We have no intention to introduce that,
19 Your Honor.

20 THE COURT: Okay. I will grant the motion. It is
21 incumbent upon you to re-object in case it does come up.

22 MR. ST. PIERRE: Yes, sir. Exactly.

23 THE COURT: Yes, sir.

24 MR. ST. PIERRE: And finally, my last motion would be
25 under United States versus Giglio, reveal the deal.

1 THE COURT: Okay. Well, you need to give me that and tell
2 me what that is, please.

3 MR. ST. PIERRE: U.S., and let me backtrack.

4 THE COURT: Do you have that cite?

5 MR. ST. PIERRE: Yes, sir. And I've got the case here.

6 THE COURT: What is this, an indicted co-conspirator
7 matter?

8 MR. FLEMING: Excuse me, Your Honor?

9 THE COURT: Is it a co-conspirator matter?

10 MR. FLEMING: Yes, sir, Your Honor. There's a co-
11 defendant.

12 MR. ST. PIERRE: I'm going to hand this up to -- I've
13 highlighted the relevant, the parts that I feel are relevant.
14 Then I've got them in my notes, so I'll go over them with
15 you.

16 THE COURT: And you handed up, for the record, Giglio,
17 G-I-G-L-I-O versus United States, which is \$405 U.S. 150.
18 Have you seen this case, Mr. Fleming?

19 MR. FLEMING: No.

20 THE COURT: Okay. What's your position with regard to
21 this case?

22 MR. ST. PIERRE: Any kind of -- it's necessary Rule 5
23 Brady and Giglio. I had submitted an amended Rule 5 and Brady
24 motion earlier this morning, filed it with the clerk and gave
25 a copy of it to the Solicitor. I initially filed a Rule 5

1 motion, but after research last night, I feel that this would
2 be a more prudent, a more prudent motion to file with regards
3 to, like you said, that the stakes are high here, but I feel
4 that Giglio gets this in, anyways. However, it goes to the
5 credibility of the co-defendant who's testifying, whether or
6 not ---

7 THE COURT: And let me make sure. I'll paraphrase. I
8 think you're telling me -- are you saying if he got a deal,
9 the co-defendant got a deal from the State, then they have to
10 reveal the deal to show credibility of that witness?

11 MR. ST. PIERRE: Yes, sir. And that would be exculpatory
12 in nature and thus my client is entitled to know that.

13 THE COURT: Why would that not be the case, Mr. Fleming?

14 MR. FLEMING: I don't know, Your Honor. I haven't read
15 the case law, but if that's what the case law says, then, you
16 know, I'm sure that that would have to be given.

17 MR. ST. PIERRE: And it's not unprecedented for the State
18 to kind of give -- well, I'll wait to hear what the deal is
19 and then we can go from there. I anticipate probably having
20 to call a couple of witnesses, or at least one witness, on
21 that matter.

22 THE COURT: Let me just ask you to just cut to the chase,
23 Mr. Fleming. Any reason why you should not give that
24 information to this ---

25 MR. FLEMING: No, and I told him earlier this morning,

1 Your Honor, there is no deal.

2 THE COURT: Okay.

3 MR. ST. PIERRE: Express or implied. I mean, we -- I
4 worked with the Solicitor's office, I worked with Mr.
5 Fleming, and not to -- I'm not saying I don't believe him,
6 but these kinds of ---

7 THE COURT: You have a duty to do what you're doing and I
8 think that would be a subject to cross examination as well,
9 as to this witness. I don't see why you can't get into it.
10 Is there any reason you can see?

11 MR. FLEMING: No, sir.

12 MR. ST. PIERRE: I would also like to call the co-
13 defendant's attorney to see what his impression is, because I
14 think ---

15 THE COURT: No, no. I'm not going to let you run down
16 that road and the point in this case is the guilt or
17 innocence of this Defendant. If we start bringing up the co-
18 defendant's attorney as to what he thinks may or may not be
19 in the mind of the Solicitor of another co-defendant, I
20 think, gets too off the mark of what we're going through in
21 this trial. If you want to proffer anything, I'll let you do
22 it, but I am not going to let you get in that, in your case
23 in chief as a witness, unless you show me something other
24 than what I've heard.

25 MR. ST. PIERRE: Your Honor, I just have personal

1 knowledge that they've been after the co-defendant for the
2 last five days and his attorney's been running back and forth
3 talking to him here and I've been informed that he's finally
4 going to testify. For no deal?

5 THE COURT: Well, I mean, listen, you have some -- what
6 I'm hearing from you, Mr. St. Pierre, number one, first, I
7 think you're doing what you're supposed to do as a defense
8 attorney, because you're supposed to be a vigorous and a
9 strong advocate for your client, but what I think that I hear
10 you saying is this: based on the fact that I used to be in
11 the Solicitor's office, based on my knowledge of what I saw
12 going on in the background, all of a sudden the other guy's
13 up to testify, I suspect that there may be some deal or a
14 wink-wink, nod-nod type situation, but unless you show me
15 something more than that, and you'll have to do it by proffer
16 or in camera, we're not going there. Okay, sir?

17 MR. ST. PIERRE: But you have ruled that I am not allowed
18 to call the co-defendant's attorney to take a ---

19 THE COURT: Not in front of this jury. Now, I told you
20 I'll let you do a proffer.

21 MR. ST. PIERRE: Right. And so you will let me do that?

22 THE COURT: Yes, sir.

23 MR. ST. PIERRE: Okay.

24 THE COURT: But I'm telling you, we're going to sit here
25 in front of this jury, before they hear any evidence we're

1 going to -- you know, apparently I need to do it in camera on
2 several things and that's all right, but I'm not going to let
3 you bring the attorney up and cross examine him or examine
4 him on what he suspects they may have ---

5 MR. ST. PIERRE: I didn't want to do that at all. I
6 wanted to do an in limine kind of motion and in camera, yeah.

7 THE COURT: Okay. Well, let me ask the attorneys, how
8 many witnesses do you anticipate or how many, without calling
9 all your witnesses, how long do you think this case is going
10 to take to try?

11 MR. FLEMING: I was hoping to get finished with it
12 tomorrow evening sometime, Your Honor, but, that's just what
13 I was thinking. I've got, how many witnesses? Sixteen on my
14 witness list, but some of them were going to be short and
15 some of them would not ---

16 THE COURT: Do you have a lot of chain of custody
17 evidence?

18 MR. FLEMING: We have some of that, Your Honor.

19 THE COURT: Okay. I tell you what, Mr. St. Pierre, have
20 that attorney available after 5:00 this afternoon and I'll
21 hear your proffer today. Okay?

22 MR. ST. PIERRE: Okay.

23 THE COURT: I'm not saying I'm going to hear it right at
24 5:00. It depends on how the trial goes, but let's hear that
25 today, and then I'll make a ruling. That way, you'll know how

1 you've got to go.

2 MR. ST. PIERRE: Okay.

3 THE COURT: Fair enough?

4 MR. ST. PIERRE: Thank you.

5 THE COURT: All right. Anything else?

6 MR. FLEMING: Nothing from the State, Your Honor.

7 THE COURT: Anything else, Mr. St. Pierre?

8 MR. ST. PIERRE: I've got a suppression motion on
9 evidence found in the trunk of the car. We could do that
10 depending on what Mr. Fleming intends to -- the order of his
11 witnesses. We could do it during trial.

12 THE COURT: What's today, Tuesday? Well, there's no
13 reason, from what I'm hearing, we're not going to have a
14 problem with time in this case. I'm not worried about that.
15 I gave you my cell phone. I'm willing to work as late as you
16 want to go or come as early as you want. My court reporter
17 really loves to work late at night, so... But, seriously, I'm
18 glad to entertain it right now. Is it a matter I need to
19 address before you open to the jury and start testimony? I'll
20 be glad to, if you think we should. I'm going to leave that
21 up to your discretion because you know your case better than
22 I do.

23 MR. ST. PIERRE: I think we can -- I'll be happy to
24 interrupt if I feel that -- I'm sure we can get through a
25 couple of witnesses without needing to address it.

1 MR. FLEMING: If he could tell me what we're talking
2 about, Your Honor, I might be able to tell you what witnesses
3 it'll be.

4 THE COURT: Why don't you speak with each other right
5 now. I mean, I don't expect you guys, you know, to agree on
6 everything. Just communicate and find out what it is.

7 MR. ST. PIERRE: It's impossible to do it right now
8 anyways.

9 THE COURT: Is it?

10 MR. FLEMING: Yes, sir.

11 THE COURT: Okay.

12 MR. ST. PIERRE: It was a ---

13 MR. FLEMING: Officer Craft would have been the one, but
14 we excused him. But he's going to be coming back at some
15 point in time.

16 THE COURT: All right. Well, let's do this. If you need
17 to have it heard before we start this case, I will. I want to
18 make sure we follow all the fundamentals. I don't have any
19 problem stopping it at the appropriate juncture, doing an
20 in camera because that's the normal way we do it, but I'm
21 going to go ahead and break now for lunch for everybody and
22 have everybody back at 2:00. Be willing -- get ready to
23 either do an in limine or suppression hearing or begin
24 opening statements, from the State. And if the Defendant so
25 chooses to make an opening statement, from the Defense, as

1 well.

2 MR. FLEMING: Okay.

3 THE COURT: All right. Thank you, gentlemen.

4 MR. FLEMING: Thank you, Judge.

5 THE COURT: We're in recess.

6 (LUNCH RECESS)

7 AFTERNOON - NOVEMBER 16, 2010

8 THE COURT: Mr. Fleming, are you ready to proceed?

9 MR. FLEMING: Yes, sir.

10 THE COURT: Mr. St. Pierre, are you ready to proceed?

11 MR. ST. PIERRE: Yes, sir.

12 THE COURT: Do you need a minute or two to set everything
13 up or do you want me to go ahead and bring the jury out?
14 Ready to go?

15 MR. FLEMING: I think we're ready, Your Honor.

16 THE COURT: Okay. Would you bring them out, please, Mr.
17 Bolt?

18 (Jury in at 2:08 PM)

19 THE BAILIFF: All present, Your Honor.

20 INTRODUCTORY REMARKS BY THE COURT

21 THE COURT: Thank you, Mr. Bolt. Good morning, Ms. Myers,
22 ladies and gentlemen of the jury. I hope you had a nice
23 evening and morning. We are about to start the trial of the
24 State versus O'Bryan Exxidice Copeland and I don't know if
25 any or all of you have ever been involved in court before,

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1 but I do suspect that every one of you at one point or
2 another have watched some type of TV show which depicts or
3 attempts to depict a courtroom situation, Law and Order,
4 comes to my mind and the reason I bring that up is this:
5 court and TV are totally different things. This is not
6 entertainment. And what you're about to go through and see is
7 going to be totally different from what you've seen on the TV
8 or in the movies. Trials are often very slow. They're very
9 methodical. They are deliberate. They're certainly not
10 entertainment, but they are a fundamental part of our
11 democracy that each and every one of us enjoys. A trial is a
12 search for justice. It is a search for the truth and to see
13 that justice is done.

14 Let me tell you a little bit about these attorneys.
15 These attorneys are advocates for their clients. They're
16 trained professionals and they are to push their side of the
17 case. That's their job. But at the same time, both of these
18 attorneys are Officer's of the Court. What that means is, you
19 can expect these attorneys to be professional. You can expect
20 them to be competent, and you can expect them to be ethical.

21 Now, before we start anything further after my opening
22 remarks to you, you will be sworn in and in that swearing in,
23 you will promise to be fair and impartial to both parties in
24 this case. As such, these attorneys and these parties have a
25 right to expect of you that you will, in fact, be fair, that

1 you will be impartial, and that you will also be ethical in
2 the performance of your duties as jurors in this case.

3 With that being said, what I'm about to say to you is
4 actually not the law. At the end of the case, I will instruct
5 you on what the law is and you'll know in no uncertain terms
6 that is, in fact, what I'm doing. I am, basically, now
7 explaining to you what the procedure is that you'll be going
8 through, some of the rules you'll need to follow and that
9 will be applicable to you in the performance of your duties
10 as jurors in this case.

11 Now, as I told you earlier, there are four indictments
12 in this case. The Defendant has been indicted for armed
13 robbery, assault with intent to kill, possession of a weapon
14 during a violent crime, and criminal conspiracy. I will
15 charge you on the elements of each one of these charges at
16 the end of the trial. Let me remind you, as I did earlier,
17 that an indictment is simply the mechanism by which the State
18 brings the charge to court for you, a jury of their peers, to
19 make a determination of guilt or not. It is not, in any sense
20 of the word, evidence of the allegations they contain. It is
21 purely a charging mechanism and a procedural mechanism to
22 have the case brought here before you for your determination.

23 In fact, in this case, the Defendant has pled not guilty
24 to all four indictments. Therefore, the burden is on the
25 State of South Carolina to prove beyond a reasonable doubt

1 each and every element of all four indictments of the charges
2 the Defendant is charged with. At the end of the day, it'll
3 be your duty to decide whether or not the State of South
4 Carolina has, in fact, met its burden of proof.

5 Now, ladies and gentlemen, your purpose as jurors is to
6 find facts. In the vernacular of attorneys, we say you're the
7 sole judges of the facts. That means if at any time I make
8 any type of comment, gesture, facial expression or do
9 anything which seems to indicate to any of you that I have a
10 preference one way or the other as to how you are to find
11 facts, you are to disregard that. I can assure you that prior
12 to yesterday I had no knowledge of any of the facts in this
13 case and I look at my job as being that of a referee to make
14 sure that the procedures are followed, that the law is
15 followed, and that each party has a trial that is both fair
16 and impartial and making sure that their constitutional
17 rights are protected.

18 Now, what does it mean by being a finder of the facts? I
19 think I told you yesterday, and I feel comfortable that I
20 did, but I'm going to remind you again and I will remind you
21 again throughout this case, that you are to determine the
22 facts from the testimony, the sworn testimony and from the
23 evidence that's introduced in the court from this witness
24 stand right over here. You're not to be influenced by any
25 comments or by anything you see while you're outside of this

1 courtroom. Now, any evidence that is admitted by me into this
2 case, whether it be testimony or exhibits, can be considered
3 by you and any inferences that you wish to draw from that
4 evidence, it is your right to make any inferences that you
5 would like to do.

6 However, during the course of this trial, I anticipate
7 this trial taking a couple of days, but it's especially
8 important for you to be able to perform your obligations as
9 being finders of the facts that you pay close attention to
10 all the proceedings. That means, listen to what I say, what
11 the witnesses say, and what these attorneys say, so that at
12 the end of the day you can be conscientious and diligent in
13 making your determination. Regardless of what you may have
14 heard, regardless of what you may have believed, ordinarily,
15 an incorrect factual determination is not reviewable and not
16 correctable on appeal. So, it is very important that you pay
17 close attention.

18 Now, the law that makes you the finders of the facts,
19 with equal emphasis, makes me the instructor of the law. It
20 is your job to accept the law and to apply it as I instruct
21 you on the law. You may not agree with it. You may think it
22 should be something else, but you, in this proceeding, are
23 not to be concerned with any law but as I tell you it is.
24 Just like I cannot tell you what the facts in this case are,
25 you're not allowed to tell me what the law is. The way we say

1 it is, you must accept the law as I charge it to you and
2 apply the facts as you find them from the testimony and the
3 evidence presented at trial.

4 Now, as I told you again yesterday, do not begin any
5 deliberations until I tell you unequivocally that you are to
6 begin your deliberations. You are not to discuss this case
7 with anyone during breaks, during the trial, whether for
8 lunch, whether for objections, or for legal matters or for
9 overnight breaks. That means do not discuss this case with
10 your fellow jurors. Do not discuss this case with your
11 spouse, your friends or anyone. There will be plenty of time
12 to do that at the end of this case. That includes, and I
13 remind you, communications over the cellphones, computers, in
14 addition to face to face communications or any other types of
15 communications.

16 I'll remind you that you may run into these parties
17 coming in and out of this courthouse or some other time
18 during this trial. You're not to speak with them or anyone
19 else about this matter and they're not to speak with you
20 about this case. If anybody does, you are to relay it to
21 Ms. Myers. You'll write it in a note and bring it to my
22 attention. If somebody were to try to communicate with you
23 about this case, tell them that I am a juror and I cannot
24 speak with you and that will generally stop it. If they
25 don't, you let them know that you're going to bring it to the

1 proper authorities and we'll deal with. I do not anticipate
2 that will be a problem.

3 Again, I remind you as well that you are not to read,
4 listen to, or find out any information about this case from
5 any news source, computer site, newspaper, radio station, TV
6 station for any other source, other than this courtroom. If
7 you happen to cut on a radio, if you happen to pick up a
8 newspaper and this case is in it, put it down and do not look
9 at it and do not let somebody tell you what's in there. And
10 the reason is quite simple, we want you to listen to all the
11 testimony with an open mind and not begin your deliberations
12 until after all the testimony has come in. Again, I remind
13 you, our Chief Justice's instructions are that you're not to
14 do any independent juror research, which would include any
15 issue in this case that you think you've heard, any issue in
16 this case that you think is helpful, or any information about
17 any of the parties involved in this case or court officials.

18 Now, there are five phases in every single trial in this
19 State and those are this: You have an opening statement, you
20 have a presentation of the evidence, you have a closing
21 argument by the attorneys, you have the charge on the law by
22 myself, and then you'll have your deliberations. I just tell
23 you those five phases so at any given time you'll have a
24 general idea about where you are in this trial.

25 In just a moment the Solicitor is going to make what is

1 called the opening statement and in the opening statement the
2 Solicitor will explain to you the issues that are in this
3 case or what the issues he contends are in this case. The
4 attorney for the Defense may, but is not required to, give an
5 opening statement. Now, what these attorneys tell you during
6 their opening statement or what they say or do at any other
7 point in this trial, is not evidence. They're not witnesses.
8 They've not been sworn, but they are professionals and
9 they're sworn advocates. It is helpful, but it is not
10 testimony. The only evidence, I remind you, that is true
11 evidence, is that which is presented from the witness stand
12 through sworn testimony and that which is admitted into
13 evidence as an exhibit.

14 Now, from time to time, it may be necessary for me to
15 take up objections from these attorneys or matters of law. I
16 can tell you that I tried cases for twenty-five years in
17 Anderson or around the upstate and in every one of the trials
18 I ever had there were always objections or matters of law.
19 Every single case I've sat on as a Judge has the same thing.
20 That is, and the reason for that is this, and it's simply
21 part of the process: The fact that an attorney raised an
22 objection or called for a matter of law is not to be
23 considered by you. My rulings on that, to the extent I let
24 you hear what my rulings are, are not to be considered by you
25 and the fact that there is an objection, a call for a matter

1 of law, or my ruling, shall not be discussed by you at any
2 point during this trial. It's just a part of the process,
3 okay?

4 With that being said, I'm going to ask you to pay close
5 attention to all the testimony, to the witnesses, and to me
6 because in just a few days you'll be called upon to make your
7 determination and to apply the law to the facts as you find
8 them in this case.

9 Now, Ms. Myers, you have the added responsibility, as I
10 explained to you, to be the spokesperson for the jury. If, at
11 any time, something needs to be brought up to my attention,
12 follow the procedure I gave you yesterday and that is to
13 write it down, give it to Mr. Bolt, or the bailiff who's over
14 at your jury room, and we'll take it up. You are also to
15 preside over deliberations in this case. That doesn't mean
16 that you are a dictator. It means that you preside.

17 All that being said and done, before we get started, I'm
18 going to ask that you go back to your jury room so I can go
19 over with these attorneys whether or not I neglected to say
20 something that I should have said or said something that I
21 should not have said. But if you'll go back to your jury
22 room, we'll get you back out in just one second.

23 (Jury out at 2:24 PM)

24 THE COURT: All right. Any additions or exceptions from
25 the State?

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1 MR. FLEMING: Nothing from the State, Your Honor, other
2 than I don't know if you'd forgotten to swear them in or not?

3 THE COURT: No. I told them I was going to swear them in
4 after I gave them my instructions.

5 MR. FLEMING: I didn't hear that. I'm sorry.

6 THE COURT: That's okay. Now, listen, I don't mind,
7 because I'm going to have a few things I'm going to say in
8 just a second, too. Any additions or exceptions from the
9 Defense?

10 MR. ST. PIERRE: Nothing, Your Honor.

11 THE COURT: Okay. Let me tell both attorneys and let all
12 parties and participants understand one thing: When these
13 attorneys are making opening and closing statements, I don't
14 allow anybody in or out of this courtroom. Likewise, when I'm
15 charging the jury, I expect nobody else to get up and walk
16 out the courtroom when I'm talking. Do you understand?

17 MR. FLEMING: Yes, sir.

18 THE COURT: All right. That being said, are you ready to
19 proceed?

20 MR. FLEMING: Yes, sir, Your Honor.

21 THE COURT: Mr. St. Pierre, are you ready to proceed?

22 MR. ST. PIERRE: Yes, sir, Your Honor.

23 THE COURT: Okay. Mr. Bolt, let them take a break and
24 then we'll bring them back out here, please, sir.

25 (Jury in at 2:26 PM)

1 THE BAILIFF: All present, Your Honor.

2 THE COURT: Thank you, Mr. Bolt. Madam Clerk, will you
3 swear the jury, please, ma'am?

4 (The Clerk of Court administers the oath to the jury)

5 MR. FLEMING: May it please the Court, Your Honor.

6 THE COURT: Mr. Fleming.

7 MR. FLEMING: Thank you.

8 OPENING STATEMENT

9 BY MR. FLEMING:

10 Good afternoon, ladies and gentlemen. You know, it's a
11 heck of a thing to have a gun pointed at you and you are
12 looking down the barrel of that gun. Some of you may know
13 what it's like. I do. Been there and done that. It scares the
14 bejeebees out of you. I'm telling you, it does. It's
15 frightening. It's horrifying. And just scares you totally.
16 And it might have a long-lasting effect on you. People are
17 different.

18 That's what this case is about, ladies and gentlemen.
19 This case is about Christine Grant working at the Corner Stop
20 #57, the Citgo Station over on Harper Street over here, July
21 the 7th, 2009. She's working the night shift by herself and
22 she not only has a gun shoved into her face, but she's
23 looking down the barrel.

24 But on July the 7th, 2009, that man sitting at that
25 table right there, O'Bryan Copeland, takes a shot at her

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1 inside the store. He shoots at her and then goes over with
2 the gun in her face, tells her to get up off the floor, and
3 give him all the money. Frightening. Horrifying.

4 You'll hear her testimony from the stand of how
5 horrifying and frightening that is, ladies and gentlemen.
6 That's what this case is about. This case is about an armed
7 robbery case on July the 7th, 2009. And you'll hear testimony
8 the State will put forth how Mr. Copeland, along with his
9 co-defendant and his buddy, Stanley Jones, are riding around
10 in Mr. Copeland's vehicle, a 1988 Ford Crown Vic, green.
11 You'll hear testimony how Mr. Copeland wanted to go rob this
12 store because he needed some money. They haul in the car and
13 they're riding back and forth past the Citgo and the Corner
14 Stop. They actually pull in behind the Citgo and the Corner
15 Stop to check the place out. They pull out, ride by, park
16 across the street, North Harper Street, at the Mexican Store.

17 When they get over there, you'll hear testimony how Mr.
18 Copeland gets out of the car, gun in hand, a hat, a bandanna
19 over his face, and goes over to the store. Mr. Jones stays in
20 the car. While he's in there, he hears a shot. Seconds later,
21 he sees Mr. Copeland coming out of the store. He moves over
22 to the driver's seat, is pulling out, and Mr. Copeland
23 catches up with him, gets in the car. As they head down Mill
24 Street, which is a little street off of Harper Street that
25 goes around and up the little -- I'll show you some maps of

1 that. As they're going around Mill Street, Mr. Jones loses
2 control of the car, hits the back of the car against a
3 telephone pole and wrecks it. They try to crank the car. He
4 tries to crank the car back up with no success. They get out
5 and they run. They go down Mill Street, go to the railroad
6 tracks, and they go to Price Street where Mr. Copeland's
7 girlfriend lives, Latasha Shumate.

8 On the way there, you'll hear how they switched clothes.
9 Mr. Copeland switches clothes with the Defendant. When they
10 get to the residence, they switch shoes. You will hear how
11 later or very shortly thereafter, after they get to Price
12 Street, Mr. Copeland convinces his girlfriend to call in a
13 stolen car report to 911. After Mr. Copeland leaves the
14 Citgo, Ms. Grant calls 911 and police respond.

15 You will hear from Officer Shane Martin how he was the
16 one who responded first on the scene. It was found that the
17 car was wrecked on Mill Street and the officers were sent to
18 Mill Street for the wrecked vehicle.

19 You'll hear Sergeant Dwight Craft testify about his
20 involvement with the wrecked car. You will hear testimony
21 that when the call was made of a reported stolen vehicle,
22 Laurens Police Department responded to Price Street to
23 investigate the stolen vehicle. At some point in time,
24 officers sort of put the pieces together and knew that the
25 vehicle had been used in a robbery and that there was not a

1 stolen vehicle. It was a false report.

2 After that, you will hear how officers took Mr. Copeland
3 and his girlfriend into Laurens Police Station and questioned
4 them. You will hear testimony that Ms. Shumate confessed to
5 calling in a false report. You will hear testimony that the
6 Defendant at first gave a statement that the car was stolen.
7 Then the second time a different officer goes and talks to
8 him, he starts talking about the robbery at the jail.

9 MR. ST. PIERRE: I object, Your Honor. If I may have a
10 quick hearing?

11 THE COURT: Yes, sir. Ladies and gentlemen, this is a
12 part of the process, as I told you, that we'll be going
13 through in this case. If you would, step back to your jury
14 room so I can entertain what this objection is, please.

15 (Jury out at 2:36 PM)

16 THE COURT: Mr. St. Pierre?

17 MR. ST. PIERRE: Your Honor, I apologize. I hate to
18 object during opening statements. I thought we went over
19 this. I had an objection to the admissibility of that
20 statement that was just referenced in his opening statement.
21 I had another argument that I was going to get into before
22 that statement was even brought to the jury's attention and
23 we didn't hear that. Now, the cat's out of the bag and we
24 haven't -- there's been no determination one way or the other
25 on the 403 analysis of that statement.

1 THE COURT: Well, let me do this. As I told the jury, in
2 my instructions to them, and the same will apply to your
3 opening statement if you chose to make one, is that these are
4 the contentions which they intend to show and I think that if
5 they don't, it would be a matter for you to comment on, but
6 the fact that they mention some evidence that they may or may
7 not get admitted at this stage is their contentions of the
8 trial. If you are going to allege prejudice, I want to see
9 what the prejudice is and you need to articulate that a
10 little bit further at this stage. Do you understand what I'm
11 saying?

12 MR. ST. PIERRE: Yes, sir, Your Honor. But I thought that
13 we would, before that was even brought to the jury's -- the
14 cat's out of the bag now and I ---

15 THE COURT: Well, yeah, okay. The cat's out of the bag.
16 The point being is, that just because the cat's out of the
17 bag, you've got to tell me what it is: Why you're objecting,
18 what your objection is, and put it on the record. Okay? Now,
19 I understand that you guys were going to try to get these
20 things done in camera. Obviously, you feel like that wasn't
21 done. But that being said, tell me the nature of the
22 objection. Tell me the prejudice. So, tell me what it is that
23 you're objecting to and I'll be glad to rule on it.

24 MR. ST. PIERRE: Okay. Thank you, Your Honor. The
25 objection is simply admission and even reference to a

1 statement that was unacknowledged by anyone including the
2 officer, except from the stand today. It's not signed, you
3 know, by anyone. A blank statement, an incomplete statement.
4 But given -- and testimony supporting that statement came
5 from an incredible witness who -- I mean, obviously that was
6 shown as a part of the time line of the statements. Also, the
7 nature of the statement being unauthenticated, except by an
8 incredible witness, and it could not possibly be found,
9 beyond a reasonable doubt, that it was voluntary. I mean I
10 know I'm getting back to ---

11 THE COURT: Well, let me just -- let me just -- I think I
12 hear what you're going with. Just so we get this clear on the
13 record. You know, I found in the Jackson/Denno that
14 statements were voluntary and, therefore, were subject to
15 come in to evidence, but subject to Rule 403 or any other
16 properly related objection. That being said, we're not going
17 to go back and re-do Jackson/Denno.

18 MR. ST. PIERRE: Right.

19 THE COURT: But at the point in time that he intends to
20 make that proffer of evidence, then let's go through the in
21 camera -- not in camera. You just make your objection. I'll
22 rule on it. We don't need another in camera hearing for that.
23 But I'm going to overrule your objection at the opening
24 statement. I am going to, for the benefit of the record, tell
25 the jury, I'm going to remind them that my instruction to

1 them was that these attorneys are advocates and they're
2 professionals, they're not witnesses and what they say is
3 their contentions and it's up to you determine whether or
4 not, in your findings of fact, agree with their contentions.
5 In the case, if theirs is different from what y'all say, then
6 their memories will control what their findings of fact will
7 be. Fair enough?

8 MR. ST. PIERRE: Thank you, Your Honor.

9 THE COURT: Will you bring them back out, please sir? I
10 want to note. Make sure, Mr. Bailiff, don't let anybody in
11 and out of the courtroom during these opening statements,
12 please, sir.

13 THE BAILIFF: Yes, sir. Okay.

14 (Jury in at 2:43 PM)

15 THE COURT: Thank you, Mr. Bolt. Ladies and gentlemen of
16 the jury, let me just remind you, I know we're in opening
17 statements, but what the lawyers say is their contention of
18 what's going on this case and what they intend to show during
19 this case. They're not witnesses. And if, at the end of the
20 day, your memory is different from what the attorneys tell
21 you, then your memory controls. Go ahead, Mr. Fleming.

22 MR. FLEMING: Thank you, Your Honor.

23 THE COURT: Yes, sir.

24 OPENING STATEMENT CONTINUED

25 BY MR. FLEMING:

THE STATE OF SOUTH CAROLINA VERSUS O'BRYAN E. COPELAND

1 Like I said, ladies and gentlemen, you're going to hear
2 statements that were taken from the Defendant. First, where
3 he says his car was stolen. Second, where he starts talking
4 about the robbery of the J&K, and then he stops.

5 Investigators stop. And then some time later on that morning
6 he called for -- the detectives are called back in to talk to
7 him and he goes back to a statement of, "Well, we were just
8 riding around and the car was stolen or whatever or it was
9 wrecked and they reported it as stolen." You will hear all
10 this and more evidence, ladies and gentlemen. I'm not going
11 to go through all of it. I just wanted to give you sort of a
12 roadmap in the beginning to show you where we will be going
13 in this case.

14 Now, the Judge will instruct you that the State has to
15 present a case and show you evidence that will prove the
16 Defendant guilty beyond a reasonable doubt. Now, reasonable
17 doubt, ladies and gentlemen, is not a doubt beyond a shadow
18 of a doubt. It's a reasonable doubt and the Judge will
19 instruct you on what a reasonable doubt is. A reasonable
20 doubt is a doubt which would make a reasonable person
21 hesitate to act. Hesitate to act. Now, remember those words.
22 Basically, what it's like is, is let's say you go down the
23 road or some sort of road everyday, maybe going to work or
24 wherever, and you see somebody constructing something on a
25 piece of property and when you first look at it, you don't

1 quite know what it's going to be. You just know that they're
2 constructing something. But little by little, as you pass by
3 there everyday, more and more goes up, more construction is
4 done, and you might still not know whether it is, maybe the
5 third or fourth day or the first week, second week, but at
6 some point in time -- and let me go back. During that first,
7 second or third week, you know, when you're watching the
8 building going on, on this piece of property, you say, "Well,
9 you know, maybe it's going to be a house. I don't know." And
10 then one day as you're passing by the house, it may not all
11 be done or the structure may not all be done and you say,
12 it's going to be a barn. You've reached that certain point to
13 where you know what that structure is going to be and that's
14 kind of like how a case goes. The State will present evidence
15 and then build, and build, and build to a certain point to
16 where, as a reasonable person, you know that that crime has
17 been committed. That's sort of what it's like, ladies and
18 gentlemen.

19 Now, you, as the jury, have a very important job. Now,
20 we all have jobs in here. I have a job, the Judge has got a
21 job, Mr. St. Pierre has a job, but yours is the most
22 important job out of all of them. Yours is of the trier of
23 facts. You're to sit there and listen to the evidence that's
24 presented to you and listen to witnesses and in the end
25 render a verdict on what you have heard. Okay?

1 Now, what special qualifications do you have to have?

2 The best qualifications are your life experiences and your
3 common sense. Common sense is the one good thing that, if you
4 have it, you make a good juror.

5 Now, there's going to be different types of evidence
6 that's presented to you today. There'll be direct evidence
7 where you have a witness on the stand and they actually see
8 what's happened and you're going to have evidence that's
9 presented that's called circumstantial evidence. And
10 circumstantial evidence is something like, let's say if you
11 go to bed one night and when you go to bed you look outside
12 and everything is clear, nothing on the ground, anything like
13 that, but when you wake up the next morning, there's snow on
14 the ground. Circumstantially, you know that from the time you
15 went to bed until the time you got up, it snowed that night.
16 That's circumstantial evidence. And you're going to hear both
17 those types of evidence in this case, ladies and gentlemen.
18 Just know that -- always keep in the back of your mind, the
19 reasonable doubt threshold and the building of the structure
20 and you're going to be able to hear all that evidence.

21 The State contends that when we present that evidence to
22 you, that will convince you beyond a reasonable doubt that
23 that man sitting at that table, O'Bryan Copeland, is guilty
24 of armed robbery. He's guilty of conspiracy. He's guilty of
25 possession of a weapon during the commission of a violent

1 crime and he's guilty of assault with intent to kill.

2 Well, what is armed robbery? You know, I mean, that's a
3 pretty easy, you know, I guess, set forth, type of crime.
4 And the Judge will instruct you on it. But armed robbery is
5 when a person who commits robbery while armed with a pistol,
6 a dirk, whatever a dirk is, I don't know what a dirk is, but
7 a slingshot, metal knuckles, razor, or other deadly weapon
8 while alleging, either by actual words that they were armed
9 while using the representation of a deadly weapon or an
10 object which a person presents during the commission of the
11 robbery reasonably believed to be a deadly weapon, but we're
12 not going to have to worry about this. I mean, a gun shot,
13 bullets -- well, a bullet was flying. If they do that,
14 they're guilty of armed robbery.

15 Now, conspiracy. Conspiracy is defined as a combination
16 between two or more people for the purpose of accomplishing
17 an unlawful objective or a lawful objective by unlawful
18 means. So I could either, with another person, go out and
19 commit a crime that's against the law by doing it or I can do
20 something illegal trying to get to something legal. Okay.
21 Then you've got possession of a weapon during the commission
22 of a violent crime, that's just if I commit a violent crime,
23 like an armed robbery and I'm using a deadly weapon during
24 the commission of that crime, I'm guilty of that as well.

25 Then, assault with intent to kill. An assault with

1 intent to kill is when you put a person in fear of their life
2 and you have the malice aforethought to kill that person.

3 And malice aforethought means that when you have a hatred in
4 your heart, you're a deprived person, wickedness. And it can
5 just exist for a split second. It doesn't have to exist for a
6 long period of time, but that's assault with intent to kill.

7 Again, beyond a reasonable doubt, not a shadow of a
8 doubt. That's all you have to have to find to find somebody
9 guilty. Now, the Defense is going to tell you that, "I didn't
10 go into that store. I didn't point the gun. I didn't shoot
11 it. I didn't rob Christine Grant. It was the other guy,
12 Stanley Jones, that did it." Now, ladies and gentlemen, you
13 know what? It don't matter. In the end, it does not matter.
14 The State contends that that's what the evidence shows, but
15 it doesn't matter. You know why? And the Judge will instruct
16 you on this. They had a plan to rob this store and under
17 South Carolina law there is a law of what we call the hand of
18 one is the hand of all and the Judge will instruct you on
19 that. And if two people have a plan to do something that's
20 illegal, it don't matter if I'm sitting in the car or what,
21 if my partner goes in and robs the place and shoots up the
22 place, I'm guilty just like he is. I'm guilty just like he
23 is. So don't get caught up in, well, was it this guy that did
24 the shooting or went in the store or was it the other guy
25 that did the shooting. It's not going to matter, ladies and

1 gentlemen, in the end. The State thinks we've got the
2 evidence to prove to you that O'Bryan Copeland went in. We're
3 confident that evidence will show that. But in the end, it's
4 not going to really matter. It's not going to matter at all.

5 Just remember, use your common sense. Don't get smoke-
6 screened by something that's not important in this case. Keep
7 your eyes and your vision focused on the evidence and the
8 elements of the crime. If you do that, the State's confident
9 that in the end we will have proven to you beyond a
10 reasonable doubt that that man, O'Bryan Copeland, went in
11 that store, shot at the clerk, Christine Grant, made her get
12 up off of the ground after she fell down, cowering, made her
13 go get the money and took that money out of the store. Thank
14 you very much.

15 THE COURT: Mr. St. Pierre, do you wish to make an
16 opening statement?

17 MR. ST. PIERRE: Yes, I do, Your Honor. If it pleases the
18 Court.

19 THE COURT: Yes, sir.

20 MR. ST. PIERRE: Mr. Fleming, I, again, apologize for
21 interrupting earlier.

22 OPENING STATEMENT

23 BY MR. ST. PIERRE:

24 Good afternoon, ladies and gentlemen. I just want to
25 start off and say we're asking you to use common sense,

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1 just like Mr. Fleming said. And common sense will tell you
2 that what Mr. Fleming just said is, they don't know what
3 happened that night. He's saying if he did shoot at the
4 clerk, he's guilty, but if he didn't shoot at the clerk, he's
5 guilty, too. Ladies and gentlemen, that's reasonable doubt,
6 okay?

7 He also mentioned something to you about building a
8 house. Well, this house is a house of cards, okay? This house
9 is about an incomplete investigation. We're going to ask you,
10 my client, Mr. Copeland, is going to ask you to use common
11 sense and science, scientific evidence, and weigh that
12 against a liar that is enticed to testify against my client.
13 "If I'm going down, you're going down with me." Well, ladies
14 and gentlemen, put that up against science, okay?

15 I want you to think about reasonable doubt. Think of a
16 lightbulb in your head, full force, and then think about when
17 that lightbulb starts flickering. That's reasonable doubt.
18 And ladies and gentlemen, there's going to be plenty of
19 reasonable doubt in this case and in the end, I'm confident
20 you'll come back with a verdict of not guilty. Thank you.

21 THE COURT: Is the State ready with its first witness?

22 MR. FLEMING: Yes, sir, Your Honor, we are. The State
23 would call Christine Grant to the stand.

24 (After being duly sworn by the Clerk of Court,

25 **CHRISTINE GRANT** testified as follows:)

1 MR. FLEMING: May it please the Court, Your Honor.

2 THE COURT: Yes, sir.

3 MR. FLEMING: Thank you.

4 DIRECT EXAMINATION

5 BY MR. FLEMING:

6 Q Would you state your full name for the record, please,
7 ma'am?

8 A Andrea Christine Grant.

9 Q Are you nervous, Ms. Grant?

10 A Yes.

11 Q I know you are. It's nervous being up there. It's nerve
12 racking being up there, I know. Ms. Grant, where do you
13 live?

14 A [REDACTED] in Clinton.

15 Q Okay. If you can, just pull that mic just a little
16 closer to you so everybody can hear you, okay?

17 A Okay.

18 Q So you live in Clinton now, huh?

19 A Yes, sir.

20 Q And how long have you been living there?

21 A About two-and-a-half months.

22 Q Two-and-a-half months. Where did you live prior to that?

23 A [REDACTED] in Laurens.

24 Q Okay. And how long did you live there?

25 A Almost five years.

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- 1 Q Five years, okay. Where do you work at now?
- 2 A For Emmet McDaniels at his ABC store.
- 3 Q Okay. Is that here in Laurens?
- 4 A Yes, sir.
- 5 Q Okay. And how long have you been working there?
- 6 A Ever since January 29th, I think.
- 7 Q January the 29th of 2010?
- 8 A Ten, yes, sir.
- 9 Q Okay. And where did you work at prior to Mr. McDaniels'
- 10 store?
- 11 A J&K on North Harper Street.
- 12 Q Okay. That's the Corner Stop here, the Citgo?
- 13 A Yes, sir.
- 14 Q Okay. And how long did you work there?
- 15 A Four years, altogether.
- 16 Q Four years?
- 17 A Yes, sir.
- 18 Q And what were your duties working at the Citgo?
- 19 A Cashier, first, second, and third shift.
- 20 Q Okay.
- 21 A I worked all shifts.
- 22 Q Did you work all the shifts?
- 23 A Yes, sir.
- 24 Q Okay. Now, how old are you?
- 25 A I am thirty-eight next Monday.

- 1 Q Thirty-eight?
- 2 A Yes, sir.
- 3 Q And how far did you get in school?
- 4 A Tenth grade.
- 5 Q Okay. And On July the 7th of 2009, what shift were you
- 6 working?
- 7 A Third.
- 8 Q You were working third shift?
- 9 A Yes, sir.
- 10 Q Okay. What time did that correlate to? What time did you
- 11 go in, what time did you get off?
- 12 A Third shift, I went in -- they told me to come in,
- 13 because it was only me and the two store owners and if
- 14 they didn't want to work, I worked extra hours. So,
- 15 probably about 7:30, 8:00, or 9:00.
- 16 Q So, you went in at 7:30, 8:00, maybe 9:00, that night?
- 17 A Yes, I did.
- 18 Q Okay. And what time would you have normally gotten off?
- 19 A Eight o'clock the next morning.
- 20 Q Eight o'clock the next morning. That's a long shift.
- 21 A I know. I mean, the store was my home away from home.
- 22 Q Yeah. Okay. And on July the 7th of 2009, were you
- 23 working there by yourself?
- 24 A Yes, sir.
- 25 Q Okay. And you stated that your duties was cashier. Was

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1 that all you did?

2 A I mopped the floors, I stocked the coolers. I mean, I
3 just had fun. It was a regular job. We just had fun.

4 Q Okay. Now, where did you work prior to Citgo?

5 A I worked at Star Lane.

6 Q Okay. And was Citgo the first convenience store job that
7 you ever had?

8 A No, sir.

9 Q Okay. Where did you work at prior to Citgo?

10 A I was at Citgo in Clinton.

11 Q Now, on July the 7th of 2009, was that the first time
12 that you were ever robbed?

13 A Yes, sir.

14 Q Okay. Could you tell this jury exactly what happened
15 that evening?

16 A On that particular night, me and my husband was outside.
17 And by the time -- he always came to the third shift to
18 visit me and so I went inside the store to start
19 sweeping out. As I was mopping the floor, I seen someone
20 coming in the store and going behind the counter and
21 couldn't really see who it was and I asked him what are
22 you doing here this late. I thought it was the store
23 owners because they always came in any time of night.
24 Whenever they had an argument, they would come in. And
25 so when I said that, the dude shot at me. He shot at me,

1 I hit, I laid down on the floor and all I remember is
2 him running around the corner and telling me to get up.
3 Get up. Get up. And I told him I would, to give me time,
4 and I just noticed his shoes were just black and white
5 and I followed -- I got up in front of him and I walked
6 around to the front of the counter. He was pointing a
7 gun at me telling me to give him the money. Give me the
8 money. Don't make me shoot me. And I told him to give me
9 time, I was going to give him the money. When I gave him
10 the money, he ran out the door and I turned back towards
11 the counter so I couldn't see them anymore and I picked
12 up the phone and dialed 911. We had a cabinet right
13 behind, right behind me from the register, and I went
14 back and dialed 911 and I stayed inside the store until
15 the police came.

16 Q Okay. Now, let's go back a little bit. We're going to
17 talk about, you were shot at and you hit the floor, you
18 said. Is that correct?

19 A Yes, sir.

20 Q Okay. Did you see what he was doing prior to shooting
21 the gun?

22 A The only thing I seen was when he went around the
23 corner, he came back and we had little crates behind the
24 counter top, and he was standing on top of the crates.
25 And I said, what are you doing on there. I said, what

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1 are you doing? That's when he shot at me so I hit the
2 floor. So, I didn't see what he was doing. All I know
3 is, he went around the counter.

4 Q Okay. When he shot at you, did you see the gun pointed
5 at you?

6 A I just, I just heard it. I didn't see it. I just heard
7 it and then I hit the floor and when he come around that
8 corner, he said if you move, I'm going to shoot you.
9 And I told him, don't shoot me. I have to have, give me
10 time to get up.

11 Q All right. Well, how far did the bullet hit away from
12 you?

13 A It was not that far because we had a Pepsi display and
14 right behind the Pepsi display it was a another display
15 and they also found the bullet itself went through the
16 Pepsi display and then it landed in front of the potato
17 chip display and I was right, standing right there in
18 front of the potato chips.

19 Q Okay. Well, when you say not far, five feet?

20 A No, it was closer.

21 Q Two?

22 A It was like this. (Indicating) Maybe one-and-a-half, two
23 feet, maybe not even that far, because I was standing
24 right there in front of the rack.

25 Q You hit the floor?

1 A I hit the floor.

2 Q How did you feel at that time?

3 A Scared. Terrified. I mean, I thought he was going to
4 kill me, honestly, that he was going to kill me, because
5 he walked around there and I ain't never been robbed
6 before.

7 Q Okay.

8 A I'd never been put in that situation before.

9 Q So you stayed -- you're on the floor and he walks
10 around?

11 A Yes, sir.

12 Q Okay. Does he walk to you coming from behind you or did
13 he walk to you coming in front of you?

14 A In front of me.

15 Q Okay. And I think you testified that at that time he
16 told you to get up?

17 A Yes, sir.

18 Q Or he was going to shoot you?

19 A Yes, sir. He said, don't make me shoot you. And I told
20 him to give me time. I have a bad knee and I got up and
21 walked in front, around the counter to behind the
22 counter, and gave him a bag of money. He was pointing
23 the gun at me and said, don't make me shoot you. Hurry
24 up.

25 Q Okay. When you were outside with your husband before the

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1 robbery took place -- you said you were out there
2 talking to him. Is that correct?

3 A Yes, sir.

4 Q Okay. Where were y'all standing at talking to each
5 other?

6 A In front of the store.

7 Q Okay. Was he still in his vehicle or ---

8 A No, he was standing outside the truck.

9 Q Okay. Was he working at the time?

10 A No, sir. My husband, he draws worker's comp, and I had
11 two young babies.

12 Q Okay. When he came around there after he had shot at
13 you, did you get a look at his face or anything?

14 A I wasn't paying attention, no, sir, not really. I was
15 trying to get him in and out so I could just leave
16 alive. I didn't want to lose my life over something that
17 didn't belong to me.

18 Q Okay.

19 A I didn't want to -- I didn't really want to be there. I
20 just blocked everything out.

21 Q After you got up and went over to the counter, from the
22 time you got up and went over to the counter, did you
23 get a look at him then?

24 A I mean, not really. I mean, the only thing, I kept my
25 head down the whole entire time. The only thing I can

1 say was he was about a hundred and seventy, a hundred
2 and eighty pounds. He was medium height. That's all I
3 can -- that's all I can remember. Actually, everything
4 else, I blocked out.

5 Q Okay. Well, what about on his face?

6 A He had on a black and white bandanna, wrapped around,
7 all around him, except for right there. (Indicating)
8 That's what -- I mean, I knew he had a gun. That was it.
9 And the only way I can remember that is because he
10 kneeled down in front of me and he was on top of the
11 crates and I had to see that part of his face, just to
12 give him the money and stuff from out the register.

13 Q Okay. Now, what about video cameras in the store. Were
14 there video cameras?

15 A She said they had them, but after this happened they
16 told me they wasn't working.

17 Q So there were video cameras there, but they weren't
18 working the night this happened?

19 A Yes, sir.

20 Q Okay. So what did you do after you got back around the
21 counter?

22 A He told me to give him the money. I went back behind the
23 counter, and I told him -- I walked right past him and I
24 had all the money, all my money in a brown bag and I
25 gave him the brown bag from behind the counter. He said

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1 give me the money, just give me the register and he
2 wanted all the money that was in both the registers. He
3 said, "Give me the money from the drawer." I said,
4 "Well, there's nothing but change. Do you want change?"
5 And he looked down and he didn't take the change, he
6 just wanted bills.

7 Q Okay. So, there were two different places that you kept
8 the money?

9 A Yes, sir.

10 Q And you said one you kept in a brown bag?

11 A Yes, sir.

12 MR. FLEMING: I beg the Court's indulgence for one
13 minute, Your Honor.

14 THE COURT: Yes, sir.

15 Q Ms. Grant, let me show you some photographs here. Tell
16 the jury what that's a photograph of.

17 A J&K.

18 Q That's the front of the store?

19 A Yes, sir.

20 Q On the outside?

21 A Yes, sir. The front side.

22 Q Okay.

23 COURT REPORTER: What exhibit number is that, please?

24 MR. FLEMING: Yes, that's State's Exhibit #8.

25 THE COURT: Have those been marked?

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1 MR. FLEMING: She's marked them, Your Honor.

2 THE COURT: Okay. When you refer to one, just for the
3 record, would you mind giving us the number?

4 MR. FLEMING: Yes, sir.

5 Q I'll show you State's Exhibit #1. Could you tell us what
6 that is.

7 A That's the front side of the counter when you first walk
8 in and to the right.

9 Q Okay. This is the counter here?

10 A Yes, sir.

11 Q And there's a cigarette display in the back?

12 A Yes, sir.

13 Q Okay. And this is State's Exhibit #2.

14 A That's the beer cooler.

15 Q Okay. All right. And this is ---

16 A That's when you first walk in the door. That's the
17 display and cooler.

18 Q The cooler is right here?

19 A Yes, sir.

20 Q And were you mopping over near the cooler?

21 A I was mopping right there. Right there on the corner
22 where the clock is at. I'd got, like, up under the
23 clock.

24 Q That one?

25 A Yes, sir. And that's the register and that's the money

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1 that was, I think it was the money that was left.

2 Q Okay.

3 THE COURT: What exhibit number?

4 MR. FLEMING: I'm sorry, Your Honor. It's State's
5 Exhibit #3.

6 Q All that appears to be one dollar bills?

7 A Yes, sir.

8 Q State's Exhibit #4. I think it's about the same thing.
9 Is that the same?

10 A Yes, sir.

11 Q Okay.

12 A That's behind the counter up on top of the crates.

13 Q So, right here?

14 A Those are crates.

15 Q There are crates underneath here?

16 A Yes, sir. Pepsi display crates.

17 Q Okay. And where did you -- can you see, approximately,
18 the location where you kept the money in the bag?

19 A If you go down to the edge of the last crate, all the
20 way down to the end and right there it's a little drop
21 down and the money was behind the cigarette rack. It's a
22 little walkway back there.

23 Q Okay. So, back in there, you keep a bag of money?

24 A Yes, sir.

25 Q Is that how they do it on every shift?

1 A That's how I do it, because I didn't have access to the
2 safe, and usually, about 3:30, 4:00, I switched over for
3 first shift.

4 Q Okay.

5 MR. FLEMING: I'm sorry. That last one was State's
6 Exhibit #5.

7 Q And this is State's Exhibit #6. Can you tell the jury
8 what we're looking at there.

9 A You're looking at the third row, I think, with the Pepsi
10 display.

11 Q All right. And you were over this way?

12 A I was on -- yes, sir.

13 Q Okay.

14 A And that is the Pepsi display, the chips display right
15 behind the Pepsi display.

16 Q And you're saying you were right in this area?

17 A I was right where you first, right there at the second
18 or third door. I was at the third door.

19 Q Okay. So you were on down this way?

20 A Yes, sir.

21 Q Okay. Now, to State's Exhibit #7. Are those, are all
22 those pictures a fair representation of what that store
23 looks like on the outside and the inside?

24 A Yes, sir.

25 MR. FLEMING: Your Honor, I'd like to -- the State would

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1 move to have these photos placed into evidence at this time.

2 THE COURT: Any objection?

3 MR. ST. PIERRE: Without objection.

4 THE COURT: Okay. Admitted without objection. That's
5 numbers 1 through 7?

6 MR. FLEMING: I think it's 1 through 8, Your Honor.

7 THE COURT: All right, 1 through 8.

8 (Whereupon, eight photographs are entered into evidence
9 as State's Exhibits #1, #2, #3, #4, #5, #6, #7, and #8,
10 without objection)

11 Q Let's go back prior to the robbery. You were outside
12 talking to your husband.

13 A Yes.

14 Q I think that's what you testified to?

15 A Yes.

16 Q And you and he were out in the parking lot talking?

17 A Yes, sir.

18 Q Did you see, did you notice any vehicles driving by at
19 that point in time?

20 A Actually, I wasn't -- when I been outside with my
21 husband, if they come inside the parking lot, I usually
22 go inside the store. When they leave, I walk back out
23 the store. My husband, he's more observant than I am.
24 He pays attention to everything. He noticed the car go
25 up and down the road.

1 MR. ST. PIERRE: Objection, Your Honor.

2 THE COURT: Sustained.

3 Q Without going into anything to what somebody else said,
4 did you notice a vehicle going up and down the road?

5 A No, sir.

6 Q Okay. What kind of effect has this had on you?

7 A It has terrified me. It really has messed me up. I was a
8 friendly person, an outgoing person. I mean, I loved to
9 be going places being with other people outside of my
10 family. Since this happened, I don't do anything. I stay
11 at home. I go to work and go home. I used to talk to
12 everybody that come in the store. I don't talk to
13 anybody now. I pulled all my eyelashes out. Top
14 eyelashes, I don't have any. I pulled them out. My
15 nerves are bad. And after this happened, I went back to
16 work because they said they was going to get someone. I
17 went back to work. We had milk crates and I sat on top
18 of them crates. In the back of the corner where you see
19 -- when you walk into the store, I can see you. You
20 can't see me, but I always spoke so that they knew I was
21 there. My job now, I do the same thing. I sit back in
22 the back in the second storage room, in the dark. I can
23 see people come in the store before they see me and I
24 always speak. I'm not as friendly as I used to be. I
25 mean, I'm not as outgoing.

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1 Q Do you have an idea of about how much money was taken?

2 A If I'm not mistaken, it was -- I think they said it was
3 over a thousand.

4 MR. ST. PIERRE: Objection, Your Honor. They said.

5 A The store owners. I'm sorry.

6 THE COURT: Just one second. I sustain the objection.

7 And you can't say what somebody else told you, okay?

8 MS. GRANT: Okay. I won't.

9 THE COURT: And ladies and gentlemen, you're to disregard
10 what any third party might have said to her, please.

11 Q The money that you got from near the cigarette display
12 there, that was in the paper bag, I think is what you
13 testified to?

14 A Yes, sir.

15 Q Was that the only money that you gave the robber at that
16 point in time?

17 A Yes, sir. And what was in the register tills.

18 Q The bag and the register tills?

19 A Yes, sir.

20 Q Okay. So, where did you put the money out of the
21 register tills?

22 A Inside the bag.

23 Q Inside the bag with the other money?

24 A Yes, sir.

25 Q Okay. What kind of bag was that?

1 A It was a brown paper bag.

2 MR. FLEMING: I beg the Court's indulgence, Your Honor,
3 for a minute?

4 THE COURT: Yes, sir.

5 Q The vehicle that your husband was in that night, what
6 kind of vehicle was that?

7 A It was a blue and gray 4x4 Chevy truck.

8 Q And do you recall that night when you made the 911 call,
9 what did you tell them? Do you recall what you told the
10 dispatcher?

11 A No, other than I just got robbed.

12 Q Do you recall about what time that was?

13 A It was after 1:00, going on 2:00, because that's usually
14 the time I go in the store to mop the floors.

15 Q Okay.

16 MR. FLEMING: That's all the questions I have, Your
17 Honor.

18 THE COURT: Okay. Ladies and gentlemen of the jury, we've
19 been going about an hour-and-a-half. I think it's a good time
20 for us to take an afternoon break. So, if you would retire
21 back to your jury room for about ten minutes, then we'll
22 resume with cross examination. Okay?

23 (Jury out at 3:25 PM)

24 THE COURT: All right. Ms. Grant, you can step down and
25 excuse yourself and do what you need to do, but you can't

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1 talk about your testimony to anybody. We'll be in recess for
2 ten minutes.

3 (BRIEF RECESS)

4 THE COURT: Anything from the State?

5 MR. FLEMING: No, sir, nothing from the State, Your
6 Honor, other than getting the witness back in from outside.

7 THE COURT: Okay. Mr. St. Pierre, anything from the
8 Defense?

9 MR. ST. PIERRE: Nothing, Your Honor.

10 THE COURT: Thank you very much. Ms. Grant, would you
11 come back around to the witness stand, please ma'am?

12 MS. GRANT: (Complies)

13 THE COURT: Would you bring them in?

14 (Jury in at 3:42 PM)

15 THE BAILIFF: All present, Your Honor.

16 THE COURT: Thank you, Mr. Bolt. Mr. St. Pierre, are you
17 ready for cross examination?

18 MR. ST. PIERRE: Yes, sir. If it please the Court.

19 CROSS EXAMINATION

20 BY MR. ST. PIERRE:

21 Q Good afternoon, Ms. Grant.

22 A Good afternoon.

23 Q You testified earlier that you didn't see a gun. You
24 just heard, you heard a noise?

25 A I heard a noise, first. I heard a noise, first, and then

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1 when he got up on me, I saw what he had pointed at me.

2 He was telling me to get up off the floor.

3 Q Okay.

4 A And then I went around to the front. When I went around
5 to the front of the counter to give him the money out of
6 the bag, he kneeled in front of me on the floor, pointed
7 the gun up and down and telling me to hurry up and don't
8 make me shoot, don't make me shoot you.

9 Q And the description that you gave was a man wearing all
10 black with a black bandana and black shoes. Is that
11 right?

12 A That's what the 911 description says that's what I said.
13 I don't remember. I blanked everything out.

14 Q I'm sorry?

15 A I blanked everything out. Honestly, I don't remember
16 anything about that, from that moment until they called
17 me, when the police came to the store. Friday, I had
18 blocked, not Friday, but Thursday. I have blocked
19 everything out. I don't remember any of it. I blocked
20 everything out.

21 Q All right. Well, I can show you a statement that -- do
22 you remember writing a statement?

23 A Yes, sir.

24 Q Okay. Maybe that would refresh your memory. I actually
25 have it highlighted at the very bottom and you said the

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1 person who robbed you was wearing all black, with a
2 black bandana and black shoes with white soles, right?

3 A Yeah.

4 Q Okay. I'll take that back. Thank you. Now, you also
5 testified that that was the first time you'd been
6 robbed, right?

7 A Yes, sir.

8 Q And do you have any personal knowledge of that store
9 being robbed prior to this?

10 A Yes, sir, but it hadn't been robbed since I'd been
11 there. I mean, I wasn't afraid. That was my home away
12 from home. I was there most all the time.

13 Q Okay. So, it had been robbed before this incident?

14 A Yes, sir.

15 Q Now, let me ask you, did any of the police officers
16 involved show you a lineup?

17 A No, sir.

18 Q Okay. There was only one person in that store other than
19 you at the time, right?

20 A Yes, sir.

21 MR. ST. PIERRE: No further questions.

22 THE COURT: Any redirect?

23 MR. FLEMING: I beg the Court's indulgence.

24 REDIRECT EXAMINATION

25 BY MR. FLEMING:

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1 Q There's one question that I have. When you talked to the
2 police, did you tell them the person who robbed you was
3 wearing a bandana?

4 A Yes, sir. I mean, I didn't see -- the only thing I seen
5 was his face covered up. So, I'm assuming it was a
6 bandana. It might have been something else, but I'm
7 assuming it was a bandana, because all I seen was his
8 face covered up right to here. (Indicating)

9 Q Okay.

10 A That's all I can remember. Honestly, that's all I can
11 remember. I don't remember anything else.

12 MR. FLEMING: No further questions, Your Honor.

13 RE-CROSS EXAMINATION

14 BY MR. ST. PIERRE:

15 Q And his face was covered up. Do you remember saying...

16 MR. ST. PIERRE: I'll withdraw the question.

17 THE COURT: May this witness be excused?

18 MR. FLEMING: Yes, sir, Your Honor.

19 THE COURT: Mr. St. Pierre?

20 MR. ST. PIERRE: Yes, sir.

21 THE COURT: Thank you, ma'am. You may be excused. Call
22 your next witness, please, sir.

23 MR. FLEMING: Yes, sir, Your Honor. I beg the Court's
24 indulgence for one second.

25 Your Honor, we would call Sandra Bragg to the stand.

DIRECT EXAMINATION OF SANDRA BRAGG BY MR. FLEMING

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1 MR. ST. PIERRE: Your Honor, can we approach? May we
2 approach?

3 THE COURT: Yes, sir.

4 (Bench conference off the record)

5 THE COURT: Before we go further, I need to ask each and
6 every one of you a question because this information was
7 brought up to me. If you'll recall at the beginning of the
8 trial, I gave you questions about your knowledge of potential
9 witnesses. It's just been identified to me that this is a
10 witness that has not been asked of you. So, I'm going to ask
11 of you now, do any of you know a Sandra Bragg?

12 JUROR: (One affirmative response).

13 THE COURT: And before you go on, I'm going to stop you
14 there and the question is, do you have a close, personal, or
15 social relationship with Sandra Bragg or have you ever been
16 related to her by blood or marriage?

17 JUROR: (Affirmative response).

18 THE COURT: Okay. Anyone else on the jury? (No response)
19 Okay. Now, would the fact that -- are you related or just a
20 friend of hers?

21 THE JUROR: She is my father-in-law's sister-in-law.

22 THE COURT: Your father-in-law's sister-in-law. Okay.
23 Would the fact that Ms. Bragg is your father-in-law's sister-
24 in-law prevent you from being fair and impartial to both the
25 State and to the Defendant?

DIRECT EXAMINATION OF SANDRA BRAGG BY MR. FLEMING

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1 THE JUROR: No, sir.

2 THE COURT: Okay. Anything from the Defense, Mr. St.
3 Pierre?

4 MR. ST. PIERRE: No, I'm fine.

5 THE COURT: Okay. Thank you very much. Go ahead and call
6 Ms. Bragg.

7 MR. FLEMING: Thank you, Your Honor. We would call Sandra
8 Bragg to the stand.

9 (After being duly sworn by the Clerk of Court,

10 **SANDRA BRAGG** testified as follows:)

11 MR. FLEMING: May it please the Court, Your Honor?

12 THE COURT: Yes, sir.

13 DIRECT EXAMINATION

14 BY MR. FLEMING:

15 Q Would you state your full name for the record, please,
16 ma'am?

17 A Sandra Bragg.

18 Q Okay. And where do you work, Ms. Bragg?

19 A I work at Laurens County 911.

20 Q Okay. And how long have you worked there?

21 A Seventeen years.

22 Q Okay. And what are your duties there?

23 A I'm the administrative assistant to the 911 director.

24 Q Okay. And as an assistant to the director, what are some
25 of your duties that you perform?

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DIRECT EXAMINATION OF SANDRA BRAGG BY MR. FLEMING

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1 A We maintain all records regarding telephone calls that
2 come into the 911 center that are recorded. We maintain
3 all the records, what we call CAD, Computer Aided
4 Dispatch, records. We do addressing, we do a host of
5 other things.

6 Q Okay. So a part of your duties is to keep records of all
7 calls that come in to 911. Is that correct?

8 A That's correct.

9 Q Okay. And are those records kept in the regular course
10 of business of Laurens County 911?

11 A That's correct.

12 Q Okay. And did you have a chance to keep a, well, a
13 couple of records, one record in particular that
14 happened on July the 7th of 2009, concerning an armed
15 robbery at the Corner Stop on North Harper Street?

16 A Yes, sir, I did.

17 Q Okay. And let me show you this, is that a true and
18 accurate copy of the CAD that came from the Laurens
19 County 911? Can you look at it and tell me?

20 A It is, yes, sir.

21 Q Okay.

22 MR. FLEMING: Your Honor, we would like to move into
23 evidence at this time the Laurens County 911 of the armed
24 robbery that occurred 7/7/2009.

25 THE COURT: Any objection?

1 MR. ST. PIERRE: None, Your Honor.

2 THE COURT: Okay. What exhibit number is that? Is that
3 #9?

4 COURT REPORTER: Yes, sir.

5 (Whereupon, a 911 CAD record is entered into evidence as
6 State's Exhibit #9, without objection)

7 Q And do you have a copy of this, as well?

8 A I do.

9 Q Okay. Could you tell this jury what time did the call
10 come in reporting that armed robbery?

11 A The call came in at approximately 01:58 AM on July the
12 7th, 2009.

13 Q Okay. And what were the original dispatch remarks made
14 to 911 in that call?

15 A The dispatcher noted that per the caller she had just
16 gotten robbed by a black male wearing all black, medium
17 height and build, one hundred and eighty to one ninety
18 pounds, black pistol, shot at the complainant once,
19 unknown direction of travel or if in a vehicle or on
20 foot, demanded she give him the money and that it was at
21 the Citgo store.

22 Q Okay. Now, did 911 further receive a call concerning a
23 wreck on Mill Street that evening, on 7/7/2009?

24 A That's correct.

25 Q And is this a true and accurate copy of that CAD?

DIRECT EXAMINATION OF SANDRA BRAGG BY MR. FLEMING

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1 A It is.

2 Q Okay. And just for the jury's knowledge, what does CAD
3 stand for?

4 A CAD stands for Computer Aided Dispatch. When a call
5 comes in to a 911 center, it automatically displays the
6 address, the name the telephone is listed in, the
7 telephone number, responding units for that particular
8 phone number, and it's automatically noted what they're
9 dispatching.

10 Q Okay.

11 MR. FLEMING: Your Honor, we would move to have this CAD
12 report moved into evidence at this time, Judge.

13 THE COURT: Any objection, Mr. St. Pierre?

14 MR. ST. PIERRE: None, Your Honor.

15 THE COURT: Okay. Is that #10?

16 COURT REPORTER: Yes, sir.

17 THE COURT: Admitted, without objection.

18 (Whereupon, a 911 CAD report is entered into evidence
19 as State's Exhibit #10, without objection)

20 Q And could you tell the jury what was the original
21 dispatch remarks on that?

22 A Per Highway Patrol, vehicle had hit a telephone pole
23 that was possibly related to CAD Number 40445, which was
24 the previous information we just read. And the car, the
25 gas was leaking everywhere.

1 Q So Cad 40445, is referring to the CAD of the armed
2 robbery. Correct?

3 A Correct.

4 Q Okay. And what kind of car was that? Is that detail in
5 the CAD report?

6 A It did. They gave the tag, E-Echo, M-Mike, T-Tango; 977.
7 It's a 1998 Ford four-door Crown Vic. It came back to an
8 O'Bryan Exxidice Copeland, [REDACTED] Laurens.

9 Q Okay. Were any more remarks on there?

10 A They also ran an ID Number, would you like for me to
11 give that information?

12 Q No. Go on down to where it's talking about, at the very
13 end, the car was called in.

14 A This car called in as stolen by the owner after the car
15 was found wrecked with no one around it and it also
16 references another CAD 40448, which is where the vehicle
17 owner called in to report a vehicle stolen.

18 Q Okay. And was there a record of a tow truck called for
19 that accident?

20 A There was. Mike's.

21 Q Mike's Towing?

22 A Mike's Towing was called.

23 Q Okay. And a third CAD, was it received that night
24 concerning the vehicle theft, and that would be CAD
25 40488 -- 448, excuse me?

DIRECT EXAMINATION OF SANDRA BRAGG BY MR. FLEMING

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1 A That's correct.

2 Q Okay. And is this a true and accurate copy of that CAD
3 generated by your office?

4 A That is correct.

5 MR. FLEMING: Your Honor, the State would move to submit
6 this into evidence at this time, this CAD.

7 MR. ST. PIERRE: No objection, Your Honor.

8 THE COURT: Admitted, without objection.

9 MR. FLEMING: That would be State's Exhibit #11.

10 (Whereupon, a second 911 CAD is entered into evidence as
11 State's Exhibit #11, without objection)

12 Q Okay. Let's look at that. Where did that call originate
13 from?

14 A The call originated from [REDACTED] in Laurens.

15 Q Okay. And what time did it come into the 911 facility?

16 A 02:27 AM.

17 Q Okay. So, approximately twenty-nine minutes after the
18 armed robbery was called in, the theft of the motor
19 vehicle was called in. Is that correct?

20 A Correct.

21 Q Okay. And what was the dispatch remarks on that call?

22 A Owner has reported his car stolen from this residence by
23 unknown subject. Complainant's girlfriend called in at
24 first but did not want to answer questions and kept
25 acting like she could not hear me. She put him on the

1 phone and he said he stopped by his girlfriend's house
2 to speak to her and left his car running, said he heard
3 it speed off and saw it go to the right, but did not see
4 who was in it. Said that it is a green and black Ford
5 Crown Vic with a paper tag.

6 Q Okay. And are there any further remarks on there?

7 A They reference CAD Number 40446. This car was involved
8 in a wreck where the driver fled the scene just before
9 complainant called it in as stolen.

10 Q Okay. And what time did officers arrive on the scene
11 concerning the report of the stolen vehicle?

12 A They were dispatched at 02:29 and they were on scene --
13 they were dispatched at 02:29:19. They were on scene at
14 02:29:28.

15 Q Okay. Where do you see the 02 ---

16 A I'm sorry. It's 02:33:14, they were 10-23.

17 Q Okay. So, they arrived at [REDACTED] at 02:33:14.
18 Is that correct?

19 A That's correct.

20 Q And if you'll look down on that CAD, down at the bottom,
21 that's got L-26 down there.

22 A Uh-huh.

23 Q And what's the location or remark section, what does
24 that say?

25 A He said that he had a black male in investigative

CROSS EXAMINATION OF CHRISTINE GRANT BY MR. ST. PIERRE

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1 detention.

2 Q Okay.

3 MR. FLEMING: I beg the Court's indulgence for one
4 minute, Your Honor.

5 THE COURT: Yes, sir.

6 MR. FLEMING: I have no further questions at this time,
7 Your Honor.

8 THE COURT: Cross Examination.

9 MR. ST. PIERRE: Yes, sir, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. ST. PIERRE:

12 Q Good afternoon, Sandra. How are you?

13 A Fine.

14 Q I want to go over a few things with you, starting with
15 the armed robbery CAD.

16 A Uh-huh.

17 Q The original dispatch remarks, black male wearing all
18 black. Is that correct?

19 A Yes, sir.

20 Q Okay. Now if you go to the next page, 214. Who is 214?

21 A That's Lauren's County Sheriff's Officer Marty Crain.

22 Q 214 is -- I trust you know, you probably know all the
23 numbers, right?

24 A Some of them.

25 Q Okay. I'll be asking you a bunch of them, but Marty

1 Crain noted at 2:08:21, what did he note there?

2 A He passed a small dark-colored vehicle going at a high
3 rate of speed. Unsure if this is related in any way.

4 Q Okay. And L26, who is that?

5 A I'm not sure.

6 Q You're not sure. Could it be Dwight Craft?

7 A I'm not sure.

8 Q Unsure. Okay. What did L26 say at 2:23?

9 A He was out with a black male with blue shirt and blue
10 jeans.

11 Q Okay. And this is after the armed robbery had occurred
12 and it's on the same Computer Aided Dispatch as the
13 armed robbery. Correct?

14 A That's correct.

15 Q Then, let's see. Let's go to the accident with no
16 injuries. On the second page it looks like my client,
17 O'Bryan Copeland's, license and suspension status was
18 ran. Is that correct?

19 A That's correct.

20 Q Okay. And does it say whether or not he was allowed to
21 drive?

22 A (No verbal response).

23 Q Does it indicate one way or the other whether he would
24 be allowed to drive a car at night?

25 A This, according to the information learned, was an ID

CROSS EXAMINATION OF CHRISTINE GRANT BY MR. ST. PIERRE

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1 number that was run.

2 Q Okay.

3 A Not necessarily a driver's license.

4 Q Okay. So that came from an ID Card?

5 A That's correct.

6 Q Okay. And what time did that come from the ID Card?

7 A I'm sorry?

8 Q What time was that run? You may have to go back to that
9 first page.

10 A At 02:24 AM.

11 Q Okay. At 2:24 AM. Can you go to the narrative just ahead
12 of that, on top of that by R. Green at 2:22 AM?

13 A Yes. Uh-huh.

14 Q Never mind. I withdraw that question. Okay. Mr. Fleming
15 asked you about reading on that same report a narrative
16 by K. Meadows at 3:41 AM and that was that the car was
17 called in as stolen by the owner after the car was found
18 wrecked with no one around it. Is that correct?

19 A That's correct.

20 Q And that happened at 3:41 AM?

21 A That's correct.

22 Q All right.

23 MR. ST. PIERRE: If I may, I'll get it..

24 THE COURT: That's fine.

25 MR. ST. PIERRE: I've got a lot of note taking to do here

1 on these.

2 Q Okay. Let's go back to the armed robbery and I'm going
3 to ask you if you know -- I'm going to go down this list
4 of numbers on the far left column.

5 A Uh-huh.

6 Q LPD-1, what does that mean?

7 A When a call comes into the 911 center, we dispatch it to
8 the supervisor, the shift supervisor. We do not have
9 officers that have certain areas. So it was dispatched
10 to Laurens PD at 01:59:59.

11 Q And 01 is the chief?

12 A LPD-1 just means it was just given to the Laurens
13 Police, the supervisor.

14 Q I'm sorry. I guess I skipped around. I'm just trying to
15 decipher who's who here on these codes. L-1 would be the
16 chief, right?

17 A That's correct.

18 Q And L-5, would that be Riggot?

19 A No. I'm not sure.

20 Q Okay. You don't know them off the top of your head, do
21 you?

22 A No, sir, not the Laurens PD, I do not.

23 Q Then I'll stop that line of questioning.

24 MR. ST. PIERRE: No further questions, Your Honor.

25 THE COURT: Redirect?

DIRECT EXAMINATION OF DWIGHT CRAFT BY MR. FLEMING

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1 MR. FLEMING: Nothing on redirect, Your Honor.

2 THE COURT: May this witness be excused? Or did you say
3 you did have something? I'm sorry.

4 MR. FLEMING: No, sir, I didn't.

5 THE COURT: Okay. May this witness be excused?

6 MR. FLEMING: Yes, sir, Your Honor.

7 THE COURT: Mr. St. Pierre, do you have any objection to
8 Ms. Bragg being excused?

9 MR. ST. PIERRE: No objection, Your Honor.

10 THE COURT: Thank you very much. Do you have a witness
11 you can get done?

12 MR. FLEMING: That's what I was looking at, Your Honor.

13 THE COURT: Okay.

14 MR. FLEMING: I'm trying to think. We'd call, the State
15 would call Sergeant Dwight Craft to the stand, Your Honor.

16 THE BAILIFF: Sergeant who?

17 MR. FLEMING: Dwight Craft.

18 (After being duly sworn by the Clerk of Court,

19 **DWIGHT CRAFT** testified as follows:)

20 DIRECT EXAMINATION

21 BY MR. FLEMING:

22 Q Sergeant, could you state your full name for the record,
23 please, sir?

24 A Dwight O'Dell Craft.

25 Q Okay. And where do you work?

- 1 A I work for Laurens City Police Department.
- 2 Q Okay. And how long have you worked there, Officer Craft?
- 3 A Approximately, ten years.
- 4 Q Okay. And where did you work prior to Laurens Police
- 5 Department?
- 6 A I worked at the Walmart Distribution Center here in
- 7 Laurens prior to that.
- 8 Q Okay. Did you have any other law enforcement experience
- 9 prior to Laurens PD?
- 10 A No, sir.
- 11 Q Okay. What is the nature of your duties working with
- 12 Laurens PD?
- 13 A I'm a road sergeant with the Laurens City Police
- 14 Department.
- 15 Q And as a road sergeant, what do you do?
- 16 A Everything from routine patrol, call for service,
- 17 whatever presents itself while you're on shift.
- 18 Q And during your time as a police officer, have you ever
- 19 had a chance to assist in investigating armed robbery
- 20 cases?
- 21 A Yes, sir, quite often. We're the first ones there
- 22 usually, so....
- 23 Q So, about how many have you assisted in?
- 24 A Probably over ten years, probably twenty.
- 25 Q Okay. And as a result of your job, do you have any kind

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1 of special training or instruction?

2 A We've been to the Academy. As far as a supervisory
3 position, you go to the Academy for, what they call
4 Detective I, which gives you the basics of
5 investigations.

6 Q Okay. Now, were you working on the night of or in the
7 early morning of July the 7th, 2009?

8 A Yes, sir, I was.

9 Q Okay. And did you get a call concerning the armed
10 robbery or the wrecked vehicle or the call to, I think
11 it was Price Street, where the car was reported stolen?

12 A Yes, sir. Initially, we got a call for the armed robbery
13 on North Harper and while in route we heard an abandoned
14 car was in the area in reference to the armed robbery
15 and the wrecked vehicle was located on Mill Street.

16 Q Okay. And were you diverted to the wrecked vehicle?

17 A Well, actually, I was -- like I said, normally you ride
18 the neighborhood and make sure you don't see anybody on
19 foot. I was already in the area where the wrecked
20 vehicle was.

21 Q Okay. So, did you stop at the wrecked vehicle?

22 A Yes, sir.

23 Q And what did you do when you got to the scene of the
24 wrecked vehicle?

25 A Well, I got out and looked in the vehicle, trying to

1 find out who the car could belong to, that kind of
2 thing, make sure there wasn't anybody in the car. It
3 didn't appear to be, but just looked for some basic
4 identification on the vehicle and who the possible owner
5 could be at that time.

6 Q Okay. And were you the first one at the wrecked vehicle?

7 A No, sir. Actually, Trooper West from the South Carolina
8 Highway Patrol and Lieutenant Crain from the Laurens
9 County Sheriff's Department had actually found the
10 vehicle first.

11 Q Okay. So, what did you do? Again, what did you do when
12 you got out there?

13 A Like I say, the basic first thing you try to do is
14 trying to find some kind of identification to see who
15 owns the car and checking the vehicle and, of course,
16 checking the area around the vehicle.

17 Q Okay. And did you find anything to let you know who that
18 vehicle belonged to?

19 A Seems like there was maybe some paperwork, bill of sale,
20 a registration, something in the car, but the call in
21 reference to the car being stolen came out fairly
22 quickly after we located the car out there.

23 Q Okay. As far as the accident or the wreck was concerned,
24 did you make a determination of what happened as far as
25 the car wreck?

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1 A Yes, sir. It was pretty evident that the car had struck
2 a telephone pole, off to the side of Mill Street and had
3 done some pretty good damage to the car.

4 Q Okay. And what area of the car had damage, do you recall
5 that?

6 A I know the rear end, the rear end of the car, I think
7 had been moved and I want to say the quarter panel of
8 the vehicle. I'd have to refer to the accident report,
9 but I want to say that was the end of the damage on or
10 at least the worst damage was on that end.

11 Q Okay. And you may have said already, I just couldn't
12 remember. What street was this on?

13 A This was on Mill Street.

14 Q Okay. And how far away from the Corner Stop Store, the
15 Citgo Store on Harper Street, is that?

16 A I'm not sure of the exact, but I know it would be within
17 less than a mile of J&K.

18 Q Okay. Officer Craft, let me show you these photos here.

19 COURT REPORTER: You want me to mark them?

20 MR. FLEMING: Yeah. Let him just look at them first.

21 Q Is that an accurate depiction of what you observed as
22 far as the car, the condition of the car that evening at
23 the scene?

24 A Yes, sir. Like I told you, the rear end -- I knew the
25 rear end had been moved around or had hit the pole and

1 the damage to the pole was ---

2 Q Okay. Let me --

3 MR. FLEMING: Your Honor, we'd like to submit these as
4 State's Exhibits at this time.

5 THE COURT: Any objection, Mr. St. Pierre?

6 MR. ST. PIERRE: None, Your Honor.

7 THE COURT: How many photos is that?

8 MR. FLEMING: It would be State's Exhibits #12 through
9 #19, Your Honor.

10 THE COURT: Thank you, sir. Ladies and gentlemen, while
11 those are being marked, if at any time you hear the AC or the
12 heater coming on and off, if for any reason you can't hear
13 testimony, if you could just raise your hand, let me know so
14 I can make sure that you can hear.

15 (Whereupon, eight photographs are entered into evidence
16 as State's Exhibits #12, #13, #14, #15, #16, #17, #18, and
17 #19, without objection)

18 Q Officer Craft, could you tell the jury what's that a
19 photo of?

20 A That is a photo of a utility pole that's on the side of
21 Mill Street.

22 Q Okay. Is that the utility pole that it was determined
23 that the car hit?

24 A Yes, sir.

25 Q And like that?

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1 A Yes, sir, the same pole, a different view of the damage.

2 Q Okay.

3 COURT REPORTER: Which exhibit?

4 MR. FLEMING: I'm sorry. The second was Exhibit #12. The
5 first one was Exhibit #13.

6 Q I'm showing you State's Exhibit #18. Can you tell the
7 jury what that is?

8 A That is a picture of the vehicle, a Ford Crown Vic that
9 was involved in the collision on Mill Street and the
10 damage to the rear end and the quarter panel.

11 Q Okay. And do you recall, what's this here on the
12 pavement?

13 A I can't recall if that was from the rear end or if that
14 was the, some gas coming out of it that night, because
15 it's right -- where it hit is right there on the gas.

16 Q Okay. But some fluid?

17 A It was liquid coming from the vehicle, yes, sir.

18 Q Okay. And that?

19 A It's going to be a different view of the same damage to
20 the same vehicle.

21 Q This damage was on the driver's side. Correct?

22 A Yes, sir.

23 (Mr. Fleming publishes State's Exhibit #17)

24 A Just an up close view of the rim ---

25 Q Okay.

1 A --- where it made impact.

2 COURT REPORTER: What number is that?

3 MR. FLEMING: I'm sorry, #17. The one prior was #19.

4 Prior to that was #18. I'm sorry.

5 Q State's Exhibit #14?

6 A That's going to be the passenger side of the vehicle.

7 You can see some of the -- mostly in there you can see
8 some of the skid marks where the vehicle turned and
9 twist in the road.

10 Q And #15, I think, is just another view of that. Is that
11 correct?

12 A Yes, sir.

13 Q And then #16?

14 A That's just a close up of the rear quarter panel with
15 the trunk open.

16 Q Okay. Now, was there anyone at the scene of the wreck
17 that said that that vehicle belonged to them at that
18 time?

19 A No, sir. There was no one on the scene at Mill Street
20 that claimed ownership.

21 Q Now, what is the department's policy regarding a wrecked
22 vehicle, abandoned wrecked vehicle, as far as towing is
23 concerned?

24 A The policy on whatever vehicle I towed for whatever
25 reason, I need to do a tow sheet and an inventory on the

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1 vehicle.

2 Q So you have to do an inventory on the vehicle?

3 A Yes, sir.

4 Q What if there is, say, a gun or some ammunition found in
5 the vehicle, then what do you do?

6 A If it was a gun, ammunition, possibly something of some
7 value, then we would take that into our possession, hold
8 it as evidence instead of letting it go to the impound
9 yard.

10 Q Okay. And that's standard policy and procedure?

11 A Yes, sir.

12 Q And did you do that that night?

13 A That night, I inventoried the car because I knew it was
14 going, it was going to have, eventually, to be towed,
15 yes, sir.

16 Q Okay. And the towing company that came and towed it, was
17 that an entity with the police department or was it a
18 private towing company or ---

19 A No, sir. All the towing companies for the city are
20 private contractors, to my knowledge.

21 Q And do you recall who towed the vehicle that night?

22 A I would have to refer to my collision report. It's
23 listed. It's listed on the collision report.

24 Q To refresh your recollection, officer, do you recognize
25 that document there?

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1 A Yes, sir, I do.

2 Q What is that?

3 A South Carolina TR-310 Collision Report.

4 Q Okay. And did you fill that collision report out?

5 A Yes, sir, I did.

6 Q Is that a true copy of what you filled out?

7 A Yes, sir..

8 Q Okay. And on there does it tell you who you called for
9 towing of the vehicle?

10 A Yes, sir. It's listed under the vehicle information as
11 Mike's Towing that would have been the tow company that
12 towed the vehicle.

13 Q Okay.

14 MR. FLEMING: Your Honor, we'd like to submit this into
15 evidence at this time as State's Exhibit #20.

16 THE COURT: Mr. St. Pierre?

17 MR. ST. PIERRE: No objection.

18 THE COURT: Admitted, without objection.

19 (Whereupon, a collision report is entered into evidence
20 as State's Exhibit #20, without objection)

21 Q And Officer, if you could look at that again, who is the
22 -- who did you list as the vehicle owner?

23 A Vehicle owner is O'Bryan Copeland.

24 Q Okay. Is that a Ford Crown Vic?

25 A Yes, sir.

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1 Q What year model is it?

2 A It was a 1998.

3 Q Once you inventoried that vehicle, what did you do after
4 that?

5 A Well, at that point, I had no great need to remove the
6 vehicle from the roadway. I had found some items in the
7 vehicle, one item being the ---

8 Q Well, let's not go into what you found in the vehicle.
9 Just tell us what you did afterwards.

10 A After I -- I just simply waited. I had no need to remove
11 the vehicle from the roadway at that point. I just
12 waited on the investigation to continue.

13 Q Okay. And after -- let me go back a minute. Mill Street
14 where this happened, that's in Laurens County. Correct?

15 A That's in the City of Laurens, which is in Laurens
16 County.

17 Q The City of Laurens, which is in Laurens County?

18 A Right.

19 Q Okay. How about the Corner Stop Store on Harper Street,
20 is that in the County of Laurens, as well?

21 A Yes, sir, and in the city of Laurens.

22 MR. FLEMING: Your Honor, may we approach for a minute?

23 THE COURT: Yes, sir.

24 (Whereupon, a bench conference was held off the record.)

25 THE COURT: Ladies and gentlemen, I need you to step

1 back to the jury room. At this point, I need to hear some
2 stuff that's a matter of law that's been called for, so I'm
3 going to review some matters before I let you look at it and
4 if you'd step back to your jury room, please?

5 (Jury out at 4:34 P.M.)

6 THE COURT: Okay. Mr. Fleming.

7 MR. FLEMING: Your Honor, just like the Court requested,
8 I gave the Court a heads-up when we were going to get into
9 anything that might have been found in the vehicle at that
10 time and that's what we're fixing to get into.

11 THE COURT: Yes, sir.

12 ARGUMENT ON INVENTORY OF CAR

13 MR. FLEMING: The witness has testified that it's
14 standard procedure of the police department, when there's an
15 abandoned vehicle, nobody around, that if they're going to
16 have that towed, and the only towing that they do is with
17 private towing companies, that they have to do an inventory
18 of that vehicle of that, Your Honor, and in so doing that
19 inventory, Officer Copeland [verbatim] found a -- Officer
20 Craft, excuse me -- among numerous other items, found a box
21 of Aguila .45 rounds, one box, eight .45 Aguila rounds, a
22 black do-rag, and then some other assorted things.

23 Obviously, the State is interested in having the ammunition
24 brought into evidence at a certain point. I'm not seeking to
25 introduce that box of ammunition at this point in time, just

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1 that he found that in the back of the car, Your Honor. Under
2 -- I did some research on this, Your Honor, under the State
3 versus Danny Cortez Brown, in that case it states that it's
4 well established that police officers, when they are doing a
5 tow of a vehicle, especially in an abandoned vehicle
6 instance, that if it's their policy and standard procedure to
7 do so, they can perform an inventory search.

8 THE COURT: What's that cite, please?

9 MR. FLEMING: That cite is -- I beg the Court's
10 indulgence, Your Honor -- I just got the -- it looks like the
11 opinion number, Your Honor, which is 4697 is all I have.

12 THE COURT: Is that Supreme Court or Court of Appeals?

13 MR. FLEMING: It's the Court of Appeals, Your Honor.

14 THE COURT: What year was it filed? Is that 2010?

15 MR. FLEMING: Yes, sir, Your Honor.

16 THE COURT: Okay.

17 MR. FLEMING: It was March 2, 2010, was when it was
18 heard.

19 THE COURT: All right. All right. Mr. St. Pierre.

20 MR. ST. PIERRE: Yes, sir, Your Honor. Briefly, what I
21 would get into is the -- if I may inquire of this witness or
22 would you rather have just argument?

23 THE COURT: Well, do you want to ask him a few questions
24 about the form? I don't have a problem with you doing that.
25 Is that what you intend to do.

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1 MR. ST. PIERRE: About the form or I would just ---

2 THE COURT: About his inventory sheet.

3 MR. ST. PIERRE: Before that, leading up to it.

4 THE COURT: Sure. Do you have any objection to that, Mr.
5 Fleming?

6 MR. FLEMING: No, sir, Your Honor.

7 THE COURT: Go right ahead.

8 PROFFERED EXAMINATION

9 BY MR. ST. PIERRE:

10 Q Officer Craft, you responded to the scene around 2:11,
11 2:14?

12 A Yes, sir. That's probably pretty close, yes, sir.

13 Q And you took those photos in evidence. I'm showing you
14 State's #16, if I can find it there. The open trunk and
15 an open back right passenger door, right?

16 A Yes, sir.

17 Q Is that what the car looked like when you got to the
18 scene?

19 A I know the trunk had some damage on it and it was
20 already kicked up. I can't recall if it was completely
21 open, but it had some damage where it had pushed that
22 side in. The passenger door was not open, I don't
23 believe, when I got on scene.

24 Q I'm showing you State's #18. It doesn't indicate any
25 damage to the trunk there, does it?

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1 A Well, where the hard impact to -- I guess what we
2 commonly refer to as a seat filler, where this back part
3 comes down was hit very hard, and it just kind of pushed
4 all of that over, the quarter panels.

5 Q Okay. But in order for the trunk to open up like it is
6 in State's #16, someone would have had to open it up?

7 A Yes, sir. It was ajar, but it wasn't that far. It wasn't
8 that far open when I rolled up on the scene.

9 Q Okay. When did they -- did you open it?

10 A Yes, sir. As I recall, I can't remember if I just had to
11 free it from the latch or whatever. Like I say, it was
12 jammed, but I opened the trunk to inventory the car.

13 Q Okay. What time was that? Was that immediately after you
14 got there?

15 A No, sir, it wasn't immediately. I can't recall at what
16 point during that it was. I knew I was going to have to
17 tow the vehicle, eventually, so I basically was out
18 there just sitting on the vehicle. So, I went ahead and
19 went through it, got my inventory list down, because I
20 knew I was going to have to do it eventually before the
21 vehicle was towed.

22 Q Okay. Now, when you got to that location, the location
23 where the wrecked car was, did you treat that as a
24 potential crime scene or did you think that you could
25 collect any potential evidence against someone that may

1 have committed a crime?

2 A Well, when I first got there it could have been someone
3 leaving the scene of an accident. And, certainly, I
4 wouldn't have been -- there could have been evidence
5 around the car where someone left the scene of the
6 accident.

7 Q Okay. So, leaving the scene of the accident is a crime
8 and you went in looking for documents to try to decipher
9 who may have left the scene of the accident. Correct?

10 A Who owns the vehicle and who may have left the scene of
11 the accident, yes, sir.

12 Q Okay. And you didn't have a search warrant, did you?

13 A No, sir.

14 Q And the car, the condition that the car was in at this
15 time, did it appear to be operable?

16 A No, sir, it was not operable.

17 Q So it would have been immobile, needing a tow?

18 A Yes, sir.

19 Q Now, isn't it true that you can determine who owns the
20 car just by shining a flashlight on the VIN Number
21 inside the windshield?

22 A At times, yes, sir, that would be possible. If you look
23 on the accident report there, though, I think you'll see
24 where it says paper tag.

25 Q Uh-huh.

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1 A So, at that point, if a car's got a paper tag on it, you
2 can't always be sure that the VIN's going to come back
3 to the current owner. It may come back to a previous
4 owner.

5 Q Okay. So the paper tag said something about Buck Mahon's
6 Auto Sales. You remember that?

7 A Yes, sir. I know it had a paper tag on it.

8 Q I'm showing you what's been introduced into evidence,
9 State's #10. This is a CAD Report, and if you could
10 read, or just read it, and I'll ask you right here who
11 the owner of the car came back to, who the first lien
12 holder was.

13 A The first lien holder appears to be Mahon Enterprises,
14 LLC, and the owner of the vehicle, O'Bryan Copeland.

15 Q Okay.

16 MR. ST. PIERRE: Judge, I'm showing the witness
17 Defendant's #1 for ID only.

18 THE COURT: Yes, sir.

19 MR. ST. PIERRE: Just to refresh his recollection.

20 THE COURT: Yes, sir.

21 Q What does the paper tag say?

22 A I can see the word Mahon on it, yes, sir.

23 Q Okay. And after you got there, you started inventorying
24 the car, so to speak, in the 2:00 hour. Correct?

25 A I started inventorying the car during the process, yes,

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1 sir. I can't recall exactly how far into it I was. I
2 just knew I was going to have to inventory what was in
3 the car because eventually it was going to have to be
4 towed.

5 Q Okay. Can you tell me when the towing company was
6 called?

7 A I see where it says next on rotation, Mike's 10-17,
8 thirty minutes ETA. I'm trying to -- I'm not sure what
9 time they've got that logged out at.

10 Q I think it said 5:17 they were called and they said
11 they'd be in there by, within a half hour, right?

12 A It's got Mike's is 10-17, ETA thirty minutes, but it
13 doesn't say, it doesn't have the time on it. Okay.
14 That's -- it was 5:07, 5:10.

15 Q Okay. Thank you very much. Your inventory service form
16 towed vehicle report -- I'll just show you that, just to
17 refresh your recollection.

18 A Yes, sir.

19 Q Did you sign that?

20 A No, sir.

21 Q Isn't the purpose of an inventory to protect the goods
22 taken from the automobile against theft in the impound
23 lot?

24 A Yes, sir.

25 Q Okay. But nowhere on this sheet does it show where --

1 whoever took the inventory. Correct?

2 A You're asking whether there's a signature on that.

3 Correct?

4 Q Yes, sir.

5 A And I'll advise you, no, I did not, I haven't signed the
6 form.

7 Q Okay. And you didn't indicate who took the inventory.
8 Right?

9 A I don't see it on here. I know that it was in the
10 computer, though. It's not on this form, no, sir.

11 Q Okay.

12 MR. ST. PIERRE: All right. Judge, that's all the
13 questions I have. I do have a little argument for you.

14 THE COURT: Okay. Before you do that, let's do this.
15 It's ten to five. I'd like to go ahead and excuse this jury
16 for the day and then we'll just resume - what time do you
17 guys want to start back in the morning? 9:30?

18 MR. ST. PIERRE: That's fine, Your Honor.

19 THE COURT: Is that all right? Is that all right with
20 you?

21 MR. FLEMING: Yes, sir, Your Honor.

22 THE COURT: Will you bring them back in, Mr. Bolt?

23 (Jury in at 4:49 PM)

24 THE BAILIFF: All present, Your Honor.

25 THE COURT: Thank you. All right. Ms. Myers, ladies and

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1 gentlemen of the jury, we're at a point in time today that I
2 think I'm going to go ahead and excuse you for the afternoon.
3 I'm going to ask that you be back in your jury room no later
4 than 9:30 in the morning so we can resume the testimony in
5 this case. And I'm going to remind you that overnight do not
6 speak with anybody, including among yourselves. Do not look
7 at any newspaper article or listen to any radio communication
8 or any other source if there happens to be in the news about
9 this case. I hope you have a nice evening and we'll see you
10 at 9:30 in the morning, please. Thank you.

11 (Jury out at 4:50 PM)

12 THE COURT: Give me one second, please, if you don't
13 mind.

14 MR. ST. PIERRE: Yes, sir.

15 THE COURT: Mr. St. Pierre?

16 MR. ST. PIERRE: Yes, sir, Judge. It sounds like the
17 State is getting around or trying to get around this by
18 saying this is an inventory rather than a search. We've got
19 testimony saying that the officer was searching the car for
20 evidence of identity of who's committed the crime of leaving
21 the scene of an accident and that was, testimony said that he
22 was doing that within very close proximity of getting to,
23 arriving at the accident location, which was around three
24 hours before a tow truck was even called. There's a case, and
25 I have it here somewhere, Colorado versus Bertine.

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1 THE COURT: Give me the cite on that, please.

2 MR. ST. PIERRE: §479 U.S. 367.

3 THE COURT: Versus Bertine?

4 MR. ST. PIERRE: Yes, sir, Your Honor.

5 THE COURT: How you spell that?

6 MR. ST. PIERRE: B-E-R-T-I-N-E.

7 THE COURT: Is that a Supreme Court case?

8 MR. ST. PIERRE: Yes, sir, Your Honor.

9 THE COURT: Okay. And what was that cite again?

10 MR. ST. PIERRE: §479 U.S. 367.

11 THE COURT: Okay. Thank you.

12 MR. ST. PIERRE: And basically, the crux of that says
13 that the crux of an inventory search is to determine if the
14 police were actively looking for evidence of a crime or if it
15 was just an innocent administrative procedure to inventory
16 the vehicle and then if it is shown that the police were
17 actively searching without a warrant, obviously, for evidence
18 of a crime, then that would set any evidence up as fruit of
19 the poisonous tree and the exclusionary rule would attach.
20 It's a statement as -- testimony has already been presented
21 to Your Honor that, in fact, they were looking for evidence
22 of a crime right when they got there. The fact that three
23 hours had passed since the tow truck was even called shows
24 that they were actively searching this car and if you look at
25 the towing report, which has gotten tangled here in my

1 papers. If I may approach?

2 THE COURT: Yes, sir. (Hands document to Judge McIntosh)

3 MR. ST. PIERRE: There's only about ten different things
4 that were inventoried and that would take far less time than
5 three hours to do, to inventory. So, you know, obviously the
6 State's going by it's own, with the inevitable discovery, but
7 the Colorado case that I mentioned says that if they're
8 looking as a search, they can't use inventory as a way around
9 getting a warrant.

10 THE COURT: Well, let me ask you this, and I'm asking --
11 I looked at this State versus Brown case that was cited by
12 Mr. Fleming.

13 MR. ST. PIERRE: Sure.

14 THE COURT: And obviously, this is a question as to
15 whether or not there's a warrantless search that would be
16 proper and in State versus Brown, it says there are seven
17 exceptions that you have to have or where a warrantless
18 search is considered unreasonable and that is under the
19 circumstances of a search incident to a lawful arrest, hot
20 pursuit, stop and frisk, automobile exception, plain view
21 doctrine, consent, and abandonment. And I asked my law clerk
22 to look up what abandonment is and under State versus Dupree,
23 which is 3462 279 which is a S.E.2d, it says abandoned
24 property has no protection from either the search or seizure
25 provision of the Fourth Amendment, none. And so isn't there

1 evidence in the record already that this vehicle had been
2 abandoned?

3 MR. ST. PIERRE: Yes, there is.

4 THE COURT: Okay. Otherwise, I think you make a fine
5 argument, quite frankly, but I'm going to find that that
6 inventory -- I'm going to find that it's admissible, okay?
7 And I'm just, I may somehow limit you on that in the morning,
8 quite frankly, Mr. Fleming, but right now I'm going to find
9 that it's admissible and I'll think about it overnight and
10 I'll give Mr. St. Pierre opportunity to come back since I
11 kind of caught him flatfooted just there and if I'm wrong,
12 please tell me.

13 MR. ST. PIERRE: Okay.

14 MR. FLEMING: I don't have a problem with either of you
15 telling me I'm wrong, because I'm used to it. All right.
16 Guys, anything further before we break for the day?

17 MR. ST. PIERRE: My Giglio motion. I think the attorneys
18 are here.

19 THE COURT: Oh, that's right.

20 MR. ST. PIERRE: I see one of them.

21 THE COURT: That's right. Okay. All right. Officer, I'm
22 going to let you -- I'm going to excuse you for the day.
23 You're under oath. You shall not speak with anyone concerning
24 this case, whatsoever, which would include the attorneys,
25 either one of the attorneys, fellow officers, spouses or

1 anyone else. Okay, sir?

2 OFFICER CRAFT: Yes, sir.

3 GIGLIO MOTION

4 THE COURT: Thank you very much. Okay. Go ahead, and
5 since we kind of went off that issue a little while ago,
6 refresh my memory on that.

7 MR. ST. PIERRE: This is the reveal the deal, so to
8 speak.

9 THE COURT: All right. And you were wanting to cross
10 examine the, not co-defendant, but the other co-conspirator?

11 MR. ST. PIERRE: The co-defendant's counsel, yes, sir,
12 Your Honor.

13 THE COURT: Okay. Is he here?

14 MR. ST. PIERRE: He is. One of them is. Mr. Fred Spivey.

15 THE COURT: Do you need any assistance? There's some that
16 you've asked to be here who are not? Is there another counsel
17 who you've asked to be here who is not?

18 MR. ST. PIERRE: I didn't personally ask Townes Jones,
19 but I texted Mr. Spivey to let him know. They work in the
20 same office together, they both, I'd like to have them both
21 here. If not, it's such late notice. So, if he can come in
22 the morning. If he can't be here right now, that's fine. We
23 can have Mr. Jones in the morning before we start.

24 THE COURT: Well, let's bring Mr. Spivey around. Mr.
25 Spivey would you step around, please, sir? How are you doing?

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1 If you'd step around and put your left hand on the Bible and
2 raise your right.

3 (After being duly sworn by the Clerk of Court,

4 **FRED SPIVEY** testified as follows:)

5 THE COURT: All right. Being placed under oath, you don't
6 lose any privileges that you have a right to assert. I'm not
7 saying you should. I'm just saying you don't lose them by
8 being placed under oath.

9 PROFFERED EXAMINATION

10 BY MR. ST. PIERRE:

11 Q Mr. Spivey do you, along with Townes Jones, represent
12 Stanley O'Bryan Jones?

13 A Townes does.

14 Q Okay. Did you have an opportunity to speak -- did you
15 have an opportunity to speak with Stanley O'Bryan Jones
16 in the past, in the recent week?

17 A Have I spoken to Stanley Jones?

18 Q Yes.

19 A I have.

20 Q Okay. And have you spoken to him -- he's obviously
21 incarcerated. Have you spoken to him at the jail?

22 A Within the last week?

23 Q Yeah, or two weeks.

24 A It's possible. I can't recall.

25 Q You can't recall?

- 1 A I'm being honest with you. I've spoken with him here.
- 2 Q Okay. You've spoken with him here in the last week?
- 3 A I have.
- 4 Q And that was in reference to -- have you spoken with
- 5 Solicitor Fleming in the last week?
- 6 A I have.
- 7 Q Okay. Is that in regards to the case of the State versus
- 8 Stanley O'Bryan Jones and his possible testimony at this
- 9 trial today?
- 10 A We have spoken.
- 11 Q Okay. Can you tell the Court what your client is charged
- 12 with here in Laurens County?
- 13 A He's charged with armed robbery.
- 14 Q Okay. How many counts?
- 15 A I believe one count.
- 16 Q He's only charged with one count of armed robbery?
- 17 A In Laurens County, I believe that's correct.
- 18 Q Okay. What other charges does he have pending?
- 19 A I believe that's all in Laurens.
- 20 THE COURT: Just answer the question, please, sir.
- 21 A He has an armed robbery pending in Spartanburg.
- 22 Q Okay. So, you're saying that there's a total of two
- 23 outstanding warrants or indictments, only, here and in
- 24 Spartanburg County?
- 25 A That's to the best of my knowledge.

PROFFERED EXAMINATION OF FRED SPIVEY BY MR. ST. PIERRE

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1 Q Okay. Would it surprise you if there was ---

2 A Wait a minute. There is a -- I believe there is an
3 escape charge in Laurens and there might be another
4 charge. I don't have the file in front of me. If you
5 want, I can go get the file. There might be a possession
6 of a weapon during a violent crime in Spartanburg.

7 Q Is there a conspiracy to commit armed robbery?

8 A Like I said, the file is back there. If you want me to
9 go get it, I'll go get it.

10 THE COURT: Mr. Bailiff, would you bring his file up
11 here, please, sir?

12 BAILIFF: Where is it located?

13 MR. SPIVEY: It's in that little room to the left.

14 THE COURT: It's in the room?

15 MR. SPIVEY: Yes, sir.

16 THE COURT: Oh, it's outside in the room to the left.

17 MR. SPIVEY: Tell him I think it's in a brown satchel.

18 THE COURT: You go get it.

19 (Mr. Spivey steps down, leaves courtroom to retrieve
20 file and returns to the courtroom with a file)

21 Q I believe the question was, how many outstanding
22 warrants or indictments he has here and in Spartanburg
23 County.

24 A Well, I don't know about Spartanburg County, because he
25 was recently just served some warrants and I don't

1 believe they're in the Laurens County file, but my
2 understanding is, there is an armed robbery in Enoree
3 and possibly a possession of a weapon during a violent
4 crime. As far as Laurens, there is a conspiracy to
5 commit armed robbery, armed robbery, and there might be
6 an escape charge.

7 Q Is there assault with intent to kill as well?

8 A There is.

9 Q And he's on probation for assault of a high and
10 aggravated nature. Is that right?

11 THE COURT: All right. Let's do this: You know, the whole
12 idea behind this was whether or not there's a deal between
13 the State and this gentleman's client for him to testify and
14 turn State's -- not turn State's evidence, but testify
15 against this Defendant in return for a negotiated plea or a
16 recommended plea or whatever. So, let's go around those.

17 MR. ST. PIERRE: And there's three agencies that he could
18 be dealing with and probation's one, the Solicitor's office
19 in Spartanburg and the Solicitor's office here. They're all a
20 part of this.

21 THE COURT: Okay.

22 Q So, have you been in contact with anyone, other than,
23 particularly, Barry Barnett up in Spartanburg County or
24 anyone from his office regarding a potential offer of
25 leniency if he testifies regarding this case at hand?

PROFFERED EXAMINATION OF FRED SPIVEY BY MR. ST. PIERRE

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1 A I made one phone call to Mr. Barnett. He did not return
2 my call.

3 Q Okay. And do you have an understanding with Mr. Fleming
4 at the Solicitor's office here in Laurens County, either
5 express or implied, that your client will be getting a
6 favorable deal if he testified against my client?

7 A There have been discussions as to hypotheticals, but as
8 far as there being any guarantees, there's not any
9 guarantees.

10 Q Okay. So, there are hypotheticals?

11 A There's hypotheticals in everything we do. Right.

12 Q But when you discuss hypotheticals, tell me some of the
13 hypotheticals that have been discussed.

14 A Basically, in a similar situation, would this be on the
15 table, possibly strong arm robbery, possibly armed
16 robbery, possibly attempt to commit armed robbery.

17 Q Okay.

18 THE COURT: Would the supposed scenario be -- factually,
19 what would it be?

20 MR. SPIVEY: In a similar situation to this?

21 THE COURT: I want to hear, if your client testified in a
22 case involving armed robbery, assault with intent to kill,
23 criminal conspiracy, and -- what is the other charge?

24 MR. ST. PIERRE: Conspiracy, AWIK, armed robbery, and
25 possession of a weapon.

1 THE COURT: All right. If your client, hypothetically,
2 testified in a trial involving all of those, would he get a
3 better deal than what he's got, than the indictments that are
4 pending against him in this county? Is that the conversation?

5 MR. SPIVEY: That's been a part of the negotiations, but
6 there's nothing guaranteed.

7 THE COURT: I understand that. Go ahead.

8 Q So, if your client did what he was asked to do and
9 testified against the Defendant, would you be unhappy if
10 he was to plead to armed robbery?

11 A It wouldn't -- that's requiring me to -- would I be
12 unhappy or would my client be unhappy?

13 THE COURT: Yeah. Do not -- I don't want you to reveal
14 any confidence with your client and get yourself in hot
15 water.

16 MR. SPIVEY: Yes, sir.

17 THE COURT: And you have a duty there, but you don't have
18 a confidence in conversations you've had with the Solicitor's
19 office, because that is not protected.

20 MR. SPIVEY: I don't understand the ---

21 THE COURT: The question I believe is, if it came about,
22 he testified and you got a better deal, would you be happy?
23 Obviously.

24 Q Would you be shocked if the Solicitor's office made him
25 plead straight-up or negotiated to armed robbery after

PROFFERED EXAMINATION OF FRED SPIVEY BY MR. ST. PIERRE

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1 he fully cooperated with the State?

2 A Possibly, yes.

3 Q Okay. Do you rely on hypotheticals for your client?

4 A (No verbal response)

5 Q Or do you feel that there is more of an understanding
6 than a hypothetical?

7 MR. FLEMING: That calls for speculation, Your Honor.

8 THE COURT: No, it does not. Go ahead.

9 A Can you repeat the question?

10 Q Are you relying on the hypotheticals for your client or
11 do you believe there is some sort of understanding?

12 A I'm actually relying on both. I believe ---

13 Q So there is an understanding.

14 A There's not an understanding, but a hypothetical. I
15 assume he would stick by his hypothetical.

16 Q Which is?

17 A As I've suggested earlier, several hypotheticals. There
18 is no deal in place. There have been hypotheticals.

19 Q There's no deal in place, but you're relying on it,
20 right?

21 A (No verbal response)

22 Q A hypothetical strong arm robbery?

23 A That's a hypothetical. There also was a hypothetical of
24 attempted armed robbery, hypothetical armed robbery.

25 Q A what?

1 A A hypothetical attempted armed robbery. There's
2 hypotheticals -- it's discussing ---

3 Q Which hypothetical are you relying on that you just said
4 you were relying on?

5 THE COURT: I've got enough. I don't need to hear
6 anymore. Thank you. Do you want to ask him any questions?

7 MR. FLEMING: Yeah. I've got just a couple of questions,
8 one or two questions, Your Honor.

9 PROFFERED EXAMINATION

10 BY MR. FLEMING:

11 Q At any time, when I was discussing the case with your
12 client, have I ever made any promise that I would reduce
13 or go along with a lesser charge or sentence for his
14 testifying in this Court?

15 A No, you have not.

16 THE COURT: Let me be clear with everybody involved.
17 What I'm hearing, in no uncertain terms, coming across me is,
18 that you guys are playing in simple speak or funny speak and
19 it's dealing with hypotheticals and what I just heard this
20 attorney just tell me is that, I am counting on this
21 hypothetical. So whether or not you have an agreement to a
22 lesser included charge, that your practice is to deal with
23 it, to get around that by dealing in hypotheticals and that
24 if he does, in fact, testify, then he'll get a lesser reduced
25 charge. That's what I'm hearing. Now, tell me where I'm wrong

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1 in that, Mr. Fleming.

2 MR. FLEMING: Well, I think you're wrong, Your Honor,
3 because it doesn't discuss any -- it says it's a promise in
4 this case law that Mr. St. Pierre is relying on. Throughout
5 that it says a promise. It doesn't say that I can discuss --
6 I discuss hypotheticals with attorneys all the time. It
7 doesn't mean there's an understanding that that's what's
8 going to happen. They might rely on it ---

9 THE COURT: And that's where -- and hold on. And that's
10 where I am saying that I disagree with you, because if, in
11 fact, you don't couch it in terms of being a promise, but
12 your practice, and I understand when he answered the question
13 being that's part of his practice and that's what's going on
14 in this case, if I understood the testimony, is that you deal
15 with hypotheticals, but the practice is, you expect the
16 hypothetical to be honored and that was the testimony. So
17 why, if you call it a hypothetical, but it's really an
18 agreement, what's the difference if in practice that's what
19 happens?

20 MR. ST. PIERRE: Thank you, Your Honor.

21 THE COURT: I tell you what, I'll leave that with you.
22 I'm not making a ruling. I don't need to hear Mr. Jones here
23 tomorrow. I've heard enough that I think that I can make a
24 decision. If you have any case law give it to me now. Mr.
25 Fleming, you can certainly give me case law you have where

1 I'm wrong.

2 MR. FLEMING: Yes, sir.

3 THE COURT: And, again, just like I told Mr. St. Pierre,
4 I don't have any problem with either one of you guys proving
5 me wrong because I have been wrong multiple, multiple times.
6 But I just kind of give you what I'm thinking and that's what
7 I'm hearing. Okay? But thank you for being here. Take your
8 file and you're excused for the evening.

9 MR. SPIVEY: Thank you, Your Honor.

10 THE COURT: Yes, sir. All right. Is there anything
11 further from the State?

12 MR. FLEMING: Nothing from the State, Your Honor.

13 THE COURT: Anything further from the Defense?

14 MR. ST. PIERRE: Nothing, Your Honor.

15 THE COURT: Thank you very much. We're in recess.

16 MORNING - NOVEMBER 17, 2010

17 THE COURT: Before we get started, Mr. St. Pierre
18 brought to my attention this morning that Mr. Copeland would
19 like to speak with me and, Mr. Copeland, as much as I'd like
20 to speak with you, it's not allowable at this stage in the
21 proceeding, so I'm not going to allow you to address me at
22 this stage. Okay, sir?

23 MR. COPELAND: Yes, sir.

24 THE COURT: Okay. Anything further from the State?

25 MR. FLEMING: Did you want to just go on and not put any

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1 of that other on the record right now?

2 THE COURT: Just for the record we had an in chambers
3 conference and I think we all agree that everything is on the
4 record that needs to be on the record, but we were discussing
5 the issue of the existence or non-existence of a deal, how
6 you address that and the way I was going to rule on it and my
7 idea at this stage is, I don't want to hear any further
8 argument on it this morning. I'd rather go forward with where
9 we are with Officer -- what's his name, please?

10 MR. FLEMING: Craft.

11 THE COURT: Craft. And then later on during the day,
12 maybe before we start for the afternoon, then we'll have the
13 arguments of counsel. My ruling and everything will be placed
14 on the record then. Is that fair enough for you, Mr. Fleming?

15 MR. FLEMING: Yes, sir, Your Honor.

16 THE COURT: Mr. St. Pierre, is that fair enough for you?

17 MR. ST. PIERRE: Yes, sir.

18 MR. FLEMING: Just one other thing before we bring the
19 jury in, Your Honor.

20 THE COURT: Yes, sir.

21 MR. FLEMING: I understand Your Honor has ruled on the
22 search or the inventory of the vehicle.

23 THE COURT: Absolutely.

24 MR. FLEMING: Allowing anything that was inventoried in
25 the vehicle to come in. Correct?

1 THE COURT: Yeah. And thank you for bringing that up to
2 me. I think the way I left it yesterday was I -- I remember
3 that I ruled that I was going to find that it's admissible
4 because it was a search of an abandoned vehicle and whatever
5 the case is that my law clerk found and showed me, said that
6 that was a proper search and I gave Mr. St. Pierre a chance
7 to bring any case to prove that wrong and at this stage, I
8 don't think there is any such cases and so that inventory
9 search is admissible, or admitted, rather.

10 MR. FLEMING: Yes, sir. Just for the record, Your Honor,
11 other than the box of bullets that we had been talking about,
12 there was also a handbook on how to make a silencer and I
13 just want to make sure that that's going to be allowed in,
14 as well.

15 MR. ST. PIERRE: I had a pre-trial motion to allow the
16 Defense to argue the admissibility of that booklet prior to
17 its presentment.

18 THE COURT: You're right. And at this stage, Mr. Fleming,
19 you know, what I ruled on was that inventory sheet.

20 MR. FLEMING: Yes, sir.

21 THE COURT: That was -- that how to make a silencer was
22 not part of that sheet, if I recall.

23 MR. FLEMING: It says miscellaneous paperwork on there,
24 Your Honor.

25 THE COURT: Right. I remember reading it yesterday and I

1 don't remember seeing anything that said ---

2 MR. FLEMING: Well, it's going to come up in the
3 questioning of Officer Craft and I didn't know if you wanted
4 to go ahead and take that up now.

5 THE COURT: Yeah. I think it's a good idea to take it up
6 now. And, Mr. St. Pierre, you have a motion to suppress any
7 evidence as to a handbook on how to build a silencer?

8 MR. ST. PIERRE: Yes, sir, Your Honor.

9 THE COURT: Will you tell me the basis of your motion,
10 please, sir?

11 MOTION ON SUPPRESSING SILENCER BOOKLET

12 MR. ST. PIERRE: Under South Carolina Rules of Evidence
13 403, I believe that the admission of such evidence indicating
14 that a booklet on a silencer was found would just lead to --
15 would cause undue prejudice on my client. It has no probative
16 value of whether or not the Defendant committed the crime of
17 armed robbery of the store. There's no question or no
18 evidence from the victim herself that there is a faint noise
19 or that a silencer was used. I think that the elements of
20 armed robbery are very easily established from the victim's
21 perspective. And anything, but with a silencer just leads the
22 juror's minds -- would lead the jurors to think of, you know,
23 other vast criminal activity that can be used with a
24 silencer. I think the State has ---

25 THE COURT: Under 403, you're saying that the probative

1 value is outweighed by the prejudicial impact?

2 MR. ST. PIERRE: Yes, sir, Your Honor.

3 THE COURT: Let me ask you, Mr. Fleming, is there any
4 evidence in this case that there was a silencer on the weapon
5 used in the ---

6 MR. FLEMING: No, sir, there is no evidence on the
7 silencer on the weapon. Our argument would be, Your Honor,
8 that with armed robbery, you have to have a weapon involved
9 in committing an armed robbery. Other than armed robbery, we
10 do also have an assault with intent to kill, which there has
11 been evidence that it was by a gunshot; and also, we have a
12 charge of possession of a weapon during the commission of a
13 violent crime.

14 THE COURT: Yes, sir.

15 MR. FLEMING: Which has to be with a handgun, Your Honor.
16 The State's argument would be that the probative value is not
17 outweighed by the prejudicial effect based on the point that
18 it shows that the Defendant has a dealing with weapons, not
19 so to speak as there was a silencer found, but there was a
20 book of how to make a silencer in there, Your Honor, and that
21 goes to show the Defendant's, I guess, the use of weapons or
22 his familiarity with weapons and we think that is definitely
23 more probative than prejudicial in this matter, Your Honor.

24 THE COURT: Would you agree with me that whether or not
25 you establish this booklet, that it's not necessary to

1 establish any charge that's pending against Mr. Copeland? In
2 other words, it's not part of the evidence ---

3 MR. FLEMING: It's not necessary as an element, Your
4 Honor.

5 THE COURT: Right.

6 MR. FLEMING: So our argument would be that it would go
7 to show that the elements are met.

8 THE COURT: That he had possession -- right. I
9 understand. I'm going to grant your motion on the silencer.
10 I'll let you, Mr. Fleming, if you would like to mark that as
11 an exhibit, make it a Court's Exhibit for the file, for the
12 record rather, but I believe that that evidence is more
13 prejudicial than probative and I'm going to exclude it or
14 suppress it.

15 MR. FLEMING: Your Honor, also, just before the jury gets
16 in, I want to go ahead and mark this a Court's Exhibit, Your
17 Honor. It's the silencer handbook that was found.

18 (Whereupon, a booklet is marked as Court's Exhibit #9)

19 MR. FLEMING: I understand Your Honor's allowing the
20 items to come in that is on the inventory sheet or actually
21 letting the inventory sheet in. Also during Officer Craft's
22 testimony, we will be getting into the actual box of bullets
23 that were found in the back of the car and I don't know if
24 there are going to be any other objections to that or what.

25 THE COURT: Mr. St. Pierre?

1 MR. ST. PIERRE: I will renew my objection from
2 yesterday's hearing. Other than that, I'll have no further
3 argument.

4 THE COURT: It's overruled. And I certainly believe that
5 those -- the box of bullets is something that should be
6 admitted into evidence and they will be admitted.

7 MR. FLEMING: Thank you, Your Honor.

8 THE COURT: Yes, sir.

9 MR. ST. PIERRE: Just for the Court's edification, I'm
10 going to be contemporaneously objecting and I'm sure I'll
11 have the same finding.

12 THE COURT: Okay. Everybody ready?

13 MR. FLEMING: I think we're ready, Your Honor.

14 THE COURT: Mr. St. Pierre, are you ready?

15 MR. ST. PIERRE: Yes, I am.

16 THE COURT: Would you bring the jury in, please, sir?

17 MR. FLEMING: You're going to need Officer Craft on the
18 stand as they come in or do you want him to be sitting down
19 here?

20 THE COURT: Either way you want to handle it. I don't
21 mind.

22 MR. FLEMING: I forgot where we left off yesterday, too,
23 Your Honor.

24 THE COURT: I have ---

25 MR. FLEMING: The inventory sheet.

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CONT. DIRECT EXAMINATION OF DWIGHT CRAFT BY MR. FLEMING 201

1 THE COURT: Abandoned vehicle and the inventory sheet,
2 yeah.

3 (Jury in at 10:08 AM)

4 THE BAILIFF: All present, Your Honor.

5 THE COURT: Thank you, sir, Mr. Byers. Ms. Myers,
6 ladies and gentlemen of the jury, I hope you had a nice
7 evening. I don't know about you, but we had a beautiful
8 thunderstorm, a lightening storm, last night over in Anderson
9 County. I don't know if you had it over here in Laurens, but
10 it was right beautiful to watch. But we're ready to proceed
11 with the testimony. Mr. Fleming.

12 MR. FLEMING: Officer Craft, could you please take the
13 stand again, sir?

14 OFFICER CRAFT: (Resumes witness stand)

15 THE COURT: You're still under oath.

16 MR. FLEMING: May it please the Court, Your Honor?

17 THE COURT: Yes, sir.

18 MR. FLEMING: Thank you.

19 DIRECT EXAMINATION CONTINUED

20 BY MR. FLEMING:

21 Q Officer Craft, we were talking yesterday about the
22 vehicle that you came upon on the early morning of July
23 the 7th of 2009, which was the green Crown Vic, and we
24 submitted photographs of that already into evidence.
25 Now, let me show you this towed vehicle report here

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1 again. And is that a report that's filled out by you?

2 A Yes, sir.

3 Q Okay. And as a result of the vehicle being abandoned
4 and, you know, in the middle of the road, what did you
5 have to do at that point in time?

6 A Well, the first thing I had to do was try to check the
7 vehicle to try to come up with some information in
8 reference to finding the owner of the vehicle.

9 Q And you did that. And I think we already went over that
10 testimony.

11 A Yes, sir, I did. And then at some point during the
12 process, I was going to have to inventory the vehicle
13 because it was left in the roadway and before I had it
14 towed from the roadway. So, I did that, as well.

15 Q Okay. And as a result of your inventory of that vehicle,
16 what was found in that vehicle?

17 A I've got them separated out on here. Would you like for
18 me to read the items that was just in inventory or the
19 items that I actually took out of the vehicle, first?

20 Q Both.

21 MR. ST.. PIERRE: Judge, at this point, I'll renew my
22 objection.

23 THE COURT: Overruled.

24 A I've got them separated out on here. The top part is
25 just simply an inventory. There's: one gas can; one pair

CONT. DIRECT EXAMINATION OF DWIGHT CRAFT BY MR. FLEMING 203

1 of Air Jordans, white with blue; one pair of Air
2 Jordans, red, white, and blue; one MX Audio Amplifier;
3 one Sony Edge Pod Amplifier; one BR-3 two-speaker box;
4 one Cobra Radar Detector; miscellaneous clothing and
5 paperwork. And then the next set of items I'll read is
6 items I actually took from the car: One box of Aguila
7 .45 caliber rounds; eight .45 caliber Aguila rounds that
8 were not in the box itself; one black doo-rag; one
9 Audiovox walkie talkie; one Verizon Cellphone, blue and
10 silver; one LG Alltel Cellphone and black case; one
11 Kodak Camera, silver. And I've got here noted, all items
12 listed and notes that they were taken as evidence.

13 Q Okay. So as a result of your inventory, one of the items
14 that you found was a box of .45 caliber rounds, which
15 are Aguila rounds. Is that correct?

16 A Yes, sir. Correct.

17 Q Okay. Now, this report that you make, do you put this
18 in, do you type this up, or is it computerized, or how
19 is it done?

20 A It is a -- there is a form of that attached to the
21 incident report that you can go into and you type it
22 into the computer and the computer generates that form.
23 And there's also the same form of it attached to a
24 collision report that you can go into and you type it up
25 and the computer generates it, yes, sir.

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1 Q Okay. So this is -- you typed this information in the
2 computer ---

3 A Yes, sir.

4 Q --- and it generates this? Okay.

5 MR. FLEMING: Your Honor, we would like ---

6 Q Is this a true and accurate copy of the ---

7 A Yes, sir, it is.

8 Q --- report?

9 A Yes, sir.

10 MR. FLEMING: Your Honor, we would like to enter this in
11 as State's Exhibit #21 at this time.

12 MR. ST. PIERRE: I just renew my objection.

13 THE COURT: Subject to your objection, it's admitted.

14 (Whereupon, an inventory sheet is entered into evidence
15 as State's Exhibit #21, over objection)

16 Q Now, let me show you a couple of photos here, Officer
17 Craft. If you would look at those and, if you could,
18 tell the Court and the jury what those pictures are of.

19 A All three photos show a box of Aguila .45, or a .45
20 caliber Aguila box, and some loose .45 caliber rounds in
21 the trunk of the vehicle.

22 Q Okay. And is that a fair representation of what you saw
23 in the truck of that Crown Victoria on the night that
24 you were inventorying it?

25 A Yes, sir.

CONT. DIRECT EXAMINATION OF DWIGHT CRAFT BY MR. FLEMING 205

1 Q Okay.

2 MR. FLEMING: Your Honor, the State would move to have
3 these placed into evidence at this time.

4 THE COURT: Any objection?

5 MR. FLEMING: I just renew my previous objection.

6 THE COURT: Admitted, subject to objection.

7 (Whereupon, three photographs are entered into evidence
8 as State's Exhibits #22, #23, and #24, over objection)

9 Q Thank you. Officer, I'll show you these photographs on
10 the big screen here. This is Exhibit, State's Exhibit
11 #24. Is that the box of bullets that you saw in the back
12 of that vehicle?

13 A Yes, sir.

14 Q I'll show you a different photo, which is State's
15 Exhibit #23.

16 A Yes, sir, that's the box, the bullets, and the loose
17 rounds that were in the trunk.

18 Q Okay. And just a third and final view of a photograph.

19 A Yes, sir, you're correct. Just a different angle of the
20 same items.

21 Q Okay. And that's State's Exhibit #22. Now, what did you
22 do with that box of bullets after you inventoried?

23 A After I inventoried, I had no need at that time to just
24 move the box, so I just left it where it was until it
25 could be photographed at the scene and then I removed it

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1 from the vehicle.

2 Q Okay. After it was photographed, then what did you do?

3 A It was placed into evidence.

4 Q Did you place that evidence at the, the evidence at the
5 police department?

6 A Yes, sir.

7 Q I'm going to show you that right there. Is that the box
8 of .45 bullets that were in the back of that vehicle?

9 A Yes, sir. That's the box that was in the photos when it
10 was in the back of the vehicle.

11 Q Okay. And on that box, what is the name brand of that?

12 A Aguila. Aguila. You want me to spell that out or ---

13 Q Yes, sir.

14 A Okay. It's A-G-U-I-L-A, Aguila.

15 Q Okay.

16 MR. FLEMING: Your Honor, we'd like to go ahead and move
17 this be put into evidence at this time.

18 MR. ST. PIERRE: Again, I renew my objection as fruit of
19 the poisonous tree.

20 THE COURT: Overruled.

21 (Whereupon, a box of bullets is entered into evidence as
22 State's Exhibit #25, over objection)

23 MR. FLEMING: May I publish this to the jury, Your Honor?

24 THE COURT: Yes, sir.

25 (Whereupon, State's Exhibit #25 was published to the

1 jury.)

2 Q Now, after the inventory of the car, Officer Craft, and
3 after the photos were taken of the vehicle and you took
4 the evidence out or took the bullets out and placed them
5 into evidence, what did you do after that?

6 A Then the tow company was called to remove the vehicle
7 from the collision scene on Mill Street.

8 Q Okay. And I think we went over it yesterday, but what
9 tow company was called on that?

10 A That was Mike's Towing that was called to come and pick
11 up the vehicle.

12 Q Okay. And do they keep it in their private storage?

13 A Yes, sir. They have an impound lot that they take it to.

14 Q Okay. And after that, then what did you do?

15 A I had no further contact with the vehicle at that point.

16 Q Okay. So what did you do after the scene was clear?

17 A I left the scene and we went to the police department
18 with the items that had been collected.

19 Q All right. What did you do when you got to the police
20 department?

21 A At some point after I got to the police department, I
22 spoke with Mr. Copeland.

23 Q Okay. Before you spoke with Mr. Copeland, what did you
24 do?

25 A I can't recall between leaving the scene and speaking

1 with ---

2 Q Well, did you put the evidence ---

3 A Yes, sir. Exactly.

4 MR. ST. PIERRE: Objection to leading.

5 THE COURT: Re-phrase, please, sir.

6 Q What else did you do prior to talking to Mr. Copeland?

7 A Right. The evidence, as I said earlier, we took the
8 evidence from the scene to the police department. It was
9 entered into evidence.

10 Q Okay. And at some point after that, you stated you
11 talked to Mr. Copeland?

12 A Yes, sir.

13 Q And who was in the room with you when you were talking
14 to Mr. Copeland?

15 A Probably, Detective Lynch, at that time.

16 Q All right. And I'll ask you to look at that right there
17 and I'll get you to tell the Court what that is.

18 A That is a Laurens City Police Department Miranda Form.

19 Q Okay. And that is a Miranda form for who?

20 A For O'Bryan Copeland.

21 Q Okay. And what time is on there that it was given?

22 A 8:05 AM

23 Q 8:05 AM?

24 A Yes, sir.

25 Q Okay. And could you tell us what's on that form?

CONT. DIRECT EXAMINATION OF DWIGHT CRAFT BY MR. FLEMING 209

1 A It is a copy of Miranda warnings..

2 Q Could you tell the Court and the jury what those Miranda
3 warnings are?

4 A It tells you what you have a right to: Before I ask any
5 questions you must understand the rights that you have.
6 You have the right to remain silent and not make any
7 statement. Anything you say can and will be used against
8 you in a court. You have a right to talk to an attorney
9 for advice before I ask any questions or have him or her
10 with you during questioning. If you cannot afford a
11 lawyer one will be appointed for you by the court before
12 any questions if you wish. And then the final section
13 is, if you decide to answer any questions now without a
14 lawyer present, you still have the right to stop
15 answering at any time and you also have the right to
16 stop answering at any time until you talk to a lawyer.

17 Q Okay. And out to the side of that on the right-hand
18 side, what is there a place for?

19 A It is a place for the officer's initials and for the
20 suspect's initials.

21 Q And did Mr. Copeland initial each and every one of those
22 rights?

23 A Yes, sir. There's six sections and he initialed six
24 times.

25 Q And down below that, what's on that form?

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CONT. DIRECT EXAMINATION OF DWIGHT CRAFT BY MR. FLEMING 210

1 A The final part of the form at the bottom here is: Do you
2 understand these rights as I have read them to you. And
3 then there is a yes and no and a box beside yes and no.
4 And then finally: Are you willing to talk to me without
5 a lawyer. There is a yes or no under there with a box
6 beside each.

7 Q And how are those boxes marked?

8 A Both of them are checked, "yes".

9 Q Okay. And then down at the very bottom, what is there?

10 A On the lefthand side is a place for whoever witnesses
11 the reading of the Miranda warnings to sign and then on
12 the right-hand side is a place for a date and the
13 signature of the person who is being given the Miranda.

14 Q Okay. And who is the witness on that form?

15 A I am the witness on this form. My name is signed there.

16 Q And did you see Mr. Copeland initial all those rights
17 and then sign that document at the bottom?

18 A Yes, sir.

19 Q Okay. At any time while you were witnessing this, did he
20 exhibit any actions that would make you believe that he
21 didn't understand these rights that were read to him?

22 A No, sir. No, sir. It was straightforward.

23 Q Okay. And at any time, was he coerced or threatened in
24 order to sign this document?

25 A No, sir.

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CONT. DIRECT EXAMINATION OF DWIGHT CRAFT BY MR. FLEMING 211

1 Q Was he made any promises to sign this document?

2 A No, sir.

3 Q If you would, what -- also up top, what's up there other
4 than filling out to state who the person is that's going
5 to be executing that document? What other information is
6 there?

7 A It's the date it was given, the name of the interviewer
8 at that time. Of course, it's Laurens Police Department
9 at the top. Height, weight, and the grade level that the
10 person went to in school.

11 Q Okay. And where is that information obtained from, the
12 grade and the height and weight?

13 A The subject or the suspect is usually in front of you.
14 And the height and weight could come from a driver's
15 license or it could come from the person themselves and
16 the grade level in school is gotten from the suspect.
17 We ask them how far they went in school.

18 Q At any time did Mr. Copeland ever tell you that he
19 didn't know how to read or write?

20 A No, sir.

21 Q Okay. Is this the original or is this a true and
22 accurate copy of the Miranda form that was executed on
23 that day?

24 A Yes, sir, it is.

25 MR. FLEMING: Your Honor, we'd like to have this moved

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1 into evidence at this time as a State's Exhibit.

2 MR. ST. PIERRE: Judge, since it looks like it's
3 completely filled out, signed and initialed by all three
4 parties and everything is filled out properly, I have no
5 objection.

6 THE COURT: Admitted, without objection.

7 (Whereupon, a Miranda form is entered into evidence as
8 State's Exhibit Number #26, without objection)

9 Q Okay. After that form was executed, what happened next?

10 A Mr. Copeland was interviewed by Detective Lynch.

11 Q Were you in the room during that interview?

12 A Yes, sir.

13 Q Okay. And I'll show you this right there. If you would
14 look at that.

15 A Yes, sir, this is one of the statements that was taken
16 at that time.

17 Q Okay. Is that the first statement that was taken from
18 Mr. Copeland after these Miranda warnings were given to
19 him?

20 A Yes, sir.

21 Q Okay. With you and Detective Lynch -- Let me re-phrase
22 that.

23 A Correct. The two, this is the first of the two that I
24 saw.

25 Q Okay. With you and Detective Lynch?

CONT. DIRECT EXAMINATION OF DWIGHT CRAFT BY MR. FLEMING 213

1 A Yes, sir.

2 Q Okay. And was that statement completed?

3 A No, sir.

4 Q Why?

5 A Mr. Copeland wanted to stop the statement.

6 Q Okay. So this statement was stopped at that time.

7 Correct?

8 A Yes, sir. When he said he wanted to stop, it was
9 stopped.

10 Q And was there a second statement taken from Mr.
11 Copeland?

12 A Yes, sir.

13 Q Okay. Let me show you this.

14 A Yes, sir, that's the second statement that was taken.

15 Q Okay. And down at the bottom, whose name is down at the
16 bottom of that as a witness?

17 A I am listed as a witness and Detective Lynch has signed
18 as a witness.

19 Q Okay. And did you see Mr. Copeland sign that down at the
20 bottom?

21 A Yes, sir.

22 Q Okay. Let's go back to the second one -- or the first
23 statement, excuse, that was given in front of you and
24 Mr. Lynch. You were there during the whole time -- were
25 you there during the whole time that statement was being

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1 given by the Defendant?

2 A Yes, sir.

3 Q Okay. And exactly what was the Defendant telling you at
4 that time? Or telling you and Officer Lynch?

5 MR. ST. PIERRE: I object, Your Honor. And I've got a
6 matter for the Court.

7 THE COURT: Okay. Ms. Myers, would you and the jury go
8 back to the jury room just for a few minutes, please, ma'am.

9 (Jury out at 10:28 AM)

10 THE COURT: All right. Mr. St. Pierre?

11 MR. ST. PIERRE: Your Honor, at this point, I'm going to
12 object to the introduction of this statement, the State's
13 so-called second statement, due to the fact ---

14 THE COURT: Well, let's be clear for the record. It's the
15 first written statement, but from what we heard in the
16 preliminary before trial, the second statement. Correct?

17 MR. FLEMING: Yes, sir, Your Honor.

18 THE COURT: I just want to make sure everything's
19 consistent with the record.

20 MR. ST. PIERRE: And my basis for this objection would be
21 under the same South Carolina Rules of Evidence, Rule 403,
22 that introduction of this statement would unduly prejudice my
23 client and it would substantially outweigh any probative
24 value to prove his case. It's not in his writing and it's not
25 signed, it's not signed by anyone, not acknowledged,

CONT. DIRECT EXAMINATION OF DWIGHT CRAFT BY MR. FLEMING 215

1 initialed in any way, adopted by anyone. It's not accompanied
2 by -- well, we are asserting it's not accompanied by a
3 Miranda waiver. We've proven through time lines and logic
4 that it would not make sense that this is the second
5 statement and not initialed any, also. Therefore, the jury's
6 going to have to determine, beyond a reasonable doubt, that
7 this statement was, in fact, given voluntarily by the
8 Defendant. The fact that it's unsigned, un-initialed,
9 unacknowledged, incomplete, you know, the whole nine yards,
10 is prima facia evidence that a reasonable doubt exists. So,
11 in order -- if this does come into evidence, all it would do
12 is prejudice my client. And, you know, that this can come in
13 gives law enforcement free reign to do anything they want, to
14 write any statement they want and not even have it signed, in
15 their handwriting, come into court and say that was his
16 statement. We also believe it's incompetent evidence, if this
17 is an oral statement, then why is written down? I mean, the
18 prejudice that this unacknowledged, unadopted, unsigned,
19 incomplete, and is in the law enforcement officer's
20 handwriting, would so far prejudice my client that we would
21 ask for you -- you know, the prejudice it would cause would
22 substantially outweigh the probative value of it. I mean,
23 anyone can write that statement and anyone can say, yeah,
24 that was his statement, but, again, the jury is going to find
25 beyond a reasonable doubt that the Defendant wrote that

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1 statement and because it's not even adopted because he filled
2 out the Miranda form and it was shown in the prior hearing,
3 he filled out a Miranda form before that with Ms. Riggot,
4 filled out a voluntary statement with Ms. Riggot, initialed,
5 signed the whole nine yards, it casts a big shadow on the
6 validity of this statement. So, that's the basis for our
7 argument.

8 THE COURT: Are you also renewing your prior grounds and
9 objections to this statement that you argued prior?

10 MR. ST. PIERRE: I am renewing my grounds on the
11 voluntariness of this statement from the previous motion, as
12 well. And I would do it once again if, in fact, Your Honor
13 rules against me, but I really don't see how it would be fair
14 to allow this unauthenticated document to be seen by the jury
15 in any way, shape, or form.

16 THE COURT: I understand. And I am going to overrule your
17 objection. Any pre-trial or preliminary suppression hearings
18 that we were having, I found that was a voluntary statement.
19 And although I understand your concern, if you take your
20 logic to the extreme, any oral statement made by any suspect
21 at any time would not be admissible. I think that you have a
22 chance to argue to the jury the credibility of the statement
23 and in the time line, the logic behind your argument. But I'm
24 going to overrule your objection. I'm going to find that that
25 statement is admissible.

CONT. DIRECT EXAMINATION OF DWIGHT CRAFT BY MR. FLEMING 217

1 MR. ST. PIERRE: Just one final argument with regards to
2 this statement. The fact that it was not written by Officer
3 Craft. I don't think it's appropriate for Officer Craft to
4 read off of that statement.

5 THE COURT: What do you have to say about that, Mr.
6 Fleming?

7 MR. FLEMING: Officer Craft was in the room when the
8 statement was being given, Your Honor, an oral statement. I
9 think he could testify as to what was said. I think he can
10 refresh his recollection by looking at that statement.

11 THE COURT: And let me tell you, we see, I see this a lot
12 of times and Judge Hill ---

13 MR. FLEMING: It's going to come in anyway, Your Honor.

14 THE COURT: Let me just tell you, Judge Hill educated me
15 on this, too, because he wrote a little paper on it, you
16 know, when you refresh your recollection, you don't read from
17 the document.

18 MR. FLEMING: Yes, sir.

19 THE COURT: You read the document and then you testify
20 based on the document, if it refreshes your recollection as
21 to what, you know, what was said or done.

22 MR. FLEMING: Two things, Your Honor. One, is that he can
23 refresh his recollection by looking at the document, but two,
24 it's ultimately going to come in soon with Detective Lynch.
25 So really, I mean, what's the difference?

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CONT. DIRECT EXAMINATION OF DWIGHT CRAFT BY MR. FLEMING 218

1 THE COURT: I understand your argument, harmless error.
2 I understand that. I think that's what you're saying.

3 MR. FLEMING: Yes, sir.

4 THE COURT: But, technically ---

5 MR. ST. PIERRE: I can tell you the difference.

6 THE COURT: Okay.

7 MR. ST. PIERRE: The jury's going to hear it twice.
8 They're going to hear it the third time when they take it
9 back or hear it as many times as they want to when they take
10 it back to the jury room, too, Your Honor.

11 THE COURT: Well, you know, there is such thing as
12 cumulative evidence, too. If you want to allow Officer Craft
13 to refresh his recollection, follow those procedures ---

14 MR. FLEMING: Yes, sir. I'll move on, Your Honor. I'll go
15 with that and get it in whenever Detective Lynch testifies.

16 THE COURT: I mean, I find the statement's in. I
17 understand that, but I do find that he can't just read from
18 it.

19 MR. FLEMING: Yes, sir.

20 THE COURT: Okay. Anything else, gentlemen?

21 MR. ST. PIERRE: Nothing further, Your Honor.

22 THE COURT: Would you bring the jury back, please, Mr.
23 Byers?

24 (Jury in at 10:37 AM)

25 THE BAILIFF: All present, Your Honor.

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CONT. DIRECT EXAMINATION OF DWIGHT CRAFT BY MR. FLEMING 219

1 THE COURT: Thank you, Mr. Byers. Mr. Fleming, you may
2 proceed.

3 MR. FLEMING: Thank you, Your Honor.

4 DIRECT EXAMINATION CONTINUED

5 BY MR. FLEMING:

6 Q Officer Craft, I'll hand to you the document that was
7 the first statement taken by you and Detective Lynch
8 from Mr. Copeland.

9 A Yes, sir.

10 Q If you could, look over that to refresh your
11 recollection.

12 A Yes, sir.

13 Q What did Mr. Copeland tell you and Detective Lynch at
14 that time?

15 A That he had drove to North Harper Street, he pulled near
16 the Mexican restaurant so they could look across at the
17 convenience store, he and a gentleman by the name of
18 Bryan Jones. And he said that Mr. Jones needed some
19 money for a birthday card for one of his children and
20 that he went in -- that Mr. Jones went in and robbed the
21 store while he sat in the car and Mr. Jones come back
22 out and got in the car and his car was headed toward
23 Mill Street at that time and that's basically where the
24 statement stops.

25 Q Okay. All right. Now, the second statement that you took

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1 and that you witnessed. Is that correct?

2 A Yes, sir.

3 Q Okay. If you could look at that and just refresh your
4 recollection.

5 A (Looks at document)

6 Q Okay. Could you just briefly tell the jury what Mr.
7 Copeland said in the second statement that he gave you?

8 A Yes, sir, the second statement, he's explaining the
9 collision that occurred on Mill Street and how they
10 left, he and Mr. Jones left the scene of the collision
11 on Mill Street and where they went to his girlfriend's
12 house and he was telling her to call the car in as
13 stolen.

14 Q Okay. And that was all that was said in that statement?

15 A Yes, sir.

16 Q Okay. Now, are you sure that the first statement that
17 was given to you is the incomplete statement talking
18 about the convenience store?

19 A Yes, sir.

20 Q And the second statement given to you and Detective
21 Lynch is the one talking about the crash ---

22 A Yes, sir.

23 Q --- on Mill Street and he told his girlfriend to call it
24 in as stolen?

25 A Stolen. Yes, sir.

CONT. DIRECT EXAMINATION OF DWIGHT CRAFT BY MR. FLEMING 221

1 Q So after that, what did you do?

2 A After that, after he had given the information in
3 reference to lying about the car being stolen, he was --
4 well, I made a charge on that particular case, as far as
5 false information that he give about the car being
6 stolen.

7 Q Okay. So, at some point in time, did you talk to his
8 girlfriend, Latasha Shumate?

9 A I think I was there. I don't know if I talked to her, me
10 personally, but I was there when she was being spoken
11 to, yes, sir.

12 Q When she was being interviewed?

13 A Yes, sir.

14 Q And is that your signature down at the bottom of that
15 statement?

16 A Yes, sir.

17 Q As a witness?

18 A Yes, sir.

19 Q Okay. So, based on Ms. Shumate's statement and on Mr.
20 Copeland's statement, you charged him with filing a
21 false police report at that time?

22 A Yes, sir.

23 Q Okay. And you were the charging officer?

24 A Yes, sir, I was.

25 Q Where was that charge brought?

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1 A That was in Laurens Municipal Court is where the charge
2 was filed at.

3 Q Okay.

4 MR. ST. PIERRE: I think we need another hearing, Your
5 Honor.

6 THE COURT: Yes, sir.

7 MR. ST. PIERRE: I apologize.

8 THE COURT: That's all right. Ladies and gentlemen, you
9 know, as I explained to you at the beginning of the day or at
10 the beginning of the trial, this is just part of the process.
11 But, Ms. Myers, if you'd take the jury back to the jury room,
12 please?

13 (Jury out at 10:43 AM)

14 MR. ST. PIERRE: This will be very quick, Your Honor. He
15 wants to introduce evidence of a guilty disposition in
16 Magistrate's Court, which I'm going to assume that was
17 un-counseled, you know. We don't object to the disposition of
18 guilt. I do object if Solicitor Fleming is going to try to
19 say he was guilty because of a bench trial. You know, maybe
20 it was a bench trial and maybe it wasn't. Maybe it was a
21 guilty plea. Who knows what happened in Magistrate Court?
22 It's off the record. But I'm afraid that if they hear the
23 word "trial" and they'll correlate guilt in trial with what
24 we're doing here, currently. I think that that may, it may
25 cause a wrong impression and undue prejudice against my

CONT. DIRECT EXAMINATION OF DWIGHT CRAFT BY MR. FLEMING 223

1 client. I have no objection to saying he was found guilty of
2 filing a false police report in Magistrate's Court.

3 THE COURT: So, just while we're visiting this issue,
4 tell me in more concrete terms, your objection. I understand
5 your concern. Just tell me what your objection is. Under 403?

6 MR. ST. PIERRE: Yes, sir, Your Honor. Misleading the
7 jury. It may confuse the jury or cause undue prejudice to the
8 jury. The fact that he's on trial now and the fact that he
9 was found guilty in a bench trail, I don't want there to be
10 any confusion or correlation between that. I have no
11 objection to them introducing the fact that he was found
12 guilty of filing a false police report and I think that's all
13 they want to establish anyways, but I think we could move on
14 after that.

15 THE COURT: All right. Mr. Fleming?

16 MR. FLEMING: Yes, sir, I'm just trying to look it up. I
17 had it the other day. Your Honor, basically, we're going to
18 be submitting a disposition sheet in municipal court and then
19 it's -- it's been stamped as a true and original copy and we
20 think that comes in under court records.

21 THE COURT: Isn't there a case out there about State vs.
22 Muzon? Maybe I'm wrong. If they pled guilty or were found
23 guilty, it's admissible.

24 MR. ST. PIERRE: I also think, Your Honor, that he would
25 have to take the stand and be impeached about that and then I

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1 would have totally different grounds to object to the whole
2 thing entirely.

3 THE COURT: May I see the disposition form? Would you
4 hand it up here, please?

5 MR. FLEMING: Yes, sir.

6 THE COURT: And I think -- I'm sorry for the wrong case
7 for Muzon. I think that is a criminal to civil. Explain to
8 me, Mr. St. Pierre, how the admission of this disposition
9 sheet would be any more prejudicial than him saying he was
10 found -- stipulating he was found guilty of filing a police
11 report? I'm not sure I'm following ---

12 MR. ST. PIERRE: Well, I'm going to withdraw that
13 argument and go forward on asking the whole statement be
14 found inadmissible, because what they're trying to do is get
15 it in through this witness, impeach my client through this
16 witness. That he was found guilty of a thirty-day traffic
17 ticket, a charge, and that he's a liar, you know. He has to
18 take the stand in order to be impeached on that.

19 THE COURT: Under what rule? I'm not disagreeing with
20 you. I just want you to guide me and let me look at it.

21 MR. ST. PIERRE: Rule 609.

22 THE COURT: Rule 609 has to do with evidence that a
23 witness, not a -- it says in 609(a)(1), evidence that a
24 witness, other than an accused -- and let me do this.
25 Mr. Fleming, since you're proffering this evidence, under

1 what rule would it make it admissible?

2 MR. FLEMING: That's what I was trying to find. I found
3 it the other day, Your Honor. I had it the other day and I
4 can't find what I was looking at now. I want to think it
5 comes in under Rule 404, Your Honor. It says the evidence of
6 other crimes, wrongs, or acts is not admissible to prove the
7 character of a person in order to show action in conformity
8 therewith, but it may, however, be admissible to show motive,
9 identity, existence of a common scheme or plan, the absence
10 of mistake or accident, or intent and I think it shows
11 identity in this case, Your Honor. It goes to show identity.

12 THE COURT: Well, there's no issue about identity as to
13 the Defendant. I don't think he denies his identity. Nobody's
14 raised the issue of his identity, except, I assume that "I
15 wasn't in the store", but this doesn't go towards that issue.
16 It goes to -- I'm tending to agree with Mr. St. Pierre.

17 MR. FLEMING: That wasn't the exact one I was looking at
18 yesterday, the other day, Your Honor. But if I could beg the
19 Court's indulgence, I'll find it in a minute. I also think it
20 goes to show, Your Honor, the existence of a common plan of
21 trying to thwart police from finding out that they were
22 involved in this accident in the car on Mill Street. That
23 would be my other argument, Your Honor. I think it clearly
24 could come in under -- to impeach -- for impeachment purposes
25 and I don't know anywhere where it says that I have to put it

1 up when the Defendant is testifying, Your Honor.

2 THE COURT: If the Defendant testifies.

3 MR. FLEMING: Yeah. If he testifies. I don't ---

4 THE COURT: I tell you what. I'm going to sustain Mr. St.
5 Pierre's objection without prejudice to you at this stage,
6 but I noticed under Rule 609, and I'm not coming up with a
7 different ruling, but it says in the notes behind it -- and
8 I'm looking at the Rules of Evidence Handbook, and the note
9 that says that the rule provides for a different standard for
10 balancing probative value and prejudicial effect for an
11 accused who was a witness. What I am not hearing, nor seen,
12 is what is the standard for the accused. Therefore, I mean,
13 at this stage without there being more of a substantive
14 motion, I mean, rule for me to look at to make a
15 determination, I'm going to sustain the motion without
16 prejudice to you, depending on the, you know, what happens,
17 the events of this trial and if you give me some other
18 information or authority, I'd be glad to revisit it. But
19 right now, I just don't see it, Mr. Fleming.

20 MR. FLEMING: All right. Let me get this correct. We
21 can't get the document in ---

22 THE COURT: I think that -- no. I think that Mr. St.
23 Pierre amended his objection. He withdrew his willingness to
24 stipulate that he was convicted in municipal court of giving
25 false information. Is that my understanding?

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1 MR. ST. PIERRE: That's correct, Your Honor.

2 MR. FLEMING: Okay.

3 THE COURT: So, I'm going to sustain the objection at
4 this stage.

5 MR. FLEMING: Yes, sir.

6 THE COURT: Just one second.

7 MR. FLEMING: Make it a Court's Exhibit, Your Honor?

8 THE COURT: Right. And, listen, again, make -- go ahead.
9 I'm asking my court reporter to do two things at one time.
10 Go ahead, Jo.

11 (Whereupon, a disposition sheet is marked as Court's
12 Exhibit #10)

13 THE COURT: All right. I was going to say I'm not saying
14 you can't get it in at this juncture. Based on the arguments
15 I'm hearing, I'm saying that you cannot, but obviously, it
16 depends on what happens. My ruling is without prejudice to
17 you to try to get it in later.

18 MR. FLEMING: Yes, sir.

19 THE COURT: Anything further?

20 MR. ST. PIERRE: On this -- and with regard to the
21 statement, we might as well get it out now. I'm also going to
22 object on the foundation of this.

23 THE COURT: Well, don't say "this". Say exhibit number
24 and what it is so the record is clear.

25 MR. ST. PIERRE: I'm sorry. Court's #10. Without any

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1 other witnesses, it would be impossible for Mr. Fleming to
2 lay a correct foundation on it and the witness list has
3 already been established.

4 THE COURT: All right. I note your grounds. My ruling is
5 as I've stated. Are you ready to proceed?

6 MR. FLEMING: Yes, sir. I'm a little unclear. So, you're
7 sustaining his objection on foundation on this document, as
8 well?

9 THE COURT: I didn't rule on his foundation part. Let me
10 see the form again. I'm sorry. There is an evidentiary rule
11 that if you have a document that's properly stamped as being
12 a true and accurate copy from a Court or a public entity,
13 then it is admissible and I'll deny your motion on that
14 ground because this document clearly has that stamp. So, that
15 is not -- and you will not be required to have somebody
16 authenticate it.

17 MR. FLEMING: Thank you, Your Honor.

18 THE COURT: Yes, sir. Are we ready to proceed?

19 MR. FLEMING: Yes, sir, Your Honor.

20 THE COURT: All right. Would you bring them back in Mr.
21 Byers? Have you moved those statements, those first
22 statements in?

23 MR. FLEMING: No, sir. No, sir. I was waiting.

24 THE COURT: Well, I'm just looking at my notes and I
25 didn't see them in.

CROSS EXAMINATION OF DWIGHT CRAFT BY MR. ST. PIERRE

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1 MR. FLEMING: Yes, sir.

2 THE COURT: Okay.

3 (Jury in at 10:59 AM)

4 THE BAILIFF: All present, sir.

5 THE COURT: Thank you, Mr. Byers. Mr. Fleming.

6 MR. FLEMING: Thank you, Your Honor.

7 DIRECT EXAMINATION CONTINUED

8 BY MR. FLEMING:

9 Q Officer Craft, what did you do after taking or
10 witnessing the statement from Ms. Shumate and after
11 charging Mr. Copeland with filing for a false report?
12 What did you do after that involving the case?

13 A Shortly after that, he was booked on that charge.

14 Q Okay.

15 MR. FLEMING: I beg the Court's indulgence for one
16 minute, Your Honor.

17 THE COURT: Yes, sir.

18 Q Did you do anything after booking?

19 A No, sir, not that I recall.

20 Q Okay.

21 MR. FLEMING: I have no further questions at this time,
22 Your Honor.

23 THE COURT: Cross examination?

24 MR. ST. PIERRE: Yes, sir, if it pleases the Court?

25 THE COURT: Yes, sir.

CROSS EXAMINATION

BY MR. ST. PIERRE:

Q You testified that you arrived at the scene of the accident around 2:20 AM.

A Yes, sir, that's what's logged in on it.

Q Okay. Then you searched the vehicle and conducted an inventory at some point before you called the tow truck driver at 5:00 AM-ish?

A Right. Yes, sir..

Q Okay. And you went over everything that you found inside the green Crown Victoria. Now, it's my understanding that there were -- airbags had been deployed. Is that correct?

A Yes, sir.

Q Okay. But the airbags were never taken into evidence or tested for DNA to determine identity of why, you know, who was in the car. Right?

A No, sir, not that I'm aware of.

Q Okay. So, there possibly could have been only one person in the car?

A I...

Q Now, let's go over these statements. You told this jury that you witnessed -- and I'm showing you State's #26 -- that you were in the room interviewing the Defendant along with Tony Lynch. Is that correct?

CROSS EXAMINATION OF DWIGHT CRAFT BY MR. ST. PIERRE

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- 1 A Yes, sir.
- 2 Q And you also told this jury -- tell me what time that
- 3 was.
- 4 A 8:05 AM.
- 5 Q Okay. 8:05 AM. And then you said -- and that's
- 6 completely filled out right? Top to bottom, not one
- 7 line is not filled out, right?
- 8 A It appears complete to me, yes, sir.
- 9 Q Okay. Complete. And then you told the jury that the
- 10 correlating statement with that, with State's #26, was
- 11 an unsigned, unacknowledged, incomplete statement
- 12 written by Tony Lynch. Is that correct?
- 13 A I said the statement without the signatures, yes, sir.
- 14 Q Okay. Well, that statement without the signatures, you
- 15 had a chance to see it, right?
- 16 A Yes, sir.
- 17 Q Is it acknowledged by anyone?
- 18 A No, sir. Like I just said, it doesn't have any
- 19 signatures on it.
- 20 Q Okay. Is it initialed by anyone?
- 21 A Again, just like I said, sir, it doesn't have any
- 22 signatures, doesn't have any initials.
- 23 Q Okay. Was it dated?
- 24 A I can't recall if it had a date on the top of it or not.
- 25 Q You can refresh your memory. (Hands witness document)

1 A No, sir, it's not dated. No.

2 Q Okay. Whose writing was it in?

3 A Detective Lynch's.

4 Q Okay. And you said to this jury that that statement,
5 which you purported to be the first statement of the
6 Defendant, puts him in a car behind a Mexican Restaurant
7 while Bryan Jones robs the store. Correct?

8 A Right. That's what the statement reads.

9 Q Okay. Now, I'm going to show you, if I can find it,
10 Court's Exhibit #8. That's a booking report where my
11 client, O'Bryan Copeland, was booked for filing a false
12 police report.

13 A Yes, sir, that's correct.

14 Q And can you please tell the jury what time he was booked
15 for that.

16 A 08:25.

17 Q Okay. 8:25?

18 A Yes, sir.

19 Q And then you said that there was a second statement. Is
20 that correct?

21 A Yes, sir.

22 Q And the second statement admits that he -- he admits
23 that he filed a false police report. Right?

24 A Basically, yes, sir.

25 Q But he was booked for assault with intent to kill, at

REDIRECT EXAMINATION OF DWIGHT CRAFT BY MR. FLEMING

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1 what time?

2 A 9:00.

3 Q Okay. So, it doesn't make sense that the first
4 statement, that after giving the first statement, he is
5 charged with filing a false police report. But after
6 giving a second statement, he's charged with assault
7 with intent to kill. Does that make sense to you?

8 A You talking about the order in which they were put in?

9 Q I'm talking about the order in which you purport the
10 statements to have taken place.

11 A The statements or the bookings?

12 Q Both.

13 A I'm not sure of which question you're asking. The
14 booking is, from my standpoint of it and I don't know
15 how much you've ever done as far as police work, but
16 filing a false police report is done on a blue ticket.
17 You can write it out and you can do it quickly. The
18 other one would have to have a warrant signed for it ---

19 Q Okay ---

20 A --- but we're talking about a discrepancy in time.

21 Q Thank you. Wouldn't it make sense that after you get
22 evidence of filing a false police report, you book him
23 for filing a false police report? And then after you
24 get evidence of possible involvement for an assault with
25 intent to kill through an unwritten, unsigned,

1 unacknowledged, statement, you book him on assault with
2 intent to kill, in chronological order?

3 A My response to that is the charging document will charge
4 which one you charge first or which one you charge
5 second, because I can do one on a blue ticket so I could
6 write it out. The false information charge, I could
7 write it out right then and get it taken care of.

8 MR. ST. PIERRE: I beg the Court's indulgence.

9 THE COURT: Yes, sir.

10 Q In the car, there was a lot of clothing. Do you remember
11 that?

12 A Yes, sir.

13 Q Okay. Bags of clothing right?

14 A Yes, sir.

15 MR. ST. PIERRE: No further questions.

16 THE COURT: Redirect?

17 MR. FLEMING: Just a couple follow-up, Your Honor.

18 REDIRECT EXAMINATION

19 BY MR. FLEMING:

20 Q Officer Craft, the Miranda sheet that you were shown had
21 a time of 8:05, I think, on it. Was that correct?

22 A Yes, sir, that's correct.

23 Q And you booked him in at 8:25 on filing a false report.
24 Is that correct?

25 A Yes, sir. Actually, if you look on that document,

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1 Lieutenant Anderson is the booking officer and I am the
2 arresting officer. Technically, she booked him in at
3 that ---

4 Q At 8:25?

5 A Yes, sir.

6 Q So, it's possible that you got enough information
7 between 8:05 and 8:25 to determine that a false report
8 had been made and you wrote the blue ticket?

9 A Exactly. The blue ticket can be taken care of quite a
10 bit quicker than having to sign a warrant and that type
11 thing.

12 Q How long does it take you to write a blue ticket?

13 A As quickly as I can put pen to paper.

14 Q Okay. And were you working on any of the other charges?

15 A No, sir, I mean -- what I was going to be making
16 charges, the case that was in front of me was the false,
17 the false report.

18 Q Okay. So, the time it took you to work and get the
19 ticket signed could have been different than other
20 officers working the other charges?

21 A Yes, sir, definitely.

22 Q And as far as the statements are concerned, do you have
23 any control over what order the Defendant gives them in?

24 A No, sir. I mean, somebody gives you the information
25 whether they're going to give you the information.

1 Q And you're sure the order of the statements that were
2 given to you and Detective Lynch was, the first one was
3 the unfinished ---

4 A Right. And then the ---

5 Q --- statement and then the second one ---

6 A Yes, sir.

7 Q --- was the finished statement that he signed?

8 A Yes, sir.

9 MR. FLEMING: No further questions, Your Honor.

10 MR. ST. PIERRE: Just briefly.

11 RE-CROSS EXAMINATION

12 BY MR. ST. PIERRE:

13 Q Your purported first statement involves State's #26, a
14 completely filled out Miranda form, which you testified
15 to. Right?

16 A Yes, sir.

17 Q And then there's a statement that has nothing signed.
18 Right?

19 A Yes, sir, that's right.

20 Q And this form was filled out at 8:05. Right?

21 A Yes, sir.

22 Q And you said that you were there for both statements.
23 How long does it take for someone to give a statement,
24 write it down, and witness a statement? Ballpark.

25 A Ballpark. Those statements are only about a paragraph

RE-CROSS EXAMINATION OF DWIGHT CRAFT BY MR. ST. PIERRE

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1 long. So, I mean, we're not talking about a great deal
2 of time to write those out. It's not two to three pages.
3 It's a paragraph a piece. So...

4 Q So, I mean, was it -- so you're saying it takes only --
5 it takes as long as however fast the Defendant is
6 talking. Right?

7 A It could be that fast, yes, sir.

8 Q And in between writing down sentences, there's got to be
9 some interrogation going on. Is that correct?

10 A I mean ---

11 Q Okay. So, 8:05 starts, you start filling out a form,
12 which is completely filled out, okay? And you have to
13 go over or someone in the room that you are in has to go
14 over each and every one of these items. Correct?

15 A Correct, sir.

16 Q Okay. And you have to read the Defendant all of his
17 rights. Is that correct?

18 A Yes, sir. I read them in Court.

19 Q Okay. Completely filled out the form. But then at 8:25,
20 you arrested him for filing a false police report?

21 A Yes, sir.

22 Q Okay.

23 MR. ST. PIERRE: No further questions.

24 THE COURT: May this witness be excused?

25 MR. FLEMING: Yes, sir, Your Honor, as far as the State's

1 concerned.

2 THE COURT: Very good. You may be excused. Call your next
3 witness, please, sir.

4 MR. FLEMING: Yes, sir. The State would call Chief Robin
5 Morse to the stand.

6 MR. FLEMING: I beg the Court's indulgence for one
7 second, Your Honor. I'm sorry.

8 THE COURT: Yes, sir. While you're doing that, may I
9 see the bailiff in the back, please, sir.

10 (After being duly sworn by the Clerk of Court,

11 **ROBIN MORSE** testified as follows:)

12 DIRECT EXAMINATION

13 BY MR FLEMING:

14 Q Sir, could you state your full name for the record,
15 please?

16 A Robin Morse.

17 Q Okay. Mr. Morse, where do you work?

18 A For the Laurens Police Department.

19 Q Okay. And in what capacity do you work with the Laurens
20 Police Department?

21 A I'm the Chief of Police.

22 Q Okay. So, you're the head guy?

23 A Yes, sir.

24 Q Okay. And how long have you been the Chief of Laurens
25 Police Department?

DIRECT EXAMINATION OF ROBIN MORSE BY MR. FLEMING

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- 1 A About fifteen-and-a-half years.
- 2 Q Okay. And how long have you been working in law
- 3 enforcement?
- 4 A This December will be thirty-six years.
- 5 Q Okay. Prior to working as Chief of the Laurens PD, where
- 6 did you work?
- 7 A With the Sheriff's office.
- 8 Q Here in Laurens?
- 9 A That's correct.
- 10 Q How long did you work for them?
- 11 A Right at twenty years, almost.
- 12 Q Okay. And during the time that you've been in law
- 13 enforcement, how many armed robbery cases have you had a
- 14 chance to investigate?
- 15 A I don't know exactly. It's been a fair amount.
- 16 Q Over fifty?
- 17 A That'd be hard to say. I'd say probably that would be a
- 18 good round number.
- 19 Q Okay. And were you working on the day of July the 7th of
- 20 2009?
- 21 A I was.
- 22 Q Okay. Did you get a call concerning an armed robbery
- 23 that occurred at Harper Street at the Corner Stop
- 24 Convenience Store up there?
- 25 A I did.

1 Q Okay. What did you do after you got that call?

2 A After I got the call, I got up and -- because it was in
3 the early morning hours, I drove up there to the scene.

4 Q Okay. And were you the first on scene?

5 A No, I wasn't.

6 Q Who was?

7 A I believe Shane Martin was the officer that was at the
8 scene when I got there.

9 Q Okay. And what did you do when you got there?

10 A Well, he filled me in with, you know, what had happened
11 and so forth and then talked with the victim and then we
12 started processing the scene.

13 Q Okay. And processing the scene, what did you do in
14 regards to processing the scene?

15 A My part was, I basically just took pictures.

16 Q Okay. So, you took pictures of inside the store?

17 A Inside the store, outside, pictures of some tire tracks
18 that we found, shoe tracks, stuff like that.

19 Q All right. Was it relayed to you when you got there that
20 there had been gunfire during the robbery?

21 A It was.

22 Q And did you see evidence of that at the scene?

23 A We did.

24 Q Chief, let me let you look at those pictures right
25 there.

DIRECT EXAMINATION OF ROBIN MORSE BY MR. FLEMING

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1 A Okay.

2 Q Are those pictures that you took of the crime scene at
3 the store, inside and out?

4 A They are.

5 Q Okay.

6 MR. FLEMING: Your Honor, I'd like to move these into
7 evidence as State's Exhibits at this time.

8 THE COURT: How many photos is it?

9 MR. FLEMING: One, two, three, four, five, six, seven,
10 eight, nine, ten, eleven, twelve, thirteen, I think, Your
11 Honor.

12 THE COURT: Any objections, Mr. St. Pierre?

13 MR. ST. PIERRE: I believe he's laid the proper
14 foundation, Your Honor.

15 THE COURT: Entered, without objection.

16 (Whereupon, thirteen photographs are entered into
17 evidence as State's Exhibits #27, #28, #29, #30, #31, #32,
18 #33, #34, #35, #36, #37, #38, and #39, without objection)

19 COURT REPORTER: That's numbers 27 through 39.

20 Q Chief Morse, did you also help process the inside of the
21 store?

22 A I did.

23 Q So, you helped with placing items into evidence, as
24 well?

25 A I was there and Officer Martin actually physically

1 collected the evidence, but I was there with him.

2 Q Okay. I'll show you this here. Could you tell the jury
3 what that is a photo of?

4 A That is a map that was behind the counter and that's a
5 shell casing that's laying on the map.

6 Q A shell casing meaning a spent bullet?

7 A A spent bullet. Yes, sir.

8 Q Okay. It's already been fired. It's the casing that
9 ejects out. Correct?

10 A That's correct.

11 THE COURT: Can you give us that Exhibit Number, please,
12 sir?

13 MR. FLEMING: Yes, sir. I'm sorry. It's Exhibit #28.

14 Q And that's...

15 A It's the same thing, just closer up.

16 Q Okay.

17 THE COURT: What number was that?

18 MR. FLEMING: I'm sorry. That was #27.

19 Q I'm going to show you State's Exhibit #29 now. And what
20 is that?

21 A That's the, what I'd call the head of the shell casing.
22 It's got the caliber and the brand stamped into it.

23 Q Okay. Do you remember the brand, type of ammo?

24 A I can't remember exactly. Aquilla or Aguila, something
25 like that.

DIRECT EXAMINATION OF ROBIN MORSE BY MR. FLEMING

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1 Q Okay. I'll show it to you so you can get a closer look
2 at it. Maybe it'll refresh your memory.

3 A If I'm pronouncing it correctly, it's Aguila. It looks
4 like A-G-U-L-L-A or something like that.

5 Q How about that in that photo?

6 A That is the part of the metal jacket that was in some of
7 the racks where the sunflower seeds and things were
8 sitting in, like a plastic display case. And that's a
9 part of the shell jacket from the bullet.

10 Q So that's what -- that's part of what's ejected from the
11 shell casing when a bullet is fired from the gun.

12 Correct?

13 A That's right.

14 Q And that's Exhibit #35. And I'll let you look at State's
15 Exhibit #36. How about that?

16 A Same thing in a display case and that appears to be the
17 bullet, the lead part of the bullet.

18 Q Okay. State's Exhibit #37?

19 A That, again, is part of the metal jacket around the
20 bullet, that copper-looking color you see there in the
21 center of the picture.

22 Q Okay. All right. State's Exhibit #38.

23 A Again, it's another piece of the bullet.

24 Q Okay. And #39?

25 A I think it's the same one, just a little further back.

1 Q So, instead of just one piece coming out, there were
2 multiple pieces that ended up after the gun was fired.
3 Is that correct?

4 A We found several pieces of the bullet. It looked like it
5 come apart.

6 Q Okay. I'll show you this one, it's State's Exhibit #30.
7 This is on the outside here. Could you tell the jury
8 what that's a picture of?

9 A That's just the end of the parking lot, and that's just
10 a little lot, and on the other side of the lot, it's
11 some houses back there and a driveway that goes up to
12 those houses.

13 Q I'm sorry. That was State's Exhibit #30. And this
14 State's Exhibit #31?

15 A That's a tire track that was on that driveway behind the
16 store.

17 Q State's Exhibit #32?

18 A That's the same thing, just another photograph of it.

19 Q Number 33?

20 A That's a tire track that was in that same area.

21 Q Okay. And #34?

22 A That's a closeup of a tire track that was in that area.

23 Q Okay. Now, other than the photographs that you took at
24 the store, inside and outside, were there other
25 photographs that you took?

DIRECT EXAMINATION OF ROBIN MORSE BY MR. FLEMING

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1 A Yes, there were that night.

2 Q What other photographs did you take?

3 A Down on Mill Street where there was a car that had
4 wrecked, had hit a telephone pole.

5 Q Let me show you some of these photographs, as well.

6 MR. ST. PIERRE: May I approach?

7 THE COURT: Yes, sir.

8 (Bench conference off the record)

9 MR. FLEMING: Your Honor, I think we have a motion that
10 needs to be heard. It might be a good time for a break for
11 everybody involved.

12 THE COURT: Okay. Ladies and gentlemen, this is normally
13 the time I take a morning break anyway. It'll probably be,
14 take a minimum of at least fifteen minutes. Go back and get
15 yourself something to drink and just relax for a few minutes.
16 We'll call you back as soon as we can. Thank you very much.

17 (Jury out at 11:30 AM)

18 MR. ST. PIERRE: Judge, I'm going to approach and show
19 you two photographs of fragments of a five dollar bill. It's
20 alleged to have been found near the accident scene and, once
21 again, we'd have a motion based on a Rule 403, South Carolina
22 Rules of Evidence and also foundation. I know the officer
23 here has taken photos of that five dollar bill. The
24 foundation may be premature because he can surely testify to
25 where he took the -- where the five dollar bill was located.

1 But beyond that, introduction of this evidence to the jury
2 would substantially prejudice my client. There's been no
3 testimony of what denominations of currency were taken, what
4 serial numbers of bills that were taken from the store and
5 the fact that there's a ripped five dollar bill, a piece of a
6 five dollar bill or pieces thereof, on grass near the
7 incident location isn't probative as -- it's way less
8 probative than prejudicial.

9 THE COURT: How so?

10 MR. ST. PIERRE: Well, that five dollar bill could have
11 been there forever. I mean, or, you know, the day before,
12 hour before, weeks before. There's nothing tying that five
13 dollar bill to the J&K Store. I mean, you -- and that's the
14 basis. I mean, the admission of that five dollar bill would
15 unfairly tie that car to the scene of the crime and they
16 obviously already have what appears to be tire tracks in the
17 vicinity of the store.

18 THE COURT: All right. Anything further?

19 MR. ST. PIERRE: No, sir.

20 THE COURT: Mr. Fleming?

21 MR. FLEMING: Yes, sir, Your Honor. I'm not trying to get
22 the five dollar bill in at this time, Your Honor. All I'm
23 getting in is the photograph of the five dollar bill, which
24 Chief Morse took.

25 THE COURT: Well, let me just say this. I mean, subject

DIRECT EXAMINATION OF ROBIN MORSE BY MR. FLEMING

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1 to your laying a proper foundation for admission of
2 photographs, I'm going to overrule your objection and find
3 that the probative value is not outweighed by any prejudicial
4 impact on the jury. Therefore, subject to a proper
5 foundation, I'd find that admissible.

6 All right. Guys, let's take about a fifteen minute break
7 and be ready to come back at about a quarter till. Is that
8 okay with everybody?

9 MR. FLEMING: Yes, sir, Your Honor.

10 THE COURT: Chief.

11 CHIEF MORSE: Yes, sir.

12 THE COURT: You're still under oath. You cannot speak
13 with anybody about your testimony, either the State, any
14 other officers, court personnel or the Defense attorney.
15 Okay, sir?

16 CHIEF MORSE: Yes, sir.

17 THE COURT: Thank you very much.

18 (BRIEF RECESS)

19 THE COURT: There's two ---

20 MR. FLEMING: Actually, three, I believe, Your Honor.

21 THE COURT: Three?

22 MR. FLEMING: Three, Your Honor. One on both sides of the
23 board and the other one on the floor.

24 THE COURT: Is that 40, 41, and 42?

25 COURT REPORTER: Yes, sir.

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1 THE COURT: They've been admitted without objection.

2 (Whereupon, three aerial photographs on large boards are
3 entered into evidence as State's Exhibits #40, #41, and #42,
4 without objection)

5 THE COURT: All right. Mr. Fleming are you ready to go?

6 MR. FLEMING: Yes, sir, Your Honor.

7 THE COURT: Mr. St. Pierre?

8 MR. ST. PIERRE: I am, Your Honor.

9 THE COURT: Mr. Byers would you bring the jury in,
10 please, sir?

11 (Jury in at 11:52 AM)

12 THE BAILIFF: All present, Your Honor.

13 THE COURT: Thank you, Mr. Byers. Mr. Fleming, are you
14 ready?

15 MR. FLEMING: Yes, sir, Your Honor.

16 THE COURT: All right, sir.

17 MR. FLEMING: May it please the Court?

18 THE COURT: Yes, sir.

19 DIRECT EXAMINATION CONTINUED

20 BY MR. FLEMING:

21 Q Chief, I think, we were in the middle of questioning
22 about, you also took photographs at the scene where the
23 car was wrecked. Correct?

24 A That is correct.

25 Q And that's a Ford Crown Vic, a green Ford Crown Vic.

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1 Correct?

2 A That is correct.

3 Q Okay. Let me show you all these photos here.

4 A (Reviews photographs)

5 Q Is that all those photos you took?

6 A Yes, sir.

7 Q Okay. Do they accurately represent the objects that you
8 were taking pictures of that night?

9 A They do.

10 MR. FLEMING: Your Honor. We would like to introduce
11 them as State's Exhibits at this time?

12 THE COURT: Any objection?

13 MR. FLEMING: One, two, three, four, five, six, seven,
14 eight, nine photographs, Your Honor.

15 MR. ST. PIERRE: I just renew my objection from the
16 previous hearing.

17 THE COURT: Noted and overruled. They're admitted. How
18 many? How many pictures? I'm sorry?

19 MR. FLEMING: Nine.

20 COURT REPORTER: Numbers 43 through 51.

21 (Whereupon, nine photographs are entered into evidence
22 as State's Exhibits #43, #44, #45, #46, #47, #48, #49, #50,
23 and #51, over objection)

24 Q Chief, I'm going to ask you to look here at State's
25 Exhibit #43 and tell the jury, what's that a picture of.

1 A That's a picture of the car that was sitting in the
2 middle of the road on Mill Street that had hit a
3 telephone pole. That's a picture from the rear of the
4 car.

5 Q Okay. That one's a little dark there. Tell us what that
6 is.

7 A That's a picture looking at the side of the car, I
8 think, on the passenger side.

9 COURT REPORTER: Number?

10 MR. FLEMING: And that was #44.

11 Q State's Exhibit #45?

12 A That's a distant shot looking at it from back up the
13 road, looking toward where the car was sitting. You
14 can't hardly see it in that picture, but you can see the
15 patrol cars there and it's in between those two patrol
16 cars.

17 Q Okay. State's Exhibit #51?

18 A That is a picture of the tire that was on the car.

19 Q Okay. And what does that show?

20 A It's showing the tread pattern of that tire.

21 Q Okay.

22 A That is a bullet that was found in -- there was a box of
23 bullets found in the trunk of the car and that is one of
24 the bullets out of that box showing the brand and the
25 caliber and that that has not been fired.

DIRECT EXAMINATION OF ROBIN MORSE BY MR. FLEMING

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1 Q Okay.

2 A That's the same picture, just it's a little brighter.

3 MR. FLEMING: And I'm sorry. Those were Exhibits #49 and
4 #50. And the tire exhibit was #51.

5 Q This is Exhibit #46.

6 A That's a piece of a five dollar bill or a five dollar
7 bill that was found in the grassy area in a field near
8 where the car was wrecked. And that's another piece of
9 a five dollar bill in that same area.

10 MR. FLEMING: And those were Exhibits #46 and #47.

11 Q And then Exhibit #48?

12 A That's a pair of shoes that are sitting on the back of a
13 patrol car that was photographed.

14 Q Okay. Do you know whose shoes they were?

15 A I do not.

16 Q Did you take photographs of inside the trunk of that
17 vehicle that night, Chief?

18 A I believe I did.

19 Q Okay. And do you recall seeing State's Exhibit #25,
20 which is a box of .45 automatic shells? Aguila, is the
21 name brand.

22 A Yes.

23 Q And let me show you this here. Can you tell the jury
24 what that is?

25 A This is a shell casing, what we would call a spent shell

1 casing, one that has been fired, and that's .45 auto and
2 it's Aguila, A-G-U-I-L-A.

3 Q Is that the shell casing that was found inside the
4 store?

5 A Yes.

6 Q So, that shell casing is the same type of shells that
7 were found in the back of the vehicle on Mill Street.
8 Is that correct?

9 A Same brand, same caliber.

10 Q Okay. Now, I'll have you look at a State's Exhibit's up
11 on the easel, if you would. Pull the one up of the
12 store. Okay. Yeah. If you'd get up and can you tell just
13 -- did you print these aerial photos out, Chief?

14 (Witness stands in front of easel in front of jury)

15 A Yes.

16 Q. Okay. And can you tell the jury what we're looking at on
17 this aerial photo here?

18 A This road right here is what we know as North Harper
19 Street and this is the Store here, the old J&K, Corner
20 Stop, as it's now known as.

21 Q Yes, sir.

22 A And the store that was robbed here. And this is -- Lee
23 Street runs beside it. And this is Mill Street right
24 here.

25 Q Okay. Now, you were talking about the tire treads that

DIRECT EXAMINATION OF ROBIN MORSE BY MR. FLEMING

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1 were found and the shoe impressions or shoe prints that
2 were found. Where did y'all find those in relation to
3 the store?

4 A Behind the store, at this driveway right here that leads
5 to these houses. This is where the tire impressions were
6 located.

7 Q Okay. And where was the, according to statements that
8 were given, where's the Mexican Store at where the
9 Defendants parked the car?

10 A That would be right over here in front of the store.

11 Q Okay.

12 MR. ST. PIERRE: I would object to where the Defendants
13 parked. That's leading and there's no evidence of that.

14 THE COURT: I sustain his objection.

15 MR. FLEMING: I withdraw it.

16 Q Where's the Mexican Store at?

17 A Right here.

18 Q All right.

19 MR. FLEMING: If you could pull up the ---

20 COURT REPORTER: Could you tell us what exhibit that was?

21 MR. FLEMING: I'm sorry. Exhibit #42.

22 Q And here we're looking at Exhibit #40. I'm getting too
23 old. Okay. Could you tell -- looking at Exhibit #40
24 here, could you tell the jury what this is an aerial
25 photograph of?

1 A This is a little broader view of -- the store is sitting
2 right here. This is Mill Street that goes down here to
3 where the car was wrecked.

4 Q Okay. Could you show, approximately, about where the car
5 was when it was wrecked?

6 A I believe it was right in this area, right down in here.

7 Q Okay. So, approximately, how far is that from the store?

8 A I'm guess, probably less than a half a mile.

9 Q. Okay. And if you turn it on the back there, that's
10 Exhibit #41. Could you tell the jury what this is a
11 picture of?

12 A This is just a closer view of about where the car was
13 wrecked.

14 Q And that road is what?

15 A That's known as Mill Street.

16 Q And down at the bottom there, what street is that?

17 A That is Fleming Street right there.

18 Q Okay. And approximately where was the five dollar bill
19 found?

20 A In this grassy area right in here.

21 Q Okay. I have no further questions about that.

22 (Witness returns to witness stand)

23 Q Chief, you said you've been working in law enforcement
24 how many years?

25 A Almost thirty-six.

CROSS EXAMINATION OF ROBIN MORSE BY MR. ST. PIERRE

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1 Q Okay. And during your time as a law enforcement officer,
2 have you ever seen Aguila shells?

3 A I don't believe I have.

4 Q Would you say that -- let me ask you this: Do you have a
5 lot of dealings with guns and ammo?

6 A I have fooled with a good many of them through the
7 years.

8 Q Okay...And would you say that's a rare brand of
9 ammunition?

10 A It is. I'd never heard of it until we found those.

11 MR. ST. PIERRE: I'm going to object. I don't think he's
12 an expert in ammunition and knowing if it's a rare brand.

13 THE COURT: Just ask him if he'd ever heard of it or not.

14 Q You ever heard of it?

15 A No, I haven't.

16 Q Other than processing the store, helping process the
17 store, and taking pictures at both locations, the car on
18 Mill Street and at the store on North Harper Street, did
19 you do anything else in conjunction with this case?

20 A No, that was just my involvement, taking the pictures.

21 Q Okay.

22 MR. FLEMING: The Court's indulgence for one second, Your
23 Honor.

24 THE COURT: Yes, sir.

25 MR. FLEMING: That's all the questions I have, Your

1 Honor.

2 THE COURT: Cross examination?

3 MR. ST. PIERRE: Yes, sir. If it please the Court?

4 THE COURT: Yes, sir.

5 CROSS EXAMINATION

6 BY MR. ST. PIERRE:

7 Q Let me find the pictures. Chief, I'm showing you what's
8 been marked State's #27. That is a bullet you found at
9 the crime scene, the J&K Store?

10 A A shell casing, yes, sir.

11 Q A shell casing, okay. I'm going to ask you to look very
12 closely at that bullet. Does it indicate the presence of
13 potential fingerprints?

14 A I see, I guess, what you're referring to you on there is
15 a, what looks like a couple of ridge designs on there.

16 Q Okay.

17 A Nothing clear, though.

18 Q Nothing clear?

19 A I mean, not a whole complete print, just a few lines.

20 Q Okay. And then I'm showing you State's #29. Is that your
21 hand touching the bullet afterwards?

22 A I believe we had it -- a pen was holding it up. I wasn't
23 touching the bullet. You can't see it in there, but it's
24 like stuck in the end of the thing, holding it up like
25 that.

CROSS EXAMINATION OF ROBIN MORSE BY MR. ST. PIERRE

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1 Q Okay. But either way, it was never sent for fingerprint
2 analysis. Is that correct?

3 A I was thinking it was sent down. Now, whether they done
4 any analysis on it or not, that I can't tell you.

5 Q Okay. Okay, let's see. This is State's #42. And you
6 indicated that you lifted some tire impressions here
7 behind the store?

8 A Right on that driveway.

9 Q Okay. So, you looked at tire impressions on a driveway.
10 And the footprints, castings you took were near there as
11 well?

12 A They were in this little area right here beside the
13 store.

14 Q Okay. And this driveway helps access multiple houses.
15 Right?

16 A That is correct.

17 Q Okay. And that's in a community known as Watts Mill.
18 Right?

19 A In the upper area of the Watts Mill area. We're not all
20 the way up into Watts Mill, but it's up in that
21 direction.

22 Q Okay. But there's a lot of houses in that area. It's
23 residential?

24 A That's correct.

25 Q Now, as chief of police, when you collect evidence, your

1 agency sends that evidence to the South Carolina Law
2 Enforcement Division, SLED, otherwise known as SLED, for
3 analysis?

4 A That is correct.

5 Q And you relied on SLED for their analysis and adopted
6 what they said as correct in, you know, their analysis.
7 Correct?

8 A That is correct.

9 Q And in this case, they're also law enforcement. Correct?
10 They're also a law enforcement agency?

11 A Yes, they are.

12 Q Okay. In this case your agency submitted evidence to
13 SLED. Correct?

14 A That is correct.

15 Q And one of those was a gunshot residue kit. Is that
16 correct?

17 A I believe that's on the list. I don't have the list, but
18 I think we did send some GSR kits down.

19 Q Okay. And one of those was from O'Bryan Exxidice
20 Copeland. Is that correct? I can refresh your memory.

21 A Yeah, I believe that's correct.

22 Q Okay. And to the best of your knowledge, all gunshot
23 residue -- the analysis of the gunshot residue kit from
24 O'Bryan Exxidice Copeland, indicated there was no
25 gunshot residue?

CROSS EXAMINATION OF ROBIN MORSE BY MR. ST. PIERRE

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1 MR. FLEMING: Your Honor, objection. Unless he's going
2 to get who performed the test on this to testify to that, he
3 can't do it with this witness. Unless he can establish this
4 witness performed the GSR test, I don't think he can get into
5 that.

6 MR. ST. PIERRE: Your Honor 801, (d) (2) (b).

7 THE COURT: Ms. Myers, do you mind stepping back to your
8 jury room for just one second, please?

9 (Jury out at 12:13 PM)

10 THE COURT: So, what you're -- the question was
11 essentially that the gunshot residue kit tested by SLED came
12 back negative as to the Defendant. Is that correct?

13 MR. ST. PIERRE: Yes, sir, Your Honor. And it's an
14 admission by their agent.

15 MR. FLEMING: He's trying to -- I think he's trying to
16 get around calling the agent, Your Honor, to come and testify
17 as to their running the test and it coming back negative. I
18 think in order to get that report in, you're going to have to
19 call the agent to testify that that's how the test came out.

20 MR. ST. PIERRE: This is an admission by law enforcement,
21 an agent of the Chief, and I've elicited the testimony. I've
22 laid the foundation that he, that the chief relies on SLED
23 for analysis.

24 THE COURT: I mean, I hear you on that. My concern is
25 that you have to establish some type of foundation for that

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1 document or test to come into evidence.

2 MR. ST. PIERRE: I'm not trying to get the document into
3 evidence. It's an admission. It's an admission that he --
4 it's addressed to Chief Robin Morse. I mean, he knows or
5 should know the results from SLED on which he relies.

6 MR. FLEMING: Not necessarily, Your Honor, because
7 although the document may come addressed to him, he doesn't
8 get all the documents that come from SLED. The investigating
9 officer is the one that gets that document.

10 THE COURT: Well, the problem that I have here with both
11 of you is you're asking me to make a ruling in the dark
12 without having seen any of these things. If Mr. St. Pierre
13 asked him does he know how the results came back and they
14 were negative -- I'm not sure under your rule. I mean, I hear
15 what you're saying. He clearly adopted their test results,
16 their findings, and without question. I'm not sure that a
17 test result is an admission. It may very well be. But I mean,
18 you tell me.

19 MR. ST. PIERRE: Okay. And in Mr. Fleming's opening
20 statement, he said that this man pointed the gun and fired
21 the gun at the clerk. This is an admission against the
22 State's theory of the case that this man fired a gun at the
23 clerk. They obviously are a party opponent.

24 THE COURT: I'll allow it. I'm going to give a little
25 leeway on that. I'm going to allow it. I think 801(2)(b), I

CROSS EXAMINATION OF ROBIN MORSE BY MR. ST. PIERRE

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1 believe is what it was, allows for that. I'm not going to let
2 you go real far off base with it. If you want to get into
3 scientifics and all that, you're going to have to have the
4 expert. Just ask him the results, themselves.

5 MR. ST. PIERRE: Yes, sir.

6 THE COURT: All right. Subject to your objection, Mr.
7 Fleming. Anything else while we have the jury out?

8 MR. FLEMING: Yeah. I would just like to -- what Mr. St.
9 Pierre is trying to do with this is he's trying to get in the
10 fact that there's a negative result on the GSR test.

11 THE COURT: Sure.

12 MR. FLEMING: And that in front of the jury without
13 having to call the SLED agent that performed the test.

14 THE COURT: Well, you tell me -- let me tell you. When
15 both of you argue objections, just like when I used to try
16 cases and the judges I had to go in front of wanted me to
17 tell them the rule and why or why it is or is not admissible,
18 I understand what he's trying to do. It's clear. But tell me
19 why it is not admissible. Is it hearsay? Is there some other
20 basis behind it? I don't know, but I want somebody to figure
21 it out so I can make a ruling.

22 MR. FLEMING: I think it's hearsay, Your Honor. I think
23 it is hearsay.

24 MR. ST. PIERRE: 801(d)(2) says it's not hearsay.

25 THE COURT: Well, that is an exception to the hearsay

1 rule. I mean, what is the problem with bringing them down?

2 MR. ST. PIERRE: Judge, I ---

3 THE COURT: I don't understand that. At the same time, it
4 is what it is.

5 MR. FLEMING: I have a theory on that, Your Honor, if
6 you'd like to hear it?

7 THE COURT: Well, I mean, if it's a theory, I don't want
8 to hear it, you know, quite honestly.

9 MR. FLEMING: Of why he don't want to bring them.
10 Basically, because ---

11 MR. ST. PIERRE: He said he didn't want to hear it.

12 THE COURT: No. Quit now. If it's just a theory, I mean,
13 that's not going to be beneficial to my analysis on this
14 thing and I'm not being quarrelsome with either one of you.
15 I'm just trying to make sure that we look at it from a proper
16 standpoint and make a decision. I'm going to hear you. I'm
17 going to maintain my ruling. I'm going to let you get into it
18 and I note your objection.

19 MR. FLEMING: Yes, sir.

20 THE COURT: All right. Anything further?

21 MR. ST. PIERRE: Nothing, Your Honor.

22 THE COURT: All right. Gentlemen, I'm not trying to fuss
23 at either one of you. I just want your objections to be on a
24 more legal footing, please.

25 MR. ST. PIERRE: Thank you, Your Honor.

CROSS EXAMINATION OF ROBIN MORSE BY MR. ST. PIERRE

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1 (Jury in at 12:19 AM)

2 THE COURT: All right. Mr. St. Pierre.

3 MR. ST. PIERRE: Thank you, Your Honor.

4 THE COURT: Yes, sir.

5 CROSS EXAMINATION CONTINUED

6 BY MR. ST. PIERRE:

7 Q Chief Morse, did you have a chance to refresh your
8 recollection?

9 A Yes.

10 Q Okay. And isn't it true that there was no gunshot
11 residue found on O'Bryan Exxidice Copeland's left back
12 hand, left palm, right back hand, right palm?

13 A According to the report, that's correct.

14 Q With regards to footprints, you took foot cast
15 impressions at the scene, right?

16 A Yes.

17 Q Okay. And could you explain that process to the jury?

18 A We have a dental stone that we mix up with water and
19 then we pour that over the track and when it hardens,
20 it's an impression of that track that's in the ground.

21 Q And then you sent that down to SLED for analysis some
22 time last month. Is that correct?

23 A Whenever it went down. Yes, it was sent down for them to
24 look at.

25 Q Okay. The only two scenes that you were at was the J&K

1 and the accident scene?

2 A That's right.

3 Q So, you never went to [REDACTED] Price?

4 A No, I did not.

5 Q Okay. Now, if you'd allow me a little leeway, I'm going
6 to ask, have you ever seen the movie "Meet the Parents"
7 with Ben Stiller?

8 A If I have, I don't remember it.

9 Q Oh, okay. Well, I'm going to steal a question from that
10 movie. Do you think in an effort to turn a profit,
11 Aguila made more than one box of .45 caliber bullets?

12 MR. FLEMING: Objection, Your Honor. That calls for
13 speculation. He has no knowledge of why Aguila may or may not
14 have made more than one box of bullets.

15 THE COURT: Sustained. Go ahead.

16 Q I mean, obviously, you don't know the name of every
17 single bullet manufacturer, do you?

18 A No.

19 Q Okay. Then just in Laurens County alone, there's tens of
20 places that sell ammunition. Would you agree with that?

21 A I'm sure there's a good many.

22 Q And in the Upstate area, there's hundreds, maybe
23 thousands?

24 A A whole lot more.

25 Q Okay. And you took the foot cast prints, right?

REDIRECT EXAMINATION OF ROBIN MORSE BY MR. FLEMING

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1 A I don't believe I poured them, no.

2 Q Okay. But you were there when it happened?

3 A I was around when it was happening, yeah. I don't
4 believe I was right there at the scene when it was done.

5 Q Okay. And the tire tracks were in the driveway behind
6 the store?

7 A Yes.

8 Q Leading to multiple houses?

9 A That's correct.

10 Q And no one spoke to anyone at those houses behind, that
11 the driveway leads up to?

12 A We went and knocked on the door of a couple of them, but
13 no one came to the door.

14 Q Okay.

15 MR. ST. PIERRE: No further questions, Your Honor.

16 THE COURT: Redirect?

17 MR. FLEMING: Yes, sir, Your Honor.

18 REDIRECT EXAMINATION

19 BY MR. FLEMING:

20 Q Chief Morse, have you had any kind of special training
21 that you've been to as a result of being in law
22 enforcement?

23 A I've been to quite a few classes, different ---

24 Q Okay. How about classes on fingerprinting?

25 A I've had some classes on fingerprinting, both at the

1 Criminal Justice Academy and at the FBI National
2 Academy.

3 Q Okay. And in those classes, were you taught, basically,
4 what a fingerprint consists of?

5 A Yes.

6 Q What is it?

7 A It basically consists of the oils and things from your
8 fingers that comes out of the ridges on your prints and
9 it leaves an impression there on the surface.

10 Q As a result of being an oil or a liquid, what is it
11 subjected to?

12 A Well, it can be subjected to a lot of different things;
13 the elements, being wiped down, smeared, a lot of
14 different things.

15 Q What about heat?

16 A Could.

17 Q Okay. And what is produced in a gun when it's fired?

18 A It's like a -- basically, a mini explosion.

19 Q Okay. Is there heat in the chamber?

20 A Oh, yes.

21 Q Okay. And as a result of the heat, a fingerprint, what
22 could happen to the fingerprint?

23 MR. ST. PIERRE: I object, Your Honor. I don't think he's
24 been qualified as a fingerprint expert. I think I've let this
25 go on too far.

RE-CROSS EXAMINATION OF ROBIN MORSE BY MR. ST. PIERRE

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1 MR. FLEMING: I've asked him sufficient questions to --
2 he's had numerous classes at the FBI.

3 THE COURT: He hasn't been qualified as an expert.

4 MR. FLEMING: Yeah.

5 THE COURT: So, if you're asking an opinion, you cannot
6 ask an opinion.

7 Q In your classes did you learn what happens to a
8 fingerprint when it's subjected to heat?

9 A Just basically it can, I would call it, like a whole
10 layer would disappear.

11 Q Okay. And in your years as training as a law enforcement
12 officer, have you ever had any classes on gunshot
13 residue?

14 A Not specifically that, no.

15 Q Okay. So, you wouldn't have any knowledge as to the
16 reasons GSR might not show up because somebody washed
17 their hands ---

18 MR. ST. PIERRE: Objection. Objection. He's testifying.

19 THE COURT: Overruled.

20 Q So, you don't have any knowledge of where, you know, GSR
21 may be washed away by somebody washing their hands or
22 they're sweaty?

23 A That's what I understand.

24 MR. ST. PIERRE: Objection. He does not know.

25 THE COURT: Hold on. I sustain the objection. He said he

1 didn't have that much training. He can't give his opinion or
2 he can't answer that question. I'm going to ask the jury to
3 disregard his response, please.

4 Q Do you have knowledge of why the GSR test that was sent
5 down came back as negative?

6 A I don't know.

7 MR. FLEMING: I have no further questions, Your Honor.

8 THE COURT: Thank you, sir.. May this witness be excused?

9 MR. ST. PIERRE: If I could re-cross, Your Honor.

10 THE COURT: Yes, sir.

11 RE-CROSS EXAMINATION

12 BY MR. ST. PIERRE:

13 Q Chief, does your department have a policy -- and
14 obviously you set the policies at the police department.
15 Correct?

16 A Correct.

17 Q Okay. Do you have a policy on whether or not to
18 videotape confessions or interviews with ---

19 THE COURT: No, sir. No, sir. That's not responsive. I'm
20 not going to let you go there. May this witness be excused,
21 Mr. St. Pierre?

22 MR. ST. PIERRE: Nothing further.

23 THE COURT: Thank you, sir.

24 CHIEF MORSE: Thank you, Your Honor.

25 THE COURT: Call your next witness, please, sir.

1 MR. FLEMING: Your Honor, the State would call Officer
2 Shane Martin to the stand.

3 THE COURT: Let me do this. Before we put this witness on
4 the stand, may I see counsel over here, please?

5 MR. FLEMING: Yes, sir, Your Honor.

6 (Bench conference off the record)

7 THE COURT: Ladies and gentlemen, this is a good breaking
8 point. I believe that instead of breaking up the witness'
9 testimony, we're going to take a lunch break now. I'm going
10 to ask everybody to be back in their jury room at 1:30.
11 Instead of taking an hour-and-a-half, just do it for one
12 hour. Would that give you sufficient time, Mr. Byers?

13 BAILIFF: Yes, sir.

14 THE COURT: And we'll resume testimony at 1:30. I
15 remind you not to speak with others or yourselves about this
16 case during your lunch break. Thank you.

17 (Jury out at 12:31 PM)

18 THE COURT: All right. Anything from the State before
19 lunch break?

20 MR. FLEMING: Nothing from the State, Your Honor.

21 THE COURT: Anything from Defense?

22 MR. ST. PIERRE: Nothing from Defense.

23 THE COURT: All right. Thank you. We're in recess until
24 1:30.

25 (Lunch Break)

1 AFTERNOON - NOVEMBER 17, 2010

2 GUILTY PLEA

3 MR. ST. PIERRE: I'm handing up four indictments, which
4 my client wishes to tender a plea of guilty to, along with a
5 Waiver of Right's Form, which Your Honor requested. I believe
6 that would be marked as a Court's Exhibit. I don't know what
7 number we're on now.

8 (A waiver of rights form is marked as Court's Exhibit #1
9 on the plea receipt for exhibits)

10 MR. ST. PIERRE: Next, Your Honor, I've got thirteen
11 indictments I'm handing the Clerk of Court, which my client
12 wishes to tender a plea of nolo contendere.

13 THE COURT: Are you doing a nolo or are you doing an
14 Alford?

15 MR. FLEMING: Either way, Your Honor.

16 MR. ST. PIERRE: Nolo. I would prefer nolo, Your Honor.

17 THE COURT: All right. Solicitor, you want to call your
18 case?

19 MR. FLEMING: Yes, sir, Your Honor. Your Honor, this is
20 the State versus O'Bryan Copeland, 2009-GS-30-1482, 1483,
21 1484, 1481. Your Honor, those are the charges that we were in
22 trial on. It's my understanding that Mr. Copeland now wishes
23 to plead guilty on those charges as well as plead nolo on
24 indictments 1492, 1491, 1487, 1488, 1485, 1486, 1489, 1490,
25 1287, 1288, 1285, and 1286, and 585, Your Honor.

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1 THE COURT: Did you say 1487, 1488?

2 MR. FLEMING: Yes, sir.

3 THE COURT: So when all's said and done, thirteen
4 indictments that Mr. Copeland is pleading nolo contendere for
5 and then four indictments that he is pleading guilty to. Is
6 that correct?

7 MR. FLEMING: Yes, sir, Your Honor.

8 THE COURT: Is that your understanding, Mr. St. Pierre?

9 MR. ST. PIERRE: That is, Your Honor.

10 THE COURT: And Mr. Copeland, I'll advise you before we
11 get started that on the four that you are pleading guilty to,
12 you will have to admit your guilt. Do you understand?

13 MR. COPELAND: Yes, sir.

14 THE COURT: Okay, sir. Now, on the thirteen indictments--
15 I'm going to swear him.

16 MR. ST. PIERRE: He's got the cuffs on, so I was ---

17 THE COURT: Oh, okay. On the thirteen indictments which
18 will be read into the record, it's my understanding and you
19 correct me, Mr. St. Pierre, if you disagree and also, Mr.
20 Fleming if you disagree, but under a nolo contendere plea you
21 are saying: I'm not saying I did it. I'm not saying I didn't
22 do it. I'm not saying anything. But you understand that
23 you'll be treated as if you were found guilty of it if you
24 plead guilty to the charge that you plead nolo to. Is that
25 your understanding, Mr. St. Pierre?

1 MR. ST. PIERRE: That is my understanding and I've gone
2 over that with my client and I believe that's his
3 understanding, as well.

4 THE COURT: Is that your understanding, Mr. Copeland?

5 MR. COPELAND: Yes, sir,

6 THE COURT: Okay. And Mr. Fleming, is that your
7 understanding?

8 MR. FLEMING: Yes, sir, Your Honor.

9 THE COURT: Okay. With that being said, in addition, I
10 have marked as a Plea Exhibit #1. Is that the way you have it
11 listed, Jo?

12 COURT REPORTER: That'll be fine.

13 THE COURT: Plea Court's Exhibit #1?

14 COURT REPORTER: Yes.

15 THE COURT: Okay. A document that is an acknowledgment of
16 rights given up by entering a guilty plea. It consists of
17 three pages and appears to have your signature, dated
18 November 17th, 2010. Is that, in fact, your signature, Mr.
19 Copeland?

20 MR. COPELAND: Yes, sir.

21 THE COURT: And did you review this form with your
22 attorney as of or prior to you filling it out?

23 MR. COPELAND: Yes, sir.

24 THE COURT: And did you provide truthful information on
25 the form?

1 MR. COPELAND: Yes, sir.

2 THE COURT: Okay. Would you raise your right hand and put
3 your left hand on the Bible?

4 (Clerk of Court administers the oath to Mr. Copeland)

5 THE COURT: And, again, just to make sure, this
6 acknowledgment form, now that you're under oath, did you give
7 truthful and accurate information?

8 MR. COPELAND: Yes, sir.

9 THE COURT: And did you have sufficient time to review
10 all the information that you put on this form with your
11 attorney prior to you filling it in and signing it?

12 MR. COPELAND: Yes, sir.

13 THE COURT: Okay, sir. All right. Mr. Copeland, how old
14 are you?

15 MR. COPELAND: Twenty-three.

16 THE COURT: I need you to speak loud enough so they can
17 hear you over here and I can hear you. And I'm going to -- if
18 you can see in my ears, I have hearing aids. I'm a little
19 hard of hearing, okay?

20 MR. COPELAND: Yes, sir.

21 THE COURT: How far did you go in school?

22 MR. COPELAND: Tenth grade.

23 THE COURT: Now, we heard testimony during this trial
24 that you were in the eleventh grade, which one was it?

25 MR. COPELAND: I made it to the eleventh, but I ain't

1 finished nothing but the tenth grade.

2 THE COURT: You dropped out after the tenth grade?

3 MR. COPELAND: Yes, sir.

4 THE COURT: Okay, sir. Do you have any vocational
5 training?

6 MR. COPELAND: No, sir.

7 THE COURT: Are you married?

8 MR. COPELAND: No, sir.

9 THE COURT: Do you have any children?

10 MR. COPELAND: No, sir.

11 THE COURT: Prior to you being incarcerated -- it's my
12 understanding you were incarcerated pending trial. Is that
13 correct?

14 MR. COPELAND: Yes, sir.

15 THE COURT: Okay. Prior to you being incarcerated, were
16 you employed?

17 MR. COPELAND: No, sir.

18 THE COURT: Have you ever had a regular job?

19 MR. COPELAND: No, sir. I used to help my uncle like put
20 shingles on a roof, but it wasn't...

21 THE COURT: Is that a job where you were paid under the
22 table and didn't have regular withholdings taken out, like
23 taxes, social security, the stuff the rest of us have?

24 MR. COPELAND: Yes, sir.

25 THE COURT: Okay. Have you ever had a job where you had

1 regular withholdings withheld from your paycheck?

2 MR. COPELAND: No, sir.

3 THE COURT: All right. Mr. Copeland, are you under the
4 influence of any medications, drugs or alcohol today?

5 MR. COPELAND: No, sir.

6 THE COURT: Have you been under the influence of any
7 drugs, medications, or alcohol throughout the trial that we
8 began Monday?

9 MR. COPELAND: No, sir.

10 THE COURT: Mr. St. Pierre, are you satisfied that Mr.
11 Copeland is competent to plead guilty?

12 MR. ST. PIERRE: I am, Your Honor.

13 THE COURT: Mr. Copeland, has anybody forced, threatened,
14 or promised you anything to get you to plead guilty?

15 MR. COPELAND: No, sir.

16 THE COURT: Has anybody forced, threatened, or promised
17 you anything to get you to plead nolo contendere to the
18 thirteen indictments you're pleading nolo contendere to?

19 MR. COPELAND: No, sir.

20 THE COURT: Are you doing so freely and voluntarily?

21 MR. COPELAND: Yes, sir.

22 THE COURT: It appears, and I'm asking both the attorneys
23 this, from my review of all the indictments, both the ones
24 that Mr. Copeland is pleading guilty to and the ones that
25 he's pleading nolo to, they have all been true billed. Is

1 that correct?

2 MR. FLEMING: Yes, sir, Your Honor.

3 MR. ST. PIERRE: Yes, sir.

4 THE COURT: Okay. Now, Mr. Copeland, do you understand
5 that you have a right to a jury trial on, not only the four
6 indictments you're in trial on now, but also the other
7 thirteen indictments you're pleading nolo to?

8 MR. COPELAND: Yes, sir.

9 THE COURT: Now, you understand, because you've been here
10 this week, that we're in the middle of a trial?

11 MR. COPELAND: Yes, sir.

12 THE COURT: And you understand that whether those four,
13 or whether you continue on with this trial, you have a right
14 for a jury to make that decision of your guilt or innocence?
15 Do you understand that?

16 MR. COPELAND: Yes, sir.

17 THE COURT: And that by pleading guilty or by pleading
18 nolo, you lose or waive your right to a jury trial on not
19 only the four charges you're presently going through trial
20 with, but also the other thirteen charges you're pleading
21 nolo to. Do you understand that?

22 MR. COPELAND: Yes, sir.

23 THE COURT: Is that what you want to do?

24 MR. COPELAND: Yes, sir.

25 THE COURT: Are you freely and voluntarily waiving your

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1 right to a jury trial?

2 MR. COPELAND: Yes, sir.

3 THE COURT: You understand, as in the trial we're
4 presently in, as well as the other thirteen indictments, that
5 you are presumed innocent during trial?

6 MR. COPELAND: Yes, sir.

7 THE COURT: And the State will have prove each and every
8 element of each and every charge against you beyond a
9 reasonable doubt in order for you to be found guilty. Do you
10 understand that?

11 MR. COPELAND: Yes, sir.

12 THE COURT: When you plead guilty you waive or give up
13 those protections and that presumption of innocence. Is that
14 what you want to do?

15 MR. COPELAND: Yes, sir.

16 THE COURT: Do you understand that you would have
17 constitutional rights, on not only the four indictments
18 you're pleading guilty to, but also the thirteen that you're
19 pleading nolo to, to confront any and all witnesses and
20 evidence that the State puts before you and to cross
21 examination and/or challenge that evidence? Do you understand
22 that?

23 MR. COPELAND: Yes, sir.

24 THE COURT: Do you understand that you have a right to
25 present competent evidence in your own defense on each and

1 every one of these charges?

2 MR. COPELAND: Yes, sir.

3 THE COURT: You have a right to remain silent on each and
4 every one of these charges. Do you understand that?

5 MR. COPELAND: Yes, sir.

6 THE COURT: If you went to trial on any of these charges
7 and you did not testify, the trial judge would instruct the
8 jury that they couldn't hold that fact against you, the fact
9 that you didn't testify against you in any form or fashion.
10 Do you understand that?

11 MR. COPELAND: Yes, sir.

12 THE COURT: They'd be instructed that they couldn't even
13 consider that in their deliberations or mention it in their
14 deliberations. Do you understand?

15 MR. COPELAND: Yes, sir.

16 THE COURT: When you plead guilty, you're saying to the
17 Court that I do not wish to avail myself of these
18 constitutional protections. Is that what you're saying?

19 MR. COPELAND: Yes, sir.

20 THE COURT: Are you saying that you want to give up these
21 constitutional rights?

22 MR. COPELAND: Yes, sir.

23 THE COURT: Are you doing so freely and voluntarily?

24 MR. COPELAND: Yes, sir.

25 THE COURT: Do you freely and voluntarily waive your

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1 constitutional protections?.

2 MR. COPELAND: Yes, sir.

3 THE COURT: Do you understand that if you plead guilty,
4 if you contend that you have a defense to any of these
5 charges -- which would be seventeen in all?

6 MR. ST. PIERRE: Yes, sir.

7 THE COURT: That you lose the right to assert those
8 defenses by pleading guilty? Do you understand that?

9 MR. COPELAND: Yes, sir.

10 THE COURT: Also, if you contend that anybody has
11 violated your constitutional rights up to this stage, with
12 regard to either the four charges you're pleading guilty to
13 or the thirteen that you're pleading nolo to, that you lose
14 the right to complain about those constitutional violations
15 when you plead guilty. Do you understand that?

16 MR. COPELAND: Yes, sir.

17 THE COURT: Do you want to do that?

18 MR. COPELAND: Yes, sir.

19 THE COURT: Do you understand that whether or not there's
20 a recommendation in this case, I do not have to accept it?

21 MR. COPELAND: Yes, sir.

22 THE COURT: And I can sentence you to the full amount
23 provided by law for each and all of these charges you're
24 either pleading guilty to or nolo to. Do you understand that?

25 MR. COPELAND: Yes, sir.

1 THE COURT: Do you understand that?

2 MR. COPELAND: Yes, sir.

3 THE COURT: And as far as the four charges that you're
4 pleading guilty to, the ones that we're in trial with right
5 now, for armed robbery, you can receive a minimum of ten
6 years and a maximum of thirty years. Do you understand that?

7 MR. COPELAND: Yes, sir.

8 THE COURT: For assault with intent to kill you can
9 receive up to a ten year maximum. Do you understand that?

10 MR. COPELAND: Yes, sir.

11 THE COURT: For use of a weapon during a violent crime,
12 you can get up to five years. Do you understand that?

13 MR. COPELAND: Yes, sir.

14 THE COURT: And for criminal conspiracy, you can get up
15 to five years. Do you understand that?

16 MR. COPELAND: Yes, sir.

17 THE COURT: So, just for the charges you're pleading
18 guilty to, not considering the charges that you're pleading
19 nolo to, that's a total of fifty years, if my math is
20 correct, that I can sentence you to right now by you pleading
21 guilty. Do you understand that?

22 MR. COPELAND: Yes, sir.

23 THE COURT: Do you also understand that as a
24 pre-condition to me accepting your guilty plea, you will have
25 to, on the record, admit your guilt. Do you understand?

1 MR. COPELAND: Yes, sir.

2 THE COURT: With regard to the thirteen indictments you
3 are pleading nolo contendere to, you have -- under
4 indictments, and I'm going to read these to you in order:
5 Under 2009-1285, you have attempted armed robbery, which
6 could be zero to twenty years. Do you understand?

7 MR. COPELAND: Yes, sir.

8 THE COURT: You have 2009-1286, possession of a weapon
9 during a violent crime, which is zero to five years. You
10 understand?

11 MR. COPELAND: Yes, sir.

12 THE COURT: You would have 2009-1287, possession of a
13 weapon during a violent crime, which is another up to five
14 years. Do you understand?

15 MR. COPELAND: Yes, sir.

16 THE COURT: You would have 2009-1288, which is armed
17 robbery, which is a minimum of ten and up to thirty. Do you
18 understand?

19 MR. COPELAND: Yes, sir.

20 THE COURT: You also have indictment 2009-1485, which is
21 armed robbery, which again is a minimum of ten and up to
22 thirty years. Do you understand?

23 MR. COPELAND: Yes, sir.

24 THE COURT: Under indictment 2009-1486, you have
25 possession of a weapon during a violent crime, which is zero

1 to five years. Do you understand?

2 MR. COPELAND: Yes, sir.

3 THE COURT: Indictment 2009-1487, you have armed robbery,
4 which again is a minimum of ten and up to thirty. Do you
5 understand?

6 MR. COPELAND: Yes, sir.

7 THE COURT: You have indictment 2009-1488, possession of
8 a weapon during a violent crime, which is zero to five years.
9 Do you understand?

10 MR. COPELAND: Yes, sir.

11 THE COURT: Indictment 2009-1489, which armed robbery,
12 which is a minimum of ten up to thirty. Do you understand?

13 MR. COPELAND: Yes, sir.

14 THE COURT: Indictment 2009-1490 is possession of a
15 weapon during a violent crime, which is zero to five years.
16 Do you understand?

17 MR. COPELAND: Yes, sir.

18 THE COURT: You have 2009-1491, making a bomb threat.
19 What is making a bomb threat? Is that what that is? I don't
20 see it on the indictment.

21 MR. FLEMING: Yes, sir, Your Honor.

22 THE COURT: And that has a minimum of one up to ten
23 years. Do you understand?

24 MR. COPELAND: Yes, sir.

25 THE COURT: You have 2009-1492, grand larceny, which is

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1 zero to five years. Do you understand that?

2 MR. COPELAND: Yes, sir.

3 THE COURT: And under 2009-0585, you have assault and
4 battery of a high and aggravated nature, which carries up to
5 ten years. Do you understand?

6 MR. COPELAND: Yes, sir.

7 THE COURT: Thank you, sir. Those thirteen indictments
8 that you are pleading nolo contendere to have a maximum of a
9 hundred and ninety years if my law clerk's math is correct.
10 Do you understand that?

11 MR. COPELAND: Yes, sir.

12 THE COURT: So, today if I wanted to, I could sentence
13 you to two hundred and forty years. Do you understand?

14 MR. COPELAND: Yes, sir.

15 THE COURT: Knowing that, do you want to go forward with
16 your plea?

17 MR. COPELAND: Yes, sir.

18 THE COURT: Are you satisfied with the services of your
19 attorney, Mr. St. Pierre?

20 MR. COPELAND: Yes, sir.

21 THE COURT: And Exhibit #1 that you filled out for your
22 guilty plea, you marked on here that Mr. St. Pierre has gone
23 over all your rights and all the circumstances of all the
24 charges that you have pending against you. Is that correct?

25 MR. COPELAND: Yes, sir.

1 THE COURT: Is that true not only of the four charges
2 you're pleading guilty to, but also the thirteen charges that
3 you're pleading nolo to?

4 MR. COPELAND: Yes, sir.

5 THE COURT: Has Mr. St. Pierre reasonably done all that
6 you've asked him to do on all of your cases?

7 MR. COPELAND: Yes, sir.

8 THE COURT: That includes not only the four cases that
9 you're pleading guilty to, but the thirteen that you're
10 pleading nolo to?

11 MR. COPELAND: Yes, sir.

12 THE COURT: As we stand here in Court today, which is
13 Wednesday, November 17th -- we stopped practically in the
14 middle of your trial. I was informed you wanted to plead
15 guilty, but my question is, at this stage as we stand here in
16 Court now, is there anything that you contend that Mr. St.
17 Pierre has not done to either prepare your case or cases or
18 to investigate your case or cases?

19 MR. COPELAND: No, sir.

20 THE COURT: And is that with regard to the four cases
21 that you're pleading guilty to?

22 MR. COPELAND: Yes, sir.

23 THE COURT: Does that also include the thirteen cases
24 you're pleading nolo contendere to?

25 MR. COPELAND: Yes, sir.

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1 THE COURT: Has he shared all the discovery with you?

2 MR. COPELAND: Yes, sir.

3 THE COURT: Has he explained to you the elements of all
4 these charges you're pleading guilty to or nolo contendere
5 to?

6 MR. COPELAND: Yes, sir.

7 THE COURT: And do you understand the information that
8 he's given to you?

9 MR. COPELAND: Yes, sir.

10 THE COURT: Is there anything you contend he hasn't done?

11 MR. COPELAND: No, sir.

12 THE COURT: Are you totally and completely satisfied with
13 the services of Mr. St. Pierre with regard to your guilty
14 plea for the four charges you're pleading guilty to?

15 MR. COPELAND: Yes, sir.

16 THE COURT: Are you totally and completely satisfied with
17 the services of Mr. St. Pierre with regard to the thirteen
18 charges you're pleading nolo contendere to?

19 MR. COPELAND: Yes, sir.

20 THE COURT: Mr. St. Pierre?

21 MR. ST. PIERRE: Yes, sir.

22 THE COURT: Have you met with Mr. Copeland and explained
23 the elements of armed robbery, assault with intent to kill,
24 use of a weapon during a violent crime, and criminal
25 conspiracy?

1 MR. ST. PIERRE: Yes, I have, Your Honor.

2 THE COURT: And let me look through the rest of them.
3 Making a bomb threat, grand larceny, and ABHAN?

4 MR. ST. PIERRE: Let me go over the bomb threat with him.

5 THE COURT: Okay, sir. Please do.

6 (Mr. St. Pierre speaks with Mr. Copeland)

7 THE COURT: I have the black book if you want to go over
8 those elements with him.

9 MR. ST. PIERRE: My client has expressed to me that he
10 understands the elements of conveying a bomb threat.

11 THE COURT: Okay. So you have, in fact, gone over all the
12 elements of all charges that your client is either pleading
13 guilty to or nolo contendere to?

14 MR. ST. PIERRE: Yes, sir, I have.

15 THE COURT: Do you believe that there is a substantial,
16 factual, basis for your client's decision to plead guilty to
17 the four charges that we are trying today in front of this
18 jury, which is; armed robbery, assault with intent to kill,
19 use of a weapon during a violent crime and criminal
20 conspiracy?

21 MR. ST. PIERRE: I do, Your Honor.

22 THE COURT: Do you agree with his decision to plead
23 guilty?

24 MR. ST. PIERRE: Yes, sir, I do.

25 THE COURT: All right. Do you believe that there is a

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1 substantial, factual, basis for your client's decision to
2 plead nolo contendere to the thirteen charges that he's
3 pleading nolo to?

4 MR. ST. PIERRE: Under these circumstances, yes, Your
5 Honor.

6 THE COURT: Do you agree with his decision?

7 MR. ST. PIERRE: Absolutely.

8 THE COURT: Okay. Give me one second. All right.
9 Solicitor, if you would, well, excuse me. Let me do this.

10 Mr. Copeland under indictment 2009-1484, assault with
11 intent to kill, are you guilty?

12 MR. COPELAND: Yes, sir.

13 THE COURT: Under indictment 2009-1483, possession of a
14 weapon during a violent crime, are you guilty?

15 MR. COPELAND: Yes, sir.

16 THE COURT: Under indictment 2009-1482, armed robbery,
17 are you guilty?

18 MR. COPELAND: Yes, sir.

19 THE COURT: Under indictment 2009-1481, criminal
20 conspiracy, are you guilty?

21 MR. COPELAND: Yes, sir.

22 THE COURT: All right. I'm going to ask you to listen to
23 the facts as recited on the record by the Solicitor and I'm
24 going to ask you whether or not you agree with those facts as
25 recited. Do you understand?

1 MR. COPELAND: Yes, sir.

2 THE COURT: Okay.

3 MR. FLEMING: Thank you, Your Honor. First, let me say,
4 Your Honor, I think the understanding of the agreement in
5 this case is that the State is withdrawing seeking life
6 without the possibility of parole in conjunction with this
7 plea, Your Honor.

8 THE COURT: Let me make sure I understand. I understand
9 it's coming to me as a recommended deal and not as a
10 negotiated deal. Is that correct?

11 MR. FLEMING: Your Honor, as far as us withdrawing life
12 without parole and that it would run, any and all sentences
13 would run concurrent, that is a negotiation as far as we're
14 concerned. As far as the sentence that he receives on each
15 one of these charges, it's a straight-up plea between a
16 minimum of ten and a maximum of thirty, Your Honor.

17 THE COURT: Do you agree with that?

18 MR. ST. PIERRE: I agree, Your Honor, that it is without
19 negotiations with regards to the amount of ten to thirty, but
20 the parameters of ten to thirty is what is negotiated.

21 THE COURT: Assuming I accept that or reject it, that's
22 your understanding of the negotiations?

23 MR. ST. PIERRE: Yes, sir, Your Honor.

24 THE COURT: Is that yours, Mr. Fleming?

25 MR. FLEMING: Yes, sir, Your Honor.

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1 THE COURT: Okay. So, going back Mr. Copeland, if I
2 decide I'm going to accept this negotiated plea and that is
3 if I decide I'm going to accept it, then the range you will
4 be sentenced to and looking at on each of these would be from
5 ten to thirty and anywhere between that is in my discretion.
6 Do you understand that?

7 MR. COPELAND: Yes, sir.

8 THE COURT: And some of the charges carry zero to five or
9 whatever, but you do understand that you will have a minimum
10 of ten and a maximum of thirty years?

11 MR. COPELAND: Yes, sir.

12 THE COURT: And knowing that, do you want to go forward
13 with your plea?

14 MR. COPELAND: Yes, sir.

15 THE COURT: Go ahead, please, sir.

16 MR. FLEMING: Thank you, Your Honor. In regard with
17 indictments 09-1482, 1483, 1484, and 1481, Your Honor, I
18 think we've heard some of that in the courtroom, but I'll go
19 ahead and just give a brief synopsis of it.

20 On that date, concerning those charges on 7/7/2009,
21 Defendant, O'Bryan Copeland did go into the Corner Store on
22 [REDACTED] t here, Your Honor. He'd been driving
23 around in the car that day or at that time with Stanley
24 Jones. The investigation brought forth that actually they'd
25 driven by the store a couple of times. They parked across the

1 street. Mr. Copeland got out of the car, went into the car
2 [verbatim] with a gun, which was a .45 automatic pistol, to
3 rob that store.

4 When inside the store, he took a shot at the clerk, Ms.
5 Christine Grant, then told her to get up and go give him all
6 the money, at which time she did. He exited the store, at
7 which time Mr. Jones started pulling out of the area where
8 they had parked the car. Mr. Copeland got in the car. They
9 went down Mill Street and wrecked the vehicle into a
10 telephone pole, Your Honor, and then proceeded to leave the
11 car there, abandoned, and go to his girlfriend's house at
12 Price Street.

13 Your Honor, later on, there were shells, .45 caliber
14 ammunition, found in the trunk of the car that matched the
15 spent shell casing at the store, Your Honor, along with tire
16 tread impressions that match the tire treads of the, of tires
17 on the vehicle that they were driving, Your Honor.

18 With regards to indictments 1285 and 1286, Your Honor,
19 O'Bryan Copeland did on the 16th of ---

20 THE COURT: Well, hang on for one second. I want to deal
21 with the ones that he's pleading guilty to and then ---

22 MR. FLEMING: Okay. As a result of what I just, we just
23 talked about, about the facts that we'd be going over in the
24 trial, Your Honor, those are the facts of the case that
25 charges were brought against him for armed robbery,

1 conspiracy to commit armed robbery, assault with intent to
2 kill, and possession of a weapon during the commission of a
3 violent crime.

4 THE COURT: Thank you very much. Mr. Copeland, did you
5 hear the facts as recited on the record by Mr. Fleming?

6 MR. COPELAND: Yes, sir.

7 THE COURT: Do you admit that you committed those acts?

8 MR. COPELAND: Yes, sir.

9 MR. ST. PIERRE: Your Honor, under the laws of this
10 State, he does admit that he would be found guilty of those
11 facts.

12 THE COURT: Well, just one second. I appreciate that.

13 MR. ST. PIERRE: Okay.

14 THE COURT: Under Exhibit #1, besides the questions with
15 regard to your attorney, the other questions that you filled
16 out and the answers you gave as to the waiver of your rights,
17 did you do so freely and voluntarily?

18 MR. COPELAND: Yes, sir.

19 THE COURT: Okay. Is there anything about the process
20 thus far, other than the fact that you're standing trial,
21 that you feel like has made you or coerced you to plead
22 guilty?

23 MR. COPELAND: No, sir.

24 THE COURT: Are you doing so as a strategic decision to
25 avoid a potential life term in prison?

1 MR. COPELAND: Yes, sir.

2 THE COURT: All right. Let me stop here. I'm going to
3 find that Mr. Copeland's plea to indictments 1481, 82, 83,
4 and 84 is freely and voluntarily made, that there is a
5 substantial, factual, basis for his plea, that he did so with
6 advice and consent of competent counsel with whom he's well
7 satisfied and I accept his plea.

8 I'm going to stop here. I'm going to go get the jury.
9 I'm going to give them the option of watching you be
10 sentenced and be a part of this process. So, if you'd take a
11 seat, please, sir.

12 (Jury in at 2:08 PM)

13 THE COURT: Thank you for your patience. I just felt like
14 the jury's been sitting here throughout this time. They
15 should be entitled to come back and listen to sentencing if
16 they wanted to.

17 You were about to tell me about the thirteen indictments
18 he's pleading nolo contendere to?

19 MR. FLEMING: Yes, sir, Your Honor. If you want me to, I
20 can go over each of those one by one.

21 THE COURT: I want to make sure that this is a matter
22 that's ended today to the extent we can, as much as possible.
23 So I want you to go over sufficient facts so that -- well, he
24 doesn't have to plead to these and I'm not going to make him.

25 MR. FLEMING: Yes, sir.

1 THE COURT: He's going to actually be pleading no contest
2 to each of those charges.

3 MR. FLEMING: Yes, sir. The first one I'll take up, Your
4 Honor, is on indictments 1285 and 1286. On 6/20/2009, Laurens
5 Sheriff's Office received a call of an armed robbery
6 occurring at Sam's Country Kitchen here in Laurens County.
7 After investigation, it was determined that Mr. Copeland,
8 along with Bernard, Shannon Bernard Taylor, did enter Sam's
9 County Kitchen that was ran by Ms. Beck. They entered the
10 store with masks and pistols. Ms. Beck wasn't behind the
11 counter, but stated she was in the rear of the store and she
12 and other employees that were in there, heard and saw the two
13 men as they ran inside the store. When they came in and saw
14 all the employees there and they ran to safety in the back of
15 the room, one of the perpetrators chased after them briefly
16 and shot his pistol into the wall of the Country Kitchen,
17 terrorizing the employees of that building, of that
18 establishment. Both men ran out of the store and to a car
19 that they had stolen to use as a getaway car. They later
20 burned that car and also called in a bomb threat, to a
21 location in the City of Laurens, to occupy the city police.
22 They were later captured after Mr. Copeland had robbed other
23 stores, Your Honor, and that would also coincide with the
24 bomb threat indictment, Your Honor. I'm looking to see which
25 one that was. It was indictment 1491, Your Honor, and ---

1 THE COURT: Let me stop you. That last indictment was
2 which number, please, 1285?

3 MR. FLEMING: The two on the Sam's Country Kitchen, Your
4 Honor, is 1285, 1286. And in conjunction with that was a
5 bomb threat that was made and that was on indictment 1491.

6 THE COURT: Okay. So, now have you given me the facts of
7 the bomb threat?

8 MR. FLEMING: No, sir.

9 THE COURT: Okay. Go ahead.

10 MR. FLEMING: On 6/11/2009, Your Honor, it's purported by
11 the City of Laurens that an unknown black male subject called
12 from Green Street Mini Mart, from the pay phone, that there
13 was a bomb at NHC of Laurens. The subject then hung up.
14 Dispatch advised that the subject sounded like a black male.
15 The reporting officer sent Officer Pittman to the Mini Mart
16 to look to see if anyone was near the phone and if anyone had
17 seen anybody near the phone. The reporting officer, along
18 with other city officers and the fire department, responded
19 to NHC. Officers with the fire department got with
20 administration of NHC and searched the entire building. No
21 type of explosive was found. It was later determined that
22 Mr. Copeland was the one that called in the bomb threat at
23 that time, Your Honor.

24 THE COURT: Okay. So, as far as the three indictments,
25 1285, 1286 and 1491, you are pleading nolo contendere. Is that

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1 correct?

2 MR. COPELAND: Yes, sir.

3 THE COURT: Meaning you don't admit or deny that you
4 committed those acts, you're just not saying anything. Do you
5 understand?

6 MR. COPELAND: Yes, sir.

7 THE COURT: Okay, sir. Go ahead, please.

8 MR. FLEMING: Your Honor, the next one I would take up is
9 indictments 1287 and 1288. On 5/23/2009, Your Honor, Laurens
10 County Sheriff's office received a report of an armed robbery
11 occurring at 2820 Highway 76 in Laurens. That was at
12 McDaniel's Liquor Store, Your Honor. On that date and time,
13 Mr. Copeland did enter McDaniel's Liquor Store that was ran
14 by Ms. Cynthia Jeter. He stuck a gun in her face and told her
15 to give him all the money and give it to him. She got him the
16 money and he told her that he didn't want to kill her,
17 because she was black. At that time, he rode away on a
18 bicycle. He was later captured after robbing other stores.
19 Pursuant to investigations, it was determined that he
20 committed that armed robbery as well on McDaniel's Liquor
21 Store, Your Honor, on those two indictments.

22 THE COURT: As to those indictments 1287 and 1288, you
23 are also pleading no contest. Is that right, Mr. Copeland?

24 MR. COPELAND: Yes, sir.

25 THE COURT: Again, you're not saying you didn't do it.

1 You're not saying you did it. You're just not saying
2 anything. Correct?

3 MR. COPELAND: Yes, sir.

4 THE COURT: And, again, with all of these thirteen
5 indictments you're pleading no contest to, you understand
6 your sentence will be as if you pled guilty. Do you
7 understand?

8 MR. COPELAND: Yes, sir.

9 THE COURT: Go ahead.

10 MR. FLEMING: The next one I'll take up, Your Honor, is
11 on indictments 1489 and 1490. Concerning those indictments,
12 on 6/24/2009, Your Honor, the Laurens Police Department
13 received a call of an armed robbery at the Money Store here
14 in the City of Laurens on Fleming Street. Sergeant Patterson
15 and other officers responded to the call code. Upon arrival,
16 Sergeant Patterson made contact with Ms. Griffin who stated a
17 black male had come into the incident location and robbed
18 them at gunpoint. Ms. Griffin, Mr. Berry, and Ms. Dodge, were
19 in the store at the time the suspect came into the store and
20 robbed them. All three stated the subject entered the store
21 through the front door and was walking in a crouched style,
22 as to be ducking under the windows to not be seen. They
23 stated that they had heard the front door, but did not see
24 the suspect until he rose up with a silver gray gun in his
25 hand pointing it at them and demanding money. They described

1 it as a semi-automatic that was magazine fed. Ms. Dodge
2 stated that she did not have but thirty dollars in cash in
3 the store at that time the suspect came in the store and
4 that's all he got on that robbery. Pursuant to the
5 investigation on this case, Your Honor, it was determined
6 that Mr. Copeland did commit that armed robbery at the Money
7 Store here in Laurens, Your Honor.

8 THE COURT: Okay. So, under indictment, Mr. Copeland,
9 2009-1489 and 1490, you are also pleading no contest. Is that
10 correct?

11 MR. COPELAND: Yes, sir.

12 THE COURT: All right.

13 MR. FLEMING: The next one I'll take up, Your Honor, is
14 indictments 1485 and 1486. On those two indictments, Your
15 Honor, on 6/14/2009, Laurens Police Department received a
16 call from [REDACTED], Your Honor, which is the
17 Li'l Cricket #251. On that time, officers responded to the
18 location to an armed robbery call. Upon arrival, they met
19 with Ms. Norwood, who was the cashier at the Li'l Cricket
20 Convenience Store. The police department, along with the
21 sheriff's department, had set up a perimeter around that
22 store, Your Honor, looking for the suspect in that. There was
23 also a patrol on Camson Circle, another unit patrolling the
24 train tracks located behind the incident location. Sergeant
25 Copeland [verbatim] contacted the on-call detective and Chief

1 Morse to get involved in all of that, as well. Ms. Norwood
2 stated at approximately 4:07, she started to do her morning
3 shift change, which requires her to have the cashier's drawer
4 open to count the cash from the night before. Ms. Norwood
5 stated that while she was carrying the cash and doing shift
6 change, she observed a black male running around the outside
7 area, coming from the Anderson Drive area, wearing a white
8 tee-shirt, blue jeans and a dark-in-color mask. Ms. Norwood
9 stated when he came in the store, he had a silver-in-color
10 handgun, looked to be a semi-automatic pistol, and began to
11 point it at her. Ms. Norwood stated he came in the front of
12 the register demanding that she give him all the money out of
13 the drawer. She stated she began to get the money out of the
14 drawer cash register. He then came around the side of the
15 register, around the cashier side, around to the cashier
16 side. Ms. Norwood stated that he advised her to give him all
17 the money or he would shoot her. Ms. Norwood stated she
18 grabbed a plastic bag and what money she could grab and
19 placed it into the plastic bag. She then stated that he ran
20 out of the door and back around the corner of the store near
21 the Anderson Drive area. She stated she immediately called
22 Laurens Dispatch to report the armed robbery, Your Honor.
23 After investigation it was determined that Mr. Copeland did
24 commit that armed robbery as well, Your Honor.

25 THE COURT: All right. Mr. Copeland, under indictments

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1 2009-1485 and 2009-1486, are you pleading no contest?

2 MR. COPELAND: Yes, sir.

3 THE COURT: Yes, sir.

4 MR. FLEMING: On indictments 1487 and 1488, Your Honor,
5 on 6/1/2009, Laurens Police Department responded to an armed
6 robbery at [REDACTED]. Upon arrival, they spoke with
7 the complainant, Paul Spires, who stated that two black males
8 came into the store and presented handguns and demanded
9 money. The complainant stated that he gave the subjects the
10 money and they ran out of the store. The subjects were
11 described by the complainant and several witnesses, to have
12 on black tee shirts, jeans, and the other had on a white
13 shirt and jeans. The subjects were wearing bandannas to cover
14 their faces and presented a black-in-color handgun and a
15 silver-in-color handgun. The subjects fled the scene on foot
16 with over two thousand dollars in cash at that time. A
17 witness stated that they saw a vehicle leave the shopping
18 center at a high rate of speed and could have possibly
19 contained the subjects. As a result of the investigation on
20 that case, Your Honor, it was determined that Mr. Copeland
21 was one of the two that committed that armed robbery as well,
22 Your Honor.

23 THE COURT: Mr. Copeland, under indictments 2009-1487 and
24 2009-1488, are you pleading no contest?

25 MR. COPELAND: Yes, sir.

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1 THE COURT: It looks like, if my math is right, Mr.
2 Fleming, we're down to the last two?

3 MR. FLEMING: Yes, sir.

4 THE COURT: Okay.

5 MR. FLEMING: I'll take up 1492, Your Honor.

6 THE COURT: Yes, sir..

7 MR. FLEMING: On 1492, Your Honor, on 6/18/2009, Laurens
8 Police Department responded to [REDACTED] in regards
9 to a motor vehicle theft. They did speak to the victim's
10 mother, the victim being Melody Simmons. Actually, they spoke
11 with Ms. Simmons. She stated she was visiting a friend on
12 6/18/2009 to buy some crack cocaine. Ms. Simmons stated that
13 she bought a twenty dollar rock. Ms. Simmons stated that
14 while she was at the residence, she was just hanging out with
15 some friends and as she went to leave that residence, her
16 vehicle was missing out of the driveway. She stated that she
17 could not remember if the doors were locked or unlocked, but
18 she did have the keys on her person. The entire time she was
19 at that residence, she stated that there were a few other
20 black males there, but did not recognize any of them. She
21 stated that she had noticed her vehicle to be missing around
22 4:00 AM. She stated also that she noticed, that once she
23 missed it, she walked to her mother's house and after that
24 spoke to officers concerning that theft of her vehicle. After
25 an investigation into it, it was determined that Mr.

1 Copeland, along with Shannon Bernard Taylor, did commit theft
2 of that motor vehicle.

3 THE COURT: Mr. Copeland, under indictment 2009-1492, are
4 you pleading no contest?

5 MR. COPELAND: Yes, sir.

6 THE COURT: And the last one 2009-0585?

7 MR. FLEMING: Yes, sir. And that's dealing with assault
8 and battery of a high and aggravated nature, Your Honor. On
9 2/6/2010, on that date, J. Taylor, Private J. Taylor, was
10 serving the evening meal to inmates in B-pod. During this
11 time, he stated that he entered into the B-2 housing unit and
12 he noticed the subject, Tereko Kennedy, at the back of the
13 door. He approached Inmate Kennedy and he said he noticed him
14 holding the left side of his face. He also noticed the whole
15 side of his face was swollen from his forehead to his chin.
16 He then called for Lieutenant Champaign to come behind the
17 central control room as he escorted Inmate Kennedy out of the
18 pod. Once Mr. Kennedy, Inmate Kennedy, and the officer
19 arrived behind the control room, Lieutenant Champaign
20 escorted them to the medical room. While Inmate Kennedy was
21 in the medical room, he informed Lieutenant Champaign that
22 Inmate O'Bryan Copeland had hit him with a lock. He was
23 subsequently then charged with assault and battery of a high
24 and aggravated nature. He had to go to the hospital due to
25 the severity of the injuries, Your Honor.

1 THE COURT: All right. Mr. Copeland, finally on
2 indictment 2009-0585, are you pleading no contest?

3 MR. COPELAND: Yes, sir.

4 THE COURT: Just to be absolutely clear on the thirteen
5 indictments that you're pleading no contest to and the four
6 indictments that you are pleading guilty to, you're doing so
7 to avoid a possible life sentence without the possibility of
8 parole. Is that correct?

9 MR. COPELAND: Yes, sir.

10 THE COURT: And it's a strategic decision to do so?

11 MR. COPELAND: Yes, sir.

12 THE COURT: All right. I don't know what your attorney
13 has advised you about appeal rights, so I'm going to do it
14 now. Even though you are pleading guilty to the four
15 indictments you're standing trial for and to the thirteen
16 that were pending against you, and you're pleading no contest
17 to the thirteen, you have ten days from today to file an
18 appeal as to my sentence. Do you understand that?

19 MR. COPELAND: Yes, sir.

20 THE COURT: Do you have any comments you would like to
21 make?

22 MR. COPELAND: I just want to say I apologize for wasting
23 everybody's time. I just, I just want to say I apologize. I
24 know that you shouldn't be lenient on me, but I hope you, I
25 beg that you do, but I just want to say, basically, I

1 apologize for wasting time, your time and the court time.

2 THE COURT: Do we have any victims here that want to
3 speak to the Court?

4 MR. WILTSHIRE: I'm speaking on behalf of Ms. Christine
5 Grant that you met yesterday in a part of the trial and I
6 also have a victim here on the nolo contendere, and I have
7 comments from various other victims on the nolo contendere
8 cases, Your Honor.

9 THE COURT: Let me just say for the record, I have had
10 handed up to me victim impact statements, nine different
11 individual statements. Is that correct?

12 MR. WILTSHIRE: Yes, sir.

13 THE COURT: It's barely a drop in the bucket considering
14 how much you've done, apparently. But go ahead, please, sir.

15 MR. WILTSHIRE: Yes, sir, on Ms. Christine Grant that
16 Your Honor met yesterday, I'm Kenn Wiltshire. I'm the
17 victim's advocate for the Solicitor's office. Ms. Grant would
18 like the Court to know that she didn't make it home last
19 night. She had to stop on the way there, she was so
20 traumatized already and as the Court knows, this is some
21 sixteen months later. This is the depth of her trauma. She
22 had to get her husband, who doesn't normally drive because he
23 has a back condition, but he had to come get her to take her
24 home. Ms. Grant is the only breadwinner. She still has to
25 work. She would like the Court know that she treated work

1 like it was her home. The convenience store was her home.
2 She treated it like her home and now she feels that she was
3 violated and, obviously, you saw how upset she was yesterday.
4 That's the depth of the trauma that still's affecting her to
5 this time. It's not something that passes easily. Mr. Patel,
6 who's the owner of the store, is a small business
7 businessman, as is the other ones I can comment on later, or
8 now. It's whichever pleases the Court.

9 THE COURT: You go right ahead, please, sir.

10 MR. WILTSHIRE: Well, Mr. Patel, as all small business
11 people, obviously suffer when they lose stuff, which is the
12 case of Sheila and Edward McDaniels. Mr. McDaniel was a
13 Laurens County Councilman. He owns the ABC liquor store in
14 town and you have some of his comments in there. He has
15 consistently said this really almost makes him want to take
16 these cases, not just this one, but he's had a number of
17 cases, really wants him to close up shop and just go away.
18 Every time they lose the staff and when these armed robberies
19 occur, the same with Mr. Hassan Bahana. He owns Sam's
20 Country Kitchen. Missy Beck has never worked since the day of
21 the armed robbery. They lose this staff. These are
22 experienced staff. These are staff that they've been there
23 for a long time. Incredibly expensive to replace on top of
24 the trauma that the individuals incur.

25 I have with me Ms. Griffin, if Ms. Griffin would like to

1 come up now. She is the lady that was there at the Money
2 Store at the time of the armed robbery and she would like, if
3 the Judge, please, to make some comments.

4 THE COURT: Yes, ma'am. Would you state your full name
5 for the record, please?

6 MS. GRIFFIN: Jessica Griffin.

7 THE COURT: Okay. Take your time.

8 MS. GRIFFIN: I always enjoyed going to work. I still
9 work because I have two kids to support, but there's not a
10 day that goes by that a customer doesn't come in my store and
11 I don't fear that they're going to put a gun in my face. And
12 I always enjoyed going to work and I never -- I trusted
13 everybody. And this experience has really, really opened my
14 eyes that you just can't and I really resent that Mr.
15 Copeland took that from me, that I, you know, that I could
16 trust people. And then I fear going to work sometimes doing
17 what I do, handling money, and it just really, I would just
18 really like for him to be off the streets and that's all.

19 THE COURT: Thank you very much.

20 MR. WILTSHIRE: All the victims have been informed and do
21 know the conditions of the pleas.

22 THE COURT: Okay. Sir, have you been advised by any
23 indications that they were objecting to the plea?

24 MR. WILTSHIRE: No, sir.

25 THE COURT: Okay. Thank you very much.

1 MR. WILTSHIRE: Yes, sir, thank you.

2 THE COURT: All right. Mr. St. Pierre, do you have
3 anything you want to add? I know you've been vigorously
4 defending Mr. Copeland these last several days. Do you have
5 anything you want to state for the record?

6 MR. ST. PIERRE: I do, Your Honor, if it pleases the
7 Court. And just to let Your Honor know where we were heading
8 in the trial, we'll just go ahead and put it out there, that
9 the hand of one is the hand of all in the State of South
10 Carolina and that's something that no matter how hard we
11 tried to fight it, it was inevitable.

12 My client's life flashed before his eyes in the last
13 three days and I'd just like to show you. I'm handing you
14 Court's #2, #3, #4, and #5, for purposes of this plea, just
15 to show you where we were heading in the case. Those are
16 footprints taken as Chief Morse testified to today during
17 trial and I'm showing you a pair of red and white Nike Air
18 Jordans that were taken from the Defendant at [REDACTED]
19 [REDACTED] around, in the 2:00 hour and if you notice the tread
20 marks on the shoes, they purportedly match these. However,
21 the evidence from SLED said they did not match.

22 THE COURT: What about the tire tracks, which appear to
23 be the same?

24 MR. ST. PIERRE: They did match, Your Honor. And what I'm
25 getting at is, the co-defendant, there's no getting, there's

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1 no getting around that the two were together, okay? And the
2 Defendant had a statement that the jury was going to hear,
3 and did hear several times, that they had scoped out the
4 store. The co-defendant, who was prepared to testify against
5 my client, was arrested at 9:30 AM here at the courthouse in
6 the probation office in these black shoes. And, if Your Honor
7 would take a look at the soles, I believe if they were tested
8 by the SLED lab -- and they haven't been tested yet and they
9 still may -- that they would match the footprints behind the
10 store.

11 THE COURT: Is there a requirement of this plea that your
12 client cooperate with the State against his co-defendant or
13 is that ---

14 MR. ST. PIERRE: No, sir, there's not.

15 MR. FLEMING: Excuse me, sir?

16 THE COURT: Is there any requirement that Mr. Copeland be
17 required to give, to assist the State in its prosecution of
18 the co-defendant?

19 MR. FLEMING: No, sir.

20 THE COURT: Okay.

21 MR. ST. PIERRE: And also -- I'm sorry. This is \$505.00
22 that was found on the co-defendant when he was booked. My
23 client was booked with no money and with these red shoes. He
24 was also tested for gunshot residue and it came back, as you
25 know, negative. But inevitably, the hand of one is the hand

1 of all and there's no getting around that.

2 My client does want you to know that, you know, the
3 evidence doesn't point to him being the one that fired, but
4 through the State's law, he's just as responsible as the
5 person who did it. When Mr. Jones, the co-defendant, was
6 arrested later on the 7th at around 9:30, he called officers
7 with Laurens Police Department to come give a statement on
8 July the 10th. July the 10th he gave one statement and
9 another statement, particularly to this, to this case at
10 hand.

11 THE COURT: These are different. The long statement is
12 not one that we've seen in this trial?

13 MR. ST. PIERRE: Right.

14 THE COURT: Okay.

15 MR. ST. PIERRE: The long statement implicates my client
16 in some of these, in all the armed robberies that you heard
17 today, that my client pleads nolo contendere to. You know,
18 it's our contention that there's really no evidence besides
19 the co-defendant's testimony and whatever possible
20 corroborating evidence he may be able to come forward with.
21 However, my client is freely and voluntarily pleading nolo
22 contendere to those charges. Like I said, Your Honor, my
23 client is facing some heavy time here and he's very
24 apologetic to the victims, to the Court, and everybody
25 involved in this. Like I said, his life flashed before his

1 eyes and it's, it was inevitable, and he feels like a weight
2 is lifted off of his shoulders. And if he has anything else
3 to say, I would ask that you allow him to address the Court a
4 second time.

5 THE COURT: I'll be glad to let you address the Court,
6 Mr. Copeland.

7 MR. COPELAND: I just want to apologize to just the
8 victims and I really ain't got too much to say but I'm sorry.
9 I apologize for what I did.

10 MR. ST. PIERRE: Judge, if I could just give you a brief
11 biography of my client's upbringing. He's told me that he
12 started running the streets when he was nine years old,
13 started using drugs then, and feels that he's in this world
14 alone. I've guaranteed to him that there's at least two
15 people here, myself and Mr. Davenport, that stand by him.
16 So, with that, we rest.

17 THE COURT: Well, let me make sure that I did so on the
18 record. I am going to find that Mr. Copeland has freely and
19 voluntarily, knowingly, pled nolo contendere to indictments
20 1285, 1286, 1287, 1288, 1485, 1486, 1487, 1488, 1489, 1490,
21 1491, 1492, and 0585, with the advice and consent of
22 competent counsel with whom he's well satisfied and I also
23 find there is a substantial, factual, basis for his decision
24 to so plead.

25 Let me just tell you this: I'm going to accept the

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1 recommendation, not the recommendation, the negotiation that
2 the State and your attorney have worked out for you. There
3 are a lot of folks who grew up hard and grew up on the
4 street. My grandparents were sharecroppers, but that doesn't
5 mean you have to live a life like you have and I can tell
6 you, if your attorney hadn't done the job he's done, if I
7 thought it would suit any benefit to the public, I wouldn't
8 accept and I wouldn't hesitate to send you to jail for life
9 and you would just die before you got out. Do you understand?

10 MR. COPELAND: Yes, sir.

11 THE COURT: And I hope at your age, you may, after
12 serving a long sentence, which you're going to do, you can at
13 least come around and become a contributing member of the
14 public instead of being the dreg that you have been so far.
15 Okay, sir? That being said ---

16 MR. FLEMING: Your Honor, I would just like to make one
17 more address to the Court concerning some of this stuff
18 before you make a decision and render sentence.

19 THE COURT: I've made my decision, but go right ahead.

20 MR. FLEMING: Okay. I just feel like I have to address
21 some of this stuff that Mr. St. Pierre said about this
22 evidence here, Your Honor, in mitigation. The red shoes were
23 found on the Defendant. They do not match the footprints of
24 the pictures that were shown near the store and neither did
25 the black shoes and I know that because I had talked with the

1 SLED expert. And the footprints you see there were made by a
2 size fourteen, according to her and neither of these shoes
3 are a size fourteen, okay?

4 Now, concerning the fact that the black ones were
5 identified by the victim in the store, Your Honor, the State
6 would have put up evidence with the co-defendant coming in to
7 testify, that after they left the store, after the wreck,
8 they were running to Price Street. They switched clothes on
9 the way to Price Street. When they got to Price Street, they
10 switched shoes. We would have also put up the Defendant's
11 girlfriend would have testified that the red shoes were not
12 the Defendant's, but they were the co-defendant's and the
13 black shoes were the Defendant's, the shoes, Your Honor.

14 We feel like that taking away life without parole is a
15 gift in and of itself, Your Honor, and we would ask that this
16 court impose the maximum sentence of thirty years.

17 THE COURT: Let me just say something to both of the
18 attorneys. I walk in here Monday morning and I don't know a
19 thing about this case. You guys have been working it for a
20 long time. All I'm saying is, I'm looking at the number of
21 charges and the magnitude of the charges and I don't believe
22 for one second -- it's not my decision to make a decision of
23 guilt or innocence. It's the jurors'. Based on the evidence
24 I've heard, based on the number of charges and the nature of
25 the charges, I don't think that this gentleman is innocent at

1 all. I think that he understands and I think that his
2 well-educated and well-versed attorney understands that the
3 probabilities are that he would go to jail for life and in
4 South Carolina, life means life, and you would die in jail.
5 And you made a strategic decision to get out of that. Isn't
6 that what you're telling me?

7 MR. COPELAND: Yes, sir.

8 THE COURT: All right. I don't want to hear anything
9 else. I'm ready to announce sentence unless there are any
10 other victims. Are there any other victims, Mr. Wiltshire?

11 MR. WILTSHIRE: No, sir. Thank you, Your Honor.

12 THE COURT: Thank you to everybody for being so prepared
13 and professional.

14 Under indictment 2009-1484, assault with intent to kill,
15 the sentence is twenty years. Check behind me and make sure
16 all indictments are signed, okay?

17 Under indictment 2009-1483, possession of a weapon
18 during a violent crime, the sentence is five years.

19 For the record, all sentences will be concurrent.

20 MR. FLEMING: Yes, sir, Your Honor.

21 THE COURT: Let me go back. Mr. St. Pierre, is there
22 time, does he get credit for time?

23 MR. ST. PIERRE: Yes, sir, since July the 7th of 2009.

24 THE COURT: I'm just going to check that. I'm going to
25 give him credit for time. I think I'm required to. I'm going

1 to check that and make sure of that.

2 All right. Under indictment 2009-1482, armed robbery, I
3 sentence you to thirty years.

4 Under indictment 2009-1481, criminal conspiracy, I
5 sentence you to five years.

6 And, again, Mr. St. Pierre, I'm marking credit for time
7 served on everything. I'm marking everything concurrent. All
8 these are concurrent to each other, okay, sir?

9 MR. ST. PIERRE: Thank you.

10 THE COURT: Under indictment 585, assault and battery of
11 a high and aggravated nature, the sentence is ten years.

12 Under indictment 2009-1285, attempted armed robbery, the
13 sentence is twenty years.

14 Under indictment 2009-1286, possession of a weapon
15 during a violent crime, the sentence is five years.

16 Under indictment 2009-1287, possession of a weapon
17 during a violent crime, the sentence is five years.

18 Under indictment 2009-1288, armed robbery, the sentence
19 is thirty years.

20 Under indictment 2009-1485, armed robbery, the sentence
21 is thirty years.

22 Under indictment 2009-1486, possession of a weapon
23 during a violent crime, the sentence is five years.

24 Under indictment 2009-1487, armed robbery, the sentence
25 is thirty years.

1 Under indictment 2009-1488, possession of a weapon
2 during a violent crime, the sentence is five years.

3 Under indictment 2009-1489, armed robbery; the sentence
4 is thirty years.

5 Under indictment 2009-1490, possession of a weapon
6 during a violent crime, the sentence is five years.

7 Under indictment 2009-1491, making a bomb threat, the
8 sentence is ten years.

9 Under indictment 2009-1492, grand larceny between one
10 and five thousand dollars, the sentence is five years.

11 And just so the record is perfectly clear. I accepted a
12 negotiated plea between the State and the Defense, which I
13 think, actually, under the circumstances is not improper. I
14 think it's fine. Also, I want to make it clear that the
15 Defendant has pled guilty knowingly and voluntarily. He
16 admitted his guilt to the four indictments that were pending
17 against him today. He pled no contest to the thirteen
18 indictments that were outstanding. He did so freely and
19 voluntarily and that there was a substantial, factual, basis
20 for his decision to plead guilty or no contest to all
21 charges. He was satisfied with his attorney and he really
22 made his decision to avoid the very strong likelihood that he
23 would get a life sentence without the possibility of parole.

24 Again, Mr. Copeland, you have ten days to appeal this
25 sentence. Good luck to you.

1 MR. TOLLISON: Your Honor. If we may, before we close
2 this matter today, Mr. Copeland has a community supervision
3 case and a probation case with our department. The community
4 supervision case is a maximum exposure of 193 days and under
5 the probation case, his maximum exposure would be the
6 remainder of the sentence, which would be six years. We have
7 no problem giving him credit for time served and running that
8 sentence concurrent. We just want to be able to handle our
9 stuff here at the same time, if the Court pleases.

10 THE COURT: Why don't we just terminate his probation.
11 He's got plenty of time hanging over his head and let him do
12 time served.

13 MR. TOLLISON: We'll do whatever the Court asks. I was
14 just told to recommend that we put a revocation on the
15 record, but either way is just fine.

16 THE COURT: Well, I'm going to find that the pleas to the
17 seventeen indictments would cause there to be a knowing and
18 intelligent violation of the terms and conditions of your
19 probation. I'm just going to revoke your probation, terminate
20 it, and you can close your file on both cases.

21 MR. TOLLISON: Thank you, Your Honor.

22 THE COURT: Yes, sir. If you need me to sign an order, if
23 you can just have it prepared for me.

24 MR. TOLLISON: I'll do it.

THE COURT: All right. Thank you, gentlemen.

THE STATE OF SOUTH CAROLINA VERSUS O'BRYAN E. COPELAND

STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON) CERTIFICATE

BE IT KNOWN THAT I, THE UNDERSIGNED JO RICE, OFFICIAL COURT REPORTER FOR THE TWELFTH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING TRANSCRIPT REPRESENTS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE TRIAL OF THE CAPTIONED CASE, RELATIVE TO APPEAL, BEFORE THE CIRCUIT COURT FOR LAURENS COUNTY, SOUTH CAROLINA, SO GIVEN ON NOVEMBER 15-17, 2010, TO THE BEST OF MY SKILL AND ABILITY;

THAT I AM NOT RELATED TO NOR AN EMPLOYEE OF ANY OF THE PARTIES HERETO, NOR A RELATIVE OR EMPLOYEE OF ANY ATTORNEY OR COUNSEL EMPLOYED BY THE PARTIES HERETO, NOR INTERESTED IN THE OUTCOME OF THIS ACTION.

IN WITNESS WHEREOF I HAVE HERE UNTO SET MY HAND AND SEAL THIS 11TH DAY OF MARCH, 2015.

s/ *Jo Rice*

JO RICE
OFFICIAL COURT REPORTER

COPY

STATE OF SOUTH CAROLINA) IN THE GENERAL SESSIONS COURT

COUNTY OF LAURENS 2010 NOV 24 P 4:54

The State of South Carolina,

Plaintiff,

-vs-

Obryan Exxidice Copeland,

Defendant.

MOTION FOR SENTENCE
RECONSIDERATION

Warrant Nos.: I-284086-89

I-284096-102, I-284105, J-616631-34, J997249

A TRUE COPY OF ORIGINAL

Lynn W. Lancaster
Laurens County CCCP & GS

COMES NOW, the Defendant, through his undersigned Attorney of record, asking for this Court to reconsider the sentence imposed on November 17, 2010. The Court sentenced the Defendant to 30 years on an armed robbery for which he was in the middle of trial when he pled. In order for the Solicitor to lift the Life Notice, the Solicitor required that the Defendant plea to all remaining charges, and the Defendant did so in an effort to avoid a possible life sentence. On all of the charges to which he plead no lo contendre, he received a concurrent 30 year sentence.

During the trial, it became evident that the co-defendant had been enticed by the State through "hypotheticals" and "understandings" to testify against the Defendant. Since the sentencing, Defendant has valid reason to believe that his "hypothetical" agreement with the State is extremely disproportionate than that of the sentence of the Defendant.

The Defendant also raises a concern that his sentence of 30 years may have been influenced by his decision to exercise his constitutional right to trial by jury. The State and Defense had told the Court in chambers that his previous offer was 12 years. Understanding the Court had complete discretion, the Defendant feels that may have been taken into consideration and would ask this Court to review this issue.

The Defendant believes that his sentence imposed by this Court can fulfill its intentions through less restrictive means. The Defendant knows that punishment for these types offenses is and should be harsh. However, the Defendant feels that he will be fully rehabilitated and will have paid the price in full for his actions by serving less than a 30 year sentence.

Therefore, the Defendant asks for this Court to grant a hearing on the matter to Reconsider the Defendant's sentence imposed by this Court on November 17, 2010.

Laurens, South Carolina
November 23, 2010

BY: 

Joseph T. St. Pierre
PO Box 722
Laurens, SC 29360
(864) 681-5297
(864) 681-5298 (fax)
ATTORNEY FOR DEFENDANT

STATE OF SOUTH CAROLINA	)	IN THE EIGHTH JUDICIAL CIRCUIT
COUNTY OF LAURENS	)	THE COURT OF GENERAL SESSIONS
	)	2009-GS-30-01481-01484
STATE OF SOUTH CAROLINA,	)	2009-GS-30-01285-01292
	)	2010-GS-30-00585
PLAINTIFF,	)	
	)	
VERSUS	)	
	)	
O'BRYAN EXXIDICE COPELAND,	)	
	)	
DEFENDANT.)	)	

DATE: JUNE 9, 2011
ANDERSON, SOUTH CAROLINA
(LAURENS COUNTY CASE)

MOTION FOR RECONSIDERATION

B E F O R E:

THE HONORABLE R. LAWTON MCINTOSH

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

RONALD FLEMING, ESQUIRE
ATTORNEY FOR THE STATE

JOE ST. PIERRE, ESQUIRE
ATTORNEY FOR THE DEFENDANT

PROVIDED FOR: SCCID, LORIE NE FRENCH

FOR COPIES CONTACT: JO RICE
JRICE@SCCOURTS.ORG
OFFICIAL COURT REPORTER
SOUTH CAROLINA JUDICIAL DEPARTMENT

1 THE COURT: Announce your case for the record, please.

2 MR. ST. PIERRE: Yes, sir, Your Honor. This is State
3 versus O'Bryan Copeland. This was a case that was tried in
4 the fall of 2010 and a plea was entered in the middle of the
5 trial in Laurens County. We would waive any sort of venue and
6 jurisdictional issues to have this motion heard today.

7 THE COURT: And let me say thank you to both attorneys
8 in this matter. This was originally set for 10:30 or 11:00,
9 if I recall, and because of a buddy of mine's death in his
10 family, I asked you to reschedule and I thank you for that.

11 MR. ST. PIERRE: Yes, sir. He pled guilty to armed
12 robbery, possession of a weapon during a violent crime ---

13 THE COURT: There were twenty-two counts, as I recall.

14 MR. ST. PIERRE: I believe there were seventeen.

15 MR. FLEMING: I can set them forth, if Your Honor would
16 like me to. There were six counts of armed robbery, Your
17 Honor. Excuse me, five counts of armed robbery, one count of
18 attempted armed robbery, a criminal conspiracy charge, Your
19 Honor. A making a bomb threat charge. A grand larceny charge.

20 MR. ST. PIERRE: And there were associated charges of
21 possession of a weapon during a violent crime ---

22 MR. FLEMING: Yes, six charges of possession of a weapon
23 during the commission of a violent crime, Your Honor. One
24 charge of assault with intent to kill and one charge of
25 assault and battery of a high and aggravated nature.

1 THE COURT: If I recall, I sentenced him to thirty
2 years, max time, concurrent with all the lesser.

3 MR. ST. PIERRE: Yes, sir, Your Honor.

4 THE COURT: Okay.

5 MR. ST. PIERRE: And the case we were in trial for
6 involved a store with three counts, one for grand larceny,
7 armed robbery, possession of a weapon during a violent crime,
8 and a AWIK, I believe. He pled guilty to those charges midway
9 through trial and then pled nolo contendere to the rest of
10 the charges in exchange for the Solicitor taking life without
11 parole off the table and there was a ten to thirty range.

12 We had been negotiating before trial to a substantially
13 less amount of time to wrap all these up and, obviously, he
14 chose to go to trial and he got sentenced accordingly and he
15 had to plead to all those counts, Your Honor.

16 Understanding that life was on the table, I think it was
17 in his best interests to plead nolo contendere to those
18 charges at the time. If we had to go to trial on these cases,
19 I think the only triable case was the one we were in trial
20 for.

21 THE COURT: What do you mean by the only triable case?

22 MR. ST. PIERRE: Well, as far as the only provable case.

23 THE COURT: For the State?

24 MR. ST. PIERRE: Yes, sir, Your Honor.

25 THE COURT: Okay.

1 MR. ST. PIERRE: There were many co-defendants involved
2 in all these different armed robberies and I will get into
3 that in just a few minutes, but if you are ready to hear my
4 argument as far as reconsideration?

5 THE COURT: Sure. I'll be glad to hear anything you want
6 to put on the record.

7 MR. ST. PIERRE: Okay. If it pleases the Court. Your
8 Honor, the aim of any sentence in this state and any other
9 state would be for punishment and rehabilitation and I
10 believe a sentence less than thirty years could accomplish
11 both of those with less restrictive means. It would,
12 obviously, cost the Defendant less time. It would cost the
13 State less money and it would also give the victims time to
14 heal.

15 The Department of Corrections has safeguards in place,
16 community supervision whenever they get out, whenever they
17 max out their 85%, which would be a 85% sentence either way.
18 He would be under community supervision at least for a couple
19 of years. They rehabilitate them while in prison, they --
20 right now, he's in level three and in ten years he will be in
21 level two and then gradually he will get down to a pre-
22 release center to get acclimated to the free world, which
23 gets me to recidivism, and you know, studies show the older
24 you get, the less likely you are to re-offend. He is going to
25 be an older man when he gets out, either way, whether you

1 change his sentence or not.

2 THE COURT: He's nineteen now?

3 MR. ST. PIERRE: He's twenty-four.

4 THE COURT: Twenty-four. Okay.

5 MR. ST. PIERRE: Yes, sir. He's got a huge incentive not
6 to re-offend, because if he does slip up in the slightest, he
7 gets life without parole. I believe Your Honor could add
8 additional safeguards to that if you were to change his
9 sentence by adding up to five years probation onto any
10 suspended sentence if you would change it.

11 Another thing I would like to get into is the inequity,
12 the sentencing inequity among the co-defendants here and just
13 recently, within the last few months, there's been some
14 noteworthy happenings. There is a co-defendant named Shannon
15 Bernard Taylor who was involved and charged with one of these
16 armed robberies, possession of a weapon during a violent
17 crime, and grand larceny, attempted armed robbery, a lynching
18 and assault and battery of a high and aggravated nature and
19 another possession of a weapon during a violent crime. He was
20 sentenced to 631 days time served. It's also my understanding
21 that Stanley O'Bryan Jones, who was the co-defendant waiting
22 in the back during our trial to testify against my client,
23 has been offered strong arm robbery for well under ten years
24 and that hasn't been pled yet because there are other pending
25 charges in Spartanburg County and Spartanburg County is

1 unwilling to go under the ten year minimum on armed robbery.
2 Mr. Jones has a very similar prior record as my client
3 including an ABHAN, failure to stop for a blue light, grand
4 larceny of a motor vehicle.

5 What made my client eligible for life without parole in
6 the first place was when he was seventeen years old, he was
7 convicted of car jacking and got a probationary sentence. Car
8 jacking without bodily injury, which I know car jacking is a
9 car jacking, but it is essentially a strong arm robbery of a
10 car when no one is injured. I don't mean to diminish the car
11 jacking statute at all, I just want to give Your Honor his
12 age and what he was facing at the time.

13 Also, just so that a, from a sentencing standpoint,
14 there is a man who just pled guilty to a negotiated sentence
15 in Laurens County who killed his wife with a shotgun and went
16 into her son's room and shot him in the head and killed him,
17 a seventeen-year-old high school boy while he was sleeping.
18 He confessed and everything and he got a sentence of forty
19 years.

20 My client never hurt anyone. This is ---

21 THE COURT: Hold on, I take exception to that allegation,
22 because I recall the testimony of the store clerk who was
23 very emotionally disturbed by his firing the gun twice in the
24 store when he was robbing it.

25 MR. ST. PIERRE: Yes, sir, and I strike that. I'm trying

1 to say something else.

2 THE COURT: That's fine..

3 MR. ST. PIERRE: Physically, no one was injured. The
4 victim's testimony was quite damaging as far as how scared
5 she was. However, no lives were taken, fortunately, and I'm
6 just, we are just asking the Court to consider that.

7 Fortunately, I've never been a victim of any violent
8 crimes and I don't want to or intend to be and so I wouldn't
9 know how that lady's feeling, but I do know for a fact that
10 would heal faster than losing a loved one or someone close to
11 you.

12 We would ask this Court, if you were to change your mind
13 on the sentencing, to add an additional safeguard of
14 probation on top of whatever suspended sentence you may give
15 and give Mr. Copeland a chance to serve his time, pay for his
16 actions, and be rehabilitated by the Department of
17 Corrections in a less restricted manner than thirty years.

18 With that, I'll close and just ask you to, on behalf of
19 my client, to please reconsider.

20 THE COURT: Yes, sir. Mr. Fleming?

21 MR. FLEMING: Thank you, Your Honor. The State would
22 oppose any reduction in sentence. We think the sentence
23 imposed was fair and just, Your Honor. If you look back at
24 all the charges that were involved, five counts of armed
25 robbery, one count of attempted armed robbery, Your Honor. He

1 was looking at life without parole on this. If you look back
2 at Mr. Copeland's record, Your Honor, it goes back to 2005
3 when he picked up some minor charges and then you get into
4 2006 where he picked up a car jacking charge and a strong arm
5 robbery charge, Your Honor, at that time. I have on my
6 criminal history sheet, it does say ten years suspended to
7 four years and five years of probation, and so he didn't do
8 just probation, Your Honor. He did do active time for those
9 charges at that time.

10 THE COURT: Was he on probation during the commission of
11 these crimes?

12 MR. FLEMING: I'm not sure, Your Honor. This was in 2010,
13 so he may have very well have been off probation. I'm just
14 not sure.

15 THE COURT: He was off?

16 MR. ST. PIERRE: He was on probation, Your Honor.

17 THE COURT: Oh, he was on. Okay.

18 MR. FLEMING: As far as some of these other co-
19 defendants, Your Honor. The one where we let the guy plea for
20 time served, in that case, it involved one of the other
21 cases, not the one we were on trial for that he was involved
22 in. All I had on that case, basically, was one of the other
23 co-defendants naming him. It was a weak case, at best, on
24 him.

25 My other cases on Mr. Copeland, I disagree with Mr. St.

1 Pierre. He thinks they were weak and not triable. I disagree
2 with that, because a couple of them were pretty strong. In
3 any event, these cases we were at trial on were strong and if
4 I'd gotten a conviction on that, he would be doing life in
5 prison.

6 THE COURT: Right.

7 MR. FLEMING: Your Honor, we took that off the table for
8 a straight-up plea. He did that. It's time for him to take
9 his medicine, Your Honor, and do the time the Court imposed
10 on him at that time. You look back at -- the other co-
11 defendant that he was talking about, wasn't one that was
12 involved on the case with him that we were trying. He had
13 agreed to testify and a part of my deal with him was he was
14 to testify was the sentence less than ten years on a strong
15 arm robbery charge.

16 THE COURT: Well, let me ask you about that, because I
17 seem to recall, that was the one that was represented by
18 Townes Jones?

19 MR. FLEMING: Yes, sir.

20 THE COURT: And the way y'all did it was speaking in
21 hypotheticals?

22 MR. FLEMING: Yes, sir.

23 THE COURT: I recall that.

24 MR. FLEMING: Yes, sir, and he received death threats
25 while he was in jail because of his willingness to testify at

1 that time, Your Honor. As far as the insignificance of this
2 case as far as there was no serious bodily injury done in
3 this case, Your Honor, if you recall, this lady stated that
4 she was in there and she looked up and she saw him and he
5 swung around and shot at her with a bullet hitting less than
6 a foot away from her. The reason that we don't have physical
7 bodily injury is because of the good fortune that he wasn't a
8 good shot, because the bullet came dangerously close to her.
9 We also heard her testify that she still continues to have
10 problems to this day. She was pulling out her eyelashes
11 because of it.

12 THE COURT: I remember her testifying and she struck me
13 as being sincerely distressed. I do recall that.

14 MR. FLEMING: Yes, sir. I do believe that a part of a
15 person's sentence is for rehabilitation, but when you look
16 back at his criminal history, Your Honor, it happened in 2006
17 and this crime that we were in trial on happened in 2009, too
18 short of a time period, Your Honor. There's no rehabilitation
19 in this. We've got to do what's right for justice and I think
20 the sentence that Your Honor handed down is fair and just and
21 we would ask that you just deny the motion and keep the
22 sentence you imposed in place.

23 THE COURT: Yes, sir. Mr. St. Pierre, do you have
24 anything further?

25 MR. ST. PIERRE: Your Honor, just briefly. Just, he did

1 probably -- he did three years when he was sentenced when he
2 was seventeen years old. He, obviously, is going to do
3 exponentially, more than that either way and I think that
4 this will be a lesson learned no matter what and if we could
5 just cut down any amount of years from his prison life, I
6 think we can accomplish everything everyone in this case is
7 involved in would be happy with, satisfied with.

8 THE COURT: All right. Mr. St. Pierre, you are a fine
9 lawyer and I'm going to consider your motion. I'm not going
10 to rule now. I will take it under advisement and I will issue
11 my opinion and you will know as soon as I do. Okay? Thank
12 you.

13 MR. FLEMING: Thank you, Your Honor.

14 MR. ST. PIERRE: Thank you, Your Honor.

15 THE COURT: Let me thank both of you guys again and The
16 Department of Corrections for getting him here on time. I
17 thank you for that. Other than that, I think we're done. It's
18 good seeing you again.

19 MR. ST. PIERRE: Good to see you. Thank you.

20 MR. FLEMING: Nice seeing you again, Judge. Thank you.

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

CERTIFICATE

BE IT KNOWN THAT I, THE UNDERSIGNED JO RICE, OFFICIAL COURT REPORTER FOR THE TWELFTH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING TRANSCRIPT REPRESENTS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF THE MOTIONS HEARING IN THE CAPTIONED CASE, RELATIVE TO APPEAL, BEFORE THE CIRCUIT COURT FOR LAURENS COUNTY, SOUTH CAROLINA, SO GIVEN ON JUNE 9, 2011 IN ANDERSON COUNTY, SOUTH CAROLINA, TO THE BEST OF MY SKILL AND ABILITY;

THAT I AM NOT RELATED TO NOR AN EMPLOYEE OF ANY OF THE PARTIES HERETO, NOR A RELATIVE OR EMPLOYEE OF ANY ATTORNEY OR COUNSEL EMPLOYED BY THE PARTIES HERETO, NOR INTERESTED IN THE OUTCOME OF THIS ACTION.

IN WITNESS WHEREOF I HAVE HERE UNTO SET MY HAND AND SEAL THIS 11TH DAY OF MARCH, 2015.

JbRe

JO RICE
OFFICIAL COURT REPORTER

LAURENS COUNTY
CLOCK OF COURT

STATE OF SOUTH CAROLINA) IN THE GENERAL SESSIONS COURT
COUNTY OF LAURENS 2014 MAR -5 A 9:01
The State of South Carolina) WARRANTS: I-284086-89
I-284096-102, I-284105, J-616631-34
J997249
LYNN W. LAMASTER)
Plaintiff,)
vs.)
Obryan Exxidice Copeland)
Defendant.)

ORDER DENYING RELIEF

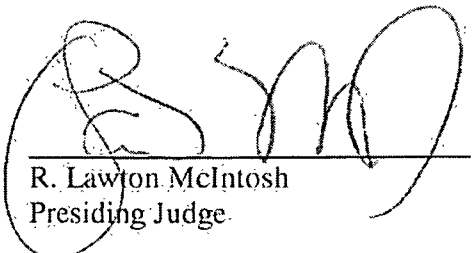
This matter came before me pursuant to a motion for reconsideration timely filed by the Defendant, by and through his attorney. The Defendant pleaded guilty to multiple armed robberies and related charges on November 17, 2010. He was sentenced by this Court to a total of thirty (30) years, with all charges running concurrently. After sentencing, a hearing was requested for relief in the form of reduction in sentence.

Subsequently, a hearing was held in Anderson County. Present for the State was the prosecuting Solicitor, along with the Defendant and his counsel. Arguments were heard from both sides regarding the issue of sentence reconsideration.

After thoughtful review, the Court hereby **Denies** reconsideration of the sentence and **Affirms** its sentence.

IT IS SO ORDERED

Anderson, SC
2-28, 2014


R. Lawton McIntosh
Presiding Judge

COPY

WITNESSES

Leann Riggott
Laurens Police Department

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

October Term, 2009

Indictment # 09GS30- 1481

WARRANT NUMBER

I284086 *True Bill*

THE STATE

IC

vs.

Obryan Exxidice Copeland

Sumner Brown

Foreman of the Grand Jury

Date: *Oct 2, 2009*

VERDICT

**INDICTMENT FOR
CRIMINAL CONSPIRACY
16-17-0410**

Foreman

THE STATE OF SOUTH CAROLINA

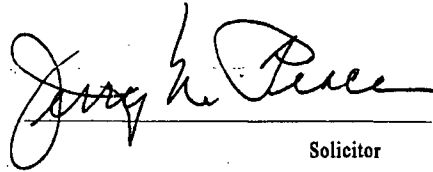
COUNTY OF LAURENS

**INDICTMENT FOR
CRIMINAL CONSPIRACY
16-17-0410**

At a Court of General Sessions, convened on the 2nd day of October, 2009 the Grand Jurors of Laurens County present upon their oath:

That Obryan Exxidice Copeland, along with another person or persons did in Laurens County, state aforesaid, on or about the 7th day of July, 2009 willfully and unlawfully unite, combine, conspire, confederate, agree between and among themselves and have tacit understanding with each other or with other persons whose names are unknown to the Grand Jurors, for the purpose of committing the act of Armed Robbery, in violation of Section 16-17-410 of the South Carolina Code of Laws, 1976, as amended.

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



Solicitor

COPY

WITNESSES

Leann. Rggott
Laurens Police Department

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

October Term, 2009
Indictment # 09GS30-1482

WARRANT NUMBER

1284087
True Bill

THE STATE

IS

vs.
Obryan Exxidice Copeland

Sam L. Swann
Foreman of the Grand Jury
Date: *Oct 2, 2009*

VERDICT

INDICTMENT FOR
ARMED ROBBERY
16-11-0330

Foreman

THE STATE OF SOUTH CAROLINA

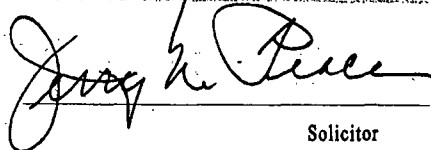
COUNTY OF LAURENS

INDICTMENT FOR**ARMED ROBBERY****16-11-0330**

At a Court of General Sessions, convened on the 2nd day of October, 2009 the Grand Jurors of Laurens County present upon their oath:

That Obryan Exxidice Copeland, did in Laurens County, state aforesaid, on or about the 7th day of July, 2009 willfully and unlawfully while armed with a deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon, or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, feloniously take from the person or presence of Christine Grant by means of force or intimidation, goods or monies described as follows: United States currency, with intent to deprive the owner permanently of such property, Corner Stop #57 in violation of Section 16-11-330 of the South Carolina Code of Laws, 1976, as amended.

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



Solicitor

WITNESSES

Leann Riggott
Laurens Police Department

WARRANT NUMBER

I284088

True Bill

Susan L Brown

Foreman of the Grand Jury

Date: *Oct 2, 2009*

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

October Term, 2009

Indictment # 09GS30-*1483*

THE STATE

vs.

Obryan Exxidice Copeland

INDICTMENT FOR

**POSSESSION OF A WEAPON DURING
A VIOLENT CRIME
16-23-0490**

COPY

THE STATE OF SOUTH CAROLINA

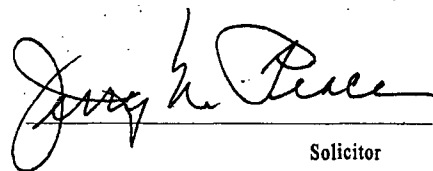
COUNTY OF LAURENS

**INDICTMENT FOR
POSSESSION OF A WEAPON DURING
A VIOLENT CRIME
16-23-0490**

At a Court of General Sessions, convened on the 2nd day of October, 2009 the Grand Jurors of Laurens County present upon their oath:

That Obryan Exxidice Copeland, did in Laurens County, state aforesaid, on or about the 7th day of July, 2009 possess a firearm or visibly displayed what appeared to be a firearm, or visibly displayed a knife during the commission of a violent offense, to wit: Armed Robbery, or any lesser included violent offense, in violation of Section 16-23-490 of the South Carolina Code of Laws, 1976, as amended.

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


Solicitor

WITNESSES

Leann Riggott
Laurens Police Department

WARRANT NUMBER

1284089

True Bill

Susan L. Brown

Foreman of the Grand Jury

Date: *Oct 2, 2009*

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

October Term, 2009

Indictment # 09GS30- *1484*

THE STATE

vs.

Obryan Exxidice Copeland

INDICTMENT FOR

ASSAULT WITH INTENT TO KILL
16-003-620

COPY

THE STATE OF SOUTH CAROLINA**INDICTMENT FOR**

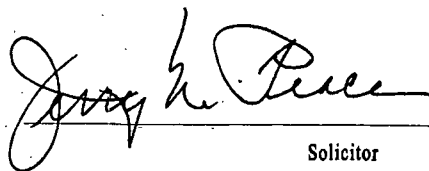
COUNTY OF LAURENS

**ASSAULT WITH INTENT TO KILL
16-003-620**

At a Court of General Sessions, convened on the 2nd day of October, 2009 the Grand Jurors of Laurens County present upon their oath:

That Obryan Exxidice Copeland, did in Laurens County, state aforesaid, on or about the 7th day of July, 2009 willfully, unlawfully and intentionally, with malice aforethought, attempt to commit an unlawful act of violent injury upon Christine Grant, in violation of Section 17-25-30 of the South Carolina Code of Laws, 1976, as amended.

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


Solicitor

WITNESSES

Walter Bentley
Lauren Police Department

WARRANT NUMBER

I284096 *True Bill*

Susan d. Brown

Foreman of the Grand Jury

Date: *Oct 2, 2009*

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

October Term, 2009

Indictment # 09GS30- *1485*

THE STATE

vs.

Obryan Exxidice Copeland

INDICTMENT FOR

ARMED ROBBERY
16-11-0330

COPY

THE STATE OF SOUTH CAROLINA

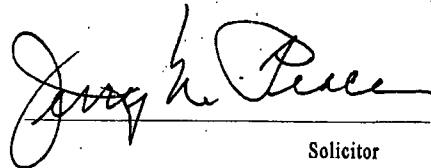
COUNTY OF LAURENS

INDICTMENT FOR**ARMED ROBBERY**
16-11-0330

At a Court of General Sessions, convened on the 2nd day of October, 2009 the Grand Jurors of Laurens County present upon their oath:

That Obryan Exxidice Copeland, did in Laurens County, state aforesaid, on or about the 14th day of June, 2009 willfully and unlawfully while armed with a deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon, or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, feloniously take from the person or presence of Contessa Norwood by means of force or intimidation, goods or monies described as follows: United States currency, with intent to deprive the owner permanently of such property, Bryan Dockmeyer, d/b/a Lil Cricket in violation of Section 16-11-330 of the South Carolina Code of Laws, 1976, as amended.

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



Solicitor

WITNESSES

Leann Riggott
Laurens Police Department

WARRANT NUMBER

I284105-True Bill

Susan L. Brown

Foreman of the Grand Jury

Date: Oct 2, 2009

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

October Term, 2009

Indictment # 09GS30-

1492

THE STATE

vs.

Obryan Exxidice Copeland

INDICTMENT FOR

GRAND LARCENY

16-13-0030

COPY

THE STATE OF SOUTH CAROLINA

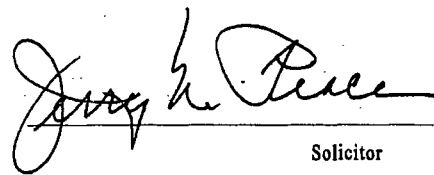
COUNTY OF LAURENS

INDICTMENT FOR**GRAND LARCENY
16-13-0030**

At a Court of General Sessions, convened on the 2nd day of October, 2009 the Grand Jurors of Laurens County present upon their oath:

That Obryan Exxidice Copeland, did in Laurens County, state aforesaid, between the 18th day of June, 2009 and the 19th day of June, 2009 feloniously take and carry away the personal goods of Melody Simmons of the value of more than one thousand dollars described as follows: a 1987 Chevrolet Cavalier with intent to deprive the owner permanently of such goods in violation of Section 16-13-30 of the South Carolina Code of Laws, 1976, as amended.

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



Solicitor

WITNESSES

Walter Bentley
Laurens Police Department

WARRANT NUMBER

I284102

True Bill

Sum L. Swan

Foreman of the Grand Jury

Date: *Oct 2 2009*

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

October Term, 2009

Indictment # 09GS30-

1491

THE STATE

IC

vs.

Obryan Exxidice Copeland

INDICTMENT FOR

CONVEYING FALSE BOMB THREAT

16-23-0750

CCDW

THE STATE OF SOUTH CAROLINA

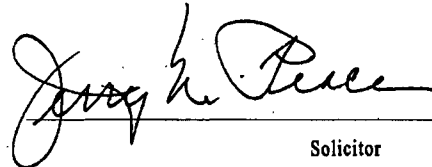
COUNTY OF LAURENS

INDICTMENT FOR**CONVEYING FALSE BOMB THREAT
16-23-0750**

At a Court of General Sessions, convened on the 2nd day of October, 2009 the Grand Jurors of Laurens County present upon their oath:

That Obryan Exxidice Copeland, did in Laurens County, state aforesaid, on or about the 11th day of June, 2009 willfully and unlawfully communicate a threat or convey false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made to kill, injure, or intimidate any person or to damage or destroy any building or other real or personal property by means of an explosive, incendiary, or destructive device or who aids, agrees with, employs, or conspires with any person to do or cause to be done any of the aforesaid acts, in violation of Section 16-23-750 of the South Carolina Code of Laws, 1976, as amended.

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



Solicitor

COPY

WITNESSES

Walter Bentley
Laurens Police Department

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

October Term, 2009

Indictment # 09GS30-

1490

WARRANT NUMBER

I284101

True Bill

THE STATE

vs.

Obryan Exxidice Copeland

IC

Susan L. Brown

Foreman of the Grand Jury

Date: Oct 2, 2009

VERDICT

INDICTMENT FOR

**POSSESSION OF A WEAPON DURING
A VIOLENT CRIME**

16-23-0490

Foreman

THE STATE OF SOUTH CAROLINA

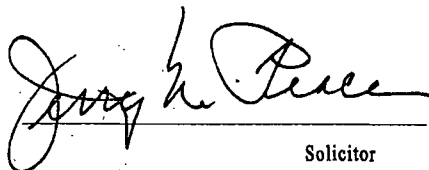
COUNTY OF LAURENS

INDICTMENT FOR**POSSESSION OF A WEAPON DURING
A VIOLENT CRIME
16-23-0490**

At a Court of General Sessions, convened on the 2nd day of October, 2009 the Grand Jurors of Laurens County present upon their oath:

That Obryan Exxidice Copeland, did in Laurens County, state aforesaid, on or about the 24th day of June, 2009 possess a firearm or visibly displayed what appeared to be a firearm, or visibly displayed a knife during the commission of a violent offense, to wit: Armed Robbery, or any lesser included violent offense, in violation of Section 16-23-490 of the South Carolina Code of Laws, 1976, as amended.

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


Solicitor

COPY

WITNESSES

Walter Bentley
Laurens Police Department

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

October Term, 2009

Indictment # 09GS30- 1489

WARRANT NUMBER

I284100 *True Bill*

THE STATE

vs.

Obryan Exxidice Copeland

IC

Susan L. Brown

Foreman of the Grand Jury

Date: *Oct 2, 2009*

VERDICT

INDICTMENT FOR

ARMED ROBBERY
16-11-0330

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

INDICTMENT FOR**ARMED ROBBERY****16-11-0330**

At a Court of General Sessions, convened on the 2nd day of October, 2009 the Grand Jurors of Laurens County present upon their oath:

That Obryan Exxidice Copeland, did in Laurens County, state aforesaid, on or about the 24th day of June, 2009 willfully and unlawfully while armed with a deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon, or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon; feloniously take from the person or presence of Jessica Griffin, Iva Dodge, and Alyissa Deberry by means of force or intimidation, goods or monies described as follows: United States currency, with intent to deprive the owner permanently of such property, Doug Smitherman, d/b/a The Money Store in violation of Section 16-11-330 of the South Carolina Code of Laws, 1976, as amended.

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


Solicitor

WITNESSES

Walter Bentley
Laurens Police Department

WARRANT NUMBER

I284099 *True Bill*

James L. Brown

Foreman of the Grand Jury

Date: *Oct 2, 2009*

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

October Term, 2009

Indictment # 09GS30- *1488*

THE STATE

vs.

Obryan Exxidice Copeland

INDICTMENT FOR

**POSSESSION OF A WEAPON DURING
A VIOLENT CRIME
16-23-0490**

COPY

THE STATE OF SOUTH CAROLINA

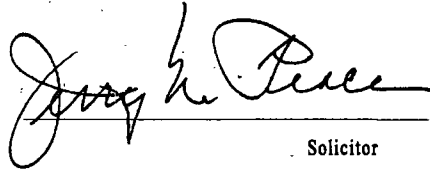
COUNTY OF LAURENS

**INDICTMENT FOR
POSSESSION OF A WEAPON DURING
A VIOLENT CRIME
16-23-0490**

At a Court of General Sessions, convened on the 2nd day of October, 2009 the Grand Jurors of
Laurens County present upon their oath:

That Obryan Exxidice Copeland, did in Laurens County, state aforesaid, on or about the 1st day
of June, 2009 possess a firearm or visibly displayed what appeared to be a firearm, or visibly displayed a
knife during the commission of a violent offense, to wit: Armed Robbery, or any lesser included violent
offense, in violation of Section 16-23-490 of the South Carolina Code of Laws, 1976, as amended.

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


Solicitor

WITNESSES

Walter Bentley
Laurens Police Department

WARRANT NUMBER

I284098

True Bill

Susan L. Brown

Foreman of the Grand Jury

Date:

Oct 2, 2009

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

October Term, 2009

Indictment # 09GS30-

1487

THE STATE

vs.

Obryan Exxidice Copeland

INDICTMENT FOR

ARMED ROBBERY

16-11-0330

COPY

THE STATE OF SOUTH CAROLINA

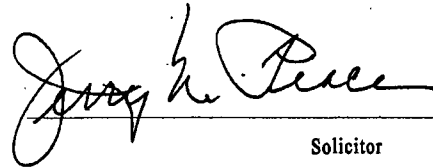
COUNTY OF LAURENS

INDICTMENT FOR**ARMED ROBBERY****16-11-0330**

At a Court of General Sessions, convened on the 2nd day of October, 2009 the Grand Jurors of Laurens County present upon their oath:

That Obryan Exxidice Copeland, did in Laurens County, state aforesaid, on or about the 1st day of June, 2009 willfully and unlawfully while armed with a deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon, or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, feloniously take from the person or presence of Paul Spires by means of force or intimidation, goods or monies described as follows: United States currency, with intent to deprive the owner permanently of such property, Elizabeth Ross d/b/a Drug-Lo Discount Drugs in violation of Section 16-11-330 of the South Carolina Code of Laws, 1976, as amended.

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


Solicitor

COPY

WITNESSES

Walter Bentley
Laurens Police Department

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

October Term, 2009

Indictment # 09GS30- 1486

WARRANT NUMBER

I284097

True Bill

THE STATE

vs.

Obryan Exxidice Copeland

Susan L. Brown

Foreman of the Grand Jury

Date: *OCT 2, 2009*

VERDICT

Foreman

INDICTMENT FOR

**POSSESSION OF A WEAPON DURING
A VIOLENT CRIME**

16-23-0490

THE STATE OF SOUTH CAROLINA

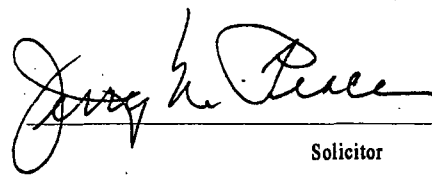
COUNTY OF LAURENS

**INDICTMENT FOR
POSSESSION OF A WEAPON DURING
A VIOLENT CRIME
16-23-0490**

At a Court of General Sessions, convened on the 2nd day of October, 2009 the Grand Jurors of Laurens County present upon their oath:

That Obryan Exxidice Copeland, did in Laurens County, state aforesaid, on or about the 14th day of June, 2009 possess a firearm or visibly displayed what appeared to be a firearm, or visibly displayed a knife during the commission of a violent offense, to wit: Armed Robbery, or any lesser included violent offense, in violation of Section 16-23-490 of the South Carolina Code of Laws, 1976, as amended.

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


Solicitor

WITNESSES

M B Blackmon
Laurens County Sheriff

WARRANT NUMBER

J616631 True Bill

Susan L. Brown

Foreman of the Grand Jury

Date: Oct 2, 2009

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

October Term, 2009

Indictment # 09GS30- 1285

THE STATE

vs.

Obryan Exxidice Copeland

INDICTMENT FOR

ATTEMPTED ARMED ROBBERY
16-11-0330

COPY

THE STATE OF SOUTH CAROLINA**INDICTMENT FOR**

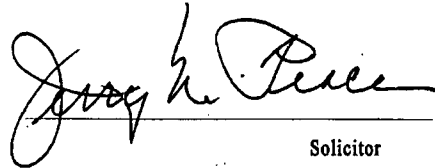
COUNTY OF LAURENS

**ATTEMPTED ARMED ROBBERY
16-11-0330**

At a Court of General Sessions, convened on the 2nd day of October, 2009 the Grand Jurors of Laurens County present upon their oath:

That Obryan Exxidice Copeland, did in Laurens County, state aforesaid, on or about the 20th day of June, 2009 willfully and unlawfully while armed with a deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon, or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, feloniously attempt to take from the person or presence of Missy Beck by means of force or intimidation, goods or monies, with intent to deprive the owner permanently of such property in violation of Section 16-11-330 of the South Carolina Code of Laws, 1976, as amended.

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



Solicitor

COPY

WITNESSES

M B Blackmon
Laurens County Sheriff

WARRANT NUMBER

J616632 True Bill

Susan L. Dun

Foreman of the Grand Jury

Date: Oct 2, 2009

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

October Term, 2009

Indictment # 09GS30-1286

THE STATE

vs.

Obryan Exxidice Copeland

INDICTMENT FOR

**POSSESSION OF A WEAPON DURING A
VIOLENT CRIME**

16-23-0490

THE STATE OF SOUTH CAROLINA

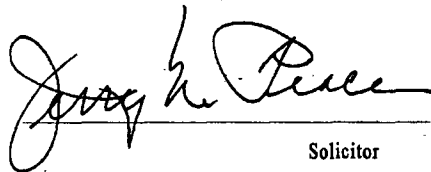
COUNTY OF LAURENS

INDICTMENT FOR**POSSESSION OF A WEAPON DURING A
VIOLENT CRIME
16-23-0490**

At a Court of General Sessions, convened on the 2nd day of October, 2009 the Grand Jurors of Laurens County present upon their oath:

That Obryan Exxidice Copeland, did in Laurens County, state aforesaid, on or about the 20th day of June, 2009 possess a firearm or visibly displayed what appeared to be a firearm, or visibly displayed a knife during the commission of a violent offense, to wit: attempted armed robbery, or any lesser included violent offense, in violation of Section 16-23-490 of the South Carolina Code of Laws, 1976, as amended.

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



Solicitor

WITNESSES

J D Burns
Laurens County Sheriff

WARRANT NUMBER

J616633 *True Bill*

Dustin Brown

Foreman of the Grand Jury

Date: *Oct 2, 2009*

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

October Term, 2009

Indictment # 09GS30-*1287*

THE STATE

vs.

Obryan Exxidice Copeland

INDICTMENT FOR

**POSSESSION OF A WEAPON DURING
A VIOLENT CRIME
16-23-0490**

COPY

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

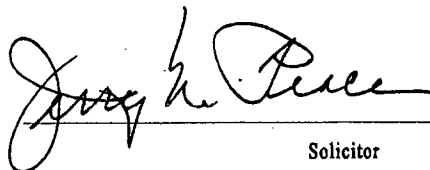
INDICTMENT FOR**POSSESSION OF A WEAPON DURING
A VIOLENT CRIME**

16-23-0490

At a Court of General Sessions, convened on the 2nd day of October, 2009 the Grand Jurors of Laurens County present upon their oath:

That Obryan Exxidice Copeland, did in Laurens County, state aforesaid, on or about the 23rd day of May, 2009 possess a firearm or visibly displayed what appeared to be a firearm, or visibly displayed a knife during the commission of a violent offense, to wit: Armed Robbery, or any lesser included violent offense, in violation of Section 16-23-490 of the South Carolina Code of Laws, 1976, as amended.

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



Solicitor

WITNESSES

J D Burns
Laurens County Sheriff

WARRANT NUMBER

J616634 True Bill

Susan L. Burns

Foreman of the Grand Jury

Date: Oct 2, 2009

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

October Term, 2009

Indictment # 09GS30- 1288

THE STATE

vs.

Obryan Exxidice Copeland

INDICTMENT FOR

ARMED ROBBERY
16-11-0330

COPY

THE STATE OF SOUTH CAROLINA

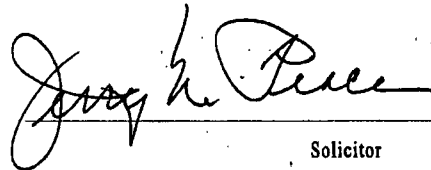
COUNTY OF LAURENS

INDICTMENT FOR**ARMED ROBBERY****16-11-0330**

At a Court of General Sessions, convened on the 2nd day of October, 2009 the Grand Jurors of Laurens County present upon their oath:

That Obryan Exxidice Copeland, did in Laurens County, state aforesaid, on or about the 23rd day of May, 2009 willfully and unlawfully while armed with a deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon, or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, feloniously take from the person or presence of Ed Mcdaniel by means of force or intimidation, goods or monies described as follows: United States currency, with intent to deprive the owner permanently of such property, Ed Mcdaniel, d/b/a Mcdaniel's package store in violation of Section 16-11-330 of the South Carolina Code of Laws, 1976, as amended.

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



Solicitor

WITNESSES

WALTER SUMMERS
Laurens County Sheriff

WARRANT NUMBER

J997249

TRUE Bill

Angie Nelson
Foreman of the Grand Jury

Date: *5/7/10*

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

May Term, 2010

Indictment # 10GS30- *0585*

THE STATE

vs.

Obryan Exxidice Copeland

INDICTMENT FOR

**ASSAULT AND BATTERY OF A HIGH
AND AGGRAVATED NATURE**

COPY

THE STATE OF SOUTH CAROLINA

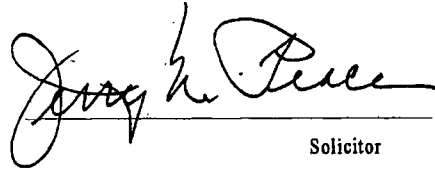
COUNTY OF LAURENS

INDICTMENT FOR**ASSAULT AND BATTERY OF A HIGH
AND AGGRAVATED NATURE**

At a Court of General Sessions, convened on the 7th day of May, 2010 the Grand Jurors of Laurens County present upon their oath:

That Obryan Exxidice Copeland, did in Laurens County, state aforesaid, on or about the 6th day of February, 2010 willfully and unlawfully commit an act of violent injury to the person of another, to wit: Tariko Kennedy, accompanied by circumstances of aggravation, the use of a deadly weapon, and/or the infliction of serious bodily injury, and/or the intent to commit a felony, and/or the great disparity between the ages and physical conditions of the parties, and/or the difference in sexes, and/or indecent liberties or familiarities with a female, and/or the purposeful infliction of shame and disgrace, and/or resistance of lawful authority, in violation of the laws of South Carolina.

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



Handwritten signature of Joseph H. Peace, Solicitor.

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 17th, 2015



Benjamin Joan Tripp
Appellate Defender

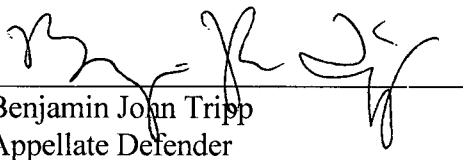
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

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 17th, 2015



Benjamin Joan Tripp
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 Laurens County

R. Lawton McIntosh, Circuit Court Judge

RECEIVED

JUN 17 2015

SC Court of Appeals
RESPONDENT

THE STATE,

V.

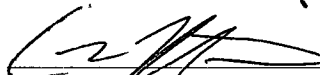
OBRYAN E. COPELAND,

APPELLANT

APPELLATE CASE NO. 2014-000703

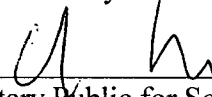
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 17th day of June, 2015, .



Cruise Mitchell
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 17th day of June, 2015.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: May 12, 2025.