

22063

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY

D. Garrison Hill, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

FURMAN EUGENE TAYLOR, JR.,

APPELLANT

APPELLATE CASE NO. 2015-000066

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

COURT OF GENERAL SESSIONS

2012-GS-23-06511

2012-GS-23-06513

STATE OF SOUTH CAROLINA,)

VS.)

TRANSCRIPT OF RECORD

FURMAN EUGENE TAYLOR, JR.,)
 DEFENDANT.)

ORIGINAL

January 5, 6, and 7, 2015
 Greenville, South Carolina

B E F O R E:

THE HONORABLE D. GARRISON HILL, JUDGE; and a jury.

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HOLLIE M. JENKINS
 Circuit Court Reporter

I N D E X

(SW) - Denotes State's Witness
(DW) - Denotes Defense Witness

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Greenville County.

P R O C E E D I N G S

THE COURT: This is case number 2012-GS-23-6511 and 6513, the State v. Furman Eugene Taylor.

Do you have any pre-trial motions, Mr. Kornfeld?

PRE-TRIAL MOTIONS

MR. KORNFELD: Yes, Your Honor.

My first motion would be -- well, I guess I'll go this way. I have a motion to dismiss the petit larceny due to the fact that it was not indicted. I know normally misdemeanors do not have to be indicted if they are waived up or agreed to be waived up.

Mr. Taylor had a previous attorney. I am unaware of whether or not they were waived up. I just know the screen shot that I looked at last week for the petit larceny did not have a true bill indictment on there. That's my first motion is --

(Pause.)

MR. KORNFELD: Okay. And it has been indicted here on April 23rd, 2013. I just didn't see that before.

My other motion kind of stems on that. And it is a motion to quash both of the indictments pursuant to Rule 3(C) of the South Carolina Rules of Civil Procedure. And this rule requires the Solicitor to take action on the warrant within 90 days after receipt of an arrest -- a warrant from the clerk of court by -- they have to do

1 three things, preparing an indictment for presentment to
2 the Grand Jury, which indictment shall be filed with the
3 clerk of court; assign a criminal case number; and present
4 to the Grand Jury, or dismiss the case, or make other
5 affirmative dispositions in writing in filing such action
6 with the clerk of court.

7 Now, the Supreme Court of South Carolina has stated
8 in State v. Culbreath that this is purely -- that alone is
9 not enough to dismiss a case. And they have said that it
10 is purely administrative, not substantial and was not --
11 it was not a rule to relinquish jurisdiction of the Court
12 by itself.

13 On the other hand, the rule, also, requires that if a
14 solicitor wants additional time, they must file a request
15 for an additional 30 days. They have stated in here that,
16 by itself, that is not enough. And I have the case law.

17 Your Honor, we would simply say this case took 10
18 months after we believe the clerk of court received it.
19 And a request was not made for the additional time. We
20 would say that is additional information that would become
21 a substantial issue for the Court.

22 There's another case. It was State v. Edwards that
23 was decided on June 21st, 2007. In that case, they had a
24 similar amount of time between the time that the warrant
25 was given to the clerk of court and the indictment.

1 On the other hand, I would argue that there has been
2 more input now under State v. Lankford. And it is a
3 substantial issue in that it would be enough and should be
4 dismissed under those reasons, Your Honor.

5 THE COURT: Thank you, Mr. Kornfeld.

6 Mr. Wallace.

7 MR. WALLACE: Your Honor, I was not present during
8 the indictment of these cases. This was not my case
9 initially. However, it's my understanding that they were
10 indicted. The burglary first degree and the petit larceny
11 were indicted on -- during the April term of court of
12 2013. This Defendant, I believe, was arrested in June --
13 early June of 2012.

14 It's my understanding the rule is an administrative
15 rule. And what we do at the Solicitor's Office is we take
16 the waivers and we have numbers assigned to them. So we
17 go in and we do the waivers, and we file those with the
18 clerk of court. And at the time that the case is
19 determined if it's going to be tried or it's going to get
20 a bench warrant, at that time, we do the indictments.

21 Now, the waiver rule is in effect. I mean, we do
22 have to get waivers in within that time period. And we do
23 get extensions on them in order to meet those
24 requirements. And I'm not aware of whether that occurred
25 in this case or not.

1 I don't know if the Court is aware, but this is a
2 re-try -- a retrial case. This case was tried back in
3 February of 2014. And then we're going to try it again
4 because it was a mistrial..

5 THE COURT: It was a --

6 MR. WALLACE: I was --

7 THE COURT: -- what was the basis of the mistrial?

8 MR. WALLACE: -- not the Solicitor in charge of the
9 case back when it was initially tried.

10 MR. KORNFELD: Your Honor, it was a hung jury.

11 THE COURT: Okay.

12 MR. WALLACE: A hung jury, Your Honor, yes.

13 So the State would -- the State's position would be
14 that it's purely an administrative rule. It's used to
15 move the docket along to ensure that people in the jail do
16 not linger while the case is going to be set for trial.

17 This case was not tried until February of 2014. I
18 don't know the reason for that. But there could be a
19 number of reasons. But the State's position is that would
20 not be enough to quash the indictment and dismiss the
21 charges.

22 THE COURT: I deny the motion. I understand the
23 basis for it. But I don't think the rules or case law
24 cited would warrant quashing or dismissing the indictment
25 at this stage.

1 All right. Any other motions?

2 MR. KORNFELD: Yes, Your Honor.

3 I would make a motion for my client -- I know there
4 would have to be a different analysis if he were to
5 testify, but 404(B), a motion to exclude prior bad acts.

6 MR. WALLACE: Yes, Your Honor.

7 The State has -- is going to present two indictments
8 during this trial, both for burglary first degree. This
9 will be the element that we prove in order to show this is
10 a burglary first degree.

11 And I believe the case law -- State v. James will be
12 the case I would cite for the Court. It has already
13 thoroughly discussed this issue, and stated that when the
14 State offers the indictments for the purpose of proving
15 the elements of the crime like burglary first degree that
16 the State is allowed to present these to the Court in
17 order to prove the element, not to show character, or
18 intent, or any of these things that's present in Rule 404.

19 So the State's position is under State v. Tommy Lee
20 James, it's the Court of Appeals -- in that case, they,
21 actually, determined seven -- the majority opinion was
22 that seven burglary indictments were allowed in. We're
23 only going to put two in, even though he has more.. And
24 kind of in keeping with the concurrent opinion in that
25 case where the justice stated that in all fairness, the

1 State should -- to prove the element of burglary first and
2 not try to put in more prejudicial -- more evidence that
3 could be prejudicial.

4 So we're just going to put in two. We maintain,
5 based on State v. James, that this evidence is extremely
6 probative, and that it proves the elements of the case --
7 or the elements of the crime of burglary first degree.
8 And it has nothing to do with character evidence. And
9 that would be the State's position.

10 THE COURT: Is that the sole basis for the burglary
11 first element?

12 In other words, you're not -- it's not a nighttime or
13 a deadly weapon case --

14 MR. WALLACE: There is testimony in the case that a
15 pistol was stolen from the residence. The victim stated a
16 pistol was stolen. And the co-defendant in this case will
17 testify that a pistol was stolen. And she saw it after
18 the burglary. However, that's just testimony. That's not
19 documented evidence to prove our elements.

20 So we would choose, based on the case that I just
21 cited, to use the burglary first indictments. Because
22 they're, essentially, better evidence to prove the
23 elements of that crime.

24 If the jury decides not to give any weight to the
25 testimony about the pistol, then the State would not be

1 able to prove burglary first in this case. Whereas if we
2 put in the two burglary first indictments, then that's
3 pretty much stipulated to.

4 THE COURT: Thank you.

5 Mr. Kornfeld:

6 MR. KORNFELD: Your Honor, my only argument on the
7 indictment -- the indictment, also -- there's a lot of
8 and/or's in here to -- that include nighttime hours. I
9 don't believe there's going to be any testimony to that --
10 to the nighttime hours. And I would ask that when -- I
11 would just ask that that would be excluded to the jury as
12 confusing, the fact that there's all these different
13 elements.

14 There's, basically -- if there's two burglaries or
15 more, or that he had a deadly weapon, not this nighttime
16 element, or any of the other elements that could prove a
17 burglary first that weren't in the indictment.

18 THE COURT: Okay.

19 MR. KORNFELD: My other argument is that the statute
20 itself because of the -- if the two prior burglaries get
21 in, which is an element of the offense, it circumvents the
22 judicial's -- the Judge's ability to, actually, do a 403
23 analysis on whether or not that would be unduly
24 prejudicial to the Defendant.

25 I understand that you have to follow the statute.

1 But my argument would be, for the record, that allowing
2 that in without further analysis is prejudicial to the
3 client. And I would ask for an instruction that has been
4 given in the past that that is not to be considered.
5 The only -- it's only to be considered as an element, not
6 to the guilt concerning this case.

7 THE COURT: I'll, certainly, give that instruction.

8 MR. KORNFELD: Thank you, Your Honor.

9 THE COURT: I don't -- to the extent you're asking me
10 to not charge the jury as to the elements of the offense
11 that may include prior convictions, I don't think I can
12 grant that in light of the cases that have been raised by
13 the State, which I'm familiar with.

14 MR. KORNFELD: I understand, Your Honor.

15 And my only other motion, at this time, would be to
16 sequester the witnesses.

17 THE COURT: Is there any objection to that?

18 MR. WALLACE: No, Your Honor. No objection.

19 THE COURT: Okay. So the witnesses are sequestered.
20 I don't know who the witnesses are, so y'all are going to
21 have to help police that so we don't have a situation
22 where somebody is in here who shouldn't be. But I do find
23 that it's proper under Rule 615.

24 Anything else?

25 MR. KORNFELD: Nothing else, Your Honor.

1 MR. WALLACE: Nothing from the State, Your Honor.

2 THE COURT: I don't know if the jury is available
3 now.

4 THE CLERK: They just sent them up.

5 THE COURT: To Judge Pyle?

6 THE CLERK: Yes.

7 THE COURT: So it's going to take a while for Judge
8 Pyle to pick a jury, and we'll have the remainder to
9 choose from.

10 So we'll go into the next matter on a different case.

11 (WHEREUPON, a break was taken.)

12 THE COURT: The jury is being sent up for this case.

13 (WHEREUPON, the jury panel entered the courtroom.)

14 THE COURT: Good afternoon, ladies and gentlemen.

15 We're going to select a jury in the case of the State
16 of South Carolina v. Furman Taylor.

17 Mr. Taylor, if you'll just stand up and let everybody
18 see you, sir.

19 Thank you.

20 I'm going to go through a list of questions to ensure
21 we can find a jury that's fair and impartial in this
22 matter. And, before I do that, I just want to tell you
23 what Mr. Taylor is charged with. And these are merely
24 charges. And, at this stage, Mr. Taylor like anyone
25 charged with a crime is presumed innocent. And Mr. Taylor

1 has pled not guilty. And that puts the burden of proof on
2 the State.

3 Mr. Taylor doesn't have any burden of proof. He
4 doesn't have to offer any evidence or explanation
5 whatsoever. The burden is solely on the State. And
6 Mr. Taylor may only be convicted if all 12 jurors agree
7 the State has proven each and every element of the crime
8 beyond a reasonable doubt.

9 And, at this time, the charges that I'm going to
10 read -- I'll read them to you in more detail later. But
11 he's charged with burglary in the first degree and petit
12 larceny, two different indictments. And the indictment is
13 simply a way to put a citizen on notice of what he's
14 charged with. And it doesn't constitute evidence
15 whatsoever. So keep that in mind as we go through these
16 proceedings.

17 Now, the first indictment alleges in 2012-GS-23-6511
18 that Furman Eugene Taylor, Jr., did in Greenville County
19 on or about the 19th day of May, 2012, willfully and
20 unlawfully enter the dwelling of Renna Taylor located at
21 Road, , South Carolina,
22 without consent and with the intent to commit a crime
23 therein. And the burglary was accompanied by
24 circumstances of aggravation. Those are the pertinent
25 parts of that indictment.

1 And in indictment number 2012-GS-23-6513, it alleges
2 that Furman Eugene Taylor, Jr., did in Greenville County
3 on or about the 19th day of May, 2012, feloniously take
4 and carry away the personal property of Renna Taylor, to
5 wit, electronic equipment, firearms, jewelry, and other
6 miscellaneous items with a total value of less than \$2,000
7 with the intent to deprive the owner permanently of such
8 property in violation of Section 16-13-30 and Section
9 16-1-57 of the South Carolina Code of Laws. Those are the
10 charges in the indictment.

11 JURY QUALIFICATION

12 THE COURT: And the first question I want to ask, is
13 there anyone who's related by blood or marriage, or kin to
14 in any way Furman Eugene Taylor, Jr.? If so, please,
15 stand.

16 (WHEREUPON, there was no response.)

17 THE COURT: Does anyone have any personal, social, or
18 business relationship with Mr. Taylor? If so, please,
19 stand.

20 (WHEREUPON, there was no response.)

21 THE COURT: Is anyone related by blood or marriage to
22 Renna Taylor? That's R-E-N-N-A. If so, please, stand.

23 (WHEREUPON, there was no response.)

24 THE COURT: Does anyone have any personal, social, or
25 business relationship with Renna Taylor? If so, please,

1 stand.

2 (WHEREUPON, there was no response.)

3 THE COURT: The people who may testify in this case
4 include Casey Smith; Katherine Sasser; Renee [sic] Taylor;
5 Tandy Perry; David Perry; Frank Abella, A-B-E-L-L-A;
6 Dustin Kretschmar, K-R-E-T-S-C-H-M-A-R; Jinny Moran,
7 M-O-R-A-N; J.A. Loveless; Amanda Caldwell; Anthony Young;
8 Daniel Redford; Tyler Whitman; Scott Phillips; Brady
9 Mashak, M-A-S-H-A-K; Tabitha Fricks; and Christie
10 Diachenko. And is anyone related by blood or marriage, or
11 kin to any of those potential witnesses? If so, please,
12 stand.

13 (WHEREUPON, there was no response.)

14 THE COURT: Does anyone have any personal, social, or
15 business relationship with any of those potential
16 witnesses? If so, please, stand.

17 (WHEREUPON, there was no response.)

18 THE COURT: All right. I'm going to ask the lawyers
19 who are going to be involved in this case to introduce
20 themselves and anyone at their table who has not
21 previously been introduced.

22 Mr. Wallace.

23 MR. WALLACE: My name is Matt Wallace. I'm an
24 assistant solicitor. I will be representing the State in
25 this case. And this is my investigator, Evelyn Mitchell.

1 THE COURT: Mr. Kornfeld.

2 MR. KORNFELD: I'm Alex Kornfeld. And I represent
3 Furman Eugene Taylor.

4 THE COURT: Is anyone related by blood or marriage,
5 or kin to either Mr. Wallace, or Mr. Kornfeld, or anyone
6 they introduced? If so, please, stand.

7 (WHEREUPON, there was no response.)

8 THE COURT: Does anyone have any personal, social, or
9 business relationship with either lawyer or anyone they
10 introduced? If so, please, stand.

11 (WHEREUPON, there was no response.)

12 THE COURT: Has anyone ever been employed by the
13 Solicitor's Office, or by any law enforcement agency, or
14 had a member of their immediate family be so employed?

15 Yes, ma'am. Just tell me your name.

16 JUROR #68, ESTELLE FOSTER: Estelle Foster.

17 I was with Greenville City dispatch. And my son is a
18 sheriff.

19 THE COURT: Would that affect your ability to be fair
20 and impartial in this case?

21 JUROR #68, ESTELLE FOSTER: Not at all.

22 THE COURT: Could you decide this case solely on the
23 evidence and the law?

24 JUROR #68, ESTELLE FOSTER: Yes, sir.

25 THE COURT: Thank you.

1 Yes, sir.

2 JUROR #128, ROBERT NILES: Robert Niles.

3 And my sister's husband is a police officer in
4 Columbia, South Carolina.

5 THE COURT: Would that affect your ability to be fair
6 and impartial in this case, sir?

7 JUROR #128, ROBERT NILES: No, sir.

8 THE COURT: You could decide this case solely on the
9 evidence and the law?

10 JUROR #128, ROBERT NILES: Yes, sir.

11 THE COURT: Thank you.

12 Yes, sir.

13 JUROR #71, DONALD GODBEY: Don Godbey.

14 I work consulting with the Department of Juvenile
15 Justice.

16 THE COURT: And would that affect your ability to be
17 fair and impartial in this case, sir?

18 JUROR #71, DONALD GODBEY: No.

19 THE COURT: You could decide the case solely on the
20 evidence and the law?

21 JUROR #71, DONALD GODBEY: Yes.

22 THE COURT: Thank you.

23 Does anyone know anything about --

24 Okay. Yes, ma'am.

25 JUROR #177, JENNY VICKERS: My husband is a retired

1 corrections officer.

2 THE COURT: Would that affect your ability to be fair
3 and impartial?

4 JUROR #177, JENNY VICKERS: No.

5 THE COURT: Could you decide this case solely on the
6 evidence and the law?

7 JUROR #177, JENNY VICKERS: Yes.

8 THE COURT: Does anyone know anything about this
9 case, other than what you've heard here today in the
10 courtroom? If so, please, stand.

11 (WHEREUPON, there was no response.)

12 THE COURT: Is anyone aware of any reason why they
13 could not be fair and impartial in this case, or aware of
14 any bias or prejudice they may have about anyone or any
15 issue involved in this case? If so, please, stand.

16 (WHEREUPON, there was no response.)

17 THE COURT: Any further voir dire?

18 MR. KORNFELD: May we approach?

19 THE COURT: Okay.

20 (WHEREUPON, a bench conference was held.)

21 THE COURT: Okay. The next question asks for some
22 personal information. So if you do need to respond, I'll
23 be glad to talk to you up here with the lawyers and the
24 court reporter.

25 But the question is -- actually, there's several

1 questions. But one is, is there anyone who has
2 contributed, whether it's your time or your money, to any
3 organization whose primary purpose is the advancement of
4 victim's rights or more aggressive law enforcement?

5 And the second question is, is there anyone who has
6 ever been arrested for, charged with, or convicted of, or
7 had a member of their immediate family be convicted of a
8 burglary?

9 Have you ever been or has any member of your
10 immediate family ever been the victim of a burglary?

11 And by "immediate family," I mean either a parent,
12 child, or spouse, or a sibling.

13 Okay. Does anybody need to respond to that question?

14 I'll be glad to talk to you up here in a little more
15 private setting. Just form a line right here in the
16 middle, please.

17 (WHEREUPON, a sidebar was held with the Judge, the
18 attorneys, and potential jurors.)

19 (WHEREUPON, Juror #71, Donald Godbey, came forward.)

20 THE COURT: Yes, sir.

21 JUROR #71, DONALD GODBEY: Don Godbey.

22 My father-in-law and mother-in-law were just
23 burglarized over the holiday.

24 THE COURT: All right. Would that affect your
25 ability to be fair and impartial in this case?

1 JUROR #71, DONALD GODBEY: No.

2 THE COURT: Okay. Thank you.

3 (WHEREUPON, Juror #71, Donald Godbey, was seated.)

4 (WHEREUPON, Juror #137, Angela Pena, came forward.)

5 THE COURT: Hey.

6 JUROR #137, ANGELA PENA: My name is Angela Pena.

7 And my home was burglarized twice this past year.

8 THE COURT: Okay. Would that affect your ability to
9 be fair and impartial in this case?

10 JUROR #137, ANGELA PENA: No, sir.

11 THE COURT: You could decide the case solely on the
12 evidence and the law?

13 JUROR #137, ANGELA PENA: Yes, sir.

14 THE COURT: Thank you.

15 (WHEREUPON, Juror #137, Angela Pena, was seated.)

16 (WHEREUPON, Juror #128, Robert Niles, came forward.)

17 JUROR #128, ROBERT NILES: My ex-wife's parents home
18 was burglarized two times. I don't know the details.

19 THE COURT: You're Mr. Niles?

20 JUROR #128, ROBERT NILES: Yes.

21 THE COURT: Would that affect your ability to be fair
22 and impartial in this case?

23 JUROR #128, ROBERT NILES: No, sir.

24 THE COURT: You could decide this case solely on the
25 evidence and the law?

1 JUROR #128, ROBERT NILES: Yes.

2 THE COURT: Thank you.

3 (WHEREUPON, Juror #128, Robert Niles, was seated.)

4 (WHEREUPON, Juror #89, Rhonda Hovious, came forward.)

5 THE COURT: Hi. Just tell me your --

6 JUROR #89, RHONDA HOVIOUS: Rhonda Hovious.

7 THE COURT: Yes. Hey. How are you doing? Good to
8 see you.

9 JUROR #89, RHONDA HOVIOUS: I just wanted to tell you
10 I do contribute to Safe Harbor for victims of domestic
11 violence monetarily, as well as my sister's home was
12 burglarized approximately two years ago.

13 THE COURT: Would that affect your ability to be fair
14 and impartial in this case?

15 JUROR #89, RHONDA HOVIOUS: I don't think so, no.

16 THE COURT: You could decide the case solely on the
17 evidence and the law?

18 JUROR #89, RHONDA HOVIOUS: Yes.

19 THE COURT: Thank you.

20 (WHEREUPON, Juror #89, Rhonda Hovious, was seated.)

21 (WHEREUPON, Juror #72, Nicole Greene, came forward.)

22 JUROR #72, NICOLE GREENE: My nephew broke into my
23 house. I pressed charges, but I then later dropped them.
24 But I do not feel like it will affect my...

25 THE COURT: You think you can be fair and impartial?

1 JUROR #72, NICOLE GREENE: I do, yes.

2 THE COURT: And decide this case solely on the
3 evidence and the law?

4 JUROR #72, NICOLE GREENE: I do.

5 THE COURT: All right. Thank you.

6 (WHEREUPON, Juror #72, Nicole Green, was seated.)

7 (WHEREUPON, Juror #117, Madison McMahon, came
8 forward.)

9 THE COURT: Tell me your name.

10 JUROR #117, MADISON MCMAHON: Madison McMahon.

11 THE COURT: Okay.

12 JUROR #117, MADISON MCMAHON: And my grandparents
13 were robbed a number of years ago.

14 THE COURT: Would that affect your ability to be fair
15 and impartial?

16 JUROR #117, MADISON MCMAHON: I think to a certain
17 extent, yes.

18 THE COURT: You feel that would affect your decision
19 in the case?

20 JUROR #117, MADISON MCMAHON: No.

21 THE COURT: It wouldn't affect your decision?

22 JUROR #117, MADISON MCMAHON: (Juror #117, Madison
23 McMahon, shook her head.)

24 THE COURT: You have to say "yes" or "no."

25 JUROR #117, MADISON MCMAHON: No.

1 THE COURT: Okay. So you could decide the case
2 solely on the evidence and the law?

3 JUROR #117, MADISON MCMAHON: Yes.

4 THE COURT: And without any kind of preconceived
5 ideas?

6 JUROR #117, MADISON MCMAHON: Yes.

7 THE COURT: Okay. Thank you.

8 (WHEREUPON, Juror #117, Madison McMahon, was seated.)

9 (WHEREUPON, Juror #175, Katherine Vaughn, came
10 forward.)

11 THE COURT: How are you?

12 JUROR #175, KATHERINE VAUGHN: Fine.

13 Back when I was in high school, my parents house was
14 broken into.

15 THE COURT: Okay. Would that affect your ability to
16 be fair and impartial?

17 JUROR #175, KATHERINE VAUGHN: No. I wouldn't think
18 so. I wasn't there.

19 THE COURT: Okay. Thank you.

20 (WHEREUPON, Juror #175, Katherine Vaughn, was
21 seated.)

22 (WHEREUPON, Juror #112, Tracy Lewallen, came
23 forward.)

24 JUROR #112, TRACY LEWALLEN: My car was broken into
25 twice. Some of my things were stolen.

1 Also, prior to getting married, just right before
2 getting married, my husband's house was broken into. We
3 were engaged at the time.

4 THE COURT: Ms. Lewallen, would that affect your
5 ability to be fair and impartial in this case?

6 JUROR #112, TRACY LEWALLEN: No.

7 THE COURT: You could decide this case solely on the
8 evidence and the law?

9 JUROR #112, TRACY LEWALLEN: Yes.

10 THE COURT: Thank you.

11 (WHEREUPON, Juror #112, Tracy Lewallen, was seated.)

12 (WHEREUPON, Juror #80, John Hamner, came forward.)

13 JUROR #80, JOHN HAMNER: My son --

14 THE COURT: Mr. Hamner?

15 JUROR #80, JOHN HAMNER: Yes.

16 THE COURT: Am I pronouncing that right?

17 JUROR #80, JOHN HAMNER: Yes.

18 My son was charged with burglary and went through the
19 drug court program. He is now deceased.

20 THE COURT: Was that here --

21 JUROR #80, JOHN HAMNER: You asked if anybody in the
22 family --

23 THE COURT: Yes, sir.

24 Was that here in Greenville?

25 JUROR #80, JOHN HAMNER: Yes.

1 THE COURT: Would that affect your ability to be fair
2 and impartial in this case?

3 JUROR #80, JOHN HAMNER: I don't think so.

4 THE COURT: You could decide this case solely on the
5 evidence and the law?

6 JUROR #80, JOHN HAMNER: Yes.

7 THE COURT: All right. Thank you, sir.

8 (WHEREUPON, Juror #80, John Hamner, was seated.)

9 THE COURT: Any further voir dire?

10 MR. KORNFELD: I told Matt this already. But I know
11 Mr. Hamner. I represented his youngest son that's still
12 alive.

13 THE COURT: Okay. Thank you.

14 It's five and 10.

15 MR. KORNFELD: We get 10; right?

16 THE COURT: Yes.

17 MR. KORNFELD: All right. Thank you.

18 (WHEREUPON, the sidebar was concluded.)

19 THE COURT: All right. We'll proceed with the jury
20 selection.

21 JURY SELECTION

22 THE CLERK: When I call your name, if you would just
23 stand in place. And if you are selected, please, bring
24 your personal belongings to be seated in the jury box.

25 Juror #36, Eddie Coker.

1 (WHEREUPON, Eddie Coker, a white male, stood.)

2 THE CLERK: What says the State?

3 MR. WALLACE: Please excuse this juror.

4 THE CLERK: Thank you.

5 You may be seated. You're excused from the trial of
6 this case.

7 Juror #46, Taylor Darnell.

8 (WHEREUPON, Taylor Darnell, a white male, stood.)

9 THE CLERK: What says the State?

10 MR. WALLACE: Please present the juror.

11 THE CLERK: Thank you.

12 You may be seated in the jury box.

13 Oh, I'm sorry.

14 MR. KORNFELD: That's okay.

15 Please swear the juror. That's fine.

16 THE COURT: Thank you.

17 I'm sorry about that.

18 Juror #110, Susan Lai.

19 (WHEREUPON, Susan Lai, a white female, stood.)

20 THE CLERK: What says the State?

21 MR. WALLACE: Please present this juror.

22 THE CLERK: Thank you.

23 What --

24 MR. KORNFELD: Please seat the juror.

25 THE CLERK: Thank you.

1 You may be seated in the jury box.

2 THE CLERK: Juror #117, Madison McMahon.

3 (WHEREUPON, Madison McMahon, a white female, stood.)

4 MR. WALLACE: Please present this juror.

5 THE CLERK: Thank you.

6 What says the Defendant?

7 MR. KORNFELD: Please excuse this juror.

8 THE CLERK: Thank you.

9 You may be seated. You're excused from the trial of
10 this case.

11 Juror #155, James Sammons.

12 (WHEREUPON, James Sammons, a white male, stood.)

13 MR. WALLACE: Please excuse this juror.

14 THE CLERK: Thank you.

15 You may be seated. You're excused from the trial of
16 this case.

17 Juror #68, Estelle Foster.

18 (WHEREUPON, Estelle Foster, a white female, stood.)

19 MR. WALLACE: Please present this juror.

20 THE CLERK: Thank you.

21 What says the Defendant?

22 MR. KORNFELD: Please excuse Ms. Foster.

23 THE CLERK: Thank you.

24 You may be seated. You're excused from the trial of
25 this case.

1 Juror #184, Sarah Watson.

2 (WHEREUPON, Sara Watson, a white female, stood.)

3 MR. WALLACE: Please present this juror.

4 THE CLERK: Thank you.

5 What says the Defendant?

6 MR. KORNFELD: Please excuse Ms. Watson.

7 THE CLERK: Thank you.

8 You may be seated. You're excused from the trial of
9 this case.

10 Juror #160 Daniel Shead.

11 (WHEREUPON, there was no response.)

12 THE CLERK: Juror #160, Daniel Shead.

13 Thank you.

14 (WHEREUPON, Daniel Shead, a white male, stood.)

15 MR. WALLACE: Please present this juror.

16 THE CLERK: Thank you.

17 What says the Defendant?

18 MR. KORNFELD: Please seat this juror.

19 THE CLERK: Thank you.

20 You may be seated in the jury box.

21 Juror #80, John Leon Hamner.

22 (WHEREUPON, John Leon Hamner, a white male, stood.)

23 MR. WALLACE: Please excuse this juror.

24 THE CLERK: Thank you.

25 You may be seated. You're excused from the trial of

1 this case.

2 Juror #112, Tracy Lewallen.

3 (WHEREUPON, Tracy Lewallen, a white female, stood.)

4 MR. WALLACE: Please present this juror.

5 THE CLERK: Thank you.

6 What says the Defendant?

7 MR. KORNFELD: Please excuse Ms. Lewallen.

8 THE CLERK: Thank you.

9 You may be seated. You're excused from the trial of
10 this case.

11 Juror #26, Jonathan Bustamante.

12 (WHEREUPON, Jonathan Bustamante, a Hispanic male,
13 stood.)

14 MR. WALLACE: Please excuse this juror.

15 THE CLERK: Thank you.

16 You may be seated. You're excused from the trial of
17 this case.

18 Juror #133, Bonnie Padgett.

19 (WHEREUPON, Bonnie Padgett, a white female, stood.)

20 MR. WALLACE: Please present this juror.

21 THE CLERK: Thank you.

22 What --

23 MR. KORNFELD: Please excuse Ms. Padgett.

24 THE CLERK: Thank you.

25 You may be seated. You're excused from the trial of

1 this case.

2 Juror #120, Uribe Mejia.

3 (WHEREUPON, Uribe Mejia, a Hispanic female, stood.)

4 MR. WALLACE: Please present this juror.

5 THE CLERK: Thank you.

6 What says the Defendant?

7 MR. KORNFELD: Please excuse this juror.

8 THE CLERK: Thank you.

9 You may be seated. You're excused from the trial of
10 this case.

11 Juror #86, Allison Hill.

12 (WHEREUPON, Allison Hill, a white female, stood.)

13 MR. WALLACE: Please present this juror.

14 THE CLERK: Thank you.

15 What says the Defendant?

16 MR. KORNFELD: Please seat the juror.

17 THE CLERK: Thank you.

18 You may be seated in the jury box.

19 Juror #59, Larry Eckart.

20 (WHEREUPON, Larry Eckart, a white male, stood.)

21 MR. WALLACE: Please present this juror.

22 THE CLERK: Thank you.

23 What --

24 MR. KORNFELD: Please excuse Mr. Eckart.

25 THE CLERK: Thank you.

1 You may be seated. You're excused from the trial of
2 this case.

3 Juror #89, Rhonda Hovious.

4 (WHEREUPON, Rhonda Hovious, a white female, stood.)

5 MR. WALLACE: Please present this juror.

6 THE CLERK: Thank you.

7 What says the Defendant?

8 MR. KORNFELD: Please dismiss this juror.

9 THE CLERK: You may be seated. You're excused from
10 the trial of this case.

11 Juror #127, James Murray.

12 (WHEREUPON, James Murray, a white male, stood.)

13 MR. WALLACE: Please present this juror.

14 THE CLERK: Thank you.

15 What says the Defendant?

16 MR. KORNFELD: Please seat Mr. Murray.

17 THE CLERK: Thank you.

18 You may be seated in the jury box.

19 Juror #177, Jenny Vickers.

20 (WHEREUPON, Jenny Vickers, a white female, stood.)

21 MR. WALLACE: Please present this juror.

22 THE CLERK: Thank you.

23 MR. KORNFELD: Please dismiss Ms. Vickers.

24 THE CLERK: Thank you.

25 You may be seated. You're excused from the trial of

1 this case.

2 Juror #74, Gordon Gullledge.

3 (WHEREUPON, Gordon Gullledge, a white male, stood.)

4 MR. WALLACE: Please present this juror.

5 THE CLERK: Thank you.

6 What says the Defendant?

7 MR. KORNFELD: Please dismiss Mr. Gullledge.

8 THE CLERK: Thank you.

9 You may be seated. You're excused from the trial of
10 this case.

11 THE COURT: So the strikes, as they stand now, are
12 four that have been exercised by the State, and 10 by the
13 Defense.

14 Is that right?

15 MR. KORNFELD: Your Honor, I have mine at nine.

16 MR. WALLACE: We have 10, Your Honor.

17 THE COURT: Well, let me just confer with y'all up
18 here real quick.

19 (WHEREUPON, a bench conference was held.)

20 THE CLERK: Juror #189, Ludaries Winston.

21 (WHEREUPON, Ludaries Winston, a black male, stood.)

22 MR. WALLACE: Please present this juror.

23 THE CLERK: Thank you.

24 What says the Defendant?

25 MR. KORNFELD: Please seat Mr. Winston.

1 THE CLERK: Thank you.

2 You may be seated in the jury box.

3 Juror #137, Angela Pena.

4 (WHEREUPON, Angela Pena, a white female, stood.)

5 MR. WALLACE: Please present this juror.

6 THE CLERK: Thank you.

7 What says --

8 MR. KORNFELD: Please seat this juror.

9 THE CLERK: Thank you.

10 You may be seated in the jury box.

11 Juror 71, Donald Godbey.

12 (WHEREUPON, Donald Godbey, a white male, stood.)

13 MR. WALLACE: Please present this juror.

14 THE CLERK: Thank you.

15 MR. KORNFELD: Please seat Mr. Godbey.

16 THE CLERK: Thank you.

17 You may be seated in the jury box.

18 Juror #29, Roger Chandler.

19 (WHEREUPON, Roger Chandler, a white male, stood.)

20 MR. WALLACE: Please excuse this juror.

21 THE CLERK: Thank you.

22 You may be seated. You're excused from the trial of
23 this case.

24 Juror #87, Nikki Hiott.

25 (WHEREUPON, Nikki Hiott, a white female, stood.)

1 MR. WALLACE: Please present this juror.

2 THE CLERK: Thank you.

3 What says the Defendant?

4 MR. KORNFELD: Please seat Ms. Hiott.

5 THE COURT: Thank you.

6 You may be seated in the jury box.

7 Juror #128, Robert Niles.

8 (WHEREUPON, Robert Niles, a white male, stood.)

9 MR. WALLACE: Please present this juror.

10 THE CLERK: Thank you.

11 What --

12 MR. KORNFELD: Please seat Mr. Niles.

13 THE CLERK: Thank you.

14 You may be seated in the jury box.

15 Juror #185, Leigh Anne Wetzel.

16 (WHEREUPON, Leigh Anne Wetzel, a white female,
17 stood.)

18 MR. WALLACE: Please present this juror.

19 THE CLERK: Thank you.

20 What says the Defendant?

21 MR. KORNFELD: Please seat Ms. Wetzel.

22 THE CLERK: Thank you.

23 You may be seated in the jury box.

24 Juror #163, Timothy Simpson.

25 (WHEREUPON, Timothy Simpson, a white male, stood.)

1 MR. WALLACE: Please present this juror.

2 THE CLERK: Thank you.

3 MR. KORNFELD: Please seat Mr. Simpson.

4 THE CLERK: Thank you.

5 You may be seated in the jury box.

6 THE COURT: We'll have two alternates. The strikes
7 are one and two.

8 THE CLERK: Juror #183, Cynthia Washington.

9 (WHEREUPON, Cynthia Washington, a black female,
10 stood.)

11 MR. WALLACE: Please present this juror.

12 THE CLERK: Thank you.

13 MR. KORNFELD: Please seat Ms. Washington.

14 THE CLERK: Thank you.

15 You may be seated in the jury box.

16 Juror #108, Cheryl Kozmic.

17 (WHEREUPON, Cheryl Kozmic, a white female, stood.)

18 MR. WALLACE: Please present the juror.

19 THE CLERK: Thank you.

20 MR. KORNFELD: Please strike Ms. Kozmic.

21 THE CLERK: Thank you.

22 You may be seated. You're excused from the trial of
23 this case.

24 Juror #86, Kenneth Hendrix.

25 (WHEREUPON, Kenneth Hendrix, a white male, stood.)

1 MR. WALLACE: Please present this juror.

2 MR. KORNFELD: Please seat Mr. Hendrix.

3 THE CLERK: Thank you.

4 You may be seated in the jury box.

5 THE COURT: Any matters or motions based on the jury
6 selection or the composition of the jury?

7 MR. WALLACE: Nothing from the State, Your Honor.

8 MR. KORNFELD: Nothing, Your Honor.

9 THE COURT: All right. I find it complied with all
10 statutory and Constitutional requirements.

11 Ladies and gentlemen, just to let you know, you are
12 the jury in the case of State v. Furman Eugene Taylor, Jr.
13 And we're going to start the case this afternoon. We're
14 going to have our lunch break now. Just be back in the
15 jury room at 2:45, and we'll start the case at that time.

16 Thank you.

17 (WHEREUPON, the jury was excused from open court at
18 approximately 1:33 p.m.):

19 THE COURT: For those of you who weren't chosen, just
20 go back downstairs, and Ms. Olson will give you further
21 instructions.

22 Thank you for your cooperation and patience.

23 (WHEREUPON, the remaining jury panel members exited
24 the courtroom.)

25 THE COURT: I think we'll start back at 3:00. I've

1 got to take one other matter up before we get started.

2 So we'll just start at 3:00.

3 MR. KORNFELD: Judge, I do have one motion I need to
4 make.

5 THE COURT: Sure.

6 MR. KORNFELD: Just so --

7 THE COURT: Go ahead.

8 MR. KORNFELD: Do you want me to make it now, or --

9 THE COURT: It's up to you.

10 MR. KORNFELD: I'd rather make it when we get back.
11 I just wanted the Court to know. It will probably take
12 five or 10 minutes.

13 MR. WALLACE: Your Honor, the State did have one --
14 it's not really a motion, but something to bring to the
15 Court's attention.

16 THE COURT: Okay.

17 MR. WALLACE: As far as the sequestration is
18 concerned, one of the witnesses on the list is a deputy
19 here for court security, Deputy Frank Abella. I didn't
20 know how you wanted to handle that since the witnesses are
21 supposed to be sequestered. His participation in the
22 case -- he was just the initial officer that responded to
23 the scene. And he took information.

24 So I don't know if you want to keep him in court, or
25 if you want to put him outside during the trial. I didn't

1 know how you wanted to handle that.

2 THE COURT: All right. Well --

3 MR. WALLACE: It's kind of an unusual situation. I
4 don't think I've had this happen before.

5 THE COURT: I guess y'all are going to have to find
6 somebody else to cover.

7 THE COURTROOM DEPUTY: Yes. We can do that.

8 THE COURT: So you'll be sequestered.

9 PRE-TRIAL MOTIONS

10 THE COURT: Do you want to tell me what the motion is
11 just in case there's something we need to look at during
12 the break?

13 MR. KORNFELD: Sure. And I can give you the
14 subpoenas. It has to do with the videos. I guess they
15 weren't submitted, or they weren't put into evidence at
16 the last case.

17 Is that correct?

18 MR. WALLACE: That's correct.

19 MR. KORNFELD: Mr. Wallace has informed me that he
20 does intend to introduce the surveillance videos. Your
21 Honor, this isn't a new issue.

22 I believe September the 9th, I subpoenaed Cash
23 America Pawn. That's who had the video, who they got the
24 video from. They would not respond to my subpoena until
25 we started calling them several times. And I, finally,

1 got a letter on December 30th telling me that due to the
2 time frame of the records requested, we're unable to
3 produce records in the above-referenced matter.

4 So then I talked to Mr. Wallace. And I've been
5 talking to Investigator Mitchell about getting the full
6 video. He has asked, I guess, Investigator Mashak and
7 they, also, looked. And they said that the video they had
8 was just the limited increments of time.

9 The reason that this is material is because there
10 would be some exculpatory evidence that would be
11 beneficial to my client if the entire video was shown.
12 For that, I ask that the video be excluded under Kyles v.
13 Whitley under Rule 5, that case law, Your Honor.

14 THE COURT: Mr. Wallace.

15 MR. WALLACE: Your Honor, they were not introduced
16 during the first trial. We had one video. And then we
17 found the other one that Mr. Kornfeld was looking for, and
18 we got that to him. The last video that he requested on
19 the 30th, there was confusion back and forth -- that was
20 back on December 30th.

21 There was confusion back and forth as to what video
22 he was talking about. Because we thought he was talking
23 about the one that we had given to him, but then we found
24 out there was another video involved. And then we
25 presented that to him. He was looking for one that was

1 longer in duration. And that was the second one we found.
2 And we presented to him -- or we gave it to him as part of
3 this supplemental discovery.

4 Now, the videos, both of them are extremely
5 probative. The first one takes place two and a half hours
6 before the burglary. And the Defendant is at the Cash
7 America Pawnshop with his co-defendant that's going to
8 testify in this case. And he is on the video. And the
9 testimony is going to be that he's wearing pretty much the
10 same clothing that witnesses saw him wearing during the
11 burglary -- two and a half hours before the burglary on
12 the same day.

13 The second video happened after the burglary within
14 another two hours. It was at another Cash America
15 Pawnshop. The co-defendant is pawning items that were,
16 actually, stolen during this burglary. And, again, in
17 that videotape, he's there at the pawnshop with the
18 co-defendant.

19 So that's why we want to admit the evidence of the
20 videotapes. It did not come up in the first trial. I do
21 not know everything about that or what the problem was,
22 except I think it was an issue of authentication before
23 the trial. So they were never admitted into evidence
24 during the first trial. But they're extremely important.
25 And they tie him on the same day within hours of the

1 burglary. So the State is trying to get those admitted
2 into evidence.

3 THE COURT: Who has had them?

4 MR. WALLACE: Well, we had -- they had the first
5 video during the trial, the one that happened two and a
6 half hours before the burglary.

7 THE COURT: Okay.

8 MR. WALLACE: They had that one and it was never
9 submitted during the trial. We don't -- we think it was
10 an authentication issue is why it didn't come in.

11 And when he asked me for the video, a longer version
12 than what he had, we thought we were talking about the
13 video he already had. But there was another one he didn't
14 have. So we got that to him in supplemental discovery
15 last week.

16 THE COURT: What is it you don't have?

17 MR. KORNFELD: Your Honor, we don't have an extended
18 video. And we believe upon showing of the extended video,
19 it would be exculpatory. Specifically, there is a guy in
20 there who my client says is not him. And that he comes in
21 earlier in the day because she asked him to jump the car.
22 The battery died with the guy that she was with.

23 THE COURT: Who is "she"?

24 MR. KORNFELD: This is the witness, their witness who
25 is -- the co-defendant.

1 MR. WALLACE: Amanda Caldwell is the co-defendant on
2 this burglary. And she's, also, going to testify in this
3 case.

4 MR. KORNFELD: So that's my issue is that they're
5 only showing certain documentation. I asked -- I thought
6 that it was highly unlikely that this tape has not been
7 framed, at least, down to what they felt was relevant.

8 Mr. Taylor feels that the extended version would be
9 more relevant. And that's what I asked for and that's
10 what I subpoenaed to Cash America Pawn. And that -- I
11 want to -- I know I said this before, but I've been trying
12 since I've been appointed on this case. I wasn't the
13 first lawyer. This was in August. And they didn't
14 respond. When I found out we were going to trial in
15 December, I requested several times. They weren't able to
16 get that. And that's when I talked to them about the
17 video.

18 THE COURT: Well, what evidence is there that the
19 State had the extended version that you're looking for?

20 MR. KORNFELD: Well, they're telling me they don't
21 have an extended version.

22 THE COURT: I know. That's what I'm -- I'm asking
23 you what evidence do you have that they did have it?

24 MR. KORNFELD: I don't have any evidence that they
25 did have it, Your Honor. I just thought it would be

1 interesting that they would only have a 12-minute span
2 or -- I don't know the exact time. I don't want to misquote
3 it.

4 MR. WALLACE: The first video is about six minutes
5 long. And the second one is about 15 or 16 minutes long.

6 MR. KORNFIELD: I just would think that the video
7 would be longer that they would request. So that's why I
8 wanted to see what they, actually, requested.

9 And Mr. Taylor tells me that video is extremely
10 exculpatory, because it will exonerate him. Because he
11 goes in later because she calls him there to jump the car
12 that -- of this other gentleman. And that he's not
13 wearing those clothes. And those are our real issues,
14 Your Honor.

15 And then as far as the new video I was requesting,
16 they did get it -- there was some -- and no fault to
17 either of us, but there was some, I guess, confusion about
18 what was going on as far as the video. Because they
19 didn't have the other video until -- or I didn't know
20 about it. I don't think they knew about it either.

21 But my issue still stays the same. I think Kyles v.
22 Whitley says that it is immaterial -- their intent. I'm
23 not saying I can prove any intent that they tried to
24 narrow this tape down to exclude anything. But I would
25 ask that it be excluded.

1 THE COURT: Okay. I deny the motion.

2 I mean, unless there's some proof that the State had
3 evidence that has -- is not available due to some bad
4 faith on their part or other improper conduct. They can't
5 control the retention policy of a third party. And
6 there's no proof that the State ever had the longer
7 version. So it wouldn't fall underneath the rule or the
8 cases.

9 All right. We'll see you back at 3:00.

10 MR. KORNFELD: Your Honor, could we have an in-camera
11 hearing with Investigator Mashak for a spoliation charge
12 concerning the video to find out if he did have -- what
13 video --

14 MR. WALLACE: I've had conversations with
15 Investigator Mashak. And he says I have everything that
16 he has at this point. And he's going to testify that when
17 he asked for the video, he starts it just prior to the
18 Defendant, who is -- in this case, Amanda Caldwell was the
19 Defendant who they were videotaping. He asked for it just
20 prior to her showing up at the counter to pawn the goods.
21 And then she's finished with the pawn, and she's leaving.
22 It's just a little bit after that.

23 So that's how -- you know, that's how he asked for
24 them, and that's what they gave him from the pawnshops.
25 So there's no way we could comply with that discovery.

1 THE COURT: I mean, there's nothing to prohibit you
2 from cross-examining him at trial.

3 Is it a he? Mr. Mashak?

4 MR. WALLACE: Yes, Your Honor. It's a he.

5 THE COURT: Okay. Thank you.

6 (WHEREUPON, a lunch break was taken.)

7 THE COURT: Anything before we bring the jury in?

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

9 THE COURT: Mr. Kornfeld, anything before we bring
10 the jury in?

11 MR. KORNFELD: No, Your Honor. I apologize.

12 THE COURT: Okay. That's all right.

13 You can bring them on in.

14 Thank you.

15 Just one thing before we bring the jury in.

16 Mr. Kornfeld, you had asked about some kind of
17 in-camera examination of Mr. Mashak regarding the extended
18 video. I will ask the State to make him available to you
19 so you can question him. And if something transpires from
20 that questioning that you feel like you need to renew that
21 motion, I'll be happy for you to do that.

22 MR. KORNFELD: Thank you, Your Honor.

23 THE COURT: You can make him available?

24 MR. WALLACE: Yes, Your Honor. He's here.

25 THE COURT: Oh, he's here. All right.

1 THE BAILIFF: Are you ready, sir?

2 THE COURT: Yes, sir.

3 (WHEREUPON, the jury came into open court at
4 approximately 3:47 p.m.)

5 INTRODUCTORY REMARKS

6 THE COURT: Ladies and gentlemen, I apologize for the
7 delay in getting underway this afternoon. We had to take
8 care of other matters not related to this case, but that
9 were fairly urgent.

10 So thank you for your patience.

11 We're going to now start the trial of State v. Furman
12 Eugene Taylor, Jr. And before we get underway, I just
13 want to give you a few brief introductory remarks.

14 And, again, I just want to thank you for your
15 service.

16 You probably understood that you got the summons in
17 the mail because you're either registered to vote, or
18 licensed to drive, or you have some kind of ID card from
19 the highway department. But you may not know why you were
20 chosen to serve on this particular jury. And the reason
21 is because both sides in this case believe you can be fair
22 and impartial, and you can decide this case without any
23 kind of bias or prejudice, or preconceived ideas. So
24 that's why you were chosen.

25 You've met the lawyers in the case. They've

1 introduced themselves to you. I've introduced myself to
2 you. And, again, I'm Gary Hill, one of the circuit judges
3 here in Greenville and Pickens Counties. And you have not
4 met some of the other people who are instrumental to this
5 process. And I want to introduce them to you and let you
6 know what their roles are. And I'm going to let you know
7 what your role is in the process.

8 The first person I want to introduce is the court
9 reporter, and that's Hollie Jenkins, who is seated right
10 here in front of me. Circuit court is a court of record.
11 So she takes down everything that is said. To her right
12 is Joelle Lanfear, who is one of the assistant clerks of
13 court. And, as you saw, she helped with the jury
14 selection. And she makes things run efficiently on the
15 docket. And then up on the bench with me is Weston White,
16 who is my law clerk. She's a member of the Bar. She
17 graduated from the South Carolina School of Law --

18 When did you graduate? About a year and a half --
19 two years ago?

20 THE LAW CLERK: Yes.

21 THE COURT: In 2013. And she helps me with legal
22 issues that arise during trials, and other matters. The
23 bailiffs in this case are Ms. Katrenia Sims and Mr. Tom
24 Doherty. They're here for your assistance as you serve on
25 the jury.

1 And, ladies and gentlemen, everybody that I just
2 introduced to you, and, certainly, the lawyers have done
3 this, and I have done it, we have all taken an oath to do
4 our job. And you're going to take an oath to do your job.

5 So, at this time, I'm going to ask Ms. Lanfear to
6 administer the oath to you. Listen to the words very
7 carefully, because they've been around a long time and
8 they tell you in a nutshell what your responsibilities
9 are. And then I'll amplify on that once you take the
10 oath.

11 So, yes, ma'am.

12 THE CLERK: Will you, please, stand and raise your
13 right hand. The response to the oath is "I will."

14 (WHEREUPON, the jury was sworn at approximately
15 3:50 p.m.)

16 THE CLERK: Thank you.

17 THE COURT: Thank you.

18 Now, any time a trial occurs in circuit court with a
19 jury, there are always two judges. There's the judge of
20 the law, which is the role that I fulfill, and there's the
21 judges of the facts, which is the role that you fulfill.
22 I'm going to tell you a little bit about my job first,
23 because it's much easier than yours.

24 As the judge of the law, I have two main
25 responsibilities. The first is to rule on the

1 admissibility of evidence. .If a party objects to evidence
2 during this trial -- and don't hold it against them for
3 objecting. That's their job as lawyers to object when
4 they think evidence is improper.

5 But if they do object, my job is to determine whether
6 the evidence is proper under the law. So I can usually do
7 that on the spot. Sometimes, if things get a little
8 tricky, we will have to take a break so we can more freely
9 discuss it. But, nevertheless, if I sustain the
10 objection, that simply means the evidence is something you
11 can't consider in this particular case. If I overrule the
12 objection, that just means the evidence is something you
13 can consider in this particular case.

14 The second responsibility I have, as the judge of the
15 law, is to instruct you on the law that applies to the
16 facts of this case. And I'll do that at the end of the
17 trial after you've heard all the evidence and the lawyers
18 arguments.

19 Now, you have a more difficult task as the judge of
20 the facts. Our Constitution and system of justice gives
21 you, the jury, the sole and exclusive right to determine
22 what the facts are in this trial. I'm not going to
23 comment on the facts or intimate to you what I think the
24 facts are, or what your verdict should be.

25 I know very little about this case, not much more

1 than you do at this point. That's just the way our system
2 is set up. But, please, don't read into anything I do or
3 say during this trial as any indication as to what I think
4 the facts are, or what your verdict should be. Because
5 our system gives you, the jury, the sole and exclusive
6 right to determine what the facts are.

7 So how do you determine what the facts are? You do
8 that by weighing and evaluating the evidence you're going
9 to hear during this trial. Evidence consists of two
10 sources. The one you're probably most familiar with is
11 sworn witness testimony. That's one source of evidence
12 you can use to determine what the facts are.

13 The second source of evidence is by way of an
14 exhibit. An exhibit is simply a physical, tangible
15 object. It might be a map, or a photograph, or something
16 of that nature. But you'll know it's an exhibit and
17 you'll know it's evidence you can use to determine what
18 the facts are because it will be back in the jury room
19 with you at the end of the trial. And it will have a
20 sticker on it that says exhibit number so and so.

21 So as we go through this trial, remember, those are
22 the only two things you can use to determine what the
23 facts are, sworn witness testimony and exhibits. Nothing
24 else is evidence. What the lawyers say, while important,
25 and while you should pay keen attention to it because

1 they're trying to help you understand the evidence, but
2 what they say is not evidence in itself because they're
3 not witnesses. So keep that in mind.

4 And, also, keep in mind that you, the jury, will have
5 to determine and gauge the credibility of all the
6 evidence. So that means for every witness who testifies
7 and every exhibit that's admitted into evidence, you'll
8 have to determine its believability. And that's something
9 that is, again, entirely up to you.

10 Now, how many of y'all have served on a criminal jury
11 before? If you can just raise your hand.

12 (WHEREUPON, one juror raised their hand.)

13 THE COURT: All right. Some of you, also, may know
14 from your own experience a little bit about how a criminal
15 trial works, but it has a definite structure to it. And I
16 just want to in order to demystify the surroundings a
17 little bit further for you tell you what that structure is
18 so you'll know what to expect.

19 In just a minute, you're going to hear the opening
20 statement of the State. In our state, that person is
21 called the Solicitor. It's the same thing as a district
22 attorney. But the Solicitor will give a brief opening
23 statement. And the Solicitor goes first because the State
24 has the burden of proof.

25 The Defendant never has the burden of proof. A

1 defendant is presumed innocent. And that presumption of
2 innocence stays with the Defense throughout the trial and
3 can only be removed if you, the jury, find that the State
4 has proven each and every element of the crime beyond a
5 reasonable doubt.

6 So you'll hear first from the State. They'll give
7 their opening statement. Then the Defense will have the
8 opportunity to give an opening statement, although they
9 have no obligation to, or to do anything during this
10 trial. And then we'll have the State call their first
11 witness. And you'll hear and see the evidence the State
12 puts up, which the Defense may confront.

13 After you have heard that, the Defense will have the
14 opportunity, but, again, not the obligation, to put up
15 whatever evidence he wishes to, which the State may
16 confront. And after you've heard the evidence, we'll go
17 into the closing arguments where the lawyers will tell you
18 what they think the evidence showed, and what your verdict
19 should be. And then I'll give you the instruction on the
20 law that you are to apply to the facts of this case. And
21 then you'll start deliberating and determine what the
22 facts are, take the law I gave to you, and apply it to
23 those facts, and you'll be able to reach a verdict.

24 Now, until we get to that point, please, don't talk
25 about this case or discuss it with anyone or amongst

1 yourselves. We went to some difficulty today, and so did
2 you, trying to find a jury that could be fair and
3 impartial and have an open mind. So we want to keep you
4 that way.

5 And don't talk about the case during breaks or with
6 anyone during our recesses. And don't do any outside
7 investigation. And, today, I have to say that means don't
8 get on the Internet, or Facebook, or whatever social media
9 you use and talk about the case, or try to investigate
10 things that might be pertinent about it. You have to
11 decide this case solely on the evidence you hear in this
12 courtroom and from no other source. So keep that in mind
13 as we go through the trial.

14 Now, ladies and gentlemen, the attorneys in this case
15 are advocates for their clients. They're going to
16 zealously represent them to the best of their ability.
17 You and I are not advocates. We don't have any interest
18 in the outcome of this case. Our job is to be fair and
19 impartial. And your job is to determine the facts of the
20 case and whether the State has met its burden of proof.

21 So, with that, we'll have the opening statement.

22 And Mr. Wallace.

23 MR. WALLACE: Thank you, Your Honor.

24 May it please the Court.

25 THE COURT: Yes, sir.

OPENING STATEMENTS

MR. WALLACE: Ladies and gentlemen of the jury, as I introduced myself earlier, I'm Matt Wallace. And I'm going to be representing the State in this case. And, as you know, we're in General Sessions court. This is going to be a criminal matter. And the Defendant, Furman Eugene Taylor, is here today to be tried for the crimes of burglary first degree and petit larceny.

Now, what I'm about to tell you is not -- as the Judge said, is not evidence in this case. I'm going to just give you a brief overview or a summary of what the testimony is going to be here during the trial, kind of give you kind of a framework to start with, which you will fill in with the evidence in the case and the testimony.

So this case starts out back in May of 2012, a long time ago. And it starts out at the residence of the victim, Renna Taylor. It was a Saturday. It was May 19th of 2012. And she had decided to take a trip that afternoon to visit family in North Carolina.

So she left her house where she lived on

Road here in Greenville County. And the testimony is going to be that she left and got a call a little bit later concerning what was going on at her house.

Now, after she left, the co-defendant in this case, Amanda Caldwell, and the Defendant, Furman Taylor, rode by

1 the house. And Ms. Caldwell will testify that they went
2 by the house and that Furman Taylor said, Turn around and
3 go back to the house. They went back to the house and he
4 told her to pull into the driveway.

5 She's going to further testify that they checked the
6 house out to make sure nobody was at home. And when they
7 were satisfied, Mr. Taylor got some gloves on, gets a pry
8 tool, and breaks into the back door -- or, actually, the
9 side door towards the back of the house. He then goes in.

10 Ms. Caldwell is going to testify -- and she's a
11 co-defendant in this case. She's going to testify that
12 she stayed in the car and she waited a while. And she
13 became nervous. She's going to testify that she went into
14 the house to get him to come on.

15 And while they were in the house, another truck pulls
16 up into the driveway right beside the house. And in that
17 truck was a gentleman by the name of T.R. Perry and his
18 brother, David. They get out of the truck a little later,
19 because Renna Taylor told them to come by to take out the
20 garbage. They see this van in the driveway. It's a blue
21 and white Ford Aerostar van that they're not familiar
22 with.

23 T.R. Perry is going to testify that while he's on the
24 phone with Renna Taylor that two individuals come out of
25 the house. One of them is a male subject, and there was a

1 female subject. So Amanda Caldwell is going to testify
2 she's the female subject. And they come out of the house.
3 They get into the blue and white Ford Aerostar van, and
4 they take off in a hurry.

5 So after you hear that testimony, you're going to
6 hear that the police were called. And that's when the
7 investigation began. The investigation starts out,
8 forensics is called. Ms. Taylor is at the house. She's
9 telling them what items are missing. Forensics comes in
10 to dust for fingerprints. And no fingerprints were found.

11 The Perry brothers, they give a description of the
12 individuals who came out of the house that day. But it
13 wasn't enough for them to get a positive identification of
14 who these subjects were. So the case goes on for about
15 another week.

16 And, at that point, the police get a break. One of
17 the local pawnshops in the area had some items from that
18 burglary. These items were pawned by Amanda Caldwell.
19 The police find her on May 31st. They arrest her in the
20 blue and white Ford Aerostar van with Furman Taylor in the
21 van with her.

22 The testimony is going to be that she went down --
23 she was in the jail. Investigator Mashak, who is the
24 chief investigator in this case, pulls her out of the
25 jail. And she gives a statement. She's going to testify

1 to that. She's going to further testify that the first
2 statement she gave did not implicate herself.

3 So, three days later, after being in jail, she comes
4 back and gives a second statement. And, in that
5 statement, she implicates herself as being involved in the
6 burglary and the Defendant, Furman Taylor.

7 So that's, basically, the testimony in a nutshell
8 that you're going to hear from the State's witnesses.
9 There's going to be physical evidence as well during the
10 testimony that we're going to put into evidence for you to
11 observe.

12 At this point, I just ask that you listen carefully
13 to the testimony of the witnesses, that you use your
14 common sense and your good judgment when you look at
15 the -- listen to the testimony and look at the evidence in
16 this case. And if you're able to do that throughout the
17 trial, you should be able to come back with a just verdict
18 in this case.

19 Thank you.

20 THE COURT: Thank you, Mr. Wallace.

21 Mr. Kornfeld.

22 MR. KORNFIELD: Ladies and gentlemen, by the end of
23 the day tomorrow, I believe you'll be able to come back,
24 and you'll be able to render a verdict of not guilty for
25 Furman Taylor. And I say not guilty for Furman Taylor,

1 that doesn't mean that we have to prove anything. As the
2 Judge stated earlier, the burden is not on us and it will
3 not shift to us.

4 What this trial will come down to -- and I believe
5 Mr. Wallace was hinting to it. This trial will come down
6 to the credibility of Amanda Agnes Caldwell. Throughout
7 this trial when Amanda is testifying, you will realize
8 that Amanda has told several different stories. One, she
9 implicates a man named Tyler Whitman. Another time, she
10 implicates a lady, Katherine Elaine Sasser. Then she
11 waits a little longer and has a police officer come and
12 talk to her. Finally, she says that she can't remember
13 some things, but it was her, and she implicates Mr. Furman
14 Taylor.

15 This is a story very similar to the boy who cried
16 wolf. Amanda Caldwell has spent her entire life telling
17 different stories. Well, how about this? Okay. That
18 didn't work. How about this? That didn't work. How
19 about this? This is important to know because today -- or
20 I guess it's going to be tomorrow now, hopefully,
21 Ms. Caldwell will cry wolf for the last time. It's going
22 to be the facts versus the credibility of Ms. Amanda
23 Caldwell.

24 I ask that you pay special attention to forensics
25 and, also, the actual investigation done by the police

1 officers. I would point out to you one very important
2 aspect is, as Mr. Wallace stated earlier, when they came
3 to pick up Amanda Wallace [sic], she was in a van with
4 Mr. Taylor.

5 Mr. Taylor gives his credentials, his license, and
6 things. They run everything on him. They allow him to
7 go. Ms. Caldwell, on the other hand, they run the things
8 on her. They take her. They don't take Mr. Taylor in at
9 that time. That is going to be extremely important later.
10 She is the only one that can positively identify
11 Mr. Taylor.

12 You'll hear about different things. And I'll ask her
13 questions as long as -- when she gets up on the stand
14 about all these different stories that she's told
15 throughout her life, throughout this case, and what she's
16 told the police officers. And I'll, also, be able to ask
17 Investigator Mashak, who we'll hear from later as well.

18 Again, I urge you and I ask you to know that -- and I
19 say this and I know that you've heard this a lot, but it
20 really does mean a lot. The burden is on the State. They
21 do have the duty to show each and every element of the
22 crimes. And we'll talk about those at the close of the
23 case.

24 And it is the highest burden that we have, beyond a
25 reasonable doubt. This is not -- I know you've heard

1 other cases, but this is the highest burden we have. If
2 there is any shred of doubt, which there will be, you
3 should come back with a verdict of not guilty.

4 I think this will be an interesting case to hear.
5 And I know that the rain has stopped and now, we're here
6 inside. But I believe this case will wrap up tomorrow. I
7 have a few witnesses. And you'll be able to see that
8 there's enough doubt here to, at least, show that Amanda
9 Caldwell's credibility is suspect. And, at that time, I
10 will ask you to return a verdict of not guilty.

11 Thank you..

12 THE COURT: Thank you, Mr. Kornfeld.

13 Mr. Wallace, you may call your first witness.

14 MR. WALLACE: Your Honor, the State calls Renna
15 Taylor to the stand.

16 THE CLERK: Ms. Taylor, come forward to be sworn in.

17 Will you place your left hand on the Bible and raise
18 your right?

19 WHEREUPON,

20 RENNA TAYLOR,

21 after first having been duly sworn, testified as follows:

22 THE CLERK: Thank you.

23 You may be seated.

24 Would you, please, state your name for the record?

25 THE WITNESS: Yes. My name is Renna Taylor..

1 THE CLERK: Thank you so much.

2 DIRECT EXAMINATION

3 BY MR. WALLACE:

4 Q Ms. Taylor, I'm going to ask you a few questions.

5 And you need to speak in the microphone so the jury can
6 hear you.

7 A Okay.

8 Q First of all, what is your address?

9 A I live at Road. It's

10

11 Do you want my zip code? It's

12 Q No. That's fine. You live on Road

13 in Is that in Greenville County?

14 A Yes, it is.

15 Q Okay. And I'm going to show you -- first of all,
16 just to give the jury an idea of the areas we're talking
17 about, I'd ask you to come down.

18 A (Witness complied.)

19 Q I want to show the jury some key parts here of your
20 residence. First of all, do you recognize the picture
21 here, the aerial view?

22 A Yes, sir.

23 Q Okay. And can you point out your house in that
24 picture?

25 A This is my house.

1 Q And this right here is Road?

2 A Yes, sir.

3 Q And this is?

4 A

5 Q Road?

6 A Uh-huh.

7 Q So you're there at the corner of those two roads?

8 A (Witness nodded.)

9 Q And this right here, what is this object?

10 A My driveway. It's a horseshoe driveway.

11 Q And this out here, is this the front of the house

12 right here?

13 A That is the front.

14 Q Can you point to the front door?

15 A That's the front door. And there's a screened-in

16 porch on this end. And, right here, there's a little tiny

17 back porch where the washer and dryer is. And that leads

18 into the kitchen, which would be roughly in there.

19 Q What is this that we're seeing right here in front of

20 the house?

21 A That's grass.

22 Q What about the red part?

23 A That's a walkway.

24 Q Is that a walkway out of your front door?

25 A Uh-huh.

1 Q Okay. That's all I need you to do. I just wanted
2 you to point that out for the jury.

3 Now, would you say you live in a developed area or
4 developed neighborhood?

5 A It is becoming developed. But, at this time, it was
6 not. My house was rather isolated, as you can see on the
7 corner there. I don't have any close neighbors at all.

8 Q All right. And this was back in May of 2012?

9 A Yes, sir.

10 Q Okay. And so do you remember what day this incident
11 occurred?

12 A I don't -- it was a Saturday.

13 Q It was a Saturday?

14 A Uh-huh.

15 Q And do you recall leaving the house that Saturday?

16 A Yes, sir.

17 Q And about what time was that?

18 A You know, it was early -- I don't -- I was trying to
19 remember if it was afternoon or -- I was going to North
20 Carolina to stay for the weekend.

21 Q Okay.

22 A And I had called T.R. and asked him if he would come
23 by and take out my trash. So I just left. And I don't
24 really recall exactly what time it was. But I told the
25 police I was going to North Carolina. It's about an hour

1 and 20 minutes from my house.

2 Q And you were going there to visit?

3 A Visit friends.

4 Q Visit friends?

5 A Uh-huh.

6 Q So you said that T.R. was coming by. Is that T.R.
7 Perry?

8 A Yes, sir.

9 Q And do you know what time he was going to come by?

10 A No. I had just asked him if -- I try to do my own --
11 he helps me -- or, at that time, he helped me with yard
12 work every once in a while. And I don't have trash
13 pickup. And if it gets out of hand, you know, I ask him
14 to come by and take that out for me. And I don't really
15 know exactly what time he got there.

16 Q Now, Ms. Perry [sic], do you live there at that
17 residence with anyone else?

18 A No.

19 Q Do you recall arriving in North Carolina?

20 A Yes, sir. As soon as I pulled up in the driveway, my
21 phone was ringing. And it was T.R., and -- do you want me
22 to tell you?

23 Q Well, T.R. was calling you at that point. And what
24 did you say to T.R. at that point?

25 A Well, he asked me -- he said, Do you know anybody

1 that has a blue and white van?

2 And I said, No.

3 And he asked me if anybody was supposed to be at my
4 house. And I said, No.

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

6 A Well, I became alarmed. And about the next second or
7 two, he said, Well, there's a man and woman coming out of
8 your front door. And the guy has a bag in his hand.
9 That's what he said to me. So I called the Sheriff's
10 Office.

11 Q You're the one that called the Sheriff's Office?

12 A Uh-huh. I called the Sheriff's Office. And I
13 explained to them that these gentlemen were there, you
14 know, working for me and this was what was going on. And
15 they said they would send somebody out. And then I called
16 him right back and let him know I had called them. And I
17 turned right around and started home.

18 Q And when you got back to your home, what did you
19 find?

20 A T.R. and his brother were there. I asked them to
21 wait until I got home. And, also, a police officer was
22 there with them as well.

23 Q And when you saw the Perry brothers there and the
24 police officer, what did you do?

25 A Well, the police officer went with me into the house

1 so that I could look and see what, you know, may or may
2 not be missing.

3 Q Did you notice anything about the exterior of your
4 house before you went inside?

5 A Oh, absolutely. There's a storm door on that small
6 back porch and that was -- it was pried open. It's not a
7 great lock, but it had been pried open. And then, of
8 course, there's the door that leads into the kitchen,
9 which has glass panes on the top, and that was pried open
10 and split, and the glass was broken out.

11 Q So you had two doors at that entrance. One was a
12 storm door?

13 A Uh-huh.

14 Q And what was the other door?

15 A The other door, actually, leads into the kitchen. If
16 you can picture it, the storm door here with just a little
17 service porch with my washer and dryer. And then the door
18 to the left goes directly into the kitchen, which is
19 separate. So you have to go through the storm door and
20 then in through the kitchen.

21 Q Into another door?

22 A Uh-huh.

23 Q I want to show you something here. Ms. Taylor, I
24 have five pictures here. I want you to take a look at
25 them and see if you can identify them.

1 A Yes. That's my mailbox and the front of my house.

2 Q So you recognize this as your mailbox?

3 A Oh, absolutely.

4 Q And what road is this?

5 A Road.

6 Q And is that your address right there?

7 A It is.

8 Q ?

9 A Uh-huh.

10 Q And how about this picture, the second picture?

11 A This is my house as well. And --

12 Q What do we see there in that picture?

13 A There -- well, my aunt's car is in the driveway. And
14 I'm not sure whose truck this is. That might be another
15 gentleman that does work for me. But I can't --

16 Q So those vehicles weren't there back on May 19th?

17 A No.

18 Q But this is -- would you say this is the front door
19 of your house?

20 A Yes, it is.

21 Q And that picture there?

22 A It's just another view of the house. This is the
23 part of the driveway that's like a horseshoe.

24 Q Does that picture show the horseshoe driveway?

25 A Yes. This is -- there's two openings here. And this

1 is where you come out.

2 Q All right. And what is that a picture of?

3 A This is the side of the house. This is the
4 screened-in porch. And this is the storm door. But this
5 is a replacement. Because the old one had to be replaced
6 because the lock was broken and it was bent.

7 Q So that's a replacement storm door?

8 A Right.

9 Q But is that the entrance --

10 A That is the entrance --

11 Q -- that was broken into?

12 A Uh-huh.

13 Q And how about that last picture?

14 A That's the storm door in question. And there's the
15 washer and dryer.

16 Q A close-up of the storm door?

17 A Yes, it is, absolutely.

18 Q So do these pictures accurately depict your
19 residence?

20 A Yes, sir. And it's probably not important, but I
21 have cut down two trees since then, two very large hickory
22 trees. One was right here and one was over here. But it
23 doesn't change anything really, no.

24 MR. WALLACE: Your Honor, at this time, we'd offer
25 these into evidence as State's Exhibit Nos. 1 through 5.

1 MR. KORNFELD: No objection, Your Honor.

2 THE COURT: Okay. They're in evidence.

3 (WHEREUPON, State's Exhibit Nos. 1, 2, 3, 4, and 5 were
4 marked for identification and admitted into evidence.)

5 BY MR. WALLACE:

6 Q Ms. Taylor, after you went into the house with the
7 police officer and -- did the Perry brothers go in with
8 you?

9 A No.

10 Q Just the police officer?

11 A Uh-huh.

12 Q When you got in the house, what did you find?

13 A Well, there was glass all over the kitchen floor from
14 the broken window, but a few things were in disarray.
15 There was -- in my bedroom, there was a drawer pulled out
16 of this little -- it's not a true nightstand, just a
17 little table with a drawer in it. And it was laying on
18 the bed.

19 Q Okay.

20 A And that's where I kept my handgun, but it was no
21 longer there. But the drawer was on the bed. And a
22 bullet was laying there on the bed as well.

23 Q Was there anything else disturbed in the house?

24 A A DVD player was missing, my computer, my laptop, and
25 a watch, and a necklace, some small things.

1 Q So you were missing a few items. The laptop, what
2 kind of laptop was it?

3 A It was an HP.

4 Q Okay.

5 A And it was red.

6 Q And you said there was a -- was it a gun?

7 A Yes. I had a 38. It was, actually, given to me by
8 my son years and years ago. It was a police-issued 38
9 revolver.

10 Q Okay. And that was missing as well, you said?

11 A Yes.

12 Q Now, these items that were missing, did you ever
13 recover any of them?

14 A No -- oh, sorry. I take that back. I did recover
15 the DVD player and a small gold necklace that was returned
16 to me by the Sheriff's Office that they had gotten from
17 the pawnshop -- from a pawnshop.

18 Q And during -- when the police were there, did you
19 give them any information on the DVD player or --

20 A I did. I, actually, had the serial number for it.

21 Q For what item?

22 A For the DVD player.

23 Q And was there anything unique about the jewelry
24 pendant you talked about?

25 A It was my initial. It was an "R." And it was like

1 tricolor gold.

2 Q And you said that was recovered as well?

3 A Yes, it was.

4 Q Now, do you have any idea what the value of these
5 items would be? Did you have an insurance claim on --

6 A The DVD player wasn't very much. It was just a Sony,
7 maybe \$50, or something. I don't know for that. The
8 necklace, I'm not sure of because it was a gift from my
9 grandson.

10 Q Did you file an insurance claim on any of the items
11 that were stolen?

12 A (Witness nodded.)

13 Q Just the items not recovered?

14 A Uh-huh.

15 Q Did you collect on that?

16 A Uh-huh.

17 Q Do you remember how much that was?

18 A No. I don't offhand. I'm sorry. I could have
19 looked it up, but I don't.

20 Q You don't remember how much you recovered from the
21 insurance?

22 A I really don't. A lot of it was -- or some of it was
23 the damage to the doors.

24 Q Damage to the doors?

25 A Uh-huh.

1 Q The laptop computer, do you have any idea how much it
2 was valued at?

3 A At that time, I'm going to say maybe a little over
4 \$400. That's what I paid for it. But, of course, they
5 don't hold their value.

6 Q Now, as a result of the insurance claim, did anything
7 else happen?

8 A Well, my insurance went up considerably.

9 Q Okay. Did you take any other action after that?

10 A I, also, had to get an alarm system, which is a
11 monthly fee that I have to pay, but it's worth it.

12 Q Okay. I'm going to show you a couple more
13 photographs here. Ms. Taylor, I want you to take a look
14 at these photographs, and tell me what they are.

15 A That looks like the DVD player. I can't see numbers
16 or anything. But that looks --

17 Q Okay. What about the second picture?

18 A I don't have these numbers in my head. It's the
19 serial numbers from there, but -- from the DVD player, but
20 I don't --

21 Q Okay. Do you recognize that item?

22 A Absolutely.

23 Q What is that?

24 A That's the pendant from the necklace that the
25 Sheriff's Office returned to me.

1 Q Okay.

2 A And it is gold.

3 MR. WALLACE: Okay. I'd like to mark these as
4 State's Exhibit Nos. 6 through 8 for identification only.

5 MR. KORNFELD: No objection, Your Honor.

6 (WHEREUPON, State's Exhibit Nos. 6, 7, and 8 were
7 marked for identification.)

8 BY MR. WALLACE:

9 Q Ms. Taylor, once the police had left your house, did
10 you have any other contact with the police?

11 A Other than --

12 Q Did they ever call you for follow-up, or anything?

13 A Other than picking up my items.

14 Q So later on, you picked up your items?

15 A Uh-huh. They called me. And I went down to the
16 Sheriff's Office and picked them up.

17 Q Now, do you know the Defendant in this case? Do you
18 know Furman Taylor?

19 A No, I do not.

20 Q Are you any relation to him?

21 A No, I'm not.

22 Q All right. And did you know Amanda Caldwell?

23 A No, sir.

24 Q Did you know anybody that owned a blue and white Ford
25 Aerostar van?

1 A No, sir.

2 Q Did you ever give Amanda Caldwell or Furman Taylor
3 permission to be in your house?

4 A No, sir.

5 MR. WALLACE: That's all the questions I have, at
6 this time, Your Honor.

7 THE COURT: Cross-examination.

8 MR. KORNFELD: Yes.

9 CROSS-EXAMINATION

10 BY MR. KORNFELD:

11 Q Ms. Taylor, when you left on May 19th of 2012, was it
12 light out when you left? Was it daytime?

13 A Yes, sir.

14 Q Okay. And when you came back to the house, was it
15 daytime?

16 A Yes, sir.

17 Q All right. And I'm trying to understand -- can you
18 come down here?

19 A Sure.

20 Q This might be able to help me. Are there two
21 different screen doors in two different places, or --

22 A Yeah.

23 Q Where are the screen doors on the map?

24 A This is a storm door.

25 Q Okay.

1 A It has screen and a glass in the top back here. It's
2 a little bitty back porch.

3 Q Okay.

4 A This is like a screened-in porch, a concrete -- it's
5 concrete and has got this screened in with a screen and
6 wood. It's totally separate.

7 Q Okay.

8 A This is the one where we're talking about -- I keep
9 my washer and dryer out there, because it's a small house.
10 And that's like a utility porch where the storm door is.

11 Q Okay. This is -- is this what was broken into?

12 A The back part of the house, uh-huh. You have to go
13 through two doors to, actually, get in the house. You go
14 through the storm door, and there's my washer and dryer.
15 And then you make a quick left and there's the kitchen
16 door. And it's -- the top half is glass panes. And that
17 door was broken.

18 Q All right. And once you're in the kitchen, can you
19 see out here?

20 A Yeah. You could see out through the -- there's two
21 windows over the kitchen sink that face out into the
22 driveway as well.

23 Q Okay. Can you see in here?

24 A If you got up and looked in the window, you could,
25 sure.

1 Q But I'm asking from the actual driveway, can you see
2 into here?

3 A Probably. I mean, I've never really tested it. But
4 if you were -- if somebody is standing in the kitchen and
5 you pulled up in the driveway, you probably could see them
6 in there, yes.

7 Q Have you -- let me ask it another way. Have you ever
8 been able to see in here from the driveway?

9 A (There was no response.)

10 Q I guess what I'm asking, Ms. Taylor, can you be seen
11 once you're in the kitchen from out here?

12 A Yes, you could. There's -- at that time, there were
13 blinds up. But if they were open, sure, you could.

14 Q Were the blinds open when you left?

15 A That was a couple years ago.. I really don't
16 remember.

17 Q Okay. Have you ever stated before that you couldn't
18 be seen when you were inside the kitchen? Do you
19 remember?

20 A Not that I remember. I don't recall anybody asking
21 me that, but.

22 Q Would you be surprised if you had said that in the
23 past?

24 A Maybe. I mean, I -- what --

25 Q Let me ask you this.

1 A Okay.

2 Q Are there blinds -- did you say there were blinds
3 here? Is that --

4 A Uh-huh.

5 Q And when you left your house, were the blinds down?

6 A I don't remember. But, I mean, they're -- you can
7 open or close them. You know, I don't slide them up.
8 They don't -- I wouldn't have necessarily closed them. I
9 don't -- I, honestly, don't recall.

10 Q Okay. Ms. Taylor, you can sit down again. I
11 apologize.

12 A (Witness complied.)

13 Q Ms. Taylor, you stated before -- do you remember ever
14 giving testimony in the past?

15 A I gave testimony in the past, right. But I don't
16 have total recall of everything that was asked of me.

17 Q I understand. And is it possible that you said you
18 can't be seen once you're inside the porch?

19 A No. I get what you're getting at now, no.

20 Q Okay.

21 A Would you -- it might be easier if you get that
22 picture of the back, and I can explain that to you.

23 Q Sure.

24 MR. WALLACE: They're over there on the counter.

25 THE WITNESS: Now, I know what you're saying.

1 BY MR. KORNFELD:

2 Q Great.

3 A What I'm saying is, once you get inside this
4 little --

5 Q If you can show the jury.

6 A Once you get inside this little porch here -- and
7 maybe I shouldn't have said you can't be seen, but you're
8 sheltered in there. And then you -- right over here are
9 two kitchen windows that once you're in that kitchen,
10 somebody could see you. They're cut off here, but they
11 could see you standing at this sink if you were at the
12 sink.

13 But what I meant was, once you get in here, inside
14 this little porch, you're sheltered from -- you're not
15 totally obscured, but you are sheltered from people -- you
16 know, people driving by the road or whatever are not going
17 to say, oh, there's somebody inside that porch.

18 Q Oh, I understand.

19 A And I'm sorry if I mislead you.

20 Q No. You didn't mislead me, Ms. Taylor. I was just
21 trying to clarify.

22 Did -- where was your trash located? Was it in the
23 house, or was it --

24 A No, sir. I keep it out by my shed out in the
25 backyard.

1 Q Okay.

2 A It's -- I can show you where the shed is on here, if
3 you want me to.

4 Q I just was curious if it was, actually, in the
5 inside. That's fine if it was outside.

6 A No. I don't keep it in the house.

7 Q Okay. And, earlier, you stated that you called the
8 police from North Carolina. Are you sure that you called,
9 or did Mr. Perry call?

10 A Well, I -- he may have called as well, but I did call
11 them.

12 Q Okay. And approximately, did it -- you said it
13 usually takes an hour and a half to get up there. I want
14 to make certain. How long did it take you to get back?

15 A It takes anywhere from an hour and 15 minutes to an
16 hour and 20 minutes to get there, depending on traffic.
17 And I'm not sure exactly how long it took me to get back.
18 But I was probably breaking the speed limit, I would
19 imagine. I hurried.

20 Q Okay. One more time, Ms. Taylor, and I apologize.
21 Where is the bedroom where the -- where you had your
22 revolver? Where's that bedroom located?

23 A That bedroom is at the front of the house. This
24 is -- it's got a lot of porches. This is the front porch.
25 The bedroom in question, the master bedroom, is right here.

1 Q Okay. And when you walked through your house, did
2 you notice any footprints, or any marks, or anything like
3 that?

4 A Not footprints, but things were thrown around. And
5 there was a pillow case missing, by the way. And this is
6 my shed. This is where the trash would be. You have to
7 walk out in the front of the yard to get to it.

8 Q Approximately how far is the driveway from your --

9 A From the door?

10 Q Yeah.

11 A Maybe 15 or 20 feet, 20 feet from here to the door.
12 You have to go across -- you can't really see it here, but
13 there's an old brick patio right outside. I would say 15
14 to 20 feet.

15 Q And what about to the back door, the shed -- not the
16 shed, but the storm door?

17 A That is what I'm talking about, about 20 feet.

18 Q Oh, I thought you were talking about up here.

19 A I'm so sorry.

20 Q That's okay. You can take your seat again, Ms. Taylor.

21 A Okay.

22 Q You can't -- let me ask you this. You can't see --
23 from the bedroom which you pointed at, can you see to the
24 driveway from your bedroom?

25 A You can see the front of the driveway. There's

1 windows that face --

2 Q So the front -- can you see where the horseshoe
3 starts to bend on the driveway from your bedroom?

4 A No.

5 Q Okay.

6 A But you could see the beginning of it where you drive
7 in.

8 Q Okay. So the -- I guess the front of it; correct?
9 What you said before; is that right?

10 A Uh-huh.

11 MR. KORNFELD: Ms. Taylor, I have no further
12 questions.

13 MR. WALLACE: Nothing else from the State, Your
14 Honor.

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

16 Thank you.

17 You may call your next witness.

18 MR. WALLACE: Your Honor, the State would call T.R.
19 Perry to the stand.

20 THE CLERK: Sir, please, come forward to be sworn in.

21 Please place your left hand on the Bible and raise
22 your right when you get here.

23 WHEREUPON,

24 TANDY RICE PERRY, JR.,

25 after first having been duly sworn, testified as follows:

1 THE CLERK: Thank you.

2 You may be seated.

3 Would you, please, state your name for the record?

4 THE WITNESS: Tandy Rice Perry, Jr..

5 THE CLERK: Thank you.

6 DIRECT EXAMINATION

7 BY MR. WALLACE:

8 Q Mr. Perry, do you go by T.R.?

9 A Yeah.

10 Q And where do you work?

11 A I work for Tucker Material in Mauldin, South
12 Carolina.

13 Q All right. And what kind of occupation do you do
14 there?

15 A I drive a truck and deliver sheetrock from the truck.

16 Q Do you know Renna Taylor?

17 A Do I know her?

18 Q Do you know her?

19 A Yes, sir.

20 Q Back in May of 2012, did you have an opportunity to
21 be at her house?

22 A Yes, sir.

23 Q And do you remember what the day was -- the day of
24 the week?

25 A I don't remember quite the date.

1 Q How about the day of the week? Do you remember?

2 A (There was no response.)

3 Q Was it a weekday or weekend?

4 A It was the weekend, because I was off.

5 Q Do you know what the purpose of -- for you to be at
6 her house was?

7 A She was going out of town and she wanted me to come
8 and pick up some garbage, because it was too nasty to put
9 in the back of her little SUV. And I had a pickup truck
10 and I did stuff on the side for her. So I said, Yeah. So
11 I went over there and got the trash. I went over there to
12 pick up her trash.

13 Q And what kind of vehicle were you driving that day?

14 A I drove an '85 gray Dodge pickup truck at the time.

15 Q All right. And was anybody with you in the pickup
16 truck?

17 A Yes, my older brother, David Perry, and my daughter,
18 K.P. [phonetic].

19 Q Your daughter who?

20 A My daughter, K.P. .

21 Q K.P. ?

22 A K.P. .

23 Q And do you recall what time of day it was when you
24 arrived at Ms. Taylor's house?

25 A It was 1:00 or 2:00. It was before the dump closed.

1 I know it was around 1:00 or 2:00.

2 Q Now, I want you to come down here and show me a few
3 things on this aerial photograph.

4 A (Witness complied.)

5 Q Do you recognize these roads here?

6 A Yeah. That's Road, and that's
7 there.

8 Q When you were going to -- if you'll stand back a
9 little bit so the jury can see. When you were going to
10 Ms. Taylor's house, what road were you on?

11 A I come down

12 Q ?

13 A Uh-huh.

14 Q And then did you go on ?

15 A Yeah. You have to come down from --
16 because I live off of by Traveler's Rest High
17 School. It's back over in this area. And you have to
18 come down. I took a right -- I was cutting across and you
19 got -- I had to turn off right on Road to
20 get to her yard. I had to go up --

21 THE COURT: Okay. I'm sorry. You're going to have
22 to speak up. And it will probably be better if y'all move
23 away from the board so Ms. Jenkins can see you when you're
24 talking so she can take it down accurately.

25 THE WITNESS: Okay.

1 BY MR. WALLACE:

2 Q Do you recognize this building right here?

3 A Yeah. That's her house.

4 Q And can you see the driveway where you pulled in?

5 A Yeah, right here.

6 Q So what -- now, this is a horseshoe drive here?

7 A Yes, sir.

8 Q Where did you pull in to the --

9 A I come off , took a right. And I come in
10 this driveway here and come around. And I parked right
11 about here.

12 Q So your pickup truck was parked about right there?

13 A Yeah.

14 Q All right. When you arrived on her property, did you
15 notice anything?

16 A Yeah. There was a blue and white van in the yard.

17 Q A blue and white van?

18 A Yeah.

19 Q Do you know what kind of van it was?

20 A A Ford Aerostar van.

21 Q And how was it parked in that driveway?

22 A It was -- when I come up, I pulled up like this. I
23 pulled up more or less right behind it.

24 Q So can you point out approximately where you think
25 that van was?

1 A I was right in here and he was like right in there,
2 probably right in there.

3 Q So you were behind -- your truck was behind the van?

4 A Yeah.

5 Q Okay. Please have a seat now.

6 A (Witness complied.)

7 Q Did you recognize that van?

8 A What's that?

9 Q Did you recognize that van?

10 A Yeah. I recognized it was blue and white.

11 Q But had you seen it before?

12 A No.

13 Q So what did you do when you saw the van?

14 A First, me and my daughter, we got out and we went and
15 knocked on the doors and stuff. And there was like --
16 she's got a couple doors on that house. She's got one on
17 the front, like one on the side, and the back of the
18 house.

19 And I had gone toward the back of the house. And my
20 daughter was with me. And she knocked on the door, and
21 two people came running out.

22 Q Okay. Do you know what door she knocked on?

23 A I think she knocked on the middle door.

24 Q The middle door?

25 A Uh-huh, like they're not in front of the house.

1 There's a horseshoe drive, you've got the house here,
2 you've got a door here, a door like right here on the
3 corner, and a door in the back.

4 Q Let me show you a photograph here. I'm referring to
5 State's Exhibit No. 2. This is a frontal view of the
6 house. Which door are you talking about that your
7 daughter knocked on?

8 A This is the front of the house --

9 Q Can you show it to the jury, please?

10 A This is the front of the house. This is facing
11 towards Road. And that's the front of the
12 House and the driveway -- this is the driveway coming out.
13 There's another -- I come around. And there's like a
14 screened-in door right here on that side. And there's a
15 back -- there's a door on the back, too.

16 Q Okay. And so you -- which one did your daughter
17 knock on?

18 A She come over here to the side by the -- closest to
19 the screen door, and everything.

20 Q So she knocked on the side door?

21 A Yeah. I was way over here backed up by --

22 Q So just -- was it close to where your truck was?

23 A Yeah.

24 Q And where were you standing when that occurred?

25 A I was over here by --

1 Q Can you point it out to the jury?

2 A I was over here in the back towards the little well
3 pump thing towards the backyard. Because I was looking
4 for plastic for the trash, where she had thrown her trash.
5 And when she knocked on the door, they came running out.

6 Q Thank you.

7 You said they came running out when she knocked on
8 the door. Did you get a good look at who came running
9 out?

10 A I didn't get a good look. I know it was a female and
11 a male. The female come out of the front door. She ran
12 around the front of the van. She was the driver. She run
13 around the front of the van.

14 And then the next thing I know, a guy with a black
15 shirt like -- sort of like a hoodie like this, black hat.
16 And I guess he noticed me or whatever, he did like that.
17 And I saw a long ponytail and a goatee. And he jumped in
18 the passenger side.

19 Q Did you get a good look at the female subject?

20 A Not real good, no.

21 Q Do you recall what she was wearing?

22 A No, sir, I don't.

23 Q And you said she ran out and got in the van?

24 A Yeah.

25 Q And there was another subject with her?

1 A Uh-huh.

2 Q And you described him as a male subject?

3 A Yes, sir.

4 Q Do you know what race he was?

5 A White.

6 Q All right. And did you notice anything about the
7 clothing he was wearing?

8 A He had blue jeans on and a black hoodie like this,
9 but it was black, a long ponytail and, if I remember, a
10 goatee.

11 Q Did you get a good look of his face?

12 A I got like a glimpse of him. Like I said, he did
13 like that and --

14 Q And when you say like -- was he doing that with his
15 hoodie?

16 A Yeah. He took it like that and was saying, Go, go,
17 go.

18 Q So he pulled it up towards his face?

19 A Yeah.

20 Q Is that your testimony?

21 A Uh-huh.

22 Q Did you ever get a look at the front of his face?

23 A No.

24 Q How about the female subject, did you get a look at
25 the front of her face?

1 A No.

2 Q Did he -- at any time, did either one of them look at
3 you?

4 A No.

5 Q The female subject, do you recall what hair color she
6 had?

7 A No, sir.

8 Q Do you recall what race she was?

9 A She was white. I just got a glimpse of her. She
10 knocked on the door and she come running out, and I
11 looked. That's all I caught.

12 Q Were you talking on the phone with Ms. Taylor at the
13 time?

14 A No.

15 Q When do you recall talking to her on the phone?

16 A After they left, I told my brother, I said, I believe
17 she just got robbed.

18 Q You told that to your brother?

19 A Yeah. And I called Ms. Taylor and I'm like, Do you
20 know anybody in a blue and white van? Because she told me
21 one time, you know, that a lady came over that checks on
22 her cat when she goes out of town.

23 Q Checks on her --

24 A Cat.

25 Q -- cat.

1 A When she goes out of town. But I was letting her
2 know that I'm there, that way -- because if anything
3 happened, she knows I'm there. When I called her, I was
4 like, there was a blue and white van. Do you know anybody
5 in a blue and white van?

6 She was like, No.

7 And I said, Well, they just sped out of here and
8 went -- hauled butt. I believe you just got robbed.

9 And she asked me if I could stay there until she came
10 home and until the detective -- the police showed up.

11 Q Until the police showed up?

12 A Uh-huh.

13 Q All right. When you saw the two subjects running out
14 of the door, did you say -- what door was it they ran out
15 of?

16 A I believe the girl ran out of the front door, and he
17 came out of the side door. They about knocked my daughter
18 down, because she was right there closest to them.

19 Q So the door -- it was the door where she was
20 knocking?

21 A Yeah.

22 Q You said he had a black hat?

23 A Uh-huh.

24 Q Can you describe the hat? What kind of hat it was?

25 A No, just a black hat with a straight rim.

1 Q A straight rim?

2 A Yeah.

3 Q Did you get a look at any other distinguishing
4 features of the hat, anything unusual about the hat?

5 A No, sir.

6 Q And you stated before he had facial hair?

7 A Yeah. He had like a goatee and a long ponytail..

8 Q Could you see the ponytail from where you were
9 standing?

10 A Uh-huh.

11 Q Did you have any conversation with either of the
12 subjects?

13 A No, sir.

14 Q Had you ever seen that van before?

15 A No, sir.

16 Q Do you recall what color the male subject's hair was?

17 A It was brownish-black.

18 Q Did you stay there until the police arrived?

19 A Yes, sir.

20 Q Did you talk with an officer --

21 A Uh-huh.

22 Q -- when he arrived?

23 A Uh-huh.

24 Q How long was it before Ms. Taylor got to the house?

25 A I believe about an hour or so, because she was all

1 the way in North Carolina.

2 Q Now, did you go into the house at all while you were
3 there?

4 A No, sir.

5 Q Did you notice anything unusual about the outside of
6 the house?

7 A I could see -- you could see a door where the glass
8 was broke and stuff on one of the -- the back door, I
9 believe it was. But I didn't --

10 Q Was it a back door or a side door?

11 A I believe it was the back door.

12 Q When you're saying "back door," let me show you a
13 picture of the side of the house. Do you see that door in
14 this picture?

15 A Yeah. This door here. Because there's the -- right
16 here is the door. And then right here --

17 Q Can you show the jury the door?

18 A There was glass broke right here. At the back right
19 here, there was glass -- a piece of glass like a little
20 glass window. And it was broke, and all that. And you
21 could see where it was broke and stuff.

22 Q So it's the side door on the back of the house?

23 A Yeah.

24 Q Did you notice anything else about the van they were
25 driving, other than the color?

1 A No, just it was a blue and white Ford Aerostar van.

2 Q And when you say it was "blue and white," can you
3 describe that?

4 A It was -- there was a -- it had like a blue bottom,
5 or whatever. The whole van was blue and then had like a
6 blue bottom.

7 Q So it was two tones of color?

8 A Yeah.

9 Q Do you remember where your brother was standing when
10 this happened?

11 A I believe he was at the back of my truck smoking a
12 cigarette.

13 Q The back of your truck?

14 A Yeah. He was standing -- he was out of the truck.
15 But he was standing like at the back smoking a cigarette.

16 Q And did you happen to get the license plate of the
17 van?

18 A No, sir, I didn't.

19 Q Other than the police officer that arrived at the
20 scene, did you talk to any other police?

21 A I had a guy come out to my job one time.

22 Q But he was a policeman?

23 A Yeah, he was a policeman. He came out and tried to
24 see if I could identify them. I told him I couldn't see
25 them like I'm looking at you right now.

1 Q He asked you if you could identify the people?

2 A Yeah. And I told him I couldn't.

3 Q Did he show you any photographs at that time?

4 A Yes.

5 Q And did he show you a photo lineup of female
6 subjects?

7 A Yeah. He showed me female and male.

8 Q And you weren't able to pick anyone out of either
9 one?

10 A No, sir.

11 MR. WALLACE: Please answer any questions Defense
12 Counsel has.

13 THE COURT: Cross-examination, Mr. Kornfeld.

14 MR. KORNFELD: Thank you.

15 CROSS-EXAMINATION

16 BY MR. KORNFELD:

17 Q Mr. Perry, you say you had an '85 Dodge. Was it a
18 Dodge Ram gray pickup?

19 A Yeah.

20 Q A gray pickup?

21 A Yeah.

22 Q And you said who you saw -- the description you saw,
23 a -- first, you came and parked behind a van. Can you --
24 so I make sure that this is accurate. You parked -- the
25 van was somewhere around here, and you parked right here;

1 is that correct?

2 A Yeah. I come around here. And I parked right around
3 in this area. And it was in front of me.

4 Q Okay.

5 A It was set up where -- straight ahead.

6 Q So they could get out?

7 A Yeah.

8 Q I understand. And you -- your -- you said you saw a
9 straight brim hat. Is that the same as a flat bill hat?

10 A I don't know, just straight. You know how most
11 people bend them.

12 Q Right.

13 A Like when you buy one brand new, it's straight, it
14 ain't bent or nothing. It was just a black hat.

15 Q All right. And your brother was with you, and your
16 daughter was with you?

17 A Yes, sir.

18 Q All right. And you stated earlier that the guy had a
19 black shirt and a black hat; is that correct?

20 A Yeah.

21 Q All right. But -- so he didn't have a hoodie? He
22 had a black shirt; is that correct?

23 A It was black. It's been so long, I can't remember.

24 Q Okay. And when -- you say that you saw he had black
25 hair that was in a ponytail and a goatee; is that correct?

1 A Yeah.

2 Q All right. And so when -- who came out of the house
3 first? The lady?

4 A Yeah.

5 Q And then she came and got into this van?

6 A Uh-huh.

7 Q And then how long after she came out did the male
8 subject come out?

9 A It was -- I don't know -- like a minute or two. I
10 mean, it was more or less right after. Because he come
11 out and jumped in and said, Go, go, go, go. And she, more
12 or less, had it started or whatever -- started before he
13 even got in the van.

14 Q All right. And did -- how did he come out? Did he
15 come out running?

16 A Yeah.

17 Q Okay. And was she running as well?

18 A Uh-huh.

19 THE COURT: Sir, you need to say "yes" or "no."

20 THE WITNESS: Yes, sir.

21 BY MR. KORNFELD:

22 Q Okay. Did you notice the woman carrying anything
23 when she came out of the house?

24 A No, sir, I didn't.

25 Q All right. And you say that the man was carrying

1 something; is that correct? Was the man carrying
2 anything?

3 A He was carrying some kind of bag-looking thing, but I
4 couldn't tell what it was.

5 Q Okay. And when he ran out, did he run out on your
6 left side?

7 A Yeah. He came out -- I was standing like this. He
8 came out running like that. And I caught a glimpse of him
9 when he came running out.

10 Q How long did the whole interaction last where they
11 came out -- where this couple came out until they drove
12 off?

13 A How long?

14 Q Right. Was it 15 seconds? Was it 45 seconds? Was
15 it two minutes?

16 A Within a minute or so, and they was gone.

17 MR. KORNFIELD: No further questions, Mr. Perry.

18 Thank you.

19 MR. WALLACE: Your Honor, just a couple of questions.

20 THE COURT: All right.

21 REDIRECT EXAMINATION

22 BY MR. WALLACE:

23 Q You stated that you were standing back toward the
24 garbage -- or where the garbage was, that you were back
25 there to get the trash. Is that what you were doing?

1 A Yeah, towards that well thing.

2 Q Okay. And how far do you think it was between where
3 you were standing and where the subjects came out of the
4 door?

5 A How far?

6 Q How far, if you could give an estimate in the
7 courtroom maybe?

8 A I don't know. I guess it was probably about from me
9 to her maybe.

10 Q So you're pointing to my investigator?

11 A Uh-huh.

12 Q Evelyn Mitchell?

13 A Uh-huh.

14 Q That would be the distance?

15 A Uh-huh.

16 Q You said before that he had a black hat?

17 A Yeah.

18 Q During cross-examination, you were talking about the
19 bill being straight?

20 A Yeah.

21 Q And you made this kind of motion. Did it have a bill
22 all the way around the hat?

23 A No, just a regular cap, you know, like a ball cap, a
24 straight bill right here.

25 Q So it was a black ball cap?

1 A Yeah, like you buy in the store, like the ones that
2 say --

3 Q That people wear all the time?

4 A Yeah.

5 MR. WALLACE: No further questions, Your Honor.

6 MR. KORNFIELD: No redirect [sic], Your Honor.

7 THE COURT: Thank you, sir.

8 You can step down.

9 Let me ask y'all something up here real quick.

10 (WHEREUPON, a bench conference was held.)

11 THE COURT: Yes, sir.

12 MR. WALLACE: Your Honor, at this time, the State
13 would call Deputy Frank Abella to the stand.

14 THE CLERK: Deputy, if you'd come forward to be sworn
15 in, please.

16 Please place your left hand on the Bible and raise
17 your right.

18 WHEREUPON,

19 FRANK ABELLA,

20 after first having been duly sworn, testified as follows:

21 THE CLERK: Thank you.

22 You may be seated.

23 Would you, please, state your name for the record?

24 THE WITNESS: Frank Abella.

25 THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. WALLACE:

Q Deputy Abella, how long have you been employed by the Sheriff's Office?

A January 25th will be five years.

Q Did you work in law enforcement any other place before then?

A No.

Q Do you -- now, when -- at the Sheriff's Office, what kind of work do you do?

A I currently work in the warrants division.

Q And back on May the 19th of 2012, where did you work then?

A I was working uniform patrol.

Q And what were your responsibilities as a member of uniform patrol?

A The main responsibility of uniform patrol is to respond to 911 calls. If anyone needs any help, they dial 911. And we are the first responders to show up.

Q Do you recall responding to a house on Road on May 19th, 2012?

A Yes.

Q And what was that in reference to?

A I was dispatched to a call that a burglary had just recently occurred.

1 Q So it had already occurred?

2 A Yes.

3 Q And what was the address that you responded to?

4 A It was Road,
5 which is in Greenville County.

6 Q Greenville County?

7 A Yes, sir.

8 Q Now, when you responded out there, do you recall the
9 time of day?

10 A Yes. It was about 4:00 p.m.

11 Q All right. When you arrived at the residence, what
12 was the first thing you did when you got to the scene?

13 A I spoke to Mr. Tandy Rice Perry. His brother and his
14 daughter were all on the scene.

15 Q Okay. And were you able to get any information from
16 Tandy Perry regarding this case?

17 A Yes. They said --

18 MR. KORNFELD: Objection, Your Honor. It's going to
19 be hearsay testimony.

20 THE COURT: Sustained.

21 BY MR. WALLACE:

22 Q I just want you to testify to what you said or what
23 Tandy Perry said.

24 A Okay.

25 MR. KORNFELD: Same objection, Your Honor.

1 MR. WALLACE: He's already testified to what he said.

2 MR. KORNFELD: Mr. Perry did.

3 THE COURT: Yes. Sustained.

4 BY MR. WALLACE:

5 Q When you arrived, what information did you gather at
6 the scene?

7 A The house had been burglarized. And there was a
8 broken window in the back door that leads from the -- it
9 was a storm door that leads to a second door by the
10 laundry room, I think it was. And the glass was broken
11 and the house had been entered, and things were taken.

12 Q Were you able to tell what the point of entry was?

13 A Yes, at the side rear door.

14 Q Okay. And did you call anybody to come out to the
15 scene at that time?

16 A Yes, forensics, so they can attempt to get
17 fingerprints.

18 Q How long were you there before Ms. Taylor arrived?

19 A I know she was in -- I believe it was North Carolina.
20 She was out of town visiting someone. And I spoke to her
21 on the phone. And I might have waited an hour. I'm not
22 positive exactly how long it was.

23 Q You might have waited an hour?

24 A About an hour, I think.

25 Q When Ms. Taylor arrived -- did you go in the house

1 before Ms. Taylor got there?

2 A Yes.

3 Q And what did you see inside the house?

4 A I saw that several drawers were opened and items were
5 on the bed. And it just looked like it had been
6 ransacked, typical of a burglary.

7 Q And what room was that?

8 A I believe there was a few different rooms. But it
9 was a bedroom, if I remember correctly. Let's see.

10 Q Was there any other damage, other than the door? Do
11 you recall?

12 A I don't recall any other damage, other than the glass
13 from that door to gain entry to the home.

14 Q Okay. When you went into the bedroom, what did you
15 see there?

16 A In the bedroom, there was some drawers that were
17 opened. And there was a pillow sitting on the bed that
18 the pillow case was missing from it. There was a drawer
19 that was on the bed. And there were two 38-caliber rounds
20 inside the drawer.

21 Q Did you ever locate a pistol at the scene?

22 A No, I did not.

23 Q Did -- were you in the house when Ms. Taylor was in
24 the house?

25 A Yes.

1 Q Did you ever get a description of the individuals?

2 A Yes, I did.

3 MR. KORNFELD: Your Honor, same objection.

4 BY MR. WALLACE:

5 Q Did you ever --

6 A I did.

7 Q Hold on a second.

8 THE COURT: Overruled.

9 BY MR. WALLACE:

10 Q Did you get a general description of the individuals?

11 A Yes, I did. There were two subjects, a male and a
12 female. The male subject --

13 MR. KORNFELD: Objection, Your Honor. He's going
14 into hearsay again.

15 MR. WALLACE: He's testifying from his report at the
16 time that he came up on the scene. And this information
17 goes out to the police so they can start looking for
18 people.

19 THE COURT: I understand. I'm going to sustain the
20 objection.

21 MR. WALLACE: Okay.

22 BY MR. WALLACE:

23 Q Did you see a vehicle when you arrived?

24 A The only vehicle there was the witness, Mr. Perry,
25 Tandy Rice Perry. His vehicle was there.

1 Q Did you send anyone else to the scene, other than the
2 forensics unit?

3 A No. I just called and spoke to the victim and asked
4 her to come, Ms. Taylor, Renna Taylor.

5 Q Did you take a statement from Ms. Taylor at the time?

6 A No. Not a written statement. I spoke to her.

7 Q Okay. You spoke to her. Did you gather any evidence
8 at the scene?

9 A No. I did not collect any evidence.

10 MR. WALLACE: Please answer any questions Defense
11 Counsel would have.

12 CROSS-EXAMINATION

13 BY MR. KORNFELD:

14 Q Do you recall what kind of vehicle T.R. Perry had?

15 A I don't recall. I believe it was a pickup truck.
16 But it's been several years. I don't remember.

17 Q Okay. Do you remember what color it was by chance?

18 A I don't recall.

19 Q Okay. Did you see any -- happen to see any tire
20 marks or anything like that from a vehicle leaving
21 quickly? Did you see -- let me ask you that first. Did
22 you see any tire marks?

23 A I don't recall.

24 Q Okay. Do you usually look when you go --

25 A Usually, but I don't remember seeing any tire marks.

1 MR. KORNFELD: Thank you, Officer Abella.

2 No further questions.

3 MR. WALLACE: No further questions for this witness.

4 THE COURT: All right. Thank you, sir.

5 Ladies and gentlemen, we're going to go ahead and

6 recess for the evening. Don't talk about the case.

7 Continue to keep an open mind. And we'll see you back at

8 9:30 in the morning.

9 I have to qualify the Grand Jury at 9:00. So y'all
10 just come back at 9:30. And we'll try to start the case
11 at that time.

12 Thank you.

13 (WHEREUPON, the jury was excused from open court at
14 approximately 5:08 p.m.)

15 THE COURT: Anything before we adjourn for the
16 evening?

17 MR. WALLACE: Nothing from the State, Your Honor.

18 MR. KORNFELD: Nothing from the Defense, Your Honor.

19 THE COURT: All right. We'll see you back at 9:30.

20 (WHEREUPON, the proceedings were concluded at
21 approximately 5:08 p.m., to be reconvened on
22 Tuesday, January 6, 2014.)
23
24
25

1 TUESDAY JANUARY 6, 2015

2 THE COURT: Anything before we bring the jury in?

3 MR. WALLACE: Yes, Your Honor.

4 THE COURT: Okay.

5 MR. WALLACE: Defense Counsel and I have discussed
6 the two burglary first indictments that we talked about
7 yesterday.

8 THE COURT: Right.

9 MR. WALLACE: And Defense Counsel will stipulate to
10 their authenticity. So I would like to put them into the
11 record as Court's Exhibit Nos. 1 and 2. They are
12 certified copies by the clerk of court back on
13 February the 18th of 2014.

14 THE COURT: All right.

15 MR. KORNFELD: And, Your Honor, that is correct. I
16 do want to preserve my objection that I made previously.

17 THE COURT: Certainly.

18 MR. KORNFELD: Specifically, I know that the two
19 prior burglaries are an element of the offense of burglary
20 first. On the other hand, I feel that allowing the jury
21 to know this is unduly prejudicial. And, further, it
22 circumvents the Judge to do a 403 analysis to decide
23 whether or not it is unduly prejudicial.

24 I know in robbery cases that I have on hand -- and I
25 can cite, if you give me a minute. But the robbery case

1 says that it would be unduly prejudicial to submit to the
2 jury a previous robbery if he's on trial for a robbery.
3 Here, I feel that those are analogous. I understand that
4 we have to follow the law and the law says that. But that
5 is my objection for the record.

6 THE COURT: Thank you.

7 I understand your objection. But I don't believe I'm
8 free to replace the statute with the 403 rule.

9 MR. KORNFELD: And, Your Honor, my proposal would be
10 to charge them on a burglary second and a burglary third.
11 And if those elements were met, then to already have the
12 stipulation that the two burglaries were in there,
13 thereby, he could be convicted of the burglary first.

14 THE COURT: I'm not sure I follow that, Mr. Kornfeld.
15 What are you getting at?

16 MR. KORNFELD: This would be my proposal, that the
17 elements would be charged other than the fact that he has
18 two prior burglaries, which is one of the elements of
19 burglary first. So that they would be charged on the
20 lesser included elements, which would be, I guess,
21 burglary second and burglary third.

22 If those elements were met for burglary second or
23 burglary third, then the Judge could notify the jury or
24 say, okay, well, since he's guilty of that and he has
25 these two prior burglaries, which I would argue are

1 prejudicial to him, now that we have that he is guilty of
2 a burglary first, thereby, circumventing the prejudicial
3 evidence from ever entering the minds of the jury.

4 THE COURT: Well, I don't -- I'm not sure I follow
5 that argument.

6 MR. WALLACE: Your Honor, the indictments are for
7 burglary first. I don't think you can publish anything to
8 the jury that's not true in this case. I mean, burglary
9 first is burglary first.

10 MR. KORNFELD: I understand, Your Honor.

11 But my issue is -- I know what the statute says. The
12 statute says if he has two prior burglaries that that is
13 an element for the burglary first. But the indictment is
14 written and/or and it has nighttime and/or with a weapon..

15 THE COURT: Okay.

16 MR. KORNFELD: So my proposal would be that the jury
17 would be instructed on the nighttime and/or weapon and not
18 the and/or two prior burglaries. Because my argument is
19 still that those are prejudicial to him. And it keeps
20 you -- it keeps the Judge from doing a 403 analysis on that.

21 THE COURT: Well, what does that have to do with
22 burglary second or third?

23 MR. KORNFELD: Well, the elements are similar in
24 burglary second and third that if he, you know, broke in
25 with a gun, he could be guilty of burglary second if he

1 did not have two prior burglaries. There's a possibility
2 he could be charged with that. It's similar to what
3 Amanda Caldwell is now being -- I guess she pled to a
4 burglary second.

5 THE COURT: Okay. Well, your objection is noted for
6 the record.

7 MR. KORNFELD: Thank you, Your Honor.

8 THE COURT: Thank you.

9 MR. WALLACE: Your Honor, do I go ahead and put these
10 in as Court's Exhibits?

11 THE COURT: Are you going to publish them to the
12 jury?

13 MR. WALLACE: I can publish them to the jury or the
14 clerk can, whatever you want to do.

15 THE COURT: Well, I guess if you are going to --

16 MR. WALLACE: I'm not putting them in as State's
17 Exhibits, just Court's Exhibits. I want the jury to have
18 the information that's on the face of the indictment
19 without going into the facts of the burglaries. I just
20 want them to know he's been convicted of the two burglary
21 firsts, the indictment numbers, and when they happened.

22 MR. KORNFELD: And, Your Honor, I would ask for a
23 charge when it's admitted and at the jury charge saying
24 it's not to be used as weight for guilt or innocence.

25 THE COURT: Well, how do you want me to phrase the

1 limiting instruction, that they may only use this
2 stipulation for purposes of determining whether the State
3 has met its burden of proof, the elements of burglary
4 first and not for any other purpose, and may not consider
5 it, for example, in determining whether the --

6 Is there any particular language you desire,
7 Mr. Kornfeld?

8 MR. KORNFELD: If you'll just give me a second, I do
9 have some language to follow.

10 THE COURT: Okay. Sure.

11 (Pause.)

12 MR. KORNFELD: Your Honor, I found -- and this has
13 housebreaking in it.

14 THE COURT: Okay.

15 MR. KORNFELD: But if it's okay, I'll just bring it
16 up.

17 THE COURT: Sure.

18 (WHEREUPON, a bench conference was held.)

19 THE COURT: So just to be clear, Mr. Wallace, you're
20 going to -- are you going to read something to the jury,
21 or do you want me to read the whole thing?

22 MR. WALLACE: As far as the indictments are
23 concerned, Your Honor?

24 THE COURT: Right.

25 MR. WALLACE: I can do it, Your Honor, if that's okay

1 with the Court. I'll go ahead and publish them.

2 MR. KORNFELD: I would request that it say he was
3 convicted of a burglary in 1993. I think both of them
4 were in 1993, two separate burglaries in 1993.

5 MR. WALLACE: First degree.

6 MR. KORNFELD: Burglary first degree in 1993.

7 THE COURT: All right. So what is it again? 1993?

8 MR. KORNFELD: I don't know the specific dates.

9 MR. WALLACE: The indictment numbers are
10 93-GS-23-3103 and 3104. 3103 was a burglary that occurred
11 on February the 26th, 1993, involving this Defendant. And
12 then the second conviction, 3104, was a burglary that
13 occurred on or about December 6th or 7th of 1991.

14 THE COURT: So we can just say that y'all stipulated
15 that the Defendant has two prior convictions for burglary.
16 These convictions were obtained in 1993.

17 Does that cover it?

18 MR. WALLACE: Well, it was -- so we're going to tell
19 the jury it's burglary first degree, Your Honor. Is that
20 what you're saying?

21 THE COURT: Is that what it was?

22 MR. WALLACE: Yeah. Both of them were convictions
23 for burglary first degree.

24 THE COURT: Okay.

25 MR. WALLACE: Do you want me to go ahead and put

1 those into evidence now as Court's Exhibits before the
2 jury comes in?

3 THE COURT: I don't know why they're Court's
4 Exhibits. I mean --

5 MR. KORNFELD: I think they're joint exhibits, Your
6 Honor.

7 And one issue on the -- I think if I stipulate under
8 the Old Chief case, that just says two prior burglaries.
9 That's all it has to be. So I would object to the fact
10 that it says burglary first. I just want it in that he
11 has two prior burglaries.

12 THE COURT: Well, what does the statute say exactly
13 in terms of the element?

14 MR. KORNFELD: The burglary is committed by a person
15 with a prior record of two or more convictions for
16 burglary, for housebreaking, or a combination of both.

17 THE COURT: Okay. We'll just say burglary.

18 MR. KORNFELD: Thank you, Your Honor.

19 And the other issue. I think that they would be
20 joint -- they would be a joint exhibit, not a Court's
21 Exhibit. I don't know exactly what the difference is.

22 THE COURT: I think he's got a right to put them in
23 as a State's Exhibit. It's part of his case in chief.
24 And it just won't go back to the jury. We won't send them
25 back to the jury.

1 MR. KORNFELD: Okay.

2 MR. WALLACE: Yes, Your Honor. We can do it that
3 way.

4 MR. KORNFELD: All right.

5 MR. WALLACE: Do you want me to go ahead and put
6 these in now, Your Honor?

7 THE COURT: Yes, you can put them in now, Mr. Wallace.

8 MR. WALLACE: Your Honor, at this time, I'm going to
9 put into evidence two indictments for burglary first
10 degree as State's Exhibit Nos. 9 and 10.

11 (WHEREUPON, State's Exhibit Nos. 9 and 10 were marked
12 for identification and admitted into evidence, but will
13 not be submitted to the jury during deliberations by
14 agreement of counsel.)

15 THE COURT: Anything else before we bring the jury
16 in?

17 MR. KORNFELD: Nothing, Your Honor.

18 MR. WALLACE: Nothing, Your Honor.

19 THE COURT: How many more witnesses do you have,
20 Mr. Wallace?

21 MR. WALLACE: I have eight. And I intend to call one
22 of them twice.

23 THE COURT: So do you want me to go ahead and give
24 the stipulation now?

25 MR. WALLACE: Yes, Your Honor. Yes, the jury needs

1 to know the stipulation.

2 MR. KORNFELD: And, Your Honor, I would ask that the
3 stipulation be stated when the sentence -- stated that he
4 has two or more. I think hearing it more than once could
5 be unduly prejudicial to the Defendant.

6 THE COURT: How are they hearing it more than once?

7 MR. KORNFELD: Well, when you give your jury charge,
8 I'm assuming you're going to tell them the statute or read
9 something similar to the statute, so they'll hear two or
10 more.

11 Are you going to tell them at that time that this
12 Defendant has two or more -- I guess that's what I'm
13 asking. Are you going to tell them then as well, or are
14 you just going to tell them now?

15 THE COURT: I mean --

16 MR. WALLACE: I don't see how that's going to have
17 any bearing on prejudice. These are State's Exhibits.
18 The jury has to know about it to prove this element. And
19 you're going to give two charges. You're going to give
20 charges to cover both offenses, so --

21 THE COURT: Two charges for what?

22 MR. WALLACE: You're going to give a charge -- are
23 you going to give a charge after you tell the jury about
24 those two prior convictions, or are you going to wait --

25 THE COURT: Oh, the limiting instruction?

1 MR. WALLACE: Yeah, the limiting instruction.

2 THE COURT: I'll do that now, too, yes.

3 MR. WALLACE: If you give two limiting instructions,
4 that's just --

5 THE COURT: Yes. I mean, I'll just tell them at the
6 end, you know, what the elements of first degree burglary
7 are. And y'all can make arguments about what the evidence
8 showed about that. In other words, I wouldn't say again
9 that it's been stipulated that this element has been
10 proven.

11 MR. WALLACE: Okay. Your Honor.

12 MR. KORNFELD: Thank you, Your Honor.

13 (WHEREUPON, the jury came into open court at
14 approximately 11:11 a.m.)

15 THE COURT: Ladies and gentlemen, I apologize for the
16 delay. I've been dealing with the Grand Jury since a
17 little bit after 9:00. And then we had a matter in this
18 case that delayed the start. So I'm sorry y'all had to
19 spend all that time back there. But we're ready to
20 proceed at this point.

21 Before we have the next witness, I need to tell y'all
22 that the parties have stipulated to certain evidence.
23 When I told you at the beginning about your obligation to
24 determine the facts of the case, I told you there were two
25 sources of evidence, there's sworn witness testimony and

1 there are exhibits.

2 There's, also, another type that sometimes occurs in
3 trials, and that is when the parties stipulate to a fact.
4 That is, they agree the fact exists, and is true, and
5 there's no need for further proof to -- or finding by you
6 that it is a fact.

7 So the parties in this case have entered into such a
8 stipulation. And that stipulation is that the Defendant
9 in this case, Mr. Furman Taylor, has two prior convictions
10 for burglary. These convictions were obtained in 1993.
11 And I will further instruct you that you're not to
12 consider these prior convictions for any reason other than
13 determining whether the State has met its burden of proof
14 as to the crime of burglary first that Mr. Taylor is
15 accused of in this trial.

16 Sometimes, evidence can be used for one purpose and
17 not another, and this is one of those times. The evidence
18 about any prior convictions may only be used to determine
19 whether the State has met its burden of proof as to an
20 element of the crime here. So you're not to consider the
21 prior convictions as evidence that the Defendant committed
22 the crimes for which he's currently on trial, nor should
23 you consider the convictions as character evidence, or
24 conclude that because he was convicted of a similar crime
25 previously that he's likely to have committed these

1 offenses for which he is currently on trial.

2 You're to consider these prior convictions simply as
3 part of the elements the State must prove in order to make
4 out a charge of first degree burglary. And I'll tell you
5 about the law of first degree burglary at the conclusion
6 of the trial when I instruct you on the law.

7 Yes, sir, Mr. Wallace. You may call your next
8 witness.

9 MR. WALLACE: Thank you, Your Honor.

10 The State would call to the stand David Perry.

11 THE CLERK: Mr. Perry, please, come forward to be
12 sworn in.

13 Please place your left hand on the Bible and raise
14 your right.

15 THE BAILIFF: Face the Judge -- face the clerk.
16 Raise your right hand. Please raise your right hand.

17 Thank you.

18 WHEREUPON,

19 DAVID PERRY,
20 after first having been duly sworn, testified as follows:

21 THE CLERK: Thank you.

22 You may be seated.

23 THE CLERK: Would you, please, state your name for
24 the record?

25 THE WITNESS: David Perry.

1 THE CLERK: Thank you.

2 DIRECT EXAMINATION

3 BY MR. WALLACE:

4 Q Mr. Perry --

5 A Yes, sir.

6 Q -- what kind of work do you do?

7 A Right now, I work through the South Carolina Rehab
8 Center through North American Rescue.

9 Q Okay. And what kind of work is that?

10 A Life-saving equipment like tourniquets, bandages,
11 blankets, beds for the Navy, the Army, stuff like that.

12 Q Are you a sales person?

13 A No. I'm just an assembly person.

14 Q You're a what kind of person?

15 A I work on assembly.

16 Q You work on assembly?

17 A Yeah. We pack bags and ship it out.

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

19 A I'm thinking about seven months now, six or seven
20 months.

21 Q Back in May of 2012, where did you work then?

22 A I was working nowhere.

23 Q Do you remember going to the house of Renna Taylor --

24 A Yes, sir.

25 Q -- during that time?

1 A Yes, sir.

2 Q Do you remember what day it was?

3 A I believe it was a Saturday.

4 Q It was a Saturday?

5 A Yes, sir.

6 Q Do you remember the date?

7 A I can't remember the date, no.

8 Q Was it in May?

9 A Yeah. It was in May.

10 Q Okay. And do you know what the purpose of that trip
11 was?

12 A We was going to go pick up Renna's garbage.

13 Q And you said "we," were you with some other people
14 then?

15 A My brother.

16 Q Who is your brother?

17 A T.R. Perry.

18 Q And how did you get to Ms. Taylor's house?

19 A With my brother in his truck.

20 Q In his truck?

21 A Yes, sir.

22 Q And do you recall about what time that was?

23 A It was in the afternoon. I'm guessing around 12:00,
24 1:00, maybe.

25 Q When you arrived at Ms. Taylor's house, did you

1 notice anything?

2 A Yes, sir.

3 Q What was it that you saw?

4 A A blue and white van sitting in the driveway.

5 Q And did you -- did you go to the driveway at that
6 time?

7 A Yeah. We parked right behind it.

8 Q What did you do after you saw the van?

9 A I sat in the truck. Because my brother called her
10 and asked her was anybody supposed to be there. And she
11 said, No.

12 And he told her that there was a blue and white van
13 sitting in the yard. She said that there ain't nobody
14 supposed to be here.

15 Q Now, did you stay in the truck the whole time?

16 A Yeah. And by the time he called her, I got out. And
17 I was leaning up against the truck smoking a cigarette.

18 Q Did you do anything else besides stay by the truck?

19 A No. I just stood there beside the truck.

20 Q All right. What happened after that?

21 A My niece was with us. And she rung the doorbell.
22 And when she did, the people started running out of the
23 house.

24 Q Okay. When you say people were "running out of the
25 house," did you get -- could you say how many people?

1 A Two.

2 Q And did you know what race they were?

3 A It was a man and woman.

4 Q Okay. But what race were they?

5 A White.

6 Q All right. Now, did you get a good look at them at
7 that time?

8 A No, I didn't.

9 Q What did you see?

10 A I saw a guy run out, bag on his shoulder, wearing a
11 black jacket --

12 Q Slow down. You said he had something on his
13 shoulder. What was it?

14 A A bag.

15 Q And was he carrying anything else?

16 A He just had a bag. And he had his head like this.

17 Q All right. Do you remember what he was wearing?

18 A At the time, he was wearing a black jacket and black
19 ball cap.

20 Q Do you remember anything else about his clothing?

21 A Blue jeans.

22 Q And what about the female subject, do you remember
23 what she was wearing?

24 A No, sir. I didn't really get a good look at her.

25 Q When they came out of the house, do you recall who

1 came out first?

2 A She did.

3 Q And when did the male subject come out?

4 A Right after she got in the van. And he run up to the
5 door and was saying, Go, go, go.

6 Q Okay. Now, did you tell -- could you tell us
7 anything else about the female subject?

8 A She had reddish-brown hair pulled up in a ball.
9 That's about all I can remember.

10 Q You said reddish-brown?

11 A Yeah, brownish-red. And it was pulled up in a ball
12 like this, hooked up like that..

13 Q Was there anything else about her appearance that you
14 can remember?

15 A Not really. Like I say, I didn't really get a good
16 look at her.

17 Q Did you get a good look at their faces?

18 A No, sir, I didn't.

19 Q Were they running towards you at the time?

20 A No. They was running towards the van.

21 Q And you were back behind the van?

22 A Yeah. I was leaning up against the truck. I was
23 about from here to probably the table behind you.

24 Q Okay. Did you say anything to them when you saw them
25 running out?

1 A I didn't say a word.

2 Q Did you notice anything else about the male subject?

3 A Just that he had that black jacket and ball cap, and
4 a goatee, and a long ponytail.

5 Q Did you -- do you remember what color his hair was?

6 A Brown.

7 Q Do you remember anything else about the van? You
8 said it was a blue and white van?

9 A An older model Ford Aerostar van, like 90's. I don't
10 know what year, but an older model.

11 Q It was an older van then?

12 A Uh-huh.

13 Q When you saw them running out, what did you do?

14 A I told my brother they was getting robbed, or
15 something.

16 Q I'm sorry. I couldn't hear you.

17 A I said they was getting robbed.

18 Q And did you do anything else after that happened?

19 A No.

20 Q How long did you stay there?

21 A I stayed there until Renna got there.

22 Q Until Renna got there?

23 A Yes, sir.

24 Q Did the police get there?

25 A Yeah. He came first. And she asked us to say until

1 they got there. And then when she got there, we left.
2 Because he was going to go in the house and check
3 everything. He wasn't going to do it while we was there.

4 MR. WALLACE: Please answer any questions Defense
5 Counsel may have.

6 CROSS-EXAMINATION

7 BY MR. KORNFELD:

8 Q Mr. Perry --

9 A Yes, sir.

10 Q -- you said it was a blue and white van. You're
11 certain of that; correct?

12 A Yes, sir.

13 Q And can you describe where the blue was on the van,
14 and where the white was on the van?

15 A I believe the top half was blue, and the bottom half
16 was white.

17 Q Okay. And do you remember talking with an officer
18 about this case, specifically, Officer Mashak?

19 A I believe so.

20 Q Okay. You don't know -- do you know the officer's
21 name you talked to?

22 A Not at the time, I didn't.

23 Q All right. Do you know who Officer Mashak is now?

24 A I believe so.

25 Q And do you remember giving him a statement at that

1 time?

2 A Not right at this moment I don't.

3 Q Did you give Officer Mashak a statement?

4 A I'm not sure if I did or not.

5 Q Would it surprise you if you told him that you
6 observed that there was a male and a female, but that you
7 didn't observe the male?

8 A I might have, but...

9 Q All right. But you just told us that you observed a
10 male now?

11 A I saw a male, yeah.

12 Q Okay. But -- all right. But you told him
13 previously, two years ago, that you didn't see a male;
14 correct?

15 A I can't remember.

16 Q All right. What has changed between that time --
17 your memory is better closer to the time that something
18 happens; correct?

19 A Yes.

20 Q But if you told him that you didn't see a male then,
21 and now you have seen a male, what changed between now and
22 May 19th of 2012?

23 A I don't know if I told him I seen a male or not. But
24 I'm not real sure, but I'm pretty sure I did.

25 Q Okay. And I just want to see what -- can you -- I'm

1 going to try and move this so the jury can see it, and you
2 won't have to stand up too much.

3 Mr. Perry, can you show me where y'all pulled in in
4 your -- tell me what kind of car you were in, or what kind
5 of vehicle, first.

6 A A Dodge truck.

7 Q All right. And that's your brother's truck,
8 Mr. Perry as well?

9 A Uh-huh.

10 Q And where did y'all pull in?

11 A We pulled in the horseshoe drive.

12 Q Mr. Perry, can you show me on this map where it was?

13 A I ain't too good with these kind of pictures.

14 Q This is the house, and this is the horseshoe
15 driveway.

16 A We pulled in this way.

17 Q And where did you stop? Do you remember where you
18 stopped?

19 A Behind the van.

20 Q Okay. I don't want to testify for you. Can you tell
21 me where the van was?

22 A Almost to the point where --

23 Q Here, I'll help you.

24 A Almost to the point to where when they got in, they
25 could drive around.

1 Q And y'all were behind them, say, about right here; is
2 that correct?

3 A Yes, sir.

4 Q Okay. Have you talked with your brother about this
5 case since May 19th, 2012?

6 A No. Since the last time we was here, no.

7 Q All right. And your testimony is you may have seen
8 him, you may not, but you think you did?

9 A Uh-huh.

10 Q All right. Do you know what kind of hat he had on,
11 if you did see him?

12 A It was a black hat. I can't tell -- I don't know
13 about no emblems or nothing on it.

14 Q Do you remember if the girl was running out?

15 A Yeah. She was running out.

16 Q Was the male running? If you did see a male, was he
17 running?

18 A When he come out, he was running to the van.

19 MR. KORNFELD: Thank you, Mr. Perry.

20 No further questions.

21 MR. WALLACE: Nothing further, Your Honor.

22 THE COURT: All right. Thank you, Mr. Perry.

23 You may step down, sir.

24 You may call your next witness.

25 MR. WALLACE: Your Honor, at this time, the State

1 would call Dustin Kretschmar to the stand.

2 THE CLERK: Sir, if you'd come forward to be sworn
3 in.

4 Please place your left hand on the Bible and raise
5 your right.

6 WHEREUPON,

7 DUSTIN KRETSCHMAR,

8 after first having been duly sworn, testified as follows:

9 THE CLERK: Thank you.

10 You may be seated.

11 Would you, please, state your name for the record?

12 THE WITNESS: Dustin Kretschmar.

13 THE CLERK: Thank you.

14 DIRECT EXAMINATION

15 BY MR. WALLACE:

16 Q Mr. Kretschmar, are you a police officer?

17 A Yes, sir.

18 Q Where do you work?

19 A The Greenville County forensics division.

20 Q How long have you worked for the forensics division?

21 A Four years.

22 Q And did you work as -- in law enforcement prior to
23 that?

24 A I worked for two years down in Florida as a road
25 officer.

1 Q And back on -- in May of 2012, did you work for the
2 forensics division then?

3 A I did.

4 Q Do you recall getting a call to come out to a house
5 on Road?

6 A Yes, sir.

7 Q Do you recall when that was?

8 A What day it was, or what time?

9 Q What day it was.

10 A I believe it was the 19th.

11 Q The 19th of?

12 A Of 2012.

13 Q All right. The 19th of May?

14 A Yes, sir.

15 Q Okay. And when you got -- okay. So you were called
16 out there. What was the nature of the call you received?

17 A It was a residential burglary is what the call was
18 that I responded to.

19 Q Do you respond to these types of calls normally?

20 A Yes, sir.

21 Q And what are your duties when you work for forensics?
22 What kind of things do you do?

23 A We are called out to document the scene, and try to
24 recover any evidence that might be on the scene that we
25 see pertinent to the case.

1 Q We talk about recovering evidence. What kind of
2 things do you do?

3 A The evidence that we would collect are, typically,
4 latent prints that might be left behind, or any physical
5 evidence that might be related to the scene as well.

6 Q Do you normally take pictures when you're on the
7 scene?

8 A Not all the time.

9 Q Do you remember if you took pictures in this case?

10 A I did not.

11 Q So you responded to the house. Do you recall what
12 time you arrived there?

13 A No, sir. I'd have to refer to my report.

14 Q Do you recall if it -- what time of day it was?

15 A Not specifically, no, sir.

16 Q Okay. When you arrived then at the scene, what did
17 you do?

18 A When I arrived on scene, I made contact with the
19 victim. And she, basically, told me the -- what had
20 happened as far as some individuals had been seen leaving
21 the front door. And she said she found the back door had
22 been broken into, and some items had been taken from her
23 residence.

24 Q All right. Did -- now, when you go into a scene like
25 that, what are you looking for?

1 A I'm looking to see -- to verify what -- whoever I'm
2 talking to, to verify if what they say is correct, and see
3 if anything else stands out to me, such as the back door
4 that she said had been broken into, the window had been
5 broken near the dead bolt latch and it was in the unlocked
6 position. So it would have been accessible to enter the
7 residence through that back door.

8 And then the areas that the victim would point out as
9 far as what had been taken or moved, things like dresser
10 drawers or entertainment stands where items might have
11 been taken from. I'm looking for areas that I can process
12 for latent prints. And, again, like I said earlier, any
13 evidence that I might be able to collect, physical
14 evidence.

15 Q And do you recall dusting for prints at this time?

16 A I did. I dusted for fingerprints using latent print
17 powder.

18 Q And what process is that? When you're talking about
19 dusting for prints, what are you trying to do at that
20 point?

21 A I have a brush and some powder. And I'm going over
22 areas that have been told to me that have been moved, or
23 misplaced, or where items have been taken from, I'll dust
24 for fingerprints around that area. Say, if it's, like I
25 said, an entertainment stand where the DVD player had been

1 taken from, I'll dust the entertainment center for
2 fingerprints.

3 Q And how -- once you find fingerprints, what do you
4 do?

5 A If a fingerprint appears, we take -- we have a tape
6 that we lift the fingerprint from. We'll put it on a
7 latent card. And those get submitted to our latent
8 examiners.

9 Q What do latent examiners do?

10 A They identify who the -- if possible, they identify
11 who the fingerprint belongs to.

12 Q Do you participate in that process at all?

13 A No, sir.

14 Q So your job is just to take prints?

15 A Collection, yes, sir.

16 Q And on this date when you were in the house, were you
17 able to remove any prints?

18 A No, sir.

19 Q Is that an unusual occurrence?

20 A No, sir. A lot of times -- it will vary from scene
21 to scene. And it depends on a lot of variables, including
22 weather conditions, what surfaces and what types of
23 materials you'll be processing on, the condition of
24 whoever was touching the surfaces, whether they were
25 sweaty, or if it's humid or dry out. There's a lot of

1 factors that go into whether a fingerprint is left and can
2 be lifted.

3 Q So your testimony is you didn't lift any prints at
4 the scene?

5 A No, sir.

6 Q Other than dusting for prints in this case, did you
7 take any other action at the scene?

8 A No, sir.

9 Q Did you collect any evidence at all?

10 A No, sir.

11 MR. WALLACE: Please answer any questions Defense
12 Counsel has.

13 THE WITNESS: Thank you.

14 CROSS-EXAMINATION

15 BY MR. KORNFELD:

16 Q Officer, do you pronounce your last name Kretschmar?

17 A Kretschmar.

18 Q Kretschmar?

19 A Yes, sir.

20 Q Okay. Thank you.

21 Officer Kretschmar, when you get on the scene -- I
22 guess you decided to do the fingerprints here. There's no
23 fingerprints even of Renna Taylor, or anybody else?

24 A I did not find any fingerprints on scene that I could
25 lift.

1 Q Okay. What did you have -- did you find any, you
2 know, hair? Do you do that, try to find hair at places to
3 put it back to whoever was in the house like a --

4 A I'll look for other -- that would be physical
5 evidence that I might be able to collect, such as hair or
6 fibers, things of that nature.

7 Q Yes.

8 A I focus usually around things where the broken door
9 was, things where they might be able to cut themselves --
10 or whoever broke the door cut themselves for possibly
11 suspected blood or fibers. But, no, I didn't see any in
12 that area.

13 Q All right. After you came and took the prints, did
14 you have any other involvement?

15 A No, sir.

16 Q Did you notice any of the other doors unlocked, or
17 open, or just the back screen door?

18 A And the front door as well.

19 Q The front door was open?

20 A It was unlocked. It wasn't standing open.

21 Q Okay. Was there any other vandalism to the house,
22 other than what you've already stated?

23 A No, sir, not that I can recall.

24 Q All right. And did you have any other involvement in
25 the case after this?

1 A No, sir.

2 Q Did you see any pry marks where you said there was
3 broken glass? How was that glass broken?

4 A It was broken in. It was a window pane. There was a
5 window on the door and it was sectioned off into panes.
6 And the window pane closest to the dead bolt was the one
7 that was broken in.

8 Q Okay. From your experience, did it look like it was
9 punched -- can you say?

10 A I can't say whether it was -- I didn't find a rock or
11 any kind of tool that would have been used inside the
12 residence that would have broken that window. But I can't
13 say definitively what broke that window.

14 Q Okay. Is there -- what makes you decide to take
15 photos or to not take photos when you get on scene? Is
16 there some analysis, or is it up to you?

17 A It's up to me. If I feel like I can articulate in my
18 report what I saw on scene, then I'll usually not take
19 photographs. If it's a larger scene or something more
20 detailed that I'd like to take specific photographs of,
21 I'll do that.

22 MR. KORNFELD: Officer Kretschmar, no further
23 questions.

24 MR. WALLACE: Nothing further from the State, Your
25 Honor.

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

2 Thank you, sir.

3 MR. WALLACE: Your Honor, our next witness -- the
4 State would like to call Captain Jinny Moran to the stand.

5 THE CLERK: Captain Moran, if you'd come forward to
6 be sworn in.

7 Please place your left hand on the Bible and raise
8 your right.

9 WHEREUPON,

10 JINNY MORAN,
11 after first having been duly sworn, testified as follows:

12 THE CLERK: Thank you.

13 You may be seated.

14 Would you, please, state your name for the record?

15 THE WITNESS: Jinny Moran, captain.

16 THE CLERK: Thank you.

17 DIRECT EXAMINATION

18 BY MR. WALLACE:

19 Q Good morning, Captain Moran.

20 Who are you employed by?

21 A The County of Greenville, Department of Public
22 Safety.

23 Q How long have you worked there?

24 A I've been with Greenville County for almost 32 years.
25 And I've been a captain, division manager, since 2001.

1 Q And were you in law enforcement prior to being a
2 captain at the records division?

3 A Yes. I've been there since 1982.

4 Q With the Sheriff's Office?

5 A Greenville County Public Safety. We're a separate
6 county department under the county council.

7 Q And what would you say your duties are? First of
8 all, your title is --

9 A Captain or records manager.

10 Q Records manager.

11 A And the records management division manages the
12 records generated by the Greenville County Sheriff's
13 Office, the Greenville City Police Department. And I'm,
14 also, tasked with managing the detention center records.

15 Q Okay. I see you brought a folder with you.

16 A Yes, I did.

17 Q What did you bring?

18 A I was subpoenaed to bring a booking photo of a
19 particular subject.

20 Q Okay. And what -- now, that booking -- where did
21 that booking photo come from?

22 A As part of the records management, in the normal
23 course of business, we maintain police reports generated
24 by the sheriff and city police. We, also, maintain
25 mugshot photos that are kept in a -- on a server. So

1 these mugshot photos are accessible for law enforcement
2 purposes.

3 Q And is there a date on that mugshot photo?

4 A On this mugshot photo, there -- there's different
5 schematics that you can pull up. But, according to this
6 mugshot photo, there's a separate form. And this form has
7 the arrest date and photo date as June the 4th, 2012.

8 Q June the 4th of 2012?

9 A Yes, sir.

10 Q So when you say schematics, what are you talking
11 about?

12 A The format of the photo. You can pull up just an
13 individual photo, just a photo and a name. But then
14 another photo, you can, actually, pull up the name, photo
15 date, and physical description of it.

16 Q Okay. So the one that you have the other -- the
17 information on the arrest date?

18 A Yes.

19 Q How do you know that came from records?

20 A I pulled it from the system myself.

21 Q When did you do that?

22 A I pulled this most recent photo on Monday, because
23 that's when I was subpoenaed to come to court.

24 Q So yesterday?

25 A Yeah. So I had it certified stamped for January 5,

1 2015.

2 Q So that's a certification that it comes from the
3 records division?

4 A Yes.

5 Q Do you have anything other than a stamp on there?

6 A I have my initials beside the date. And there's,
7 also, a time stamp from the printer for January 5, 2015,
8 of the date that it was printed.

9 Q All right. Is there any possibility that that's not
10 the photograph that you brought this morning, though?

11 A I'm sorry. What?

12 Q Is there any possibility that's not the photograph
13 you brought from records this morning then?

14 A No.

15 Q It is the photograph?

16 A This is a certified copy from the mugshot system that
17 I obtained myself directly.

18 Q Okay. And who is the person in the mugshot?

19 A I was subpoenaed to bring a mugshot photo of Furman
20 Eugene Taylor for the photo date -- arrest date of June
21 the 4th, 2012.

22 MR. WALLACE: Your Honor, at this time, we'd
23 offer this photograph into evidence as State's Exhibit No.
24 11.

25 MR. KORNFELD: No objection, Your Honor.

1 (WHEREUPON, State's Exhibit No. 11 was marked for
2 identification and admitted into evidence.)

3 MR. WALLACE: Your Honor, I have no further
4 questions.

5 THE COURT: Cross-examination.

6 MR. KORNFELD: I have no questions for this witness,
7 Your Honor.

8 THE COURT: All right. You may step down, ma'am.
9 Thank you for being here.

10 MR. WALLACE: Your Honor, is this witness released at
11 this time?

12 THE COURT: Yes.

13 Thank you.

14 All right. You may call your next witness.

15 MR. WALLACE: Your Honor, at this time, the State
16 would call Deputy J.A. Loveless to the stand.

17 THE CLERK: Deputy Loveless, if you'd come forward to
18 be sworn in.

19 Please place your left hand on the Bible and raise
20 your right.

21 WHEREUPON,

22 JOSEPH LOVELESS,

23 after first having been duly sworn, testified as follows:

24 THE CLERK: Thank you.

25 You may be seated.

1 THE WITNESS: Thank you.

2 THE CLERK: Please state your name for the record.

3 THE WITNESS: Joseph Loveless.

4 THE CLERK: Thank you.

5 DIRECT EXAMINATION

6 BY MR. WALLACE:

7 Q Deputy Loveless, how long have you worked for the
8 Sheriff's Office?

9 A I've been with the Sheriff's Office a little over
10 five years.

11 Q And you're a deputy with the Sheriff's Office?

12 A I am, sir.

13 Q And what division do you work in?

14 A Currently, I'm assigned to the traffic enforcement
15 division.

16 Q Back in May of 2012, what division did you work for?

17 A Then, I was assigned to uniform patrol.

18 Q Uniform patrol. So do you recall back in May of 2012
19 getting some type of call regarding this case?

20 A Yes, sir, I do.

21 Q Do you recall what the date was?

22 A The actual date, according to my incident report, was
23 May the 31st of 2012.

24 Q And what was the nature of -- what were you
25 responding to at that time?

1 A The nature of the complaint was that we received a
2 call from an anonymous complainant in reference to a
3 wanted person. The person stated that we were looking for
4 a -- excuse me, a female by the name of Amanda Caldwell,
5 whom we had an active warrant for. And that she was
6 located -- or she should be located in a blue van parked
7 in the parking lot near the McDonald's and the Waffle
8 House on Road. And --

9 Q Did you respond to that scene then?

10 A Yes, sir, I did. Myself and two other deputies
11 responded to that location. Upon pulling into the parking
12 lot right between the McDonald's and the Waffle House --
13 the parking lot is kind of separated by a small little
14 curb on Road near 253 near
15 Drive.

16 And adjacent to that curb, as you pull in, there was
17 a blue Ford Aerostar van that was parked in that location.
18 The van had a tag displayed on it of HZQ 185, Hotel Zulu
19 Quebec, 185. It was a 1993 Ford, blue in color, Aerostar
20 van and was occupied by two individuals. One of them, the
21 driver, the person who was seated behind the driver's
22 seat, was a white male whom I identified as the Defendant,
23 Furman Eugene Taylor, Jr. And the white female front
24 passenger was the person in question who we received the
25 call about, Amanda Agnes Caldwell. She was the person

1 that we had an active warrant on.

2 I got out and made contact with both parties. I
3 identified her to be Ms. Caldwell. She presented me with
4 ID just as the driver did, Mr. Taylor. And I checked her
5 to confirm the warrant. She was, subsequently, arrested.
6 And then I checked warrants on Mr. Taylor, and he was
7 clear. And I advised him he was free to leave. And he
8 left the scene.

9 Q Do you recall anything distinguishing about the van?

10 A It was a blue Ford Aerostar van. It was kind of old
11 faded blue paint, blue and white. It had some white on
12 it. You don't see too many of them running around
13 anymore. They're an older van. That was the first one I
14 had ever seen.

15 Q Did you run the tag on that?

16 A Yes, sir.

17 Q Who was the van registered to?

18 A The van, at that time, was registered to Furman
19 Eugene Taylor, Jr., and an address in Greenville County
20 off of Road.

21 Q And you said you served those active warrants on
22 Ms. Caldwell?

23 A I did.

24 Q And was she in the vehicle when you took -- when you
25 arrived? Did you take her out of the vehicle?

1 A Yeah. When I arrived, both of them were sitting in.
2 the vehicle. Mr. Taylor was sitting behind the steering
3 wheel. He was the driver of the vehicle. And
4 Ms. Caldwell was sitting in the front passenger seat.
5 They were the only two in the vehicle.

6 Q When you placed Ms. Caldwell under arrest, did you
7 notice -- did you look at Furman Taylor at any point? Did
8 you see him there? Was he there?

9 A He was there. He was sitting in the vehicle. If I
10 recall right, he asked what was going on. I said she had
11 a warrant, an arrest warrant. And I took her into
12 custody. He really didn't ask much -- any questions.

13 Q Did you have an opportunity to observe his demeanor
14 at that time?

15 A He just didn't really seem concerned with the
16 situation. I mean, I put her in the car and told him he
17 was free to leave.

18 Q So there was no trouble, or anything like that?

19 A No, not one bit. He never really questioned what was
20 going on with her outside of what she was being arrested
21 for. I put her in the car and told him he was free to
22 leave. He drove off in the van. I took her down to the
23 detention center.

24 Q When you took her down to the detention center, did
25 you put her in the detention center at that time?

1 A I did. I served her with the warrant, and gave her a
2 copy for her records, and placed her in detention pending
3 a bond hearing.

4 Q Other than that, did you have anything else to do
5 with the case?

6 A I did not.

7 MR. WALLACE: Please answer any questions Defense
8 Counsel might have.

9 THE WITNESS: Yes, sir.

10 CROSS-EXAMINATION

11 BY MR. KORNFELD:

12 Q Officer Loveless, you stated earlier in your
13 testimony that it was a blue van. Then you said it was a
14 blue and white van?

15 A Yeah. It had a little bit of white on it. It was
16 kind of a faded blue color.

17 Q Can you explain to us where the blue was and where
18 the white was on the van?

19 A If I'm not mistaken, the majority of the van is blue.
20 I think the white is kind of towards the lower. It kind
21 of had like a little blue striping on it, very faded blue.
22 If I had to take a guess, I'd say it was probably the
23 original paint that was on the vehicle.

24 Q When you say a little bit of white, is that like a --
25 is the white a larger pinstripe white, or what kind of

1 white are you talking about?

2 A I don't recall if it was a large pinstripe or not. I
3 just know it was a blue and white colored van. The
4 striping -- the majority of the vehicle was blue.

5 Q Okay. And you don't -- we just don't know where the
6 white was exactly on the van?

7 A I don't recall if it was -- if I had to -- it would
8 be a guess. I know more so of a -- more of a pin striping
9 in it. But the majority of the van was blue in color.

10 Q And I want to clarify on the anonymous complaint.
11 Did you receive that complaint, or did you get a call from
12 a dispatcher?

13 A It was the actual dispatch.

14 Q So you don't -- I know it's anonymous. But you
15 really don't have any knowledge of if it was a man, or a
16 woman, or anything about who gave the tip?

17 A I do not, sir. Normally, when dispatch puts it out
18 as an anonymous complaint, normally, at the bottom of our
19 call screen on our computer, it will say -- gives you an
20 opening there for information on the complainant. In this
21 particular case, it was put in as anonymous. That's all
22 they put. No number was in there.

23 Q Okay. So you got the call and then you go to the
24 Waffle House -- a Waffle House; is that correct?

25 A It was, actually, the Waffle House by McDonald's.

1 Road is the exact location.

2 Q All right. And there's a van. And there's -- you
3 approach the van and both Mr. Taylor and Ms. Caldwell are
4 in the van?

5 A That's correct.

6 Q All right. What are they -- were they eating when
7 they were in the van?

8 A I don't recall if they were eating, but I just know
9 they were both in the van when I pulled up. Neither one
10 of them were outside the van.

11 When I pulled in -- the specific complaint was
12 Ms. Caldwell would be in a blue van at that location. And
13 as soon as we pulled in, that was the only blue van I seen
14 sitting there. And it was directly between McDonald's and
15 the Waffle House on the curb adjacent to the two
16 businesses.

17 Q And this was on March [sic] 31st, 2012?

18 A That is correct, according to my report, yes, sir.

19 Q Okay. And, at that time, what identification did
20 Mr. Taylor give you?

21 A Mr. Taylor presented me with a South Carolina
22 driver's license.

23 Q Okay. And what did you do with his information?

24 A I just ran him to make sure that he was clear with
25 local warrants. And then, of course, as I do with all my

1 reports, I dropped a copy of the information I ran in this
2 report, which is a copy of his driver's license
3 information, as well as the tag that was displayed on that
4 van.

5 Q Okay. And you stated earlier that, at the time, that
6 van was registered to Furman. Is that because you noticed
7 it was recently put into his name?

8 A No. That's because the -- well, from looking here at
9 the DMV printout that I pasted into my report, that 1993
10 Ford Aerostar van was registered to Mr. Taylor at a
11 Road address. And all I see there is it just
12 says title issue date is 05/01/2012.

13 Q Do you have any knowledge of who it was titled to
14 prior to that?

15 A I do not.

16 Q Do you happen to remember what Ms. Caldwell was
17 wearing?

18 A I don't. I don't, sir.

19 Q You know, at that time, on 5/31/2012, Mr. Taylor was
20 free to go on that date; is that correct?

21 A That is correct. I checked him for warrants, and he
22 was clear. I advised him that he was free to leave. And
23 he left.

24 MR. KORNFELD: Thank you, Deputy Loveless.

25 No further questions.

1 THE WITNESS: Yes, sir.

2 MR. WALLACE: Nothing further from the State, Your
3 Honor.

4 THE COURT: Thank you.

5 You can step down.

6 THE WITNESS: Thank you, Your Honor.

7 MR. WALLACE: Your Honor, at this time, the State
8 would call Amanda Caldwell to the stand.

9 THE COURT: Ms. Caldwell, if you'll come forward to
10 be sworn in.

11 Place your left hand on the Bible and raise your
12 right hand.

13 WHEREUPON,

14 AMANDA CALDWELL,
15 after first having been duly sworn, testified as follows:

16 THE CLERK: Thank you.

17 You may be seated.

18 Would you, please, state your name for the record?

19 THE WITNESS: Amanda Caldwell.

20 THE CLERK: Thank you.

21 DIRECT EXAMINATION

22 BY MR. WALLACE:

23 Q Ms. Caldwell, where do you work?

24 A I work at B & R Construction.

25 Q And back in May of 2012, did you have a job back

1 then?

2 A No, sir.

3 Q And where do you live right now?

4 A In Easley, Road.

5 Q Back in May of 2012, did you have an address?

6 A No, sir.

7 Q Now, back in May of 2012, do you remember getting
8 arrested?

9 A Yes, sir.

10 Q Do you remember what day it was?

11 A May 29th, if I'm not mistaken.

12 Q Okay. But it was in May?

13 A Yes. It was late May.

14 Q All right. And do you recall, actually, being
15 charged with burglary?

16 A Yes, sir.

17 Q And were you charged with the burglary in this case?

18 A Yes, sir.

19 Q Now, back -- do you recall the events back on May the
20 19th?

21 A Yes, sir.

22 Q Do you remember what you were doing that day?

23 A Riding around pretty much until we broke into a
24 house.

25 Q Okay. And you say you were riding around. Would you

1 be more specific of where you were riding around?

2 A We were riding around in Greenville, and then towards
3 Travelers Rest.

4 Q And do you recall where you were coming from when you
5 were riding around?

6 A Road, if I'm not mistaken.

7 Q All right. What kind of vehicle were you riding in
8 that day?

9 A A blue and white Ford Aerostar.

10 Q And who were you riding with?

11 A Furman Taylor.

12 Q And do you recall stopping at a house that day?

13 A Yes, sir.

14 Q And I'm showing you here, we have an aerial view of
15 the property. Do you recognize that property?

16 A Yes, sir.

17 Q And do you recognize that house?

18 A Yes, sir.

19 Q Is that the house that you guys broke into that day?

20 A Yes, sir.

21 Q And what road were you on when you came up on that
22 house?

23 A Road, the one going this way.

24 Q This road right here?

25 A Yes.

1 Q All right. And so you -- when you were on

2 Road, which direction were you traveling?

3 A Towards

4 Q And what direction would that be on this?

5 A That way.

6 Q This way?

7 A Yeah, up that way.

8 Q Okay. And did you have an opportunity to drive by
9 that house at that time?

10 A Yes, sir.

11 Q Do you recall what time of day it was?

12 A It was in the evening. I'm not exactly sure what
13 time.

14 Q Okay. When you say "evening," what does that mean?

15 A After lunch.

16 Q After lunch?

17 A Yes, but before night. It was still daylight.

18 Q Okay. What did you decide to do when you drove by
19 the house?

20 A We, actually, drove by and then we turned around,
21 because we didn't see anybody at home. And we came back
22 by it. And I pulled into the driveway. And Mr. Taylor
23 went and knocked on the door. There was still nobody at
24 home.

25 Q So you were driving the vehicle at that time?

1 A Yes.

2 Q Now, looking at the aerial photograph, where did you
3 pull -- I would ask you just to come down and show the
4 jury where you pulled in at that time.

5 A I pulled in this driveway, and then around to about
6 right there.

7 Q So you parked on this side of the horseshoe here?

8 A Yes.

9 Q All right. That's fine.

10 Thank you.

11 And when you got to the driveway, what did you do?

12 A I sat in the van. Mr. Taylor got out and went and
13 knocked on the door. There was no one at home. So he
14 went around to the side door and knocked. Then he came
15 back to the van, got on gloves, and got a small crowbar,
16 went to the side door and proceeded to break-in.

17 Q Okay. Now, you said that he knocked on the door. Do
18 you know why he was doing that?

19 A To make sure no one was at home.

20 Q What would have happened if someone was at home?

21 A He would have asked if a random person was there and
22 acted like we were there to see them.

23 Q Okay. So no one was at home?

24 A No.

25 Q And you said he got a crowbar and gloves on?

1 A Yes.

2 Q Did you see him put the gloves on?

3 A Yes, sir.

4 Q And where did he go after he put the gloves on?

5 A He went around to the side door.

6 Q The side door?

7 A Yeah, the side door, not the front door.

8 Q Can you show the jury regarding the -- can you show
9 them on the photograph where that is?

10 A It's somewhere right in here.

11 Q So it wasn't the side door at the front of the house?

12 A No. It was not the front door. It was the side
13 door.

14 Q Okay. And you were parked in the van in the
15 driveway. Could you see what was going on at that point?

16 A I could not see him. I could hear him.

17 Q Okay. And what -- and so what was the next thing you
18 heard?

19 A Glass breaking.

20 Q All right. Were you able to see him from outside in
21 the van at that point?

22 A Not really, no.

23 Q Okay. Did you -- how long were you -- approximately
24 how long were you there, would you say?

25 A Not very long. It felt like a long time, but

1 probably no more than 10 minutes.

2 Q Where were you at that point?

3 A I was in the van for a few minutes. And then I got
4 nervous and went in to get him.

5 Q And when you went in the house, where did you go into
6 the house?

7 A I entered through the side door.

8 Q The side where the broken glass was?

9 A Yes.

10 Q What did you see when you got in the house?

11 A He was standing in the living room. So I, actually,
12 went through the side door into the kitchen area. And he
13 was standing in the living room across from the kitchen.

14 Q What was he doing in the living room?

15 A Plundering through stuff, trying to find stuff to
16 take.

17 Q And do you know what items were taken at that point?

18 A I, actually, did not know at that point.

19 Q You did not know at that point?

20 A No.

21 Q Did you see anything in his hands at that point?

22 A A pillow case and a laptop.

23 Q A pillow case and a laptop were in his hands at that
24 point?

25 A Yes.

1 Q Now, how long would you say it was that you were
2 inside the house?

3 A Less than a minute.

4 Q And what happened next?

5 A I, actually, looked out -- glanced out the kitchen
6 window and seen that there was a truck out there that had
7 pulled up. And I informed Mr. Taylor that there's someone
8 out there. And we went through -- exited through the
9 front door.

10 Q And what were you thinking at that point?

11 A That we were caught, that we were going to jail.

12 Q Okay. And so what -- so then what happened?

13 A We ran out the front door. I was ahead of him. He
14 was like just right behind me, almost beside me. We ran
15 out the front door, got in the van, and pulled out of the
16 driveway.

17 Q When you said you got into the van -- you said you
18 were running out the door?

19 A Yeah.

20 Q When you got into the van, what did you do?

21 A I was in the driver's seat. And I put it in drive.
22 And he got in and we took off.

23 Q But he was behind you at that point?

24 A Yes.

25 Q Okay. And do you remember what you were wearing that

1 day?

2 A I don't.

3 Q You don't remember anything about your clothing?

4 A I think I had on blue jeans. But, besides that, I'm
5 really not sure.

6 Q Do you remember what he was wearing that day?

7 A Blue jeans, a dark shirt, and a black tailor-made
8 ball cap.

9 Q Okay. And so when you got into the van -- when you
10 got out of the house, did you have any contact with
11 anybody at that point?

12 A We seen them, but we did not speak to them and tried
13 not to look at them.

14 Q When you say you tried not to look at them --

15 A We had our heads turned, like away from them, trying
16 to keep them from seeing us really.

17 Q And how long would you say it was from the -- well,
18 first of all, what door did you exit?

19 A The front door.

20 Q And from the front door to the van, how far would you
21 say that was?

22 A Not very far.

23 Q If you could measure it in the courtroom, would you
24 say it was from here to what?

25 A Probably from here to the very first bench.

1 Q This bench right here?

2 A Yes.

3 Q Okay. After you got -- both of you got into the van,
4 where did you go?

5 A We headed back towards Greenville towards
6 Road. And we went to a pawnshop on Street.

7 Q Okay. Now, when you say you're heading back towards
8 Greenville, can you --

9 A It would be this direction.

10 Q You came out on Road?

11 A Yes. And it's this direction.

12 Q Can you show us the direction you were headed at that
13 point?

14 A We came out right here and headed in this direction.

15 Q All right. Thank you.

16 So you went back to Greenville. And you said you
17 went to a pawn shop?

18 A Yes, sir.

19 Q Did you do anything else or go anywhere before you
20 got to the pawnshop?

21 A Not -- I -- not that I can recall. I mean, I'm not
22 really sure. We may have stopped somewhere before then,
23 but I can't really recall where.

24 Q Well, you said you don't -- didn't have a residence
25 at the time?

1 A No.

2 Q Where did you stay?

3 A We were staying in motels and living out of the van.

4 Q And how long did that go on?

5 A A couple of months. It was two or three months.

6 Q When did you first meet Furman Taylor?

7 A In November of 2011.

8 Q And how long did you know him? The full time, how
9 long was it?

10 A Six months, six or seven.

11 Q And you said it was November of 2011?

12 A Yeah.

13 Q Okay. The day that this happened, do you recall
14 where you stayed the night before?

15 A I don't really recall.

16 Q You don't remember?

17 A Huh-uh.

18 Q So you're headed towards Greenville. You said you
19 were going to a pawnshop. Do you remember where the
20 pawnshop was?

21 A It was on Street.

22 Q And what type of pawnshop?

23 A It's Cash America.

24 Q How long would you say it took you to get there?

25 A Less than 30 minutes.

1 Q And what was the purpose of going to the pawnshop at
2 Cash America?

3 A To sell a couple items that we had stolen to get
4 money so we could go eat and get somewhere to stay.

5 Q Okay. Do you recall what specific items you took
6 into Cash America?

7 A A DVD player, and I think some jewelry.

8 Q How long were you there at the pawnshop?

9 A Not long, probably about 15, 20 minutes.

10 Q And was Mr. Taylor with you at the time?

11 A Yes.

12 Q And where was he while you were at the front desk?

13 A He was sitting in the van at first. And then he came
14 in and looked around the store.

15 Q And do you recall what you got for the items?

16 A No, I don't. I know it was less than a hundred
17 dollars, but I just don't recall an exact amount.

18 Q Do you know what you did with the money?

19 A Yes. We went and got something to eat and went and
20 stayed at a motel that night.

21 Q Okay. And after you finished with the pawnshop, do
22 you remember where you went next?

23 A Not really. If I'm not mistaken, we went and got
24 something to eat.

25 Q What happened with the computer?

1 A Furman took it to one of his friends. And I don't
2 know what happened to it from there. I wasn't with him.

3 Q Did you do it that day?

4 A He did it that evening, yes.

5 Q Were there any other items -- other than the DVD
6 player, the jewelry, and the computer, were there any
7 other items?

8 A Yes. There was a gun stolen.

9 Q There was a gun?

10 A Yes.

11 Q What kind of gun was it?

12 A It was a handgun, a pistol. I'm not exactly sure
13 what kind.

14 Q And do you recall seeing that after the burglary?

15 A Yes. I seen it one time.

16 Q And was there anything else that was taken from the
17 house?

18 A Not that I can recall.

19 Q So where did you go then that evening? You talked
20 about selling the DVD player. Where did you go?

21 A He, actually, dropped me off on Road at a
22 friend's house. I don't know where he went. I just know
23 he said he was taking it to a friend's house.

24 Q Do you know who the friend was?

25 A No. Somebody named Andre.

1 Q Somebody named Andre?

2 A Uh-huh.

3 Q Had you ever met Andre before?

4 A No.

5 Q And he had the computer with him at that time?

6 A Yes.

7 Q Did he, also, have the pistol with him?

8 A Yes, as far as I know.

9 Q And he dropped you off where on Road?

10 A on Road.

11 Q How long were you there?

12 A Not long, maybe an hour.

13 Q Did he come back and pick you up you at any time?

14 A Yes. He came back later on and picked me up.

15 Q Did he have the computer or the pistol with him at
16 that time?

17 A No, sir.

18 Q Did he have any money?

19 A Yeah, like a hundred bucks. It wasn't much.

20 Q Did you -- okay. What did you guys do after that?

21 A Honestly, I can't remember. I know we went and got a
22 motel room. I just can't recall where.

23 Q Now, do you remember the events of May 31st of 2012?

24 Towards the end of May, do you remember getting arrested?

25 A I remember getting arrested towards the end of May.

1 I don't remember the exact date. But yes, I do remember
2 getting arrested.

3 Q What were you doing at that time?

4 A We were at McDonald's eating. Sitting, actually, on
5 the -- like the side of the curb between McDonald's and
6 the Waffle House on Road.

7 Q So you said you were sitting?

8 A Yes. We were sitting in the van.

9 Q In what van?

10 A The white and blue Ford Aerostar.

11 Q And what happened at that point?

12 A Like I said, we were sitting there eating. We had
13 just went and bought something to eat. There were two
14 Greenville County's that pulled up, one in front and one
15 behind us and asked for our ID's. We gave them to them.
16 And they arrested me. They let Mr. Taylor go.

17 Q All right. After you were arrested, where did you
18 go?

19 A The Greenville County Detention Center. And then the
20 next morning, Detective Mashak came and talked to me.

21 Q All right. Do you know what the charges were that
22 you were arrested on?

23 A Yes. I was arrested on three burglary firsts -- I'm
24 sorry. Two burglary firsts, and one burglary second, and
25 two grand larcenies, and one petit larceny, and then four

1 obtaining signature under false pretenses.

2 Q Okay. And have you pled guilty to any of those
3 charges at this time?

4 A Yes. I pled guilty to two burglary seconds and
5 obtaining signature under false pretenses.

6 Q When did you do that?

7 A February of 2013, I think.

8 Q Have you been sentenced under those burglaries?

9 A No, sir.

10 Q Was this one of the burglaries?

11 A Yes, sir.

12 Q Did anybody promise you anything --

13 A No, sir.

14 Q -- to testify here today?

15 A No, sir.

16 Q Were you promised a certain sentence or any kind of
17 help?

18 A No, sir.

19 Q Do you recall when you were in the detention center
20 meeting with an officer?

21 A Uh-huh.

22 Q Who was the officer? Do you remember?

23 A Detective Mashak was the detective. I'm not sure who
24 the officer was.

25 Q He was the investigator?

1 A Yeah. He was the investigator.

2 Q Do you remember meeting with him?

3 A Yes.

4 Q When did that occur?

5 A The day after I was arrested. I'm not sure of the
6 date, but the day after I was arrested.

7 Q Where did you go to --

8 A We went to the investigator's office.

9 Q You went to the investigator's office?

10 A Yes.

11 Q Is that in the jail?

12 A No. It's right across from the jail.

13 Q And Detective Mashak took you there himself?

14 A Yes.

15 Q Did you have a conversation with Investigator Mashak?

16 A Yes, I did.

17 Q Did you give Investigator Mashak any statements at
18 that time?

19 A Yes, I did.

20 Q And, now, as a result of that, did you understand
21 your rights at the time you gave the statement?

22 A Yes.

23 Q Were your rights explained to you at that time?

24 A Yes.

25 Q Did you have any questions about your rights?

- 1 A Not really.
- 2 Q You decided to give a statement at that time?
- 3 A Yes.
- 4 Q Why did you do that?
- 5 A To try to get myself out of trouble, more or less.
- 6 Q Had anybody promised you an opportunity to get
7 yourself out of trouble at that point?
- 8 A No.
- 9 Q Had any prosecutors or police ever promised you
10 anything for your statement?
- 11 A No, sir.
- 12 Q And when you gave that first statement, what happened
13 then?
- 14 A Well, I told a boldface lie, honestly, trying to talk
15 my way out of it. I blamed it on someone else entirely.
- 16 Q Who did you blame it on?
- 17 A Tyler Whitman and Katherine. I don't know her last
18 name. I always called her Lane.
- 19 Q So two other individuals?
- 20 A Yes.
- 21 Q And you blamed this burglary on them at that time?
- 22 A Yes.
- 23 Q And what did -- what happened after you gave that
24 statement?
- 25 A Detective Mashak pretty much told me I was lying,

1 which was true, and took me back to the jail.

2 Q Why did you do that? Why did you not tell him the
3 truth?

4 A Because I was trying to talk my way out of it. I was
5 trying to think of anything possible to get the charges to
6 be dismissed.

7 Q In that statement that you gave, did you take any
8 responsibility for the burglary?

9 A Not to my recollection, no, besides pawning the
10 stuff. I said I had got it from them and went and pawned
11 it.

12 Q After you gave that first statement, did you have any
13 other meetings with Investigator Mashak?

14 A Yes, sir, about two or three days later. I had been
15 in jail for a couple of days and had time to think. And I
16 decided that it was in my best interest to do the right
17 thing. And I called Detective Mashak from the jail, asked
18 him to come pick me up because I was ready to talk to him.

19 And then I went back to the investigator's office and
20 sat down and told him the entire story.

21 Q How long had you been in jail then?

22 A Three days, not very long, yeah.

23 Q But you initiated the conversation with Investigator
24 Mashak?

25 A Yes, I did. I called him.

1 Q And so did you go through the same process then of
2 giving the statement?

3 A Yes. He read me my rights. He told me I could have
4 a lawyer available, if I wanted one.

5 Q Did you sign any documents at that time?

6 A I signed the waiver of rights and the statement
7 whenever it was done.

8 Q Okay. Do you remember the word "coercion" when you
9 were read your waiver?

10 A Yes.

11 Q You remember the word "coercion"?

12 A Yes.

13 Q Did you have a question about that?

14 A No. I knew what it meant. It means that somebody
15 has tried to talk you into saying something or gave you
16 something to say something. So I knew what the word
17 meant.

18 Q Did anyone in law enforcement or the Solicitor's
19 Office put any pressure on you to give those statements?

20 A No. I had not spoke to anyone since the first time
21 that I talked to Detective Mashak.

22 Q Were you under any type of coercion at all?

23 A No, sir.

24 Q So you gave a second statement in this case?

25 A Yes.

1 Q And what did you say in that statement?

2 A I told him the same thing that I just told you about
3 us driving by the house and seeing it empty, and going
4 back and knocking on the door, and then breaking in and
5 going to the pawnshop.

6 Q Okay. Did you take responsibility for the burglary
7 in that statement?

8 A Yes, I did.

9 Q And who else did you say did the burglary with you in
10 that statement?

11 A Furman Taylor.

12 Q How long had you known Furman Taylor at that point?

13 A Six months, maybe seven, like I said, since November.

14 Q Did you stay with him the whole time during that six
15 months?

16 A Yes. We lived with my grandmother at one point, but
17 me and him both lived there.

18 Q So you moved in together early on?

19 A Yeah, pretty much right after we met each other.

20 MR. WALLACE: Please answer any questions Defense
21 Counsel may have.

22 CROSS-EXAMINATION

23 BY MR. KORNFELD:

24 Q Ms. Caldwell, you, actually, told the police officers
25 you did live at Road when you first talked to

1 them, didn't you?

2 A Yes, possibly. That's where I was living before we
3 moved out of my grandmother's house. That's my
4 grandmother's address.

5 Q All right. So you told him something that wasn't
6 true right off the bat, that you weren't living there.
7 But you told Officer Mashak that you were living at
8 Road; correct?

9 A Possibly, yes.

10 Q And you told him that in both the statements you gave
11 him; correct?

12 A As far as I can recollect, probably.

13 Q Another thing you said here today was that when you
14 first gave your statement to Officer Mashak, you said, I
15 was just trying to get out of it and that -- so I said
16 that Tyler Whitman and Katherine -- or Lane did this
17 crime; correct?

18 A Yes, sir.

19 Q And you said you didn't really know Katherine's last
20 name. But you know Katherine pretty well, don't you?

21 A Actually, I don't. I cannot -- I mean, I knew her
22 for a little while. We used to work together. But I
23 don't know her last name.

24 Q And where did you used to work together?

25 A At Platinum Plus.

1 Q All right. And you, also, said that you said in the
2 past, I guess, that you think you and Katherine look
3 similar to each other?

4 A Somewhat, not really, but, yeah, somewhat.

5 Q Do you really think that you look like Katherine?

6 A Like I said, not really, but maybe some, yeah.

7 Q All right. But what you, actually, told the police,
8 at that time, is it wasn't that it was Tyler and Katherine
9 Elaine Sasser, you told the police that it was Katherine
10 Elaine and Furman Taylor, didn't you?

11 A I mean, I don't recall. It's been a long time ago.

12 Q You can't keep all your lies straight, can you?

13 A I've not been lying, but --

14 Q You just said you told a boldface lie here; correct?

15 A Yes, I did.

16 Q And, now, you're telling me on the stand that you
17 told them that it was a guy named Tyler Whitman and
18 another -- that it was Katherine Elaine Sasser; correct?

19 A As best my memory can recall, yes, that's what I
20 thought I said.

21 Q All right. But you at the time -- I don't know if
22 you still are, but you were married; correct?

23 A Yes.

24 Q And, at that time, you, actually, told the cops that
25 Tyler took your husband's gun; correct?

1 A Yes, sir.

2 Q And you pawned that gun?

3 A Yes, sir.

4 Q And then you said you didn't know how Tyler got that
5 gun; correct?

6 A Yes, sir.

7 Q But Tyler got the gun from your husband; is that
8 correct?

9 A Yes, sir.

10 Q All right.

11 A Yes. Like I said, as best I can recall, that's what
12 I told them.

13 Q Okay. And then you sat in jail for two to three days
14 and nobody -- you didn't talk to anybody?

15 A I talked to Furman.

16 Q You talked to Furman?

17 A Yes.

18 Q And Furman wasn't going to bail you out, was he?

19 A No. We hadn't even discussed bailing me out. He
20 said that he would get me out of it.

21 Q He didn't bail you out, so you decided to change your
22 story, didn't you?

23 A No, sir. That's not what happened.

24 Q You got upset with Furman that he wasn't going to get
25 you out. So, now, the person who you really did it

1 with -- now, it's Furman that you did it with?

2 A No, sir. That's not the truth.

3 Q Okay. Well, that's the problem. We've got to get
4 through all of this to get to it. All right. Do you,
5 actually, remember -- let's talk about the Ford Aerostar
6 van.

7 A Yes, sir.

8 Q Can you explain what Furman's van looked like? Did
9 it have a pinstripe? Was it white? Was it blue? You
10 know the van; correct?

11 A It was blue on top and white in the middle.

12 Q So it's white in the middle. Is that a pinstripe?

13 A No. It's a thick stripe.

14 Q Okay. About that big?

15 A I mean, something like that, yeah.

16 Q Okay.

17 A It was a two-toned van.

18 Q And you know that van well, because it's been in your
19 family for quite sometime, hasn't it?

20 A He bought it from my sister's husband, yes.

21 Q All right. Pretty recently before that time?

22 A Yes, sir.

23 Q All right. You felt comfortable with that van?

24 A I wouldn't say -- I mean, I hadn't drove it before he
25 got it, no.

1 Q You never drove the van ever?

2 A I belonged to my sister's husband. I did not have a
3 reason to drive it.

4 Q All right. Did it belong to your sister, or did it
5 belong to your sister's husband?

6 A It belonged to my sister's husband. He's deceased
7 now.

8 Q Okay. So have you ever said that it belonged to your
9 sister?

10 A I don't know, maybe.

11 Q Okay. And you say that you pulled up and you were --
12 you pulled up into this horseshoe driveway right here;
13 correct?

14 A Yes, sir. A little bit above that, yes.

15 Q What do you mean by "above that"? Right here?

16 A We pulled in right here and came around to about
17 right there.

18 Q And you're saying that Mr. Taylor came into right
19 around here?

20 A Yeah. There's a side door right there.

21 Q Right here. And you're now saying that you didn't
22 see him from the van; correct?

23 A No. I was facing the road.

24 Q That hasn't always been your statement and testimony,
25 has it?

1 A I'm not sure. I can't recall.

2 Q You can't recall. You don't know if you've said that
3 you saw him in there before while you were in the van?

4 A Like I said, I can't recall.

5 Q Do I need to refresh your memory?

6 A That's fine.

7 MR. KORNFIELD: I'd ask for the Court's indulgence.

8 It may take me just a minute.

9 THE COURT: All right, sir.

10 (Pause.)

11 BY MR. KORNFIELD:

12 Q Ms. Caldwell, isn't it true when you were previously
13 asked about this, you said -- the question was: Okay. Do
14 you remember if your window was down?

15 You answered, Both windows were down.

16 A Yes, sir, they were.

17 Q Then you said, Were you able to -- both front windows
18 were down. Were you able to hear and watch him do this?

19 Yes.

20 Okay. So the door was open. So you really didn't
21 see the co-defendant in there?

22 A No. I heard the glass break on the door.

23 Q Okay. And your testimony is that you went through
24 the side door?

25 A Yes, sir.

1 Q Okay. And then where did you go -- where was --
2 where did you go once you came in there? You said you
3 went to the bedroom?

4 A The kitchen. You come through the side door, and
5 there's a kitchen like this way.

6 Q Okay.

7 A And then the living room is directly in front of
8 that.

9 Q Okay. And then I thought you said you went to the
10 bedroom. Did you go to the bedroom?

11 A No.

12 Q Okay. So you didn't go to the bedroom. All right.
13 And your testimony is that you ran through --

14 A The front door.

15 Q -- the front door?

16 A Yes, sir.

17 Q And that was because you looked back and saw --

18 A I looked through the kitchen window and seen that
19 there was a truck out there.

20 Q All right. And what kind of truck was it?

21 A A dark-colored truck. I'm not sure what kind.

22 Q All right. Are you sure it was a dark-colored truck?

23 A Yes. I'm sure it was dark-colored. I'm just not
24 sure what color or what kind.

25 Q In the past, was it your testimony that: And after I

1 went in the house, you could see from the bedroom through
2 a window. And I seen a white truck pull up. And I asked
3 him, I was like, oh, my God. What do we do? There's
4 somebody here?

5 A I've been told that that's what I said, but I recall
6 a dark truck, not a light one.

7 Q Are you saying that you didn't say this?

8 A I mean, I don't know if I said that or not. But if I
9 did, it was a mistake because it was a dark truck.

10 Q What made you change your thought from that it was a
11 white truck to now that it was a dark truck?

12 A In my testimony to the police, I said it was a dark
13 truck.

14 Q And then in your testimony to others, you said it was
15 a white truck?

16 A Apparently, my testimony in court, I did. But, like
17 I said, it must have been a slip or something, because it
18 was a dark-colored truck.

19 Q You then say that you went to a -- today, you're
20 saying that you went to a Spinx station; correct?

21 A Yes, on Road.

22 Q Right. But you really went to a GT?

23 A Well, Spinx and GT is right beside each other on
24 Road.

25 Q Ms. Caldwell, did you go to GT's, or did you go to

1 Spinx? It's very important.

2 A I went to Spinx, right there at Spinx, yes.

3 Q Why did you state before that you went to GT's?

4 A Probably because they're right beside each other.

5 So, to me, it's the same area.

6 Q Is -- so it's -- you think it's okay to say that you
7 went somewhere that you didn't go?

8 A It's not that. I just don't see the big difference
9 between Spinx and GT's whenever they're pretty much in the
10 same parking lot.

11 Q All right. And where is Spinx located in relation to
12 GT's?

13 A Directly beside of it, like directly beside of it.

14 Q And then you state you stayed there for several
15 hours?

16 A No, about an hour. I don't know exactly how long,
17 but an hour or so, yes.

18 Q Were you in the gas station?

19 A No. I was just sitting outside.

20 Q For an entire hour on Road?

21 A Yes.

22 Q Do you know what time it was, at the time, that you
23 were there?

24 A I do not.

25 Q And then what pawnshop are you saying that you went

1 to?

2 A The Cash America on Street.

3 Q Okay. And do you know what time you got there?

4 A I don't.

5 Q All right. When you gave your statements to Officer
6 Mashak, was anybody else in there while you were giving
7 your statements?

8 A There was another officer. I can't recall his name,
9 but there was another detective.

10 Q Did they record it?

11 A Not as far as I know of.

12 Q Did they tell you if they -- did they say they were
13 recording?

14 A Not that I can recall.

15 Q Okay. And do you know who the other officer was?

16 A No. I can't remember his name. He was an older guy,
17 but I don't know what his name was.

18 Q All right. And then, at some point, after you gave
19 your second statement, you were released from GCDC;
20 correct?

21 A Seven months later, yeah. I was bonded out.

22 Q Okay. And who bonded you out?

23 A My grandmother.

24 Q Okay. And, today, you're here saying that you
25 haven't been promised anything?

- 1 A No, sir.
- 2 Q But that's not true either, is it?
- 3 A How is that not true?
- 4 Q Well, I'm asking you.
- 5 A No. They have not promised me anything. They have
- 6 not said that they would recommend anything. There has
- 7 not been anything said at all about my sentencing.
- 8 Q All right. And you had several charges; correct?
- 9 A Yes, sir.
- 10 Q Some of which have been dismissed; correct?
- 11 A They have not been dismissed yet, no.
- 12 Q You haven't had any charges dismissed?
- 13 A No, sir. They're all still pending.
- 14 Q We know for one that you pled to a --
- 15 A To two burglary seconds, yes.
- 16 Q And you were, originally, charged with what?
- 17 A Two burglary firsts and a burglary second.
- 18 Q Okay.
- 19 A And, plus, other grand larcenies and stuff like that,
- 20 yes.
- 21 Q And you know that that means that you'll get less
- 22 time -- you have to get less time; correct?
- 23 A Yes, sir. That's the reason I pled guilty is because
- 24 there's a chance that I won't get 25 years.
- 25 Q And you're -- so you're saying you weren't promised

1 anything. But, in reality, you kind of were promised
2 something?

3 A No. I was not promised that I'm not going to go to
4 prison. I was not promised that I might not spend part of
5 the rest of my life in prison.

6 Q Let me ask it another way. You were guaranteed that
7 the maximum penalty that you could receive has been
8 greatly diminished; correct?

9 A Yes.

10 Q And that had no bearing on anything with your
11 testimony?

12 A That's not the reason I testified. That's the reason
13 I pled guilty.

14 Q Have you complied -- have you done everything the
15 Solicitors have asked you to do?

16 A Yes.

17 Q Have you showed up to court every time you've been
18 asked to show up to court?

19 A Not every time. I'm, actually, on house arrest
20 because I didn't show up to one of my court hearings about
21 a month ago.

22 Q That's correct. But you told them that you would
23 show up, didn't you?

24 A Yes, I did. I didn't receive my court card. So
25 that's the reason I did not come.

1 Q It was somebody else's fault, wasn't it?

2 A I'm not blaming anybody else. I'm just saying I did
3 not receive my court card.

4 MR. KORNFELD: Your Honor, I just ask for one more
5 minute here. If you'll just give me a second.

6 THE COURT: Sure.

7 (Pause.)

8 BY MR. KORNFELD:

9 Q And you previously stated that you and Furman met at
10 a lady named Casey Smith's house, didn't you?

11 A Yes, sir.

12 Q That's not true, is it?

13 A Yes, that is true. That's where we met.

14 Q You're telling me that you met him at Casey Smith's
15 house?

16 A Yes, sir.

17 Q And when do you -- when did that occur?

18 A November.

19 Q November of what year?

20 A 2011.

21 Q All right. And, just to be clear, when you say
22 evening, it was still light outside; correct?

23 A It was still daylight, yes.

24 Q You said that you and -- where was the hotel that you
25 say you stayed in?

1 A I'm not sure that we did stay in a hotel the night
2 before. And we stayed in a lot of hotels. So I could not
3 tell you which one it was, if we did.

4 Q Have you said in the past that you stayed in a hotel
5 in Mauldin?

6 A Yes. We usually stayed there a lot. Like I said, it
7 could have been --

8 Q What hotel was it?

9 A I don't remember the name of it. I just know it was
10 in Mauldin on Road.

11 Q What was the hotel near on Road?

12 A I don't know. There was an Ingles down there. I
13 mean, I'm not going to say it was near Ingles, but there
14 was an Ingles on the same road. I'm not really sure.

15 Q You said you were driving around earlier today, did
16 you drive around -- did you drive around a lot in the van?

17 A Yes. Because we had nowhere to stay, so we rode
18 around a lot.

19 Q And Furman allowed you to borrow his van sometimes,
20 didn't he?

21 A No, sir. I was never in that van without him.

22 Q Never?

23 A Never.

24 Q Even the whole time that you had it before when your
25 sister --

1 A I never drove that van whenever it belonged to my
2 sister and her husband.

3 Q That's not what I'm asking. I asked if you were ever
4 in that van?

5 A Yes. I was in the van, but I never drove it.

6 Q Today, what was your testimony about what the
7 co-defendant was wearing?

8 A What do you mean?

9 Q What was he wearing?

10 A A black tailor-made ball cap. It had an emblem on
11 it. And a dark jacket and blue jeans.

12 Q And that hasn't always been your testimony, has it?

13 A As far as I know, it has.

14 Q You never said that he had a black shirt on and not a
15 black hoodie?

16 A A black shirt, black jacket. I mean, I don't see the
17 difference.

18 Q It doesn't matter to you if it's a jacket or a
19 hoodie, or if it's GT's or Spinx. None of that matters;
20 right?

21 A You're twisting my words, but...

22 Q Well, speak --

23 A I'm just saying it was a dark jacket. I do know he
24 had that on. If I said a dark T-shirt, then, as far as I
25 can recall, he was wearing a dark T-shirt under the dark

1 hoodie -- well, jacket, hoodie. It was a zip-up jacket.

2 Q And your testimony is, also, you ran out of the --
3 Ms. Taylor's home; correct?

4 A Ran, walked briskly, yes. I'm not going to say we
5 were at a dead run. But we were in a hurry to get out of
6 there.

7 Q And how is Furman Taylor on running?

8 A As far as I know, fine. I mean, I've never really
9 seen him take off and run anywhere, but --

10 Q He doesn't have any mental [sic] infirmaries?

11 A No.

12 Q He doesn't have -- you think he can run just fine?

13 A As far as I'm aware of, yes. He never had a problem
14 with anything whenever we were together.

15 Q Whoever was with you that day didn't have any problem
16 running, did they?

17 A He did not have a problem running. The entire six
18 months we were together, he walked fine. He ran fine. As
19 far as I know, he doesn't have any physical handicaps.

20 Q You said before that Mr. Taylor wears black clothes.
21 Is that --

22 A He wears dark clothes, yes.

23 Q Okay. And you don't know how long you were in there,
24 but less than 15 seconds and you went out the front door?
25 You came in the side --

1 A I did not say less than 15 seconds. I said less than
2 a minute.

3 Q Okay. Less than a minute. Now, you're getting
4 specific. That's good.

5 So you came in this side. Was it a screen door? Was
6 it --

7 A I just recall a side door. It had glass panes. I
8 know that. I don't know exactly what type of door it was.

9 Q All right. Were you given a recommendation in your
10 case?

11 A No, sir.

12 Q No recommendation. Did you -- let me ask you this.
13 Did you call -- did you have a cell phone?

14 A Whenever -- before I got arrested?

15 Q Yes.

16 A No. I did not have a cell phone. Mr. Taylor had a
17 cell phone, but I did not.

18 Q Okay. And did you know his cell phone number?

19 A Yes, sir.

20 Q When you look at this -- and you agree -- do you
21 agree or disagree that you've told several different
22 stories?

23 A I agree that I've told several lies. As far as
24 whenever I told the true story, it has stayed the same.

25 Q Yes. And even today, your story has changed some;

1 correct?

2 A Not that -- I mean, what do you mean?

3 Q Well, before, you said that you saw what was in the
4 house. Now, you're saying that you only heard what was --

5 A Are you talking about from my last testimony?

6 Q Yes.

7 A Yes. It has changed a little bit, but not
8 dramatically and not anything that is huge. There's not
9 been a huge difference in my testimony then and today, no,
10 sir.

11 Q Why don't you tell us who was really with you that
12 day?

13 A It was me and Furman Taylor.

14 Q And that's your testimony?

15 A That is my testimony because that is the truth.

16 MR. KORNFELD: No further questions.

17 MR. WALLACE: Your Honor, I have a few questions on
18 redirect.

19 REDIRECT EXAMINATION

20 BY MR. WALLACE:

21 Q Ms. Caldwell, you stated earlier during
22 cross-examination that you were married?

23 A Yes, sir.

24 Q Were you married when you met Furman Taylor?

25 A Yes, sir.

1 Q How long had you been married?

2 A Two -- almost three years.

3 Q How old were you when you got married?

4 A 18 years old.

5 Q So you had been married three years before you met
6 Furman Taylor?

7 A Yeah, right at it. I was 21 whenever I met him, so
8 two or three years, yes.

9 Q Okay. Now, were you still -- so you were still
10 married when you met him?

11 A I'm still married now.

12 Q Were you living with your husband at that time?

13 A No, sir.

14 Q What was your status regarding your husband?

15 A We are just separated.

16 Q Were you separated at the time you met Furman Taylor?

17 A Yes.

18 Q How long had you been separated?

19 A Almost a year.

20 Q All right. And when did your relationship with
21 Furman Taylor end?

22 A When did it end?

23 Q When did it end?

24 A Whenever I got arrested.

25 Q Did you have any more contact with him after that?

1 A He came and visited me. We wrote a couple of letters
2 whenever we were in jail. And that's pretty much it.

3 Q Have you seen him out in public since then?

4 A No.

5 Q Now, you testified earlier that you had pled guilty
6 to two burglary seconds?

7 A Yes, sir.

8 Q And obtaining goods by false pretenses?

9 A Yes.

10 Q Did anybody promise you a specific sentence --

11 A No, sir.

12 Q -- for you to plead guilty?

13 A No, sir.

14 Q How about for you to testify here today?

15 A No, sir.

16 Q How about for giving you -- for giving a statement to
17 the police?

18 A No, sir.

19 Q Did anybody promise you that you're not going to
20 jail?

21 A No, sir.

22 Q And, today, you're on house arrest?

23 A Yes, sir.

24 Q How did that happen?

25 A I missed a court date about a month ago, maybe a

1 little bit more.

2 Q And did you have -- did you say you were going to be
3 in court that day?

4 A Yes, sir. I mean, I hadn't talked to anybody and
5 told them that I was going to be there. But I had
6 received [sic] a court card in the mail, which I did not
7 receive. And that is the reason I missed my court date.

8 Q And who did you talk to after you missed your court
9 date?

10 A My dad called me and told me that the police were
11 looking for me. And I called you, and you had me to come
12 turn myself.

13 Q And where did you turn yourself into?

14 A The prosecutor's office.

15 Q And where did you go after that?

16 A Straight to Greenville County.

17 Q How long were you in Greenville County?

18 A Two weeks, almost three.

19 Q And, now, you're under house arrest?

20 A Yes, sir.

21 Q Did you ever drive the van without Furman Taylor?

22 A No, sir. I was not allowed to take that van anywhere
23 without him. That was his van.

24 Q And you stated earlier that you from time to time
25 lived in that van?

1 A Yes.

2 Q Where did you keep your belongings?

3 A In the back of the van.

4 Q Where did he keep his belongings?

5 A In the back of the van with mine. Some were at his
6 sister's house, but mostly in the back of the van.

7 Q Did anyone tell you how to testify here today?

8 A No, sir.

9 Q Did I tell you what to say?

10 A No, sir.

11 Q Did I -- did you rehearse your testimony with me?

12 A No, sir.

13 Q Has anyone shown you your statements --

14 A No, sir.

15 Q -- since you gave them?

16 A No, sir. Last time before I came, I got showed my
17 statements. But, this time, I have not seen my statements
18 since the last trial.

19 Q Are you telling the truth today, to the best of your
20 recollection?

21 A Yes, sir, I am.

22 MR. WALLACE: No further questions, Your Honor.

23 MR. KORNFELD: One on redirect [sic].

24 RECROSS-EXAMINATION

25 Q You said you had a failure to appear. How long did

1 you say you stayed in GCDC?

2 A For about two -- maybe three weeks.

3 Q And what day did you go in?

4 A I can't remember what day I went in. I know that I
5 stayed about two weeks.

6 Q Was it 12/19? 12/15 was your failure to appear date.

7 A That's the date I got released from Greenville
8 County.

9 Q Okay. And you were in there --

10 A I was in there at the beginning of December.

11 Q Okay. And it's unusual to be released after a
12 failure to appear, isn't it?

13 A I couldn't really tell you that. I don't know. I'm
14 not a lawyer.

15 Q Did you post another bond to get released?

16 A Yes. I signed a bond to get released.

17 Q You got a PR bond -- what we call a PR bond, didn't
18 you?

19 A Yes, sir.

20 Q After failing to appear?

21 A Yes, sir.

22 Q You don't think that that was a perk of being a
23 testifying witness against the Defendant?

24 A Honestly, I have not really -- I don't really think
25 that has anything to do with me being here.

1 Q They were just going to let -- they just let you go
2 for not appearing anyway?

3 A I mean, I couldn't tell you that. Like I said, I'm
4 not a lawyer. I don't really know how that works.

5 Q Well, it would look worse if you came in here in a
6 jumpsuit and testified, wouldn't it?

7 A Not really. What would be the difference in me
8 coming in a jumpsuit or me being here today? I'm still a
9 criminal.

10 MR. KORNFELD: I think we can agree on that.

11 No further questions, Your Honor.

12 MR. WALLACE: Your Honor, I have just one more
13 question.

14 THE COURT: All right.

15 FURTHER EXAMINATION

16 BY MR. WALLACE:

17 Q So you received a personal recognizant bond?

18 A Yes, sir.

19 Q Were there special conditions?

20 A Yes, house arrest.

21 Q So you're under house arrest?

22 A Yes.

23 Q Are you wearing a bracelet at this time?

24 A Yes, I am.

25 MR. WALLACE: No further questions, Your Honor.

1 THE COURT: Ma'am, you may step down.

2 Thank you, ma'am.

3 MR. WALLACE: Your Honor, I do want to preserve the
4 right to call the witness at a later date -- at a later
5 time.

6 THE COURT: Ma'am, you're still under subpoena.

7 THE WITNESS: Thank you.

8 THE COURT: We're going to go ahead and take a lunch
9 break. Be back in the jury room at 2:00. Don't talk
10 about the case. Continue to keep an open mind. And we'll
11 start at 2:00.

12 Thank you.

13 (WHEREUPON, the jury was excused from open court at
14 approximately 12:51 p.m.)

15 (WHEREUPON, a lunch break was taken.)

16 THE COURT: Are you ready for the jury?

17 MR. WALLACE: Yes, Your Honor.

18 (WHEREUPON, the jury came into open court at
19 approximately 2:26 p.m.)

20 THE COURT: All right. Yes, sir, Mr. Wallace. You
21 may call your next witness.

22 MR. WALLACE: Thank you, Your Honor.

23 The State would call Investigator Scott Phillips to
24 the stand.

25 THE CLERK: Investigator Phillips, if you would come

1 forward to be sworn in, please.

2 Please place your left hand on the Bible and raise
3 your right.

4 WHEREUPON,

5 SCOTT PHILLIPS,

6 after first having been duly sworn, testified as follows:

7 THE CLERK: Thank you.

8 You may be seated.

9 The clerk: Would you state your name?

10 THE WITNESS: Scott Phillips.

11 DIRECT EXAMINATION

12 BY MR. WALLACE:

13 Q Investigator Phillips, where do you work?

14 A The Greenville County Sheriff's Office.

15 Q And what kind of work do you do for them?

16 A I'm assigned to the property crimes unit. We
17 primarily work burglaries, break-ins, larcenies, things
18 like that.

19 Q Do you have any prior law enforcement experience
20 before you became an investigator?

21 A Yes, sir. I have a total of 30 years.

22 Q And back in May of 2012, were you working in property
23 crimes at that time?

24 A Yes, sir, I was.

25 Q And did you get involved in this case in May?

1 A Yes, sir, I did.

2 Q How did that come about?

3 A The original report was taken as a burglary, petit
4 larceny. It was assigned to the property crimes unit for
5 follow-up investigations, at which time, it was assigned
6 to me.

7 Q Okay. Do you recall the date you received the case?

8 A Yes, sir. I received the case on May the 23rd.

9 Q May the 23rd?

10 A Yes, sir.

11 Q And when you received the case, what work did you do
12 on it at that time?

13 A I reviewed the case. Initially, I contacted the
14 victim. Because, in the original report, it had mentioned
15 a white and blue minivan. I asked her if she knew anyone
16 that drove that type of van. She said she did not.

17 After that, I called the complainant in the case,
18 which was Tandy Perry, Tandy Rice Perry. I asked him if
19 he knew of anyone that drove that type of vehicle. He
20 said he did not.

21 I checked on the computer and found that a
22 supplemental report had been done by a desk officer. That
23 supplemental report had been done on the 19th. The
24 essence of that supplemental report was the victim had
25 called back in and said she had located the serial numbers

1 for her stolen pistol and DVD player. I proceeded to
2 check that on LeadsOnline.

3 Q And what is LeadsOnline?

4 A Basically, LeadsOnline is a database that if someone
5 goes to a pawnshop to pawn or sell something, when the
6 pawnshop enters it, it's uploaded to LeadsOnline. You can
7 check LeadsOnline by someone's name, description of an
8 item, or a serial number.

9 I checked both items by serial number. I found out
10 that the DVD player had been sold to a pawnshop -- bear
11 with me here -- sold to the pawnshop on the 19th by Amanda
12 Caldwell.

13 Q Okay. So that was on the 19th?

14 A Yes, sir, that they were pawned. I found out that
15 the DVD player had been pawned and, also, a charm that was
16 an "R." Due to the fact that the victim's first name was
17 Renna, I contacted her and asked her about it. She said,
18 yes, the charm was, also, stolen.

19 I contacted the pawnshop and had them place the items
20 on hold. Normally, if you pawn something at a pawnshop,
21 they will only release it to the person that, actually,
22 pawned the item, or to law enforcement. Once I placed it
23 on hold, if Amanda Caldwell had came back to retrieve the
24 item, they would not be allowed to return it to her
25 because it was on police hold.

1 I then contacted the victim. She came to our office
2 at Road. She told me on the phone that
3 she did not know an Amanda Caldwell. She came to our
4 office. And I said, What I'd like for you to do -- let me
5 show you a picture of Amanda Caldwell just to be sure you
6 do not know her. She looked at the photo.

7 She said, No, I do not know her. She's never been in
8 my house with my permission.

9 I said, Thank you.

10 Shortly after that, I was already scheduled for
11 vacation leave. Investigator Mashak, which, also, worked
12 at the property crimes unit at that time, he picked up the
13 case on May the 30th, I believe it was.

14 Q Did you take any other statements in this case?

15 A No, sir.

16 Q Did you go to the pawnshop to retrieve any of the
17 evidence?

18 A No, sir.

19 Q Do you recall what pawnshop it was where the DVD
20 player was pawned?

21 A It was Cash America Pawnshop located at
22 Street.

23 MR. WALLACE: Please answer any questions Defense
24 Counsel might have.

25 THE WITNESS: Yes, sir.

1 MR. KORNFELD: No questions, Your Honor.

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

3 Thank you.

4 You may call your next witness.

5 MR. WALLACE: Your Honor, at this time, the State
6 would call Investigator Brady Mashak to the stand.

7 THE CLERK: Sir, if you'd come forward to be sworn
8 in.

9 Please place your left hand on the Bible and raise
10 your right.

11 WHEREUPON,

12 BRADY MASHAK,
13 after first having been duly sworn, testified as follows:

14 THE CLERK: Thank you.

15 You may be seated.

16 DIRECT EXAMINATION

17 BY MR. WALLACE:

18 Q Investigator Mashak, where do you work?

19 A The Greenville County Sheriff's Office.

20 Q How long have you worked there?

21 A July will be nine years.

22 Q Have you always been an investigator?

23 A No, sir.

24 Q How did you start out at the Sheriff's Office?

25 A On patrol.

1 Q Uniform patrol?

2 A Yes, sir.

3 Q Did you work anywhere else before becoming an
4 investigator?

5 A Yes, sir. I worked in a specialized unit. It's
6 called the direct patrol unit.

7 Q How long did you work there?

8 A About two and a half years.

9 Q When did you first become an investigator?

10 A I think it was 2011.

11 Q Okay. And what do you investigate?

12 A Then -- during this, I was property crimes,
13 burglaries, malicious damage, larcenies.

14 Q Was that back in 2012, property crimes?

15 A Yes, sir.

16 Q Did you have an occasion to work on this case?

17 A Yes, sir.

18 Q How did you first become involved in this case?

19 A Investigator Phillips started the investigation and
20 was on annual leave. So I ended up taking over the
21 investigation.

22 Q Do you recall when you took over the investigation?

23 A May 30th, 2012.

24 Q All right. And so when you took over the

25 investigation, what was -- what were the first things you

1 started doing?

2 A Checking pawnshops through LeadsOnline.

3 Q And did you find anything on LeadsOnline?

4 A Yes, sir.

5 Q What did you find?

6 A We found the DVD player and the "R" pendant.

7 Q Okay. And so you used LeadsOnline to find that.

8 What did you do? Did you follow-up with that?

9 A Yes, sir.

10 Q How did you follow-up?

11 A I contacted the pawnshop. Basically, if we search on
12 LeadsOnline -- LeadsOnline is, basically, a national
13 database. If you take something to the pawnshop and sell
14 it, you either sell it or pawn it.

15 As far as in Greenville, we can attest that all of
16 our pawnshops are on LeadsOnline. If they're not put on
17 LeadsOnline, investigators go to all the pawnshops and get
18 all their tickets, then we have ladies that enter them.
19 So everything in Greenville County is on LeadsOnline. You
20 can search by name, by driver's license, an item. In this
21 case, like the DVD, we had a serial number.

22 So we put in the serial number and it comes up.
23 Basically, it's what's called a hit. If there's not -- if
24 it's not on there, you can save your search. So, say, you
25 searched it today, tomorrow, it's pawned. We'll get an

1 e-mail saying, hey, this item that you're looking for has
2 been pawned at such and such pawn shop, and who pawned it,
3 date, and time.

4 Q Okay. So you used a serial number this time?

5 A Yes, sir.

6 Q So what did you find out from LeadsOnline?

7 A That the DVD player had been pawned. It was Cash
8 America Pawn, I believe, number four.

9 Q Where is that located?

10 A Street.

11 Q And who was the individual that pawned the DVD
12 player?

13 A Amanda Caldwell.

14 Q And did you find any other items pawned?

15 A That she had pawned?

16 Q That she had pawned.

17 A A camera for a different case.

18 Q A different case?

19 A Yes, sir.

20 Q And what was the date she pawned the DVD player?

21 A It was May 19th of 2012.

22 Q What about the other lead you got about the other --

23 A The camera?

24 Q The camera.

25 A That it was pawned earlier that day, the same day.

1 Q The same day?

2 A Yes, sir.

3 Q As a result of finding out that the DVD player had
4 been pawned, what did you do?

5 A We, basically, called the pawnshop, put it on hold
6 just to make sure that they can't do anything with it.
7 They can't sell it, you know. A person can't come back in
8 to get it back, or anything like that. Basically, they
9 can't do anything until we say they can release the hold.
10 But I went over there, took photos, verified the serial
11 number that she gave as the serial number that she had.

12 Q You took photos of the items?

13 A Yes, sir.

14 Q And what -- you said there was another item besides
15 the DVD player?

16 A The "R" pendant.

17 Q The "R" pendant, and the DVD player?

18 A Yes, sir.

19 Q Did you take photographs of it as well?

20 A Yes, sir.

21 Q I'm going to show you State's Exhibit No. 7 --
22 actually, State's Exhibit Nos. 6, 7, and 8 that are for
23 identification at this point.

24 A Yes, sir.

25 Q Can you identify those items in the pictures?

1 A Yes, sir.

2 Q And what are they?

3 A Those are the pictures I took that day that I went
4 there and verified the serial number, the DVD player, and
5 the "R" pendant that Amanda Caldwell had sold.

6 Q Do these pictures accurately depict the items that
7 you recovered from the pawnshop in regards to this case?

8 A Yes, sir.

9 MR. WALLACE: Your Honor, at this time, I'd offer
10 these pictures into evidence.

11 MR. KORNFELD: Let me just take a quick look.

12 No objection, Your Honor.

13 THE COURT: All right. They're in evidence.

14 (WHEREUPON, State's Exhibit Nos. 6, 7, and 8 were
15 admitted into evidence.)

16 BY MR. WALLACE:

17 Q After taking pictures of these items, what did you do
18 with them?

19 A We go through -- it's called the evidence procurement
20 fund. It's, basically, a fund that the Sheriff's Office
21 has for victims that -- you know, items like this that
22 have been pawned at the pawnshop. Instead of having the
23 victim come down there and meet us and pay out of her own
24 pocket -- you know, she's already out of those items --
25 the Sheriff's Office has a fund. And what -- basically,

1 the Sheriff's Office buys those items at what the
2 pawnshop, basically, is selling them for.

3 Q So you use those funds to recover the items?

4 A Yes, sir.

5 Q What did you do with them after you recovered them?

6 A I went to northern area command where I met with
7 Ms. Taylor. And she was given back those items.

8 Q You gave her the actual items?

9 A Yes, sir.

10 Q Did you recover any other evidence from the two --
11 from the pawnshop?

12 A Video surveillance.

13 Q And which pawnshop did you get video surveillance
14 from?

15 A From both the Cash America -- which is Cash America
16 number one. And that's at 3 Road. That was
17 from the camera. And Cash America number 4 on
18 Street.

19 Q And that was the DVD player?

20 A Yes, sir, the DVD player and pendant.

21 Q So you recovered videos from both pawnshops?

22 A Yes, sir.

23 Q How do you go about recovering videos from the
24 pawnshop?

25 A Basically, we get with the manager, because they're

1 the ones that have to burn the DVD. You tell them, you
2 know, we want the video from when they came in the store
3 and when they exit the store. We want a copy of that.

4 So they go back there to the surveillance video and
5 they'll release a copy of that and turn it over to us and,
6 basically, sign a property and evidence form.

7 Q So you make a request to the pawnshop to make the
8 video?

9 A Yes, sir.

10 Q Any specific information that you give them about the
11 video?

12 A I just, basically, give them the ticket number. This
13 is what they're -- the person I need, and, basically, from
14 when they entered the store to when they exited the store.

15 Q Okay. In this case, with these videos, did you give
16 them any other specific instructions?

17 A No, sir.

18 Q When did you find out that the videos were available?

19 A I got them the same day I bought the items back.

20 Q What did you do with the two videos?

21 A I brought them to my office, viewed them, and,
22 basically, burned a copy of them. And then I placed them
23 in property and evidence.

24 Q Okay. I want to show you these items I have in my
25 hand and see if you can identify them.

1 A All right. Yes, sir. This is a chain of custody for
2 the two DVD's and the video surveillance from both of the
3 pawnshops.

4 Q Now, are those the original videos?

5 A Yes, sir, the ones I got from the store.

6 Q Okay. And you said these are the property and
7 evidence sheets right there?

8 A Yes, sir. That's the chain of custody.

9 Q Chain of custody. Can you explain those to the jury,
10 what those are?

11 A Chain of custody. We have a property and evidence
12 sheet, which, basically, says who has handled these DVD's.
13 It first starts off with the manager from the pawnshop.
14 She signs the paperwork saying that she gave me these
15 DVD's. Then I sign saying I obtained them.

16 And then I go to property and evidence. And then
17 they sign a form saying they got them from me. And it
18 just goes back and forth like that.

19 Q Is your signature on those sheets?

20 A Yes, sir, twice.

21 Q Twice. And can you tell the jury what those two
22 events were?

23 A From when I signed them?

24 Q Yeah, why you signed the property and evidence sheet.

25 A I signed it out yesterday for court. And we didn't

1 get to this part of it, so I put them back into property
2 and evidence. And then I signed them out again this
3 morning.

4 Q Okay. When did you originally -- does it show where
5 you, originally, signed them into property and evidence?

6 A It says it was the -- on this one, it says the 22nd
7 of May, 2002.

8 Q 2012?

9 A I'm sorry, 2012, at 5:23 p.m. And then that one
10 shows June 5th at 1:38 p.m.

11 Q Okay. So those were the dates that you put the
12 videos into property and evidence?

13 A Yes, sir.

14 Q Have you checked them out since you put them in back
15 on those dates?

16 A No, sir.

17 Q When was the next time you checked them out?

18 A Yesterday.

19 Q Are you aware of anybody else checking out the
20 videos?

21 A No, sir.

22 Q Does anyone else have access to them but you?

23 A No, sir.

24 Q How about on the video disks themselves, what is this
25 information here?

1: A That's the case numbers relating to the pawnshops.

2 Q Which one of those videos relates to this case?

3 A It's 2012074249.

4 Q Okay.

5 A And that's this one.

6 Q And that relates to this case?

7 A Yes, sir.

8 Q Are there any other writings or initials on here that
9 you made?

10 A No, sir, just the case number.

11 Q Just the case number?

12 A That I can see from right now.

13 Q That's the only thing that you wrote on there?

14 A Yes, sir. That I can see right now, besides the
15 stickers being on the bottom.

16 Q Did you put those stickers there?

17 A No, sir, property and evidence does.

18 MR. WALLACE: Your Honor, I'd offer these as State's
19 Exhibit Nos. 12, 13, and 14 for identification at this
20 time.

21 THE COURT: All right.

22 (WHEREUPON, State's Exhibit Nos. 12, 13, 14, and 15
23 were marked for identification only.)

24 BY MR. WALLACE:

25 Q You stated earlier that you made copies of those

1 videos?

2 A Yes, sir.

3 Q Did you view them before or after you made copies?

4 A Before.

5 Q So you personally viewed those videos?

6 A Yes.

7 Q And is Amanda Caldwell in either one of those videos?

8 A Both.

9 Q You said both videos?

10 A Yes, sir.

11 Q Now, after you had the videos in property and
12 evidence, you have the pictures of the items that had been
13 stolen, you had the person who had stolen the items. What
14 did you do with that information?

15 A I obtained warrants for her arrest.

16 Q For whose arrest?

17 A Amanda Caldwell.

18 Q All right. And did you follow-up any more on the
19 investigation?

20 A Yes.

21 Q Regarding her?

22 A She was arrested, and we interviewed her.

23 Q Do you recall when she was arrested?

24 A I don't know the exact date.

25 Q Were you present when she was arrested?

1 A Not when she was arrested, no, sir.

2 Q How did you find out she had been arrested?

3 A I checked the jail screen.

4 Q And she showed up there?

5 A She showed up, yes, sir.

6 Q Okay.

7 A I believe it was June 1st is when I interviewed her,
8 2012.

9 Q So you had a meeting with her on June 1st, 2012?

10 A Yes, sir.

11 Q How did that go?

12 A I pulled her out of the jail, and asked if she wanted
13 to talk to us about her charges. She stated she did. I
14 brought her to the law enforcement center where we read
15 her a waiver of rights form.

16 I asked her -- basically, I read the form word for
17 word, and asked her if she understood it. She said she
18 did. I asked her if she had any questions. She didn't.
19 She initialed the form, signed it. And then we started
20 with the interview.

21 Q Okay. Did you show her the evidence at that time?

22 A No, sir.

23 Q Did you show her the videos?

24 A No, sir.

25 Q So did you do anything else except just take a

1 statement from her at that point?

2 A At that point, no.

3 Q Did you ask her any other questions?

4 A As far as?

5 Q As far as her statement.

6 A (There was no response.)

7 Q Did you ask her any questions leading up to the
8 statement?

9 A Before doing the waiver of rights? Is that what
10 you're asking me?

11 Q Right.

12 A Oh, no.

13 Q So you read her her rights, she gave you her
14 statement?

15 A Yes.

16 Q After she gave you the first statement, what did you
17 do with it?

18 A I put her back in the detention center and made photo
19 lineups.

20 Q Okay. Was there anyone else with you when she gave
21 the statement?

22 A Investigator Prong [phonetic].

23 Q How did the -- was there another statement in this
24 case?

25 A Yes, sir.

1 Q How did that --

2 A Several days later.

3 Q How did that come about?

4 A She had, actually, called me from the jail. She
5 called my office and stated that she wanted me to pull her
6 out of the jail so she could talk to me.

7 Q Okay. And what did you do then at that point?

8 A Pretty much the same thing. I pulled her out of the
9 jail, brought her to the law enforcement center, read her
10 her rights again. She initialed the form, signed the
11 form. And then I began, basically, asking her what she
12 wanted to talk about.

13 Q Okay. Did she ever give another statement in the
14 case?

15 A She did.

16 Q At that time, she gave you another statement?

17 A Yes, sir.

18 Q And what did you do with that statement?

19 A With the statement she gave, I signed warrants on the
20 Defendant.

21 Q All right. Why didn't you sign warrants on the
22 Defendant from the first statement?

23 A She sort of distanced herself from it. And the
24 second statement, she, basically, confessed and implicated
25 herself and the Defendant.

1 Q She didn't implicate herself in the first statement?

2 A Not the first statement, no, sir.

3 Q Did she implicate the Defendant in the first
4 statement?

5 A No, sir. She, basically -- all she stated in the
6 first statement is she got the items from the Defendant.
7 But she put herself, basically, away from the burglary.

8 Q She got the items from what defendant?

9 A The Defendant, Furman Taylor.

10 Q So what action did you take after you received the
11 second statement?

12 A I signed warrants on the Defendant, Furman Taylor.

13 Q Did you take any other action with her after that?

14 A Yes, sir. I met with David and T.R. Perry.

15 Q Well, with Ms. Caldwell, did you have any other
16 dealings with her after she gave that statement?

17 A No, sir.

18 Q Now, when she gave you the statements, did you
19 promise her anything for the statements?

20 A No, sir.

21 Q How about the first statement, did you promise her
22 anything for that?

23 A No, sir.

24 Q Or the second statement?

25 A No, sir.

1 Q Did you put any pressure on her to give you those
2 statements?

3 A No, sir.

4 Q Did you call her at any time between the first
5 statement and try to talk to her?

6 A No, sir.

7 Q Was she in jail the whole time while she was giving
8 these statements?

9 A Yes, sir.

10 Q Now, you said after you got the statements from
11 Ms. Caldwell, you did some more follow-up investigating?

12 A Yes, sir.

13 Q Who did you talk to next?

14 A I talked to David Perry and T.R. Perry.

15 Q And what was the purpose of talking to them?

16 A To see if they could identify the Defendant and
17 Amanda Caldwell from the lineup, the photo lineup.

18 Q Were they able to make a positive identification?

19 A No, sir. They both said that they couldn't see their
20 faces to say one way or the other.

21 Q After talking with them, did you do any more
22 follow-up? Did you speak with any other witnesses?

23 A No, sir.

24 Q Did you go out to the scene during that time?

25 A During that time, no.

1 MR. WALLACE: Please answer any questions Defense
2 Counsel might have.

3 THE WITNESS: Yes, sir.

4 CROSS-EXAMINATION

5 BY MR. KORNFELD:

6 Q Investigator Mashak, so Officer Phillips goes on
7 vacation and you get on the -- you're assigned the case;
8 correct?

9 A Yes, sir.

10 Q And that is, actually -- that was on?

11 A May 30th, I believe it was, 2012.

12 Q Yeah. I just wanted to clear that up. I think you
13 were assigned on the 17th. Do you mind looking at your
14 notes to see your initial report?

15 A (There was no response.)

16 Q Here, I'll show you.

17 A Yeah. That was a different case number. That's a
18 different case number. That's not this case.

19 Q So you were assigned --

20 A On the Road case, I, basically, took
21 it over on May 30th, 2012.

22 Q Okay. So on this case --

23 A This case, I was assigned May 30th.

24 Q May 30th?

25 A Yes, sir. I took it over.

1 Q Okay. And on -- she gave you a statement. She gave
2 you two different statements. On the first statement, did
3 you have time to investigate that statement, the statement
4 that she gave -- the first statement she gave you on the
5 Monday morning, I believe it was?

6 A As far as what she was saying that day?

7 Q Right. Did you investigate that statement at all?

8 A (Witness nodded.)

9 Q What investigations did you enter into at that time?

10 A The name that she gave with the Defendant.

11 Q Okay. And then she comes back how many days later?

12 A I want to say it was on the 5th or the 6th of June.

13 Q Okay.

14 A So about five or six days later.

15 Q And did you videotape either of these statements?

16 A No, sir.

17 Q Do you normally videotape a statement like this?

18 A No, sir.

19 Q You don't?

20 A It wasn't a -- basically, we didn't have an interview
21 room at the time.

22 Q Where did you -- where did you interview her?

23 A Inside the CID office at the law enforcement center.

24 Q Is it just a room with a couple of chairs?

25 A Basically, a room with a desk and computer.

1 Q Okay. And is there -- I'm just trying -- is there a
2 video camera in that room?

3 A No.

4 Q Okay. Is there -- would you have liked to have had
5 it videotaped, or did it not matter to you at that time?

6 A I mean, it would be nice. But it wasn't -- at that
7 time --

8 Q I understand. I understand. And concerning the
9 video that you received, you called a lady that works at
10 Cash America Pawn?

11 A It's two different ones. It was two different
12 stores, so two different managers.

13 Q And you're familiar with them?

14 A Uh-huh.

15 Q You have a relationship?

16 A Yes, sir. We deal with the pawnshops a lot.

17 Q I can imagine. And when you called, do you have --
18 is it such a relationship that you have to request in
19 paper, or do you just call and say, hey, I'm working on a
20 case. And they say, That's fine, we'll get it right to
21 you, Officer?

22 A That's -- we don't have to do any paperwork as far as
23 that. We just request the video.

24 Q Okay. And, in this case, you requested a video of
25 whenever Ms. Caldwell was in the store until when she

1 left?

2 A Yes, sir.

3 Q Did you request any other video, or is that what you
4 said, I'd like a video of Ms. Caldwell in the store?

5 A I can't remember exact word for word. But, I mean,
6 from pretty much when she walked in to when she left.

7 Q Okay. Is that usually -- is that your policy that
8 you ask in cases like this?

9 A I mean, we don't really have a policy on it, but...

10 Q All right. Did you ever have any conversation with
11 the pawnshops concerning videos after that?

12 A After that, no.

13 Q All right. Is there any camera outside of the
14 pawnshop?

15 A No, sir. It's just inside for both stores.

16 Q Okay. Do you know how many cameras are in these
17 stores? Do you have any idea of that?

18 A I don't. I'm not sure.

19 Q Okay. So you didn't request a certain -- you just
20 said, Give me the video you have?

21 A Yes, sir.

22 Q All right. And I'm just trying to get the timeline
23 down. You talked to both Mr. David Perry and Mr. T.R.
24 Perry?

25 A Yes, sir.

1 Q You talked to Ms. Renna Taylor?

2 A Uh-huh.

3 Q And I think you left out, but you, also, talked to
4 Ms. Caldwell's husband, didn't you?

5 A That's correct.

6 Q All right. Since securing the video and the
7 confession that Ms. Caldwell gave, the last one, what --
8 you haven't had any other involvement in this case as far
9 as investigation, have you?

10 A No, sir.

11 Q Okay. What was her husband's name?

12 A Do you mind if I look?

13 Q No. That's fine. Go ahead.

14 A I'm sorry.

15 Q I'm looking, too.

16 Officer Mashak, maybe I can help you. Is his name
17 Russell Droughton, D-R- --

18 A Sounds familiar.

19 Q -- -O-U-G-H-T-O-N?

20 A Yeah. That's it.

21 Q Okay. And after speaking to him, did you find out
22 that Furman had a Ford Explorer?

23 A Yes. He said a Ford Explorer and Ford Aerostar van,
24 blue and white. And he said a white Ford Explorer.

25 Q Are you sure you didn't -- did you find out about a

1 Ford fiberglass filament, not a Ford Aerostar? Is that a
2 possibility that it was a Ford Explorer and Ford -- made
3 out of fiberglass filament?

4 A I remember he gave me the name and said that about
5 the vehicles. And then I checked DMV as well as far as
6 what the Defendant owned and found out -- basically,
7 confirmed.

8 Q Are you aware of the -- you might not be, but are you
9 aware of the -- who the Ford Aerostar -- the title history
10 of the Ford Aerostar?

11 A No.

12 Q You might not be. And you -- all right. So the Ford
13 Explorer and the Ford Aerostar, that's what you found out
14 after talking with him; correct?

15 A That's correct.

16 Q Did you talk to him in person?

17 A On the phone.

18 Q And after you got -- did he say how -- did you -- did
19 he say anything about how he knew about the vehicle, the
20 Ford Explorer?

21 A I just asked him -- I advised him who I was, and I
22 was working a case with his ex-wife. And I said, Do you
23 know anybody that she's hanging around with? And he
24 stated the Defendant.

25 I said, Do you know what kind of vehicle he drives?

1 And he said, A white Ford Explorer and a blue and
2 white Ford Aerostar van.

3 Q And did you ever, actually, see the -- Furman's
4 Aerostar van?

5 A No.

6 Q Do you have any pictures of it?

7 A I don't. I just looked on DMV and confirmed what he
8 had told me.

9 Q Okay.

10 A I went through the registration.

11 MR. KORNFELD: Your Honor, I just ask for a minute
12 here for your indulgence and the jury's indulgence,
13 because it could be important.

14 THE COURT: Sure.

15 (Pause.)

16 BY MR. KORNFELD:

17 Q Did you ever go to the scene of the crime?

18 A I have. Not that day or somewhere around that time,
19 no.

20 Q How long after that time did you go to the scene?

21 A I mean, I took pictures a couple weeks ago of the --

22 Q Okay. Was that --

23 A -- layout.

24 Q Okay. I'm sorry. I didn't mean to interrupt you.

25 A No. You're fine. I said I took pictures, several

1 pictures of, basically, the layout of the property, how it
2 is.

3 Q Okay. Was that the first time you've been there?

4 A Uh-huh.

5 Q Okay. This will be the last question on here.

6 Referring -- in your report, isn't it true that you say
7 that Mr. Droughton, actually, says that he has a Ford
8 Explorer and believes that they're both white; is that
9 correct?

10 A Uh-huh.

11 Q Can you say "yes" or "no" for the court reporter?

12 And I can show you.

13 A Yeah. Let me see.

14 Q I've got it underlined.

15 A That's what I have, sir.

16 Q All right. I know it's been a long time. That's why
17 I was just making sure.

18 A Yes, sir.

19 Q So his description was white, and the other
20 descriptions you had are blue and white?

21 A Yes.

22 Q Were there any other descriptions that you had of the
23 vehicle?

24 A No.

25 MR. KORNFIELD: Investigator Mashak, thank you very

1 much.

2 No further questions.

3 THE WITNESS: Yes, sir.

4 MR. WALLACE: Your Honor, I just have a few brief
5 questions.

6 REDIRECT EXAMINATION

7 BY MR. WALLACE:

8 Q Investigator Mashak, when you secure a video from the
9 pawnshop, why not just order that whole video, instead of
10 asking for a specific segment?

11 A Basically, to cut down the time. Basically, to get
12 to the meat and potatoes of what we're looking for,
13 instead of getting three hours beforehand or three hours
14 afterwards. I mean, we get to where -- I mean, we don't
15 have any video on the outside.

16 So, you know, we get -- when she walks into the door,
17 that's what we're looking at until when she walks out. So
18 we don't have anything that happens on the outside. So we
19 get to what we want to see.

20 Q When you say -- do you mean outside the video frame?

21 A Outside the store.

22 Q Outside the store?

23 A Yes, sir. Because there's no cameras on the outside.
24 So we get to when she walks in and when she walks out.

25 Q I mean, why not just order the whole video?

1 A Well, I mean --

2 Q Have you ever done that?

3 A No. I mean, honestly, there's really not a point to
4 do that. You get to what times you need from when she
5 walks in the store until when she leaves.

6 MR. WALLACE: Okay. Thank you.

7 No further questions.

8 MR. KORNFELD: No redirect [sic], Your Honor.

9 THE COURT: Thank you.

10 You can step down.

11 THE WITNESS: Thank you, Judge.

12 MR. WALLACE: Your Honor, at this time, the State
13 would call Kara Bennick to the stand.

14 THE CLERK: Ms. Bennick, if you'd come forward to be
15 sworn in, please.

16 MR. KORNFELD: Your Honor, I have an objection.

17 THE COURT: Okay. Why don't you come up here and
18 we'll find out exactly what --

19 MR. KORNFELD: Sure.

20 (WHEREUPON, a bench conference was held.)

21 THE COURT: We're going to take a short recess so we
22 can hash this out.

23 If y'all would, please, select someone to be the
24 Foreperson. And write their name down and give it to the
25 bailiff during the break. I would appreciate it.

1 And don't talk about the case. And continue to keep
2 an open mind.

3 Thank you.

4 (WHEREUPON, the jury was excused from open court at
5 approximately 3:13 p.m.)

6 THE COURT: So the objection is Ms. Bennick is not on
7 the witness list. I'm unclear about what she is going to
8 testify to.

9 MR. WALLACE: Okay. Your Honor, she's going to
10 testify to procedures in the property and evidence room.
11 She's a supervisor down there. She's going to testify to
12 the people on this list that are under her supervision,
13 and what the property and evidence sheet means when they
14 sign it or when their name is logged in as a user.

15 She's, also, going to testify to procedures, and the
16 fact that they keep things secure down there. And that
17 the evidence was secured from the time it was put into
18 property and evidence back in 2012 until the present.

19 What has happened is as a result of not reaching the
20 case yesterday, more witnesses have been added to the
21 list. Logistically, they don't have a lot of people
22 working in property and evidence. And they would have to
23 bring pretty much the whole crew up here to testify to the
24 chain of custody. So rather than do that, we would just
25 have the person in charge come up here and testify to the

1 property and evidence sheet and the videos, and
2 authenticate the document.

3 THE COURT: Well, why don't we take a short break so
4 Mr. Kornfeld can look at what he needs to. Maybe y'all
5 can discuss --

6 MR. WALLACE: I can make her available to him right
7 now during the break, if he wants to talk to her.

8 THE COURT: Okay. And maybe -- I don't know, maybe
9 chain of custody is not going to be an issue he's going to
10 bring up. Maybe we can dispense with having witnesses to
11 cover that. Although Ms. Bennick has been up here many
12 times.

13 And I'm always welcome to have you.

14 MR. WALLACE: Thank you, Judge.

15 THE COURT: Thanks.

16 (WHEREUPON, a break was taken.)

17 THE COURT: Did y'all reach any kind of resolution?

18 MR. KORNFELD: Your Honor, I was mostly researching.
19 I found some research, but I don't think we've reached a
20 resolution.

21 THE COURT: Okay.

22 MR. KORNFELD: The only thing that I can find that's
23 anywhere close would be the State v. Powers case in which
24 they said the reason for a defendant to provide a witness
25 list was so that in voir dire they could ask if any of the

1 jurors would know the potential witness.

2 THE COURT: Right.

3 MR. KORNFELD: In this case, she's not an expert or
4 anything. So I guess that would be my request, to ask if
5 anybody knows the -- the lady's name, the officer's name.

6 MR. WALLACE: Kara Bennick.

7 THE COURT: Well, I mean, is it -- I don't know.
8 I'm, certainly, not trying to influence one way or the
9 other, but is the chain of custody going to be an issue?
10 I'm wondering.

11 MR. WALLACE: I haven't gotten a stipulation to the
12 chain of custody, so.

13 THE COURT: Okay.

14 MR. WALLACE: And when we discussed it earlier,
15 Defense Counsel stated he was not going to stipulate to
16 that. So I feel I have to put in some kind of evidence on
17 the chain of custody.

18 THE COURT: All right.

19 MR. KORNFELD: And my arguments would be that -- and
20 there's -- I think there's a three-pronged test. But the
21 case I've read, the State v. Ivery, concerning video
22 admissibility, there's several rules in there. And the
23 specific rule is a 1,003 [phonetic] rule. And it says
24 that a duplicate is admissible to the same extent as the
25 original, unless a genuine question is raised as to the

1 authenticity of the original, or in the circumstance it
2 would be unfair to submit the duplicate in lieu of the
3 original.

4 And my arguments are, basically, the same reason I
5 asked for the spoliation charge at the beginning. Because
6 we feel that the complete story is not told due to the
7 fact that the -- what we would consider the video that
8 would exonerate Mr. Taylor was not taken.

9 MR. WALLACE: Your Honor, in this case, these are the
10 originals that we're trying to put in. They're not
11 copies.

12 MR. KORNFELD: They're -- I think they're --

13 MR. WALLACE: It's the originals taken to property
14 and evidence.

15 MR. KORNFELD: I think they're copies from the --
16 they have to be copies from the pawnshop because there
17 wasn't only video of Ms. Caldwell. They had a video
18 running the entire time. They made a copy of that
19 particular part, according to Mashak's testimony when I
20 talked to him, from the time Ms. Caldwell came in until
21 the time she left.

22 So it is a copy of the original. It's been deduced
23 down for the very reason Mashak says, so you don't have
24 three hours of video.

25 THE COURT: Well, the threshold issue is whether

1 Ms. Bennick can testify given she wasn't on the witness
2 list. Based on the record, I find the Defense can
3 demonstrate no prejudice from that. And I'll be glad to
4 inquire of the jury if any of them know or have a
5 relationship with Ms. Bennick.

6 Is there anyone else the State is going to have
7 testify that's not on the list?

8 MR. WALLACE: Your Honor, at the -- not if
9 Ms. Bennick is going to complete the chain. If she's not,
10 then more people working out of property and evidence
11 handled the videos yesterday and were not on the original
12 list, and are going to have to be brought up. If it's not
13 going to be ruled that her testimony is adequate in this
14 case that she complete the chain. And we can do that. I
15 mean, it's just going to take time. Because we can't have
16 everybody up here from the P&E office at the same time.

17 THE COURT: All right. Well, we'll just have to see
18 what her testimony is.

19 Anything else before we bring the jury back in?

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

21 MR. KORNFELD: Nothing from the Defense, Your Honor.

22 THE COURT: All right. You can bring them on in.

23 Thank you.

24 MR. KORNFELD: Your Honor.

25 THE COURT: Yes, sir.

1 MR. KORNFELD: I would, also, object to have that --
2 the first video, I think it's the new video. I get them
3 mixed up. But the first video to be admitted in this case
4 because it doesn't have anything to do with this case.
5 The first video has to do with a pawn that Ms. Caldwell
6 pawned other items, not these items.

7 THE COURT: I don't think we've got to the point
8 where anybody is admitting the video yet. So when we get
9 there, we'll have to take that up.

10 MR. KORNFELD: Okay.

11 (WHEREUPON, the jury came into open court at
12 approximately 3:37 p.m.)

13 MR. WALLACE: Can we approach, Your Honor?

14 THE COURT: Sure.

15 (WHEREUPON, a bench conference was held.)

16 THE COURT: Mr. Godbey, you've been elected the
17 Foreperson.

18 JUROR #71, DONALD GODBEY: Yes, sir.

19 THE COURT: Is that because you were sitting in that
20 seat earlier?

21 JUROR #71, DONALD GODBEY: No.

22 THE COURT: Okay. You'll act as the liaison between
23 the Court and the jury. If there's any communication that
24 anyone on the jury needs to make with the Court, I can
25 only do it either out here on the record or by way of a

1 written note that's madG239.

2 E part of the record. The note is the preferred way.

3 So with that, Mr. Wallace.

4 MR. WALLACE: Your Honor, I've called Ms. Kara
5 Bennick to the stand.

6 THE COURT: Right.

7 WHEREUPON,

8 KARA BENNICK,

9 after first having been duly sworn, testified as follows:

10 THE CLERK: Thank you.

11 You may be seated.

12 Please state your name for the record.

13 THE WITNESS: Kara Bennick.

14 THE CLERK: Thank you.

15 DIRECT EXAMINATION

16 BY MR. WALLACE:

17 Q Ms. Bennick, where do you work?

18 A The Greenville County property and evidence section.

19 Q Okay. And what are your duties there in property and
20 evidence?

21 A I'm the supervisor of the evidence room, in addition
22 to acting as one of the technicians.

23 Q What are your day-to-day duties there?

24 A Besides administrative duties, we take in and send
25 out evidence that comes in throughout Greenville County

1 and City.

2 Q And where is that evidence kept?

3 A It's in a secured holding area in the law enforcement
4 center.

5 Q And how do people get access to that?

6 A There's only five people that have access, and that
7 is the five technicians that work in the evidence section.
8 We have key card access, regular key access, and then
9 alarm systems and cameras as well.

10 Q Is anyone allowed to come in and view evidence there?

11 A We have a room that you can come in and view evidence
12 with an appointment.

13 Q Any verification of credentials or anything at that
14 point?

15 A Yes. Nobody can enter into the section that does not
16 have credentials or verification.

17 Q Would you say the property and evidence room is
18 secure?

19 A Yes, sir.

20 Q I want to show you some items here that you may not
21 have seen before. This is State's Exhibit Nos. 12, 13,
22 14, and 15 that have been admitted as identification
23 items.

24 A Okay.

25 Q Can you tell us what these are?

1 A Yeah. These are two DVDs that have come in as
2 evidence. And these are the property and evidence chain
3 of custodies that travel with the DVDs.

4 Q So they match each other?

5 A They do. These are initiated off of an original P&E
6 sheet that the officers bring in or send in through the
7 after storage -- the after-hours storage section where we
8 take stuff in.

9 Q On these DVDs that you have, what are these stickers
10 on there?

11 A Those are the bar codes that identify what the item
12 is that matches the chain of custody on the sheet.

13 Q Are there numbers on there as well?

14 A There are. There are bar code numbers on them that
15 match the sheet that travel with it.

16 Q Now, on the sheet itself, what information can you
17 gain from those sheets?

18 A It will give you the description of the item, the
19 case number, what the case type is, the officer who
20 impounded it, where we took it, and who took it.

21 Q Okay. Now, looking at the sheets themselves, what
22 does it tell you about these two items here?

23 A Okay. Both of these DVDs came in through the
24 counter, which was during business hours. The impounding
25 officer was Officer Brady Mashak. And Tabitha Fricks took

1 in one of the DVDs, and Julie Thackston took in the other.

2 Q When were they taken in?

3 A Tabitha Fricks' was taken in on June 5th, 2012, at
4 about 1:38 p.m. And Julie's was taken in on May 22nd,
5 2012, at 5:23 p.m.

6 Q Okay. Was there any other activity after that?

7 A Both went immediately to storage. And then both were
8 checked out for court on January 5th, 2015, by Melanie
9 Watson.

10 Q So was there any activity between yesterday and the
11 time they were checked in?

12 A Yes. They were checked back into the property and
13 evidence room yesterday evening. And then they were
14 checked back out -- well, then they went to court storage.
15 Basically, we have a base that is secured storage for
16 stuff to be returned to court the next day at the request
17 of the officer. And then they went back out this morning
18 by Melanie Watson again.

19 Q Are these normal procedures that you guys do?

20 A Yes, sir.

21 Q Are these a matter of policy?

22 A Yes, sir.

23 Q Do you see anything on those sheets that would
24 indicate a breach of policy?

25 A No, sir.

1 Q Anything unusual?

2 A Not at all.

3 MR. WALLACE: Please answer any questions Defense
4 Counsel might have.

5 CROSS-EXAMINATION

6 BY MR. KORNFELD:

7 Q Ms. Bennick, can I just look at these sheets?

8 A Uh-huh.

9 Q Thank you.

10 All right. So you received one of these tapes -- it
11 appears Greenville P&E received one of these tapes on June
12 the 5th, 2012?

13 A Uh-huh.

14 Q And the other one on May the 22nd, 2012?

15 A This is when the digital chain was initiated from the
16 bar code system.

17 Q Okay. When you say the "digital chain was
18 initiated," is it safe to say the CDs were there?

19 A Right. It was received at the counter on both of
20 them. And this is when we initiated the chain of custody.
21 So, upon receipt of them, we initiated the chain of
22 custody.

23 Q And the only times that they were out were the times
24 that have been represented on here?

25 A Yes, sir.

1 Q And where does it say where Officer Mashak has the
2 CDs?

3 A The impounding officer was Brady Mashak on both.

4 Q Right. But I'm asking on the out to court, where
5 does it say that he has them on here?

6 A Right here. He signed his name on both.

7 Q Well, it says here that Melanie Watson has them;
8 correct?

9 A No. It says right here Melanie Watson is the
10 employee that signed them into the system. They went out
11 to court by Brady Mashak.

12 Q Okay. I see what you're saying. And then out to
13 court again here?

14 A Yes, sir.

15 Q Other than that, they haven't been out of the system
16 at all?

17 A No, sir.

18 Q And there's nothing -- there were no other videos at
19 all put in?

20 A I can only testify to what I have right here.

21 Q Right. That's what I'm -- okay. That's all you
22 have?

23 A Without being able to look at the system, I can't
24 tell you what else would be under this case number. I can
25 only tell you what I have in front of me.

1 Q All right. Can you tell me if the CDs have ever been
2 opened -- if the cases have ever been opened?

3 A I mean, they didn't come in sealed, so there's --
4 they're as they came in.

5 Q Okay.

6 A We would have indicated they were sealed if they were
7 sealed.

8 Q One more question. You don't know when Officer
9 Mashak first got these videos; correct?

10 A On the initiating property and evidence report that
11 he brought in, it would show an impounding date and time.
12 But that is -- he initiates that date and time. So it
13 would be the time we took the videos.

14 Q Okay. But you -- right. But you can't say how long
15 he had the videos before he brought them to P&E; correct?

16 A No, sir, I can't.

17 MR. KORNFELD: Here's your sheets back. Sorry.

18 No further questions for Ms. Bennick.

19 MR. WALLACE: Nothing else from the State, Your
20 Honor.

21 THE COURT: All right. Thank you very much.

22 And, incidentally, I neglected to do this before she
23 testified. But Ms. Bennick was not one of the names
24 announced earlier as a potential witness. But is anyone
25 related by blood or marriage, or kin to Ms. Bennick? If

1 so, raise your hand.

2 (WHEREUPON, there was no response.)

3 THE COURT: Does anyone have any social, personal
4 relationship, or business relationship with her? If so,
5 just raise your hand.

6 (WHEREUPON, there was no response.)

7 THE COURT: All right. No one responded.
8 Thank you.

9 MR. WALLACE: Your Honor, at this time, the State --
10 can the witness be excused, Your Honor?

11 MR. KORNFELD: No objection, Your Honor.

12 THE COURT: Okay. She's excused.

13 MR. WALLACE: Your Honor, at this time, the State
14 would call Amanda Caldwell to the stand.

15 THE COURT: Okay.

16 THE CLERK: Ma'am, please, come forward.

17 THE COURT: She's still under oath.

18 THE CLERK: Thank you.

19 THE COURT: You're still under oath, ma'am.

20 THE WITNESS: Thank you.

21 DIRECT EXAMINATION

22 BY MR. WALLACE:

23 Q Ms. Caldwell, I've got here State's Exhibit Nos. 14
24 and 15 that are in -- that are admitted as identification
25 items. These are videotapes and they involve your case.

1 A Yes, sir.

2 Q Have you viewed these videos?

3 A Yes, sir.

4 Q And do they accurately depict the pawnshops you went
5 to that day?

6 A Yes, sir.

7 Q Do they accurately depict your activity in those
8 pawnshops?

9 A Yes, sir.

10 MR. WALLACE: Your Honor, at this time, I would like
11 to admit these into evidence as State's Exhibit Nos. 14
12 and 15, along with the property and evidence sheets, which
13 are State's Exhibit Nos. 12 and 13.

14 THE COURT: All right. Is there any objection?

15 MR. KORNFIELD: Your Honor, I -- I'm sorry. I didn't
16 hear what he was saying. I was writing.

17 MR. WALLACE: I just admitted these videos into
18 evidence, and he's asking you for an objection.

19 MR. KORNFIELD: I object to one of the videos, not the
20 other.

21 THE COURT: All right. I'll tell you what, ladies
22 and gentlemen, just go to the jury room briefly. And
23 we're going to resolve this. Don't talk about the case.

24 (WHEREUPON, the jury was excused from open court at
25 approximately 3:51 p.m.)

1 THE COURT: All right. The objection is relevance;
2 is that right?

3 MR. KORNFELD: Yes, Your Honor.

4 The objection is relevance to the video of the -- I
5 believe what they said was the -- whatever the first
6 pawnshop she said she went to. So what video they're
7 saying is 11273682, which I believe occurred on 5:19 at
8 the number three Faris Bridge Pawnshop where she's in
9 there pawning items from some other case.

10 THE COURT: And how is that relevant, according to
11 the State?

12 MR. WALLACE: Your Honor, both of these incidents
13 occurred the same day as the burglary in question. The
14 video that he is objecting to, actually, shows Amanda
15 Caldwell in the morning at 12:00 pawning the camera from
16 the other burglary. Also, in that set is the Defendant.
17 He's, also, on this video. He's wearing almost identical
18 clothing to what he wore -- what witnesses said he wore
19 during the burglary. This happened just two hours --
20 approximately two hours before the burglary.

21 THE COURT: Okay.

22 MR. WALLACE: So that would be the relevance.

23 THE COURT: Okay. The objection is overruled.

24 You can bring the jury back in.

25 MR. WALLACE: Your Honor, we're going to go ahead and

1 set these up, because we're going to play them.

2 THE COURT: Anything else? Are y'all ready?

3 MR. WALLACE: We're ready, Your Honor.

4 (WHEREUPON, the jury came into open court at
5 approximately 4:02 p.m.)

6 THE COURT: Yes, sir, Mr. Wallace.

7 CONTINUED DIRECT EXAMINATION

8 BY MR. WALLACE:

9 Q Ms. Caldwell, I asked you earlier if you had seen
10 this video. Have you seen this video?

11 A Yes.

12 Q And, for purposes of the record, can you tell me the
13 date and time on the bottom of this video?

14 A May 19th, 2012.

15 Q And what was the time?

16 A 11:56.

17 Q And is that the same date when the burglary occurred?

18 A Yes, sir.

19 Q And do you know where this location is at that time?

20 A That's Cash America Pawnshop in Berea.

21 Q In Berea?

22 A Yes.

23 Q Okay. Are you on this video, Ms. Caldwell?

24 A Yes, sir.

25 Q Is the Defendant, also, on this video?

1 A Yes, sir.

2 Q What I want you to do is I want you to show me --
3 tell me when you are on the video.

4 A Okay.

5 Q Point that out to the jury.

6 A Okay.

7 Q And then we'll stop it and we'll start it again. And
8 then I want you to show me where Furman Taylor is when he
9 appears on the video.

10 A Okay.

11 Q Can you do that?

12 A Yes, sir.

13 Q Just tell us to stop it when you're ready.

14 THE COURT: Do you want the lights out?

15 THE BAILIFF: Do you want to dim it? Do you want the
16 lights out?

17 MR. WALLACE: Yeah. Could we dim it just a little
18 bit more around the screen so the jury can see better?

19 (WHEREUPON, State's Exhibit No. 14 was played in
20 open court.)

21 BY MR. WALLACE:

22 Q Ms. Caldwell, do you see yourself on the video?

23 A Yes, sir. I'm standing right there.

24 Q Can you stand up and just point to the jury where you
25 are on that screen?

1 A Right there in the corner.

2 Q The upper right corner?

3 A Yes.

4 Q What are you wearing in that picture?

5 A A white tank top.

6 Q Okay. Thank you.

7 A There's Mr. Taylor.

8 Q Okay. We're going to keep playing it.

9 (WHEREUPON, State's Exhibit No. 14 continued being
10 played in open court.)

11 THE WITNESS: Okay. There's Mr. Taylor.

12 MR. WALLACE: Stop it.

13 BY MR. WALLACE:

14 Q Is that Mr. Taylor there?

15 A Yes.

16 Q What is he wearing?

17 A A black hat. You can't really make out the symbol,
18 but that's the black tailor-made hat, and a dark shirt
19 with something on the front, and blue jeans.

20 Q Okay. Ms. Taylor [sic], we're going to show you
21 another video now. So just hold on a second and we'll put
22 it back up there.

23 (Pause.)

24 (WHEREUPON, State's Exhibit No. 15 was played in
25 open court.)

1 BY MR. WALLACE:

2 Q Ms. Caldwell, do you recognize this location in the
3 video?

4 A Yes. It's Cash America Pawn on Street.

5 Q And can you tell us what date this was?

6 A May 19th, 2012.

7 Q And what time?

8 A 17:01, which would be one minute after 5:00.

9 Q Very good. Okay. We're going to show you this
10 video. Now, I want you to tell us to stop when you show
11 up in the video. And then I want you to tell us to stop
12 again when Mr. Taylor shows up in the video. Okay.

13 (WHEREUPON, State's Exhibit No. 15 continued being
14 played in open court.)

15 THE WITNESS: Okay. That's me at the desk.

16 BY MR. WALLACE:

17 Q All right. Up there in the right-hand corner?

18 A Yes.

19 Q Okay. Wearing the same thing you had in the --

20 A Yes, a white tank top.

21 Q What are you doing there at the camera?

22 A I'm pawning a DVD player and some jewelry.

23 Q Were they the same items that came from this
24 burglary?

25 A Yes.

1 Q Okay. We're going to start it again. This is going
2 to take about twice as long, so, please, pay careful
3 attention.

4 (WHEREUPON, State's Exhibit No. 15 continued being
5 played in open court.)

6 THE WITNESS: Okay. That's Mr. Taylor right there.

7 BY MR. WALLACE:

8 Q Do you recognize the clothing he's wearing?

9 A Yeah. A green, if I'm not mistaken, John Deere hat,
10 and then a reddish-orange shirt, and blue jeans.

11 Q Do you know why it's different clothing than before?

12 A Because we got seen at the other -- at the robberies
13 and we stopped -- I don't know where we stopped. But we
14 stopped somewhere so he could change.

15 Q Ms. Caldwell, have you ever testified to those videos
16 before?

17 A No, sir.

18 Q When was the first time you saw those videos?

19 A Last Friday.

20 MR. WALLACE: Your Honor, I have nothing else for
21 this witness.

22 THE COURT: Cross-examination.

23 CROSS-EXAMINATION

24 BY MR. KORNFELD:

25 Q Ms. Caldwell, did you talk to your granny on that

1 morning?

2 A I can't recall.

3 Q You can't remember?

4 A No.

5 Q Did you talk to her -- you usually talk to her every
6 day?

7 A Not every day, no.

8 Q All right. When you talk to her, how would you talk
9 with her?

10 A Just like a granddaughter does to her grandmother, I
11 guess. I mean, I really don't --

12 Q Do you call her on the phone?

13 A Yes. Whenever I talk to her, that's how I talk to
14 her.

15 Q And you, actually, had a cell phone on that date,
16 didn't you?

17 A Not to my recollection, no.

18 Q Does your grandmother have two cell phones?

19 A No.

20 Q Did you ever borrow any of your grandmother's cell
21 phones?

22 A No.

23 Q And you don't have a cell phone either?

24 A No.

25 Q And, at the time, you said that you were an exotic

1 dancer; is that correct?

2 A Not at that time. At that time, I was unemployed.

3 Q Okay. So you weren't -- how long before that time
4 were you?

5 A I had been that past summer.

6 Q All right. And do you remember calling Furman on --
7 in the morning near noon and around -- just before noon on
8 May 19th, 2012?

9 A No, sir. I do not.

10 Q So you didn't call him?

11 A I was with him. How was I supposed to call him?

12 Q You didn't call him and tell him to come pick you up
13 anywhere?

14 A No, sir.

15 Q All right. And earlier you testified that Mr. Taylor
16 went with a guy named Andre; is that correct?

17 A I didn't say he went with him. I said he went to his
18 house. To my recollection, that's where he was supposed
19 to be going.

20 Q And isn't it true that he went there from -- after he
21 talked to you when you were at the first pawnshop? Isn't
22 that correct?

23 A No. He did not go there until after the pawnshop --
24 the second pawnshop.

25 Q Okay. And you say in the first video, he has a --

1 you pointed out an individual out with a black shirt and
2 something on it. What --

3 A I'm not sure what it is on it. It's just some kind
4 of -- I don't know, some kind of picture. I'm not sure of
5 what.

6 Q All right. And then what kind of shirt is the
7 individual wearing in the second video?

8 A An orangish-red shirt.

9 Q All right. And a green hat?

10 A Yes.

11 Q What kind of green hat is that?

12 A It's a green John Deere hat. It's, actually, green
13 and yellow.

14 Q And where are you testifying he got that hat?

15 A Out of the van from which we were living.

16 Q So he had another hat?

17 A He had almost all of his clothes in that van.

18 Q The individual in the second video, also, seems to
19 have some kind of -- something in his hair right here?

20 A It's a doo-rag, bandanna, something along those
21 lines. I don't know what you really call it.

22 Q Is it not a croakie, something that would hold
23 sunglasses on the back there?

24 A No.

25 Q And then, also, that gentleman in the second video is

1 not wearing a watch; is that correct?

2 A Oh, I don't know. I didn't even really pay attention
3 to that.

4 Q Do you know if Mr. Taylor ever wore a watch?

5 A I can't recall, honestly.

6 Q All right. And, at the second pawnshop, were you
7 ever at the Bi-Lo near that pawnshop?

8 A I don't know.

9 Q You don't --

10 A The first pawnshop is beside the Bi-Lo, the one in
11 Berea. The one on Street, I'm not sure if it's
12 even beside the Bi-Lo.

13 Q But your testimony is that you weren't -- or you
14 don't know if you were at a Bi-Lo?

15 A As far as I can recall, no, I wasn't. But I can't
16 swear to that, because I don't remember.

17 Q All right. And is it possible since you don't know
18 that you were dropped off at that Bi-Lo as well?

19 A No, sir. I was with Furman Taylor the night before.

20 Q I'm talking about between the time of the first
21 pawnshop and the second pawnshop?

22 A No, sir. I was with Furman Taylor the entire time.

23 Q What about Mr. Whitman? Were you with him?

24 A No, sir.

25 Q Did you talk to Mr. Whitman during the -- on the 19th

1 of May?

2 A I don't recall. I couldn't tell you yes or no,
3 because I don't know.

4 Q All right. Was anybody else with you when you were
5 at the pawnshops?

6 A No, sir.

7 Q All right.. And did you ever have any vehicle trouble
8 on any vehicle that you were in earlier that day?

9 A The only vehicle I was in was the van, so, no.

10 Q And you didn't have any problems with a -- your
11 battery, or anything like that?

12 A Not that I recall, no.

13 Q All right. But you would recall if the battery
14 wasn't working; correct?

15 A I mean, the van run fine, as far as I can remember.

16 Q Right. And did you have any problem with the van
17 before?

18 A Not that I can think of. We changed the brakes one
19 time, but that's really all I can think of.

20 Q All right. And who is "we"?

21 A Me and Furman.

22 Q Isn't it true that he only had had that van for less
23 than a month?

24 A I'm not sure how long he had it. I know he had
25 gotten it recently, but I'm not sure how long he had it.

1 Q And he already had to change the brakes, according to
2 your testimony?

3 A Yes.

4 Q Okay. Did you talk to your grandmother between the
5 time that you gave your first statement to Investigator
6 Mashak and the second statement?

7 A No, sir. I did not talk to my grandmother until I
8 had been in jail for almost three months.

9 Q All right. Did anybody else from your immediate
10 family talk to you that knows your family?

11 A No.

12 Q Okay. Amanda, who, actually, was with you on May
13 19th, 2014?

14 A Furman Eugene Taylor.

15 Q And that's your testimony?

16 A That is my testimony.

17 Q Not Tyler Whitman?

18 A No, sir.

19 MR. KORNFELD: All right. Thank you.

20 MR. WALLACE: Nothing else from the State, Your
21 Honor.

22 THE COURT: All right. You may step down, ma'am.

23 MR. WALLACE: Your Honor, at this time, the State
24 rests.

25 THE COURT: All right. Ladies and gentlemen, we're

1 going to take up some matters. So if you'd just go to the
2 jury room briefly. Don't talk about the case and continue
3 to keep an open mind.

4 Thank you.

5 (WHEREUPON, the jury was excused from open court at
6 approximately 4:39 p.m.)

7 THE COURT: Any motions at this juncture?

8 MR. WALLACE: Nothing from the State.

9 MOTIONS

10 MR. KORNFELD: Your Honor, we have a motion pursuant
11 to Rule 19 of the South Carolina Rules of Criminal
12 Procedure, specifically, a no competent evidence motion.
13 Due to the statements by the co-defendant that are --
14 they're so grossly different. Her testimony cannot be
15 considered credible. And, thereby, you can't consider any
16 of the things she said. Most -- almost all competent
17 testimony about who he was came from her.

18 Mr. -- both Mr. David Perry and T.R. Perry were
19 unable to recognize or identify Furman Taylor. And David
20 Taylor [sic] wasn't even sure if he, actually, saw --
21 David Perry wasn't even, actually, sure he saw Mr. Taylor
22 or a gentleman there, a man there.

23 Also, Your Honor, I don't believe that there was any
24 competent evidence as far as a weapon that was used or the
25 fact that this happened at nighttime. So I would ask that

1 those -- that the case be dismissed as far as that.

2 Also, on the petit larceny, there was no actual
3 values given concerning the actual items that were taken.
4 Thereby, there's no way to be able to ascertain whether or
5 not the items had a value, thereby, not meeting the
6 elements of that offense.

7 Your Honor, I guess I'd like you to rule on that. I
8 just want to renew my motions for the record after -- do
9 you want to rule on this first and then let me -- I've got
10 the other motions I just want to preserve that I've
11 written down.

12 THE COURT: Yes, sir. I would respectfully deny the
13 motions. I think there's sufficient evidence, which I
14 can't weigh or determine the credibility of, that exists.
15 And the credibility would be up to the jury. But there is
16 sufficient direct and circumstantial evidence that would
17 tend to prove the guilt of the Defendant on both crimes.

18 And as to the petit larceny, there was testimony the
19 goods were sold for a value. And so I'd respectfully deny
20 your motion.

21 What's the next motion?

22 MR. KORNFELD: The other motions are the motions that
23 I made at the beginning of the case. I just want to put
24 those on the record again to preserve them.

25 THE COURT: Yes, sir.

1 MR. KORNFIELD: Do you want me to do that now, or talk
2 to my client and find out if we're going to put up a case?

3 Because I'm unsure whether I have to put it in at the
4 end of the State's case and when we rest if my -- if we
5 don't put up a case.

6 THE COURT: Do you want to talk to your client?

7 MR. KORNFIELD: Well, Your Honor, I just want -- I
8 want to make it clear that, basically, if I don't put up a
9 case, I'd like us to, at least, stipulate that I don't
10 have to put it on the record before the Defense rests
11 and then after the Defense rests, if no case is put
12 up.

13 THE COURT: Well, all your previous motions and any
14 arguments you made in support of them will be
15 reincorporated at this stage. I adhere to my earlier
16 ruling.

17 And if you put up a case, you can make the same
18 renewal at that point just so there won't be any question
19 about it.

20 MR. KORNFIELD: Okay. Do you mind -- can I talk to my
21 client at this time?

22 THE COURT: Yes.

23 Let me ask --

24 Mr. Taylor, I'm going to ask you some questions, sir.

25 Raise your right hand.

1 WHEREUPON,

2 FURMAN EUGENE TAYLOR, JR.,

3 after first having been duly sworn, testified as follows:

4 THE COURT: All right. Now, if I ask you something you
5 don't understand, or if I'm just not making sense, or you
6 need me to repeat something, or you need to stop to talk
7 with Mr. Kornfeld, I'll be glad to give you the opportunity.

8 Is that okay with you?

9 DEFENDANT TAYLOR: That's fine, sir.

10 THE COURT: I just want to make sure you understand
11 you have the right to testify in this case. And the right
12 to testify is your right. It's a personal right of yours.
13 You make the decision after consulting with your lawyer
14 and discussing the strategy of doing it. But you have the
15 right to testify, to come up and be sworn and take the
16 stand, and tell your side of the story.

17 But I just need to make sure you understand if you do
18 that, you'll be subject to being cross-examined, just as
19 your lawyer has cross-examined the State's witnesses. And
20 that means that the Solicitor can ask you about anything
21 that might be relevant to this case, or might bear on your
22 credibility, and would otherwise be appropriate
23 cross-examination. I don't --

24 Would the State seek to introduce any other prior
25 convictions, if any?

1 MR. WALLACE: Yes, Your Honor.

2 He has more prior convictions, attempted burglary
3 second degree, assault with intent to kill that we would
4 seek to impeach him with.

5 THE COURT: So if those other convictions met the
6 criteria for coming into evidence, if you testified, the
7 jury would hear about those. And, again, it would be with
8 the limiting instruction that they can only be used for
9 the limited purpose of assessing your credibility, and not
10 for whether or not you committed this particular crime.
11 But, of course, if you didn't take the stand, they
12 wouldn't hear about those prior convictions, if they are
13 admissible.

14 MR. KORNFELD: And, Your Honor, is it possible that
15 we could have a ruling on that before -- I'm looking at
16 State v. Broadnax case, which states that convictions
17 alone may not subject him to impeachment without proof of
18 dishonesty. And this case, also, says a shoplifting alone
19 is not necessarily dishonest without more. It would be
20 material to me and I think Mr. Taylor --

21 THE COURT: Right.

22 MR. KORNFELD: -- about whether or not those were
23 going to come in prior to --

24 THE COURT: Okay. So -- I'll be glad to do that.

25 Let me just finish with Mr. Taylor about making sure

1 you understand.

2 We'll deal with whether those other convictions can
3 be heard by the jury, if you testify, in a moment. Right
4 now, I just want to make sure you understand that if you
5 did not testify, sir, the jury would be told that the fact
6 that you didn't take the stand could not be considered by
7 them in any way. They could not even discuss that fact in
8 the jury room. I would tell them that at the end of the
9 case in the context of telling them about your right to
10 remain silent and the State's burden of proof.

11 Also, if you don't present any evidence, whether it's
12 your testimony or not, your lawyer gets the final closing
13 argument, the last word, so to speak, in front of the
14 jury. If you do present evidence, the State gets the last
15 closing argument.

16 So that's the information I wanted to make sure you
17 had. I'm sure you already knew all of these things, but I
18 just have to ensure you do.

19 Have you understood all of my questions, sir?

20 DEFENDANT TAYLOR: Yes, sir, Your Honor.

21 THE COURT: Do you have any questions of me?

22 DEFENDANT TAYLOR: No, sir, Your Honor. I
23 understand.

24 THE COURT: All right, sir. If you want to talk to
25 your lawyer, and y'all can let me know how you wish to

1 proceed.

2 Before you do that, tell me what the convictions are
3 and the dates of them.

4 MR. WALLACE: Your Honor, I have an indictment here
5 for burglary in the second degree. This burglary second
6 degree of a dwelling occurred on December the 12th through
7 the 17th of 1991. And the Defendant received a 15-year
8 sentence on that charge. It's my understanding that he
9 was released from prison in 2005. The next one is a
10 burglary second degree, also. This was on the 3rd day of
11 December of 2005. It was burglary of a dwelling as well.
12 The next one is a burglary second degree of a dwelling.
13 And this one happened between December 23rd and 24th of
14 1991. And he received a 15-year sentence on that.

15 The next charge is attempted burglary of a dwelling.
16 And this one occurred on February 21st of 1992. And the
17 next conviction would be assault and battery with intent
18 to kill. On the indictment, he pled guilty to assault
19 with intent to kill. And this incident occurred on
20 February the 7th, 2008.

21 So those would be the charges that the State would
22 seek to impeach with.

23 THE COURT: When was he released? In 2005?

24 MR. WALLACE: I have here he went to prison on April
25 the 30th, 1993, and was released on September 1st, 2005.

1 THE COURT: What date? I'm sorry.

2 MR. WALLACE: September 1st, 2005.

3 THE COURT: And then he had another conviction in
4 December of 2005?

5 MR. WALLACE: Yes, Your Honor.

6 THE COURT: What was the sentence that?

7 MR. WALLACE: Your Honor, the sentence on that was
8 three years.

9 THE COURT: Okay. And then how about the sentence on
10 the assault?

11 MR. WALLACE: Your Honor, on that charge, he received
12 542 days.

13 THE COURT: Okay. And what is the Defense's position
14 of the admissibility of these under Rule 609?

15 MR. KORNFELD: Well, Your Honor, under State v.
16 Broadnax, I would state without more that they cannot be
17 admitted. And that it would be subject to a balancing
18 test in which you would determine the probative value of
19 admitting the evidence and whether it outweighs its
20 prejudicial effect.

21 Our argument would be that the only reason to bring
22 this in is for prejudicial effect. What other relevance
23 does it have to this case? There's no -- it states in
24 this case with the charges alone, that is not enough for a
25 crime of dishonesty.

1 Further, several of these crimes are over 10 years
2 old. And I'd asked that those be excluded as well.

3 THE COURT: Well, the --
4 Mr. Wallace.

5 MR. WALLACE: Yes.

6 THE COURT: Were you --

7 MR. WALLACE: Your Honor, obviously, the purpose of
8 admitting the prior convictions would be to attack the
9 credibility of his testimony. The last -- when he was --
10 from September 2005 when he was released from his 15-year
11 sentence, therefore, it's been less than 10 years.

12 And so I'd -- the State's position would be that
13 burglary is a crime that tends to show dishonesty. And
14 these would be admissible for only the purpose of
15 impeaching the witness.

16 MR. KORNFELD: And, Your Honor, in State v. Broadnax,
17 the Court says our Supreme Court held in State v. Bryant,
18 369 S.C. 511, then they give the southern second part,
19 2006, that a conviction for robbery, burglary, theft, a
20 drug possession beyond the basic crime itself is not
21 probative of truthfulness, see United States v. Smith,
22 1801 federal subsection.

23 I believe the only reason to bring it in is to
24 prejudice the Defendant. And it's, you know, unduly
25 prejudicial.

1 THE COURT: Well, I will allow them to -- if he
2 testifies to impeach with the fact that he has prior
3 felony convictions. And I'll tell the jury that only can
4 be used to assess his credibility, if the Defense wants me
5 to do that. I think they're admissible.

6 I will state that -- I'll be glad to tell the jury
7 that he has prior felony convictions and not go into the
8 nature of them, because there are -- they are similar to
9 what he's charged with. And then we have the added layer
10 of this being a burglary first case where the elements
11 include two prior burglary convictions that have already
12 been stipulated to.

13 So I find that the prejudicial value -- or the
14 probative value, rather, outweighs the prejudicial effect.
15 But it's not by much because of the fact that, number one,
16 they've already heard about prior convictions. They've
17 been told to limit consideration of those for one
18 expressed purpose. Number two, they're going to, if he
19 testifies, be told about prior felony convictions he has.
20 And they have to limit consideration of that evidence to
21 his credibility.

22 So -- and without identifying the actual offense and
23 just saying it's a felony, I don't know in this particular
24 circumstance how it advances the ball on whether or not
25 he's credible, but I do find it does to some extent. But,

1 as I said, it's not by much. All it has to do -- the
2 probative value just has to outweigh the prejudicial
3 effect, which I find it does.

4 But anything else?

5 MR. WALLACE: Yes, Your Honor.

6 So when I -- so if he does take the stand and I
7 impeach him with that record, then I will be saying that
8 he was convicted of a felony that carries a sentence of
9 greater than one year during this particular date; is that
10 correct?

11 THE COURT: I don't even think you have to say the
12 sentence. Just say, you were convicted of a felony.

13 MR. WALLACE: On that particular date?

14 THE COURT: Right.

15 MR. WALLACE: All right. Thank you, Your Honor.

16 THE COURT: So that's my ruling.

17 MR. KORNFELD: Your Honor, if it's okay --

18 THE COURT: Yes. Sure.

19 How much time do y'all need to --

20 MR. KORNFELD: I would think less than 10 minutes.

21 THE COURT: All right. We'll take a break.

22 (WHEREUPON, a break was taken.)

23 THE COURT: Yes, sir, Mr. Kornfeld.

24 MR. KORNFELD: Mr. Taylor is not going to testify.

25 Further, we are not going to put up a case.

1 THE COURT: Okay.

2 MR. KORNFELD: I would just -- at the appropriate
3 time, I would just like to, I guess, put these objections
4 that I wrote down to make sure they're on the record
5 correctly.

6 THE COURT: Tell the jury just to come back in the
7 morning.

8 THE BAILIFF: Okay, Judge. What time?

9 THE COURT: 9:30. We'll have the closing arguments.
10 Just tell them to come back at 9:30.

11 THE BAILIFF: Okay, Judge.

12 THE COURT: Do you want to put something on the
13 record now?

14 MR. KORNFELD: That would be great.

15 THE COURT: Sure. Go ahead.

16 MOTIONS

17 MR. KORNFELD: Thank you, Your Honor.

18 I'd just like to renew my motion to quash the
19 indictment pursuant to Rule 3 and, specifically, on the
20 State v. Culbreath and State v. Edwards cases, and the
21 fact that in those -- in State v. Culbreath, it says it's
22 an administrative rule. On the other hand, if there is
23 something more than just the 30 days that have passed
24 before the warrant has been indicted. That would be my
25 argument that the delay was so great that it did become a

1 substantive -- I don't know if I'm saying that word
2 correctly, but it became an issue before the Court.

3 And my other issue would be the element of the two
4 prior burglaries being charged to a jury or being known by
5 a jury at any time is in itself unduly prejudicial. And
6 it handcuffs the Court of their ability to do a 403
7 weighing balance. And the -- allowing the jury to hear
8 that shows no effect, other than for prejudicial effect.

9 The other issue is the -- my motion to exclude the
10 video. I believe that it wasn't the full video. I've
11 talked to Investigator Mashak. He says that was his full
12 video.

13 On the other hand, I requested a spoliation charge in
14 Mr. Taylor's favor. That motion was based on Rule 5, Rule
15 901. And I just cited the case before. I didn't,
16 actually, give the rules. So I guess I should just cite
17 the case. It would be the State v. Gregory Allen Ivery
18 case that was heard on June 5th, 2014, of this year [sic].

19 My objection to the new witness on the witness
20 list -- although the voir dire -- I think you -- that
21 would be my objection. Again, although you gave voir
22 dire, I guess, or asked them about that, if they knew her
23 or if a family member knew her and they did not, I would
24 object to the video being admitted in under State v.
25 Ivery, the same case.

1 And then, also, I object to allowing any of his prior
2 record to come into -- to be known by the jury and to come
3 into the evidence. I believe that it should be limited
4 not only to the particular date, but limited entirely.

5 Those are all my objections, Your Honor.

6 THE COURT: All right. Well, the ruling on the Rule
7 609 issue of prior offenses is in limine.

8 As to the Rule 3 matter of the delay, I reiterate my
9 previous ruling. I find that there's no prejudice shown
10 from any delay. And there's no mechanism to enforce that
11 rule that our Supreme Court has recognized in terms of
12 dismissing an indictment for failure to abide by it.

13 And all the other objections have the same ruling
14 that I previously made.

15 All right. Thank you very much.

16 See you at 9:30.

17 MR. WALLACE: Thank you.

18 MR. KORNFELD: Thank you, Your Honor.

19 THE COURT: Is there any request to charge that y'all
20 need to discuss in relation to the verdict form?

21 MR. KORNFELD: Judge, I would just -- I guess I'm --
22 I guess I just have a question about is the second degree
23 burglary going to be charged to the jury?

24 THE COURT: Are you requesting it?

25 MR. KORNFELD: I'm not.

1 THE COURT: No. I'm not planning on it.

2 MR. KORNFELD: Okay.

3 THE COURT: It was in there, but all I'm going to
4 charge them on is the first degree. I don't know if --
5 the only thing I would charge on is the aggravated
6 circumstance of two prior convictions. I mean, I don't
7 see any reason to charge -- first of all, I don't know
8 that there's evidence it was in the nighttime. And,
9 second, I don't know about the weapon. I mean, I heard
10 testimony about a gun being taken, but y'all can let me
11 know about that, if you want --

12 MR. KORNFELD: Okay.

13 THE COURT: -- to mull it over.

14 MR. WALLACE: All right, Your Honor.

15 THE COURT: Thank you.

16 (WHEREUPON, the proceedings were concluded at
17 approximately 5:19 p.m., to be reconvened on
18 Wednesday, January 7, 2015.)
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1 WEDNESDAY, JANUARY 7, 2015

2 THE COURT: Anything before we bring the jury in?

3 MR. WALLACE: Yes, Your Honor.

4 THE COURT: Yes, sir.

5 MR. WALLACE: I talked with the Court Reporter this
6 morning, and she said that some of the exhibits that we
7 put into evidence yesterday, she did not have the numbers
8 of those exhibits recorded on the record.

9 THE COURT: Okay.

10 MR. WALLACE: I just wanted to bring that to the
11 attention of the Court.

12 THE COURT: Do y'all want to clear that up now?

13 MR. WALLACE: Yes, sir. I can publish them at this
14 time.

15 THE COURT: Yes, sir.

16 MR. WALLACE: The first exhibit is State's Exhibit
17 No. 12 -- I'm sorry. The first exhibit is State's Exhibit
18 No. 9, which is an indictment, 1993-GS-23-3103, State v.
19 Furman Eugene Taylor, where he was charged with and
20 convicted of burglary in the first degree. That's State's
21 Exhibit No. 9.

22 THE COURT: Okay.

23 MR. WALLACE: The next exhibit is State's Exhibit
24 No. 10. That's an indictment, 1993-GS-23-3104, State v.
25 Furman Eugene Taylor, Jr., where he is indicted for

1 burglary in the first degree. And it is a conviction.

2 the next exhibit is State's Exhibit No. 12, which is a
3 property and evidence sheet involving the pawnshop video
4 with the case number 011274249. State's Exhibit No. 13 is,
5 also, a property and evidence sheet involving the pawnshop
6 videotape with a case number 11273682. And then State's
7 Exhibit No. 15. And then State's Exhibit No. 14 -- or I'm
8 sorry. That was State's Exhibit No. 13. Correction.
9 State's Exhibit No. 14 is the actual pawnshop video CD,
10 which is case number 011274249. And then State's Exhibit
11 No. 15 is the other pawnshop video CD, which is case number
12 11273682.

13 (WHEREUPON; State's Exhibit Nos. 12, 13, 14, and 15
14 were admitted into evidence.)

15 THE COURT: Okay. Does this cover everything?

16 MR. WALLACE: Yes, sir. It does, Your Honor.

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

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

20 THE COURT: Okay. We'll bring the jury in.
21 Thank you.

22 (WHEREUPON, the jury came into open court at
23 approximately 9:39 a.m.)

24 THE COURT: Good morning, ladies and gentlemen.

25 The State rested their case yesterday. That means

1 they've completed their presentation of evidence at this
2 time. And, now, the Defense has the opportunity, but, as
3 I told you, not the obligation to present any defense.

4 Mr. Kornfeld.

5 MR. KORNFIELD: May it please the Court.

6 Your Honor, the Defense rest.

7 THE COURT: All right. So that means we're at the
8 stage where we'll hear the closing arguments in the case,
9 and I'll give you the instruction on the law.

10 So, yes, sir, Mr. Wallace.

11 CLOSING ARGUMENTS

12 MR. WALLACE: Thank you, Your Honor.

13 May it please the Court.

14 Good morning, ladies and gentlemen of the jury.

15 As I told you at the beginning of the trial, the
16 evidence was going to come to you from the testimony and
17 the exhibits in this case, the physical evidence. There
18 is not going to be any more evidence in this case. You've
19 heard all the evidence. You've heard the testimony. You
20 have all the exhibits here that are in evidence. And
21 that's all the evidence that is going to be in this case
22 for you to deliberate with. And there's no possibility
23 that there will be any more evidence.

24 I tell you that so that this morning I have an
25 opportunity to talk to you briefly about what is important

1 about this evidence to the State's case. And before I get
2 into, actually, talking about each piece of evidence in
3 this case, I want to take -- briefly, I want to talk to
4 you about the charges in this case, burglary first degree
5 and petit larceny.

6 It's not disputed that this is a burglary first
7 degree. What is in dispute is, did Furman Taylor do this
8 burglary in the first degree? Because you heard from the
9 Judge yesterday, he has two prior burglary convictions.
10 The State has met its burden to prove the aggravating
11 element in this case raising this to the level of burglary
12 first degree. So that much is not in dispute.

13 There's, also, a petit larceny that goes along with
14 that burglary first degree. And, basically, larceny is
15 defined as stealing. It's another term for stealing. And
16 you heard evidence in this case that there was stealing,
17 other items taken from Renna Taylor's house that day that
18 had a monetary value. That monetary value did not rise to
19 the level of \$2,000. It was less than \$2,000.

20 And Renna Taylor herself testified to the DVD player
21 being worth about \$50, that the laptop computer was worth
22 about \$500. There was, also, testimony that the DVD
23 player was pawned, that the charm, the "R" letter charm
24 was pawned from this burglary. And that the value of
25 those items was, according to the pawnshop, less than a

1 hundred dollars. So there is a monetary value of these
2 items stolen. And it gets into the level of petit
3 larceny.

4 So those are the charges that Furman Taylor has been
5 charged with. And there's really not a lot of dispute
6 about those in this case.

7 So what is the question that we're going to deal with
8 in this trial? Well, of course, the question is simply,
9 who done it? Who was with Amanda Caldwell in Furman
10 Taylor's vehicle that day committing that burglary with
11 her? That is a question that you're going to have to
12 deliberate on when you go back to the jury room for your
13 deliberations to look at the evidence and to recall the
14 testimony you've heard.

15 So let's talk about the evidence briefly boiling this
16 down -- to try to boil this down to the simplest level
17 possible. Because I know there's a lot of evidence in
18 this case that deals with -- there's a lot of testimony
19 you heard over the last day or so. So let's boil it down.

20 The State believes that the four key things in this
21 case that show that Furman Taylor is guilty of this crime
22 are, first of all, the blue and white Ford Aerostar van.
23 Second of all, the black ball cap. Third of all, Amanda
24 Caldwell's testimony on the witness stand. And, finally,
25 the two videotapes from the pawnshops. We think that this

1 is the key evidence that points to Furman Eugene Taylor as
2 the person who committed these burglaries -- this burglary
3 and this petit larceny.

4 So let's talk about the Ford Aerostar van. You've
5 heard a lot of testimony about that throughout the trial.
6 You should be very familiar with that van. But I want to
7 point out that the eyewitnesses at the scene of the
8 burglary, the Perry brothers, they both identified that
9 van as a blue and white Ford Aerostar van. They
10 remembered that distinctly and testified to that. That
11 that van was the van that the two individuals left the
12 house and got into, and escaped from the scene of the
13 crime. That's the get-away vehicle. They testified to
14 that.

15 Who else testified to it? Amanda Caldwell. She
16 testified to that blue and white Ford Aerostar van. She
17 gave you more detail about that van. She talked about the
18 fact that, sometimes, they spent the night in that van.
19 She testified that they kept their belongings in that van.
20 She testified that she was not allowed to drive that van,
21 unless Furman Taylor was in the van with her.

22 She, also, testified where he got the van from, that
23 he was the owner. And he bought that van just shortly
24 before the burglary. And that he bought that van from her
25 brother-in-law. That's what her testimony was.

1 But there was even more testimony about that van
2 later on in the trial. Deputy Loveless, the deputy who
3 arrested Amanda Caldwell on May 31st, testified that she
4 and Furman Taylor were both in that van, a blue and white
5 Ford Aerostar van. He even gave you a date of 1993,
6 because he ran the tag. And it came back to Furman Taylor
7 as the registered owner of that vehicle.

8 So we know that it was at the crime scene. And we
9 know what Amanda Caldwell said about it, that he owned it.
10 And we know from the testimony of the deputy that it was
11 registered to him. So that's a common piece of evidence
12 throughout this case that identifies Furman Taylor.

13 The other thing is the black ball cap. Again, the
14 two eyewitnesses who were at the scene of the burglary,
15 they gave a description of the white male subject -- as a
16 white male subject, that he had a goatee and a ponytail,
17 that he wore a black jacket and blue jeans. They, also,
18 identified the fact that he wore a black ball cap. Again,
19 Amanda Caldwell testified that the day of the burglary,
20 Furman Taylor wore his black ball cap. She said it was
21 his black tailor-made ball cap. So she testified to that.

22 And then the key piece of evidence about that black
23 ball cap comes to you from the first video. The first
24 video we watched yesterday that happened a few hours
25 before the burglary was where Amanda Caldwell is pawning

1 some stolen items. And he appears in that video. And
2 he's wearing blue jeans, a black shirt, and a tailor-made
3 ball cap. So that's another common piece of evidence in
4 this case that identifies Furman Taylor as the person that
5 committed this burglary.

6 Now, let's talk a little bit about Amanda Caldwell
7 and her testimony. Her testimony is, actually, very good
8 from the standpoint that it fills in a lot of details
9 about this burglary. In detail, she talks about the van.
10 She talks about what he was wearing that day. She talks
11 about the items stolen. All of this is corroborated by
12 other evidence in this case. A lot of the evidence in
13 this case from the witnesses and from the exhibits, the
14 videos themselves, they back up this information that she
15 gave you about the burglary.

16 Now, the Defense will tell you she's a liar. The
17 Defense will tell you that her testimony is not credible,
18 because she has something to gain or lose here. Okay.
19 Well, they, also, said she was given preferential
20 treatment from the State because she's a State's witness.
21 But let's review that just for a second.

22 From what we heard in the testimony yesterday, she
23 now has three known convictions. She spent seven months
24 in jail with no one to bail her out. She is now on house
25 arrest. And she is not sentenced yet. So she has more

1 punishment coming.

2 So, ladies and gentlemen of the jury, if that sounds
3 like preferential treatment to you, then we'll go with
4 that. I just wanted to point that out to you that it has
5 not been easy for Amanda Caldwell to come in here and be
6 cross-examined, and testify under oath to tell you what
7 she told you was the truth in this case.

8 Now, let's talk about the videos. What's significant
9 about the two videos? Well, first of all, they happened
10 the same date of the burglary. And they're in two
11 separate pawnshops. And they happened at a time just
12 before the burglary and at a time just after the burglary.
13 There's a few hours on either side.

14 In the first pawnshop video, you see Amanda Caldwell.
15 And she's pawning items at the front desk. And in that
16 video, you see Furman Taylor in the pawnshop. And he's
17 wearing blue jeans, a black shirt, and a black tailor-made
18 cap. And I would submit to you, ladies and gentlemen of
19 the jury, they're the same items that he wore to this
20 burglary just a few hours before.

21 What about the second video? What does it tell us?
22 Well, it tells us within a few hours after the burglary,
23 he's still with Amanda Caldwell. Because he's in that
24 video, too, at the Cash America Pawnshop. He is at the
25 pawnshop where she is, actually, pawning two items stolen

1 during this burglary just a few hours later, the "R"
2 shaped pendant and the laptop computer. And he's in that
3 video with her at the first pawnshop and the second
4 pawnshop. And that's key evidence.

5 So what does it come down to? What does this case
6 all come down to? Well, it comes down to this, that if
7 you can believe between the first video and the second
8 video, those few hours that transpired, that somebody else
9 got in Furman Taylor's van with his girlfriend and went to
10 that house and committed that burglary, and that that
11 someone else, also, matched his description -- physical
12 description all the way down to the ponytail and the
13 black -- and the goatee beard, if you can believe that, then
14 you should find the Defendant not guilty.

15 But if that's too much, if that stretches the
16 boundaries of believability for you, then you must return
17 a verdict in this case that speaks the truth. And that
18 truth is that Furman Eugene Taylor is guilty of these
19 charges.

20 Thank you.

21 THE COURT: Thank you, Mr. Wallace.

22 Mr. Kornfeld.

23 MR. KORNFELD: Thank you, Your Honor.

24 At the beginning of this case, I told y'all that at
25 the end of the case that you would be convinced that

1 Mr. Furman Taylor did not commit this crime, burglary
2 first, or the crime that went along with it in this case,
3 the petit larceny. I, also, told you the thing in this
4 case would be the boy that cried wolf. As we all know
5 now, the boy is, actually, not a boy, but Amanda Caldwell,
6 who's lied several times. And we will go through that.

7 Here, I'm just going to try to give you an overview
8 of what I kind of remember from the case and the important
9 points. And I'll try to do it as my notes indicate.

10 Remember, first, Renna Taylor, the owner of the home
11 on Road. She came and testified to us and
12 explained to us that she left. She didn't know exactly
13 when she left. Again, this happened over two years ago,
14 May 19th, 2012. She left sometime during the day, it
15 sounds like, around noon. It takes her an hour and a half
16 to an hour, if my memory is correct, for her to get where
17 she was going in North Carolina.

18 We know that Mr. T.R. Perry called her and let her
19 know there was a suspicious van in her horseshoe driveway,
20 and that T.R. pulled up right behind that van. And if we
21 remember correctly, the van was in the front of the house.
22 The van was, actually, right here, according to my memory
23 of what T.R. said. And he says he pulled right here to
24 get some trash that Ms. Perry -- not Ms. Perry, that
25 Ms. Taylor asked for him to get.

1 Now, when -- we, also, know from Renna that this
2 occurred during the daytime. And she showed us -- she,
3 also, showed us where the glass was broken out. And she
4 showed us that that occurred in the back of the house.
5 And that there was a screen door right here -- a screen
6 door right here, and the place where it was, actually,
7 broken into was over here.

8 Then we heard from T.R. Perry. He says -- we know
9 from him, if you remember his testimony, it was pretty
10 clear, I think, that he doesn't remember much. But he
11 knows where his car was parked -- or his truck, and that
12 the van was parked in front of it.

13 He said he was certain that the man had a black
14 brimmed hat. Even when he was crossed on that, he was
15 certain about a black brimmed hat. And that will become
16 important later on in the statement. When I crossed him
17 about the description of what he previously said before in
18 a statement, he wasn't real, you know, emphatic about his
19 statement that he gave. And he changed the description of
20 the male suspect.

21 You, also, remember, which is important, when they
22 asked him about -- when Mr. Wallace asked him about Amanda
23 Caldwell, do you remember what description he gave of
24 Amanda Caldwell? He didn't give a description. He didn't
25 remember. He just said it was a male and a female, and

1 that they were white.

2 That is important because later, we talked to David
3 Perry, who was, also, in the truck. And they both said
4 that the truck was a -- well, David knew -- T.R. knew what
5 kind of truck he had, an old Dodge Ram, gray, an old Dodge
6 Ram. David knew it was an older gray truck is what he
7 said. So he knew that.

8 Then we hear that David gives a description up here
9 when Mr. Wallace is asking him. But then I asked him, if
10 you remember, about his prior statement. I said, Didn't
11 you say in your prior statement that you didn't get a good
12 look at the man?

13 He said, Well, yeah. I could have said that.

14 So you don't even know if you saw him or not?

15 No. I think I did. I don't know.

16 Here is why that is so important in this case. This
17 case is over two and a half years old. They have had a
18 lot of time between May 19th, 2012, and January 6th of
19 2015. And in between that time, I suspect, but I don't
20 know, people have talked to them about this burglary and
21 what has happened. And, now, their memory is becoming his
22 memory.

23 But when I asked him about what happened exactly when
24 he was questioned about this, which was right around the
25 time of the crime, his memory, at that time, was he didn't

1 remember. He couldn't point him out of a photo lineup.
2 And he definitely doesn't even know if he even saw the
3 man.

4 Then we talked -- Investigator Mashak came and
5 talked. And he told us that he got some videos. He
6 called up and got videos. And he only -- he just calls
7 and just gets a video. He just asks for when Amanda
8 Caldwell comes in and when Amanda Caldwell comes out.
9 Apparently, there's no video outside of pawnshops.
10 There's only video inside.

11 He, also, took -- he, also, apparently, had that
12 video -- from what he said, I think he got on the case on
13 the 31st. I can't remember. But we look at when he
14 brought the video in to Ms. Bennick. She got it several
15 days later from that time. So he had this video for
16 several days. And he says that's all the video that he
17 received.

18 We, also, know that when she was arrested -- and
19 we'll get back to Officer Loveless, who, actually,
20 arrested Ms. Caldwell in the parking lot. But this is
21 Officer Mashak.

22 When Officer Mashak met with her on a Monday morning,
23 she comes in and tells Officer Mashak that Katherine --
24 first, they take the -- let me get this part. They take
25 the -- what, I guess, would be her confession. And I

1 guess they brought her into a room. There's no video of
2 that confession. There's no video of either of the
3 confessions. And we'll talk about why that's important
4 later as well.

5 But they take this confession. And Amanda tells them
6 that it was -- I can't even remember because the stories
7 are so crazy. But I think she tells them, at that time,
8 that it was Katherine Elaine Sasser and Furman Taylor at
9 this time. Katherine Elaine Sasser and Furman Taylor.

10 Well, then she gets up and later says, well, I don't
11 know. I just knew her as Katherine Elaine. Well, that's
12 probably not true, because they were able to pull her up
13 and see her there. She knew her. She knew her well. She
14 knew her name. I think we can infer that. She didn't say
15 that. I can't prove that. But that's what I'm relying on
16 the jury to be able to find out.

17 And then she talks about Tyler Whitman. She talks
18 about Tyler Whitman and a gun that Tyler got from her
19 husband, who, I guess, she's still married to, or may be
20 her ex-husband now. It sounds like she said it was her
21 husband. We don't really know. I guess it doesn't
22 matter, other than the fact that his gun was taken and she
23 now says that Tyler Whitman took that, and that she pawned
24 that gun as well.

25 We talked with Officer Phillips. He was the older

1 gentleman in the -- I don't know if he had a suit, but an
2 oxford shirt on. He was the guy that was the LeadsOnline
3 guy, the guy that looked for leads for the pawnshops.
4 Officer Phillips shows us -- he doesn't tell us much,
5 other than the fact that he knows that Amanda Caldwell
6 pawned things at two different pawnshops. So we know
7 that.

8 Then we get to Officer Loveless. And Officer
9 Loveless gets an anonymous tip. We don't know where the
10 tip came from because he never talked to him, or anything.
11 He couldn't tell him anything about the anonymous tip.
12 But he goes and finds Furman Taylor and Amanda Caldwell.

13 I, also, said this in the opening, that I thought
14 this would be important, and it is important. Because
15 when he goes and picks up Amanda Caldwell in Furman's
16 Aerostar that was registered to him within the last
17 30 days from that time -- it was now his registered
18 vehicle. Officer Loveless arrests Amanda Caldwell for
19 warrants.

20 Officer Loveless, what does he do with Furman Taylor?
21 He checks his ID, I guess, his license. He says, okay,
22 you're free to go. You're free to go. See you later.
23 How does that make sense when they've got all this
24 information out?

25 And this goes back to David Perry, whether or not

1 this is really their memory or not, whether or not they've
2 heard people say this. And they go I think -- and David
3 was very shaky about what his memory was. He said it may
4 have been, it may have not. He doesn't know. I don't
5 really think he even saw the guy. I think what he said
6 previously was correct.

7 But, here, they go to Furman's vehicle, which if we
8 listen to who did not testify, but we got information from
9 Officer Mashak from Amanda Caldwell's estranged husband,
10 it was a white -- it was, actually, a white Ford Aerostar
11 van. And then we hear that there was some blue stripes.
12 Different people said different thing. I can't even
13 remember exactly what they said. But some people said it
14 was a blue top. I can't remember.

15 Tandy -- one of the brothers said it was a blue top.
16 The other brother said it was a blue bottom. Then, I
17 think, Caldwell said there was a blue stripe on it. And
18 Loveless, I think, said it was blue and white.

19 Here's the thing. Back to my point. I'm sorry. I
20 lost my train of thought. But here's the point. They go
21 and pick Amanda Caldwell up after they have all this
22 description that they say they have and let Furman Taylor
23 leave. You're free to go. Nothing on you. We don't
24 suspect anything.

25 Now, if they had all that evidence that has been

1 stated that they had at the time, why in the world would
2 they let Furman Taylor in a white and blue Ford Aerostar
3 van with the blue pinstripe on it leave? Why? Why would
4 you do that? You wouldn't. You would say, oh, we've got
5 some information here. We need to, at least, talk with
6 you.

7 Everybody knows that if you get pulled over,
8 especially where he's seen, they're going to say, do you
9 mind if we search your van? None of that happened. No
10 problem. They looked at his stuff. And he's free to go.
11 We didn't need to talk to him.

12 The reason they didn't need to talk to him is because
13 they didn't have any reason to believe that he did it.
14 And that's what's important. Where did they get that
15 information where he did it? They got that information --
16 what I told you at the beginning of the case between facts
17 and credibility. And they got it from the most incredible
18 person they could have gotten it from, Amanda Caldwell,
19 who sat up here and told us, I'm a criminal. I lie.
20 That's what I do.

21 And what did she lie about? Boy, we're going to have
22 to get through this. It was lie after lie. She's crying
23 wolf the whole time. She can't keep it straight. She
24 couldn't keep her lies straight. I couldn't write them
25 down quick enough because she was lying so much. Let's

1 talk about that.

2 First, she tells the officers or she -- I didn't have
3 an address. I don't have an address. Well, she gave the
4 officer an address, that she lived in Easley on both of
5 her statements. She could have told the officer, I don't
6 have a place to stay, I'm transient. That happens.
7 That's what you do if you're not a liar. You just tell
8 them, I don't have a place. I don't live anywhere. I
9 don't have a place to stay. That's not what she did.

10 Then she says she gives a story about Katherine
11 Elaine. Oh, I really don't know her last name, something
12 like that. Tyler Whitman. That -- you know, I think we
13 can infer -- and it's up to the jury, obviously. But we
14 can infer that's not true.

15 She says after her first statement and her second
16 statement that she was in jail a couple of days. And she
17 didn't talk to anybody. I didn't talk to anybody.
18 Remember.

19 But then when I asked her again, oh, I talked to
20 Furman Taylor. Yeah, I talked to him. Yeah, I believe
21 she talked to Furman Taylor. And guess what? Furman
22 found out what she was in for. And she thought that
23 Furman was going to bail her out. And guess what? When
24 Furman didn't bail her out, she was going to make sure
25 Furman went down, too. She was going to make sure Furman

1 went down, too. She was going to say Tyler Whitman and
2 put Furman in there. And that's exactly what she did. So
3 Furman says -- I don't know how the conversation went, but
4 Furman didn't bail her out. We know that. We know that
5 she talked to Furman.

6 So then we know she changes her story. She calls
7 Mashak. And Mashak doesn't record this confession either.
8 But he brings her in. And I guess -- it sounds like he
9 had another officer with him. I don't know if he had them
10 both. I don't think I questioned if he had two officers
11 with him on both. Usually, they have another officer with
12 them. He probably did this time. I'm not sure.

13 But he says she gives the other story and says that,
14 you know, it was really her, it was really Furman. She
15 probably finds out at some point -- and I don't know
16 because I haven't seen the confession. They know she's
17 pawned these items. So she's starting to see the writing
18 on the wall. She's not going to get out of this.

19 And then here is another interesting thing. You
20 notice where she says -- did any of y'all notice where she
21 said that the break-in occurred? Was anybody paying
22 attention to that? Ms. Taylor, Renna Taylor, who's pretty
23 credible, and the fact that -- she knows where her house
24 is. She said the break-in happened here. But when
25 Ms. Caldwell is speaking, she says it happens up here.

1 And I think this is screened-in and this -- or this is a
2 screen and this is a storm door. I think you'll -- you
3 would know the difference between this and this in a house
4 that you're burglarizing.

5 She, also, said, at one point, in her statement that
6 she doesn't have a phone. I don't know how credible that
7 is. I find it highly unbelievable that she doesn't have a
8 cell phone at all. Pretty much everybody I know, unless
9 they're a hold out or a huge traditionalist, has a cell
10 phone.

11 She, also, says here that -- yesterday, she tells us
12 that she went to the Spinx. And I asked her about that.
13 I said, Haven't you said that before under oath, that you
14 went to a GT?

15 She said, you know, It's the same thing. No big
16 deal.

17 I hope y'all speak about this. But I would ask -- I
18 hope somebody in the jury knows where the relation of a
19 GT's is to the Spinx, and what the address of a GT's is to
20 a Spinx. And why somebody would now say under oath Spinx
21 and previously, she would say it was a GT's. And I think
22 it's clear, because she's making everything up. She's
23 making these things up to try and make it work. That's
24 what she's doing.

25 And then we've got -- what else did she say? She

1 said -- before, she said it's a white truck. Now, under
2 oath, what? It's a black truck.

3 And then one of the most important things here is
4 that Ms. Amanda Caldwell is not receiving anything for her
5 testimony, or any of these things. That is simply just
6 not true. I don't doubt that the Prosecutors haven't
7 promised her anything. I don't think the Prosecutors have
8 promised her anything.

9 But this is what we have to understand. She was
10 charged with a burglary first, the same thing he was
11 charged with. And she was, also, charged with another
12 burglary and an obtaining goods under false pretenses.
13 She has pled to some of these charges and received
14 deferred sentencing. What that means is it is unusual, I
15 would think -- or maybe not highly unusual, but that it is
16 not the common mode that when someone pleads -- they
17 usually get sentenced right there, unless there's a reason
18 for them not to be sentenced.

19 And what reason would that be? Oh, we might need you
20 to testify. We might want you to testify later on. And,
21 by the way, we'll let you plead to a burglary second.
22 We'll let you plead to a burglary second. Well, guess
23 what? We've already heard from her, yeah, I pled to a
24 burglary second. I was trying not to get 25. That's what
25 she tells us here.

1 It's mathematically undisputable that she received a
2 benefit by pleading to the burglary second. End of story.
3 That's it. She has received a benefit. And she's hoping
4 to receive more of a benefit. And she'll do anything that
5 she can to receive that benefit, including throwing
6 anybody under the bus that she can to get to that benefit.

7 Then on top of that, she can't even stay out of
8 trouble between the time that she has her deferred
9 sentencing and the time she's supposed to show up to
10 court. She had certain dates that she was supposed to
11 report to court, I'm assuming, to talk about the case. I
12 don't know. But I guess she saw some video here. She
13 doesn't show up to court. She doesn't show up.

14 So what happens when you don't show up when you're
15 sent a bond card to come to court in Greenville County?
16 Well, a lot of times what happens is you get a failure to
17 appear, which is exactly what happened with Amanda
18 Caldwell. Because she decided she was just not going to
19 come to court, even though she's getting a card. She
20 probably says that she's going to come to court. I don't
21 know. But I'm sure, you know, that was part of the deal,
22 that she would answer and come to court. She doesn't come
23 to court. So they put her back in jail for a violation of
24 her bond.

25 And then I guess she stays there for what she says is

1 two weeks. I don't know. And then -- I don't even know
2 if it was two weeks. But she says she stays there.

3 And then she gets what's called a PR bond, which is a
4 bond that you sign yourself. It is a bond on your word.
5 And you can talk amongst yourselves about whether or not
6 it's likely that the State is going to give someone a PR
7 bond on a failure to appear, unless they are hoping they
8 can get something from them like testimony not in an
9 orange jumpsuit.

10 They, also, say, you know, that Mr. Taylor here was
11 running out. He was running out of the house. That's
12 what she said. Yeah, we ran. I was driving. We were
13 running out of the house. Ask yourself about that. Does
14 Mr. Taylor look like he's a runner? Is he running out of
15 a house? I would submit that he's not.

16 I would submit that the other issues we have here
17 are -- what else did she say here? The other thing, the
18 van, the van that Furman Taylor had. She says he never let
19 me drive that van alone. I was never in that van. Well,
20 wasn't it your sister's or brother's-in-law? Yeah, it was.
21 I mean, I've been in that van. I just hadn't driven it
22 without Furman, but I've been in that van.

23 Then she says, oh, well, you know, the van always ran
24 fine. This 1993 Ford Aerostar van always ran fine. He
25 just got the brakes fixed once, or something. He only had

1 the van less than a month and she doesn't know that these
2 brakes were taken and that he got the brakes done within
3 that time. That would be a pretty big issue if you just
4 got a van and in less than 30 days, you're having to fix
5 the brakes on it. I think she would remember that if it,
6 actually, happened.

7 Now, in this case just like every case, I've told
8 you -- and this is the -- I wouldn't say -- I don't know
9 what y'all are thinking. But the less exciting part -- I
10 don't know what you've thought of this trial.

11 The presumption of innocence -- my client is presumed
12 innocent, unless he is found guilty. And that burden is
13 on the State. It's the highest burden that our courts
14 allow us to have. And the burden stays with them.

15 I don't have to prove anything. Mr. Taylor doesn't
16 have to prove anything. They have to prove each and every
17 element. And each and every element -- when you get
18 charged with the law, it's important that we all listen to
19 the Judge to hear the elements of the law in the charge.
20 Because it is an elemental process. And we need to look
21 at each of the elements.

22 Here -- and it's been the theme of the entire case is
23 it's the facts versus the credibility of Amanda Caldwell.
24 In this case, Amanda Caldwell has cried wolf so many times
25 that it's ridiculous. It's really unbelievable. And that

1 is the problem.

2 I ask that you go back and you deliberate through
3 this, and look at each fact in the case. And I hope
4 together, collectively, you have a great memory. Because
5 there were a lot of different things said in this case.
6 Here, today, she has continued the entire time. She's
7 only interested in helping herself. And she'll throw this
8 man under the bus, and anybody else that she can. And I'm
9 asking you not to let her do that today.

10 I'm asking you for a guilty -- a not guilty verdict
11 for Mr. Furman Taylor on both the burglary first and the
12 petit larceny.

13 I assume that Mr. Tyler Whitman is somewhere with his
14 flat billed cap sitting somewhere in a straight black
15 jacket with some stolen goods or some money that he got
16 with Ms. Caldwell. This man didn't do it. I'm asking for
17 a verdict of not guilty.

18 Thank you so much.

19 CHARGE ON THE LAW

20 THE COURT: Thank you, Mr. Kornfeld.

21 All right. Ladies and gentlemen, you've heard all
22 the evidence you're going to hear in the case. And you've
23 heard the closing arguments. It's now my duty to instruct
24 you on the law that applies to the facts of this case.

25 It's your duty to find the facts from the evidence in

1 this case. And to those facts, you must apply the law as
2 I give it to you. You must follow the law as I give it to
3 you. And you should not be concerned with what the law
4 should be, but what it is.

5 And you should not be influenced by any personal
6 likes or dislikes, or opinions or prejudices, or undue
7 sympathy. And that means you should decide this case
8 solely on the evidence and according to the law. And you
9 will recall, you took an oath to do just that when we
10 began this trial.

11 In following my instructions, you should follow them
12 all and not single out some and ignore others, because
13 they're all equally important. And, please, don't read
14 into these instructions or anything I may have said or
15 done as to what I think the facts are, or what your
16 verdict should be.

17 Because, as I told you at the outset, you are the
18 sole and exclusive judge of the facts. I'm not going to
19 intrude on your prerogative that the Constitution gives
20 you to determine what the facts are, just as I know you're
21 not going to intrude on my prerogative to tell you what
22 the law is that you must follow.

23 Now, you are the sole judge of the facts. And you
24 decide what the facts are by evaluating or weighing the
25 evidence. This is a mental process. And you simply

1 evaluate evidence by using your good common sense, your
2 life experiences, and your sense of logic and reason. And
3 you bring those things to bear on the evidence you've
4 heard during this trial.

5 I told you at the beginning that you must determine
6 what the facts are from the evidence, and from no other
7 source. The evidence consists of sworn witness testimony,
8 exhibits, and in this case, we've had a stipulation, which
9 I earlier defined for you. So that's the only thing you
10 can use to determine what the facts are in this matter.

11 What the lawyers say is not evidence, as I've already
12 told you. If what the lawyers state during their argument
13 is different than what you remember about the testimony or
14 the evidence, your memory controls. Anything you may have
15 seen or heard when court is not in session is not
16 evidence, and you cannot use that when determining what
17 the facts are in this case.

18 Now, there are, in addition, different types of
19 evidence. And what I'm talking about now is direct and
20 circumstantial evidence. Direct evidence is evidence,
21 which, if believed, constitutes direct proof of a fact,
22 such as the testimony of an eyewitness. Circumstantial
23 evidence is indirect evidence. That is, proof of a chain
24 of facts from which you could find that another fact
25 exist, even though it has not been proven to you directly.

1 Crimes may be proven by either direct or
2 circumstantial evidence, or a combination of both. The
3 law makes no distinction between the weight or value to be
4 given to either direct or circumstantial evidence.

5 However, to the extent the State relies on
6 circumstantial evidence, all of the circumstances must be
7 consistent with each other, and when taken together, point
8 conclusively to the guilt of the accused beyond a
9 reasonable doubt. If the circumstances merely portray the
10 Defendant's behavior as suspicious, the proof has failed.

11 The State has the burden of proving guilt beyond a
12 reasonable doubt. This burden rests with the State,
13 regardless of whether the State relies on direct evidence,
14 circumstantial evidence, or some combination.

15 Now, in deciding what the facts are, as I told you at
16 the beginning, you must gauge the credibility of all the
17 evidence. You, certainly, may use whatever tools you use
18 in your day-to-day life to determine whether someone or
19 something is worthy of belief. Because your common sense
20 didn't somehow evaporate when you walked into the
21 courtroom. But I can give you some guidelines about how
22 you can assess credibility, which you may or may not use,
23 depending on your view of the evidence and the
24 circumstances.

25 In the case of a witness who testifies, you may

1 consider what ability they had to see, or hear, or view
2 the things they came into court and testified about. How
3 well were they able to recall those things? What was
4 their demeanor or manner while testifying? Did they have
5 some interest in the outcome of this case, or some bias,
6 or prejudice towards someone or some issue in the case?
7 How reasonable was their testimony when considered in
8 light of all the other evidence? And was their testimony
9 contradicted by other evidence in the case? Those are
10 just some of the things you can use. And, as I said, you
11 may use whatever you use in your day-to-day life that you
12 find indicative of truthfulness.

13 Now, you may believe everything a witness says. You
14 may believe nothing a witness says. You may believe parts
15 of a witnesses testimony, and disbelieve other parts. You
16 may believe one witness over several, or several over one.
17 You are the sole judges of the credibility of the
18 witnesses and the other evidence. And I know you will
19 make that assessment fairly and impartially and not
20 arbitrarily. But your objective is to determine the true
21 facts, and determine whether the State has met its burden
22 of proof.

23 Now, ladies and gentlemen, the mere fact that
24 Mr. Taylor was charged in this case doesn't constitute
25 evidence. The indictments are not witnesses. They're not

1 exhibits. And they're not evidence. They're simply a way
2 a citizen is notified of what they're charged with. And
3 they are the ticket, so to speak, that allows the State to
4 come in this courtroom and begin a case against a citizen.

5 So you may draw no inference from or conclusion from
6 the fact that a defendant was charged, or indicted. It
7 doesn't mean anything. And it is not something you can
8 use in determining the facts of the case, or in deciding
9 whether Mr. Taylor is guilty or not guilty.

10 The fact that a defendant does not testify is, also,
11 something you may not consider whatsoever in your
12 deliberations. All of us have the right to remain silent.
13 It's guaranteed not only by the state Constitution, but by
14 the federal Constitution. And the fact that someone
15 claims that right cannot be used against them in any way.
16 It would not be proper for you and it would be a violation
17 of your oath as a juror to even discuss the fact that the
18 Defendant did not testify in this case.

19 The State has the burden of proof. Mr. Taylor has no
20 burden to produce any evidence or explanation whatsoever.
21 And Mr. Taylor is presumed innocent, just as anyone
22 charged with a crime is no matter what the crime may be.

23 This presumption of innocence is not some
24 technicality. It is a substantial and fundamental right
25 to which we are all entitled. And it may not be

1 removed -- the presumption of innocence may not be
2 removed, unless and until you, the jury, find unanimously
3 the State has met its burden of proof as to each element
4 of the crime. The presumption of innocence is not a mere
5 legal theory. It is a substantial right to which every
6 defendant is entitled.

7 Now, what is a reasonable doubt in the law? A
8 reasonable doubt is defined as the kind of doubt that
9 would cause a reasonable, sincere, honest, and
10 conscientious person to hesitate to act in an important
11 matter in their own affairs. Proof beyond a reasonable
12 doubt is proof that leaves you firmly convinced of the
13 Defendant's guilt.

14 There are very few things we know with absolute
15 certainty in the world. And, in criminal cases, the law
16 does not require proof that overcomes every possible
17 doubt. If, based on your view of the evidence, you are
18 firmly convinced that the Defendant is guilty of the crime
19 charged, you must find him guilty. On the other hand, if
20 you think there's a real possibility he is not guilty, you
21 must give him the benefit of the doubt and find him not
22 guilty.

23 A reasonable doubt may arise from the evidence or
24 from a lack of evidence. A defendant is entitled to every
25 reasonable doubt that may arise in the case. And that

1 means simply that if upon any issue of fact that is
2 essential to a conviction you have a reasonable doubt as
3 to how that issue should be resolved, it's your duty to
4 resolve it in favor of Mr. Taylor.

5 Now, ladies and gentlemen, Mr. Taylor is charged with
6 two crimes. The first is burglary first -- or burglary in
7 the first degree, and the second is petit larceny.

8 To convict Mr. Taylor of the crime of burglary in the
9 first degree, the State has to prove three things beyond a
10 reasonable doubt. They have to prove, first, that
11 Mr. Taylor entered a dwelling without consent. Secondly,
12 they have to prove he intended to commit a crime at the
13 time he entered the dwelling. And, third, they must prove
14 he had two or more prior convictions for burglary.

15 To expand on those elements a little bit, let me talk
16 a little bit about the first element that the State must
17 prove, which is that he entered a dwelling without
18 consent. A dwelling is defined as any building or portion
19 of a building in which a person ordinarily sleeps. A
20 building constructed as a dwelling that has never been
21 occupied cannot be considered a dwelling for purposes of
22 burglary. But a building is a dwelling even if the
23 residents were temporarily absent from the building.

24 To prove that the Defendant entered a dwelling, the
25 State does not have to show the Defendant's entire body

1 entered the dwelling. The smallest entry is sufficient.
2 It may be any part of the body, such as a hand, or a foot,
3 or even an instrument under the control of the Defendant.
4 In addition, the State does not have to prove that force
5 was used to gain entry.

6 As to the second element that the State must prove
7 beyond a reasonable doubt, that the Defendant intended to
8 commit a crime at the time of entry. The mere entry into
9 a dwelling without consent is not burglary. If the intent
10 to commit a crime is formed after entry, it is not
11 burglary.

12 On the other hand, if the Defendant intended to
13 commit a crime at the time of entry, it is a burglary,
14 even if the intent was abandoned after the entry. It does
15 not matter that the intended crime was not completed.
16 Intent may be shown by acts and conduct of the Defendant
17 and other circumstances from which you may naturally and
18 reasonably infer intent.

19 The third element the State must prove beyond a
20 reasonable doubt is that the Defendant had two prior
21 burglary convictions. Evidence of prior offenses
22 committed by the Defendant was not offered to prove the
23 Defendant has a bad character, or to prove that the
24 Defendant committed the burglary on this occasion.

25 As I previously instructed you, the prior convictions

1 may be considered by you only for the purpose of
2 determining whether or not it satisfies that element of
3 the offense that makes it first degree burglary, if you
4 enter a dwelling without consent to commit a crime and you
5 have two prior convictions for burglary. Before you can
6 even consider the evidence of the Defendant's prior
7 burglary convictions, you must first find that the State
8 has proven beyond a reasonable doubt that a burglary was
9 committed by the Defendant.

10 If you find beyond a reasonable doubt that the
11 burglary was committed, then you may consider the evidence
12 and the prior convictions only as evidence of one of the
13 circumstances that would make burglary a first degree
14 burglary. If you do not find beyond a reasonable doubt
15 that the Defendant committed these alleged prior offenses,
16 then you cannot return a verdict of first degree burglary.

17 Now, the second thing that the Defendant is charged
18 with is petit larceny. To prove this offense, the State
19 must prove beyond a reasonable doubt that the Defendant
20 took and carried away the property of another against the
21 will or without the consent of the other person. The
22 slightest removal of the property or the complete
23 possession of the property, even for an instant, by the
24 Defendant is enough to show a taking and carrying away of
25 the property.

1 The State must, also, prove beyond a reasonable doubt
2 that the Defendant intended to permanently deprive the
3 owner of the property.

4 Now, ladies and gentlemen, that covers all the
5 substantive elements of the crimes and the law that
6 applies to this particular matter. Just let me give you a
7 few remarks about your deliberations.

8 Mr. Foreman, I've prepared a verdict form, which the
9 lawyers have seen and reviewed. It simply asks two
10 questions about each of those two crimes. And you can
11 only sign the verdict form when your verdict is unanimous.
12 And that means all 12 of you have to agree, of course.

13 And remember that you serve as jurors not to be
14 partisans or advocates for either the State or Mr. Taylor.
15 You serve to determine whether the State has met its
16 burden of proof, and determine the true facts of the case.
17 You are judges, not advocates. And your sole interest is
18 to determine whether the State has met its burden of
19 proof.

20 So in your deliberations you, I know, will
21 courteously and conscientiously discuss the evidence
22 amongst yourselves. But the genius of our jury system is
23 it allows 12 different people from 12 different
24 backgrounds and walks of life to come together, discuss
25 the evidence, and consider each others points and points

1 of view. You each have a vote. And your vote is just
2 that, it's yours and nobody else's.

3 And if some of you are of a different mind than
4 others and you're persuaded by others viewpoints, don't be
5 afraid to change your view. But don't change your view or
6 your vote simply to get the case over with or to reach a
7 unanimous verdict. Because, obviously, this case is very
8 important for the State and for Mr. Taylor.

9 So thank you for your attention to me.

10 The record is closed in this case. And that means
11 that once you start deliberating and see the exhibits and
12 you think about something that may have been referred to
13 in this case that you don't have back there as an exhibit,
14 I can't give it to you. Because there are not going to be
15 any more exhibits. And you'll have to rely on your memory
16 of the testimony.

17 So don't start talking about the case until you get
18 the exhibits. Because that will be your signal that you
19 can, finally, start deliberating.

20 And if -- sir, and, ma'am, if you'll just stay behind
21 as the alternates, I'll talk to you separately.

22 Thank you very much.

23 (WHEREUPON, the jury was excused from open court at
24 approximately 10:36 a.m.)

25 THE COURT: All right. Ladies and gentlemen, the law

1 doesn't allow y'all to go back in the jury room during the
2 deliberations. So I'd just ask if you'd stick around for
3 five or 10 minutes just to make sure we don't have a
4 problem with any of the regular jurors. Sometimes, we do.
5 And, after that, you're free to go.

6 I don't know about the other trial.

7 Do they have enough jurors for that?

8 THE CLERK: Yes.

9 THE COURT: Okay.

10 THE CLERK: No. I'm sorry, Your Honor. She did ask
11 if they could be sent down and be part of that.

12 THE COURT: So in just about 10 minutes or so, you
13 can go back downstairs.

14 Thank you for your service.

15 You gave us the peace of mind to know we could finish
16 the case if something did happen.

17 If y'all will just put them in a separate room for
18 about 10 minutes. And don't forget about them.

19 THE BAILIFF: Yes, sir.

20 (WHEREUPON, the alternate jurors exited the
21 courtroom.)

22 THE COURT: All right. Is there any objection to the
23 charge from the State?

24 MR. WALLACE: None from the State, Your Honor.

25 THE COURT: From the Defense?

1 MR. KORNFELD: None from the Defense.

2 THE COURT: Y'all confer about the exhibits and make
3 sure everything's in order before they go back.

4 (WHEREUPON, the proceedings were recessed at
5 approximately 10:38 a.m.)

6 QUESTION FROM THE JURY

7 THE COURT: We have a note from the jury. They just
8 want to view the two disks. They're waiting to do that.

9 MR. WALLACE: Do they have a DVD player back there?

10 THE BAILIFF: No.

11 MR. WALLACE: Yes, Judge. We can provide a TV set
12 with a DVD player.

13 THE COURT: Well, why don't we bring the Foreman out
14 and ask them if they want to do it in here or back there.

15 THE BAILIFF: You want to bring the Foreman out?

16 THE COURT: Yes.

17 MR. WALLACE: That limits their ability to discuss it
18 and view it. I would ask that they have the ample time
19 they need to review the videos.

20 THE COURT: Well, we'll find out what exactly they
21 want to do.

22 (WHEREUPON, Juror #71, Donald Godbey, entered the
23 courtroom.)

24 THE COURT: Yes, sir. We can let you watch it in
25 here again, or we can find some way to get a player back

1 there so y'all can have it back there and view it at your
2 leisure.

3 Do you have any idea what the will of the jury would
4 be on that?

5 JUROR #71, DONALD GODBEY: I think they'd prefer to
6 see it back there.

7 THE COURT: Okay. That's fine.

8 JUROR #71, DONALD GODBEY: All right.

9 THE COURT: We'll make that possible.

10 JUROR #71, DONALD GODBEY: All right.

11 THE COURT: Thank you.

12 (WHEREUPON, Juror #71, Donald Godbey, exited the
13 courtroom.)

14 THE COURT: Mr. Wallace.

15 MR. WALLACE: Okay. Your Honor, we'll do that.

16 THE COURT: Have you got -- are you going to bring
17 the player in here?

18 MR. WALLACE: If we don't have one over here in the
19 Court area, then we can bring one from the Solicitor's
20 Office.

21 THE BAILIFF: Would it be possible for them to look
22 at it on a laptop, sir? I don't know if that's enough
23 definition. I'm just --

24 THE COURT: I don't know who's got what.

25 MR. WALLACE: I guess the only issue there would be

1 if there's Internet access or not.

2 THE COURT: Yes.

3 MR. WALLACE: That's why I was thinking that we don't
4 want them looking up stuff on the Internet.

5 THE COURT: Okay.

6 (WHEREUPON, Court's Exhibit No. 1 was marked for
7 identification and admitted into evidence.)

8 (WHEREUPON, the proceedings were recessed.)

9 THE COURT: I understand we have a verdict.
10 Anything before we bring the jury in?

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

12 MR. KORNFELD: Nothing from the Defense.

13 THE COURT: All right. Yes, sir. Bring the jury in.
14 (WHEREUPON, the jury came into open court at
15 approximately 1:28 p.m.)

16 THE COURT: Mr. Foreman, has the jury reached a
17 unanimous verdict, sir?

18 JUROR #71, DONALD GODBEY: Yes, we have.

19 THE COURT: If you'd hand the verdict to the bailiff,
20 we'll receive it and publish it.

21 All right. Yes, ma'am.

22 VERDICT

23 THE CLERK: Thank you, Your Honor.

24 Your Honor, this is case number 2012-GS-23-6511 and
25 6513. As to the charge of burglary first degree, we, the

1 jury, unanimously find the Defendant, Furman E. Taylor,
2 Jr., guilty.

3 As to the charge of petit larceny we, the jury,
4 unanimously find the Defendant, Furman E. Taylor, Jr.,
5 guilty, signed the Foreperson, Donald Godbey.

6 If this is the verdict that you reached in the jury
7 room and it is your verdict now, please, raise your right
8 hand.

9 (WHEREUPON, all jurors raised their hands.)

10 THE CLERK: Thank you.

11 THE COURT: Any motions or matters before the jury is
12 discharged?

13 MR. WALLACE: Nothing from the State.

14 MR. KORNFELD: Nothing before the jury is discharged,
15 Your Honor.

16 THE COURT: Do you wish to have the jury polled?

17 MR. KORNFELD: No, Your Honor.

18 THE COURT: Ladies and gentlemen, thank you for your
19 service.

20 We still have other cases that are on the docket.

21 So they just -- they just need to call back after
22 6:00?

23 THE CLERK: Yes, sir.

24 THE COURT: And they'll give you further instructions
25 about the rest of the week.

1 Have a good afternoon.

2 (WHEREUPON, the jury was excused from open court at
3 approximately 1:31 p.m.)

4 THE COURT: All right. Any motions at this stage?

5 MR. WALLACE: Nothing from the State.

6 THE COURT: Yes, sir.

7 MOTIONS

8 MR. KORNFELD: Your Honor, yes.

9 My first motion is to -- a motion for a new trial on
10 the basis that the evidence that was had -- specifically,
11 Amanda Caldwell's statements were so contradictory
12 throughout the testimony that it was to the point of
13 unbelievableness [sic], and that no reasonable jury could
14 have come back with a verdict of not guilty.

15 THE COURT: I respectfully deny the motion.

16 MR. KORNFELD: And my other motions are the same as
17 they have been before, just to preserve them for the
18 record.

19 THE COURT: Okay. And I'll incorporate all your
20 previous arguments, Mr. Kornfeld, and deny your motions.

21 MR. KORNFELD: And I'm going to be protected if I
22 don't put these on the record again?

23 THE COURT: Go ahead. Whatever you feel you need to
24 do.

25 MR. KORNFELD: Well, I want to -- I just want to make

1 sure I'm protected on any of those other motions -- that
2 he's protected; I guess, for his other motions. But if
3 you say I'm protected, I guess I don't have to.

4 THE COURT: Well, to the extent I can protect you
5 from any error preservation issues, all previous motions
6 you've made, if they need to be renewed, I consider them
7 to be renewed at this time.

8 That's your intent; right?

9 MR. KORNFELD: Yes, Your Honor.

10 THE COURT: And any grounds underlying the motions
11 are similarly renewed and respectfully denied. And that
12 includes arguments and motions you may have made before
13 trial, during trial, after the State's case, and at any
14 other point.

15 MR. KORNFELD: Thank you, Your Honor.

16 MR. WALLACE: Thank you, Your Honor.

17 THE COURT: I don't know if any of the jurors --

18 THE BAILIFF: I think she's checking right now. If
19 you can give them one minute.

20 THE COURT: I'll see if they're going to come in here
21 before we do the sentencing.

22 (Pause.)

23 THE COURT: Yes, sir, Mr. Wallace.

24 MR. WALLACE: Thank you, Your Honor.

25 You've heard all the facts of the case during the

1 trial. I'd like to go ahead and put the Defendant's prior
2 record on the record at this time.

3 THE COURT: Yes, sir.

4 MR. WALLACE: Your Honor, his convictions are 1985,
5 shoplifting; 1991, carrying of a pistol two counts,
6 another shoplifting, assault and battery; 1992, simple
7 possession of marijuana; 1992, burglary first degree three
8 counts, burglary second degree two counts, attempted
9 burglary, shoplifting; 1993, probation revocation; 2005,
10 shoplifting, burglary second degree; 2009, criminal
11 domestic violence, grand larceny, driving under
12 suspension, assault with intent to kill, failure to stop,
13 and another probation revocation.

14 THE COURT: All right, sir.

15 MR. WALLACE: Your Honor, back on August the 7th of
16 2014, we served the Defendant and his attorney with notice
17 of intent to seek life without parole in this case.

18 THE COURT: Mr. Kornfeld.

19 MR. KORNFELD: To the extent of his record, I don't
20 know if there is a dispute of all those charges for my
21 client. If it is material, I may need to talk with him
22 for a minute.

23 As far as the LWOP notice, I don't think it is
24 disputed that he was served with the LWOP previously with
25 his previous attorney at his previous trial.

1 On the other hand, he tells me now that he was not
2 served for this trial. So to the point that that's
3 material to any legal procedure, I would just like to put
4 that on the record. I did receive additional discovery
5 with the notice of LWOP.

6 THE COURT: Thank you.

7 MR. KORNFELD: And, also, Your Honor, as far as the
8 two prior burglaries in 2003, I did not have time -- or in
9 1993 that were used in these charges, the -- I guess under
10 the three strikes rule or two previous, Mr. Taylor tells
11 me that he was sentenced on both of those at the same
12 time. And that he was instructed that that would be one
13 strike for both of those, instead of two strikes. Again,
14 I don't have the transcript from 1993, or when that was.
15 But those are my other arguments.

16 THE COURT: Well, that would be peculiar because
17 there was not a two strikes law at that time.

18 MR. KORNFELD: Again, this is -- I don't know if that
19 would change the analysis from the Judge's point of view
20 if he was -- if those charges were not considered under
21 the statute that we are under now, thereby, not being a
22 strike or not.

23 That would be Mr. Taylor's argument, Your Honor.

24 THE COURT: Okay. I understand.

25 May I see the notice?

1 MR. WALLACE: Yes, Your Honor.

2 THE COURT: Well, I understand your argument. I
3 don't know how it could be material because it is
4 indisputably a most serious offense. So this will be
5 another conviction for a most serious offense, which would
6 trigger the life without parole of 17-25-45.

7 Okay. Anything further from the State?

8 MR. WALLACE: Nothing from the State.

9 THE COURT: Mr. Taylor, anything you'd like to say,
10 sir?

11 DEFENDANT TAYLOR: I would just like a retrial.
12 That's the only thing I can say. Because I really -- I'm
13 not guilty of these charges. I don't want to take them,
14 but I don't have a choice at the moment.

15 SENTENCE

16 THE COURT: All right, sir. The sentence of the
17 Court is you be committed to life in prison based on
18 17-25-45 on the burglary first.

19 And the petit larceny, the --

20 What's -- is that a 30-day maximum?

21 MR. WALLACE: Yes, Your Honor.

22 THE COURT: 30 days concurrent.

23 All right. Good luck, sir.

24 How long has he been in custody? When did he go into
25 custody?

1 MR. KORNFELD: Since June of 2012, I believe.

2 DEFENDANT TAYLOR: Yes, sir.

3 MR. KORNFELD: When he was first arrested.

4 THE COURT: All right. Thank you.

5 *****END OF TRANSCRIPT OF RECORD*****
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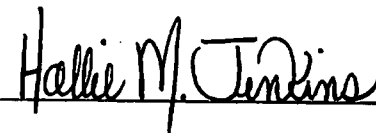
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

I, HOLLIE JENKINS, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville County, South Carolina, on the 5th, 6th, and 7th days of January, 2015.

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

May 4, 2015

A handwritten signature in cursive script, reading "Hollie M. Jenkins", is written over a horizontal line.

Hollie M. Jenkins, Court Reporter

My Commission Expires: 09/24/20

WITNESSES

Brady Mashak

Greenville County Sheriffs Office

6/4/2012

DOCKET NO. 2012-GS-23-
LMM

006511

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

April

TERM 2012²⁰¹³

THE STATE

vs.

ARREST WARRANT NUMBER
N201214

FURMAN EUGENE TAYLOR JR

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Indictment for

0079

BURGLARY FIRST DEGREE

VIOLATION § 16-11-0311

Foreperson of Petit Jury
Date:

RECEIVED

AUG 30 2012

Clerk of Court
Greenville County

320

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
BURGLARY FIRST DEGREE

At a Court of General Sessions, convened on **APR 23 2013** the Grand Jurors of Greenville
County present upon their oath:

That FURMAN EUGENE TAYLOR JR did in Greenville County, on or about the 19th day of May 2012,
willfully and unlawfully enter the dwelling of RENNA TAYLOR located at Road,
 South Carolina, without consent and with the intent to commit a crime therein, and the burglary was
accompanied by circumstances of aggravation, to wit: the entering and/or remaining did occur during the
nighttime hours, the defendant was armed with a deadly weapon, and/or the defendant has two or more prior
convictions for burglary. This is in violation of §16-11-0311 of the South Carolina Code of Laws (1976) as
amended.

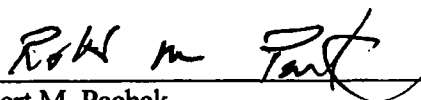
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


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."

July 1st, 2015



Robert M. Pachak
Appellate Defender

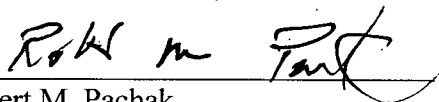
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

CERTIFICATE OF COUNSEL FOR APPELLANT

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

July 1st, 2015



Robert M. Pachak
Appellate Defender

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

ATTORNEY FOR APPELLANT

RECEIVED

JUL 01 2015

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

D. Garrison Hill, Circuit Court Judge

THE STATE,

V.

FURMAN EUGENE TAYLOR,

APPELLANT

APPELLATE CASE NO. 2015-000066

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 the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 1st day of July, 2015 .


Cruise Mitchell
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 1st day of July, 2015 .

 (L.S.)
Notary Public for South Carolina
My Commission Expires: July 3, 2023.

 ORIGINAL

 RECEIVED

JUL 01 2015

SC Court of Appeals
RESPONDENT,