

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM LANCASTER COUNTY

Michael G. Nettles, Circuit Court Judge

RECEIVED

JAN 20 2016

SC Court of Appeals
RESPONDENT,

THE STATE,

V.

COY LAMAR KNIGHT JR.,

APPELLANT

APPELLATE CASE NO. 2015-002183

RECORD ON APPEAL

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South Carolina Commission on Indigent Defense
Division of Appellate Defense
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WITNESSES

McInville - LCSO #14-42435

John

ARREST WARRANT NUMBER/DOA

2014A2910101308 DOA (10-23-14)

ACTION OF GRAND JURY

Melvin Brown

Foreperson of Grand Jury

Date:

VERDICT

TRUE BILL

Foreperson of Petit Jury

Date:

JAN 02 2015

Grier

DOCKET NO. 2015-GS-29-74

The State of South Carolina

County of Lancaster

COURT OF GENERAL SESSIONS

JANUARY TERM 2015

THE STATE

VS.

Coy Lamar Knight, Jr.

Indictment for

Arson Third Degree

SC Code: § 16-11-0110(C)

CDR Code: 3425

Class: Felony D

FILED
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OF COURT

2015 JAN -2 PM 3:03

CLERK OF COURT
LANCASTER, SC

STATE OF SOUTH CAROLINA)
COUNTY OF LANCASTER)

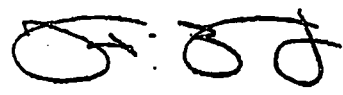
INDICTMENT

At a Court of General Sessions, convened on January 2, 2015, the Grand Jurors of Lancaster County present upon their oath:

ARSON THIRD DEGREE

That Coy Lamar Knight, Jr., did in Lancaster County on or about October 22, 2014, willfully and maliciously cause an explosion, set fire to, burn, or caused to be burned or aided, counseled, or procured a burning that resulted in damage to a dwelling house, building, structure, or other property of himself or another, to wit: Old Mill Grocery, which resulted either directly or indirectly in bodily injury to or damage to the property of Old Mill Grocery in violation of § 16-11-0110(C), *Code of Laws of South Carolina, (1976), as amended*.

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



Douglas A. Barfield, Jr., SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lancaster
STATE VS.

INDICTMENT/CASE#: 2015GS2900074

Coy Lamar Knight Jr

A/W#: 2014A2910101308

AKA: _____

Date of Offense: 10/22/2014

Race: WHITE Sex: M Age: _____

S.C. Code § : 16-11-0110(C)

DOB: _____ SS#: _____

CDR Code #: 3435

Address: _____

City, State, Zip: _____

DL#: _____ SID#: _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Arson / Arson - Third Degree (effective 06-02-2010)

RECEIVED
OCT 19 2015
SC Court of Appeals

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-11-0110(C) of the S.C. Code of Laws, bearing CDR Code # 3435

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: [Signature] 100152 Bronck Steen 100241

Knight, Luke I

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of 10 days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 5

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:
☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☒ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: deferred until 2 in

☐ Set by SCDPPPS bring auto custody

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (If paid in installments)		\$
TOTAL		\$ <u>648.90</u>

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/B beginning _____

Substance Abuse Counseling ☒ CERTIFIED TO BE A TRUE COPY

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____

\$ _____ paid to Public Defender Fund

Other: _____

JEFF HAMMOND

CLERK OF COMMON PLEAS

AND GENERAL SESSIONS COURT
LANCASTER COUNTY, S.C.

☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter: Mike Waters

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2140

Sentence Date: 10-9-15

1 STATE OF SOUTH CAROLINA
2 COURT OF GENERAL SESSIONS
3 COUNTY OF LANCASTER
4 2015-GS-29-00074

5 State of South Carolina

6 vs.

7 Coy Lamar Knight, Jr.

8

9 Lancaster, South Carolina

10 October 6-7, 2015

11 Before the Honorable Michael Nettles

12

13 APPEARANCES

14 For the State: Luke Knight

15 For the Defendant: Brandon Steen

16

17 Reported by: Michael C. Watkins

18 Official Court Reporter

19

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1 STATE'S EXHIBITS

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9 7 - Toboggan - 34

10 9 - Box of Items - 34

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12 9.2 - Camouflage Coat - 34

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14 9.4 - Blue Jeans - 34

15 10 - Map of Area - 34

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1 VOIR DIRE

2 THE COURT: Ladies and gentlemen of the jury, we are
3 about to begin the trial of the case of the State of South
4 Carolina versus Coy Lamar Knight, Junior. He has been
5 accused of arson third degree. I'm going to tell you a
6 little bit about this case. It arises out of the burning
7 of a building known as Old Mill Grocery, it's located on
8 the Mill Hill, I'm not from Lancaster County, some of you
9 probably know where that is. It's on Old Landsford Road.
10 I tell you that in an effort to determine whether or not
11 any of you know anything about this particular offense,
12 alleged offense. It allegedly took place on October 22nd
13 of 2014. Does anybody know anything about this particular
14 offense or did you witness any of the events which gave
15 rise to this cause of action? No response. Ladies and
16 gentlemen of the jury, I hold in my hand this indictment
17 and it is just simply a piece of paper. It has absolutely
18 no evidentiary value whatsoever, it's just the mechanism
19 that starts the criminal proceeding. As a matter of fact
20 as we begin this proceeding Coy Lamar Knight is presumed to
21 be just as innocent as me or you. In a criminal proceeding
22 in this state first of all the defendant is presumed to be
23 innocent. The State has the burden of proof and they have
24 to meet the highest burden of proof known to our judicial
25 system, proof beyond a reasonable doubt, that's the frame

1 of reference that we start from. I'm going to ask you a
2 number of questions to determine whether or not you can be
3 fair and impartial with regard to the trial of this case.
4 The first thing that I'm going to ask is is anyone related
5 by blood or marriage, do you have a close social, business
6 or personal relationship with Coy Lamar Knight, Junior? If
7 so, please stand. No response. Pay very close attention
8 as I list the potential witnesses in this case. Deputy Tim
9 Lucas, sheriff's department. Billy Lloyd, Lancaster County
10 Fire Service. Ken Walters, Lancaster County Fire Service.
11 Investigator Spencer McInvaille, Lancaster County Sheriff's
12 Office. Investigator Jennifer Rumbaugh, Lancaster County
13 Sheriff's Office. Investigator Jason Catoe, Lancaster
14 County Sheriff's Office. Special Agent Darren Vaughn.
15 Special Agent Hank Harris with SLED. Special Agent Brian
16 Wright, SLED. Special Agent William B. Keller, SLED.
17 Sharay Sanders. Kristie Knight. Kabrenna Nicole Knight.
18 Leonard Lucas. Tony Parker. Mark Johnson. Is anybody
19 related by blood or marriage, do you have a close social,
20 business or personal relationship with any of these
21 witnesses? If so, please stand. Very good, if you could
22 come forward. Counsel, feel free to come forward.

23 (Individual voir dire.)

24 THE COURT: Your name and number?

25 THE JUROR: Ronald Vick, 136, I think.

1 THE COURT: What is your situation?

2 THE JUROR: One of the officers over there, Jason
3 Catoe.

4 THE COURT: Right. How do you know him?

5 THE JUROR: Me and him went to high school, pretty
6 good friends. We don't see each other on a day to day
7 basis but I just want that to be known.

8 THE COURT: Well, you're the one that's going to
9 determine that for us. If you qualify to serve on this
10 jury, could you put aside the fact that you know him and
11 you have a social relationship to some degree with him,
12 could you set that aside if called upon to serve on this
13 jury and give both the State and the defendant a fair and
14 impartial trial?

15 THE JUROR: Right. I just wanted that to be known, we
16 grew up together.

17 THE COURT: Well, let me ask you this question. If he
18 were to testify in this case, would you give greater weight
19 to anything he had to say just by virtue of the fact that
20 you know him or could you evaluate his testimony just like
21 everybody else's?

22 THE JUROR: I could do his just like everybody else's.

23 THE COURT: You are qualified to serve, thank you.

24 THE CLERK: This is Mr. Robinson, Michael Robinson.

25 THE COURT: Mr. Robinson. What number is Mr.

1 Robinson?

2 THE CLERK: 116.

3 THE COURT: Yes, sir?

4 THE JUROR: I have got a question, I don't know if
5 this is related, last name Sharray that I used to work here
6 (inaudible.)

7 THE COURT: Well, you don't have a relationship with
8 her?

9 THE JUROR: No.

10 THE COURT: Okay. And if called upon to serve on this
11 jury could you set aside the fact that your brother used to
12 date somebody --

13 THE JUROR: I'm not sure whether that's her or not.

14 THE COURT: And if called upon to serve on this jury,
15 could you listen to the evidence or lack of evidence and
16 give both the State and the defendant a fair and impartial
17 trial?

18 THE JUROR: Yeah.

19 THE COURT: You're qualified to serve, thank you.

20 (Back to the full panel of jurors.)

21 THE COURT: Mr. Knight and Mr. Steen, if you could
22 stand and identify yourselves, Mr. Knight first, if you
23 could identify yourself and the members of your office.

24 MR. KNIGHT: Yes, sir, Your Honor. Luke Knight for
25 the State, I'm one of the assistant solicitors which is the

1 prosecutor in Lancaster County. To my right is my boss and
2 your elected solicitor, Randy Newman. To my left is Jimmy,
3 Taylor, an employee of our office.. And Mr. Keith Lewis,
4 our investigator for the solicitor's office. And Kiera
5 Walker who was seated here she's not here right now, she
6 will be in and out of the courtroom.

7 THE COURT: Is anyone related by blood or marriage,
8 have a close social, business or personal relationship with
9 any of these individuals? I'm not sure whether Mr. Knight
10 has been engaged in the private practice of law but if you
11 have ever been represented by him in the past, if so,
12 please stand. No response. Mr. Steen?

13 MR. STEEN: Thank you, Judge. I'm Brandon Steen, an
14 assistant public defender here in Lancaster County. This
15 is Russel Parker, also an assistant public defender here in
16 Lancaster County, we represent the defendant on this case.

17 THE COURT: Is anyone related by blood or marriage, do
18 you have a close social, business or personal relationship
19 with either of these public defenders? Have they ever
20 represented you in the past? If so, please stand. No
21 response. All right. Has any member of the jury panel
22 formed or expressed an opinion about any issue or matter
23 involved in this case? If so, please stand. No response.
24 Is any member of the jury panel aware of any bias or
25 prejudice towards either the State or the defendant in this

1 case? If so, please stand. No response. Is any member of
2 the jury panel a former law enforcement officer, have a
3 family member who is a law enforcement officer or former
4 law enforcement officer? If so, please stand. Please come
5 forward.

6 (Individual voir dire.)

7 THE JUROR: Aurora Brick, 16.

8 THE COURT: Yes, ma'am?

9 THE JUROR: My husband is a former police officer.

10 THE COURT: Does he have a current power of arrest
11 now?

12 THE JUROR: No.

13 THE COURT: Who did he work for?

14 THE JUROR: Cary, North Carolina.

15 THE COURT: So he was wasn't involved with Lancaster
16 law enforcement?

17 THE JUROR: Never.

18 THE COURT: If called upon to serve on this jury,
19 could you set aside the fact that you are married to an
20 individual who is involved in law enforcement, set that
21 aside and listen to the evidence involved in this case, or
22 lack of evidence, and apply it to the law and give both the
23 State and the defendant a fair and impartial trial?

24 THE JUROR: Yes.

25 THE COURT: You're qualified to serve. Thank you.

1 THE JUROR: Rita Jamison, number 66.

2 THE COURT: Thank you ma'am.

3 THE JUROR: My daddy was a jailer at the Lancaster
4 County Jail, and he is deceased, he passed away a year and
5 a half ago.

6 THE COURT: Okay. If called upon to serve on this
7 jury, could you set aside the fact that your father was
8 involved in law enforcement and give both the State and the
9 defendant a fair and impartial trial?

10 THE JUROR: Yes, sir.

11 THE COURT: You're qualified to serve, thank you.

12 (Back to the full panel of jurors.)

13 THE COURT: Has any member of jury panel heard, seen
14 or read anything about this matter? If so, please stand.
15 Is there any member of the jury panel who is a member of
16 organizations whose primary concern is the promotion of law
17 enforcement? There are a number of those that like Mothers
18 Against Drunk Driving, Students Against Drunk Driving,
19 CAVE, Citizens Against Violent Crime. Just about every
20 sheriff's department throughout the state has a sheriff's
21 organization, highway patrol has a similar organization.
22 Is anyone a member of any of these organizations or do you
23 contribute to them? If so, please stand. No response.
24 Does any member of the jury panel know of any reason
25 whatsoever why you could not serve as a juror in this case

1 with particular emphasis being placed on your ability to be
2 fair and impartial to both the State and the defendant? If
3 so, please stand. No response. Does the State have any
4 additional questions?

5 MR. KNIGHT: None from the State, Your Honor.

6 THE COURT: Any from the defense?

7 MR. STEEN: None from the defense, Your Honor.

8 THE COURT: All right. Strikes will be five and ten.

9 (Break in proceedings.)

10 THE CLERK: Juror 107, Garrett B. Plyler. What say
11 the State?

12 MR. KNIGHT: Please present the juror.

13 THE CLERK: Defendant?

14 MR. STEEN: Please excuse the juror.

15 THE CLERK: Number 23, Chassity Carson. What say the
16 State?

17 MR. KNIGHT: Please present the juror.

18 THE CLERK: Defendant?

19 MR. STEEN: Please excuse the juror.

20 THE CLERK: Juror 72, Randall Lange. What say the
21 State?

22 MR. KNIGHT: Please excuse the juror.

23 THE CLERK: Juror 145, Aeris Williams. What say the
24 State?

25 MR. KNIGHT: Please present the juror.

1 THE CLERK: Defendant?

2 MR. STEEN: Please excuse the juror.

3 THE CLERK: Juror 110, Thomas Richardson. What say
4 the State?

5 MR. KNIGHT: Please present the juror.

6 THE CLERK: Defendant?

7 MR. STEEN: Please seat the juror.

8 THE CLERK: Juror 116, Michael Robinson. What say the
9 State?

10 MR. KNIGHT: Please present the juror.

11 THE CLERK: Defendant?

12 MR. STEEN: Please excuse the juror.

13 THE CLERK: Juror 53, William Hegler. What say the
14 State?

15 MR. KNIGHT: Please present the juror.

16 THE CLERK: Defendant?

17 MR. STEEN: Please seat the juror.

18 THE CLERK: Juror 50, Sara Hancock. What say the
19 State?

20 MR. KNIGHT: Please present the juror.

21 THE CLERK: Defendant?

22 MR. STEEN: Please excuse the juror.

23 THE CLERK: Juror 128, Joshua Snipes. What say the
24 State?

25 MR. KNIGHT: Please present the juror.

1 THE CLERK: Defendant?

2 MR. STEEN: Please excuse this juror.

3 THE CLERK: Juror 96, Jennifer Myers. What say the
4 State?

5 MR. KNIGHT: Please present the juror.

6 THE CLERK: Defendant?

7 MR. STEEN: Please seat the juror.

8 THE CLERK: Juror nine, Steven Barton. What say the
9 State?

10 MR. KNIGHT: Please present the juror.

11 THE CLERK: Defendant?

12 MR. STEEN: Please seat the juror.

13 THE CLERK: Juror 143, Elaine Taylor. What say the
14 State?

15 MR. KNIGHT: Please present the juror.

16 THE CLERK: Defendant?

17 MR. STEEN: Please seat the juror.

18 THE CLERK: Juror 125, Emma Simpson. What say the
19 State?

20 MR. KNIGHT: Please present the juror.

21 THE CLERK: Defendant?

22 MR. STEEN: Please excuse the juror.

23 THE CLERK: Juror five, Lauren Yeardon. What say the
24 State?

25 MR. KNIGHT: Please present the juror.

1 THE CLERK: Defendant?

2 MR. STEEN: Please excuse this juror.

3 THE CLERK: Juror 97, John Needham. What say the
4 State?

5 MR. KNIGHT: Please excuse this juror.

6 THE CLERK: Juror 71, Savannah Laney. What say the
7 State?

8 MR. KNIGHT: Please present the juror.

9 THE CLERK: Defendant?

10 MR. STEEN: Please seat the juror.

11 THE CLERK: Juror 58, Dwight Holden. What say the
12 State?

13 MR. KNIGHT: Please present the juror.

14 THE CLERK: Defendant?

15 MR. STEEN: Please seat the juror.

16 THE CLERK: Juror 88, Patricia Mingo. What say the
17 State?

18 MR. KNIGHT: Please present the juror.

19 THE CLERK: Defendant?

20 MR. STEEN: Please seat the juror.

21 THE CLERK: Juror seven, Christopher Baker. What say
22 the State?

23 MR. KNIGHT: Please excuse the juror.

24 THE CLERK: Juror 65, Timothy Jackson. What say the
25 State?

1 MR. KNIGHT: Please present the juror.

2 THE CLERK: Defendant?

3 MR. STEEN: Please seat the juror.

4 THE CLERK: Juror 113, Chad Robinson. What say the
5 State?

6 MR. KNIGHT: Please excuse this juror.

7 THE CLERK: Juror 29, Laura Clark. What say the
8 State?

9 MR. KNIGHT: Please present the juror.

10 THE CLERK: Defendant?

11 MR. STEEN: Please excuse this juror.

12 THE CLERK: Juror 86, Bianca Mingo. What say the
13 State?

14 MR. KNIGHT: Please excuse this juror.

15 THE CLERK: Juror 150, Tyler Zimmerman. Any challenge
16 for cause by the State?

17 MR. KNIGHT: No challenge from the State.

18 THE CLERK: Defendant?

19 MR. STEEN: Please seat the juror.

20 THE CLERK: Juror 16, Aurora Brick. What say the
21 State -- excuse me, I'm sorry. Any challenge for cause?

22 MR. KNIGHT: No challenge from the State.

23 THE CLERK: Defendant.

24 MR. STEEN: Excuse this juror.

25 THE CLERK: Juror two, Kenneth Adams. Any challenge

1 for cause from the State?

2 MR. KNIGHT: None from the State.

3 THE CLERK: Any challenge for cause by the defense?

4 MR. STEEN: None.

5 THE CLERK: Juror 100, Heena Patel. Any challenge for
6 cause by the State?

7 MR. KNIGHT: None from the State.

8 THE CLERK: Any challenge for cause by the defense?

9 MR. STEEN: None.

10 THE COURT: Two alternates, one and two.

11 THE CLERK: Juror 81, Justin McKeown. What say the
12 State?

13 MR. KNIGHT: Please present the juror.

14 THE CLERK: Defendant?

15 MR. STEEN: Please seat the juror.

16 THE CLERK: Juror 66, Rita Jamison. What say the
17 State?

18 MR. KNIGHT: Please present the juror.

19 THE CLERK: Defendant?

20 MR. STEEN: Please excuse the juror.

21 THE CLERK: Juror 64, Jeavita Jackson. What say the
22 State?

23 MR. KNIGHT: Please present the juror.

24 THE CLERK: Defendant?

25 MR. STEEN: Please seat the juror.

1 THE COURT: Any objection with regard to the jury
2 selection process from the State?

3 MR. KNIGHT: None from the State, Your Honor.

4 THE COURT: Any from defense?

5 MR. STEEN: None, Your Honor.

6 (The remaining panel was released and the proceedings
7 were moved to the courtroom.)

8 THE COURT: All right. Logistically we're going to
9 bring the jury out, we'll swear them in and allow them to
10 go back to the jury room, and then we'll put on the record
11 all of the issues with regard to the request for a
12 continuance and the trial in absence, then we'll bring the
13 jury back and have opening statements.

14 (The jury returned to the courtroom.)

15 THE COURT: Mr. Timothy Jackson, if you could have a
16 seat on the front row. I would ask you to serve as
17 foreperson of this jury. Mr. Foreman, you like everyone
18 else when it comes time for deliberations have one vote,
19 but you're going to have additional responsibilities as the
20 foreman of this jury. If questions and concerns develop
21 throughout this case, I will ask the jurors to communicate
22 that question or concern with you, you reduce it to writing
23 and give it to the bailiff, if it's something I can help
24 you with I will be happy to do that. In addition to that
25 when it comes time for deliberations you will be called

1 upon to preside over the deliberations process. That
2 essentially means that you are to ensure that everybody's
3 voice is heard. Also, I will tell you from the outside
4 that it's inappropriate for y'all to discuss anything about
5 this case. Y'all don't know anything about it other than
6 what the charge is and where the alleged offense took
7 place. Do not discuss the case, do not talk about the
8 lawyers, don't talk about the witnesses. You can talk
9 about Carolina/Clemson football, you can talk about the
10 weather, you can talk about the flood, you can talk about
11 anything that happened in Columbia with regard to anything
12 you want to talk about. Mr. Foreman, I will ask that you
13 enforce this rule, there is to be no discussion about this
14 case whatsoever. There will be times throughout the trial
15 of this case where you're in the jury room by yourselves, I
16 will ask that you once again enforce that rule throughout
17 that time, there is to be no discussion about the case. We
18 are going to allow you to return to the jury room here
19 momentarily and you will be outside of our presence, but
20 once again, do not discuss the case in any way, shape or
21 form. I will ask each of you if you could stand, raise
22 your right hands as the clerk administers the oath.

23 (The jury was sworn.)

24 THE COURT: I will ask that everyone remain seated as
25 the jury exits the courtroom, we will be with you

1 momentarily.

2 (The jury left the courtroom.)

3 THE COURT: Mr. Steen, you are recognized with regard
4 to any motion for a continuance or any other matter.

5 MR. STEEN: Thank you, Your Honor. Yes, Your Honor.
6 We would ask for this case to be continued until Mr. Knight
7 is picked up on this bench warrant. I've met Mr. Knight
8 one time, the focus of this conversation was pleading. I
9 do not know any defenses to present to my client here today
10 so I would ask the Court to allow us to wait until Mr.
11 Knight gets picked up on these charges.

12 THE COURT: Very good. I'll be glad to hear from the
13 State.

14 MR. KNIGHT: Yes, Your Honor. In reference to Mr.
15 Steen's motion, he was -- back on -- he was arrested back
16 on 10/23 of 2015 (sic) given an \$80,000 bond set by the
17 magistrate, it was reduced in general sessions court on
18 12/17 of 2014 by Judge Gibbons in general sessions court to
19 the amount of \$50,000. I have a certified copy of the bond
20 paperwork, which Mr. Knight signed on 12/18 of 2014 with
21 his attorney, Mr. Nowicki, that states that he would be --
22 have a right and obligation to be present at trial, should
23 he fail to attend the trial may proceed in his absence.
24 May I approach at this time?

25 THE COURT: Yes. We need to make those bond documents

PRETRIAL MOTIONS

1 a part of the record as a Court's Exhibit.

2 MR. KNIGHT: Yes, Your Honor.

3 (The bond paperwork was received as Court's 1.)

4 (The bond reduction form was received as Court's 2.)

5 MR. KNIGHT: We would just state that he knew he was
6 supposed to be here for court, he signed the bond paperwork
7 stating that he would be tried in his absence if he did not
8 appear. He was told to appear as far as I am aware by his
9 attorney, Mr. Steen. He was here yesterday and I would
10 argue that he knows to be here, should have been here and
11 he knows he would be tried in his absence if he wasn't
12 here.

13 THE COURT: He was -- obviously has the bond paper
14 indicating that he was supposed to be in court when court
15 was in session and he knew he was specifically notified to
16 be here at 9:00 this morning, is that correct, Mr. Steen?

17 MR. STEEN: Yes, Your Honor.

18 THE COURT: Did you tell him that?

19 MR. STEEN: Yes, Your Honor.

20 THE COURT: I'm going to ask, bailiff, you go stand in
21 front of that door and call the name of Coy Lamar Knight,
22 Junior three times.

23 (Break in proceedings.)

24 BAILIFF: Your Honor, the defendant's name has been
25 called three times outside the courtroom with no response.

PRETRIAL MOTIONS

1 THE COURT: Very good. Thank you. Anything further
2 from the defense?

3 MR. STEEN: Just that, Your Honor, I advised him to
4 plead to the charge here today.

5 THE COURT: Anything from the State?

6 MR. KNIGHT: Nothing further regarding the TIA matter.

7 THE COURT: What is the defense's position with regard
8 to the defendant's absence? I can address the issue from
9 the bench if you would like or if you want to address it
10 before the jury or just don't want to talk about it, you
11 can do it any way you want it. What's your preference?

12 MR. STEEN: Just not talk about it, Your Honor.

13 MR. KNIGHT: Your Honor, I believe we would like to
14 call an officer as a witness to identify the defendant by
15 photograph.

16 THE COURT: Okay. We can do that. You are
17 recognized.

18 MR. KNIGHT: At this time I would like to call
19 Investigator Jason Catoe of the Lancaster County Sheriff's
20 Office.

21 The witness, JASON CATOE, was first duly sworn and
22 Testified as follows:

23 DIRECT EXAMINATION

24 BY MR. KNIGHT:

25 Q Could you please briefly state your name and

PRETRIAL MOTIONS

1 occupation for the record?

2 A Jason F. Catoe, Investigator at the Lancaster County
3 Sheriff's Office.

4 Q Were you the primary or chief investigator in this
5 case, State versus Coy Lamar Knight, Junior?

6 A Yes.

7 Q If I showed you a picture of him, would you know what
8 he looked like?

9 A Yes.

10 MR. KNIGHT: At this time, may I approach, Your Honor?

11 THE COURT: You may.

12 MR. KNIGHT: I would like to mark this as State's
13 Exhibit 3 (sic). I'm sorry, 1.

14 Q You've seen Mr. Knight on several occasions?

15 A Yes.

16 Q At this time I'm showing you what's marked as State's
17 Exhibit 1.

18 A Yes.

19 Q Can you tell me what that is?

20 A This is a DMV record of Coy Lamar Knight.

21 Q Is that -- you're sure of that?

22 A Yes, sir.

23 MR. KNIGHT: Thank you. No further questions.

24 THE COURT: Any cross examination?

25 MR. STEEN: No, Your Honor.

PRETRIAL MOTIONS

1 THE COURT: Let's bring the jury out.

2 MR. KNIGHT: Your Honor, we have a couple of more
3 things to take up outside of the presence of the jury. Mr.
4 Steen has stipulated to several exhibits, several items to
5 come in and we do have quite a bit to mark with the court
6 reporter and if we can go ahead and take care of that
7 before the jury comes in if that would be acceptable.

8 THE COURT: I tell you what we're going to do is we'll
9 go ahead and do the opening statements and then we'll send
10 the jury back to the jury room and you can resolve that.

11 (Break in proceedings.)

12 THE COURT: Anything from the State before we proceed?

13 MR. KNIGHT: Nothing from the State except permission
14 to use demonstrative evidence.

15 MR. STEEN: Without objection, Your Honor.

16 THE COURT: Very good. All right. Anything from the
17 defense before we proceed?

18 MR. STEEN: Nothing, Your Honor.

19 THE COURT: We are ready for the jury.

20 (The jury returned to the courtroom.)

21 THE COURT: Mr. Foreman, ladies and gentlemen, we are
22 about to begin the trial of the State of South Carolina
23 versus Coy Lamar Knight, Junior, it is indictment number
24 2015-GS-29-74. As I mentioned to you earlier, Mr. Knight
25 has been indicted on this offense but that bares absolutely

1 no evidentiary value whatsoever, it's merely the document
2 that starts the criminal proceeding. But to these charges
3 Mr. Knight has pled not guilty, and in any criminal court
4 in the United States of America, when a person is charged
5 with a crime and he pleads not guilty certain
6 constitutional rights come into play. The first of which
7 is, Mr. Knight, as it stands now is presumed to be just as
8 innocent as me or you. In addition to that in order for a
9 person to be convicted, including Mr. Knight, be convicted
10 of an offense the State has to prove each and every element
11 of the offense that he's charged with. You know, there
12 are -- and the State bears that burden of proof. In some
13 third world countries and in Russia, you can be accused of
14 a crime and hauled up in before a court and be held to the
15 standard to prove your innocence. In the United States of
16 America you're not required to do that, the State has to
17 prove you guilty beyond a reasonable doubt. So the
18 constitutional safeguards are is number one, that there's a
19 presumption of innocence. And number two, that the State
20 has the burden of proof; they're the ones that has all the
21 resources to produce the evidence necessary to prove
22 someone guilty, they are going to be the ones that are
23 going to have to produce the evidence. And thirdly,
24 they're going to have to meet the highest burden of proof
25 known by our judicial. Suppose with me if you will the

1 scales of justice where the lady is blind folded from all
2 bias and all prejudice, when the trial starts the scales
3 are even. And imagine with me, if you will, a civil case,
4 just like car wreck or a medical malpractice case or a
5 contract dispute, the plaintiff in that case only have to
6 tilt the scales every so slightly in their favor and they
7 would prevail. The reason for that is because in those
8 cases the only thing you're talking about is money, and in
9 criminal cases we're talking about fundamental rights and a
10 person's liberty. So the State is going to be required to
11 meet the highest burden of proof known to our judicial
12 system, proof beyond a reasonable doubt, and I would
13 envision that as the State being required to lock up the
14 scales, the highest burden of proof. First of all here
15 momentarily we're going to call on the State, they're going
16 to have an opportunity to stand up before you and talk
17 about this case, maybe explain what the law is and what
18 they intend to prove and sort of give you a road map of
19 what to expect in this proceeding. Then the defendant,
20 although the defendant is not required to do anything,
21 they're going to be given an opportunity to give an opening
22 statement, and I anticipate they'll probably do so. And
23 then after the opening statements we will begin the taking
24 of evidence. Like the opening statements, the State has
25 the burden of proof and they're required to proceed forward

1 first with regard to the presentation of evidence.
2 Evidence takes a number of different forms, but the primary
3 one is when the witnesses come before you, they will place
4 a hand on the Bible and have a seat in the witness chair
5 they're sworn to tell the truth and nothing but the truth
6 and these lawyers can have an opportunity to ask them
7 questions. What they say is evidence, it's going to
8 require that you pay very close attention to what they say
9 in order for you to determine what the truth is in this
10 case. The oral testimony is going to be there for your
11 consideration. There is also going to be documentary
12 evidence, pay very close attention as the trial progresses.
13 The way that this is going to progress is that the
14 plaintiff -- I mean, the State goes first with regard to
15 the presentation of evidence, and then the defense has an
16 opportunity to present evidence if they wish to do so. But
17 as I mentioned to you earlier, the constitutional safeguard
18 is that the State has the burden of proof, the defendant
19 need not prove a thing. There's probably a theoretical or
20 a constitutional reason for that is that many of you have
21 been accused of things in your everyday lives and it's
22 impossible to prove your innocence. In the United States
23 of America you're not required to do that, the State has
24 the burden of proof. The defense is going to be given an
25 opportunity to present any evidence if they elect to do so

1 but they're not required to do so in any way, shape or
2 form. Ladies and gentlemen of the jury, you and I have
3 certain roles to perform in this matter. I am the arbiter
4 of the law, I preside over the proceeding, I determine what
5 evidence you get to hear, and at the conclusion of the case
6 I will charge you the law that's applicable to this case.
7 Your job is like a judge in that you're going to be called
8 upon to judge matters in this case and they're factual
9 matters. Your job is to listen to the evidence that comes
10 from this witness stand and determine what the truth is.
11 There are going to be a number of occasions throughout this
12 trial where you can hear the lawyers say "I have an
13 objection," and this is a proceeding that's governed by the
14 Rules of Evidence, and it's governed by the Rules of
15 Criminal Procedure, and in fulfilling my role as the trier
16 of the law I determine what evidence you get to hear, so
17 those matters will take place outside of your presence.
18 There's a reason for that because quite often in ruling on
19 these matters of law it requires that I comment on the
20 facts and the law doesn't allow me to have an opinion about
21 the facts, so for that reason those conversations will take
22 place outside of your presence. At the conclusion of the
23 case if you have a particular question with regard to a
24 point of law that took place outside of your presence and
25 if I can remember what the point of law was, I'll be happy

1 to discuss it after the rendering of the verdict, but it
2 would be inappropriate to do so until you've had an
3 opportunity to deliberate and render a verdict. Ladies and
4 gentlemen of the jury, your job as the trier of fact is
5 necessarily going to require that you pass on the
6 believability and the credibility of witnesses. Pay very
7 close attention as these witnesses take the witness stand,
8 ask yourself what opportunity they had to see and observe
9 the things to which they're testifying. I will tell you
10 from the very beginning that in evaluating the credibility
11 or believability of a witness we do that everyday in our
12 everyday lives, we listen to someone and we can kind of
13 tell whether they're telling the truth, and that requires
14 good common sense. Ask yourself whether or not what this
15 witness says is corroborated by other evidence in the case
16 and whether or not it contradicts other evidence. You can
17 believe all of what a witness says, none of what a witness
18 says or a portion thereof. Ask yourself whether or not the
19 witness has an interest, a bias or a prejudice in what
20 they're talking about, ask yourself that. Also the law
21 says you can take into consideration a witness's demeanor.
22 Any of you who like myself have had teenage children,
23 sometimes it's important to hear what they say, but also
24 the manner in which they say it, whether or not they look
25 like they're telling the truth and you can do that. You

1 can take into consideration a witness's demeanor as they're
2 testifying. Pay very close attention. You and I have
3 certain duties to perform in this case, mine is the trier
4 of law, yours is the trier of fact. I want to tell you
5 from the very outset that if I make an error with regard to
6 my role as the trier of law, those errors can easily be
7 corrected. If I don't let in evidence that should have
8 been let in or if I charge the law in an inappropriate way,
9 then those matters can be addressed. However, if you make
10 an error with regard to the findings of fact, quite often
11 those can't be corrected so these are important matters.
12 This is an important case to the State of South Carolina
13 and it's an important case to the defense. Pay very close
14 attention as the witnesses testify. Given the nature of
15 this case and the length of the case I am going to order
16 and instruct and demand that you not take notes. That's
17 going to be an added burden on you to pay very close
18 attention to what the witnesses say. You have been chosen
19 to take a very important role in this case, you are
20 participating in a time-tested system. You are to listen
21 to the evidence, determine what the truth is and apply it
22 to the law and I am convinced that you will do that. Mr.
23 Knight, you are recognized.

24 MR. KNIGHT: May it please the Court?

25 THE COURT: Yes, sir.

OPENING STATEMENTS

1 MR. KNIGHT: Mr. Steen. Good morning, ladies and
2 gentlemen of the jury. Again, my name is Luke Knight, I'm
3 one of the assistant solicitors here in Lancaster County,
4 and throughout this trial I don't want you to confuse me
5 with the defendant, Coy Lamar Knight, we do have the same
6 last name but we're not related in any capacity. I just
7 wanted to let y'all know that. This case involves arson
8 third degree. Back on October 22nd of 2014, the Lancaster
9 County Sheriff's Office deputies noticed a large fire,
10 something burning on Old Landsford Road near the old mill
11 here in Lancaster in the county. When deputies responded
12 to the location they realized that the business was on
13 fire. This was a grocery store that had been around for a
14 long time. The building was owned by Tony Parker and
15 Leonard Lucas and Mark Johnson was the owner of the store,
16 it was a grocery store. They sold everyday groceries,
17 drinks, cigarettes, candy, what have you. When
18 investigators from the sheriff's department and South
19 Carolina Law Enforcement Division arrived to investigate
20 the arson they were able to recover a DVR, which is a
21 digital video recording of the security cameras that were
22 placed at the business at Old Landsford Road. And the
23 security cameras, thank goodness, didn't get burnt up in
24 the fire, they remained in tact. So when the investigators
25 went back and looked through the video cameras, the DVR's

OPENING STATEMENTS

1 of what happened that night, why the fire started, who may
2 have started the fire, that's when they saw an individual
3 early that morning take a spray bottle with some type of
4 liquid in it, sit at the edge of the building and spray it,
5 and he does this, sprays and sprays for a good five to ten
6 minutes. After he gets done spraying he takes out a
7 lighter, lights a cloth or some kind of object on fire and
8 you see him throw it in the direction of where he sprayed.
9 At that time the security camera catches the store engulfed
10 in flames. And ladies and gentlemen of the jury, based on
11 what the investigators looked at after they watched that
12 video, that's what led them to the defendant, Coy Lamar
13 Knight. And this case is all about -- not all about the
14 video, but you're going to see a lot of the video, you'll
15 see a lot of the video, and that video is going to tie this
16 arson to Coy Lamar Knight. The video is going to beyond a
17 reasonable doubt show y'all that Coy Lamar Knight was the
18 guy on the video that goes behind the store, sprays the
19 store with some kind of what we think is an accelerant,
20 light the cloth on fire and throw it on the store. Now, in
21 South Carolina he's been charged with arson third degree I
22 told y'all, I'll give y'all a general overview, probably
23 see them on your screens up there. The elements in South
24 Carolina to be able to be convicted of arson third degree,
25 you have to willfully and maliciously cause some sort of a

OPENING STATEMENTS

1 fire that resulted into damage of some kind of property
2 whether it resulted in bodily injury or not. Luckily the
3 store was closed down at this time, it was in the early
4 morning so there wasn't any bodily injury or anything like
5 that. But we are going to prove to you beyond a reasonable
6 doubt that there was a store there, it was a building and
7 property, that the defendant willfully and maliciously
8 caused that building to burn down. And again, you're going
9 to hear a lot of stuff, you will hear a lot of witnesses,
10 you will hear a lot of testimony, a lot of video, a lot of
11 photographs, it's going to be a lot to take in, but at the
12 end of this we will prove to you beyond a reasonable doubt
13 that Coy Lamar Knight is, in fact, guilty of arson third
14 degree. I appreciate your time and patience. Thank you.

15 THE COURT: Mr. Steen, you are recognized.

16 MR. STEEN: Thank you, Your Honor. Solicitor Knight.
17 There's no dispute that the Old Mill Grocery burned on
18 October 22nd of last year. The solicitor states that it's
19 not only evidence, the footage, the surveillance footage,
20 that is the only evidence that matters in this case. You
21 will see on that footage that my client did not commit this
22 crime. The State is going to put up nine or ten other
23 witnesses to talk about other things that matter in this
24 case, but this crime happened on video. Y'all will get to
25 see the same video that I, the solicitor and law

OPENING STATEMENTS

1 enforcement saw, it will be y'all's decision to see if Mr.
2 Knight committed this crime. I believe after you have seen
3 the video that y'all will see that he did not commit this
4 crime. I ask you to pay attention throughout the trial and
5 find him guilty (sic) at the end. Thank you.

6 THE COURT: Mr. Foreman, ladies and gentlemen, it's
7 12:00, I am going to ask that you return at 2:00 this
8 afternoon, 2:00 sharp. Once again, do not discuss the case
9 amongst yourselves or with anyone else. I can promise you
10 that when you go back to your work or your home, your
11 spouse or your significant other or your coworker is going
12 to say "Tell me what's going on in court." This is one
13 time that you don't have to answer your spouse. You can
14 tell them I ordered you not to discuss this case, and the
15 reason is they might know something about this case and
16 that would be improper for you to hear something that
17 somebody knew about this case, or it might be that they
18 have an opinion about this particular type litigation.
19 Don't discuss anything about this case. I am going to ask
20 that you be back at 2:00 and 2:00 sharp. Do not discuss
21 the case amongst yourselves or with anyone else. Everyone
22 remain seated as the jury exits the courtroom.

23 (The jury left the courtroom.)

24 THE COURT: Anything from the State before we recess?

25 MR. KNIGHT: We do have certain exhibits that we

OPENING STATEMENTS

1 stipulated to to introduce as evidence, we can do that
2 after we get back or just whenever.

3 THE COURT: Well, now will probably be a good time for
4 y'all to do that.

5 (State's Exhibits 2-10 were received into evidence.)

6 THE COURT: Anything from the defense?

7 MR. STEEN: Just one other thing, Your Honor, I think
8 the State would consent to this, but there were other fires
9 around the same time as this incident and the State has
10 consented to not bringing up those fires.

11 MR. KNIGHT: Yes, Your Honor. We won't ask any direct
12 questions about the fires and I will instruct the witnesses
13 not to speak about them.

14 MR. STEEN: That's all from the defense.

15 THE COURT: We'll stand at ease until 2:00.

16 (A lunch recess was taken.)

17 THE COURT: Anything from the State before we proceed?

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

19 THE COURT: Anything from the defense?

20 MR. STEEN: Nothing from the defense, Your Honor.

21 THE COURT: We are ready for the jury.

22 MR. KNIGHT: I believe defense counsel, Mr. Steen, is
23 fine with consenting to the admission of all of the items
24 we talked about earlier as opposed to --

25 THE COURT: Those will be State's Exhibits 1 through

OPENING STATEMENTS

1 10. 2 through 10.

2 (The jury returned to the courtroom.)

3 THE COURT: Mr. Foreman, ladies and gentlemen, thank
4 you for being here and being here on time, we are a little
5 bit late getting started. We had one legal matter to
6 attend to but we are certainly sensitive of your time, you
7 are not really being paid a whole lot so we will be
8 sensitive to that. Thank you for being here, being here on
9 time. Mr. Knight, you are recognized.

10 MR. KNIGHT: Thank you, Your Honor. At this time the
11 State would like to call Billy Lloyd.

12 The witness, WILLIAM LEE LLOYD, was first duly sworn
13 and testified as follows:

14 THE COURT: Have a seat in that witness chair. I want
15 you to pull up close to that microphone, speak loudly,
16 clearly and slowly in order for us to hear everything you
17 have to say. And let's start with the full name, please,
18 sir.

19 THE WITNESS: William Lee Lloyd.

20 THE COURT: Mr. Knight, you're recognized.

21 MR. KNIGHT: Thank you, Your Honor.

22 DIRECT EXAMINATION

23 BY MR. KNIGHT:

24 Q Good afternoon, Mr. Lloyd. Could you please state
25 your occupation for the record and for the jury?

TESTIMONY OF WILLIAM LLOYD

1 A I work for Lancaster County Fire and Rescue,
2 responsible for mainly general operations and maintenance
3 of vehicles and equipment throughout the county.

4 Q And how long have you been with the Lancaster County
5 Fire Service?

6 A Ten years plus.

7 Q And you're a certified firefighter?

8 A Yes, sir.

9 Q And you're certified through the State of South
10 Carolina?

11 A Yes, sir.

12 Q All right. Let's turn now to October 22nd of 2014.
13 Do you remember if you were working on that early morning?

14 A I received a phone call from our dispatch notifying
15 us there was a major structure fire and I responded to the
16 location.

17 Q And was this location at Old Landsford Road here in
18 Lancaster County?

19 A Yes, sir.

20 Q And tell me what you saw when you arrived at the
21 location that you were dispatched to?

22 A When I arrived fire operations were already taking
23 place, the firemen were inside and outside trying to take
24 the fire under control. At that time we began to walk
25 around the facility just to see how the conditions were

TESTIMONY OF WILLIAM LLOYD

1 getting and the conditions appeared to be getting worse at
2 that time and we were just trying to figure out what we
3 needed to do further at that time.

4 Q And what type of structure was this that was located
5 at Old Landsford Road?

6 A This was an old commercial style store building.

7 Q To your knowledge was it still a working store?

8 A Yes, sir, it had product inside.

9 Q Okay. And did you actually help fight the fire or
10 were you --

11 A Yes, sir.

12 Q You did? And what time -- do you remember about what
13 time you got out there?

14 A No, sir, I sure don't.

15 Q All right. Early morning, does that sound about
16 right?

17 A It was real early in the morning.

18 Q What did you do after y'all were fighting the fire,
19 did y'all get it under control?

20 A Didn't exactly get it under control quickly because
21 the fire had progressed, prior to the fire department's
22 arrival the fire had greatly progressed, they were having
23 trouble getting it under control when we arrived on scene.
24 And at that point we tried to figure out what we could do
25 to figure out what happened and what caused the fire, and

TESTIMONY OF WILLIAM LLOYD

1 information come from the outside that there were security
2 cameras and video equipment. At that point we tried to
3 figure out where it was and how to obtain that equipment
4 to get it secured from getting damaged.

5 Q Okay. And do you remember about what time the fire
6 came under control? Was it several hours after you got
7 there, was it --

8 A It was on in early morning or later in the morning
9 before the fire actually got under control.

10 Q And y'all had several trucks and firefighters out
11 there?

12 A We had at least four volunteer fire departments and
13 City of Lancaster trying to get the fire under control.

14 Q All right. I'm going to turn now to -- did you go in
15 the -- you talk about there was a DVR or security camera
16 system.

17 A Yes, sir.

18 Q Did you -- after the fire was put out by the fire
19 service, did you enter in the building at Old Landsford
20 Road?

21 A Actually the fire was still in process when we
22 entered to retrieve the video equipment. At that point we
23 deemed that we would have to either secure it now or it
24 was going to be damaged where it could not be used or
25 viewed.

TESTIMONY OF WILLIAM LLOYD

1 Q Okay. And did you take any photographs that early
2 morning on October 22nd?

3 A Yes, sir, I sure did. When we go to retrieve
4 evidence of any kind we try to photograph as we're going
5 in. And I took photographs as I entered the front door,
6 going down the hall, entering the room that the DVR was
7 located in, of the closet the DVR was located in, and when
8 we opened the door in the closet we took a picture of the
9 DVR sitting on the shelf. And then we removed it, and
10 when we removed it we went to exit the structure and as
11 we're exiting the structure I passed it to Captain Walters
12 because I had the camera around my neck, I passed it to
13 him, stepped out in front of the structure and as he's
14 passing it to Officer Lucas I snapped a picture, and
15 that's the chain of custody on the DVR.

16 Q All right.

17 MR. KNIGHT: May I approach?

18 THE COURT: Yes.

19 Q I'm showing you now what is marked as State's Exhibit
20 5 pages one through seven. Are those the photographs that
21 you took on 10/22 of 2014?

22 A Yes, sir, they are.

23 Q And those are the photographs that you just testified
24 to regarding you entering the building and getting the DVR
25 from the location within the store?

TESTIMONY OF WILLIAM LLOYD

1 A Yes, sir, they are.

2 MR. KNIGHT: Your Honor, at this time I believe these
3 have already been moved into evidence but I will make a
4 motion to move them into evidence.

5 THE COURT: Very good. They are indeed in evidence.

6 (The photos were received as State's 5.)

7 Q Could you describe the DVR system that you retrieved
8 from the store on that morning? What did it look like?

9 A The DVR was a black box, without looking at the
10 pictures again I couldn't tell you the name brand. It was
11 not a very well known name brand DVR system, but it was a
12 black box.

13 Q And what did you do after you got it out and -- where
14 was it located within the store again?

15 A It was -- as you entered the front of the structure
16 it was down the hall on the left in an office space that
17 they had in the store area.

18 Q What did you do with the DVR box after you got it?

19 A Retrieved it from the closet, protected it from the
20 fire streams that were being administered to the fire,
21 removed it from the structure and passed it off to law
22 enforcement.

23 MR. KNIGHT: I have no further questions. Please
24 answer anything Mr. Steen has for you.

25 THE COURT: Cross examination.

TESTIMONY OF KENNETH WALTERS

1 MR. STEEN: No further questions. Thank you, Mr.

2 Lloyd.

3 THE COURT: You may step down. Call your next

4 witness.

5 MR. KNIGHT: At this time I would like to call Captain

6 Ken Walters with the Lancaster County Fire Service.

7 The witness, KENNETH WALTERS, was first duly sworn and

8 testified as follows:

9 THE COURT: Have a seat in the witness chair, pull up

10 real close to that microphone, speak loudly, clearly and

11 slowly where we can hear everything that you have to say.

12 And let's start with a full name.

13 THE WITNESS: Kenneth Eugene Walters.

14 THE COURT: Very good.

15 DIRECT EXAMINATION

16 BY MR. KNIGHT:

17 Q Could you please state your occupation for the record?

18 A I'm a captain with the Lancaster Fire and Rescue.

19 Q How long have you been with the Lancaster Fire and

20 Rescue?

21 A Since 2012.

22 Q What are your general duties as captain with the

23 Lancaster County Fire and Rescue?

24 A Maintain a shift of ten firefighters throughout the

25 county and do payroll and fight fire and mediate wrecks

TESTIMONY OF KENNETH WALTERS

1 and accidents.

2 Q Let's turn now to October 22nd of 2014. Do you
3 remember if you were working on that early morning?

4 A Just like Mr. Lloyd, I was called in to assist with a
5 fire, so once I got the phone call I arrived on scene
6 early morning.

7 Q Do you remember if the -- and this was to the Old
8 Landsford Road location?

9 A Correct.

10 Q And that's the location across from -- kind of near
11 the Old Mill in Lancaster?

12 A Yes, sir.

13 Q What did you observe when you got to the location?

14 A Most of the fire departments were already there, we
15 were there for manpower support. Just heavy fire, and
16 just fire fighting operations were going on at that time.

17 Q And to your knowledge this was a commercial structure?

18 A It was, it was a store.

19 Q Let's turn now to when you arrived there. Do you
20 remember going inside the -- did you ever go inside the
21 structure?

22 A I did. I was on the interior TAC team.

23 Q And do you remember a DVR that was taken out of the
24 store?

25 A Initially, no, because I was fighting fire in the

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1 back. As I was going through rehab changing out my
2 cylinder is when Chief Lloyd had contacted me, said we had
3 have got to go find the DVR.

4 Q At that time did you go in to locate it?

5 A Yes, sir.

6 MR. KNIGHT: May I approach the witness, Your Honor?

7 THE COURT: Yes.

8 Q At this time I'm showing you what is marked as State's
9 Exhibit 5, and in particular the last page would be page
10 seven. Are you familiar with that photograph? Have you
11 ever seen it before or are you familiar with what it
12 depicts?

13 A Yes, sir.

14 Q And what does it depict, that photograph?

15 A The office area to where we found the DVR.

16 Q And in that set of photographs I believe there's a
17 photograph of you in your turnout gear.

18 A Yes, sir.

19 Q Is that you in the picture?

20 A That is.

21 Q And you took -- did you take possession of the DVR
22 from someone else?

23 A Yes, sir. Chief Lloyd gave it to me and I held it
24 and we delivered it to the law enforcement officer.

25 Q Do you remember his name?

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1 A No, sir.

2 Q And approximately how long did it take y'all to put
3 the fire out?

4 A It was late morning. I don't know, we probably got
5 it under control about 9:00, if that, because we had
6 breakfast and everything out and we worked a long time on
7 it.

8 MR. KNIGHT: I think I have no further questions.

9 Please answer anything Mr. Steen has for you.

10 THE COURT: Cross examination.

11 MR. STEEN: No questions. Thank you, Captain.

12 THE COURT: You may step down. You may call your next
13 witness.

14 MR. KNIGHT: At this time the State would like to call
15 Investigator Spencer McInvaille.

16 The witness, SPENCER MCINVAILLE, was first duly sworn
17 and testified as follows:

18 DIRECT EXAMINATION

19 THE COURT: Pull up to that microphone. I want you to
20 speak loudly, clearly and slowly in order for us to hear
21 everything you have to say. Let's start with a full name,
22 please, sir?

23 THE WITNESS: Spencer McInvaille.

24 THE COURT: Spell that last one.

25 THE WITNESS: M-c-i-n-v-a-i-l-l-e.

TESTIMONY OF KENNETH WALTERS

1 BY MR. KNIGHT:

2 Q Investigator McInvaille, could you please tell the
3 jury what you do for a living and who you are?

4 A I work with the Lancaster County Sheriff's Office,
5 I'm assigned to the violent crime unit, been there for
6 approximately six and a half years.

7 Q What is your general duties as a violent crime
8 investigator? What do you do on a daily basis?

9 A Investigate various crimes that come through our unit
10 that range from anything from property crimes to pretty
11 much any crime that we work on, that's how I became
12 involved in this assisting Investigator Catoe.

13 Q Let's turn now to the date in question, October 22nd,
14 2014. Do you remember being dispatched to Old Landsford
15 Road here in Lancaster?

16 A Yes, sir.

17 Q Do you remember around what time you were dispatched
18 to or how you were notified to be dispatched out to Old
19 Landsford?

20 A I was contacted by Lieutenant Howell and Captain
21 Bailey to come out and assist as far as the investigation
22 goes for the fire, needed more manpower due to the size of
23 the incident.

24 Q Do you remember what time you got called out there?

25 A I don't remember what time. It was midday because

TESTIMONY OF SPENCER MCINVILLE

1 they were still fighting the fire that morning.

2 Q What did you -- you were dispatched first out to Old
3 Landsford Road?

4 A Yeah, that's where we originally started.

5 Q Describe to the jury what you saw when you first got
6 out there.

7 A When I came out there there was various units from
8 the fire service and also SLED beginning their
9 investigation of the actual fire scene. I came there to
10 assist as far as canvassing the neighborhood and doing
11 other investigative duties that pertained just to the fire
12 scene.

13 Q Were you by yourself?

14 A No. I know I was with Lieutenant Howard for most of
15 the day.

16 Q You said first y'all canvassed the neighborhood.

17 Could you explain kind of what y'all did?

18 A When we canvassed the neighborhood we are walking
19 around to neighborhoods to the houses, knocking on doors,
20 talking to the neighbors, seeing if we can drum up any
21 leads as far as people that may have been in the area
22 during the time of anything, generating any leads during
23 the timeframe that this happened.

24 Q Okay. You participated in a search warrant. What led
25 up to that participation of that search warrant? Did that

TESTIMONY OF SPENCER MCINVAILLE

1 happen soon after you were dispatched on scene?

2 A It was during that daytime when we were there, I
3 don't know the exact time when we began that process. It
4 usually takes us a little bit from start to finish as far
5 as getting search warrants, getting to the residence and
6 executing that.

7 Q Do you remember where this search warrant was executed
8 at, what address?

9 A It's on First Street, I'll give you the exact
10 address. I believe it was

11 MR. KNIGHT: At this time, Your Honor, I would like to
12 publish what I've got marked as State's Exhibit 10.

13 THE COURT: Any objection?

14 MR. STEEN: No objection, Your Honor.

15 THE COURT: State's Exhibit 10 is in evidence.. You
16 may publish.

17 MR. KNIGHT: Thank you, Your Honor. At this time I
18 would ask if Investigator McInvaille can step down.

19 THE COURT: Certainly.

20 Q All right, Investigator. Are you familiar with what
21 this is or what it depicts?

22 A Yes, sir.

23 Q Could you tell us what it depicts?

24 A This is the area of Old Landsford Road commonly known
25 to in the area is Midway. This is where the Old Springs

TESTIMONY OF SPENCER MCINVAILLE

1 Mills were, here is the Old Mill Grocery, that's our
2 incident location where the fire was. And then there's
3 also the depiction of where we conducted
4 a search warrant.

5 Q And that label right there says the Old Mill Grocery,
6 is that the Old Landsford location?

7 A Yes. That is the scene of the fire there that is the
8 grocery store.

9 Q And going back to the search warrant. The first
10 search warrant where you participated in, where was that?
11 Can you point out on the map where it was located?

12 A The first one was the actual crime scene. The first
13 one that I was involved in was here at

14 Q And whose residence was that?

15 A That was Coy Lamar Knight.

16 Q And what led y'all to get that search warrant?

17 A Basically prior to the canvass there was information
18 that came about that when we were able to watch the DVR
19 you could see prior to the fire and prior to the scene of
20 a man that was described earlier spraying the fluid on the
21 building. The subject came from the direction of up here,
22 it's kind of up hill from this area, it comes down and
23 he's walking a dog back behind the store. Subject is
24 wearing appears to be the same clothing, same build
25 description of the subject who comes back and sprays the

TESTIMONY OF SPENCER MCINVAILLE

1 building. When he comes back you can -- the video -- it's
2 not like me and you are standing here looking at each
3 other now but you can see the same things as far as shoes,
4 you can tell the distinctions on the dog, different things
5 that you were actually able to see in there that give you
6 clues as to maybe who this person is. During the canvass
7 later on I believe it was Captain Bailey was in the area
8 and came across Mr. Knight, who was sitting on his front
9 porch here at the house on . While I was
10 there he actually spoke to Mr. Knight who was there with
11 his dog, that's how that came about.

12 Q I'm going to back you up real quick. You can have a
13 seat right there. So the basis for the first search
14 warrant at was based on the DVR that you
15 watched?

16 A Yes, sir.

17 Q Who did you get the DVR from?

18 A I believe it was in our evidence at that time.

19 Q It was in your evidence? And you viewed the DVR?

20 A Yes.

21 Q How many total -- what did you view? Did you view all
22 of the security cameras -- do you remember if there were
23 certain times that alerted you to the defendant's presence
24 that night at the store, if there were certain times on the
25 video or did y'all watch the whole 24 hours?

TESTIMONY OF SPENCER MCINVAILLE

1 A No. We pretty much -- we started from the -- as far
2 forward as we could, which would have been the last time
3 that it was on and went back from there. So we actually,
4 you know, there was a video during the fire and previous
5 to that before the fire started and then we focused in on
6 that area just prior to where the fire started and that's
7 how we began there.

8 Q Do you recall watching a video from the DVR that
9 started around 8:00 p.m. on October 21st of 2015 (sic), or
10 2014 rather?

11 A Yes, I do.

12 Q And what did you see when you watched this?

13 MR. STEEN: Objection, hearsay, the video is in
14 evidence.

15 THE COURT: Sustain the objection.

16 MR. KNIGHT: Your Honor, at this time can I publish
17 the video?

18 THE COURT: You may.

19 MR. KNIGHT: Could I have him come down and do that
20 too?

21 THE COURT: Yes you may.

22 MR. KNIGHT: Thank you, Your Honor.

23 Q You are familiar with this software and the camera
24 angles on it?

25 A Yes.

TESTIMONY OF SPENCER MCINVAILLE

1 Q Could you please start the video and I guess make the
2 screen bigger, every frame that the defendant is in as best
3 you can, if you can?

4 A (Witness complies.)

5 MR. KNIGHT: Your Honor, if I may.

6 Q Is there any other angles that you could zoom out of
7 that you might get a clearer picture of the defendant, go
8 back to --

9 A Here in the video you have Coy Lamar Knight. This is
10 on October 21st prior to 12:00 that night, obviously the
11 fire happened early morning hours of October 22nd.

12 Q And you're familiar with how that DVR -- is there a
13 time and date stamp on it?

14 A There is at the lower part of the screen. I don't
15 know if you would be able to see it there at the lower
16 part of the screen, there is a date and time stamp on
17 there.

18 Q And based on what you're seeing on the date and time
19 stamp, do you know around what the time and date there is?

20 A Yes. It's showing 20:26, which is about 8:26 that
21 night on the 21st.

22 Q Okay. This is the first video y'all observed on the
23 DVR that showed the defendant?

24 A This is the first DVR that we observed that we knew
25 for a fact -- this is where you could see Coy's face.

TESTIMONY OF SPENCER MCINVAILLE

1 Q You can continue.

2 (Video was played.)

3 Q And in this video shot, could you identify what kind
4 of clothes he's wearing?

5 A To an extent -- of course, you can't --

6 MR. STEEN: Objection. The jury can see the video
7 without --

8 THE COURT: Sustained.

9 (Video was played.)

10 Q And this is on October 21st of 2014?

11 A Yes. The time that we stopped it was about 8:28.

12 Q You said you viewed other videos as well; is that
13 correct?

14 A Yes, sir.

15 Q Off of the same DVR; is that correct?

16 A Yes.

17 Q And I believe this is State's Exhibit -- just for
18 reference State's Exhibit 3, and this would be 3.3. What
19 was the next video that y'all observed?

20 A This one is time stamped October 22, 2014. And this
21 is 0159:59, essentially it's 2:00 in the morning on
22 October 22nd.

23 Q Okay. Could you please get it to the pertinent parts?

24 A (Witness complies.)

25 MR. KNIGHT: Your Honor, if I may direct him to the

TESTIMONY OF SPENCER MCINVAILLE

1 pertinent parts of the video to save some time.

2 THE COURT: You may.

3 MR. KNIGHT: I believe 2:25.

4 (Video was played.)

5 Q Do you know where this camera is in location -- in
6 relation to the store?

7 A It's going to be on the back side of the store, it's
8 going to be here in this L-shaped area here. I believe it
9 is right here in this corner actually.

10 Q Are familiar with your investigation what time the
11 store closed?

12 A I can't say for sure, I want to say it was around
13 10:00 or 11:00.

14 Q What in the back of the store -- you went back around
15 it investigating. What's in the back? What are you
16 looking for right now?

17 A I believe the air conditioners were located in the
18 rear -- there where the power comes into the building and
19 I believe some of the refrigeration system for the
20 refrigerators was back there also. Earlier when I was
21 speaking about the guy that comes around the back of the
22 building walking the dog, this is the video that I was
23 talking about. Essentially what made this video here
24 pertinent to the investigation later on in assisting us,
25 when you can see certain frames of the camera then you can

TESTIMONY OF SPENCER MCINVAILLE

1 see white soles in the shoes and also you can see distinct
2 marks on the dog as far as whites of his paws and things
3 like this. While it is an infrared camera and it doesn't
4 show coloring, you can tell those portions are
5 considerably lighter than the dark portions of the
6 different clothing and on the dog.

7 Q Okay.

8 A You should be able to see there the white portions on
9 the dog as the frames go through. And also there you can
10 see the white portions of the shoes.

11 Q And these are -- you testified -- you said those are
12 in from a red cameras, but they show up better when --

13 A Yeah. They're not showing -- I don't do cameras, but
14 the -- you can see it doesn't show color, but you can see
15 the differences in color as far as the darkness of those
16 pants compared to the white or light colored on the bottom
17 of the sole.

18 Q At this time you said you viewed one more section on
19 the DVR pertinent to this case.

20 A Then there's the portion after this where you can see
21 the fire being started.

22 Q Would you please fast forward it to 2:56?

23 A (Witness complies.)

24 Q Based on time and date stamped this clip we are
25 watching right now occurred approximately 30 minutes after

TESTIMONY OF SPENCER MCINVAILLE

1 the clip we just watched; is that correct?

2 A Yes, sir.

3 Q While we're waiting, tell us a little bit about the
4 location of the store where we're looking at. Are there
5 tons of houses around the backside of where we're looking
6 or is it fairly remote? Kind of describe to the jury what
7 kind of locations this is.

8 A This camera is here in this L-portion of the back of
9 the building. There's really no houses to the rear unless
10 you go across the creek, which is a pretty decent sized
11 creek. Then most of the houses in that area are up
12 Landsford Road towards the Gay Street area, which would be
13 up this way towards the mill. This is the portion of the
14 video that we're talking about earlier as far as spray
15 bottle being used to spray and the fire being set. When
16 the subject comes into the frame you can see the
17 similarities in the previous video that we just watched.

18 Q I know there is more angles involved in this one shot.
19 Was there anybody that drove up in a car or anything like
20 that on either of the two shots we watched?

21 A We never saw any other vehicles, not in this portion.
22 In the video you can see as it cycles through the portions
23 of light and light colors on the shoes.

24 Q Approximately how many minutes was the person in the
25 video standing there on frame squirting the bottle on the

TESTIMONY OF SPENCER MCINVAILLE

1 side of the building?

2 A It was about seven minutes it looked like.

3 Q And just to save time, is this close to the end of the
4 video?

5 A Yeah. The fire rapidly moves and it ends up stopping
6 the cameras.

7 Q You have worked as a crime investigator for you said
8 awhile, you've been with the sheriff's office for awhile,
9 about ten years?

10 A Yes, sir.

11 Q Please come over to what we've got marked as State's
12 Exhibit 10. Have you worked in this area a good bit?

13 A Yes.

14 Q Is there a lot of foot traffic?

15 A Normally, yes, there is.

16 Q Okay. Are there a lot of people that live near what's
17 marked as the Old Mill Grocery within walking distance?

18 A Yeah. That's kind of the store for the area that
19 people go to.

20 Q Okay. Would it be -- based on your investigation
21 would the store be closed at 2:20 or 2:30 in the morning?

22 A Yes.

23 Q Would it be closed at 3:00 in the morning?

24 A Yes.

25 Q You can take a seat back up there.

TESTIMONY OF SPENCER MCINVAILLE

1 A (Witness complies.)

2 Q So based on those DVR videos you obtained a search
3 warrant?

4 A Yes, sir.

5 Q For the address of ?

6 A Yes, sir.

7 Q What did y'all find at that search warrant? Let me
8 back up. Did you --

9 A All of the probable cause page is listed here. Do
10 you have the return?

11 Q Did you actually seize anything at that search warrant
12 yourself?

13 A No, I don't believe I took any evidence in myself. I
14 believe I executed the search warrant and documented it.

15 Q Did you also participate at another search warrant at
16 the same address on 10-23 of 2014?

17 A Yes, sir.

18 Q Did you personally seize anything?

19 A No, sir, I don't believe I did.

20 Q And do you remember who -- based on what you said
21 about the videos that y'all viewed and the search warrants,
22 did you procure the warrant for Mr. Coy Knight's arrest?

23 A Yes, sir. After viewing each video and then based on
24 the search warrants that were obtained, yes, we did
25 consult with the solicitor at the time, Doug Barfield,

TESTIMONY OF SPENCER MCINVAILLE

1 about making charges and at the conclusion we obtained
2 arrest warrants for Mr. Knight.

3 Q And that's the basic cope of your involvement in the
4 case?

5 A Yes, sir.

6 MR. KNIGHT: Thank you. Please answer any questions
7 that Mr. Steen has for you.

8 THE COURT: Cross examination.

9 MR. STEEN: Thank you, Judge.

10 CROSS EXAMINATION

11 BY MR. STEEN:

12 Q Investigator, why was a second search warrant
13 executed?

14 A Okay. During the first initial search warrant, the
15 way we just viewed the videos as I stated earlier it was
16 kind of different than how we viewed the videos from the
17 beginning of the investigation. As I said, when we start
18 we start from the point that we know something happens
19 because at that time there was days and weeks of videos on
20 there. So we started at the incident time and went
21 backwards. We actually had not known at the time of the
22 first search warrant that there was the additional video
23 that we watched at first where you can see Mr. Knight
24 walking around the store. We did the first search warrant
25 of the residence based on the video where you can see the

TESTIMONY OF SPENCER MCINVAILLE

1 dog and then you see the fire set and based on the
2 information we obtained during the canvass. After that we
3 would go back and view more video, we went back farther to
4 view farther to see if there was anymore video from the
5 previous day when the store was opened and that's when we
6 located the video where Mr. Knight is in the building. As
7 you can see from the videos, the video from inside the
8 store is much clearer than what you see outside of the
9 store. This gave us a better understanding of what we
10 were looking for. We knew -- at the time we originally
11 thought we had the rest of the clothing that we were
12 looking for, but we knew the toboggan was different than
13 what we had originally seized, so we did obtain another
14 search warrant to go back to make sure we did not lose
15 that piece of evidence.

16 Q Are you aware if the toboggan was at the residence in
17 the execution of search warrant number one?

18 A It could have been, where it was located in search
19 number two, I believe Mr. Harrison with SLED is the one
20 that located it. The piece of furniture that it was in
21 has a table top on it that opens, Mr. Harrison noticed,
22 from what I understood, that he knew from past experience
23 and what he knew from a piece of furniture that his family
24 that it opened like that and he actually opened that one
25 open is how it was located, nobody else had looked there.

TESTIMONY OF SPENCER MCINVAILLE

1 MR. STEEN: No further questions. Thank you,
2 Investigator McInvaille.

3 THE COURT: Any redirect?

4 MR. KNIGHT: Just a couple of things.

5 REDIRECT EXAMINATION

6 BY MR. KNIGHT:

7 Q So you said the second search warrant was just based
8 on video -- the portion of the video that we viewed with
9 the dog coming around the back of the store the early
10 morning on that date?

11 A Yes, sir. The video with the dog that you see, I
12 believe it was about 2:25, then also the 2:56 where you
13 see the fire being started.

14 Q So it's your opinion that the video we saw, or the
15 first video we viewed that was dated 10/21 at approximately
16 8:00 or 8:30, that those were the same clothing that was
17 on --

18 MR. STEEN: Objection.

19 THE COURT: Sustained. It's redirect, you have to ask
20 direct questions.

21 Q Was the defendant wearing, in your opinion, the same
22 clothing from the 10/21 video to the 10/22 video?

23 A Yes.

24 Q And was that the reason for your search warrant on
25 10/23?

TESTIMONY OF SPENCER MCINVAILLE

1 A Yes.

2 Q And you were looking for a specific toboggan; is that
3 correct?

4 A Yes.

5 Q What did it look like?

6 A We essentially went from the video that you see there
7 on 10/21 at about 8:30, we were looking for that specific
8 toboggan at that point.

9 MR. KNIGHT: I think I have no further questions.

10 THE COURT: You may step down. You can call your next
11 witness.

12 MR. KNIGHT: State would like to call Investigator
13 Jennifer Rumbaugh.

14 The witness, JENNIFER RUMBAUGH, was first duly sworn
15 and testified as follows:

16 THE COURT: Please come around and have a seat in the
17 witness stand, pull up close to that microphone, speak
18 loudly and clearly and slowly where we can hear everything
19 that you have to say. Let's start with a full name.

20 THE WITNESS: Jennifer Rumbaugh.

21 THE COURT: Spell that last one for us.

22 THE WITNESS: R-u-m-b-a-u-g-h.

23 THE COURT: Thank you. Mr. Knight.

24 MR. KNIGHT: Thank you, Your Honor.

25 DIRECT EXAMINATION

TESTIMONY OF SPENCER MCINVILLE

1 BY MR. KNIGHT:

2 Q Could you please state your occupation for the jury
3 and tell them what you do for a living?

4 A Criminal Investigator for the Lancaster County
5 Sheriff's Office.

6 Q How long have you been an investigator with the
7 Lancaster County Sheriff's Office?

8 A Approximately two years.

9 Q We'll get right into it. Do you remember responding
10 to the location of Old Landsford Road on October 22nd of
11 2014?

12 A Yes.

13 Q Do you remember about what time you responded to that
14 location?

15 A I think it was approximately somewhere between 8:00
16 and 10:00 a.m.

17 Q Do you remember what you first observed when you came
18 to that location?

19 A Firefighters and SLED working the fire to Old
20 Landsford Grocery.

21 Q What was your role in the investigation -- well first,
22 did you assist with any search warrants in this case?

23 A Yes. I obtained both search warrants for
24

25 Q And that would be the first warrant on 10/22 and the

TESTIMONY OF JENNIFER RUMBAUGH

1 search warrant on 10/23?

2 A Yes.

3 Q Do you remember -- we will go first on the search
4 warrant on 10/22 of 2014. Do you remember what time it was
5 executed by any chance?

6 A I don't remember.

7 Q Was it morning?

8 A I would say it was in the afternoon.

9 Q And the next search warrant that you say was on 10/23?

10 A Yes.

11 Q Do you remember around what time that was executed?

12 A I believe it was in the afternoon as well.

13 Q It was on the same residence?

14 A Yes.

15 Q Which was the residence of the defendant?

16 A Correct..

17 Q Did you assist Investigator Spencer McInvaille with
18 this case?

19 A Yes, I did.

20 Q In what ways did you assist him as far as before y'all
21 got the search warrant?

22 A I was present with the canvassing of the
23 neighborhood, and I was also present when the DVR was
24 reviewed at the sheriff's office.

25 Q So you viewed the DVR video with Spencer?

TESTIMONY OF JENNIFER RUMBAUGH

1 A Yes, I did.

2 Q Other than that you got the search warrant from the
3 magistrate?

4 A Yes.

5 MR. KNIGHT: I have no further questions, please
6 answer anything Mr. Steen has for you.

7 THE COURT: Mr. Steen, you're recognized. Cross
8 examination.

9 MR. STEEN: No further questions. Thank you,
10 Investigator.

11 MR. KNIGHT: At this time I would like to call
12 Investigator Jason Catoe of the Lancaster County Sheriff's
13 Office.

14 The witness, JASON CATOE, was first duly sworn and
15 testified as follows:

16 THE COURT: Have a seat in the witness chair, pull up
17 close to that microphone, speak loudly, clearly and slowly
18 where we can hear everything that you have to say. Let's
19 start with a full name, please, sir.

20 THE WITNESS: Jason Franklin Catoe.

21 THE COURT: Mr. Knight, you are recognized.

22 MR. KNIGHT: Thank you.

23 DIRECT EXAMINATION

24 BY MR. KNIGHT:

25 Q All right, Investigator Catoe. Could you please state

TESTIMONY OF JENNIFER RUMBAUGH

1 your occupation for the record?

2 A I'm a criminal investigator at the sheriff's office.

3 Q Do you have a specialty or do you have a certain type
4 of crime you investigate at the sheriff's office?

5 A Yeah. I was selected to do the origin call
6 investigation, or suspicious arson fires.

7 Q Could you briefly state your education and training
8 and background in arson investigation?

9 A I've been in numerous classes over the years, online
10 training with CFI Trainer.net. I've spent two weeks in
11 Evansburg, Maryland going through their fire origin cause
12 investigation class at the National Fire Academy. I've
13 been to the South Carolina Fire Academy for a similar type
14 class for two weeks. And basically that's what I have
15 done as far as education in fire investigation.

16 Q Are you a certified firefighter?

17 A Yes. I've been a certified firefighter for -- I'm
18 not currently a firefighter, I gave that up, but I had 11
19 years as a firefighter as a volunteer.

20 Q How many fire arson origin calls and training events
21 approximately have you attended in the last couple of
22 years?

23 A As far as investigations or classes?

24 Q As far as classes.

25 A Classes, probably around four or five.

TESTIMONY OF JASON CATOE

1 Q How long have you been with the sheriff's office as a
2 criminal investigator?

3 A Four years as a criminal investigator, and
4 approximately six years as a certified law enforcement
5 officer.

6 Q How many arsons have you investigated?

7 A Since I've been doing it I've probably investigated
8 around 15 fires.

9 MR. KNIGHT: At this time, Your Honor, we would --
10 based on his education, experience, background, we would
11 like to qualify him as an expert in arson investigation and
12 cause origin determination.

13 THE COURT: Any problem with regard to his
14 qualifications, Mr. Steen?

15 MR. STEEN: None, Your Honor, without objection.

16 THE COURT: Mr. Foreman, ladies and gentlemen of the
17 jury, ordinarily a witness can only testify as to things
18 that they heard, saw or felt. There's an exception to that
19 rule for witnesses called expert witnesses. If an
20 individual witness is qualified because of their education
21 and experience in a certain field of study then they are
22 not only allowed to testify as to things they heard, saw or
23 felt, but would also be allowed to render their opinion and
24 their field of expertise. Just by virtue of the fact that
25 the witness is an expert does not mean that you have to

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1 believe their testimony. You're required as a matter of
2 law to evaluate it like you would any other testimony. You
3 don't have to believe an expert witness's testimony even it
4 is uncontroverted. You are the sole judges of the
5 credibility of all witnesses. Mr Knight?

6 BY MR. KNIGHT:

7 Q All right. Let's turn now to October 22nd of 2014.

8 Do you remember if you were working on that day?

9 A Yes. I was coming in normally at 8:00 that morning
10 when I was called in the early morning hours about a fire
11 on Old Landsford Road.

12 Q Do you remember what time you got out to Old Landsford
13 Road?

14 A I was officially called that morning at 2:00 or 3:00
15 or 4:00 a.m. when the fire service got on scene, and I
16 believe Investigator Hicks had called me because they
17 notified him by phone. And as soon as daylight broke I
18 got out there.

19 Q Do you remember the approximate time the fire was
20 reported by firefighters?

21 A I think it was around 4:00 a.m. when it was
22 discovered.

23 Q And you said you got out there about what time?

24 A Daylight, maybe between 7:00 and 7:30.

25 Q And what did you observe when you first got out to the

TESTIMONY OF JASON CATOE

1 scene?

2 A When I first arrived on scene fire service was out
3 there, I guess, doing what they do as far as fire
4 extinguishing and everything making sure the fire was out.
5 I was informed that SLED was on the way to assist in an
6 investigation, and I went to the office to procure a
7 search warrant because when they come and assist they like
8 to have a search warrant in hand when we do an
9 investigation on scene.

10 Q You said search warrant, would this be for the
11 location at Old Mill Grocery on Old Landsford Road?

12 A Yes, 1166 Old Landsford Road.

13 Q Did y'all procure a search warrant?

14 A Yes. I procured a search warrant and turned it over
15 to -- I can't remember if it was Agent Harrison or Agent
16 Vaughn that I turned it over to once on scene.

17 Q I'll show you a series of photographs that I believe
18 were State's Exhibit 4 numbered 007 to 326. It's a lot of
19 photographs so I will go by block by block.

20 MR. KNIGHT: May I publish to the jury?

21 Q What I'm showing you marked again State's Exhibit 4,
22 the top photograph, 007, could you please explain what
23 these series -- I believe this a series of 12 photographs.
24 And I'm just going to kind of scroll down.

25 A Is there any way it will come up on this one?

TESTIMONY OF JASON CATOE

1 Q This is photograph 007, does this fairly and
2 accurately depict the scene of the building on Old
3 Landsford Road as you saw it when you came up that morning?

4 A Yeah. That's the very front of the building.

5 Q And this picture we're looking at right now, this is
6 the place you said you got the search warrant for?

7 A Yes.

8 Q What did y'all do after you got the search warrant?

9 A I turned it over to Investigator -- I can't remember
10 which one. But the two agents that were on scene from
11 SLED at that time was investigator -- Agent Harrison and
12 Vaughn and I handed it off to them so they could execute
13 the warrant that I obtained. And I went back to the
14 office because the DVR was being looked at and the DVR --
15 I was trying to obtain information from it so I could pass
16 back to them, because that was very helpful. If the DVR
17 was working after the fire was started, it would give us
18 an idea of where the fire started at.

19 Q And based on your investigation, did you have an idea
20 of where the fire may have started at?

21 A Yes. As Investigator McInvaille testified to and the
22 jury watched the video where the fire started at the back
23 of the building.

24 Q And that was based on the DVR of the video that you
25 watched, that was your basis for where the fire started?

TESTIMONY OF JASON CATOE

1 A Yes.

2 Q After y'all went to the scene of the store, what did
3 you do after that in reference to the investigation?

4 A Agent Harrison and Agent Vaughn, they were at the
5 investigation of the building there documenting the scene
6 and I went back out on scene and we looked at the back of
7 the building and tried to reconstruct where he was at but
8 it was too badly damaged to get a good idea of where he
9 was actually at on the video.

10 Q If I pull up these series of pictures that were taken
11 at the store, could you tell me where you attempted -- and
12 I will scroll through 12 pictures at a time and just stop
13 me when you see a picture.

14 A I think if you go back up towards the front it would
15 be an exterior photo at the very back. Right here, scroll
16 back down one more time. If you go to the second one from
17 the right there that should be at the back of the
18 building.

19 Q And you said based on y'all's investigation after
20 y'all completed the search warrant, this is where y'all
21 think the fire originated from?

22 A Yeah. If you can see about half way in the picture,
23 there's a piece that goes back that's leaning over, that's
24 the area where the fire started.

25 Q Were you familiar with where the DVR camera around

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1 where it was placed and what it showed?

2 A Yes.

3 Q And you can draw on your screen up there, you should
4 be able to. Could you put a little x mark?

5 A The camera would have been in that area right here
6 back over just a little bit.

7 Q And for the record, that's State's Exhibit 5, picture
8 number 0048. And you placed a mark on the left top of the
9 picture. Based on the mark you placed, where is that
10 camera pointed to?

11 A It's pointed back towards the building.

12 Q Okay. So could you -- I'm going to clear this out.
13 Based on your investigation, could you kind of draw a line
14 of where like a reference point for the DVR recording,
15 where was the person in the video in reference to this
16 picture?

17 A It would have been in this area right here.

18 Q All right. Thank you. After y'all did the search
19 warrant on the Old Mill Grocery Store located on Old
20 Landsford Road, what did y'all do after that?

21 A Based on all of the video and everything, and I had
22 talked to SLED Agent Keller who was there and I advised
23 what we had seen on the video and everything, and Agent
24 Keller advised me that there had been a guy walking
25 around --

TESTIMONY OF JASON CATOE

1 MR. STEEN: Objection, hearsay.

2 THE COURT: Sustained.

3 Q We'll get into that later. Did you participate on
4 another search warrant that day?

5 A Yes.

6 Q Where was that search warrant at?

7 A

8 Q And I don't know if you have seen what is marked as
9 State's Exhibit 10. That would be -- and for the record,
10 I'm pointing to this yellow, this is where y'all executed a
11 search warrant, where I'm pointing?

12 A Yes.

13 Q And where y'all conducted the first warrant on the
14 grocery store is located right here approximately?

15 A Yes.

16 Q Do you remember whose residence that was at the 1115
17 First Street?

18 A It was the residence of Coy Lamar Knight, Jr. and
19 his, I guess, family that lived there with him, or he
20 lived with his family. I'm not sure who the house was in.

21 Q Do you remember seizing anything?

22 A Yes. I believe I seized a dog leash that day.

23 Q All right. I've got what's marked as State's
24 Exhibit -- I believe it was State's Exhibit 9, we'll call
25 it 9.1. Do you know what this is?

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1 A Yeah. That was the leash that was on the dog at the
2 house.

3 Q And you seized this from the house?

4 A Yes.

5 Q What did you do with it after you seized it?

6 A Placed it into evidence.

7 Q Who was at the house when y'all did the search
8 warrant, do you remember?

9 A As far as I remember the only one that was there was
10 Coy at the time.

11 Q Why did you seize the leash? I'm curious.

12 A During the video he was walking the dog on a leash
13 and that was the leash that was on the dog, so we figured
14 it might have some evidentiary value.

15 Q And was there a dog there when you --

16 A Yes.

17 Q What kind of dog was it?

18 A It was like it's a black lab mix of some type.

19 Q If I showed you certain photographs, would you be able
20 to identify what you saw on the search warrant?

21 A Yes.

22 Q I believe this is again State's Exhibit 4, pictures
23 numbered 327 through 647, and scroll up to the top. These
24 photographs, the first section of photographs, do those
25 accurately depict the location where the search warrant was

TESTIMONY OF JASON CATOE

1 at 115 (sic) First Street on 10/22 of 2014?

2 A Yes.

3 Q They do? Okay. Now I will scroll down. And you
4 stated that you saw the dog -- a dog there when you went to
5 execute the search warrant. And just tell me when to stop,
6 but I'm going to ask you if this is the same dog that you
7 saw.

8 A Yes.

9 Q Where is he at? Could you circle the picture and tell
10 me which picture?

11 A (Witness complies.)

12 Q Right there?

13 A Either one, or the one right before them.

14 Q Was there anything that kind of tipped you off about
15 this dog, just appearance?

16 A The markings on the video were similar to the
17 markings on his dog.

18 Q What kind of markings were those?

19 A The ones in the video --

20 MR. STEEN: Objection. The jury has the picture with
21 the dog markings.

22 THE COURT: Sustained.

23 Q Who was with the dog when you executed the search
24 warrant?

25 A Coy.

TESTIMONY OF JASON CATOE

1 Q He was? What did you do after y'all did the search
2 warrant, what happened after that?

3 A We cleared from the residence and turned everything
4 in that we had taken.

5 MR. KNIGHT: Okay. I think have I no further
6 questions for you, if you will answer anything Mr. Steen
7 has for you.

8 THE COURT: Cross examination, Mr. Steen.

9 MR. STEEN: Thank you, Judge.

10 CROSS EXAMINATION

11 BY MR. STEEN:

12 Q So your testimony is that you were able to identify
13 the source of the fire from the video?

14 A Yes.

15 MR. STEEN: No further questions. Thank you,
16 Investigator.

17 THE COURT: Any redirect?

18 MR. KNIGHT: None, Your Honor, thank you.

19 THE COURT: You may step down. You may call your next
20 witness. Mr. Foreman, ladies and gentlemen of the jury
21 we've been going awhile, I'll allow you to return to the
22 jury room to refresh yourselves and we will be back
23 momentarily. Once again, do not discuss the case in any
24 way, shape or form. Mr. Foreman, I will ask that you
25 enforce that rule. Everyone remain seated as the jury

TESTIMONY OF JASON CATOE

1 exits the courtroom.

2 (The jury left the courtroom.)

3 THE COURT: Anything from the State before we recess?

4 MR. KNIGHT: Nothing from the State, Your Honor.

5 THE COURT: Anything from the defense?

6 MR. STEEN: Nothing, Your Honor.

7 (A break was taken.)

8 THE COURT: Anything from the State before we proceed?

9 MR. KNIGHT: Nothing from the State, Your Honor.

10 THE COURT: Anything from the defense?

11 MR. STEEN: Nothing, Your Honor.

12 (The jury returned to the courtroom.)

13 THE COURT: Mr. Knight, you are recognized?

14 MR. KNIGHT: Thank you, Your Honor. At this time I
15 would like to call Investigator Brad Keller with the South
16 Carolina Law Enforcement Division.

17 The witness, WILLIAM BRAD KELLER, was first duly sworn
18 and testified as follows:

19 THE COURT: Please have a seat in the witness chair,
20 pull up real close to that microphone, speak loudly,
21 clearly and slowly where we can hear everything that you
22 have to say. Let's start with your full name.

23 THE WITNESS: My name is William Brad Keller and I'm
24 employed as a fire investigator with the South Carolina Law
25 Enforcement Division and Arson Investigative Unit.

TESTIMONY OF JASON CATOE

1 DIRECT EXAMINATION

2 BY MR. KNIGHT:

3 Q Let's turn now -- well, first of all, how long have
4 you been employed with the South Carolina Law Enforcement
5 Division?

6 A I have been employed with South Carolina Law
7 Enforcement Division since September of 2001, as an agent
8 in the arson unit since 2005 where I've worked exclusively
9 since that time. Prior to that from '97 to 2001 I was a
10 firefighter in Greenville County.

11 Q All right. Thank you for that. . Let's go ahead and
12 get into it, let's turn to October 22nd of 2015. Do you
13 remember if you were working that day?

14 A Yes, sir, I was.

15 Q Were you working in Lancaster County that day?

16 A Yes, sir, I was.

17 Q All right. Do you remember seeing the defendant that
18 day?

19 A Yes, sir. On that date, on October 22nd, 2014 I was
20 working another case in the area, while working the other
21 case in the area a gentleman walked by me that -- it
22 actually was a gentleman and another female, he was
23 walking a dog that morning, and this was all prior to the
24 video that was shown. So when I was speaking with
25 Investigator Catoe by phone I had just asked him

TESTIMONY OF WILLIAM BRAD KELLER

1 briefly -- because I'm not from this area, I'm from
2 Spartanburg so I came here, was working something else.
3 And I had just made mention to Investigator Catoe that
4 somebody had walked past the area where I was in, which
5 was in the proximity of that First Street and he had a dog
6 with him and had a coat on. And that was kind of at the
7 same time where he mentioned there was a person seen in
8 the video that was walking a dog and had a coat on. Later
9 in the afternoon on the same day on First Street where we
10 directed that Mr. Knight lived but further down First
11 Street I saw the same gentleman again, he was actually
12 standing outside in the yard like one house down from
13 where his residence is. So at that point in time I was
14 finished with what I was doing in the area, I just
15 approached him and conducted basically what we would call
16 a field interview at that time. At that time I spoke with
17 him and he said that he lives in the area and indicated
18 that he lived at the in Lancaster, that
19 he frequently walks his dog in the streets near his home,
20 he just said in the area of the streets around his home,
21 which is as you can see there on the map the First Street
22 and its location. At that point in time I had several
23 follow-up questions for him, but also asked him did he
24 know anything about fires in the area and he said that he
25 did not.

TESTIMONY OF WILLIAM BRAD KELLER

1 MR. KNIGHT: At this time I would like to ask if Agent
2 Keller could point out a couple of things he said on the
3 map, State's Exhibit 10.

4 THE COURT: Mr. Foreman, ladies and gentlemen of the
5 jury, I want to ask you to retire to the jury room for just
6 one moment. Do not discuss the case.

7 (The jury left the courtroom.)

8 THE COURT: Prior to the trial I asked the question
9 were there going to be any statements by the defendant. Of
10 course, these aren't typically like the result of an
11 interrogation and it's not very inculpatory if that's all
12 he's going to say, but nonetheless it is indeed a statement
13 of the defendant and we would need to have had a Jackson v.
14 Denno hearing. What does the defense have to say about
15 that?

16 MR. STEEN: Your Honor, I found out about the
17 statement right before special Agent Keller took the stand.

18 THE COURT: I couldn't hear you.

19 MR. STEEN: I said I found out about the statement
20 right before Investigator Keller took the stand, I didn't
21 realize Mr. Knight had spoken with SLED.

22 THE COURT: Would you like to have a hearing with
23 regard to the voluntariness of the statement?

24 MR. STEEN: Your Honor, without being able to
25 advise -- yes, Your Honor, I guess that would be necessary.

TESTIMONY OF WILLIAM BRAD KELLER

1 THE COURT: You can ask him questions about his state
2 of custody and whether or not the statement was made freely
3 and voluntarily and we will go forward from there.

4 MR. STEEN: Thank you Your Honor.

5 EXAMINATION

6 BY MR. STEEN:

7 Q Special Agent Keller, at what point did you speak with
8 Mr. Knight?

9 A It was in the afternoon, the exact time -- I can't
10 tell you the exact time. I was actually --

11 THE WITNESS: I can speak freely right now?

12 THE COURT: That's the way we want you to do it.

13 A Just because -- I was called working another fire in
14 the area and at that point in time I was trying to have
15 the two fires separate. I had seen him in front of my
16 fire scene earlier that morning with the dog, and actually
17 the only question I wanted to ask him was what was on the
18 front porch of the house, so that's the reason why. My
19 interaction with him was actually very brief. The only
20 thing was is that morning he walked past my fire scene
21 with the dog on a leash and he had a big coat on but it
22 was how he stopped in front of the fire scene and kind of
23 looked at me, I just wanted to find out who he was and
24 after we saw the video somebody with a dog. When I went
25 back to -- I had to park my truck on another street and

TESTIMONY OF WILLIAM BRAD KELLER

1 when I did he was on the porch of a house that was not his
2 staring at me. So I just went up there to -- and this was
3 all before the search warrant took place or anything else,
4 I basically wanted to identify him positively and just ask
5 him one question, was he in the area and he answered the
6 question that on the house that I had that burned there
7 were two upholstered chairs which I found the remains of.
8 There was no other questioning of him at that time. I
9 didn't want to at that point in time because I knew other
10 things were forthcoming, but I just simply asked did he
11 live in the area, he said yes. And again, like he said,
12 he walks his dog in the area. I said have you ever been
13 to 211 Second Street and he says he's been by it because
14 he walks his dog, he'd never been inside. I said, "Do you
15 remember anything at all that was stored on the front
16 porch?" He said he believed there were two chairs and
17 told me the location of them and that was it. I didn't
18 ask him anything else.

19 Q This was prior to the execution of the search warrant?

20 A Yes, sir. It was prior to the execution of the
21 search warrant, it preceded it by a good hour probably.
22 But it actually took place in the house -- might have
23 skipped one down from his house, it was just in the
24 street. It was a casual conversation. I still had on
25 fire boots and everything else, he was standing there so

TESTIMONY OF WILLIAM BRAD KELLER

1 we talked there for a second in front of that house and
2 then I went on my way.

3 MR. STEEN: Your Honor, I would just ask for Special
4 Agent Keller not to discuss the 211 Second Street fire and
5 the chairs and that part of the conversation.

6 THE WITNESS: Yes, sir.

7 THE COURT: I will instruct that there will be no
8 conversations concerning any other fires with regard to the
9 issues pursuant to Jackson v. Denno. I specifically find
10 that he was not in custody at the time, Miranda warnings
11 were not warranted at this point in time. It was merely a
12 conversation between him and the defendant. He has a right
13 to just ask him some generalized questions and not subject
14 to Miranda, and that he was not in custody at the time and
15 was not taken into custody. I think the circumstances of
16 the arrest would lend on to believe that it was an
17 involuntary statement, was not threatening in any way, it
18 was a casual conversation and I find that it was not
19 involuntary, therefore it is indeed admissible. Anything
20 further from anybody?

21 MR. KNIGHT: Nothing from the State, Your Honor.

22 THE COURT: Ready for the jury?

23 (The jury returned to the courtroom.)

24 THE COURT: Mr. Knight, you are recognized.

25 MR. KNIGHT: Thank you, Your Honor. At this point may

TESTIMONY OF WILLIAM BRAD KELLER

1 I have the witness point out a couple of things on the map
2 based on his testimony earlier?

3 THE COURT: Yes.

4 Q I'm directing you now to what's marked as State's
5 Exhibit 10. Are you familiar generally with what that is?

6 A Yes, sir, I am.

7 Q All right. You stated that you came in contact with
8 the defendant on 10/22 of 2014. Where approximately did
9 you come into contact with the defendant?

10 A I was in this general area down on Second Street. As
11 you can see this is kind of like going down one street, if
12 you miss it you can cut across and see another area. But
13 I was in this area here, I actually observed him in the
14 early morning hours walking a black and white dog on a
15 leash right here in this area, I was originally parked
16 there and I had to relocate my truck over here. As I was
17 going back to my truck I believe this was his right here,
18 I saw him standing kind of in the front over here, at that
19 point in time he did not have the dog with him but I
20 recognized him as the same person. So basically I
21 initiated what I called a field interview and that's where
22 I just wanted to identify who he was, just basically
23 introduce myself, "I'm Agent Keller with the State Law
24 Enforcement Division." Just asked him in particular name,
25 date of birth, contact information, where he lived at, and

TESTIMONY OF WILLIAM BRAD KELLER

1 just asked him what he's doing. And that's when he said
2 that he had his dog, which basically told me what I wanted
3 to know, was that the same person with the dog, and he
4 said he frequently walks his dog in the streets around his
5 house.

6 Q Let's turn now, do you remember what time you saw him
7 that morning?

8 A When I arrived on the scene -- I didn't bring my case
9 file over here with me, but I can tell you when I arrived.
10 I can go back and reference it in just a moment or I can
11 do it now.

12 Q Just generally, was it really early in the morning?

13 A It was 20 or 30 minutes after I arrived on scene that
14 morning, but it was shortly after I arrived on the scene.

15 Q Near --

16 A Just in the area.

17 Q Daybreak or was it --

18 A Yeah, it was daylight outside.

19 Q So estimate of the time? If you need to go back --

20 A I hate to misspeak on anything.

21 Q But it was early in the morning.

22 A It was early in the morning but it was daylight. It
23 was actually 10:16 in the morning is when I arrived on
24 scene, so it was shortly thereafter. And like I said, I
25 was working in the area and later on I saw him out on the

TESTIMONY OF WILLIAM BRAD KELLER

1 street and I just wanted to identify him especially since
2 the video came up later in the day, they mentioned that
3 there was a person with a dog.

4 Q Do you remember what clothing he was wearing when you
5 saw him?

6 A When I saw him with a jacket on, because it was
7 cooler that morning, that's how I identified him. He
8 had -- the only thing I could identify was is it was a
9 bulkier jacket, brownish. Really all I could say is it
10 was a darker colored bulkier jacket, and he had a dog on a
11 leash. But the thing was the dog was very distinct, it
12 was white and black, and I did remember that about the dog
13 is it was white and black and on a leash.

14 Q Do you remember what kind of dog it was, what kind of
15 dog it appeared to be?

16 A Other than it was white and black, predominantly a
17 black dog with the white on it, that was all that I
18 recall.

19 MR. KNIGHT: You can have a seat back up there, Agent
20 Keller. Please answer anything Mr. Steen has for you.

21 THE COURT: Cross examination, Mr. Steen.

22 MR. STEEN: Thank you, Your Honor.

23 CROSS EXAMINATION

24 BY MR. STEEN:

25 Q When you spoke with Mr. Knight that morning, was he

TESTIMONY OF WILLIAM BRAD KELLER

1 wearing any headgear? Was he wearing anything on his head?

2 A When I saw him on the road or when I talked to him --

3 Q When you saw him on the road.

4 A I don't recall anything specifically about it. I

5 recall the jacket and him with the dog on the leash

6 mostly. But no, sir, I don't recall whether he was

7 wearing a hat or not.

8 MR. STEEN: No further questions.

9 THE COURT: Any redirect?

10 MR. KNIGHT: None from the State, Your Honor.

11 THE COURT: You may step down. You may call your next
12 witness.

13 MR. KNIGHT: At this time I would like to call Special
14 Agent Darren Vaughn with the South Carolina Law Enforcement
15 Division.

16 The witness, DARREN VAUGHN, was first duly sworn and
17 testified as follows:

18 THE COURT: Please have a seat in the witness chair,
19 pull up real close to that microphone and speak loudly,
20 clearly and slowly in order that we can hear everything
21 that you have to say. Let's start with your full name.

22 THE WITNESS: I'm Special Agent Darren Kyle Vaughn and
23 I work for the South Carolina Law Enforcement Division
24 Arson Division.

25 THE COURT: Spell that last one.

TESTIMONY OF WILLIAM BRAD KELLER

1 THE WITNESS: V-a-u-g-h-n.

2 DIRECT EXAMINATION

3 BY MR. KNIGHT:

4 Q Could you please -- how long have you been with the
5 South Carolina Law Enforcement Division?

6 A Since 2008.

7 Q What do you do for SLED, or the South Carolina Law
8 Enforcement Division?

9 A I'm a fire investigator assigned to the Arson
10 Investigative Unit.

11 Q Have you been with the Arson Investigative Unit the
12 entire time you've been with SLED?

13 A Yes, sir.

14 Q What did you do before that? Were you a --

15 A I was a sheriff's deputy with the Greenville County
16 Sheriff's Office.

17 Q Let's get right into it. Do you remember if you were
18 working on October 22nd of 2014?

19 A Yes, sir, I was. I was actually the duty officer
20 that morning, which means I will take incoming call for
21 request. I took the call and at that point got in touch
22 with the other responding agents who responded to the
23 scene in order to dispatch them to the scene.

24 Q Okay. And were you in Greenville when you got the
25 call?

TESTIMONY OF DARREN VAUGHN

1 A I actually live in Anderson County.

2 Q Do you remember what time you arrived in Lancaster?

3 A I believe Agent Harrison documented his arrival at
4 7:45 and I was 15 or 20 minutes after him, so shortly
5 after 8:00 a.m.

6 Q And were you originally dispatched to the Old
7 Landsford Road location, the Old Mill Grocery?

8 A Yes, sir, I was.

9 Q And what did you observe when you got to that
10 location?

11 A Once I arrived on scene I did notice a fire
12 apparatus, fire personnel on scene attempting to
13 distinguish any further hot spots. The fire scene was
14 secured by those firefighters and crime scene tape at that
15 point, and there was investigators with the Lancaster
16 County Sheriff's Office on scene as well with us.

17 Q Do you remember taking a statement from anyone on
18 scene?

19 A Yes, sir. I took two statements on scene that
20 morning prior to the execution of the search warrant and
21 the initiation of the scene investigation.

22 Q Did you take a statement from Mark Johnson?

23 A Yes, sir, I did.

24 Q All right. Did you also take a statement from Leonard
25 Lucas?

TESTIMONY OF DARREN VAUGHN

1 A Yes, sir, I did.

2 Q And that was that morning on 10/22 of 2014?

3 A Yes, sir, it was.

4 Q Did you figure out who owned the building when you
5 arrived on scene?

6 A Yes, sir. I believe it was Mr. Lucas if I'm correct
7 on that.

8 Q Okay. What type of store was this, or what type
9 business? Do you remember?

10 A It was referred to as the Old Mill Grocery Store, it
11 was more like a convenient store is what I would consider
12 it.

13 Q And based on your investigation you said you took a
14 statement from Leonard Lucas. Who was Leonard Lucas?

15 A I believe he was the owner of the building.

16 Q And who was Mark Johnson?

17 A He was actually renting the building at the time.

18 Q Was Mark Johnson -- you said he was renting it. He
19 owned the grocery store part?

20 A Yes, sir. He was actually renting the building which
21 was running the grocery store at the time.

22 Q Do you remember that morning doing any kind of --
23 well, at this time State's Exhibit 6. May I approach?

24 This is what I've got marked as State's Exhibit 6, pages
25 one and two. Do you recognize what these two things are?

TESTIMONY OF DARREN VAUGHN

1 A Yes, sir, I do. That would be a rough sketch of the
2 building, which is what we do on scene, and once we clear
3 the scene we have a Vizio program, which is the drawing
4 program that the arson unit has that we go back and draw a
5 completed sketch, or a fence sketch if you will.

6 Q And State's Exhibit 6, page one and two, did you
7 create those two documents?

8 A Yes, sir. I can assure you that's my handwriting by
9 the legibility of it, and also the Vizio drawing. What we
10 have to document on these drawings is who -- the
11 information, which would be the case number, the location
12 north, the direction and who the sketch was completed by,
13 and my name is on there as well as the finished sketch is
14 the same information.

15 Q And tell us what those show, those two sketches that
16 he created, what does that show?

17 A Basically what it shows as you can see here, you have
18 the measurements of the outside of the structure which
19 gives us -- none of our sketches are to scale, all of them
20 have to be not to scale. But we do take measurements of
21 the outside of the building and interior of the building
22 if the scene seems that we need to do that. So what you
23 see here is the measurement is a rough sketch, which is
24 initially taken on the scene with sketch paper, and we
25 take the measurements to draw the exterior of the

TESTIMONY OF DARREN VAUGHN

1 structure to document entries and exists. And then we go
2 into the Vizio program, which the arson has, and we finish
3 the sketch to make it I guess you would say nicer, a more
4 clean version of the initial sketch.

5 Q And do y'all put any kind of indication on where y'all
6 believe the fire may have started?

7 A Yes, sir. We have a key and what it says is point or
8 area of origin and we document that. Most of the time it
9 varies from agent to agent, but a majority of the time
10 with me I document that with a triangle.

11 Q And on your sketch that you got prepared on both of
12 those, is there a notation of where that fire started?
13 What does it look like?

14 A Yes, sir. There's a triangle located on the back of
15 the building, if I can reference back to the video that
16 you watched earlier you can actually see a meter base in
17 that video. A meter base simply is the thing that kind of
18 spins around on the back of the structure. The triangle
19 is placed in close proximity to the meter base located at
20 the rear of the structure.

21 Q And y'all determined the location of where the fire
22 started based on the DVR video?

23 A Well, actually the location of where the fire was
24 initiated was actually determined prior to the video. The
25 video was just part of the evidence that made the

TESTIMONY OF DARREN VAUGHN

1 information that we had already discovered on the scene
2 concrete. Naturally how the fire started and how the fire
3 was initiated, actual area of where the fire was located
4 was determined while we were on scene prior to us needing
5 the DVR system.

6 Q Did you have any additional involvement in this
7 investigation after -- did you participate in any of the
8 search warrants involved in this case?

9 A I was actually on scene at the search warrant on
10 First Street, I never made entry into the structure. I
11 was outside of the structure when Mr. Knights' wife
12 arrived at the house as well as her daughter. They became
13 irate at that point due to the -- I would say the volume
14 of law enforcement officials in their front yard. At that
15 point I pulled her and her daughter over to the side and
16 had a conversation with her on scene.

17 Q And that was a search warrant that was executed on
18 10/22 of 2014?

19 A Yes, sir.

20 Q Do you remember around what time this search warrant
21 was executed? Was it morning or night?

22 A It was in the afternoon after we had finished the
23 investigation of the scene.

24 Q After that search warrant, is there any other
25 involvement that you had in investigating this case?

TESTIMONY OF DARREN VAUGHN

1 A No, sir. That day that was my final involvement
2 throughout the day on the 22nd.

3 MR. KNIGHT: Thank you. No further questions, please
4 anything answering Mr. Steen has for you.

5 THE COURT: Cross examination, Mr. Steen.

6 MR. STEEN: No further questions. Thank you.

7 THE COURT: You may step down.

8 MR. KNIGHT: At this time I would like to call
9 Investigator Brian Wright with the South Carolina Law
10 Enforcement Division.

11 The witness, BRIAN WRIGHT, was first duly sworn and
12 testified as follows:

13 THE COURT: Please have a seat in the witness chair,
14 get real close to that microphone, speak loudly, clearly
15 and slowly in order that we can hear everything that you
16 have to say. Let's start with a full name, please, sir.

17 THE WITNESS: My name a Brian Wayne Wright.

18 DIRECT EXAMINATION

19 BY MR. KNIGHT:

20 Q Mr. Wright, how long have you been with the South
21 Carolina Law Enforcement Division?

22 A I have been with the South Carolina Law Enforcement
23 Division, I'm assigned with the Arson Investigative Unit
24 as a K-9 handler for three years. Before then I was at a
25 local police department with Greenville County for 10.

TESTIMONY OF DARREN VAUGHN

1 Q You said you were K-9?

2 A Yes, sir. I have an accelerant detection K-9. What
3 that means is my dog, like your narcotics dogs and
4 tracking dogs, his specialty is accelerants detection.

5 Q All right. Let's go back to your education. Could
6 you state where you got a Bachelor's Degree from?

7 A Yes. I have a Bachelor's Degree from Limestone
8 College in Criminal Justice. I have worked in law
9 enforcement for almost 15 years. I worked prior to SLED,
10 like I said, ten years, where five of those years I was
11 actually an investigator. I came to SLED and that's where
12 I received the accelerant K-9. The accelerant K-9 is a
13 200 hour program, five to six weeks where you have to
14 go -- I went to Maine, that's how they certify dogs.
15 Through that we go through five weeks of training to be
16 certified as a team. You have to take tests, your dog is
17 tested, you have to show that you and your dog are a team,
18 and that the dog is actually certified through an
19 independent chemist.

20 Q Do you have any further professional law enforcement
21 experience in training?

22 A Yes. I'm currently a certified fire and explosion
23 investigator through the National Association of Fire
24 Investigations. I'm a member of the International
25 Association of Arson Investigators, also a member of the

TESTIMONY OF BRIAN WRIGHT

1 South Carolina International Association of Investigators.

2 Q Let's turn now to your K-9. What's his name?

3 A My K-9's is name Gunner, G-u-n-n-e-r.

4 Q And he successfully completed the Maine State Police
5 K-9 Accelerant Detection School?

6 A Correct.

7 Q That was a five weeks course that you spoke about?

8 A Yes, sir.

9 Q When did he complete that?

10 A May of 2013.

11 Q That course, do you have to go for additional testing
12 or is there additional stuff you to do?

13 A Every year we have to recertify. This year it's in
14 Louisiana, so we all -- or the east coast certify, that is
15 a week long process. Whereas we go through we call it
16 scent discrimination where we take a lot of items that you
17 have in the house such as your carpets and stuff like
18 that, once it's melted down it's actually -- could be a
19 product. So we go through those, they're tested. We take
20 outside samples where somebody else, an independent
21 source, puts the samples out and our dog alerts. My dog
22 is a food alert dog which means that we train everyday,
23 two times a day at least. He doesn't eat out of a bowl,
24 he eats out of my hand. We regulate the food he gets with
25 the time that we train how much training we get.

TESTIMONY OF BRIAN WRIGHT

1 Q How many fires has he assisted with you investigating?

2 A Currently as of today it was 185 fires.

3 Q How many fires have you investigated on your own
4 without Gunner?

5 A 203 fires.

6 MR. KNIGHT: Your Honor, at this time I would like to
7 qualify Agent Wright as an expert in K-9 arson detection.
8 I don't think I need to qualify the dog but, you know, wrap
9 that up with Gunner as being an expert dog in K-9
10 detection.

11 THE COURT: I would like to see you qualify the dog.

12 MR. KNIGHT: He's out in the truck, Your Honor.

13 THE COURT: Any query with regard to his
14 qualifications?

15 EXAMINATION

16 BY MR. STEEN:

17 Q How old is Gunner?

18 A Gunner is three. Correction, I have had him for
19 three, he is five.

20 Q And you described scent discrimination as one of the
21 tests that -- is that what he is kind of trained in?

22 A He's trained with accelerants so we train him with 50
23 percent evaporated gasoline, which means if you take a
24 gallon of gas -- now we have our lab do this and that's
25 why we don't do it, but our lab certifies it at the SLED

TESTIMONY OF BRIAN WRIGHT

1 lab, that's what we train with everyday is 50 percent
2 gasoline.

3 THE COURT: Mr. Steen, the focus of this query is his
4 qualifications. You are going to have plenty of
5 opportunity to cross examine him. Do you have any
6 questions with regard to his qualifications as an expert?
7 You can ask him about his education or lack thereof.

8 MR. STEEN: No further questions, Your Honor.

9 THE COURT: He is indeed so qualified to testify as a
10 K-9 handler in the area of arson investigation.

11 BY MR. KNIGHT:

12 Q Let's turn now to October 22nd of 2014. Where are you
13 stationed out of, or where are you based out of?

14 A I currently live in Greenville County.

15 Q Do you remember getting dispatched to Lancaster County
16 on October 22nd of 2014?

17 A Yes. I received a call for a separate incident in
18 the vicinity of this incident so I was there working with
19 Agent Keller. Agent Keller and I were partners at another
20 scene, we investigated a fire there, and as we were doing
21 our investigation we both noticed a gentleman was walking
22 up the road. The reason why I notice, I have a lot of
23 very expensive tools and stuff in my vehicle and I have my
24 dog in my vehicle so I have to keep in mind that some
25 people maybe try to mess with your vehicle or something so

TESTIMONY OF BRIAN WRIGHT

1 I want to make sure my dog is okay. So I noticed the
2 individual walking the dog. When my dog sees another dog
3 he kind of gets excited and starts barking so I noticed.
4 So as I looked back I was parked kind of close -- I was on
5 the other street, I was on First Street is where I was
6 parked and then the person walked around with a dog and
7 that's when I first noticed. As we cleared up from one
8 scene I went to Old Mill Grocery and noticed that person
9 was down there at that scene, the same person with that
10 dog. At that time I started -- we started what we call
11 lay and away which is where we take some debris away where
12 we can get down to the level where the floor of the
13 building initially started before all of the debris falls
14 down. At that point I ran my dog around the outside of
15 the grocery store and he did not alert. And then I left
16 that scene, went back to assist Agent Keller and that's
17 pretty much how I had to deal with that, and then later on
18 I came back.

19 Q So going back to the scene at the Old Mill Grocery,
20 you took Gunner around the scene?

21 A Yes.

22 Q Did he hit on any accelerants?

23 A He did not on the exterior of the building, exterior
24 meaning -- the wall had actually fell off of the building
25 into the yard and so we were trying to go through all of

TESTIMONY OF BRIAN WRIGHT

1 that and move stuff, and as we were moving it I was
2 running my K-9 over it.

3 Q If I showed you some photographs of the scene that day
4 could you identify the general area you were --

5 A Yes, sir.

6 Q And I don't know if it's popped up on your screen up
7 there. For the record I'm showing you what is marked as
8 State's Exhibit 4. These would be photographs 315 through
9 326. Does this accurately depict the scene that you saw
10 that day out of these 12 photographs?

11 A Yes, sir.

12 Q Could you select from these like kind of generally --
13 is this the area you were going around with Gunner looking
14 for --

15 A Can I blow these up?

16 Q I can if you tell me which one.

17 A Maybe the one that you were actually on.

18 Q Is this the location -- and this is for the record
19 319. Is this the location that you took Gunner around?

20 A Yes, sir.

21 Q And you said he didn't hit on any accelerants?

22 A No, sir.

23 Q And let me ask you this. In your opinion as an expert
24 in K-9 detection, accelerants detection, what does this
25 mean if he doesn't hit on something?

TESTIMONY OF BRIAN WRIGHT

1 A Well, it can mean a few different things. As hot and
2 heavy as the fire was here it could have been consumed in
3 the fire, or if he would have alerted there is several
4 different avenues to a theory here. Even though he didn't
5 alert, that doesn't mean there's not something there.
6 After we initially pull the debris back, once we pull it
7 off I run him a second time so that way you ran the debris
8 and you ran the building without the debris in front of
9 it.

10 Q So basically what you're saying is just because he
11 didn't alert to that location doesn't necessarily mean
12 there was no accelerant there.

13 A No.

14 Q Did you observe the videos?

15 A I did.

16 Q Based on your opinion you testified that you are an
17 expert in accelerant and accelerant detection with a K-9,
18 based the viewing of the video would you say that some kind
19 of accelerant was placed on the side of the building?

20 A Absolutely.

21 Q And just because Gunner didn't hit on it doesn't
22 necessarily mean it wasn't there?

23 A Correct.

24 Q And it's possibly it could have been burnt up in the
25 fire?

TESTIMONY OF BRIAN WRIGHT

1 A That's correct.

2 Q Let's turn now -- what did you do after you cleared up
3 from Old Landsford as far as investigating this particular
4 fire?

5 A So I left there, went back and was assisting Agent
6 Keller, I didn't want to leave him there by himself. So
7 then I ran my K-9 on that scene. Fast forward about an
8 hour or so after everything was done there, I went back to
9 the grocery store, the Old Mill Grocery Store. At that
10 point Agent Vaughn and Agent Harrison had a lot of debris
11 out of the way, and so I once again ran him around the
12 base of the building where your footings are, and also one
13 of the rooms was exposed, which is on this picture, one of
14 the rooms where you can actually see the floor on this
15 picture.

16 Q Can you use the -- can you point with your finger?

17 A You can. Right in there, that floor was cleaned away
18 right there so I deployed my dog inside. I couldn't get
19 him all of the way in the building because he's on a leash
20 with the building and if it's too dangerous for me it's
21 certainly too dangerous for my dog so I'm not going to
22 take him somewhere I'm not going to go myself. As he got
23 there he alerted, I put him down, that's when we do -- if
24 he alerts we put the cone down, he gets fed and then I
25 keep running him around. Well, then he came back to this

TESTIMONY OF BRIAN WRIGHT

1 area. And then, like I said, we -- further on down the
2 investigation it was determined that the business stores
3 gasoline there and I don't know if the gasoline can was
4 consumed in the fire or it was knocked out of there
5 because the way the wall fell, stuff like that, or any
6 number of ways. We did not take a sample. Usually what
7 we do, if my K-9 hits or alerts on a certain place we'll
8 remove that whatever it is, we will put it in a can and
9 take it to our lab for analysis. Once we do that the lab
10 will send us the results back, and once the results come
11 back that's when we determine what was there. My dog is
12 99 percent, and that's over 185 fires.

13 Q All right. And you stated through your investigation
14 you found that the stored gas or some kind of accelerant
15 type gasoline or something like that back in that back
16 room, so that's why y'all didn't test it?

17 A That's correct.

18 Q After you cleared up at the Old Mill Grocery Store,
19 did you use Gunner to assist you with any of the search
20 warrants that were --

21 A Yes, sir. We went to where we were
22 conducting another search warrant. As we walked in we
23 found some clothing that we thought would match what Mr.
24 Knight had, or Mr. Coy had on, and as far as stuff that we
25 noticed we left it in place. We got everybody out of the

TESTIMONY OF BRIAN WRIGHT

1 house and I ran my K-9 in the house. As you come in the
2 house there's rooms on both sides, when you come down
3 there's another room. As I walked in the house the first
4 room on the right I noticed there was chain saws, weed
5 eaters and everything stored inside that house, of course
6 that's accelerants so we removed it all out of that room
7 and went to the next. In the middle of the hallway the
8 hallway turns a hard left, there was a clothes hamper with
9 clothes thrown all over it, my K-9 then alerted to those
10 clothes that was laying in that clothing area.

11 Q If I may I will direct you to what's marked as State's
12 Exhibit 4. These are photographs from the search warrant
13 on 10/22/2014. And I'm going to scroll down and just tell
14 me when I need to stop. You described the clothes
15 hamper --

16 A Okay. I don't see it. If you can go back.

17 Q We can come back to this. So you said he hit on a
18 clothes hamper located in the --

19 A Next to the kitchen. It was like an addition it
20 seemed like where the house took a hard left and the
21 clothes hamper was there.

22 Q But you did state that in the house located in an area
23 of the house there were certain I believe you said -- did
24 you say weed eaters?

25 A Yes, sir, weed eaters, chain saws, motorized.

TESTIMONY OF BRIAN WRIGHT

1 Q What did you do after he hit on that laundry basket?

2 A So once we take that we take the clothing and place
3 them outside in the yard just to make sure it's not on the
4 clothing hamper or it is something we missed, we do the
5 same thing with our evidence. We brought the clothing
6 outside in the yard. I checked the area with my dog first
7 to make sure there wasn't any accelerants or anything
8 poured out there, and once I found there wasn't, my dog
9 didn't alert, put him back up, brought the clothing out,
10 ran him over the clothing at which time he hit on the
11 clothing we brought out of the house, which is the same
12 clothing that was in the house.

13 Q And do you remember a description of his clothing?

14 A I believe it was a dark pair of jeans and maybe
15 another lighter pair of blue jeans.

16 Q What did you do after that?

17 A After that we put my dog back up in the vehicle and
18 just stood by for support for other agents.

19 Q And the reason you didn't test certain articles of
20 clothing was based on your opinion that the accelerants
21 were located inside --

22 MR. STEEN: Objection.

23 THE COURT: Sustained. Ask a direct question,
24 something that would call for a yes or no answer.

25 Q No clothing was tested.

TESTIMONY OF BRIAN WRIGHT

1 A No.

2 Q And why was that?

3 A The reason why we didn't, like I said, when we first
4 walked in the room on the right there was two cycle
5 engines and stuff which uses gasoline and stuff, so I
6 really couldn't determine if the clothing had been in that
7 room before we had gotten that or he had handled that
8 equipment before we got there or whatever.

9 Q And the picture I'm showing you right now, which is
10 State's Exhibit 4 and 363, is that basically what the
11 living room looked like when y'all went in?

12 A Yes, sir. That should be a bedroom to the right
13 right when you walk in the front door. When you walk in
14 the front door that was a hallway, there was the first
15 room on the right.

16 Q After y'all cleared up this search warrant, did you
17 have any other kind of role in the investigation in this
18 case?

19 A No, sir.

20 MR. KNIGHT: I think I have no further questions.
21 Please answer anything Mr. Steen has for you.

22 THE COURT: Mr. Steen?

23 MR. STEEN: Thank you, Your Honor.

24 CROSS EXAMINATION

25 BY MR. STEEN:

TESTIMONY OF BRIAN WRIGHT

1 Q Special Agent Wright, so there was no other hits, no
2 other alerts by Gunner at Mr. Knight's house?

3 A Just other than the clothing.

4 Q So the camo coat did not alert.

5 A No. He did not alert on the camo coat.

6 Q And the other brown coat did not alert.

7 A No, sir.

8 Q And the toboggan did not alert.

9 A No, sir.

10 Q And the shoes did not alert.

11 A I think the only thing we ran was the pants is what
12 he alerted to.

13 Q But Gunner didn't sniff around all of the pieces of
14 clothing.

15 A He did but he only alerted to a dark pair of blue
16 jeans and a lighter pair of blue jeans.

17 Q And you say that Gunner was 99 percent accurate?

18 A Yes, sir.

19 Q So out of 185 that's approximately one or two false
20 positives?

21 A It's not really a false positive. The way it works
22 with the K-9 is kind of like -- for example, if you walk
23 into your mother or father's house a long time ago and you
24 smelled spaghetti cooking, you could smell like maybe the
25 meat or stuff like that, but a dog can scent so much

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1 better than we can, he can decipher between all of those
2 ingredients that you put into that. So as far as a dog,
3 if a dog alerts there's something there, if it doesn't
4 come back positive at the lab there's still something
5 there because the dog's nose is better than the lab
6 equipment.

7 Q But without testing done on that accelerant that
8 alerts Gunner, there's no way that you would know if there
9 was an accelerant there.

10 A No, not without the lab analysis.

11 MR. STEEN: No further questions.

12 THE COURT: Any redirect?

13 MR. KNIGHT: Just one question.

14 REDIRECT EXAMINATION

15 BY MR. KNIGHT:

16 Q Based on the items located in the house that had
17 accelerants on them y'all decided not to test any further;
18 is that correct?

19 A No, sir.

20 MR. KNIGHT: No further questions.

21 THE COURT: You may step down. You may call your next
22 witness.

23 MR. KNIGHT: At this time we would like to call Hank
24 Harrison with the State Law Enforcement Division?

25 The witness, HANK HARRISON, was first duly sworn and

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1 testified as follows:

2 THE COURT: Have a seat in that witness chair, pull up
3 real close to the microphone, speak loudly, clearly and
4 slowly in order that we can hear everything that you have
5 so say. Let's start with the full name.

6 THE WITNESS: Yes, sir. My full name is Henry Augustus
7 Harrison, IV.

8 DIRECT EXAMINATION

9 BY MR. KNIGHT:

10 Q Thank you, Mr. Harrison. You go by Hank?

11 A Yes, I do.

12 Q Could you please state where you work and your
13 occupation?

14 A I'm a special agent with the South Carolina Law
15 Enforcement Division.

16 Q How long have you been an agent with SLED?

17 A I've been employed with SLED since February of 2007,
18 at which time in November of 2012 I was assigned to the
19 Arson Investigative Unit.

20 Q What did you do prior to that?

21 A I was special agent in the Special Victim's Unit
22 where I was assigned to the Vulnerable Adult Investigative
23 Unit from February of 2007 until November of 2012.

24 Q Could you please talk a little bit about your formal
25 education and your education and training in reference to

TESTIMONY OF HANK HARRISON

1 arson investigation?

2 A Yes, sir. My education is I have a Bachelor of
3 Science Degree from the University of South Carolina, I
4 graduated in May of 1995. Prior to my going to SLED in
5 February of 2007 I had worked with several state and one
6 local agency up until that point. In terms of fire
7 investigation, I became a firefighter two, which I
8 graduated from the recruit school from the South Carolina
9 Fire Academy in 2003, I believe it was either September or
10 October of 2003. Also during that time since then I've
11 had training first in company fire investigation -- fire
12 investigation for first responders, or arson detection
13 first responders, excuse me. I also attended the South
14 Carolina Fire Academy basic fire arson course, which is a
15 80 hour course, or a two week course. I have had 175
16 hours of online tested training through what's called
17 International Space Station Arson Investigators Certified
18 Fire Investigator.net, which is an online training website
19 that we used, and I've had 175 hour, like I said, online
20 tested training through that. I am currently also a
21 certified fire and explosion investigator through the
22 National Association of Fire Investigators.

23 Q Have you ever been certified as an expert in arson
24 investigation in any other courts in the state?

25 A Yes, sir, I have. I was made an expert in February

TESTIMONY OF HANK HARRISON

1 of 2015 during the State versus William Lanier, it was a
2 Union County case in Union, South Carolina.

3 Q And you were certified and the judge certified you in
4 that?

5 A I'm sorry?

6 Q Do you remember, was it a circuit court judge that
7 certified you as an expert?

8 A Yes.

9 MR. KNIGHT: At this time based on his education,
10 experience, certification and the fact that he's been
11 certified in another court in this state as an arson
12 investigations expert I would move to certify him as an
13 expert in arson investigation?

14 THE COURT: Inquiry with regard to his qualifications?

15 MR. STEEN: No, Your Honor.

16 THE COURT: He is so qualified.

17 MR. KNIGHT: Thank you, Your Honor.

18 Q Let's turn now to October 22nd of 2014. Do you
19 remember if you were working on that day?

20 A Yes, sir, I was.

21 Q Do you remember getting dispatched to Lancaster County
22 that day?

23 A Yes, sir, I did.

24 Q And where were you dispatched to?

25 A Early in the morning, about 15 minutes until 6:00 the

TESTIMONY OF HANK HARRISON

1 morning of the 22nd of October I received a call from
2 Darren Player who is the assistant director of the
3 Lancaster County Fire and Rescue for the county fire
4 service, advised me of a commercial structure fire that
5 they had in this area, he called me directly. I asked him
6 to call our dispatch, what we call our AD, which he did at
7 that time and he did and was forwarded to us Special Agent
8 Vaughn who took the request for service, or request for us
9 to respond.

10 Q All right. And do you remember arriving at Old
11 Landsford Road in Lancaster on that day?

12 A Yes, I did. I arrived at about 7:45 that morning.

13 Q And where are you stationed out of?

14 A I'm stationed in Fairfield County.

15 Q Describe what you saw when you arrived at the location
16 on Old Landsford Road.

17 A When I arrived on scene there was still active fire
18 suppression going on with the building. There was still
19 firefighters inside the building trying to finish
20 suppressing the fire.

21 Q And what did you do when you first got there?

22 A When I first got there I met with Assistant Director
23 Player, he kind of told me what was going on, that it was
24 a commercial structure fire that come in, I believe the
25 alarm time was just a few minutes before 5:00, I believe

TESTIMONY OF HANK HARRISON

1 it was 4:58. They had had a fire there at that address
2 and they had asked us to assist. At that time the
3 Lancaster County Sheriff's Office was also on scene. We
4 had had some communication with Investigator Catoe and it
5 was determined that we would assist in origin and cause
6 determination for the fire at the Old Mill Grocery.

7 Q Did you participate in the search warrant at the Old
8 Mill Grocery?

9 A Yes, I did.

10 Q Do you remember about what time that occurred?

11 A I believe the search warrant was executed around 9:45
12 that morning.

13 Q Do you remember taking certain photographs of the Old
14 Mill Grocery that day?

15 A Yes, I did.

16 Q And this is what we've got marked State's Exhibit 4, I
17 believe it's pictures number 007 to I believe it's 327.

18 You took all of these photographs?

19 A Yes, I did.

20 Q And when did you take these, do you remember?

21 A I began -- I can't see the time stamp, but whatever
22 time is on the time stamp, that's what time I started
23 taking the photo.

24 Q Was this after the search warrant was executed at the
25 Old Mill Grocery Store?

TESTIMONY OF HANK HARRISON

1 A Yes.

2 Q You're a certified arson investigator, but could you
3 kind of explain, not in too much detail, but how arson --
4 how a fire starts and kind of give us a background with
5 what causes a fire? I know that sounds kind of basic, but
6 could you kind of go through that process of --

7 A Yes. We responded to the scene that morning and it
8 was determined -- we were asked to determine the origin
9 and cause of the fire at Old Mill Grocery. What I mean by
10 origin is is the area where the fire started and then the
11 cause. There can only be four causes in fire
12 investigation; it's a natural accident, it's undetermined
13 or it's incendiary, those are the four that we work with.
14 How we're trained is we're trained with a guide, it's
15 called the NFPA, National Fire Protection Association 921,
16 that's kind of our go-by, it's not a standard but it is a
17 guide of fire investigation. Basically what it does is we
18 have to take what we call a systematic approach, and what
19 that does is to make sure we do the same thing every time
20 on every fire scene if the fire scene will allow. What I
21 do normally and pretty much I was trained by my coworkers,
22 some of them that you have heard today, I start in the
23 front with a set of pictures. I start in the front, I go
24 to the left, I go to the rear, I go to the right making
25 pictures on the exterior, I do that first. Let me back up

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1 just a second. Prior to that I orient my pictures with a
2 header saying where I am, and then I orient the location
3 of where we are. I may shoot up and down the street,
4 different landmarks to where we are to identify where we
5 are. I do that on the outside, try to enter the structure
6 either in the front or on the rear depending on what the
7 fire scene does, it also depends on the damage. We enter
8 with the pictures and I try to do the same thing, I try to
9 go around clockwise I guess would be an easy way to say
10 it, I try to go clockwise. In dealing with structural
11 fires, which is mainly what we deal with, we do some
12 vehicle fire investigations, not many. It normally has to
13 be a fatality involved or if a vehicle is used in some
14 kind of furtherance of a crime such as murder, the car was
15 stolen or there was bodies left in the car, what not, we
16 normally don't deal with a vehicle. However, on a
17 structure fire we try to work from the least damage to the
18 most damage, we are looking for where the most damage
19 where the fire burned most and hot. It takes four things
20 for a fire -- to make a fire. It's heat, an oxidizing
21 agent, which normally -- back up. Fuel, for example wood,
22 a heat source, for example that might be match or lighter,
23 an oxidizer, which commonly is the oxygen in the air, and
24 then it has to be an uninhibited chemical reaction or a
25 continuous. That means if you take one of those three out

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1 of the chain you don't have a fire because it doesn't
2 sustain combustion. So you have to have those four
3 things, it's called fire tetrahedron, it's kind of a big
4 word we use in fire investigation and firefighting, you
5 have to have those four things to have a fire.

6 Q And you observed the video of the DVR security system?

7 A At a point later on in the afternoon yes.

8 Q Based on what you observed on the DVR system, was that
9 consistent with the fire you just described like how a fire
10 starts?

11 A Well, prior to that, at the scene that morning was --
12 kind of knowing the fire scene examination was myself and
13 Special Agent Vaughn, we did the elements I just talked
14 about where we went in and kind of worked from the least
15 to most. We found that the majority of the damage was in
16 the back of the structure on that back wall, that's where
17 the most intense fire was, where the most damage was, we
18 determined that area was the area of origin. At a point
19 in time later on in the afternoon we were told about the
20 video, and then later on shown the video, which like I
21 said, if y'all have seen shows where the fire started.
22 And Special Agent Vaughn has described on the rough sketch
23 that was made where the fire was started.
24 Q All right. So you went inside the Old Mill Grocery
25 and took photographs you stated.

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1 A Yes, I did.

2 Q Was there anything -- like did you notice anything
3 stolen from the store? What did you notice when you went
4 in the store?

5 A Made entry to the structure through the front door,
6 there was a lot of damage, a lot of standing water. There
7 was roof collapsed from the right hand side, most of the
8 roof had collapsed into the middle of the structure, and
9 most of the ceiling from the middle of the front back over
10 toward the right-hand side was either consumed by the fire
11 or had collapsed. During my systematic approach of doing
12 my pictures I did notice where the register was. The
13 register till was not there, however up under the counter
14 there were several styrofoam cups in place that did have
15 rolled up coins, which I did take a picture of to show
16 that those monies were still there. There was an ATM
17 machine also inside on the left-hand side of the
18 structure, I took some pictures of that to notice there
19 did not appear to be any damage to the ATM machine. Now,
20 whether anything was missing merchandise-wise at the time
21 I took my pictures, I didn't know that because the owner
22 and the renter had not come in to look and see if anything
23 was missing.

24 Q So based on what you observed within the store, was
25 there inventory in the store based on what you observed?

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1 A Yes, there was.

2 Q After you took all of the photographs in the store,
3 what did you do after that?

4 A Once I took the photos we went around to the rear.

5 Like I said, during the picture taking we do a walk around
6 of the structure, it appeared that the fire started on
7 that rear back wall in that room what was told to us to be
8 a storage bathroom area. Myself and Special Agent Vaughn
9 began processing that room for evidence. One of the main
10 things we could see from the back was that when the fire
11 started from the back, normally when a fire starts it
12 burns up and out, and in that area it burned up and out.
13 It went up into the ceiling, and then because of that
14 empty space it went across the ceiling and that caused a
15 lot of the roof to be gone and the roof to collapse on the
16 inside. We later did find debris in that area, however
17 prior to doing that we did remove some debris on the
18 outside of the structure, outside meaning the exterior to
19 have Special Agent Wright to bring Gunner in because we
20 needed to be able to remove the debris from inside and get
21 it out of the way to the outside, so we cleaned off the
22 area outside first. He did not register an alert so then
23 we were able to remove the debris from the inside to the
24 outside and we laid it down --

25 Q When you were walking around the store during this

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1 time did you notice any of his security cameras placed
2 anywhere in the store?

3 A Yes, sir. I saw some both inside and outside.

4 Q And you're familiar with the DVR video recording?

5 A Yes, sir. We had been made aware at some point while
6 we were there that a DVR had been taken by the fire
7 service and had been turned over to the Lancaster County
8 Sheriff's Office and been taken for processing.

9 Q After you cleared up at the store what did you do
10 after that?

11 A Once we finished our scene examination of the Old
12 Mill Grocery, we went to the Lancaster County Sheriff's
13 Office where we were debriefed with some of the
14 investigators there. At that time a search warrant was
15 obtained for 1115 First Street, and myself and my
16 coworkers went with the Lancaster County Sheriff's Office
17 to assist in the search warrant of that address.

18 Q And this was at 1115 First Street you said?

19 A Yes.

20 Q Do you remember around what time that was?

21 A I believe it was 4:00 or so in the afternoon if I
22 remember correctly.

23 Q And what happened when you got there?

24 A When we got there it had been asked of me to take the
25 pictures of the scene at 111 (sic) First Street. Since I

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1 had been taking the pictures of the fire scene that
2 morning I was asked by the Lancaster County Sheriff's
3 Office to continue taking pictures at the 1115 First
4 Street address.

5 Q All right. And I'm showing you -- can you -- this is
6 State's Exhibit 4, 327 through 647. You stated you took
7 all of these photographs?

8 A Yes. I took all of the photos at

9 Q This is a lot of photographs. So you took the
10 photographs there. Do you remember seizing any items
11 there?

12 A Yes. I located several of the items that were taken
13 as evidence.

14 Q All right. At this time State's Exhibit 9, we will
15 call it 9.2.

16 MR. KNIGHT: May I approach?

17 Q Do you know what this is?

18 A It's a camouflage coat that was found on the kitchen
19 floor.

20 Q And this little patch up here, this seal, was this
21 packed up and sealed by you?

22 A Yes, it was.

23 Q How do you know it was packed up and sealed by you?

24 A Because that is my handwriting, I collected it on
25 10/22, 2014 at 17:30.

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1 Q Okay. And what did you do after you seized it?

2 A It was turned over to the Lancaster County Sheriff's
3 Office.

4 Q Do you remember why you seized this particular item?

5 A Once we left our scene at the Old Mill Grocery we had
6 gone back to the sheriff's office and had been shown the
7 video for the first time of the video that y'all were
8 showed earlier. There was a dark colored coat at the
9 time, we did not have the second video that showed Mr.
10 Knight inside the store prior to that 8:30 or whatever it
11 was video. It was a dark colored coat, we didn't know if
12 it was a dark colored or camouflaged coat, so we took it
13 as evidence not knowing which one it was.

14 Q This is marked as State's Exhibit 9.3. And do you
15 know what this is?

16 A Yes.

17 Q What is this?

18 A That was a pair of blue jeans that was found in the
19 clothes hamper in the hallway of 1115 First Street and it
20 was placed into a bag and sealed and it has my handwriting
21 on it.

22 Q What did you do with it after you sealed it?

23 A We turned it over to the Lancaster County Sheriff's
24 Office.

25 Q At this time State's Exhibit 9.4. Do you know what

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1 this is?

2 A That was another pair of blue jeans that was located
3 in the hallway in the clothes hamper at

4 Q What did you do after --

5 A It was placed in that bag and sealed and I filled out
6 the evidence card, that is my handwriting, and turned it
7 over to the Lancaster Sheriff's Office.

8 Q We call this 9.5 and 9.6. And this?

9 A That was a brown coat that was located hanging on a
10 chair, I believe, on the front porch at

11 Q And these?

12 A Those are a pair of shoes that were found -- if you
13 went in the front door of , walked down
14 the hall Agent Wright talked about the first room on the
15 right being the room where there was a chain saw and a
16 weed eater. You go to the next room on the right, which
17 was a bedroom, I guess, for certain folks to be the master
18 bedroom, there was a bed to the left-hand side, those were
19 shoes that were found under the bed in that room.

20 Q Okay. And all of these items were seized on 10/22 you
21 stated?

22 A Yes, sir.

23 Q After y'all executed the search warrant on 10/22 of
24 '14 and seized all of the items that you just talked about,
25 what did you do after that?

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1 A We packaged up the items, they were sealed in their
2 bags, they were turned over to the Lancaster County
3 Sheriff's Office. I went back through and took an exiting
4 set of photos of the location so that way the homeowner
5 couldn't come back and say we basically tore their place
6 apart. It showed that -- we wanted to have before and
7 after pictures of the search warrant.

8 Q And I want to talk a little bit about these exhibits
9 that you seized. Why were those particular exhibits
10 seized?

11 A They were similar to the clothes that we saw on the
12 subject in the video from the Old Mill Grocery
13 surveillance system.

14 Q Did you view the video from 10/21? I guess --
15 describe which video you're talking about.

16 A The 10/22, the one of the dog, with the subject
17 walking by with the dog and then the subject coming back
18 to light the fire, these articles of clothing appear to be
19 similar to what the subject in that video was wearing.

20 Q All right. After y'all executed the search warrant on
21 10/22, did you respond back to Lancaster County on 10/23?

22 A Yes, sir, I did.

23 Q And what did you do when you got there on 10/23?

24 A I responded back to the sheriff's office for some
25 follow-up. We had a briefing again in the sheriff's

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1 office where they -- I guess it's like evidence supplied,
2 they also do some technical stuff with videos and whatnot.
3 We watched the video again, I was able to get a little bit
4 better look at the head gear that the subject was wearing,
5 which was what appeared to be a toboggan it looked like a
6 whitish emblem on the top.

7 Q Did you participate in another search warrant on 10/23
8 of 2015 (sic)?

9 A Yes, I did.

10 Q Where was that search warrant performed?

11 A It was 1115 First Street in Lancaster.

12 Q Did you seize anything on that that you recall?

13 A Yes, sir, I did. I seized a toboggan.

14 Q At this time State's Exhibit 7. Do you know what this
15 is? You can take it out of the package.

16 A That is a toboggan I located in the kitchen. If we
17 can continue on down the hallway -- like I explained
18 earlier, if you continued down the hallway in the house
19 and made a left-hand turn, at the end of that left-hand
20 turn there was a door to the right, which was a kitchen.
21 You go into the kitchen, there appeared to be a piece of
22 furniture there that I recognized as something that my
23 parents had had back years ago, which was basically a
24 stereo. It's a big piece of furniture, had speakers, it
25 was an all inclusive stereo, like an eight track or

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1 whatever it was and the speakers. I recognized it, saw
2 that the lid can be opened, I opened the lid and found the
3 toboggan inside of the stereo piece of furniture. I don't
4 know what it was called but I assume it's like a stereo.

5 Q Do you remember taking a photograph of where you found
6 that toboggan?

7 A Yes, sir, I believe I did.

8 Q I'm showing you what is now marked as State's Exhibit
9 4, picture 572 and 573. Is that the stereo that you were
10 just describing? Would you circle it?

11 A Right there and right there.

12 MR. KNIGHT: May I approach?

13 Q All right. What did you do after the search warrant
14 on 10/23 -- what did you do as part of your investigation
15 after the search warrant on 10/23 of 2014?

16 A Like I say, I took the pictures prior to and after,
17 and basically the Lancaster County Sheriff's Office
18 obtained a warrant for Mr. Knight, he had been taken into
19 custody about the same time that the search warrant was
20 executed. And after we left the scene I just basically
21 wrote the report up and submitted it to the Lancaster
22 County Sheriff's Office.

23 MR. KNIGHT: I think I have no further questions.
24 Please answer anything Mr. Steen has for you.

25 THE COURT: Any cross examination, Mr. Steen?

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1 MR. STEEN: Thank you, Judge.

2 CROSS EXAMINATION

3 BY MR. STEEN:

4 Q Special Agent, how much exposure must one have to an
5 accelerant for it to show up on clothes?

6 A I can't answer that.

7 Q I notice in the pictures there were several spray
8 bottles around 1113 First Avenue.

9 A Yes, sir.

10 Q Were any of those tested for any accelerants?

11 A No, sir, they weren't. As Agent Wright has testified
12 we -- Gunner did not have any alerts that we could not
13 explain away at our location at the Old Mill Grocery so we
14 didn't have anything to test it against.

15 MR. STEEN: No further questions, Agent.

16 THE COURT: Any redirect?

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

18 THE COURT: You may step down. Any objection to this
19 witness be being excused?

20 MR. KNIGHT: No objection, Your Honor.

21 MR. STEEN: No, sir.

22 THE COURT: Thank you very much. Mr. Foreman, ladies
23 and gentlemen of the jury, y'all have worked hard today, I
24 need y'all to be back at 9:30 sharp. How many more
25 witnesses for the State?

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1 MR. KNIGHT: As of right now, Your Honor, two.

2 THE COURT: Very good. We have two witnesses in the
3 morning from the State's perspective and we will proceed
4 forward as the trial naturally progresses. Be here in the
5 morning at 9:30. Once again, do not discuss the case
6 amongst yourselves or with anyone else. There is nothing
7 in the world that you can't look up on the Google nowadays.
8 You can research legal issues, you can look up
9 personalities, you can look up newspaper articles, I am
10 going to order and instruct and demand that you not do
11 that. Because when called upon to deliberate on this
12 matter you are going to have all the things that you need
13 to consider that is going to be given to you here in this
14 court and it would be inappropriate to do that. We all
15 have heard where this grocery store is located, don't do
16 any independent investigation on your own. Base your
17 decision on what transpires here in this courtroom. There
18 is such a thing they tell me as social media, Facebook,
19 Twitter or whatever it is, there's absolutely no place for
20 that in this courtroom. Don't put your whereabouts, I
21 don't know who would care where you're going or what you're
22 doing on it throughout the day, but do not put anything
23 about this case on social media. We will see you back at
24 9:30 sharp, everyone remain seated as the jury exits the
25 courtroom.

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1 (The jury left the courtroom.)

2 THE COURT: Anything from the State before we recess
3 for the evening?

4 MR. KNIGHT: Nothing from the State, Your Honor.

5 THE COURT: Anything from the defense?

6 MR. STEEN: Nothing from the defense, Your Honor.

7 THE COURT: I understand that y'all -- or would have
8 thought that y'all would have notified the bonding company.

9 MR. KNIGHT: The State has notified them, I think the
10 last time I talked to them was last week. They got him up
11 here, he was up here --

12 THE COURT: I'm talking about since he has not shown
13 up, have y'all put them on notice?

14 MR. KNIGHT: I have not, I've been in the courtroom.

15 THE COURT: That's probably the best thing to do,
16 they've got a financial stake and you need to notify them
17 and they can round him up.

18 MR. KNIGHT: We will do that.

19 THE COURT: We will stand at ease until 9:30 in the
20 morning.

21 MR. KNIGHT: I believe he has been located by the
22 South Carolina Law Enforcement Division and he is in Myrtle
23 Beach right now, if I'm not mistaken, our investigator came
24 earlier and told me about this. Apparently he's in the
25 hospital is the information that I got. I don't know how

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1 true that is but that's what I received prior to us
2 starting back this afternoon. I informed Mr. Steen about
3 it, then again I have been down here the whole time, I
4 haven't had any concrete information as of right now..

5 THE COURT: Well, that presents sort of an interesting
6 dilemma if he indeed is in the hospital and is unconscious
7 or there's no way -- y'all need to look into that because
8 that might cause us some real difficulties. I'm going to
9 ask that y'all look into that, provide -- if he can be
10 brought here in the morning if he's not in the hospital if
11 he has been released he needs to be here tomorrow. If
12 he -- I want y'all to find out as much as you can with
13 regard to what his condition is. And also I will be happy
14 to entertain any legal arguments about how we should
15 proceed. He was supposed to be here, he didn't tell us
16 that he was going anywhere, seems to be inappropriate for
17 him to be here yesterday, notified that there was going to
18 be a trial here today, he lolly gags on off to the beach,
19 that presents some real concern on my part. I do want to
20 find out what he's doing down there and his condition is.
21 You say SLED has been able to locate him?

22 MR. KNIGHT: According to what our investigator came
23 and told me right before we started back at 2:00, yes, Your
24 Honor, I believe they located him in Myrtle Beach. I don't
25 know how they found him but I know they said he was in

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1 Myrtle Beach was of right now, and possibly in the
2 hospital.

3 THE COURT: Do you know which hospital so defense
4 counsel can contact them?

5 MR. KNIGHT: My information right now is very limited
6 but I can go upstairs and talk to our investigator and have
7 more information.

8 THE COURT: I think you need to give whatever
9 information you have to defense counsel. I would like for
10 you to speak with your client about what his position is in
11 that regard. If he wants any relief from this Court there
12 needs to be documentation from the hospital and/or doctor.

13 MR. STEEN: Yes, Your Honor.

14 THE COURT: Very good. All right. We will reconvene
15 at 9:30 in the morning.

16 (Court recessed for the evening and resumed at 9:30
17 A.m. on Wednesday, October 7th.)

18 THE COURT: Mr. Knight, I would ask if you can put on
19 the record what you found out with the location of the
20 defendant.

21 MR. KNIGHT: Yes, sir, Your Honor. After speaking
22 with our investigator from the solicitor's office, Keith
23 Lewis, I was informed that the information we received
24 yesterday about him being at the beach and possibly at the
25 hospital was inaccurate, it was from some third party

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1 source that may have been related to Mr. Knight but that
2 was not confirmed by law enforcement in any capacity. I
3 believe Mr. Steen called and contacted four hospitals in
4 the Horry County area with no success locating anybody in
5 any of those hospitals with the name of Coy Knight.
6 Furthermore, he does have a bench warrant right now with
7 law enforcement, I have talked with SLED, I have talked
8 with our investigator who has spoken with the Lancaster
9 County Sheriff's deputies and they have not been able to
10 find Mr. Knight or any concrete information on where Mr.
11 Knight is at the moment. I also want to put on the record
12 that his bonding company was contacted yesterday by our
13 office to put them on notice that he didn't show up
14 yesterday for trial. And that's about all I have got to
15 say, I don't know if Mr. Steen --

16 THE COURT: Mr. Steen, tell me about your
17 investigation as to where your client is.

18 MR. STEEN: Yes, Your Honor. Yesterday evening I
19 contacted the local hospitals around the Myrtle Beach area
20 based on information we received at the end of the day,
21 none of them had a patient by his name.

22 THE COURT: Very good. We will proceed. Anything
23 before we proceed, Mr. Knight?

24 MR. KNIGHT: We have a couple of things that we just
25 briefly discussed and I think it might be good to talk

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1 about it before the jury comes in. One of our witnesses we
2 talked about, she is on the first video and we would ask if
3 we could show it again so she could identify herself in
4 that video, just a brief screen shot of it would be fine.
5 Mr. Steen, I don't think he has any objection to that.

6 THE COURT: Very good.

7 MR. STEEN: Yes, Your Honor.

8 MR. KNIGHT: I think that's all Your Honor.

9 THE COURT: Very good. We're ready for the jury.

10 (The jury returned to the courtroom.)

11 THE COURT: Good morning, ladies and gentlemen of the
12 jury. Everyone looks well rested and ready to hear some
13 more testimony. Good morning. The lights are a little dim
14 in here because I think they're going to show another
15 portion of a video, so after that we'll turn the lights up
16 so we can stay awake. How about that? Very good. Mr.
17 Knight, you're recognized.

18 MR. KNIGHT: At this time the State would like to call
19 Ms. Sharay Sanders.

20 The witness, SHARAY SANDERS, was first duly sworn and
21 testified as follows:

22 THE COURT: Have a seat in that witness chair, pull up
23 close to that microphone, speak loud and clearly and slowly
24 in order for us to hear everything that you can say. Let's
25 start with your full name.

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1 THE WITNESS: Sharay Nichole Sanders.

2 THE COURT: How do you spell that first one?

3 THE WITNESS: S-h-a-r-a-y.

4 THE COURT: Very good.

5 MR. KNIGHT: Thank you, Your Honor.

6 DIRECT EXAMINATION

7 BY MR. KNIGHT:

8 Q How are you doing today, Ms. Sanders?

9 A I'm good, how are you?

10 Q Good. Could you please state your occupation what you
11 do for a living?

12 A Cashier at convenience store.

13 Q Which convenience store do you work at?

14 A Westgate Exxon.

15 Q Is that here in Lancaster?

16 A Yes, sir.

17 Q All right. I'm going to go back about a year. Do you
18 remember where you were working on October 21 st of 2014?

19 A Yes, sir, Old Mill.

20 Q Old Mill? And where is that located?

21 A Landsford Road.

22 Q And that's -- what kind of store was that?

23 A Like a convenience store.

24 Q Okay. How long had you worked at Old Mill Grocery?

25 A Almost three years.

TESTIMONY OF SHARAY SANDERS

1 Q Three years prior to 2014?

2 A Uh-huh.

3 Q And you remember -- you said you were working on the
4 night of October 21st of 2014?

5 A Yes, sir.

6 Q What time did you come in that day?

7 A I think 2:00, maybe 5:00.

8 Q In the afternoon?

9 A Yes, sir.

10 Q Do you remember what time you got off that day?

11 A 10:00.

12 Q 10:00 at night. And is that -- what time did y'all
13 shut down every day, every night?

14 A About 10:00.

15 Q Who did you work for, who is your boss?

16 A Mark Johnson.

17 Q At this time I'm going to show you what is marked as
18 State's Exhibit 2. Do you know what I'm showing you right
19 now, do you know what this video is?

20 A Uh-huh.

21 Q What is it?

22 A It's me waiting on -- I can't tell who.

23 Q All right. There's a time and date stamp on the
24 bottom, I don't know if you can see it -- if I pull it up.

25 Do you see that little thing at the bottom?

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- 1 A Yes, sir.
- 2 Q What is that?
- 3 A 10/21/2014.
- 4 Q And can you tell if there's a time on it?
- 5 A 20:25:09.
- 6 Q Okay. But you do remember working that night?
- 7 A Yes, sir.
- 8 Q And I'm going to skip ahead in this a little bit to
- 9 this scene. Can you tell me -- well, first of all let me
- 10 ask you this, was anybody else working with you that night?
- 11 A My sister was there.
- 12 Q And as far as -- you said you worked there three
- 13 years. Are you familiar with the defendant, Coy Lamar
- 14 Knight?
- 15 A Yes, sir.
- 16 Q How did you know him?
- 17 A His wife used to work there.
- 18 Q Did he come into the store ever -- if you recall when
- 19 you worked there in the three years you worked there, did
- 20 you ever see him in the store?
- 21 A Yeah, plenty of times.
- 22 Q You knew who he was?
- 23 A Yes, sir.
- 24 Q And this particular frame of this video, who is that
- 25 in the frame? Can you tell who that is?

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1 A Coy.

2 Q Okay. You said this was -- could you kind of explain
3 what you did to close up for the night?

4 A Stocked the coolers, mop, and that's about it.

5 Q Y'all have to lock the doors and everything like that?

6 A Yeah.

7 Q I know it's a long time ago, but on 10/21 of 2014, do
8 you remember doing your normal routine of closing up?

9 A Yes, sir.

10 Q Was there anything out of place or out of the ordinary
11 that night?

12 A No, sir.

13 Q All right.

14 MR. KNIGHT: I think I have no further questions,
15 please answer anything Mr. Steen has for you.

16 THE COURT: Mr. Steen?

17 MR. STEEN: Thank you, Your Honor. No further
18 questions of Ms. Sanders.

19 THE COURT: You may step down, thank you, Ms. Sanders.
20 Any objection to this witness being excused?

21 MR. KNIGHT: No objection from the State, Your Honor.

22 MR. STEEN: No.

23 THE COURT: Ms. Sanders, you may leave.

24 MR. KNIGHT: Thank you, Your Honor. At this time I
25 would like to call Mark Johnson.

TESTIMONY OF SHARAY SANDERS

1 The witness, MARK JOHNSON, was first duly sworn and
2 testified as follows:

3 THE COURT: Have a seat in the witness chair, pull up
4 real close to the microphone, speak loudly, clearly, slowly
5 in order that we can hear everything that you have to say.
6 Let's start with a full name.

7 THE WITNESS: Mark Daniel Johnson.

8 THE COURT: Thank you, Mr. Johnson. Mr. Knight?

9 DIRECT EXAMINATION

10 BY MR. KNIGHT:

11 Q Thank you, Mr. Johnson. Please introduce yourself and
12 tell the jury what you do for a living.

13 A I done electrical work for 24 or 25 years. I come
14 home from Florida. I opened up a store and I own a store
15 and I bought a bar in 2014, I was running both of them,
16 and the Old Mill Grocery is no longer there.

17 Q Let me back you up a little bit. Do you remember what
18 time you purchased Old Mill Grocery Store as far --

19 A 12/2/2010 is when I purchased it. I stocked it,
20 cleaned, fixed it, stocked it, opened it up in January of
21 2011.

22 Q So January of 2011?

23 A Is when I opened it up.

24 Q Did you own the building?

25 A No, sir.

TESTIMONY OF MARK JOHNSON

1 Q Who owned the building?

2 A I always paid Leonard Lucas my rent.

3 Q So Mr. Leonard Lucas you said owned the building?

4 A Yes, sir.

5 Q Let's talk a little bit about what type of store you
6 ran. And this was -- where was this located?

7 A 1166 Landsford Road, some people call it Old
8 Landsford Road.

9 Q And what type of business was this?

10 A It was a convenience store, I had a good business.

11 Q What did you sell out of there?

12 A I sold beer, cigarettes, chips, drinks, canned goods.
13 I had a lot of walk customers. I built a good reputation
14 around that area as -- I would help the neighborhood, you
15 know. Thanksgiving I would fix some of the people that
16 was less fortunate, I would fix Thanksgiving dinner and I
17 would carry out meals and give it to people, you know.
18 That was the second year I was there.

19 Q Tell us a little bit about -- and we will go forward
20 in time to 2014, October 22, October 21. Do you remember
21 where you were at on that date?

22 A Well, I had got home late because I own a bar here in
23 Lancaster, I got home late. And I recognize two or three
24 or four hours after I got home I got called and told me my
25 store was on fire. And I got back down there about -- I

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1 think I done that in record time, about fifteen minutes --
2 about 20 or 25 after 5:00 I got back down there to the
3 store and it had done got up into the roof and just utter
4 amazement that something happened like that.

5 Q Okay. So you said -- what time did you get out to the
6 Old Landsford Road location?

7 A It was probably -- the alarm company called me
8 somewhere right around 5:00 and I got there pretty dog
9 gone quick, I didn't know what was going on, but probably
10 20 or 25 after 5:00 is when I got there.

11 Q Did you have alarm on the building?

12 A Yes, sir.

13 Q What kind of alarm was it?

14 A Comporium Security.

15 Q Do you remember about what time you got the
16 notification?

17 A Somewhere right around 5:00, maybe right before 5:00.
18 It was right around 5:00 is when the alarm company called
19 me and told me there was smoke interior motion and all of
20 that, I didn't know what was going on, got in the truck
21 and went back down there.

22 Q I understand. And you had the security system. Did
23 you have any other security measures in placement at the
24 location?

25 A I put a security system and camera system in when I

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1 first got the place. I put a good camera system on the
2 inside of the store, also went outside the store.

3 Q Are you familiar with how that security system worked,
4 the camera system?

5 A Yes, sir.

6 Q Could you kind of explain to us how that security
7 camera system worked?

8 A It records for five days in a cycle, after five days
9 it clears itself off. But for five days it would take all
10 of the cameras and put it into the DVR and it would hold
11 the contents for five days to six days. That new cycle
12 would start and it would do that and it would just drop
13 off days at the time.

14 Q Do you remember how many cameras you had?

15 A I think there was eight or nine cameras in that
16 system, I think it was an eight camera system if I
17 remember correctly.

18 Q Where were those cameras located just generally?

19 A Right there -- when you come in the door -- like if
20 you was walking out the door -- if you was a customer and
21 you was walking out, I had one that would catch you pretty
22 good right there, I had one behind the counter right
23 there, I had two down the aisles, one going back toward
24 the back. I had one at the very back of the building
25 because that's where my compressors -- when I got there

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1 the compressors and air condition and all of that had been
2 stolen, that's what made me put a camera up at the back
3 corner of that building to protect my cameras -- I mean,
4 my compressors for my walk-in cooler, my air conditions
5 that I had in the back.

6 Q And was that the only outdoor camera that you had that
7 you can remember off the top of your head?

8 A I think that one camera done what I needed it to do
9 out back. I didn't have no more compressors or air
10 conditioners or anything sitting anywhere else and wasn't
11 really nothing nobody could do to anything else. I think
12 that was the only camera that I had.

13 Q And where was it placed and where was it facing?

14 A The camera, when you're looking at the front of the
15 store you go to the right, you've got a straight right of
16 way that goes down toward the creek that's got something
17 to do with the sewer system or something like that, and
18 you go right there behind it, behind the store, right here
19 at the top eve at that corner going back toward the
20 building and to the corner, that's where it was sitting
21 at.

22 Q And was this an infrared night vision camera?

23 A Yes, sir.

24 Q It was? All right. We will go back to the night of
25 or the early morning of 10/22 of 2014. Do you remember

TESTIMONY OF MARK JOHNSON

1 what you observed when you arrived?

2 A Seen smoke coming from the store, seen flame coming
3 from the store, that's the time that I got to the top of
4 the hill coming into it, just utter amazement, couldn't
5 believe that it was happening. Worked so hard for so many
6 years to get a business built back into that store to take
7 care of the community right there and it was going up in
8 smoke that quick.

9 Q What did you do after that, after you arrived on the
10 scene?

11 A Stayed there pretty much all day I'm talking about.
12 There was fire trucks, fire personnel, police, ATF, SLED,
13 everybody was there and I had to stand back and just
14 watch. There wasn't nothing I could do.

15 Q All right. Do you remember talking to anybody about
16 this case law enforcement wise?

17 A I have talked to numerous different ones, you know.
18 And I told the firefighter, I said, "I've got a DVR. You
19 go into my store, take that 4-foot door to the right, go
20 down the hallway, that first door on the left, you look
21 right behind that door that's where my safe, my DVR for my
22 cameras and all of that was." I said, "If you can get in
23 there and get that that might give some insight because
24 I've got cameras on the outside of the building." And he
25 went in and he come back out with the DVR, he gave it to

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1 the Lancaster County Sheriff's Office. I don't know what
2 officer he gave it to, but he took it straight out of his
3 hands and gave it to the Lancaster County Sheriff's Office
4 and they went to the sheriff's office with it.

5 Q All right. Were you able to view any of this DVR
6 footage?

7 A Yes, sir, some time that morning. I'm upside down
8 right now, but this dog gone -- they called me and said
9 they couldn't get into the DVR and they wanted me to come
10 to the sheriff's office, I was going to show them how to
11 operate it. When I got there they had done -- their IT
12 tech. had done got into the DVR and they showed us some
13 video, and I told them who I thought it was from the
14 video.

15 Q And did you know the defendant, Coy Lamar Knight,
16 Junior?

17 A Yes, sir.

18 Q When did you first -- how did you come to know Mr.
19 Knight?

20 A I've been knowing Marty -- that's what I call him, I
21 don't call him Coy -- I have been knowing Marty probably
22 20 plus years when he's at home. Sometimes he would move
23 away, you know, different things, go to different places.
24 I've been knowing him a long time. But they was living at
25 the beach and they had moved back home. Anyway, Mr.

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1 Ellis, Ms. Ellis traded with me, that's his wife's mom and
2 dad. Anyway, they moved back home, they was staying with
3 them, and when they moved in with them they was looking
4 for a job. Business was doing okay, I had a little
5 part-time position I could put her to work for me just to
6 help her get on her feet maybe if she would have just
7 stayed there awhile or whatever.

8 Q And who is this you're talking about now?

9 A Kristie Knight.

10 Q And who is that?

11 A That is Marty's wife.

12 Q And you said you had known Marty, or the defendant,
13 for --

14 A I have been knowing Marty for probably 20 something
15 years, maybe even longer than that.

16 Q Did you grow up in the same neighborhood or same area?
17 How do you know --

18 A No.. Just when I first started going to pool rooms
19 and stuff like that. That's how I met Marty, he used to
20 hang out at the pool rooms and all that.

21 Q Okay. So back to what you were saying about his wife,
22 could you explain what you were talking about there?

23 A About her working for me?

24 Q Yeah. Do you remember about what time she started
25 working for you?

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1 A I think this was in 2012. It wasn't a long period of
2 time that she worked for me because I had to let her go.

3 Q Did the defendant or his wife, did they ever live with
4 you?

5 A Yes, sir.

6 Q Could you kind of explain how that came about?

7 A Well, they had -- Marty, his wife and his daughter
8 was living with Mr. and Ms. Ellis in a two bedroom house.
9 I had a five bedroom house, three bath, you know, it
10 wasn't mine but I was helping somebody save it to keep
11 them from losing it. Anyway, they needed a place to stay
12 that was a little bit bigger where they could have their
13 own bedroom. I said, "We'll just split the rent and y'all
14 can move in out there," and they moved in out there.

15 Q Around what time frame was this?

16 A This was in 2012.

17 Q And was the defendant's wife --

18 A I think it's somewhere around October or November of
19 2012.

20 Q And how long did they live with you?

21 A About the same amount of time they was employed with
22 me.

23 Q Do you remember how long that was approximately?

24 A Maybe couple of months at the max. I think at the
25 first of the year they was asked to move out.

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1 Q They were asked to move out by you?

2 A Yes.

3 Q Okay. Where did they -- do you remember where they
4 moved after that, where they went to live?

5 A I can't answer that.

6 Q Okay. Do you know by any chance where they were
7 living on October 21st or October 22nd of 2014?

8 A Yeah. That was Bopeep's house, or John Gay's house,
9 1115 First Street.

10 Q If I may -- well, first of all, is that in close
11 proximity to your store?

12 A Next street up.

13 Q And you would say it's in walking distance?

14 A Yes.

15 Q So you had an opportunity to view the video
16 surveillance video?

17 A That was right at the time this had all happened, you
18 know. And I was going out there to help them get the DVR
19 started, but when I got there they had got it started and
20 I viewed a little bit of that video.

21 Q When you saw the DVR video, did you have an idea based
22 on the videos that you saw who was in that video?

23 A Yes, sir.

24 Q And who did you think it was?

25 A I thought it was Marty Knight, Coy Lamar Knight.

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1 Q Why is that?

2 A Just the way I have been knowing him a long time. He
3 has got a little swagger about him, just -- you remember
4 little things about people that you have known for a long
5 time. The dog was there, you know, the dog looked
6 familiar, the dog and the person right there, the way he
7 walked up, the way he looked, I'm talking about just look
8 up at the camera and all of that, just like him.

9 Q You had seen him -- prior to this had you ever seen
10 him recently before this happened on 10/22 of 2014 in the
11 area?

12 A He lived there. He lived in the area.

13 Q But you actually physically saw him either come into
14 the store or around --

15 A You know, I tried to be a good person, I tried to
16 find good in people, some people you can't find good in,
17 but I still let him come to my store because I want to
18 help the neighborhood. I don't want him to have to go all
19 around across town. I had a lot of walk traffic to my
20 store and he was one of them that walked a lot, you know,
21 so he come to my store frequently.

22 Q So you saw him a good bit then?

23 A Yes.

24 Q What time does your store open and close? And it
25 could have changed over the years, so could you explain

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1 that?

2 A Ever since I opened the store in January of 2011 my
3 store opened up at 7:00 in the morning and closed at 10:00
4 at night.

5 Q Was it ever opened at 2:00 or 3:00 in the morning --

6 A No.

7 Q -- that you can remember?

8 A No, sir.

9 Q All right. Tell us about, did you have an opportunity
10 to go into the old store after the fire?

11 A Yes, sir.

12 Q Describe to me what you saw when you went into the
13 store as far as what was in the store.

14 A Everything was in the store -- that was in the store
15 before all of that, it was just a mess, it wasn't nothing
16 no good. My cash register till was put up exactly where
17 it was supposed to have been put up every night, my change
18 was still up under the counter right there, my safe was
19 still in check. I'm talking about there wasn't nothing
20 missing, wasn't no cigarettes missing, I'm talking about
21 all of the cigarettes was still there, everything.

22 Q And did you have an ATM in there in the store?

23 A Yes, sir.

24 Q Was that --

25 A Matter of fact, he come and checked it I think two or

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1 three days -- reloaded it two or three days before that.

2 Q And just generally, how much of your store inventory
3 and stuff was destroyed in this?

4 A All of it.

5 Q And did you have insurance on it?

6 A No. They had a for sale sign out in front of the
7 store. They had a roof on it, I could have spent about
8 \$15,000 or \$20,000 to put a new roof on, but you can't
9 justify doing that if they've got a for sale sign in front
10 of it. You've been working with the man trying to get him
11 down to your price on it, you can't get it down to that
12 price so you've got not to put a roof on it. If he would
13 have sold it to me I would have put a new roof on it, I
14 would have had all of the insurance I needed, but I
15 couldn't do that because the roof was so bad.

16 Q So you're saying you lost a lot of inventory.

17 A I lost 60 plus thousand dollars in inventory.

18 Q And what would that consist of as far as inventory?

19 A Cigarettes, beer, stuff on the shelves, commodity
20 items, chips, I had a little grill in there, I lost all of
21 that.

22 Q All right. You said after watching the surveillance
23 video, was there any other suspects you thought it could be
24 based on what you viewed?

25 A When I seen the video I knew who it was. I'm talking

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1 about after the video, knowing him, I knew who it was.

2 MR. KNIGHT: Thank you. Please answer any questions
3 Mr. Steen has for you.

4 THE COURT: Mr. Steen, you are recognized.

5 MR. STEEN: Thank you, Your Honor.

6 CROSS EXAMINATION

7 BY MR. STEEN:

8 Q Mr. Johnson, did you not tell law enforcement that you
9 thought it was a Matthew Knight?

10 A I told them it was either Marty or Matthew. Matthew
11 is locked up in Myrtle Beach.

12 Q But at the time you didn't know that Matthew was
13 locked up.

14 A At the time I didn't know Matthew was locked up.

15 Q So you thought it could be Marty or Matthew, not just
16 Marty.

17 A That's his son, he's got the same swagger about him
18 as his dad does.

19 MR. STEEN: No further questions. Thank you, Your
20 Honor.

21 THE COURT: Any redirect?

22 MR. KNIGHT: Just one question.

23 REDIRECT EXAMINATION

24 BY MR. KNIGHT:

25 Q You said you -- Mr. Steen asked you about Matthew

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1 Knight. Who was Matthew Knight?

2 A That is Coy's son.

3 Q And based upon the video you thought it would either
4 be Coy or his son?

5 A They've got the same build, about the same height,
6 about the same look.

7 MR. KNIGHT: All right. Thank you. I have no further
8 questions.

9 THE COURT: Very good. All right. You may step down.
10 You may call your next witness.

11 MR. KNIGHT: Your Honor, I believe at this time the
12 State rests.

13 THE COURT: Mr. Foreman, ladies and gentlemen of the
14 jury, at this time we need to take up legal matters outside
15 of your presence. We would ask that you return to the jury
16 room but do not discuss the case. Everyone will remain
17 seated as the jury exits the courtroom.

18 (The jury left the courtroom.)

19 THE COURT: I will be happy to entertain motions at
20 this time.

21 MR. STEEN: Thank you, Your Honor. At this time we
22 move for a directed verdict. The State hasn't produced any
23 direct evidence to show that the individual in the
24 surveillance footage from the actual incident was Mr.
25 Knight.

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1 THE COURT: All right. Mr. Knight?

2 MR. KNIGHT: Yes, Your Honor. I believe given the
3 light most favorable to the State in the directed verdict
4 motion we produced enough circumstantial evidence to get us
5 to that point to deny the motion for a directed verdict.
6 We have put up surveillance video from the night in
7 question showing what appears to be the defendant putting
8 some sort of accelerant on the side of the building --

9 THE COURT: You would certainly concede that the video
10 in and of itself does not affirmatively identify him as
11 anybody, you can't really tell what race he is.

12 MR. KNIGHT: That's correct, Your Honor. But we would
13 assert that given the proximity of the location of the
14 defendant's house, the fact that the same person on the
15 video -- it looks like the same clothing on the 10/21 video
16 which he was identified on, and the 20 or 30 minutes before
17 the fire in which he's walking the dog, it looks like the
18 same clothing of the defendant, in addition to the search
19 warrants that were performed on the defendant's residence
20 within walking distance to the store, that the clothing is
21 similar to what the defendant was wearing in the video. We
22 would say given all of that and the fact that two people
23 identified the defendant in all three videos, I think Mr.
24 Johnson said he had the same walk, the same kind of way
25 about him and that --

1 THE COURT: Of course, he said he couldn't distinguish
2 between that or his son or father -- and son also?

3 MR. KNIGHT: Yes, he did say that, Your Honor. But I
4 think given the search warrant on the house, given all of
5 the clothes in the video if you -- it was very difficult to
6 see on the small screens yesterday, but if you slow the
7 video down you can notice that there's the toboggan -- in
8 all three videos there's the toboggan which was seized,
9 there was a camo brown jacket on all three videos that you
10 could see on all three videos that was seized at the home
11 of the defendant. There is a pair of shoes that if you
12 look on all three videos they have a distinctive white at
13 the bottom and a little stripe on the side that were also
14 seized that are part of the evidence. If you really look
15 at the video you can see them on all three videos. And
16 then the final thing is the dark colored pants on all three
17 videos. I think that is more than enough circumstantial
18 evidence to least prove --

19 THE COURT: It's at least a scintilla of evidence.

20 MR. KNIGHT: Yes, Your Honor.

21 THE COURT: That's the standard that we have to meet
22 and there has to be substantial circumstantial evidence and
23 I find that there are both. Mr. Steen, do you anticipate
24 putting forth a defense?

25 MR. STEEN: No, Your Honor.

1 THE COURT: All right. Now would probably be an
2 appropriate time to have a charge conference. Pay close
3 attention as I go over the general outline of what I'm
4 going to charge. I'm going to charge arrest, indictment is
5 not evidence, presumption of innocence, reasonable doubt,
6 duty of the jury and the trial judge, direct and
7 circumstantial evidence, and credibility of witnesses. An
8 absent defendant -- this is what I intend to charge. Under
9 the laws of this state defendant may be tried even if the
10 defendant does not attend the trial. The fact that the
11 defendant is not present may not be considered against the
12 defendant in any manner whatsoever. Does the defendant
13 have a position with regard to that charge?

14 MR. STEEN: I'm fine with that, Your Honor.

15 THE COURT: I'm also going to charge failure of the
16 defendant to testify, charge the law about how to evaluate
17 expert testimony and charge the law with regard to
18 identification. Charge third degree arson, 16-11-110C
19 after June 2, 2010. Any additional requests?

20 MR. KNIGHT: None from the State, Your Honor.

21 MR. STEEN: Your Honor, I would request the charge on
22 mere presence.

23 THE COURT: Well, one of the problems I see with that
24 is the only presence that we have is it shows whoever it
25 was setting the building on fire. If he were just there

1 that might justify a mere presence charge, but explain to
2 me why a mere presence charge would be warranted. Because
3 we have a video of the starting of the fire and whoever was
4 there caught it on fire and you can see that, so he's
5 either guilty or not, but a mere presence I think would be
6 inappropriate under these circumstances. What do you
7 think?

8 MR. STEEN: My thoughts on it, Your Honor, was that
9 the mere presence led to him as being around that morning
10 led them to get the search warrant, but after reviewing the
11 charge --

12 THE COURT: Say that again now.

13 MR. STEEN: I withdraw that. I don't believe that
14 charge is needed, Your Honor, you are correct.

15 THE COURT: Anything else from anybody with regards to
16 charge?

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

18 THE COURT: All right. I will come back and allow --
19 I will allow you to -- recognize you and you can rest. And
20 under those circumstances we will proceed into closing
21 arguments, and Mr. Knight, you will go first.

22 MR. KNIGHT: Thank you, Your Honor.

23 THE COURT: We will stand at ease for five minutes.

24 (A break was taken.)

25 THE COURT: Anything from the State before the jury

1 comes back out?

2 MR. KNIGHT: Mr. Steen consented to my powerpoint
3 presentation, he viewed it. That's about it.

4 THE COURT: Anything from the defense?

5 MR. STEEN: Nothing from the defense.

6 THE COURT: We are ready for the jury.

7 (The jury returned to the courtroom.)

8 THE COURT: Mr. Steen, you are recognized.

9 MR. STEEN: The defense rests, Your Honor.

10 THE COURT: Very good. All right. Mr. Foreman,
11 ladies and gentlemen of the jury, you have heard all of the
12 evidence that's been presented in this case and now we are
13 going to proceed forward with closing arguments. Closing
14 arguments are very similar in form to the opening
15 statements that started this trial, however these are truly
16 argumentative in nature in that all of the evidence has
17 been presented and these lawyers are going to have an
18 opportunity to point to the evidence that supports their
19 relative position. What they have to say is not evidence,
20 however it will aide you immensely in your deliberations
21 process so pay very close attention. Mr. Knight, you're
22 recognized.

23 MR. KNIGHT: Thank you, Your Honor. May it please the
24 Court? Mr. Steen? First of all I would like to thank
25 y'all for being very attentive and patient. I know y'all

CLOSING ARGUMENTS

1 have heard a lot of testimony from a lot of different
2 witnesses and I again thank y'all for your service and for
3 that. We are here today because the defendant, Coy L.
4 Knight, Junior has been charged with arson third degree.
5 Now, what I'm going to try to do right now is go through
6 all of the witnesses that you've heard from and all of the
7 evidence and try to summarize it. The first witness you've
8 heard from today, or yesterday, was Billy Lloyd with the
9 Lancaster County Fire Service. He testified to y'all that
10 he arrived at the location at Old Landsford Road on 10/22
11 of 2014 in responding to a fire that occurred at the Old
12 Mill Grocery Store. He also testified that he told y'all
13 that he was part of the two firefighter team that recovered
14 the digital video recording out at the office in the Old
15 Mill Grocery Store. Next you heard from Captain Ken
16 Walters with the Lancaster County Fire Service. He
17 testified that he was dispatched on 10/22/2014 to Old Mill
18 Grocery, and that he helped fight the fire and was with Mr.
19 Lloyd in retrieving the digital video recording system.
20 After that you heard from Investigator Spencer McInvaille,
21 he's with the Lancaster County Sheriff's Office. He
22 testified to you that he was present on scene when they
23 started investigating the fire. He told you about the
24 search warrants they did on the house located at First
25 Street in close proximity to Old Mill Grocery. He told you

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1 how their investigation went and what they found as a
2 result of their search warrant on the First Street house.
3 Next you heard from Jennifer Rumbaugh from the Lancaster
4 County Sheriff's Office. She told you about the search
5 warrants and she was on scene that day and she was called
6 out, she was the one who actually typed up and procured the
7 search warrants, got them for the house on 10/22 and 10/23
8 of 2014. After that you heard from Investigator Jason
9 Catoe. He told you he was certified as an expert at the
10 sheriff's office for arson investigation. He told you
11 about going out to the scene that day, getting a search
12 warrant for the actual store itself and conducting his
13 investigation throughout that day. Then you heard from
14 several SLED agents that were involved in the case. I
15 believe the first SLED agent you heard from was Special
16 Agent Brad Keller. He testified that he was in the area
17 that day investigating a crime, and it was something he
18 testified to that was very important that we'll talk a
19 little bit more about in a few minutes that he observed
20 what he found out to be the defendant walking a dog and
21 this dog he said was black and white. He said he was
22 walking it in the area, I believe he came over here and
23 pointed to the map and he said it was in this general area
24 where he saw a man walking his dog, and this man being the
25 defendant, Coy Lamar Knight, Junior, and we'll get more

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1 into that in a minute. Next you heard from Darren Vaughn
2 with the South Carolina Law Enforcement Division. He
3 testified to you that he came on scene that day and he
4 testified about the sketches that he prepared, you know,
5 the sketches of the building that were placed into evidence
6 and the location of the fire and how they go through and
7 sketch out the scene where the fire happened. Next we
8 heard from Special Agent Brian Wright with the South
9 Carolina Law Enforcement Division, he was the one that had
10 Gunner, the dog. And he testified he was certified as an
11 expert in fire recognition as far as smelling accelerants,
12 and he told you about how his dog was trained and what his
13 dog did that day. He testified to all of that and we'll
14 get into that in a minute as well. And then the final
15 witness you heard from law enforcement wise was Special
16 Agent Hank Harrison with SLED, he was also qualified as an
17 expert. He was the main investigator in this case for the
18 South Carolina Law Enforcement Division. He testified that
19 he did arrive at the first scene at the Old Mill Grocery
20 fire at Old Landsford Road, and that when he arrived there
21 he assisted with the first search warrant that happened at
22 the Old Landsford Grocery Store on that early morning of
23 10:22 of 2014. And y'all saw a bunch of those pictures
24 that were in evidence, he took all of those pictures, all
25 of the pictures you saw were pretty much taken by Agent

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1 Harrison. He also told you that he was at the second
2 search warrant they did at the First Street house with Mr.
3 Knight, Mr. Knight's residence. He testified that he
4 seized almost all of the articles you see up here, all of
5 the articles of clothing that were seized from Mr. Knight's
6 residence, that were seized on 10/22 of 2014, and the
7 second search warrant on the defendant's house on 10/23 of
8 2014 which they found just as one toboggan. He also told
9 you about where he found the toboggan in the stereo case,
10 you saw a picture of that, where it was placed and kind of
11 put in the stereo case where they found it. And finally
12 this morning y'all heard from two witnesses. You first
13 heard from Ms. Sanders. She testified she was a clerk for
14 about three years at the Old Mill Grocery Store, she had
15 worked there, she was a cashier. And she also testified
16 that that night on 10/21 of 2014, the video that we saw
17 that we're going to play again here in a couple of minutes,
18 that she recognized the defendant as being the person in
19 that shot that we paused, she said she knew him, she had
20 been there for awhile, she knew Mr. Knight, she had seen
21 him around the store and that she knew that was him in the
22 video on 10/21, which was the night before the incident
23 took place. And finally we heard from Mr. Mark Johnson.
24 He told you he was the owner of the store, he didn't own
25 the building but he owned the business, he operated it,

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1 started I believe approximately in 2010, so he had about
2 three or more years that he operated this business. He
3 told you what the business was, it was his grocery store.
4 People came in, walked in from the area, bought cigarettes,
5 drinks, food, et cetera. He told you that what he observed
6 that night, that he got the alarm from the Comporium around
7 5:00 a.m. that morning, he took off and he went to the
8 location. He testified he saw the fire and what all he did
9 and how he assisted the sheriff's office, and that he did
10 watch the DVR. He testified about how the DVR worked,
11 about the -- I believe it was eight cameras he testified to
12 where they were kind of located and what they were designed
13 to do and what they were designed to capture. He very
14 importantly testified about the one camera outside, and
15 that one camera outside is very important to this case
16 because it depicts what happened that night. He testified
17 that that camera was pointed on the outside and it was
18 looking to the back of the store. He testified that he
19 told firefighters when they came in there, that he told
20 them where the DVR was, that that might help them in their
21 investigation. And sure enough, when he went up and
22 watched the video with the sheriff's office he
23 identified -- he said he knew who it was based on the way
24 he walked and found -- I believe he testified about the
25 dog, and that's something I'm going to talk about here in a

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1 minute, very important. But he said he knew Coy for years,
2 almost 20 years I believe is what he just testified to, he
3 had known him for awhile, seen him in the store. The
4 defendant even lived with Mr. Johnson for a short time.
5 And so that was all of the testimony y'all heard. I know
6 it was a lot to take in, so first I'm going to talk
7 briefly. My job is to present the evidence to y'all and
8 the judge will instruct you on the law, you know, he'll
9 tell you more about the law. But basically in South
10 Carolina to be convicted of arson third degree you have to
11 prove that the accused willingly and maliciously caused an
12 explosion, set fire to, burned, caused, aided or procured
13 the burning that resulted damage to a dwelling house where
14 the property of himself or another resulting in bodily
15 injury to a person or damage to property. So those are the
16 elements of the case. And the first element -- and I'm
17 going to show identity, I'm going to talk about identity in
18 a couple of minutes. But there's no doubt that the person
19 on that video not only willfully but maliciously set fire
20 to Old Mill Grocery that night. In the video you see him
21 several minutes. This isn't somebody who took their
22 cigarette and just casually dropped it and it accidentally
23 caught on fire. This is somebody that goes to the side of
24 the building with the spray bottle, we don't know what's in
25 the spray bottle, we know he sits at the side of the

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1 building and sprays and continues to spray. He doesn't do
2 that for a minute or two minutes, he does it for
3 approximately five minutes or more until at one point he
4 takes the bottle, takes it up and pours it all on the side
5 of the building. After that he takes his lighter out and
6 lights it up, you see a nice flame go up the side of the
7 building on that video. Ladies and gentlemen of the jury,
8 this element -- if you believe that the defendant is the
9 one on the video, there's no doubt he willfully and
10 maliciously started this fire. And according to the video,
11 too, we've got to prove that there was a fire set
12 basically, that he -- the person on the video set the fire.
13 I think based on the video there's no doubt that whoever
14 was in that video doing what we saw with the spray bottle
15 and lighting the lighter or whatever it was, there's no
16 doubt that they set the fire. And based on the testimony
17 of almost everybody up here that testified, that there was
18 damage to the property. Mr. Johnson said he lost hundreds
19 of thousand of dollars damage to the property. You saw
20 photographs of the damage to the property. It was a store
21 that was engulfed, there was merchandise lost, there was
22 definitely damage to the property. And that's basically
23 the elements that we have to prove, that somebody willfully
24 and maliciously started a fire that caused damage to the
25 property of another. And if you believe that the defendant

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1 is the one on the video, there's no doubt that the person
2 on the video did -- met all three of these elements. Now
3 I'm going to tell you why that the defendant -- how do we
4 know that the defendant was the same person on the videos
5 that we watched, particularly the video from 10/22 of 2014?
6 And we're going to kind of go through this. First of all,
7 the clothing of the person on the video. I don't know if
8 y'all remember this or not, but we watched three videos.
9 The first video we watched was on October 21st of 2014
10 approximately 8:00, and this was a video that Ms. Sanders
11 testified that the defendant came in and purchased some
12 items that night at approximately 8:00, and this is the
13 video, I'm just going to show you a snippet of it. And in
14 this video this was who a couple of witnesses identified
15 this as the defendant in the video. If you'll look at the
16 video he is wearing a camo jacket, a black toboggan, dark
17 colored pants and white shoes with white on the bottom of
18 them. That's very important to look at those shoes and to
19 look at this toboggan. And this was on the night on 10/21
20 of 2014, but it's very important to notice because as we
21 know we've seen other video and it's a little bit darker on
22 the other video so you can't really tell, but I would
23 submit this is what the defendant was wearing on 10/21 of
24 2014. When they did the search warrants the next day they
25 found the shoes he was wearing at his house, they found

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1 several pairs of dark colored pants, which he was wearing
2 in the 10/21 video. They found a black toboggan with a
3 little emblem on it that you see in the video that he's
4 wearing on 10/21. They found a -- I believe this is the
5 camo jacket -- this is the camo jacket that they found in
6 his residence. And they also found a big brown coat. Now,
7 if we look at the video from the night of the incident, at
8 approximately 2:26 you see on the video -- this is that --
9 do you remember? This is that back surveillance video
10 that's capturing the back of the store, 2:26, the store is
11 not open right now. The guy on the video is walking his
12 dog in what appears to be the same clothing worn in the
13 video of the person on 10/21 of 2014, which would have been
14 8:00 that night, this is 2:00 in the morning. And if
15 you'll notice the dog, he's got a little white on him,
16 white paws and a white stomach. Approximately 30 minutes
17 later you see another individual come into the same -- this
18 is the same camera, same night in what appears to be
19 wearing the same articles of clothing. And like I said,
20 you can't see it as good in the 10:21 video because
21 obviously this is nighttime, it's dark outside, but if you
22 look carefully there's some things you can take away from
23 this video even though it is dark. The shoes that are on
24 the defendant on the 10/21 video, which you can see good
25 when he comes in the store earlier that night, or earlier

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1 the day before, you could see good. There's a white sole
2 to the shoes, and there's a little stripe right here. I
3 don't know if y'all can see that or not, that is
4 reflective. And in certain ways the light hits it it can
5 either shine brighter like it's kind of reflecting or it
6 can just be kind of black, you can kind of see that in the
7 video if you look hard enough. The other thing to look at
8 is when the defendant comes into the light in this shot for
9 a few minutes, you can see that the defendant is wearing a
10 brown, maybe a camo looking -- it is kind of hard to tell,
11 but maybe a camo looking jacket, sort of like the same
12 articles of clothing you see on the 10/21 video. Also dark
13 colored pants, the two pairs of pants that were seized from
14 the defendant's location. And he's also wearing a toboggan
15 or a hat, however you want to call it, that seems to be
16 dark in color. Now, ladies and gentlemen, given all of
17 that -- and I'm going to fast forward it a little bit to
18 the particular part I want y'all to look at, and it's a
19 very quick frame, but based on this camera angle I would
20 submit to you that the shoes, the coat, the pants, the
21 toboggan that were seized at the defendant's house the next
22 day at the search warrant and the day after that the
23 toboggan was seized, that these are the same clothes that
24 the person in the video right now that set the fire is
25 wearing, which is the defendant. And that is probably the

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1 biggest thing in this case is the clothing. But there's
2 also another thing in this case that you heard testimony
3 about, it's the dog. The dog is very important in this
4 case, and y'all saw a picture of the dog, I showed it to
5 you earlier, and Agent Keller testified and some more
6 people testified about this dog, that Mr. Knight, the
7 defendant, had. And Mr. Keller actually said he spoke with
8 the defendant while he was investigating the crime, he
9 said, "Yeah, I always walk my dog around this area." And
10 he said it was a black and white dog. Now, the video we
11 just watched 20 to 30 minutes before the guy who set the
12 fire, which we would say is the defendant, was walking a
13 dog in the video, that if you slow the video down -- I know
14 it's hard to see, it's kind of nighttime, but the dog once
15 he flashes past that little light that's shining down, you
16 can see a white chest and a couple of white paws which
17 looked to be the same dog that's in the photographs that --
18 this photograph was taken at one of the search warrants,
19 and the same dog that Agent Keller saw when he was talking
20 to Coy, you know, that next morning about asking him about
21 his dog and the area and stuff like that. And I would
22 submit to you that, you know, the dog -- the same guy who
23 was on the camera 20 or 30 minutes before the store was
24 closed -- the store wasn't open, there was no reason for
25 anybody to be back there, it wasn't like it was 24 hour

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1 store, it wasn't -- this is -- I'm going to show you that,
2 this is where the Old Mill Store was. There's a big creek
3 right here as you can see and this is all wooded right
4 here. This right here I believe -- I don't think -- I
5 think this is a church. Anyways, he wasn't -- the person
6 on the video is not like he was walking no real place back
7 there for him to be, the store was closed, nothing was
8 going on back there. So we can assume based on the video
9 and the testimony you heard from the witnesses that whoever
10 walked back there based on the clothing and the way they
11 looked with the dog was the same person who set the fire 20
12 or 30 minutes later. And I would submit to you based on
13 the testimony you heard from the agents, based on the
14 pictures taken in the search warrant of the dog and based
15 on the video of the store that night, and you see the dog
16 walk across, that it was, in fact, Coy Knight, the
17 defendant, who was walking his dog 20 or 30 minutes before
18 he set that fire. The final piece of the evidence is the
19 proximity of the defendant's location to the store.
20 Whoever did this -- there's no doubt whoever did this based
21 on the testimony of the witnesses we heard, this wasn't
22 somebody who drove in a truck and got out and set the fire
23 and left, this was somebody on foot, this was somebody
24 walking. And if you look at the map and look at the
25 camera, several people testified that the camera was at the

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1 back of the store kind of pointing this way, which just for
2 reference, I don't know if y'all can see it that well, it
3 would be kind of pointing this way. You see the person
4 enter, the defendant, on the camera with his dog around
5 2:27 going this way, cut back this way about two minutes
6 later and go back off in the camera somewhere that way.
7 When he comes back about 20 or 30 minutes later, you see
8 somebody come in on camera this way over here, after the
9 fire is set run back off this way. Well, this little
10 yellow dot back here is the defendant's house, that's where
11 he lives, that's where they got the search warrant, that's
12 where they found all of the stuff at was, that's where they
13 found a picture of the dog, this is where he lived. So
14 ladies and gentlemen of the jury, I would submit to you
15 based on the proximity and location of the defendant's
16 house it further collaborates the fact that this is the
17 defendant on the video. And finally, we heard from Mark
18 Johnson. He knew the defendant for 20 years, he knew what
19 he looked like, he knew he came in the store all the time,
20 he knew his walk, his way about him, he knew who this guy
21 was. And even though, you know, you can't always have the
22 perfect conditions for a video, especially outdoors at
23 night, but he knew that this was likely him based on the
24 way he walked. He said something about it could have been
25 his son but he said he testified that him and his son had a

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1 similar appearance, similar walk, similar demeanor, and it
2 was found out -- I believe Mr. Johnson testified that his
3 son wasn't even in town that night, he was somewhere off
4 that night, I believe he was in Myrtle Beach is what he
5 testified to. But ladies and gentlemen of the jury, if you
6 just base -- if it was just the video we might not get to
7 reasonable doubt. But if you throw in the dog, the
8 clothing, the fact that the defendant's house is located in
9 close proximity to the store, the identification of the
10 defendant coming in with the similar type clothing the
11 night before 8:00 by Ms. Sanders, she said she knew him and
12 what he was wearing, and the clear picture you get, the
13 shoes, the shoes the defendant is wearing. On the 10/21
14 video these are very important because you can see these
15 better than you can see anything else on the videos, the
16 shoes, the white sole, the little stripe that's reflective
17 that sometimes looks light in the camera, sometimes it
18 looks dark. The toboggan. The toboggan is very important.
19 You see it clear on the 10/21 video and the other two
20 videos you see it as well. Not as clear. The camo jacket,
21 that's important too, because in all three videos the same
22 person is wearing them. And finally the dog. Again, the
23 dog, the dog. He's in the video, he's at the search
24 warrant. Ladies and gentlemen of the jury, I would submit
25 to you based on all of the evidence, the cumulative

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1 evidence, not just one snippet of the video or one snippet
2 of that video, based on everything I would ask you to
3 convict Mr. Coy Lamar Knight of arson in the third degree.
4 And I thank y'all again for y'all's service. Thank you.

5 THE COURT: Thank you, Mr. Knight. Mr. Steen, you are
6 recognized.

7 MR. STEEN: Thank you, Your Honor. Ill try to keep
8 this short. I'm not going to stand here and dispute the
9 fact that the Old Mill Grocery burned that night, I'm going
10 to focus on the identification and element of the arson
11 charge. Solicitor Knight has not proved that Coy Knight
12 was the person in the video when the fire was started.
13 This all -- Mr. Knight got involved in this because he
14 liked to walk his dog. Let's look at the timeline of what
15 happened around this time. Special Agent Keller testified
16 that he field interviewed Mr. Knight the morning after the
17 fire. You heard his testimony, didn't think anything of
18 it, one or two minutes, then went on his way. He thought
19 he was suspicious because he was walking his dog. They
20 combined that with the person on the video from the night
21 before walking his dog, therefore they got the search
22 warrant for Mr. Coy Knight's house. Because he walked his
23 dog they were now searching his house. The only footage
24 law enforcement had seen at the time of the first search
25 warrant was the videos from the night, nothing from that

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1 day video but the cashier checking people out. Based on
2 that footage they did not know -- they could not even tell
3 what Mr. Knight was wearing. They got a camo jacket and a
4 brown jacket, they don't know which one it was. They
5 didn't test either one of them for accelerants. We have
6 got dark jeans and light jeans. Again, they didn't know
7 what kind of pants the person was wearing so they got both.
8 On the first search warrant they thought it was a Green Bay
9 toboggan so that's what the interest was, then later they
10 reviewed the footage from earlier that evening, they
11 thought it looked more like a black toboggan so they went
12 back and searched his house again and found a black
13 toboggan. Law enforcement and the State still doesn't know
14 if any of these clothes belongs to Coy Knight or if any of
15 these clothes was worn by the suspect who started the fire
16 at the Old Mill Grocery. You heard SLED agents testify
17 about the accelerant. The dog alerted to the pants but in
18 the words of the special agent, it can all be explained
19 away so they didn't test that, just like they didn't test
20 the hot spot at the incident. Solicitor Knight states that
21 he's proved it was Coy Knight beyond a reasonable doubt
22 that he committed that crime that night, but when he look
23 at everything -- and this is from the State's own closing,
24 we don't know if it was a brown jacket or a camo jacket, we
25 don't know if it's these pants or these pants. Sometimes

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1 the shoes reflect, sometimes they don't. We've got two
2 different toboggans it could have been. We even heard the
3 victim testify it was either Marty Knight or Matthew
4 Knight. There is not any definites in this case. For
5 something to be proved beyond a reasonable doubt there has
6 to be at least some definites in that. We have choices all
7 over the place with this. Just like Solicitor Knight has
8 not proved the existence of an accelerant or a reason why
9 this happened, he has not proven beyond a reasonable doubt
10 that Coy Knight committed the arson that night and for
11 those reasons I ask you to find him not guilty. Thank you.

12 THE COURT: Thank you, Mr. Steen. Mr. Foreman, ladies
13 and gentlemen of the jury, you've heard all of the evidence
14 that's been presented in this case and now it's time for me
15 to charge you the law. You have taken a very solemn oath to
16 listen to the evidence and determine what the truth is and
17 apply it to the law, and the only way you can do that is to
18 pay very close attention as I charge you the law. Mr.
19 Foreman, ladies and gentlemen of the jury, the indictments
20 charge the defendant with arson third degree. I remind you
21 that the fact that the defendant was arrested, charged and
22 indicted is not evidence and cannot be considered by you as
23 evidence of guilt, nor does it create any presumption or
24 inference of guilt. This document is simply the formal
25 written instrument which contains the charge against the

JURY CHARGE

1 defendant which is a formal document by which this case is
2 brought into this court. The defendant has pled not guilty
3 to this indictment and that plea puts the burden on the
4 State to prove the defendant guilty. A person charged with
5 committing a criminal offense in South Carolina is never
6 required to prove himself innocent. I charge you that it
7 is an important rule of law that the defendant in a
8 criminal trial, no matter what the seriousness of the
9 charge may be, will always be presumed to be innocent of
10 the crime for which the indictment was issued unless guilt
11 has been proven by evidence satisfying you of that guilt
12 beyond a reasonable doubt. This presumption of innocence
13 does not end when you begin your deliberations, but it
14 accompanies the defendant throughout the trial until you
15 reach a verdict of guilt based on evidence satisfying you
16 of that guilt beyond a reasonable doubt. The presumption
17 of innocence is like a robe of righteousness placed about
18 the shoulders of the defendant which remains with the
19 defendant until it has been stripped from the defendant by
20 evidence satisfying you of the defendant's guilt beyond a
21 reasonable doubt. The presumption of innocence is not a
22 mere legal theory, it's not just a legal phrase, it's a
23 substantial right to which every defendant is entitled
24 unless you, the jury, are satisfied from the evidence of
25 the defendant's guilt beyond a reasonable doubt. What is

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1 reasonable doubt under the law? A reasonable doubt is the
2 kind of doubt that would cause a reasonable person to
3 hesitate to act. The State has the burden of proving the
4 defendant guilty beyond a reasonable doubt. Some of you
5 may have served as jurors in civil cases where you were
6 told that it is only necessary to prove that a fact is more
7 likely true than not true such as by a greater weight or a
8 preponderance of the evidence. In criminal cases the
9 State's proof must be more powerful than that, it must be
10 beyond a reasonable doubt. Proof beyond a reasonable doubt
11 is proof that leaves you firmly convinced of the
12 defendant's guilt. There are very few things in this world
13 that we know with absolute certainty and in criminal cases
14 the law does not require proof that overcomes every
15 possible doubt. If based on your consideration of the
16 evidence you are firmly convinced that the defendant is
17 guilty of the crime charged, you must find the defendant
18 guilty. If on the other hand you think there is a real
19 possibility the defendant is not guilty, you must give the
20 defendant the benefit of the doubt and find him not guilty.
21 Mr. Foreman, ladies and gentlemen of the jury, I'll remind
22 you that during this trial you and I have certain duties to
23 perform. As the trial judge it is my responsibility to
24 preside over the trial of this case. I also have the duty
25 to rule on the admissibility of evidence offered during-

JURY CHARGE

1 this trial. You are to consider only the competent
2 evidence before you. You are to consider only the
3 testimony which has been presented from this witness stand,
4 any exhibits which have been made a part of the record in
5 this case, and any stipulations of counsel. I have the
6 additional duty to charge you the law applicable to this
7 case. As the presiding judge I am the sole judge of the
8 law, and it is your duty as jurors to accept and apply the
9 law as I now state it to you. If you already have an idea
10 as to what the law is or what the law ought to be and it
11 does not agree with what I now tell you that the law is,
12 you must abandon this idea because you are sworn to accept
13 and apply the law exactly as I state it to you. In every
14 case tried in this court before a jury, the jury becomes
15 the sole and exclusive judge of the facts of the case. A
16 trial judge cannot intimate, state, comment on or make any
17 statement to a trial jury about the facts in the case.
18 Since you, the jury, are the sole judge of the facts in
19 this case, you are not to infer from what I have said
20 during the progress of this trial in ruling upon
21 admissibility of evidence or otherwise, or anything that I
22 say now during the course of this instruction to you that I
23 have any opinion about the facts of this case. The law
24 simply does not allow me to have an opinion about the
25 facts. This is a matter solely for you, the jury, to

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1 determine. As jurors it is your duty to determine the
2 affect, the value, the weight and the truth of the evidence
3 presented during this trial. Mr. Foreman, ladies and
4 gentlemen of the jury, there are two types of evidence
5 which are generally presented during a trial; direct
6 evidence and circumstantial evidence. Direct evidence
7 directly proves the existence of a fact and does not
8 require deductions. Circumstantial evidence is proof of a
9 chain of facts and circumstances indicating the existence
10 of a fact. Crimes may be proven by circumstantial
11 evidence. The law makes no distinction between the weight
12 or value to be given to either direct or circumstantial
13 evidence. However, to the extent the State relies on
14 circumstantial evidence, all of the circumstances must be
15 consistent with each other, and when taken together point
16 conclusively to the guilt of the accused beyond a
17 reasonable doubt. If these circumstances merely portray
18 the defendant's behavior as suspicious, the proof has
19 failed. The State has the burden of proving the defendant
20 guilty beyond a reasonable doubt. This burden rests with
21 the State regardless of whether the State relies on direct
22 evidence, circumstantial evidence or some combination of
23 the two. Mr. Foreman, ladies and gentlemen of the jury,
24 necessarily you must determine the credibility of witnesses
25 who have testified in this case. Credibility simply means

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1 believability. It becomes your duty as jurors to analyze
2 and evaluate the evidence and determine which evidence
3 convinces you of its truth. In determining the
4 believability of witnesses who have testified you may
5 believe one witness over several witnesses, or several
6 witnesses over one witness. You may believe a part of the
7 testimony of a witness and reject the remaining part of the
8 testimony of that same witness. You may believe the
9 testimony of a witness in its entirety or reject the
10 testimony of a witness in its entirety. You may consider
11 whether any witness has exhibited to you any interest, bias
12 prejudice or other motive in this case. You may also
13 consider the appearance and manner of the witness while on
14 the witness stand, their demeanor. Mr. Foreman, ladies and
15 gentlemen of the jury, under the laws of this state the
16 defendant may be tried even if the defendant does not
17 attend the trial. The fact that the defendant is not
18 present may not be considered against the defendant in any
19 manner whatsoever. Mr. Foreman, I will ask that you direct
20 and enforce the rule, there will be no discussion about the
21 fact that the defendant was not here. Mr. Foreman, ladies
22 and gentlemen of the jury, I instruct you and emphasize
23 that the fact that the defendant did not testify is not a
24 factor to be considered by you in any way in your
25 deliberations or in your consideration on the question of

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1 guilt or the innocence of the defendant. It may not be --
2 it must not be considered by you in any manner whatsoever.
3 A defendant has the constitutional right to remain silent
4 and the assertion of this right must not be considered by
5 you in your deliberations. I repeat, under your oath you
6 are to draw no conclusions whatsoever from the fact that
7 the defendant in this case did not testify. The fact that
8 this defendant did not testify should not even be discussed
9 in the jury room. Mr. Foreman, I will ask that you enforce
10 that rule, there will be no discussion about the fact that
11 the defendant did not testify. The burden of proof as I
12 have stated to you is on the State. The State is not
13 required to prove the -- the defendant is not required to
14 prove his innocence, the burden of proof remains on the
15 State to prove guilt beyond a reasonable doubt. The rules
16 of evidence ordinarily do not permit witnesses to testify
17 to opinions or conclusions, the exception to this rule
18 exists for witnesses we call expert witnesses. A witness
19 who by education and experience have become expert in some
20 art, science, profession or calling may state an opinion as
21 to relevant and material matters in which the witness
22 claims to be an expert and may also state the reasons for
23 the opinion. You should consider any expert opinion
24 received in evidence in this case like any other evidence
25 and give it the weight you think it deserves. If you

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1 decide that the opinion of an expert is not based on
2 sufficient education or experience and you conclude that
3 the reasons given in support of the opinion are not sound,
4 that the opinion is outweighed by other evidence, you may
5 disregard the opinion in its entirety. An expert witness's
6 testimony is to be given no greater weight than that of
7 other witnesses simply because the witness is an expert.
8 Further you are not required to accept an expert's opinion
9 even though it is not contradicted. An issue in this case
10 is the identification of the defendant as the person who
11 committed the crime charged. The State has the burden of
12 proving identity beyond a reasonable doubt. You must be
13 satisfied beyond a reasonable doubt of the accuracy of the
14 identification of the defendant before you can convict the
15 defendant. Identification testimony is an impression of
16 belief or impression by a witness. You must determine the
17 accuracy of the identification of the defendant. You must
18 consider the believability of each identification witness
19 in the same way as any other witness. You may consider
20 whether the witness had an opportunity to observe the
21 offender at the time of the offense, this will be affected
22 by things like how long or short a time was available, how
23 far or close the witness was, lighting conditions and
24 whether the witness had the chance to see or know the
25 person in the past. Once again, I instruct you that the

JURY CHARGE

1 burden of proof is on the State as to every element of
2 crime charged, this specifically includes the burden of
3 proving beyond a reasonable doubt the identity of the
4 defendant as the person who committed the crime. If after
5 examining the testimony you have a reasonable doubt as to
6 the accuracy of the identification you must find the
7 defendant not guilty. I charge you the substantive law
8 with regard to arson third degree. In order to prove third
9 degree arson, the State must prove beyond a reasonable
10 doubt that the defendant willfully and maliciously caused
11 an explosion, set fire to, burned, caused to be burned,
12 aided, counseled or procured the burning of certain
13 properties. Willfully means that it was not done by
14 accident but was done knowingly and intentionally. It must
15 be shown that the burning was by the willful act of some
16 person and not as a result of a natural or accidental
17 cause. Malicious means with hatred, ill will or hostility
18 toward another person. A person who intentionally does a
19 wrongful act without legal justification or excuse does the
20 act maliciously. A malicious burning is an act done with a
21 condition of the mind that shows a heart bent on mischief
22 showing a design to do an intentional wrong act towards
23 another or towards the public without any legal
24 justification or excuse. This malice may not be expressed
25 but may be inferred. Burning means the actual combustion

JURY CHARGE

1 of some portion of a piece of property. It is not
2 necessary that the property be consumed or destroyed. The
3 charring of the material of which the property is
4 constructed or a change in the fiber or composition of the
5 structure is required for a burning. Singeing, smoking,
6 blistering, scorching or discoloring by the heat, however,
7 is not enough to constitute a burning. Next the State must
8 prove beyond a reasonable doubt the property which was
9 burned was a dwelling house, a building, a structure or any
10 other property. Finally, the State must prove beyond a
11 reasonable doubt that the explosion or the burning directly
12 or indirectly resulted in bodily injury to a person or
13 damage to the property. Mr. Foreman, I'll come forward and
14 share with you the verdict form. Mr. Foreman, I will ask
15 if you could stand up. This is a document that's entitled
16 a verdict form. There's only one charge arson third degree
17 and it says we the jury by unanimous consent -- we, the
18 jury find by unanimous consent that the defendant, Coy
19 Lamar Knight, Junior, is either not guilty or guilty,
20 simple as that. There will a place for you to sign, a
21 place for you to date. The verdict must be unanimous. It
22 can't be 11 to 1, six to six or eight to four, everyone has
23 to agree. Please notify the jury (sic) upon the jury
24 reaching a verdict. You may have a seat and hold on to
25 that verdict form. Mr. Foreman, your job as the foreman is

JURY CHARGE

1 to preside over the deliberation process and ensure
2 everybody's voice is heard. I am also going to ask that
3 during the deliberations if anyone gets up to use the
4 restroom, stop deliberations because everybody has to
5 participate in all the deliberation process. If there's a
6 question that develops throughout the trial (sic) I'll tell
7 you from the very outset, the difficult question in this
8 case as I've charged you the law is the factual questions,
9 that's the hard questions and y'all are going to have to
10 answer that, the law doesn't allow me to help you in that
11 regard. If there's a question that you have and it is a
12 legal question, reduce it to -- I'm going to ask y'all to
13 give the question to the foreman, he's going to reduce it
14 to writing, give it to the bailiff and if it's something I
15 can answer I'll be happy to do it, but I can only answer
16 questions concerning points of law. If there's some
17 question in mind whether it's a question of fact or
18 question of law, write it down and if it's something I can
19 help you with I will. But I do not anticipate there's
20 going to be any questions because y'all paid very close
21 attention to the evidence that's been presented, y'all paid
22 attention to the law, it's very straight forward. Y'all
23 have all of the tools necessary to resolve this case and
24 I'm convinced you are going to be able to do that. When I
25 sent you out of the courtroom throughout the trial I tell

JURY CHARGE

1 you not to begin deliberations, and once again I'm going to
2 ask you not to do that because I'm going to have to talk to
3 these very fine lawyers and find out whether or not they
4 have an objection as to the manner in which I charged the
5 law, we're also going to have to gather up all of this
6 documentary evidence. And if we don't have to bring you
7 back into the courtroom I will ask that the bailiff take
8 the documentary evidence back to the jury and tell you to
9 begin your deliberations. Once again, do not begin
10 deliberations until you receive instructions from me. Mr.
11 McKeown and Ms. Jackson, I will ask that y'all remain in
12 the courtroom. Everyone remain seated as the jury exits
13 the courtroom.

14 (The jury left the courtroom and the alternates were
15 Dismissed.)

16 THE COURT: Any objection with regard to the jury
17 charge from the State?

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

19 THE COURT: Anything from the defense?

20 MR. STEEN: Nothing from the defense, Your Honor.

21 (Break in proceedings.)

22 THE COURT: Mr. Knight, is everything in that pile in
23 evidence?

24 MR. KNIGHT: Yes, Your Honor.

25 THE COURT: Is there anything in that pile that's not

JURY VERDICT

1 in evidence?

2 MR. KNIGHT: No, Your Honor.

3 THE COURT: Mr. Steen, is everything in that pile in
4 evidence?

5 MR. STEEN: Yes, Your Honor.

6 THE COURT: Is there anything in the pile that's not
7 in evidence?

8 MR. STEEN: No, Your Honor.

9 THE COURT: I will ask if the bailiff can get all of
10 the documentary evidence and take it to the jury room and
11 tell them to begin deliberations, and it is 11:30.

12 (The jury began deliberations and returned with a
13 Verdict.)

14 THE COURT: Mr. Foreman have you reached a verdict?

15 THE JUROR: Yes, we have, Your Honor.

16 THE COURT: Is it unanimous?

17 THE JUROR: Yes it is.

18 THE COURT: I will ask if you could give the bailiff
19 the verdict form. The verdict form seems to be in order, I
20 will give it to the clerk for publishing.

21 THE CLERK: State of South Carolina vs. Coy Lamar
22 Knight, Junior, charged with arson third degree, we, the
23 jury, find by unanimous consent that the defendant is
24 guilty. Signed, foreperson, Tim Jackson, October 7th of
25 2015. Ladies and gentlemen of the jury, if this is your

JURY VERDICT

1 verdict so say you all by the raising of your right hand.

2 Your Honor, let the record reflect all jurors raised their
3 right hand.

4 THE COURT: Any additional request for a polling from
5 the defendants?

6 MR. STEEN: None, Your Honor.

7 (The jury was dismissed.)

8 THE COURT: If you can provide me with a sentencing
9 sheet and I will be happy to hear from the State with
10 regard to sentencing.

11 (Break in proceedings.)

12 THE COURT: Mr. Knight, I will be glad to hear from
13 you with regard to sentencing.

14 MR. KNIGHT: In regard to sentencing, we would ask for
15 the upper end of the zero to 15 years imposed by the
16 sentence of this crime. This is a crime that consumed many
17 law enforcement man hours as well as firefighter man hours.
18 It put numerous firefighters and law enforcement in
19 fighting the fire in risk of harms way by going into the
20 building. You heard from Mr. Lloyd from Lancaster Fire
21 Service, he went in to get the DVR while the building was
22 still on fire and I would ask that you consider that in the
23 first part of the sentencing. And also the victim in this
24 case, the grocery store he owned and operated, this is this
25 is what he had, this is his life blood, this is something

SENTENCING HEARING

1 that he was very important to him, and very important to
2 this family. He testified on the stand I believe he was
3 out tens of thousands of dollars worth of inventory because
4 he couldn't get insurance on it because of the condition of
5 the building. I would also ask, the defendant does have
6 somewhat of a record if I may recite it to you.

7 THE COURT: Yes.

8 MR. KNIGHT: In 1980 he had a disorderly conduct, 1981
9 petty larceny, 1985 fraudulent check, 1985 disorderly
10 conduct, 1985 possession of marijuana with intent to
11 distribute, and in 1993 he had a burglary second degree.
12 And a grand larceny that he was convicted of --

13 THE COURT: Did he serve time for that?

14 MR. KNIGHT: It says -- according to this he got 15
15 years suspended to five years confinement followed by
16 probation, so he was confined for five years on that. And
17 some of the newer stuff he had occurred in 2002. He had a
18 forgery less than \$5,000, he was sentenced to two years
19 suspended on two months on that charge. He had another in
20 2003. And a receiving stolen goods 1,000 to 5,000 back in
21 2003. In 2008 he had a driving without a license. And I
22 believe that's the extent of his criminal record. He has
23 done time in the past for a burglary second and grand
24 larceny charge, it was three years ago but then again he
25 has done time before. And, Your Honor, based on all of

SENTENCING HEARING

1 that we would ask that he receive a sentence on the upper
2 end of that zero to 15 years.

3 THE COURT: There was never any discussions about it
4 and you don't have to prove motive in this type of thing,
5 but does anybody know why he did it?

6 MR. KNIGHT: Yes, Your Honor, I can kind of speak to
7 that, two of our witnesses didn't show up and we were going
8 to try to get into that. Mr. Johnson took Mr. Knight, his
9 daughter and his wife in to live with him, he kind of got
10 into that a little bit. He also employed Mr. Knight's
11 daughter and wife at his store, at the Old Mill Grocery,
12 and at some point I believe they were caught stealing from
13 Mr. Johnson, and Mr. Johnson at that point basically kicked
14 them out of the house and fired the two girls. After that
15 there was hatred more or less between Mr. Knight, his
16 daughter and his wife and Mr. Johnson. And there were
17 several reports that we didn't really get in to that were
18 made throughout the year time span that that happened that
19 there were even some threats made to Mr. Johnson about "I'm
20 going to get back at you for kicking us out and firing my
21 wife and my daughter," but that would be the motive in the
22 case. We didn't have two witnesses here so we couldn't
23 really get into that during the trial.

24 THE COURT: Anything else from the State?

25 MR. KNIGHT: There is a matter of restitution. I

SENTENCING HEARING

1 don't know how we should address that if you want to do a
2 hearing now or if you want to defer. It is up to Mr.
3 Steen. I could call Mr. Johnson and testify as to the
4 matter of restitution.

5 THE COURT: I'm going to defer restitution, it's
6 really an exercise of futility I can promise you looking at
7 his record if he doesn't have a place for his wife and
8 child to go, it's just an exercise of futility. Probably
9 the best way to deal with him would be an incarceration. I
10 don't think he's capable of paying restitution but I would
11 be glad to hear from the defense.

12 MR. STEEN: Your Honor, we at one point when we were
13 discussing pleas we were discussing a civil judgment,
14 obviously we would ask for that at this point. We would
15 ask for it to be deferred until sentencing at least.

16 THE COURT: All right. And under these circumstances
17 the appropriate thing for me to do is seal the sentence and
18 ensure that a bench warrant was issued. I don't know what
19 the practice is with regard to Lancaster County but usually
20 in Florence County they retain the services -- not retain
21 the services, they will get the services of the U. S.
22 Marshal to assist them, and if the U. S. Marshal gets hold
23 to it they will have him in custody within the week. I
24 don't know whether y'all do that or not, I'm not telling
25 you how to do it but that's how it will happen. Anything

SENTENCING HEARING

1 other from -- anything from anybody else? Madam clerk, if
2 I could have an envelope to seal the sentence.

3 THE CLERK: Yes, sir.

4 (End of trial proceedings.)

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1 I, the undersigned, Michael C. Watkins, Official Court
2 Reporter for the Sixth Judicial Circuit of the State of South
3 Carolina, do hereby certify that the foregoing is a true,
4 accurate and complete transcript of the proceedings had and
5 evidence introduced in the trial of the captioned case
6 relative to appeal, in the Court of General Sessions for
7 Lancaster County, South Carolina, on the 6-7 days of October,
8 2015.

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

11

12

November 18, 2015

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Michael C. Watkins

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Court Reporter

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1 STATE OF SOUTH CAROLINA
2 COURT OF GENERAL SESSIONS
3 COUNTY OF LANCASTER
4 2015-GS-29-00074

5 State of South Carolina

6 vs.

7 Coy Lamar Knight, Jr.

8

9 Lancaster, South Carolina

10 October 9, 2015

11 Before the Honorable Michael Nettles

12

13 APPEARANCES

14 For the State: Luke Knight

15 For the Defendant: Brandon Steen

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17 Reported by: Michael C. Watkins

18 Official Court Reporter

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1 Sentencing Hearing: 3

2 Certificate: 6

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1 MR. KNIGHT: Your Honor, this is Coy Lamar Knight,
2 Junior. This is a sentence hearing from the trial we did
3 earlier this week.

4 THE COURT: All right. And, of course, Mr. Knight,
5 you understand that you were tried in your absence, do you
6 understand that?

7 THE DEFENDANT: I just found out today, sir.

8 THE COURT: Well, you sure were and you were tried and
9 sentenced and I am unsealing the sentence right now.
10 Anything additional that you would like to offer in
11 mitigation, Mr. Steen?

12 MR. STEEN: Yes, Your Honor. I will first speak to
13 the trial in Mr. Knight's absence. I spoke with my client
14 this morning, he stated it was a communication issue
15 between me and him. I thought I -- well, I told him if he
16 didn't hear from me to be back on Tuesday morning, Mr.
17 Knight thought I said I will call you if you have to be
18 back because of the weather. Besides that Mr. Knight, he
19 has never missed a court date. He was here on Monday for a
20 date that he was supposed to have began his trial. But
21 Your Honor, I would ask that you not hold that against him
22 for him not being present during his trial. I think based
23 on the trial he was punished for that aspect already.
24 Besides that I will let Mr. Knight speak to the Court now,
25 Your Honor.

1 THE COURT: Mr. Knight, I will be glad to hear from
2 you.

3 THE DEFENDANT: Please the Court, sir? The reason for
4 my not being here, like he said, I came in Monday, I drove.
5 I live in Myrtle Beach, I don't live in Lancaster anymore.
6 The weather was bad, we had a lot of trouble. I sat down
7 and talked with Brandon, he said the judge wasn't going to
8 be able to make it, he was going to contact me by 1:30. If
9 I hadn't heard nothing by 1:30 -- I have an eight month old
10 child I'm taking care of, he said "Go on back home, I will
11 contact you then." I went back home. I didn't hear
12 anything until they came for me the following day. They
13 came to my motel. I was walking off the beach, walked up,
14 seen them standing up at my motel. I asked them if they
15 were looking for me, they said yes. I didn't understand I
16 was supposed to be back, I explained it to the officers,
17 didn't give them any trouble, I came on back. I know I
18 have got a sealed sentence, Your Honor. If there would be
19 any way that you could consider the fact that I am the only
20 sole income in my family. I have a wife, eight month old
21 grandchild and 18 year old daughter I'm taking care of. My
22 income is the only income in the household at this time.
23 If you give me a lot of time it will not only harm me but
24 my eight month old grandchild, 18 year old child and my
25 wife. If there is any way possible that you could give me

1 any consideration or forgiveness for my missing yesterday
2 and not knowing to be here I would ask for you to do that,
3 sir.

4 THE COURT: Mr. Steen, did you indeed tell him to be
5 back the following day?

6 MR. STEEN: Yes, Your Honor.

7 THE COURT: All right.. On indictment
8 2015-GS-29-00074, you will be committed to the State
9 Department of Correction for a period of 15 years, provided
10 upon the service of ten, the balance is suspended to five
11 years of probation. Restitution hearing is deferred. Good
12 luck to you.

13 (End of sentencing hearing.)

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2 Reporter for the Sixth Judicial Circuit of the State of South
3 Carolina, do hereby certify that the foregoing is a true,
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7 General Sessions for Lancaster County, South Carolina, on the
8 9th day of October, 2015.

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

11

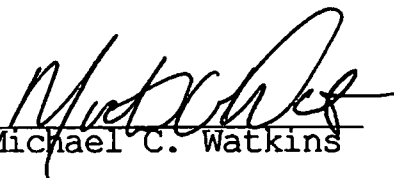
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November 18, 2015

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Michael C. Watkins

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Court Reporter

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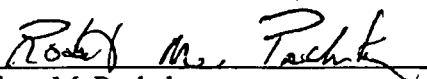
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CERTIFICATE OF COUNSEL FOR APPELLANT

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."

January 20, 2016


Robert M. Pachak
Appellate Defender

South Carolina Commission on Indigent Defense
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ATTORNEY FOR APPELLANT

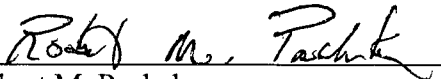
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