

22449

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM COLLETON COUNTY

Perry M. Buckner, Circuit Court Judge

THE STATE,

ANDERS
No Respondent's Brief Filed

ORIGINAL
NO DEFENDANT'S BRIEF
RECEIVED

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SC Court of Appeals

RESPONDENT,

V.

CRAIG PINCKNEY,

APPELLANT

APPELLATE CASE NO. 2014-001230

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
) FOURTEENTH JUDICIAL CIRCUIT
 COUNTY OF COLLETON) CASE NO.: 2012-GS-15-00062

STATE OF SOUTH CAROLINA)
)
 VS.)
)
 CRAIG PINCKNEY,)
)
 DEFENDANT.)

JURY TRIAL

VOLUME 1 OF 2

held before the Honorable Perry M. Buckner
 Mia Perron, Circuit Court Reporter, 9th Judicial Circuit
 in the Colleton County Courthouse
 Walterboro, South Carolina
 on Monday, May 19, 2014, Commencing at 4:25 p.m.

SUSAN "MIA" PERRON, CVR-CM-M
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JURY VOIR DIRE

[Whereupon, the jury panel is duly sworn at
3:26 p.m.]

THE COURT: Ladies and gentlemen of the jury
panel, please give me your attention, if you would.

Earlier, I told you I put you under oath and I
told you I would be asking you qualifying questions
and questions to determine your impartiality to serve
as a juror. I'll remind you that the responses you're
about to give me to questions that are case specific,
like the first case for trial, that your responses are
also under oath, the oath that you took earlier this
afternoon from the clerk of court.

The State of South Carolina, through the
solicitor's office, has called for trial the case
of the State of South Carolina vs. Craig Pinckney.
Mr. Pinckney is seated at defense counsel table with
his attorney, Ms. Gay, who I will introduce to you in
just a moment. He is charged by this piece of paper
which I hold in my hand, which we call an indictment.

The indictment is not evidence of any of the
allegations contained in the indictment. The
indictment charges him with altering, forging, or
counterfeiting a certificate of title. To this
indictment the defendant, Mr. Pinckney, has pled not

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1 guilty. That places the burden on the State of South
2 Carolina to prove each and every element of the
3 offense beyond a reasonable doubt. And if you are
4 selected as a juror in the trial of this case, it will
5 be your duty to determine whether the State has met
6 that burden.

7 Now, ladies and gentlemen, I want you to meet
8 the attorneys that are going to be trying this case.
9 They're going to stand, they're going to turn around
10 and face you, they're going to introduce themselves.
11 In the case of the defendant, after you meet the
12 defense attorney she is going to have her client stand
13 and face you and introduce her client and his home
14 town for the jury so that they will know exactly who
15 we're dealing with.

16 Beginning with counsel for the State of South
17 Carolina.

18 MR. EVANS: Good afternoon, ladies and
19 gentlemen. My name is Lee Evans. I'm assistant
20 solicitor here in Colleton County.

21 THE COURT: Seated at the table with Assistant
22 Solicitor Evans is Captain Jody Taylor, who is with
23 Colleton County Sheriff's Department.

24 Jody, stand up so they can see you.

25 [Whereupon, Ms. Taylor complies]

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1 THE COURT: Thank you, Captain Taylor.
2 Counsel for the defendant.

3 MS. GAY: Yes, sir.

4 My name is Melissa Gay, and I'm actually from
5 the Charleston Bar, and this is my client. Stand up.

6 THE COURT: Stand up and face my jury panel,
7 please.

8 [Whereupon, Mr. Pinckney complies]

9 MS. GAY: His name is Craig Pinckney, and he's
10 from Walterboro.

11 THE COURT: This is Craig Pinckney, the
12 defendant, from Walterboro, South Carolina.

13 Thank you. Be seated.

14 [Whereupon, Mr. Pinckney complies]

15 THE COURT: Ladies and gentlemen, you've now met
16 the attorneys and you've met the defendant.

17 The first question I have, ladies and gentlemen,
18 is there any member of my jury panel related by blood,
19 connected by marriage, or a close personal friend of
20 the defendant, Craig Pinckney, of Walterboro, South
21 Carolina? If so, please stand at this time.

22 Yes, sir. Your name and juror number, please.

23 MR. MOORE: Kwame Moore, 135

24 THE COURT: Hold on one second. Let me get my
25 list. What number?

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1 MR. MOORE: 135.

2 THE COURT: 135.

3 MR. MOORE: Yeah. 135.

4 THE COURT: Yes, sir. Counsel, this is
5 Mr. Moore, juror number 135.

6 Mr. Moore, give me a yes or no, please. Are you
7 related by blood to Mr. Pinckney?

8 MR. MOORE: No.

9 THE COURT: Are you connected by marriage to
10 Mr. Pinckney?

11 MR. MOORE: No.

12 THE COURT: Are you a close personal friend of
13 Mr. Pinckney?

14 MR. MOORE: Yes.

15 THE COURT: The fact that -- how long have you
16 known Mr. Pinckney?

17 MR. MOORE: All my life.

18 THE COURT: All your life.

19 The fact that he's been a friend of yours all
20 your life, would that in any way affect your ability
21 to give the State of South Carolina or the defendant,
22 Mr. Pinckney, a fair and an impartial trial?

23 MR. MOORE: No, it wouldn't affect my choice.

24 THE COURT: It would not affect you?

25 MR. MOORE: No.

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1 THE COURT: Very well. You may be seated.
2 Yes, sir. Your name and jury number, please.

3 MR. SHERRILL: Anthony Sherrill.

4 THE COURT: Mr. Sherrill, are you related by
5 blood to Mr. Pinckney?

6 MR. SHERRILL: No, sir.

7 THE COURT: You are?

8 MR. SHERRILL: No, sir.

9 THE COURT: Are you connected by marriage to
10 Mr. Pinckney?

11 MR. SHERRILL: No, sir.

12 THE COURT: Are you a close person friend of
13 Mr. Pinckney?

14 MR. SHERRILL: Known him for years, ever since
15 he was --

16 THE COURT: I'm sorry. I can't understand you
17 because you've got the microphone too close.

18 What is your relationship to Mr. Pinckney?

19 MR. SHERRILL: I've known him for years. A
20 friend, you know.

21 THE COURT: You know him as a friend?

22 MR. SHERRILL: I've known him for years. We've
23 done time together at McDougal, okay, so I don't think
24 I'll be fair.

25 THE COURT: All right, sir. I'll excuse you

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1 from service in the trial of this case, Mr. Sherrill.

2 MR. SHERRILL: All right.

3 THE COURT: You won't have to serve in this
4 case. Thank you.

5 Anyone else who is related by blood, connected
6 by marriage, or a close personal friend of Mr. Craig
7 Pinckney? If so, please stand at this time.

8 [Whereupon, there is no response]

9 THE COURT: Let the record reflect no one is
10 standing]

11 THE COURT: Now, you've met the lawyers in this
12 case, first of all, Mr. Reed Evans with the
13 solicitor's office, and also Melissa Gay for the
14 defendant. Let me ask first about --

15 MS. GAY: Your Honor, may we approach?

16 THE COURT: Counsel approach.

17 [Whereupon, an off-the-record bench conference
18 is held]

19 [Whereupon, Ms. Gay and Mr. Pinckney confer]

20 THE COURT: Ladies and gentlemen, we're taking
21 up a matter of law very quickly, so give us one
22 moment.

23 [Whereupon, an off-the-record bench conference
24 is held]

25 THE COURT: Motion is now withdrawn by counsel

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1 for the defendant; is that correct, Ms. Gay?

2 MS. GAY: Yes, sir.

3 THE COURT: Very well.

4 All right. Ladies and gentlemen, let me find my
5 indictment. There it is. I told --

6 Ms. Gay, now is not the time for a consultation.
7 Take your seat. I'm talking to the jury. And please
8 remain in your seat unless given permission to leave
9 it by the Court.

10 MS. GAY: Yes, sir.

11 THE COURT: Ladies and gentlemen, I hold in my
12 hand an indictment. I told you it's merely an
13 allegation. It charges the defendant with altering,
14 forging, or counterfeiting a certificate of title. It
15 is alleged in this indictment that this occurred in
16 Colleton County, South Carolina, on or about January
17 20th, 2012, that the defendant, Craig Pinckney,
18 unlawfully did carry, alter, forge, or counterfeit a
19 certificate of title, registration card, or license
20 plate, in violation of the Code of Laws of South
21 Carolina.

22 I tell you about those allegations in order to
23 ask you this to determine your impartiality to serve
24 as a juror in the trial of this case.

25 Has any member of my jury panel read about,

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1 heard about, or know anything whatsoever about the
2 facts which are alleged in this case? If so, please
3 stand at this time.

4 [Whereupon, there is no response]

5 THE COURT: Let the record reflect no one is
6 standing.

7 I am advised that the potential witnesses in the
8 trial of this case will be as follows. If any of them
9 are present in the courtroom when I call their names,
10 please stand when your name is called so the jury can
11 see a face. I will give you a home town with the
12 name, ladies and gentlemen, because I'm going to ask
13 you about your relationship by blood or marriage or
14 friendship to each of the potential witnesses in the
15 trial of the case. Angela Garvin, Walterboro, South
16 Carolina; Jessica Beverly, Walterboro, South Carolina;
17 Lorie Minus, M-I-N-U-S, Walterboro, South Carolina;
18 Craig Pinckney -- Mr. Pinckney, stand, please, and
19 face my jury panel. Turn around so they can see
20 you -- Walterboro, South Carolina. Thank you. You
21 may be seated.

22 Any additional witnesses from the State?

23 MR. EVANS: Not from the State, Your Honor.

24 THE COURT: Any additional witnesses from the
25 defendant?

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1 MS. GAY: No, sir.

2 THE COURT: Any member of my jury panel related
3 by blood, connected by marriage, or a close personal
4 friend of any of the potential witnesses in the trial
5 of this case whose names I have just called? If so,
6 please stand at this time.

7 [Whereupon, there is no response]

8 THE COURT: Let the record reflect no one is
9 standing.

10 Any member of my jury panel presently employed
11 by any type of law enforcement agency? If so, please
12 stand at this time.

13 Let the record reflect -- oh, I have one. Yes,
14 ma'am? Name and juror number, please.

15 MS. HORVATH: Tracy Horvath, number 97.

16 THE COURT: Your number?

17 MS. HORVATH: 97.

18 THE COURT: 97. I'm sorry. Just checking.
19 Hold on one minute.

20 All right. Counsel, this is Tracy Horvath,
21 juror number 97.

22 Ms. Horvath, are you presently employed with a
23 law enforcement agency?

24 MS. HORVATH: I work for the Federal Bureau of
25 Prisons in Estill, South Carolina.

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1 THE COURT: It's just --

2 MS. HORVATH: Federal Bureau of Prisons.

3 THE COURT: Federal Bureau of Prisons. The fact
4 that you're -- is that in Estill?

5 MS. HORVATH: Yes.

6 THE COURT: The fact that you're currently
7 employed with the Federal Bureau of Prisons, would
8 that in any way affect your ability to give the State
9 of South Carolina or the defendant, Craig Pinckney, a
10 fair and an impartial trial?

11 MS. HORVATH: It would not.

12 THE COURT: Thank you, ma'am. You may be
13 seated.

14 Any member of my jury panel a contributor to or
15 a member of any group which has as its primary concern
16 the promotion of law enforcement or victim's rights?
17 These groups would include MADD, SADD, CAV or CADRE.
18 If so, please stand at this time.

19 [Whereupon, there is no response]

20 THE COURT: Let the record reflect no one is
21 standing.

22 Any member of my jury panel ever been employed
23 by North American Title Loans in Walterboro, South
24 Carolina? If so, please stand at this time.

25 [Whereupon, there is no response]

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1 THE COURT: Let the record reflect no one is
2 standing.

3 Any member of my jury panel ever been employed
4 by any title loan company, including Cashwell in
5 Beaufort, South Carolina? If so, please stand at this
6 time.

7 [Whereupon, there is no response]

8 THE COURT: Let the record reflect no one is
9 standing.

10 Any member of my jury panel ever been employed
11 by the South Carolina Department of Motor Vehicles?
12 If so, please stand at this time.

13 [Whereupon, there is no response]

14 THE COURT: Let the record reflect no one is
15 standing.

16 Any member of my jury panel formed any opinion
17 about the facts which are alleged in this case? If
18 so, please stand at this time.

19 [Whereupon, there is no response]

20 THE COURT: Let the record reflect no one is
21 standing.

22 Any member of my jury panel formerly a member of
23 the grand jury of Colleton County which found the
24 indictment in this case? If so, please stand at this
25 time.

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1 [Whereupon, there is no response]

2 THE COURT: Let the record reflect no one is
3 standing.

4 Any member of my jury panel know of any bias or
5 prejudice they may have about the facts which are
6 alleged in this case? If so, please stand at this
7 time.

8 [Whereupon, there is no response]

9 THE COURT: Let the record reflect no one is
10 standing.

11 Any member of my jury panel formed any opinion
12 about the alleged guilt or innocence of the defendant
13 in this case? If so, please stand at this time.

14 [Whereupon, there is no response]

15 THE COURT: Let the record reflect no one is
16 standing.

17 Any member of my jury panel know of any reason
18 whatsoever why they can't give the State of South
19 Carolina or the defendant in this case, Craig Pinckney
20 of Walterboro, South Carolina, a fair and an impartial
21 trial? If so, please stand at this time.

22 [Whereupon, there is no response]

23 THE COURT: Let the record reflect no one is
24 standing.

25 Any additional voir dire from the State?

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1 MR. EVANS: Not from the State, Your Honor.

2 THE COURT: Any additional voir dire from the
3 defendant?

4 MS. GAY: Your Honor, there was one question
5 that you chose not to ask. It was question --

6 THE COURT: That I declined to ask. You're
7 talking about number 6?

8 MS. GAY: It's actually number 5, Your Honor.

9 THE COURT: I'll ask number 5. I thought I
10 asked it, but I'll ask it again. I certainly asked if
11 any of them had ever been employed there.

12 Any member of my jury panel ever been a customer
13 of North American Title Loans in Walterboro, South
14 Carolina? If so, please stand at this time.

15 [Whereupon, there is no response]

16 THE COURT: Let the record reflect no one is
17 standing.

18 Any additional voir dire from the defendant?

19 MS. GAY: No, sir.

20 THE COURT: Very well.

21

22

23

24

25

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Striking of the Jury
May 19, 2014

1 STRIKING OF THE JURY

2 THE COURT: Counsel, it's my understanding that
3 the strikes for this offense are five and five and you
4 both agreed to waive an alternate juror.

5 Is that correct from the State?

6 MR. EVANS: That's correct, Your Honor.

7 THE COURT: Correct from the defendant?

8 MS. GAY: Yes, sir.

9 THE COURT: Madam clerk, would you give us a
10 jury, please.

11 THE CLERK OF COURT: Yes, sir.

12 THE COURT: Now, ladies and gentlemen, I told
13 you the computer was going to draw the jury. What's
14 happening right now is that my excellent staff down
15 right below me from the clerk's office, they're
16 drawing a list of names and they're going to hand --
17 it will be printed out by the computer, at random,
18 from those of you I found qualified. If I found that
19 you can't serve in this case your name has been
20 automatically taken out, or if you've been
21 disqualified earlier.

22 That list will be printed when the computer
23 draws it. A copy will be given to my court reporter
24 and to me, and then the clerk will call your names in
25 the order in which the computer randomly selects the

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1 names.

2 If you've got a pocketbook with you, bring your
3 belongings -- a coat or a pocketbook, bring it with
4 you. Come down the middle aisle. Come right to the
5 clerk's desk, turn around and face the direction I'm
6 seated in right now, which is what we call the front
7 of the courtroom out toward Hampton Street. Each side
8 will then have the opportunity to exercise their
9 peremptory strikes of the jury.

10 The parties have agreed to waive an alternate
11 juror and proceed with whatever number necessary in
12 order to complete the trial of the case.

13 Is that correct from the State?

14 MR. EVANS: That's correct, Your Honor.

15 THE COURT: Correct from the defendant?

16 MS. GAY: Yes, Your Honor.

17 THE COURT: Very well.

18 Madam Clerk, would you give us a jury, please.

19 [Off the record momentarily]

20 THE COURT: Is the State ready to proceed?

21 MR. EVANS: The State is ready, Your Honor.

22 THE COURT: Is the defendant ready to proceed?

23 MS. GAY: Yes, Your Honor.

24 THE COURT: Madam Clerk, give us a jury.

25 THE CLERK OF COURT: Number 133, Loretta J.

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1 Milligan. Please come forward.

2 [Whereupon, Ms. Milligan comes forward]

3 THE CLERK OF COURT: What say ye for the State?

4 MR. EVANS: Please present the juror.

5 THE CLERK OF COURT: What say ye for the
6 defendant?

7 MS. GAY: Please seat the juror for the trial of
8 this case.

9 THE CLERK OF COURT: Please have a seat to my
10 right where the bailiff is standing.

11 [Whereupon, Ms. Milligan is seated in the jury
12 box as a juror]

13 THE CLERK OF COURT: 96, Vanity A. Hodges.

14 [Whereupon, Ms. Hodges comes forward]

15 THE CLERK OF COURT: What say ye for the State?

16 MR. EVANS: Please present the juror.

17 THE CLERK OF COURT: What say ye for the
18 defendant?

19 MS. GAY: Please seat the juror for the trial of
20 this case.

21 THE CLERK OF COURT: Please have a seat in the
22 jury box.

23 [Whereupon, Ms. Hodges is seated in the jury box
24 as a juror]

25 THE CLERK OF COURT: 107, Lori D. Jones.

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1 [Whereupon, Ms. Jones comes forward]

2 THE CLERK OF COURT: What say ye for the State?

3 MR. EVANS: Please present the juror.

4 THE CLERK OF COURT: What say ye for the
5 defendant?

6 MS. GAY: One moment, please.

7 Please seat the juror for the trial of this
8 case.

9 THE CLERK OF COURT: I'm sorry. Say that again.

10 MS. GAY: Please seat the juror for the trial --

11 THE CLERK OF COURT: Please have a seat in the
12 jury box.

13 MS. GAY: Thank you.

14 [Whereupon, Ms. Jones is seated in the jury box
15 as a juror]

16 THE CLERK OF COURT: 63, Mamie L. Ferguson.

17 [Whereupon, Ms. Ferguson comes forward]

18 THE CLERK OF COURT: What say ye for the State?

19 MR. EVANS: Please present the juror.

20 THE CLERK OF COURT: What say ye for the
21 defendant?

22 MS. GAY: Please seat the juror for the trial of
23 this case.

24 THE CLERK OF COURT: Please have a seat in the
25 jury box.

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1 [Whereupon, Ms. Ferguson is seated in the jury
2 box as a juror]

3 THE CLERK OF COURT: 121, James A. Little.

4 [Whereupon, Mr. Little comes forward]

5 THE CLERK OF COURT: What say ye for the State?

6 MR. EVANS: Please present the juror.

7 THE CLERK OF COURT: What say ye for the
8 defendant?

9 MS. GAY: Please seat the juror in the trial of
10 this case.

11 THE CLERK OF COURT: Please have a seat in the
12 jury box.

13 [Whereupon, Mr. Little is seated in the jury box
14 as a juror]

15 THE CLERK OF COURT: 174, Thelma R. Stephens.

16 [Whereupon, Ms. Stephens comes forward]

17 THE CLERK OF COURT: What say ye for the State?

18 MR. EVANS: Please present the juror.

19 THE CLERK OF COURT: What say ye for the
20 defendant?

21 MS. GAY: Please seat the juror for the trial of
22 this case.

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

25 [Whereupon, Ms. Stephens is seated in the jury

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1 box as a juror]

2 THE CLERK OF COURT: 38, Laura J. Churchill.

3 [Whereupon, Ms. Churchill comes forward]

4 THE CLERK OF COURT: What say ye for the State?

5 MR. EVANS: Please present the juror.

6 THE CLERK OF COURT: What say ye for the
7 defendant?

8 MS. GAY: Please seat the juror for the trial of
9 this case.

10 THE CLERK OF COURT: Please have a seat in the
11 jury box.

12 [Whereupon, Ms. Churchill is seated in the jury
13 box as a juror]

14 THE CLERK OF COURT: 102, Sue Anne J. Jager.

15 [Whereupon, Ms. Jager comes forward]

16 THE CLERK OF COURT: What say ye for the State?

17 MR. EVANS: Please present the juror.

18 THE CLERK OF COURT: What say ye for the
19 defendant?

20 MS. GAY: Please excuse the juror from the trial
21 of this case.

22 THE CLERK OF COURT: Please have a seat back
23 with the panel. Please have a seat back -- thank you.

24 [Whereupon, Ms. Jager returns to the audience]

25 THE CLERK OF COURT: 56, Bernard J. Dessoye, II.

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1 [Whereupon, Mr. Dessoye comes forward]

2 THE CLERK OF COURT: What say ye for the State?

3 MR. EVANS: Please present the juror.

4 THE CLERK OF COURT: What say ye for the
5 defendant?

6 MS. GAY: Please seat the juror for the trial of
7 this case.

8 THE CLERK OF COURT: Please have a seat in the
9 jury box.

10 [Whereupon, Mr. Dessoye is seated in the jury
11 box as a juror]

12 THE CLERK OF COURT: Number 16, Samuel C.
13 Bethay.

14 [Whereupon, Mr. Bethay comes forward]

15 THE CLERK OF COURT: What say ye for the State?

16 MR. EVANS: Please present the juror.

17 THE CLERK OF COURT: What say ye for the
18 defendant?

19 MS. GAY: Please seat the juror for the trial of
20 this case.

21 THE CLERK OF COURT: Please have a seat in the
22 jury box.

23 [Whereupon, Mr. Bethay is seated in the jury box
24 as a juror]

25 THE CLERK OF COURT: 159, Vincent L. Sims.

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1 [Whereupon, Mr. Sims comes forward]

2 THE CLERK OF COURT: What say ye for the State?

3 MR. EVANS: Please excuse Mr. Sims from the
4 trial of this case.

5 THE CLERK OF COURT: Please have a seat back in
6 the panel.

7 [Whereupon, Mr. Sims returns to the audience]

8 THE CLERK OF COURT: 99, Leda M. Hughes.

9 [Whereupon, Ms. Hughes comes forward]

10 THE CLERK OF COURT: What say ye for the State?

11 MR. EVANS: Please present the juror.

12 THE CLERK OF COURT: What say you for the
13 defendant?

14 MS. GAY: Please seat the juror for the trial of
15 this case.

16 THE CLERK OF COURT: Please have a seat in the
17 jury box.

18 [Whereupon, Ms. Hughes is seated in the jury box
19 as a juror]

20 THE CLERK OF COURT: 184, Bobby R. Urick.

21 [Whereupon, Mr. Urick comes forward]

22 THE CLERK OF COURT: What say you for the State?

23 MR. EVANS: What number again?

24 THE CLERK OF COURT: That was number 184.

25 THE COURT: 184.

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1 MR. EVANS: Please excuse the juror from the
2 trial of this case.

3 THE CLERK OF COURT: Please have a seat back
4 with the jury panel.

5 [Whereupon, Mr. Urick returns to the audience]

6 THE CLERK OF COURT: 97, Tracy D. Horvath.

7 [Whereupon, Ms. Horvath comes forward]

8 THE CLERK OF COURT: What say ye for the State?

9 MR. EVANS: Please present the juror.

10 THE CLERK OF COURT: What say ye for the
11 defendant?

12 MS. GAY: Please excuse the juror from the trial
13 of this case.

14 THE CLERK OF COURT: Please have a seat back
15 with the panel.

16 [Whereupon, Ms. Horvath returns to the audience]

17 THE CLERK OF COURT: 131, Jessica Mears
18 Williams.

19 [Whereupon, Ms. Williams comes forward]

20 THE CLERK OF COURT: What say ye for the State?

21 MR. EVANS: Please present the juror.

22 THE CLERK OF COURT: What say ye for the
23 defendant?

24 MS. GAY: Please seat the juror for the trial of
25 this case.

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

3 [Whereupon, Ms. Williams is seated in the jury
4 box as a juror]

5 THE CLERK OF COURT: Number 200, William J.
6 Williams, Sr.

7 [Whereupon, Mr. Williams comes forward]

8 THE CLERK OF COURT: What say ye for the State?

9 MR. EVANS: Please present the juror.

10 THE CLERK OF COURT: What say ye for the
11 defendant?

12 MS. GAY: Please seat the juror for the trial of
13 this case.

14 THE CLERK OF COURT: Please have a seat in the
15 jury box.

16 [Whereupon, Mr. Williams is seated in the jury
17 box as a juror]

18 THE CLERK OF COURT: The jury has been drawn.

19 THE COURT: Thank you, Madam Clerk.

20 THE CLERK OF COURT: You're welcome.

21 THE COURT: Counsel, are any matters of law,
22 pertaining only to the selection of the jury, that
23 need to be decided before the jury is sworn? From the
24 State of South Carolina?

25 MR. EVANS: Not from the State, Your Honor.

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1 THE COURT: From the defendant?

2 MS. GAY: No, Your Honor.

3 THE COURT: Very well.

4 Ladies and gentlemen of the jury panel, I'll be
5 right back with you in just a moment. Here's
6 something I want you to do, though. We're not going
7 to try -- get you home -- I promised you I would be
8 mindful of your time and I'm going to get you home,
9 but I want you to go with Mr. Grant and Mr. Padgett to
10 your jury room. I want you to quickly, amongst
11 yourselves, pick a foreperson of the jury. They're
12 going to give you a pad and pencil and you write the
13 name down on a piece of paper, knock on the jury room
14 door, tell us you've selected a foreperson.

15 Let me tell you the duties of a foreperson. Any
16 of the twelve of you can be a foreperson. A
17 foreperson's duty is to be the jury spokesperson out
18 here in the courtroom should the need arise during the
19 trial of the case. The foreperson presides in the
20 jury room just like the chairperson of a committee
21 presides in a committee meeting. It's the
22 foreperson's job to see that each and every member of
23 my jury panel has a full and a fair opportunity to
24 voice their opinions in the jury room once
25 deliberations begin.

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1 Finally, it will be the foreperson's job to
2 write the jury's verdict. Now, my law clerk, he knows
3 part of his job is to going to make sure that -- we'll
4 prepare a verdict form for you and I'll explain that
5 to you in my charge on the law at the conclusion of
6 the case. It will be my law clerk's job, whoever is
7 selected foreperson, that he doesn't let the
8 foreperson leave without signing their name on the
9 indictment which I've already read the allegations of
10 to you.

11 So those are the three duties of the foreperson,
12 and that is to write the jury's verdict, to preside in
13 the jury room, and be the jury spokesperson out here
14 in the courtroom.

15 Now, you haven't heard any evidence in this case
16 so it would be improper for you to discuss this case
17 because you must base your decision on this case
18 solely and only upon evidence as it is presented
19 during the trial of this case, evidence -- and I'll
20 explain to you what constitutes evidence: the sworn
21 testimony from the witness stand or an exhibit. Both
22 sides have the absolute right to know exactly what
23 information you're using in order to base your
24 decision. But we haven't started that yet. That will
25 be tomorrow.

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1 For today, all I want you to do -- you can talk
2 about the weather back there, you can talk about
3 sports, anything you want to, but don't talk about the
4 case. Just select a foreperson, let the bailiff know,
5 we'll bring you back in the courtroom and then I'm
6 going to send you home for the day because we're going
7 to try the case starting in the morning.

8 Now, one of the reasons I want you to go there
9 is when you come back in the morning you won't be
10 reporting to the courtroom, you'll be reporting to
11 your jury room, so I want you to know where it is.

12 I'll be back with you in just a couple of
13 minutes. If you'll go with Mr. Grant to your jury
14 room at this time and please select a foreperson.

15 [Whereupon, the jury exits the courtroom at
16 5:00 p.m.]

17 THE COURT: Ladies and gentlemen, each of you
18 should have one of these. If you don't have the juror
19 information card that I'm holding up, which has a
20 telephone number on it, please raise your hand for me
21 at this time.

22 [Off the record momentarily]

23 THE COURT: Look on your card and you will see -
24 - about midway down you will see the telephone number
25 549-1775. I want you to call that number after six

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1 o'clock tonight. There will be a taped message on
2 that number telling you when I might need you to
3 return. Now, when I ask you to return, because I have
4 another case for trial -- when I ask you to return --
5 but they're not long -- please report to the area of
6 the courtroom that you're seated in now.

7 Do not call the number before six o'clock.
8 We'll be working. Wait until after six o'clock. If
9 the number is busy, just keep dialing. You'll get
10 through. It's one message for all jurors. It will
11 tell you when I need you to return. If I say two
12 o'clock tomorrow, be sitting where you are now. That
13 side of the courtroom is reserved only for the jury.
14 Be sitting there before two o'clock so we can start at
15 two o'clock tomorrow and I can get you home in a
16 timely fashion.

17 If anybody needs transportation, you let my
18 bailiff know before you leave so I can provide it for
19 you to get you here on time because if one of you is
20 late, all the rest of you have to sit and wait. So
21 please be on time. I'm going to be mindful of your
22 time; you be mindful of the Court's time.

23 Any questions about the callback procedure from
24 any of my jurors? Does everybody understand what to
25 do? Anybody got a question?

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1 [Whereupon, there is no response]

2 THE COURT: On behalf of Colleton County, I want
3 to thank you for your patience during the roll call,
4 jury qualification and jury selection. Please call
5 the number after six o'clock and follow the
6 instructions on the tape. You are now excused for the
7 balance of today. Thank you very much.

8 [Whereupon, the jury panel exits the courtroom
9 at 5:04 p.m.]

10 THE COURT: Counsel approach.

11 [Whereupon, an off-the-record bench conference
12 is held]

13 [Off the record momentarily]

14 THE COURT: Counsel approach.

15 [Whereupon, an off-the-record bench conference
16 is held]

17 THE COURT: Bring us the jury, Mr. Padgett.

18 [Whereupon, the jury enters the courtroom at
19 5:12 p.m.]

20 THE COURT: Counsel, the jury has chosen Thelma
21 Stephens.

22 Ms. Stephens -- are you sitting right here,
23 Ms. Stephens?

24 THE FOREPERSON: Yes.

25 THE COURT: Congratulations on your election as

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1 foreperson. That will be your chair.

2 Any objection to making the jury's note a
3 Court's Exhibit? From the State?

4 MR. EVANS: None from the State.

5 THE COURT: From the defendant?

6 MS. GAY: No, Your Honor.

7 THE COURT: Court's Exhibit Number 1, without
8 objection.

9 [Whereupon, Court's Exhibit Number 1 is marked
10 by the court reporter]

11 THE COURT: Now, ladies and gentlemen, I'm going
12 to get you home. I know I've been keeping you. And I
13 want to thank you for your patience.

14 When you come back tomorrow, I want you to
15 report to your jury room. Don't come the courtroom,
16 go to your jury room. Come early, okay, because we
17 want to -- I want you here by 9:30, but we want to get
18 started as soon after 9:30 as we can so we can
19 complete it.

20 I do not anticipate this will be a long matter.
21 And I've got other matters -- I want to get y'all home
22 for the week -- so I've got to finish my work for this
23 week.

24 Over the overnight recess I don't know if there
25 will be anything on the radio, on television, in the

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1 newspaper about this case. Please do not watch such,
2 read such, or listen to such. You must decide this
3 case solely upon evidence introduced in the courtroom
4 when both sides are present with the right of cross-
5 examination.

6 Please don't do any juror research on your own.
7 Don't go to your computer or your smart phone and try
8 to do any research about anybody. It's improper.
9 Both sides have the right to know exactly what you're
10 basing your decision on, which is only upon evidence
11 introduced when they are present with the right of
12 cross-examination.

13 I want to thank you for your patience. I
14 realize it took a while to get started. It always
15 does. I'm used to this, you're not, but we do this
16 every Monday when we select a jury. I had to go
17 through three cases up for trial to get to this one
18 and I'll be going to the fourth one after this one so
19 that we get some work done this week because we're
20 trying to dispose of matters in a timely fashion,
21 ladies and gentlemen.

22 Now, if anybody tries to talk to you about this
23 case, tell them you're on the jury and the judge has
24 asked that you not discuss it. You don't know
25 anything about it anyway. You've only -- you haven't

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1 heard any evidence. You've only heard me read an
2 allegation in an indictment.

3 If somebody persists in wanting to talk to you
4 about it, you get their name and you give it to me and
5 I'll handle that problem for you, ladies and
6 gentlemen, and that person won't bother you anymore, I
7 can assure you of that.

8 I hope everybody has a pleasant evening. I'm
9 going to look forward to each of you -- they'll have
10 something -- they're going to take a lunch menu. And
11 tomorrow is my favorite day of the week, ladies and
12 gentlemen, isn't it, Pat?

13 THE CLERK OF COURT: Yes, sir.

14 THE COURT: Why?

15 THE CLERK OF COURT: Because --

16 THE COURT: Fried pork strips, which I'm not
17 supposed to have. But tomorrow is fried pork strips
18 day. They're going to take a lunch menu. They're
19 really good with hot sauce, I might add. But they're
20 going to take a lunch menu from you in the morning.
21 They're going to have something for you to drink, and
22 maybe a snack if you get here early, so please be in
23 your jury room prior to 9:30.

24 Thank you so much for your patience and your
25 service. I look forward to seeing you tomorrow. You

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1 are now excused for the balance of the day.

2 Thank you, Ms. Stephens.

3 You may leave with the bailiff right through
4 this door.

5 Everyone else remain seated while the jury is
6 leaving.

7 [Whereupon, the jury exits the courtroom at
8 5:15 p.m.]

9 THE COURT: The Major has advised me that he
10 spoke with the defendant's bond person, who was
11 Benjy's Bail Bonds, and he has agreed to stay on the
12 bond, therefore I understand the State has no
13 objection to the defendant remaining on bond until
14 tomorrow; is that correct?

15 MR. EVANS: That is correct, Your Honor.

16 THE COURT: Very well.

17 The defendant will remain on bond. I hand the
18 indictment to my excellent clerk of court.

19 Anything on the record from the State, outside
20 the presence of the jury, before we adjourn for the
21 evening? From the State, Mr. Evans? That's you.

22 MR. EVANS: Not from the State.

23 THE COURT: very well.

24 Anything from the defendant outside the presence
25 of the jury?

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1 MS. GAY: Your Honor, yes. We had mentioned
2 during the qualification process that -- the solicitor
3 and I approached and discussed a matter, you know,
4 outside the purview of the court reporter --

5 THE COURT: You made a motion and then went back
6 and discussed the matter with your client and decided
7 to withdraw your motion. Is that what you're
8 referring to?

9 MS. GAY: Yes, sir.

10 After discussing it with my client, we decided
11 not to ask for a curative instruction or make anymore
12 -- there was a juror who made reference to serving
13 time at McDougal with my client and that I wanted to
14 bring to the Court's attention. We discussed it. My
15 client then told me that he was okay and understood
16 that we were not going to ask for any type of further
17 reference to that and just move forward with the
18 general qualification process without --

19 THE COURT: Is that what you told her,
20 Mr. Pinckney? Is that correct?

21 MR. PINCKNEY: Yes, sir.

22 THE COURT: Very well. I understand exactly
23 your decision.

24 And I understand yours, as well, Ms. Gay, and
25 I'm glad we made that a part of the record.

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1 All right. With that, Ms. Gay, is there
2 anything else outside the presence of the jury from
3 the defendant?

4 MS. GAY: No, Your Honor.

5 THE COURT: Very well. I'll look forward to
6 seeing you both here prior to 9:30 a.m. in the
7 morning.

8 This Court stands adjourned until 9:30 tomorrow
9 morning.

10 [JURY TRIAL ADJOURNS AT 5:15 P.M.]

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The State of South Carolina vs. Craig Pinckney
Certificate of Court Reporter

C E R T I F I C A T E

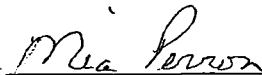
STATE OF SOUTH CAROLINA

COUNTY OF COLLETON

I, the undersigned Mia Perron, Circuit Court Reporter for the 9th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the jury trial held before the Honorable Perry M. Buckner, on Monday, May 19, 2014.

I do further certify that I am neither kin nor counsel to any of the parties and have no interest in the outcome of this action.

Dated this 3rd day of April, 2015.



Mia Perron, CVR-CM-M
Circuit Court Reporter
9th Judicial Circuit

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
) FOURTEENTH JUDICIAL CIRCUIT
 COUNTY OF COLLETON) CASE NO.: 2012-GS-15-00062

STATE OF SOUTH CAROLINA)
)
 VS.)
)
 CRAIG PINCKNEY,)
)
 DEFENDANT.)
 _____)

JURY TRIAL

VOLUME 2 OF 2

held before the Honorable Perry M. Buckner
 Mia Perron, Circuit Court Reporter, 9th Judicial Circuit
 in the Colleton County Courthouse
 Walterboro, South Carolina
 on Tuesday, May 20, 2014, Commencing at 9:47 a.m.

SUSAN "MIA" PERRON, CVR-CM-M
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PRETRIAL MOTIONS

THE COURT: Ms. Gay, are you ready?

MS. GAY: Yes, sir.

THE COURT: Wonderful. Good morning to you and
to your client. I think we're ready to proceed.

- - - - -

MOTION TO AMEND

THE COURT: Anything from the State before I
bring the jury?

MR. EVANS: Yes, Your Honor.

The State would move, as we discussed in
Chambers, to amend the indictment in this case
pursuant to State v. Means, 367 S.C. 374. Your Honor,
as we discussed in chambers, the indictment did
provide, we believe, notice. It is the exact same
statute. We think that the defendant has had fair and
ample opportunity to prepare for the allegations in
this trial. There should be no discovery issues.

That being said, it's the State's opinion
that the indictment does not sufficiently address
the particular subsections of 16-21-10, that
being (a) --

THE COURT: You did address 16-21-10(a) --

MR. EVANS: Which would include --

THE COURT: Ms. Gay, so you'll know, the statute

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1 is referenced on the -- I call it the front of the
2 indictment, and it says: South Carolina Code 16-21-
3 10, subsection A, and has a CDR code. And, of course,
4 subsection A includes four subsections. All right?

5 MR. EVANS: Correct. That's correct, Your
6 Honor.

7 This motion concerns only the allegation
8 language on it, so you would put it at the back of the
9 indictment, nothing on the front of the indictment.
10 The indictment reads that in Colleton County, South
11 Carolina, on or about January 20th of 2012, the
12 defendant, Craig Pinckney, unlawfully did carry,
13 alter, forge, or counterfeit a certificate of title,
14 registration card, or license plate in violation of
15 section 16-21-10 of the Code of Laws of South
16 Carolina.

17 It's our opinion that because -- the evidence in
18 this case would show that Mr. Pinckney, under (a)(2),
19 did alter, forge, a release of a security interest on
20 a certificate of title or, more appropriately, on a
21 form that the Department prescribes. That's one of
22 the allegations.

23 And then under (4), make a material false
24 statement or conceal any other material fact in an
25 application for a certificate of title or for a

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1 registration.

2 The possibility of those subsections being
3 addressed is all clear from the discovery, and the
4 indictment is merely a notice document, so I --

5 THE COURT: So it's the State's position that
6 you believe the evidence will show -- although it's
7 probably premature --

8 MR. EVANS: Yes, sir.

9 THE COURT: -- because I have to hear the
10 evidence in order to make a determination as to which
11 subsection of 16-21-10 would apply, whether it be
12 (a)(1), (a)(2), (a)(3) or (a)(4).

13 MR. EVANS: We believe that there will be
14 evidence as to (a)(2) and (a)(4).

15 THE COURT: I understand that you believe that,
16 but of course that is your humble opinion as to what
17 the evidence will show.

18 MR. EVANS: Yes, sir.

19 THE COURT: All right. Ms. Gay?

20 MS. GAY: Well, Your Honor, we would object to
21 having any type of an amendment to an indictment at
22 this stage. He published the indictment to the jury
23 when we picked our jury. I realize the jury is not
24 sworn. We actually discussed, before we had this --
25 came on the record, we've been on notice of what the

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1 charge was and what the statute was but --

2 THE COURT: I'm not going to allow them to
3 change the charge. You know that.

4 MS. GAY: I would just ask that, you know, in
5 your jury charges that you read the statute, which is
6 what you were going to do anyway.

7 THE COURT: Well, you're going to have to submit
8 me a request to charge and I will consider that. And
9 I will consider the State's motion to amend to what
10 they believe to be conforming to the evidence as to
11 this particular charge at the appropriate time, but I
12 would need to hear the State's case in order to rule
13 on that matter. And I will, of course, consider any
14 request to charge that you might have as to how much
15 of the statute you believe should be charged to
16 protect the interest of your client.

17 At this point, before we even start, it is
18 impossible for me, other than learning now from the
19 solicitor that he believes subsections (2) and (4) are
20 applicable to his understanding of the evidence -- you
21 might take a different view of that. Because of that,
22 I feel I need to hear the evidence before I can rule
23 on any motion to amend.

24 I understand at this point you're objecting to
25 his motion. And I believe the motion is premature.

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1 Now, I also understand that you need to make this
2 argument because -- before we swear the jury -- the
3 indictment is nothing but a notice document. I will
4 not allow the State to change the notice that you and
5 your client are on, and that is so that -- the
6 indictment is just to notice you as what charge and
7 how he prepares to defend that charge. I will not
8 allow them to save the substantive nature of the
9 charge, and that is we're going to try the statutory
10 offense of 16-21-10(a) because that's all you're on
11 notice for. And I understand that.

12 However, I do not believe at this point I can
13 rule on that until I hear the evidence and decide what
14 applies. And I will certainly listen to you at the
15 appropriate time as to what additional information you
16 feel the jury should have from this statute that you
17 think is necessary to protect the interest of your
18 client.

19 I believe the motion is premature now. But
20 you've made it for the record and we'll take it up at
21 the appropriate time.

22 MS. GAY: Yes, sir.

23 THE COURT: However, we're going to try only 16-
24 21-10 and nothing more. In other words, we're not
25 changing this case now, solicitor.

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1 MR. EVANS: No, sir.

2 THE COURT: If you're going to try to change
3 this to a forgery case and not a statutory case, which
4 is what you indicted him for, Ms. Gay would be correct
5 and I would at the very least give Ms. Gay a
6 continuance of the matter if you were going to charge
7 the substantive charge. So I put you on notice, now,
8 I'm not going to allow that to happen.

9 MR. EVANS: No, sir. We're proceeding only
10 under the statute.

11 THE COURT: Very well. Anything else from the
12 State before we begin?

13 MR. EVANS: Yes, Your Honor.

14 As we addressed yesterday in chambers, the grand
15 jury in this matter stamped a true bill --

16 THE COURT: Ms. Gay and I discussed that
17 yesterday, and she told me she had no objection to
18 that, in chambers before we started. So she is aware
19 of that.

20 Isn't that correct, Ms. Gay?

21 MS. GAY: Yes, sir.

22 And I did discuss that with my client that it
23 was a scribner's error.

24 THE COURT: Very well.

25 There's no -- they waived any defect as to the

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1 fact that the stamp on the decision of the grand jury
2 was stamped below the line of actions for grand jury
3 and under the line of verdict.

4 We will, of course, have the jury write in the
5 appropriate spot on the indictment, after they
6 conclude their deliberations, as to what their verdict
7 may be. But there is no objection as to that.

8 Anything else as to the -- before I bring the
9 jury? From the State?

10 MR. EVANS: One very small housekeeping matter,
11 Judge.

12 Ms. Jessica Beverly informed me this morning
13 that she recently wed. Her new last name is Cartret,
14 C-A-R-T-R-E-T.

15 THE COURT: Did you give that to Ms. Gay?

16 MR. EVANS: Yes, sir. I informed her this
17 morning.

18 THE COURT: Ms. Gay, anything from the defendant
19 before I bring the jury?

20 MS. GAY: No, sir.

21 THE COURT: Very well.

22 If you'll bring us the jury, please, ma'am.

23 - - -

24 - - -

25 - - -

The State of South Carolina vs. Craig Pinckney
Proceedings
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PROCEEDINGS :

[Whereupon, the jury enters the courtroom at
9:55 a.m.]

THE COURT: Good morning, Ms. Stephens.

THE FOREPERSON: Good morning.

Everybody fill out an order for lunch? Good.
Please be seated.

Now, ladies and gentlemen, let me warn you.
Glenn Grant is very thoughtful, and you notice he
stands right there. There's a step up into that back
row. And one of the reasons I asked you to file all
the way down: if somebody tries to sit down in an
earlier seat on the back row and then another person
has to go around them, there's also a step in the jury
box and I have had people fall.

So, please, you can sit -- the foreperson sits
where Ms. Stephens is. The rest of you can sit
anywhere you want to. If you want to sit by somebody,
just line up that way, but file all the way down when
you're coming in the jury box because I don't want
anybody to fall. Okay?

I trust that everybody had a pleasant evening.
Anybody have any problems last night, since I left
you, with anybody trying to talk to you about the
case? If so, raise your hand for me.

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1 [Whereupon, there is no response]

2 THE COURT: Let the record reflect, Mia, no
3 hands are raised.

4 Madam Clerk, would you please swear the jury.

5 THE CLERK OF COURT: Thank you. I will.

6 Madam Forelady and ladies and gentlemen of the
7 jury, please stand and raise your right hand.

8 [Whereupon, the jury is duly sworn by the clerk
9 of court as follows: do you solemnly swear or affirm
10 that you shall well and truly try and a true
11 deliverance make between the State of South Carolina
12 and accused at the bar and a true verdict give,
13 according to the evidence and laws, so help you God]

14 THE CLERK OF COURT: You may be seated. Thank
15 you.

16 THE COURT: Thank you. Please be seated.

17 Now, ladies and gentlemen, we're behind schedule
18 now. Had some matters of law to come up this morning,
19 and I'm going to talk to you about that. And it
20 happens in every trial, and that's because the
21 attorneys for both sides in this case are doing their
22 job and things come up that they have to come to the
23 Court for. Because I'm the judge of the law and
24 you're the judges of the facts, and when a matter of
25 law comes up, sometimes I have to excuse you from the

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1 courtroom. And that's exactly what happened this
2 morning.

3 I know that each of you filled out your lunch
4 order. We're going to get moving. And I want you
5 to understand we're not trying to hide anything from
6 you. I'm going to explain why we do that in just a
7 moment. But let me go over some housekeeping matters
8 with the hope that what I say will give you a better
9 understanding of what we're about to do.

10 While you are selected to serve on the jury, and
11 until your jury service is concluded this week, you
12 are, as I have instructed you, not to discuss this
13 case with others, including your fellow jurors, except
14 when I authorize you to begin your deliberations.
15 Now, why are we emphasizing that to you? Because it's
16 very important that you not engage in what we call
17 premature deliberations even though you might feel you
18 can, or you're at the appropriate time, because the
19 very last thing in this trial might be the difference
20 in what you decide to do. So please wait until I
21 instruct you to begin your deliberations. Don't try
22 to discuss this case until you've heard all the
23 evidence and you've heard the final arguments of the
24 attorneys and my charge to you on the law.

25 Please don't read or listen to any -- or watch

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1 any news reports about the case. Please don't use a
2 computer, cellular phone, or any other electronic
3 device with communication capability which, even
4 though you might think that it would help you. Even
5 though you might think the lawyers didn't bring
6 something that you thought was important to your
7 attention and that you think doing some sort of
8 investigation on your own might assist you, I ask that
9 you not communicate with anyone about the case on your
10 cell phone or your computer or through e-mail,
11 Blackberry, iPhone, text messaging, or on Twitter,
12 through any blog or website, through any internet chat
13 room, or by way of any other social networking
14 website, which includes Facebook, My Space, Linked In,
15 U-Tube, or anything of that nature. It would be
16 improper for you to do so.

17 As I told you, the attorneys have worked hard
18 to prepare the case for their respective clients,
19 for the State of South Carolina and the defendant,
20 Mr. Pinckney. They have the absolute right to know
21 exactly what information you on the jury are going to
22 use in making your decision. So even if you think
23 information about a party or a witness or an attorney,
24 or anything collected by you by juror research on any
25 topic that may be raised or offered during the trial

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1 by a witness, even if you think it would be helpful to
2 you in deciding the case, I ask that you not do that
3 because that's not permitted.

4 Now, before we begin this case, I want to tell
5 you that this trial probably is going to be different
6 from what many of you expect. Do I have anyone that's
7 ever been on a circuit jury, on this jury, before? If
8 so, raise your hand for me.

9 [Whereupon, there is no response]

10 THE COURT: So this is your first time, I take
11 it, in being on a jury. Well, the reason I think it's
12 going to be different from what you expect is that,
13 you know, most people don't have the chance to attend
14 an actual court session as each of you are doing right
15 now. And many people think, from watching television,
16 such shows as Cold Case and things of that nature, or
17 reading a book, or going to a movie, that trials are
18 always full of high drama and intense action and
19 riveting and entertaining circumstances.

20 Well, while all of those things may be true at
21 times in an actual trial, an actual trial, unlike a
22 television show or a movie or a book, is not designed
23 for your entertainment. An actual trial is a
24 fundamental part of our democracy. It is a search for
25 the truth in an effort to make sure that justice is

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1 done between the parties before the Court. Searching
2 for the truth and trying to make sure that justice is
3 done is often slow, as you saw this morning -- we're
4 twenty-five minutes behind schedule -- it's often
5 repetitive, it is very deliberate. It is the exact
6 opposite of what you may have seen on television or in
7 a movie or read in a book.

8 This courtroom, ladies and gentlemen, is a place
9 of honor. It is dedicated to the protection and the
10 preservation of citizen's rights through what many
11 people have called the greatest justice system in the
12 entire world.

13 The attorneys that are going to appear before
14 you, ladies and gentlemen, they're advocates for their
15 clients, the State of South Carolina and the
16 defendant, Craig Pinckney. So they're advocates for
17 the parties that they represent. But first and
18 foremost, even before their role as advocates, the
19 attorneys are officers of this Court. And just like
20 you just took an oath, they took an oath and I took
21 an oath and in that oath, the attorneys swore, just
22 like you did, to uphold the integrity and to uphold
23 the fairness of our judicial system, and they're here
24 to help you in a search for the truth. So you should
25 expect the attorneys to be professional. You should

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1 expect the attorneys to be competent, and you should
2 expect the attorneys to be ethical in the discharge or
3 representation of their respective client's interest.

4 Now, I'll remind each of you that you now --
5 like the attorneys and myself, each of you on this
6 jury have now taken an oath and in that oath you said
7 you would try this case and that you would reach a
8 fair and a just verdict and so you also, as jurors,
9 are expected to be professional, to be reasonable, and
10 to be ethical in the discharge of your duties as
11 jurors.

12 I want to thank you in advance for accepting
13 this important responsibility of jury service. I want
14 to thank you, before we start today, for your
15 contribution to our justice system. Without you,
16 ladies and gentlemen of the jury, justice cannot be
17 accomplished in a courtroom. And I thank you for that
18 service before we begin.

19 Now, ladies and gentlemen, let's talk about
20 what's going to happen. Madam Foreperson, ladies and
21 gentlemen of the jury, I'm holding in my hand the case
22 that we're about to try. It's the case of the State
23 of South Carolina versus Craig Pinckney. Mr. Pinckney
24 is charged by this piece of paper that I hold in my
25 hand -- Mr. Pinckney is the defendant. He's seated at

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1 defense counsel table with Ms. Melisa Gay, his
2 attorney.

3 He is charged in this indictment with violating
4 a code section of the code of laws of South Carolina.
5 It's code section 16-21-10(a). And I'm going to talk
6 to you in my charge on the law about this. The title
7 of the code section is altering, forging or
8 counterfeiting certificate of title, registration
9 card, misrepresentation or concealment in application.
10 That's the title of it.

11 Now, the elements of that offense I'm going to
12 explain to you later in my charge to you on the law.
13 What you should understand now, as a member of the
14 jury, that the indictment is simply the charge by
15 which the case is brought into this court of general
16 sessions and that it is not in any sense evidence of
17 any of the allegations that's contained in the
18 indictment. I read to you the allegations in the
19 indictment because this indictment puts the defendant
20 on notice of the charge so that he can defend the
21 charge.

22 Now, the defendant has pled not guilty to the
23 indictment. The State of South Carolina therefore has
24 the burden of proving each of the elements of the
25 indictment beyond a reasonable doubt. It will be your

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1 duty, ladies and gentlemen, to decide whether or not
2 the State has met that burden. It is your solemn
3 responsibility as jurors to determine the guilt or the
4 innocence of the defendant and your verdict must be
5 based solely and only on the evidence as it is
6 presented to you in this trial and on the law as I
7 instruct it to you to be during this trial and in my
8 charge to you on the law at the conclusion of the
9 trial.

10 Now, in just a minute the assistant solicitor,
11 Reed Evans, will make what is called an opening
12 statement, in which he will stand up -- and I'm going
13 to get --

14 [Off the record momentarily]

15 THE COURT: All right. Mr. Evans will make an
16 opening statement in which he will explain to you what
17 he believes, as an advocate for the State of South
18 Carolina, to be the issues in this case or at least
19 what he contends to be the issues in this case. And
20 then the attorney for the defendant will make an
21 opening statement.

22 Now, I want to tell you this. The attorneys
23 have worked hard, and I want you to listen to them,
24 but they are advocates for their clients, either for
25 the State or the defendant, and what the attorneys say

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1 to you in opening statement, what the attorneys
2 suggest to you by the questions they ask, what the
3 attorneys argue to you, which they'll do at the end of
4 the case in their closing argument, none of that is
5 evidence in this case. It is only their contention as
6 to what the issues really are in this case.

7 Now, I've told you that you must base your
8 decision solely and only on the evidence. So what is
9 the evidence or what is going to be the evidence in
10 this case? Evidence is going to be presented to you,
11 ladies and gentlemen, by the testimony of sworn
12 witnesses who will take this witness stand. You
13 notice it's located right here beside you. That's so
14 you can observe the witnesses.

15 And it may also take the form -- evidence can
16 take the form of an exhibit, such as a photograph or
17 maybe a document. And you'll hear me say, and the
18 attorneys know this, you're not going to be shown any
19 exhibit until you hear me say it is in evidence. When
20 you hear that, that means they can publish it to you.

21 So evidence may be sworn testimony from the
22 witness stand, it may be some photograph or document
23 that's admitted into evidence. It may even take the
24 form, ladies and gentlemen, what we call of a
25 stipulation. That means the parties might stipulate

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1 or agree that a fact is true. So evidence can take
2 many forms, but it is not what the attorneys say or
3 argue or contend.

4 Now, in the consideration of evidence, you
5 should remember that under the constitution of South
6 Carolina, you, and you twelve jurors alone, are the
7 sole judges of the facts in this case and the same law
8 that makes you the sole judges of the facts, as I told
9 you just a moment ago, makes me the sole judge of the
10 law. I cannot invade your province, ladies and
11 gentlemen, and tell you, suggest to you, or comment to
12 you in any way about what the facts are or what the
13 evidence suggests. And you should not invade my
14 province, ladies and gentlemen, and differ with me
15 about what the law is.

16 Everything that I say during the course of this
17 trial is taken down by my court reporter and if I make
18 a mistake as to the law to the detriment of either
19 party, they can appeal the case to an appellate court
20 and if the appellate court agrees that I've made a
21 mistake on the law, they'll reverse the case and send
22 it back for a new trial. So don't you worry whether
23 or not I have told you the law correctly. That is
24 somebody else's worry. That is not your job.

25 Your job on the jury is to take the law as I

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1 give it to you and apply it to the facts as you find
2 them to be. And that means based on witnesses who
3 testify from that witness stand as part of the
4 evidence, any exhibits which may be introduced into
5 evidence, or, if we have one, a stipulation to a fact.
6 After doing that you will then, at the conclusion of
7 the trial, render your verdict, a true and a just
8 verdict, under that solemn oath which each of you just
9 took as jurors.

10 Now, from time to time during the trial of the
11 case you're going to probably hear one of the lawyers
12 say something like, Your Honor, I believe we have a
13 question of the law that we need to take up with you,
14 or, Your Honor, we would like to discuss a matter of
15 law with you. Or I, myself, might ask you to step --
16 as I just did. I kept you in your jury room while I
17 took care of matters of law. So I might find it
18 necessary that you be excused from the courtroom
19 during the trial for a little while while the
20 attorneys and I discuss a matter of law.

21 Now, the reason for this is just what I've just
22 told you, and that is I told you you're the sole
23 judges of the facts and I'm the sole judge of the law.
24 Sometimes when I'm discussing, as I was this morning,
25 a matter of law with the attorneys, it becomes a

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1 necessity for me to make some comment to them about
2 the facts and the ruling as to whether or not a
3 particular piece of law applies to this case.

4 Now, I'm not supposed to make any comment to you
5 about the facts, so the practice in this state is the
6 first think you'll see me do is you'll see me step
7 down and have the attorneys come over here and I'll
8 try to discuss a matter of law with them at the bench,
9 outside of your hearing. And if I think it's going to
10 take more than just a minute or two, I might ask you
11 to step to your jury room. I don't like to do that
12 because I want to keep the trial moving. However, I
13 will do it if it's necessary from a time standpoint.

14 We're not trying to hide anything from you. The
15 practice is that you be excused from such discussions
16 so that you will not be influenced by anything that I
17 might say or do in ruling on a piece of law in
18 connection with the facts in this case. And in that
19 connection, let me tell you again that you, and you
20 alone, are the sole judges of the facts in this
21 matter. And if you should, from your jury service,
22 gather from anything that I might say or do during the
23 course of this trial that I have any opinion
24 whatsoever as to the facts, please erase that from
25 your mind. The law does not allow me to have an

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1 opinion as to the facts in this case. You, ladies and
2 gentlemen of the jury, are the sole judges of the
3 facts based on evidence introduced during the trial of
4 the case.

5 Now, this is a question I'm always asked by my
6 jurors after their service. Judge Buckner, you said
7 we were supposed to judge the facts; how am I to
8 determine what the truth is. Well, ladies and
9 gentlemen of the jury, in determining what the true
10 facts are, you, as members of this jury, of necessity
11 you're going to have to pass upon the credibility or
12 the believability of the witnesses who are going to
13 take the witness stand.

14 It will be my responsibility to rule as a matter
15 of law, as the presiding judge, whether or not certain
16 testimony is admissible at all or not. But once I've
17 allowed the testimony to be admitted into evidence,
18 whether or not you on the jury believe the testimony
19 is solely a matter for you to determine.

20 In passing upon the credibility or the
21 believability of the witnesses who are going to
22 testify in this case, you have the right as a jury to
23 take into consideration the interest of any witness,
24 the bias, if any, of any witness, the prejudice of any
25 witness, the opportunity for the witness to have

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1 observed the matters or things about which he or she
2 might testify. You may even take into consideration,
3 in trying to decide about the believability of the
4 witness, what we call in the law the demeanor of the
5 witness. That's the appearance of the witness on the
6 witness stand. Anything that is in evidence, ladies
7 and gentlemen, you as a jury have the right to
8 consider.

9 And that means, Madam Foreperson, and that
10 means, ladies and gentlemen of the jury, that it is
11 your duty under that oath which each of you just took
12 from the clerk of court of Colleton County to pay
13 close attention to the witnesses, to listen to the
14 witnesses. Don't let your thoughts wander. Give
15 strict attention to the testimony from the witness
16 stand so that at the conclusion of all the testimony,
17 after the final arguments of the attorneys and the
18 charge on the law by the Court, you will have put
19 yourself in a position to determine what the true
20 facts are and apply the law as I give it to you to be
21 in my charge on the law to the facts as you find them
22 to be, based on evidence introduced during the trial
23 of the case and thus render a true and just verdict.

24 Now, ladies and gentlemen, you must not consider
25 anything that you may have read or heard about this

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1 case outside this courtroom, whether before or during
2 this trial. And until this case is submitted to you,
3 you must not discuss it with anyone, not even your
4 fellow jurors. And after I submit it to you, you must
5 discuss it only in your jury room with your fellow
6 jurors. It's important that you keep an open mind and
7 not decide the case until the entire matter has been
8 submitted to you under my instructions at the
9 conclusion of the trial.

10 Now, it will be your added duty, Madam
11 Foreperson, to preside in the jury room, to see that
12 each and every member of my jury as a full and fair
13 opportunity to voice their opinions once deliberations
14 begin. And it will be your job to be the jury
15 spokesperson, if that need arises, here in the
16 courtroom. It will also be your duty to write the
17 jury's verdict. Now, I'm going to prepare a verdict
18 form for you and I'll explain to you how to write the
19 verdict in my charge to you on the law at the
20 conclusion of the case.

21 Now, my law clerk, he does a great job. His
22 name is Wilder Heart, and Wilder's job -- whatever you
23 write on that verdict form, his job is not to let you
24 leave this courthouse until you write the exact same
25 words on this indictment. So he's going to be looking

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1 for you after the trial. I've actually had him have
2 to run after some forepersons before.

3 So I want you to know, Madam Foreperson, he's
4 going to be coming to you so you can sign your name
5 where it says verdict on the verdict form and write
6 your verdict on the indictment, as well as on the
7 verdict form I'm going to give you. You notice I'm
8 handing the indictment to him. He knows what that
9 means. But he's going to get you because you will
10 write the verdict for the entire jury, although your
11 verdict must be the verdict of each and every one of
12 you.

13 Now, housekeeping matters and we're ready to
14 start. I'm so used to talking in a courtroom, that I
15 project my voice. The attorneys know. They don't
16 have any trouble hearing me. They know my voice.
17 They've had to listen to it. But many times we're
18 going to have people in court that come in here
19 [whispers]. They're shy, they're timid, they're
20 afraid. And if you can't hear at any time, raise your
21 hand. I want my jurors to be able to hear at all
22 times. We've got microphones everywhere. We'll turn
23 it up. I want you to be able to hear. Don't be
24 bashful. You let me know if you can't hear.

25 If an exhibit is introduced into evidence -- and

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1 attorneys are famous for this. Ask my court reporter.
2 She knows. She's smiling at me right now underneath
3 her mask. They'll say, can the witness step down from
4 the witness stand. The reason the witness stand is
5 here is so she can see the witness and she can look at
6 the attorneys' mouth and the witnesses' mouth. That
7 helps her get an accurate transcript. They want to
8 stand down there in front of you and now they've got
9 their back -- her back is to them and she can't see,
10 plus she can't hear as well because they will walk
11 back to their table. They can't help it. You'll
12 notice they've got all their files on the table. So
13 they'll walk back there and they'll go [indicates] and
14 then she'll look at me and go [indicates]. So if you
15 can't hear, I'll see to it that you can hear. If I
16 can't hear, I'll make them speak up for me, too.

17 If you can't see an exhibit that's introduced
18 into evidence -- and only after I allow it to be
19 introduced it will you see it. If you can't see,
20 raise your hand. I'll see to it that my jurors can
21 hear and can see at all times throughout the trial of
22 the case.

23 Now, Madam Foreperson, normally we do not allow
24 jurors to ask questions here in the courtroom. If,
25 however, a member of the jury has a question, here is

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1 the procedure we have to follow. If you're not
2 already in your jury room, you will retire to your
3 jury room. You, as the foreperson of the jury, will
4 write the question on a piece of paper. You'll knock
5 on the jury room door, give it to my bailiff, they
6 will bring it out to me. I will then have to rule as
7 a matter of law whether or not the question can or
8 cannot be answered, just as I would any question asked
9 by either one of the parties during the trial of the
10 case.

11 Now, obviously we don't allow cell phones or
12 beepers, ladies and gentlemen, so please -- I have to
13 tell y'all this story because my law clerk loves it
14 when I tell this story. Here's my phone. It has
15 never been turned on ring, never that I know of,
16 except I found out that when you put in the AC charger
17 it automatically switches to ring. Or the old one
18 did. So I walked out here one day -- because we have
19 a strict rule in court about no cell phones -- and I'm
20 sitting here and the phone rings. And I say, all
21 right, whoever has got a phone has got to turn it off
22 or I'm required to confiscate it. The phone rang a
23 second time. And I said, all right, now, I'm going to
24 have to -- because I couldn't tell where it was coming
25 from -- I'm going to have to take the phone if you

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1 don't turn it off. And my law clerk grabbed me by the
2 robe and said, Judge, that's your phone. I try to
3 make sure that it's always on vibrate before I walk
4 out here. No cell phones or beepers.

5 I've tried it both ways and there is an argument
6 both ways. I ask that you do not take notes. Why?
7 Because when I've allowed it -- and it's happened
8 twice -- I've found that if the written note-taker on
9 the jury makes an error in the written notes, the
10 notes can be harmful rather than helpful in your
11 deliberations. So I ask that you not take notes, and
12 listen. Listen carefully. Now, Mia is making a
13 recording, so if you want to hear some testimony again
14 we can play an audio recording back for you if you
15 need to hear it again. So don't worry about that
16 part. But please do not take notes.

17 I do not intend that you should construe what
18 I've just said to you as a charge on the law in this
19 case. I haven't heard the evidence in this case, just
20 like you haven't heard it. We'll both be hearing it
21 for the first time. And that's intended that way so
22 that we both have an open mind. So I can't tell you
23 what law I'm going to charge yet, because I've got to
24 listen to the evidence just like you.

25 What I've just told you is to give you -- we

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1 have rules for everything we do. Just like I told
2 you, the solicitor is going to give you an opening
3 statement. We have rules of when that happens, we
4 have rules of who presents their evidence first, we
5 have rules of who argues first, and we're going to
6 follow those rules. My job is to enforce them in the
7 courtroom. So I'm going to charge you the law that
8 applies to this case at the conclusion of the trial.

9 These remarks I've made have been merely an
10 attempt on my part to briefly explain to you some of
11 the procedure that we follow in the trial of the case
12 so you'll have a better understanding as to what may
13 be happening from time to time during the trial.
14 Nevertheless, in order to preserve everyone's rights,
15 I'll give the opportunity to the parties to take
16 exception or objection to anything that I have said to
17 you in these opening remarks.

18 Any exceptions or objections from the State of
19 South Carolina?

20 MR. EVANS: No, Your Honor.

21 THE COURT: From the defendant?

22 MS. GAY: No, sir.

23 THE COURT: Ladies and gentlemen of the jury, we
24 will now begin the trial of the case. Please give the
25 attorneys your careful consideration.

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1 Solicitor?

2 MR. EVANS: Thank you, Your Honor. May it
3 please the Court?

4 THE COURT: Yes, sir.

5 MR. EVANS: Opposing counsel.

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Opening Statement by Mr. Evans
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OPENING STATEMENT

1
2 MR. EVANS: Ladies and gentlemen of the jury,
3 this case is about responsibility. In this state and
4 in this country, when we incur debts we have a
5 responsibility to pay them back. We have a
6 responsibility to own up to what is expected of us.
7 Craig Pinckney, on January 20th, 2012, chose not to
8 own up to his debts, his responsibilities. He tried
9 to take the easy way out..

10 Mr. Pinckney had received a loan in exchange for
11 a written title for his car. His truck, rather. The
12 title was officially placed in the possession of a
13 company, North American Title Loans, here in
14 Walterboro. So they loaned him money and in exchange
15 they had a piece of paper, which y'all are all
16 familiar with, that says that legally they own the
17 car, he's allowed to possess the vehicle, drive it,
18 use it. But when push comes to shove, that car is the
19 security for the repayment of the loan. Now, when the
20 loan is paid off, obviously the title needs to go back
21 to the original owner. And the DMV has procedures for
22 that.

23 On January 20, 2012, Mr. Pinckney walked into
24 the DMV and attempted to get his title back, filed the
25 paperwork which was necessary, and have legal

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May 20, 2014

1 ownership of the vehicle transferred back to him. DMV
2 policy is to check with the company that holds the
3 title to make sure that everything is on the up and
4 up. They followed that policy and found out that,
5 in fact, the lien had not been paid off, the title
6 was still legally assigned to the company, and that
7 Mr. Pinckney should not receive it back.

8 Accordingly, law enforcement was contacted
9 because this is against the law. When somebody owns
10 something, even on a piece of paper, and someone else
11 tries to take it against from them, that is against
12 the law. Mr. Pinckney did not live up to his
13 responsibility.

14 Your responsibility here today is to listen to
15 all the evidence, determine what, in fact, happened,
16 to the best of your ability, and to render a true
17 verdict. When we're all done here today, I'll ask you
18 for that verdict, which will be guilty. Thank you.

19 THE COURT: Ms. Gay?

20 MS. GAY: Thank you, Your Honor. Mr. Solicitor.
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The State of South Carolina vs. Craig Pinckney
Opening Statement by Ms. Gay
May 20, 2014

OPENING STATEMENT

MS. GAY: My name is Melisa Gay and if you recall, when we did this yesterday I told you that I'm the attorney who represents Craig Pinckney. He's my client.

And initially I will say that almost everything I want to say, the judge has already told you. In twenty-three years of doing this, he has repeated almost every -- word-for-word everything I would have said in my opening, so this is going to be a little redundant.

But I think the main thing is is how important today is and how special and important you are as jurors in this case. You know, thank you for participating. Thank you for taking your civic duty so responsibly. And of course that's what the judge said, as well.

But more than anything, what you should really understand and realize is how important it was to pick you, each one of you sitting in the seat, because each one of you -- as you noticed, we went through a process where some people were not selected and some people were. And the reason that we do that is because Mr. Pinckney is allowed under our constitution to have a jury of his peers, and his peers are you

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1 guys and you're the ones we picked to be on this jury,
2 and that you are really truly the most important
3 people in this courtroom today.

4 And there's a few things about a jury that comes
5 to this process. One of them is that you don't leave
6 your common sense behind. It is often said that you
7 are persons who has got life experiences. That's why
8 we ask you what you do or what your spouse does.
9 There are certain life experiences and certain common
10 sense that you bring to this process. And as a part
11 of that, we believe, Mr. Pinckney and I believe, that
12 after you hear all the evidence in this case, that you
13 will not find him guilty, that you'll go back to your
14 jury room and that you'll find the verdict being not
15 guilty.

16 Now, obviously the solicitor thinks otherwise.
17 And that's why we're here. We've asked you to settle
18 the situation. If we listen to the solicitor as he
19 said, you know, at the end of this you're going to
20 find him guilty, we wouldn't be here today. Every
21 case, every situation, is more complicated than that
22 and every case and every situation has more facts that
23 have to do with responsibility and knowledge and all
24 these things that come into whether or not a person
25 intentionally did something or not. Because to commit

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1 a crime, you have to knowingly do something. And in
2 this process, I believe at the end of the day you'll
3 find that Mr. Pinckney is not guilty.

4 And what we also know, and what the judge tells
5 you, is is that he is the judge of the law. He makes
6 all the decisions about the legal stuff. And I may
7 make a mistake or do something wrong and that can all
8 be handled at some other point, but you guys are the
9 judges of the facts. You're the only group that will
10 say what we believe the facts to be in this case and
11 what the decision of the facts will be. So anything
12 that I do wrong, I apologize. I may not look like
13 what you expect me to look like, I may not move or do
14 the things that everybody expects me to do.

15 One of the most important things that Judge
16 Buckner told you is that this is not TV. This is not
17 -- I don't have a script that was written for me by
18 somebody. Neither does the prosecutor, and neither do
19 any of the people, the witnesses -- we are not here to
20 have some secret stuff that comes out, you know, in
21 some kind of really creative way like you would read a
22 book.

23 We're here to present life and some life facts
24 and to look to you for answers in the end. And so
25 this could be a lot of this that's not at all what you

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1 expect it to be. And for the most part, we are just
2 asking you to be patient, to let us get through this
3 process to the end of the case so that you can make a
4 decision. And as I said, I believe your decision is
5 going to be that Mr. Pinckney is not guilty.

6 Ultimately, what we're here about, Mr. Pinckney
7 is innocent until proven guilty, just like I am or the
8 solicitor is or you are or any of the people in this
9 courtroom. They call it cloaked in innocence. It's
10 as if he comes into the courtroom with this cloak
11 around him that says, I am an innocent man just like
12 everybody else until such time as the State can prove
13 to you beyond a reasonable doubt that he's not an
14 innocent man and he's guilty. Now, the judge will
15 instruct you as to what all that is, and all the
16 reasonable doubts, and to what extent it's beyond a
17 reasonable doubt. That's all going to be something
18 that he instructs you at the end of this case in the
19 law. But basically it's a doubt which would cause a
20 reasonable person to hesitate to act. In other words,
21 at the end of time, this is how it goes.

22 The solicitor would have you believe A, B, C, D,
23 E. Okay? Well, I don't believe it goes that way. I
24 believe that what you're going to find is A, B, D, and
25 that there's going to be gaps in there that are not

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1 going to connect you up and that at the end of the day
2 your minds, your common sense, will say that there are
3 reasonable doubts and that he is not guilty beyond a
4 reasonable doubt. And that standard in America is
5 something that is unique to our country and it's
6 unique to our constitution and it gives us this
7 process that my client, cloaked in innocence, can come
8 today sitting before you as an innocent man until such
9 time as you, the jury, decide whether or not he's
10 guilty.

11 This case is about facts, on some level. But
12 it's really about knowledge and it's about what does
13 somebody, when they're trusting other people, to what
14 extent are they responsible for things that other
15 people do. And that's what really you have to decide
16 at this point. And I believe at the end of the case,
17 as I said, you will find -- and you'll go back to your
18 jury room and you'll find Mr. Pinckney not guilty.

19 THE COURT: Call your first witness.

20 MR. EVANS: The State calls Lori Minus.

21 THE COURT: Counsel approach.

22 [Whereupon, an off-the-record bench conference
23 is held]

24 THE CLERK OF COURT: Ms. Minus, please come
25 forward to be sworn.

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1 [Whereupon, Ms. Minus comes forward]

2 THE COURT: Go ahead, Madam Clerk.

3 THE CLERK OF COURT: Please place your left hand
4 on the Bible.

5 [Whereupon, Ms. Minus is duly sworn by the clerk
6 of court as follows: do you affirm the testimony you
7 give the Court and jury in this case shall be the
8 truth, the whole truth, and nothing but the truth, so
9 help you God]

10 THE WITNESS: Yes.

11 THE CLERK OF COURT: Please have a seat up on
12 the witness stand. After you are seated, please state
13 your name for the record.

14 THE COURT: Have a seat and make yourself
15 comfortable. Pull that chair up. And I want you to
16 pull this microphone up. Okay? That's going to
17 amplify your voice for you so everybody can hear you.
18 I want you to begin by stating your full name and
19 spelling your last name for my court reporter.

20 [Whereupon, Ms. Minus takes the witness stand]

21 THE WITNESS: Lori Minus. Last name is
22 M-I-N-U-S.

23 THE COURT: Direct Examination. Your witness,
24 counsel.

25 MR. EVANS: Thank you, Your Honor.

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LORI MINUS,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. EVANS:

Q. Ms. Minus, Where do you work?

A. At the DMV.

Q. How long have you worked for the DMV?

A. Since 1999.

Q. And what are your job duties there, roughly --

A. I am the manager at the Walterboro DMV here.

THE COURT: Turn it up a little bit, Pat.

Okay. Ask a question, counsel.

MR. EVANS: Thank you, Your Honor.

Q. [Mr. Evans] Were you working there in January
of 2012?

A. Yes, sir.

Q. On January the 20th?

A. Yes, sir.

Q. Do you remember the events that brought us to
this case?

A. Yes, sir.

Q. Do you know a gentleman by the name of Craig
Pinckney?

A. Yes, sir.

MIA PERRON, CVR-CM-M

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1 Q. Is he in the courtroom today?

2 A. Yes, sir.

3 Q. Where is he?

4 A. In the plaid shirt.

5 Q. Thank you.

6 Did he come in? What happened on that day?

7 A. On that day he came in and presented me with a
8 title application, as well as a lien release form. Office
9 policy was that whenever --

10 MR. EVANS: Hang on.

11 THE WITNESS: Oh. Sorry.

12 Q. [Mr. Evans] Tell us what those documents are,
13 for those of us who don't work at the DMV.

14 A. Form 400 is a title application, which is what
15 you apply for on any given day for a duplicate title or to
16 transfer a title ownership.

17 The lien release is a lien satisfaction form, or
18 a form 450, that is normally filled out by the lien holder
19 to release a lien.

20 Q. And what is a lien and what is a lien holder?

21 A. A lien is something that's place against a
22 vehicle stating that -- or a mobile home. We have title
23 mobile homes or vehicle titles that -- where there are
24 payments being made to the vehicle.

25 Q. Is this something that happens regularly at the

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1 DMV?

2 A. Yes, sir.

3 Q. How often would you say?

4 A. Daily.

5 Q. Every day --

6 A. Yes, sir.

7 Q. -- somebody comes in?

8 And what is a title, just so we have some --

9 A. Title is your proof of ownership.

10 Q. So what if it -- I mean, who generally holds the
11 title when there is a lien?

12 A. If there is a lien, whenever a company comes in
13 they'll bring their application, as well as the title, to
14 place a lien on it. It is then processed with the lien on
15 it and sent back to the lien holder.

16 Q. And when a lien is all finished up, what
17 happens?

18 A. If the company still has a lien, then they'll
19 sign the front of the title releasing the lien and give
20 the lien -- the title back to the customer, who then
21 brings it to us to have it released.

22 Q. What is form 450? You told us about a form 400.
23 What is form 450?

24 A. The form 450 is the lien satisfaction form.

25 Q. And when is that presented?

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1 A. Normally, that's presented whenever the lien
2 holder or the customer has lost their title.

3 Q. If the lien holder or the customer hasn't lost
4 the title, what is the procedure?

5 A. If they haven't lost their title, then they
6 normally bring in the title with the satisfaction signed
7 on the front of the title.

8 Q. The actual title document?

9 A. The title itself.

10 Q. So 450 is a substitute for that?

11 A. Yes.

12 Q. And how often do you see that form versus an
13 actual title?

14 A. Normally, only if the lien holder has lost the
15 original title.

16 Q. Is it rare or frequent?

17 A. It's rare.

18 Q. But does it work the same way?

19 A. It does.

20 Q. What happens when somebody brings that in?

21 A. It was office policy at that time. We have now
22 done away with that form, but at that time it was office
23 policy that we would actually call the lien holder and
24 verify that the lien was still active or that it had been
25 satisfied.

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1 Q. I see.

2 MR. EVANS: Your Honor, may I approach the
3 witness?

4 THE COURT: You may.

5 Q. [Mr. Evans] Ms. Minus, without showing it to
6 the jury, can you tell us what this document that I'm
7 handing you is?

8 A. That is the form 450 lien satisfaction that was
9 presented to me on January the 20th.

10 Q. In this case?

11 A. Yes.

12 Q. How can you tell?

13 A. Because my notes are still on it. And, I mean,
14 I just -- I have a copy of it, as well, for my records.

15 Q. Notes in your handwriting?

16 A. Yes.

17 Q. Is that the red in the upper right?

18 A. Yes. And the black phone number, as well.

19 Q. I see. What did you write down there?

20 A. That I had contacted -- it's just the manager's
21 name and then it was North America, the general manager
22 and her name and her phone number.

23 Q. And this is the document, the same one, that
24 Mr. Pinckney presented to you in person on January 20th,
25 2012?

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1 A. Yes, sir.

2 Q. Who is supposed to have filled out that
3 document?

4 A. North America Title Loans. The manager.

5 Q. Is there a person?

6 A. Jessica B. -- I can't tell what the last name
7 is.

8 Q. Difficult to read?

9 A. Yeah.

10 Q. There's no printed name of the manager?

11 A. No, sir.

12 Q. I see.

13 MR. EVANS: Your Honor, at this point we would
14 move to enter this as State's Exhibit 1.

15 THE COURT: As to State's 1?

16 MS. GAY: No objection, Your Honor.

17 THE COURT: Ladies and gentlemen of the jury,
18 State's Exhibit Number 1 will be admitted into
19 evidence in the trial of this case without objection.

20 Have the court reporter mark it, solicitor.

21 It's in evidence. You may now publish.

22 MR. EVANS: Thank you, Your Honor.

23 [Whereupon, State's Exhibit Number 1 is marked
24 by the court reporter]

25 [Whereupon, State's Exhibit Number 1 is admitted

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1 into evidence by the Court]

2 [Whereupon, Mr. Evans and Ms. Gay confer]

3 [Whereupon, Ms. Gay reviews documents]

4 Q. [Mr. Evans] Now, Ms. Minus, you mentioned form
5 400 a bit earlier. What is that again?

6 A. That is your application for title.

7 Q. Is that something that someone would have to
8 bring in with form 450?

9 A. Yes, sir.

10 Q. And why is that?

11 A. The form 450 just releases the lien. The form
12 400 is actually the form that we require from the DMV, as
13 far as to apply for a title.

14 Q. To create a title document --

15 A. Correct.

16 Q. -- which someone would need to show ownership of
17 the vehicle?

18 A. Yes, sir.

19 Q. Did Mr. Pinckney present one of those, as well?

20 A. Yes, sir.

21 MR. EVANS: May I approach the witness, Your
22 Honor?

23 THE COURT: You may.

24 Q. [Mr. Evans] Ms. Minus, again, without showing
25 the jury, could you tell us what this document I'm handing

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1 to you is?

2 A. That's the title application.

3 Q. The form 450?

4 A. Form 400.

5 Q. Excuse me. Thank you. Form 400.

6 A. Yes.

7 Q. And how can you tell that this is the same one
8 that Mr. Pinckney handed to you with form 450?

9 A. Again, I always make copies of it for my
10 records, as well. But that is the actual document that
11 was presented that day.

12 Q. I see that you're flipping to the back. What is
13 on the back?

14 A. The back is the signature of the owner, as well
15 as the date and the name of the insurance company.

16 Q. Is that -- does that appear to be Mr. Pinckney's
17 signature?

18 A. To my knowledge.

19 Q. To your knowledge. And this is the same form
20 that he handed to you?

21 A. Yes, sir.

22 MR. EVANS: Your Honor, at this point we would
23 move to enter this as State's Exhibit 2.

24 THE COURT: Show it to counsel.

25 MR. EVANS: I did, Your Honor.

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1 THE COURT: Any objection as to State's 2?

2 MS. GAY: I have no objection, but I would like
3 to look at it again.

4 THE COURT: Counsel --

5 MR. EVANS: Certainly.

6 THE COURT: -- approach the witness, show it to
7 defense counsel.

8 MR. EVANS: Yes, Your Honor.

9 [Whereupon, Ms. Gay reviews documents]

10 THE COURT: Any objection?

11 MS. GAY: No, Your Honor.

12 THE COURT: Ladies and gentlemen of the jury,
13 State's Exhibit Number 2 will be admitted into
14 evidence in the trial of this case without objection.

15 State's 2 in evidence. You may publish.

16 MR. EVANS: Thank you, Your Honor.

17 [Whereupon, State's Exhibit Number 2 is marked
18 by the court reporter]

19 [Whereupon, State's Exhibit Number 2 is admitted
20 into evidence by the Court]

21 [Whereupon, the jury reviews documents]

22 THE COURT: Ladies and gentlemen of the jury, so
23 you'll be aware -- and we certainly want everyone to
24 take a look at any exhibit, whether introduced by the
25 State or the defendant. But you will have the

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1 exhibits that are introduced into evidence with you in
2 your jury room during your deliberations.

3 MR. EVANS: Your Honor, may I approach the
4 witness?

5 THE COURT: You may.

6 Q. [Mr. Evans] Ms. Minus, I'm going to refer you
7 back to State's Exhibit 2 and call your attention up here.
8 In Section A to the box marked duplicate title --

9 A. Yes, sir.

10 Q. -- what does that indicate when you review it?

11 A. The Section A just indicates what you're
12 actually applying for. In this particular case, he
13 applied for a duplicate title that was lost.

14 Q. So that suggests to you that the title in
15 this -- for this vehicle has been lost?

16 A. Yes, sir. That's what's marked.

17 Q. That would be the reason for submitting these
18 documents as opposed to some other form?

19 A. Yes, sir.

20 Q. Thank you.

21 MR. EVANS: Your Honor, may I approach the
22 witness?

23 THE COURT: You may.

24 Q. [Mr. Evans] And one more time, Ms. Minus.
25 Without showing the jury, what is this document that I'm

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1 handing to you.

2 A. That's an actual title.

3 Q. An actual title?

4 A. Yes.

5 Q. Or is it the title in this case?

6 A. The title.

7 Q. How can you tell?

8 A. It's got all the information, as far as the lien
9 holder, Mr. Pinckney's name, the vehicle information.

10 Q. Who creates a title document?

11 A. DMV.

12 Q. Do you know when you see a title who created it
13 at the DMV?

14 A. Not necessarily. You can tell by the title
15 number which office it was created in. But as far as the
16 title document itself, it does have security features so
17 that you know it is a legitimate title.

18 Q. And could you briefly touch on those security
19 features?

20 A. As far as like in the seal, we can tell it's
21 raised, it's actually a seal itself, it's not just a
22 printed seal. There's micro lines in it. If you raise it
23 to the light, there's actually a watermark in it. I mean,
24 there are several security features that you could see
25 in a --

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1 Q. And on this particular --

2 A. -- particular --

3 Q. Oh. I'm sorry.

4 A. I'm sorry.

5 Q. On this particular document, those features are
6 evidenced?

7 A. Yes, sir.

8 Q. So it's your understanding that that's a
9 legitimate title document?

10 A. Yes, sir.

11 Q. Who is it made out to?

12 A. Mr. Craig Pinckney.

13 Q. Is there a lien holder on there?

14 A. Yes, it is. North American Title Loan of
15 Walterboro.

16 Q. Thank you.

17 MR. EVANS: May I approach, Your Honor?

18 THE COURT: [Indicates affirmatively]

19 Q. [Mr. Evans] Referring to form 400 --

20 THE COURT: Refer to the exhibit number for the
21 record.

22 MR. EVANS: Thank you, Your Honor.

23 Q. [Mr. Evans] Exhibit Number 2, is there any
24 indication that those -- the vehicles represented by each
25 of those documents match?

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1 A. Yes. It's the same VIN number.

2 Q. What is a VIN number?

3 A. The VIN number is a serial number. It's a
4 unique number that's assigned to every vehicle.

5 Q. In the world?

6 A. Yes.

7 Q. And could you one time read it for us into the
8 record?

9 A. The VIN number on this vehicle is 1G, golf, N,
10 November, E, echo, C, Charlie, 13, R, Romeo, 2 X, x-ray,
11 J, Juliet, 570252 on a '99 Chevy Tahoe.

12 Q. Does that match Exhibit 2?

13 A. Yes, sir, it does.

14 Q. Thank you.

15 MR. EVANS: Your Honor, I would ask that this be
16 marked for identification as Exhibit 3. I think some
17 additional foundation may need to be laid through our
18 next witness.

19 THE COURT: Counsel approach. Let me see the
20 document.

21 MR. EVANS: Yes, sir.

22 THE COURT: Just hand that to me, please, ma'am.

23 [Whereupon, an off-the-record bench conference
24 is held]

25 MR. EVANS: Your Honor, at this time we would

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1 offer this as State's Exhibit 3.

2 THE COURT: Any objection to State's 3?

3 Which, by the way, solicitor, when you refer to
4 this, you're referring to what?

5 MR. EVANS: The certificate of title which
6 Ms. Minus was recently testifying to.

7 THE COURT: Any objection as to State's 3?

8 MS. GAY: No, sir.

9 THE COURT: Ladies and gentlemen of the jury,
10 State's Exhibit Number 3 will be admitted into
11 evidence in the trial of this case without objection.

12 State's 3 now in evidence. You may publish to
13 the jury.

14 [Whereupon, State's Exhibit Number 3 is marked
15 by the court reporter]

16 [Whereupon, State's Exhibit Number 3 is admitted
17 into evidence by the Court]

18 [Whereupon, the jury reviews documents]

19 Q. [Mr. Evans] Ms. Minus, was Exhibit 3 presented
20 to you by Mr. Pinckney?

21 A. Yes, sir.

22 Q. When -- referring back to when he actually came
23 in, could you tell us a little bit more about what
24 happened, now that we have the documents in evidence?

25 A. He came up to the counter, presented the

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1 documents for the title application, as well as the lien
2 release.

3 Q. [Mr. Evans] Exhibits 1 and 2?

4 A. Exhibit 1 and 2. I'm sorry.

5 Q. That's okay.

6 A. And office policy, we would call and verify that
7 the lien release was the actual true document, that it --

8 Q. Were they filled out before he came in?

9 A. Yes, sir.

10 Q. So he just presented it to you?

11 A. Correct.

12 Q. Okay. Please continue.

13 A. At that time I called the lien holder and they
14 said, no, that it was still an active lien on it. That's
15 when I contacted our fraud unit, which is office policy,
16 and they notified me to contact the local law enforcement,
17 which then responded.

18 Q. I see.

19 You said that was your office policy a little
20 while ago. What is the policy now?

21 A. Well, we no longer have that form because of the
22 situations that we were having, so now they have to bring
23 it in on letterhead. They actually have to bring a lien
24 release on letterhead if the document has been lost -- if
25 the title has been lost.

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1 Q. Letterhead from?

2 A. From the lien holder.

3 Q. From the lien holder. But that was not the
4 policy at this time?

5 A. No.

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

8 THE COURT: You may.

9 Q. [Mr. Evans] Referring you once again to State's
10 Exhibit 1, can you tell us when that document shows that
11 the lien was satisfied?

12 A. According to this, the lien had been satisfied
13 on December the 9th of 2011.

14 Q. That's what's written on the form?

15 A. Yes, sir.

16 Q. Is there also a stamp on there?

17 A. Yes, sir.

18 Q. What does that indicate?

19 A. It says paid and December the 9th, 2011.

20 Q. And this, again, was presented when --

21 A. It was --

22 Q. -- to you?

23 A. -- presented to me on January the 20th of 2012.

24 Q. Are there any other dates on that form?

25 A. According to this, this form was filled out on

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1 January the 6th of 2012.

2 Q. So the form was filled out on January the 6th,
3 representing that the lien was paid on December 9th?

4 A. Correct.

5 Q. And then presented to you on January the 20th?

6 A. Yes, sir.

7 MR. EVANS: Beg the Court's indulgence.

8 [Whereupon, Mr. Evans reviews documents.]

9 Q. [Mr. Evans] Is there anything that Mr. Pinckney
10 said to you, or was this essentially he handed it to you
11 and you checked it over as per policy?

12 A. When you come into our office, you go to the
13 greeter desk. The greeter desk will ask you what you
14 need. They give them a number according to what category
15 of what you have. So you have to be able to get --

16 Q. They sit and wait?

17 A. Right.

18 Q. And you sit and wait. Come to the counter. We
19 normally ask, you know, what are you here for. He come
20 here for a duplicate title.

21 Q. Hands you the form and you take it from there?

22 A. Yes.

23 Q. Did you address Mr. Pinckney about any of this.

24 A. No. We normally don't. We just go to the back,
25 call the lien holder. If there's a problem, then like I

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1 said, we call our fraud unit and then they tell us what to
2 do from there.

3 Q. And that's what you did in this case?

4 A. Yes, sir.

5 MR. EVANS: Please answer any questions defense
6 counsel may have.

7 THE WITNESS: Yes, sir.

8 MS. GAY: Your Honor, may I approach the
9 witness?

10 THE COURT: Ask permission before you -- instead
11 of forgiveness, Ms. Gay.

12 MS. GAY: May I --

13 THE COURT: Yes, you may.

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Lori Minus
Cross-Examination by Ms. Gay
May 20, 2014

CROSS-EXAMINATION

BY MS. GAY:

Q. Exhibit 1, the satisfaction of title lien --

THE COURT: Ms. Gay, you can approach the witness but you can't stand up there and block the jury's view of the witness. So you can approach and get the document, then stand back so this gentleman and this lady can see the witness.

Q. [Ms. Gay] With Exhibit 1, State's Exhibit 1, that satisfaction of lien does not have any signature for Mr. Pinckney on it?

A. No, ma'am.

Q. And on Exhibit 2, which I'm going to go --

MS. GAY: May I hand this to the witness?

THE COURT: You may.

Q. [Ms. Gay] On the front page of Exhibit 1, there is a type print or some type of -- for lack of a better word, handwriting, on the front page of Exhibit 2.

A. Correct.

Q. And if you will look at both of those for me, Exhibit 1 and Exhibit 2, specifically the VIN number. You had called out the VIN number that this matter is about. When you're looking at those two documents, does it appear to you that the VIN number is written in a similar manner? In a similar manner. Certainly you're not an expert of

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1 any sort.

2 A. I mean, the twos are different. I mean, one of
3 the twos bottoms are lines, the other ones are circles.

4 But, I mean --

5 Q. Are some of the numbers similar looking?

6 A. Yes, ma'am, I guess.

7 Q. Now, I believe on page 2 of Exhibit 2, that's
8 where Mr. Pinckney's signature is?

9 A. Correct.

10 Q. Now, do you see that it has maybe --

11 MR. EVANS: Objection, Your Honor.

12 THE COURT: Grounds?

13 MR. EVANS: She's asking for an opinion.

14 THE COURT: Let me let her finish her question,
15 counsel.

16 MR. EVANS: Yes, sir.

17 THE COURT: Ask your question, Ms. Gay, and I'll
18 rule on the objection.

19 Q. [Ms. Gay] Does Mr. Pinckney's signature appear
20 on page 2 of Exhibit 2?

21 A. Yes, ma'am.

22 Q. And where Mr. Pinckney's signature appears, does
23 it appear to have some little dots? Possibly yellow dots.

24 A. It's got green line -- highlighter lines, yes,
25 ma'am.

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1 Q. Highlighter lines.

2 So on page 2 of Exhibit 2, there's -- does it
3 appear that those green highlighter lines are somewhere in
4 the area where Mr. Pinckney signed his signature?

5 A. Yes. To the left of it.

6 Q. And but -- and on page 1 of that document, there
7 is not Mr. Pinckney's signature?

8 A. No, ma'am.

9 Q. And the solicitor asked you about Exhibit 3.
10 And I believe this is the document that was created by the
11 DMV and then sent to North American Title?

12 A. They're mailed from our central office in
13 Blythewood, yes, ma'am.

14 Q. And on the top of page 1 -- Exhibit 1 and
15 Exhibit 2, do you see those little marks that look like
16 they had at one point maybe a staple in it --

17 A. Correct.

18 Q. -- in the top of the page?

19 And so when Mr. Pinckney came in -- I'm going to
20 give this back to you.

21 MS. GAY: May I approach the witness?

22 THE COURT: Give it back to the court reporter
23 or the witness.

24 MS. GAY: I'll just give it to you.

25 Q. [Ms. Gay] When Mr. Pinckney came in to the DMV,

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1 he would have told the greeter the purpose of his visit?

2 A. Correct.

3 Q. He would have then waited for a period of time?

4 A. Correct.

5 Q. Do you have any idea how long that time period
6 was?

7 A. I have no idea.

8 Q. Were you in the main area of the DMV at that
9 time?

10 A. I'm not sure. I don't remember if I was there
11 when he was waiting or not. I don't recall.

12 Q. From the time that the paperwork was handed to
13 you, to the time that the fraud unit was called and
14 something happened, approximately how long of a time was
15 that?

16 A. Long enough for me to call North American and
17 verify that it was not an actual lien release. Minutes.

18 Q. Less than ten? More than twenty?

19 A. I would say two to three minutes.

20 Q. So that fast is when somebody from the fraud
21 unit came to the lobby of the DMV?

22 A. No, ma'am. I talked to them on the telephone.

23 Q. And did somebody from the fraud unit come to the
24 lobby?

25 A. No, ma'am. No, ma'am. They're in Blythewood.

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1 I called them and I fax them, normally, the documents. I
2 think in this case I just told them what I had and then
3 they told me to notify local law enforcement.

4 Q. Maybe I'm asking the wrong question.

5 From the time that you got the paperwork until
6 the time local law enforcement arrived, was Mr. Pinckney
7 still sitting in the lobby the whole time?

8 A. Yes.

9 Q. Do you recall how long that was?

10 A. From the time I called law enforcement? I
11 called the fraud unit within two to three minutes and as
12 soon as I hung up with the fraud unit I called the local
13 police department.

14 Q. So within ten minutes --

15 A. Within --

16 Q. -- within twenty minutes?

17 A. -- probably five minutes.

18 Q. The police were there?

19 A. No, not there, but I called them.

20 Q. Do you know how long it took for them to get
21 there?

22 A. I don't recall.

23 Q. Okay. Did Mr. Pinckney appear nervous to you?

24 A. He was talking to one of my clerks there that he
25 knew.

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1 Q. Did he appear anxious?

2 A. Not to my knowledge. I mean, not that I
3 remember. Like I said, he was talking to one of my
4 clerks.

5 Q. And he never indicated to anybody at the DMV
6 that he had any knowledge that the paperwork was not
7 right?

8 A. We don't ask those questions. We leave that to
9 law enforcement.

10 MS. GAY: One moment, please, Your Honor.

11 [Whereupon, Ms. Gay and Mr. Pinckney confer]

12 MS. GAY: I have no further questions for this
13 witness.

14 THE COURT: Redirect?

15 MR. EVANS: None, Your Honor.

16 THE COURT: As to this witness, solicitor?

17 MR. EVANS: Ask that she be excused.

18 THE COURT: Any objection to this witness being
19 excused by counsel for the defendant?

20 MS. GAY: No, Your Honor.

21 THE COURT: Ms. Minus, leave my exhibits here.
22 Be careful. Step down on those stairs.

23 You are excused from the trial of this case.

24 You may leave the courtroom at this time.

25 [Whereupon, Ms. Minus is excused and exits the

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1 witness stand]

2 THE COURT: Call your next witness.

3 MR. EVANS: The State calls Angela Garvin.

4 THE COURT: Ms. Garvin, come around and be sworn
5 by the clerk of court. She's waiting on you right up
6 here.

7 THE CLERK OF COURT: Please come forward.

8 [Whereupon, Ms. Garvin comes forward]

9 THE CLERK OF COURT: Place your left hand on the
10 Bible and raise your right.

11 [Whereupon, Ms. Garvin is duly sworn by the
12 clerk of court as follows: do you affirm that the
13 testimony you give the Court and the jury in this case
14 shall be the truth, the whole truth, and nothing but
15 the truth, so help you God]

16 THE WITNESS: I do.

17 THE CLERK OF COURT: Please have a seat on the
18 witness stand. After seated, state your name for the
19 record.

20 THE COURT: Watch your step for me. Have a seat
21 and make yourself comfortable.

22 [Whereupon, Ms. Garvin takes the witness stand]

23 THE COURT: Adjust that chair. Pull this
24 microphone -- it's going to amplify your voice, so I
25 want you to use that so everybody can hear you. I

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1 want you to speak up so they can hear you even in the
2 back of the courtroom.

3 State your full name and spell your last name
4 for my court reporter.

5 THE WITNESS: Angela Sue Garvin. G-A-R-V-I-N.

6 THE COURT: Very good.

7 THE COURT: Your witness, counsel. Direct
8 examination.

9 MR. EVANS: Thank you, Your Honor.

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Angela Garvin
Direct Examination by Mr. Evans
May 20, 2015

ANGELA GARVIN,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. EVANS:

Q. Ms. Garvin, where do you work?

A. North American Title Loans.

Q. And for how long?

A. I have been there since 2007.

Q. Here in Walterboro?

A. That's one of my locations.

Q. Where are your other locations?

A. I've got Charleston, Beaufort, Savannah,
Orangeburg, Aiken, Augusta. I'm over ten locations
throughout the state of South Carolina and Georgia.

Q. So what is your title?

A. I'm an area manager.

Q. And does that mean you have other managers
beneath you?

A. I do. Store managers for the individual
locations.

Q. And where is the Walterboro location?

A. The Walterboro location is 439 South Jeffries.

Q. Just down the street here?

A. That is correct.

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1 Q. And are you familiar with the events that led us
2 here today?

3 A. I am.

4 Q. Do you remember what you experienced on January
5 the 20th of 2012?

6 A. I do.

7 Q. Where were you that day?

8 A. I was in the local office --

9 Q. You happened --

10 A. -- here in Walterboro.

11 Q. You happened to be here at this one?

12 A. That is correct.

13 Q. Although your regular base is?

14 A. My home store is here in Walterboro.

15 Q. I see.

16 And you rotate to the other ones as needed, or
17 regularly? How does that work?

18 A. That is correct. Basically, it just depends on
19 what store is needing my help and what issues are there
20 but I typically will always spend at least one to two days
21 a week here within the local office.

22 Q. Because you're a resident here?

23 A. That is correct.

24 Q. And do you recall getting any kind of
25 information about Mr. Craig Pinckney?

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1 A. On the date you just described, I received a
2 phone call from the DMV and I was asked to verify if our
3 lien was still current on the title.

4 Q. So you have a relationship -- your company had a
5 relationship with Mr. Pinckney?

6 A. We did. He opened a loan within our company
7 back in February of 2011.

8 Q. Did you ever meet him personally?

9 A. I don't recall meeting him personally, no, sir.

10 Q. But were you familiar with this particular lien
11 when they called?

12 A. When they called, I, you know, was at that point
13 in time looking at the notes. We keep very good notations
14 within our accounts.

15 Q. How many accounts do you have in each -- in each
16 office, roughly?

17 A. Hundreds. Every store is different. They vary
18 in size and volume.

19 Q. So you probably would have to look something up
20 when they call in?

21 A. That is correct.

22 Q. And do you remember -- you were testifying a
23 moment ago about the call itself. What more can you tell
24 us?

25 A. I received a call, again, from the DMV. They

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1 stated that Mr. Pinckney was in the DMV at that point in
2 time, that they need to verify the presence of our lien to
3 find out if the -- if it was still valid or not. He was
4 there attempting to release it off of the title.

5 Q. How often do you get calls like that?

6 A. It's on random. It used to be more frequent
7 back in the day. Now it's diminished some because of some
8 policy changes. At the time, I would say at least once a
9 week.

10 Q. What are the policy changes that led to the
11 diminishing --

12 A. The DMV is no longer accepting the lien release
13 forms that were used at that time. The policies have
14 changed now to a handwritten letter stating that the liens
15 are no longer issued on the title.

16 Q. But at that time, what was the process from your
17 end?

18 A. From our end at the time would have been a DMV
19 document of satisfaction of lien. So a DMV form. We
20 would handwrite out the information that correlated to the
21 title and state the date that the lien had been satisfied.
22 Generally, that would be handed over to the actual
23 customer. And we would only give those out in the event
24 that the title is no longer present. It could have been
25 lost, stolen, either by us or by a customer.

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1 Q. How often do y'all lose a title?

2 A. Generally, it's very rare. The only time I've
3 ever experienced it throughout my history would be if an
4 employee accidentally shredded it not paying attention,
5 which has maybe happened twice throughout my history.
6 Other than that, the majority of the time the customers
7 are the ones who lose the titles.

8 Q. So when you got a call saying that there was a
9 lost title and they needed to check on a lien, what was
10 your reaction?

11 A. For this particular incident?

12 Q. - Yes, ma'am.

13 A. I looked through the notes again and noticed
14 that there had never been any payments made within the
15 actual accounts, so I --

16 Q. Never at all?

17 A. No payments at all.

18 Q. What was the amount owed?

19 A. We lent him \$2,000, originally. At the time,
20 there would have been interest accrued. I'm not familiar
21 with the exact amount at that date.

22 Q. But ballpark in that area?

23 A. Let's see. Within about a year you're looking
24 at probably another \$1200 to \$1500 dollars worth of
25 interest.

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1 Q. You say within a year. When was the lien taken
2 out?

3 A. Originally, the loan was opened in February of
4 2011.

5 Q. And this was in? If you recall.

6 A. We actually purchased this loan from Auto Money.
7 We purchased it for \$2,000. They satisfied their lien
8 with Auto Money. We, in turn, took over the lien at that
9 point.

10 Again, there's no payments ever received and we
11 ended up looking for the vehicle at one point. I want to
12 say the dates on this were about May of 2011. We had
13 placed the account out for repossession. Never found
14 anything. And we fast forward up to the time that we
15 received the call from the DMV.

16 Q. So you had the title in your possession in your
17 file --

18 A. That is correct.

19 Q. -- in your office?

20 A. That is correct.

21 Q. And you were trying to take physical possession
22 of the vehicle?

23 A. That is correct.

24 When there's any unpaid debt owned and we have
25 no communication with the customer, no payments coming in,

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1 we have a legal right to pursue the vehicle. And if we do
2 manage to get our hands on it, we'll turn around and sell
3 it at the auction to try to satisfy the debt.

4 Q. And in a case like this --

5 MR. EVANS: Withdrawn, Your Honor. I apologize.

6 Q. [Mr. Evans] What did you tell the DMV when you
7 received the call?

8 A. I explained to them that we again had never
9 received any payments on this loan, that our lien was
10 still intact, and for them not to release the lien and to
11 not issue a title to him.

12 MR. EVANS: May I approach the witness, Your
13 Honor?

14 THE COURT: You may.

15 Q. [Mr. Evans] Ms. Garvin, I'm showing you what's
16 been previously marked and admitted as State's Exhibit 3.
17 Can you tell me what that is?

18 A. That is the actual title we have on file within
19 our office showing that our lien is still present.

20 Q. The actual title document?

21 A. That is the actual, physical, original title.

22 Q. Where has that document been residing?

23 A. It has been within our office, kept within a
24 fire safe. The only persons with access to it are myself
25 and store employees.

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1 Q. Until this morning?

2 A. That is correct.

3 Q. Did you provide a photocopy of that?

4 A. I did. We provided it to law enforcement at the
5 time that our statements were provided.

6 Q. But this actual document has always been with
7 North American Title Loans?

8 A. That is correct.

9 Q. Can you look at that title and tell me where you
10 would mark that a lien has been satisfied?

11 A. Certainly. There's a section here that asks you
12 for a signature and a date. So once a loan is satisfied
13 and completely paid in full, we'll put that said date down
14 along with the employee's signature underneath.

15 Q. That's what you would do if a title had not been
16 lost?

17 A. That is correct.

18 Q. So if the lien was satisfied in this case, what
19 would happen?

20 A. If the lien would have been satisfied we would
21 have just, again, signed off the document and handed the
22 title over to the customer.

23 We do require a photocopy showing our dates and
24 employee signatures on those, and the signature from the
25 customer verifying that they have been handed over the

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1 physical title.

2 Q. That's if the lien has been satisfied and the
3 title is not lost?

4 A. That is correct.

5 Q. And then what do they do?

6 A. At that point, they can do whatever they need to
7 do with it: sell the vehicle, continue utilizing the car.

8 There's no need for them to release, you know --
9 excuse me, I don't mean release -- no need for them to
10 reprint a title not showing a lien because, again, our
11 information shows that there's no security interest left.

12 Q. So the form for a lost title would be
13 unnecessary?

14 A. It would be unless, again, they felt more
15 comfortable with the information not being on their title.

16 Q. Has anybody signed that document?

17 A. No.

18 Q. So that would indicate what in this case?

19 A. That this is the original document we received
20 from the DMV.

21 MR. EVANS: Could you please hand that back to
22 the court reporter?

23 May I approach the witness, Your Honor?

24 THE COURT: You may.

25 Q. [Mr. Evans] Ms. Garvin, I'm now handing you

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1 what's been previously marked as State's Exhibit 1. Have
2 you seen that before?

3 A. The only time I have seen this is whenever I had
4 a chance to review it upon speaking with the solicitor.

5 Q. But is it a form that you're familiar with?

6 A. It is a form that I am familiar with. We,
7 again, used to use these until the policies of the DMV
8 changed.

9 Q. Who, as best as you can tell, filled out that
10 document?

11 A. According to the signatures, it would state that
12 Jessica Beverly did. But I can tell you that based on the
13 dates of all this, Ms. Beverly was no longer an employee
14 within our company.

15 Q. When did she leave North American Title Loans?

16 A. November of 2011.

17 Q. And when is that purported to have been filed
18 out?

19 A. December, 2011. December 9th, 2011.

20 Q. If Ms. Beverly had filled out that form in
21 December of 2011, what, if anything, would that indicate?

22 A. I don't even see how it's possible, with her not
23 having -- and again, she's not an employee and not having
24 access to the form unless she went up to the DMV herself
25 to get it, which is -- you know, I don't see any cause for

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1 that to happen. So I --

2 Q. Would it be valid to release the lien?

3 A. No.

4 Q. It would not?

5 A. No. It's not valid to release one, because we
6 never received payment. But if this was issued and handed
7 over to the DMV, that form would have been used to release
8 the lien, if that makes sense.

9 Q. Can you tell us why she left North American
10 Title Loans?

11 A. I can. She actually went back to her previous
12 employer, Walgreens. They made an offer to her that she
13 just couldn't pass up the pay.

14 Q. So she wasn't fired?

15 A. No, she was not.

16 MR. EVANS: May I approach the witness, Your
17 Honor?

18 THE COURT: You may.

19 Q. [Mr. Evans] Ms. Garvin --

20 A. Yes.

21 Q. -- I'm handing you an object and it's going to
22 be difficult to not show the jury yet, but what is that?

23 A. This is a paid stamp that we use within our
24 office.

25 Q. And did you -- that's the actual stamp that you

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1 use?

2 A. That is correct.

3 This is the one that's been in possession of our
4 office since the day the doors opened. I actually opened
5 that office.

6 Q. You brought that to me this morning?

7 A. I did.

8 Q. Do you know how long that particular stamp has
9 been used?

10 A. It's been used countless amount of times. I
11 mean, again, since the inception of our office this is the
12 only paid stamp that we utilize within it. It's got ink
13 pads for us to be able to continuously fill them anytime
14 that the ink starts to wear down.

15 Q. What do you use that stamp for?

16 A. Generally, again, when a client does satisfy a
17 loan with us, we will only mark the physical contract as
18 paid and give them the original. We retain a copy of it.

19 Q. If a form like State's Exhibit 1 is filled out
20 by y'all's office, would that be another one that you would
21 stamp?

22 A. We would not mark it with a paid stamp.

23 MR. EVANS: And, Your Honor, at this point we
24 would move to enter this as State's Exhibit 4.

25 MS. GAY: Without objection, Your Honor.

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1 THE COURT: Ladies and gentlemen of the jury,
2 State's Exhibit Number 4 will be admitted into
3 evidence without objection in the trial of this case.

4 Have the court reporter mark it.

5 MR. EVANS: Thank you, Your Honor.

6 [Whereupon, State's Exhibit Number 4 is marked
7 by the court reporter]

8 [Whereupon, State's Exhibit Number 4 is admitted
9 into evidence by the Court]

10 THE COURT: You may publish to the jury.

11 [Whereupon, the jury reviews Exhibit Number 4]

12 Q. [Mr. Evans] Ms. Garvin, directing your
13 attention back to State's Exhibit 1: is there a similar
14 stamp on that document?

15 A. There is a paid stamp on it, but it doesn't
16 match the style that we utilize in our office.

17 Q. It's different to your eyes?

18 A. It is different.

19 Q. What does that suggest?

20 A. That somebody obviously used a different paid
21 stamp and it wasn't created out of my facilities.

22 Q. It's not the stamp that you would use?

23 A. That is correct.

24 MR. EVANS: Begging the Court's indulgence.

25 [Whereupon, Mr. Evans reviews documents]

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1 Q. [Mr. Evans] Who did you speak to about this
2 case, other than the DMV?

3 A. I spoke to a detective. If memory serves, I
4 believe it was a Detective Edwards.

5 Q. And did you fill him in as to everything you've
6 testified about today?

7 A. I did. He came by our office on the date of the
8 incident and asked me to provide him with a statement so
9 I, again, explained everything that happened, gave a
10 written statement, and provided all the documentation out
11 of the loan folder.

12 Q. And did you tell him how to get in touch with
13 Ms. Beverly?

14 A. I did.

15 MR. EVANS: Those are all the questions I have
16 at this time, Your Honor.

17 Please answer any questions Ms. Gay may have.

18 THE WITNESS: Okay.

19 THE COURT: Cross-examination.

20 MS. GAY: Thank you, Your Honor.

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CROSS-EXAMINATION

BY MS. GAY:

Q. So right now your testimony was that you are the general manager for a number of these places all over? all over the Lowcountry?

A. I'm an area manager. That is correct.

Q. That's excellent.

And pursuant to your duties as an area manager, you're familiar with some of the other companies that do similar type loans on titles?

A. Based on the laws in which we, you know, are founded with our operations, I would be familiar with how they would operate.

Q. Well, have you ever -- interestingly, you said something about you had purchased this loan from Auto Money. And I would like for you to describe that for us, what it means to purchase a loan, because I kind of know what it is. But can you explain to the jury?

A. Absolutely. Generally, a customer will contact us when they're interested in getting their loan under the current title loan company that they have it with. They'll contact us to find out if we can purchase the loan. We will take over the loan. We will actually pay the loan off and move that loan balance into our facility instead.

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1 A lot of times, it will be due to different
2 rates. You know, competitive reasons. Get better deals
3 or more money. And this particular case is exactly what
4 we did. We had a promotion running, no interest for
5 thirty days, which is an assumption as to why maybe he was
6 looking to leave the company.

7 Q. So it's sort of like rolling over a loan from
8 one place to another place?

9 A. That's correct.

10 Q. And so instead of owing Auto Money, he now owes
11 you?

12 A. Correct.

13 Q. And so -- and that's a practice that's done
14 often in this industry, where one company will pay off
15 another company and then set up new paperwork -- or a new
16 loan with the customer?

17 A. It's almost on a daily basis that this occurs.
18 That is correct.

19 Q. And as I said, your testimony was that
20 Mr. Pinckney had actually done that, where he had had
21 one and Auto Money loan paid off by you and then owed
22 y'all the money. Have you ever heard of a place called
23 Cash Flow?

24 A. I have not.

25 Q. Cash Flow. It might have been in Beaufort.

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1 Don't you have a facility somewhere in that area?

2 A. I have a North American Title Loans on Boundary
3 Street in Beaufort, but I'm not familiar with Cash Flow.

4 Q. But, however, there are lots of companies. I
5 mean, we would agree that there's just lots of companies
6 that do this?

7 A. Sure. Absolutely.

8 Q. And I believe that your testimony to the jury
9 today is that you were contacted by the DMV and confirmed
10 that y'all had not had your loan satisfied?

11 A. That is correct.

12 Q. And that he -- the solicitor asked you to look
13 at some of the exhibits that we have in evidence and you
14 determined that the -- I think it's a form 450, which is
15 Exhibit 1, is not something that was generated out of your
16 office?

17 A. At the time of the DMV contacting us, those
18 forms would have been made available.

19 Again, the reason I said that particular one was
20 not generated out of my office is because of the use of
21 Ms. Beverly's name. She was not an employee at that time.

22 Q. Right.

23 A. So it would not have been even feasible for it
24 to come out of my office. And some of the things --
25 again, with the paid stamp, that's not what we use within

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1 our office, either. So that documentation doesn't seem to
2 be coming out of my office.

3 MS. GAY: All right. Thank you.

4 One moment, Your Honor. I just want to confer
5 with my client.

6 [Whereupon, Ms. Gay and Mr. Pinckney confer]

7 MS. GAY: I have no further questions for this
8 witness.

9 THE COURT: Redirect?

10 MR. EVANS: Briefly, Your Honor.

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REDIRECT EXAMINATION

BY MR. EVANS:

Q. When you were contacted by the DMV and you reviewed your file, did you find any indication that another title company such as your own was attempting to buy this lien off you?

A. I'm sorry. Can you repeat the question?

Q. Was any other company such as Cash Flow, which Ms. Gay was asking you about, attempting to purchase the lien from North American Title Loans?

A. I've never, since the loan has been opened, been contacted, based on the notes of the account and reviewing them, by another competitor looking to close down our loan.

Q. And if that was happening, would they fill out the form 450, which is what State's Exhibit 1 is, or would you?

A. No. If they would have purchased our loan, then we would have filled out form 450.

Q. After the fact?

A. After the loan had been satisfied. Depending upon the date in which it was done because, again, the DMV no longer accepts that form.

Q. Right. But when -- we're talking about back in January of 2012.

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1 A. Back in January, yes, if they would have
2 satisfied the loan, we would have -- or we would have
3 handed that over if they requested it. Because, again, a
4 title being signed off by our company already shows that
5 the lien's satisfied. So there really would be no reason
6 for us to hand over that particular form.

7 Q. But another company would not fill this out with
8 the client and then send them to the DMV without you?

9 A. No.

10 MR. EVANS: Nothing further, Your Honor.

11 THE COURT: Recross, limited to redirect.

12 MS. GAY: One moment, Your Honor.

13 [Whereupon, Ms. Gay and Mr. Pinckney confer]

14 MS. GAY: No further questions, Your Honor.

15 THE COURT: As to this witness, solicitor?

16 MR. EVANS: Ask that she be excused.

17 THE COURT: Any objection, counsel?

18 MS. GAY: No objection, Your Honor.

19 THE COURT: Very well.

20 Ms. Garvin, you may step down. Watch your step
21 on my stairs.

22 You're excused from the trial of this case. You
23 may leave the courtroom at this time.

24 THE WITNESS: Thank you, Your Honor.

25 THE COURT: Madam Foreperson, ladies and

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1 gentlemen of the jury, I'm going to take my midmorning
2 break. You can stretch your legs, use the restroom.
3 We're not going to be long. As soon as I know
4 everybody has had a chance to take a break.

5 Do we have any smokers on the jury? Two or
6 three. Okay. Smoking is not permitted in the jury
7 room or courthouse. Bailiffs will take you outside
8 during the break if you want to smoke.

9 However, please do not discuss the case. I'll
10 be back with you just as quickly as I can. You may
11 retire to your jury room at this time.

12 [Whereupon, the jury exits the courtroom at
13 11:29 a.m.]

14 THE COURT: Now, Ms. Gay, you wanted notice to
15 call your office. You are now on notice, because I
16 intend for this train to go down the track during the
17 break. So this is your time. I expect -- just a
18 minutes, Ms. Gay. On the record, I have notified
19 counsel this morning that I expect request to charge
20 by the conclusion of the testimony. It appears to me
21 the testimony is going to be concluded prior to lunch.
22 Ms. Gay asked when she could call her office. I told
23 her she could do it during the midmorning break. Now
24 is her time to do so because I'll expect her request
25 to charge and the solicitor's on my desk. Thank you.

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1 We're in recess.

2 [Whereupon, a recess is taken from 11:30 a.m. to
3 11:54]

4 THE COURT: Is the State ready to proceed?

5 MR. EVANS: The State is ready, Your Honor.

6 THE COURT: Defendant ready to proceed?

7 MS. GAY: Yes, sir.

8 THE COURT: Bring us the jury, please.

9 [Whereupon, the jury enters the courtroom at
10 11:55 a.m.]

11 THE COURT: All right. Ladies and gentlemen,
12 we'll now continue with the testimony in the trial of
13 this case.

14 Solicitor, you may call your next witness.

15 MR. EVANS: The State calls Jessica Beverly,
16 Your Honor.

17 THE COURT: Please come forward and be sworn by
18 the clerk.

19 THE CLERK OF COURT: Come forward and place your
20 left hand on the Bible and raise your right.

21 [Whereupon, Ms. Beverly comes forward]

22 [Whereupon, Ms. Beverly is duly sworn by the
23 clerk of court as follows: do you affirm the
24 testimony you give the Court and the jury in this case
25 shall be the truth, the whole truth, and nothing but

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1 the truth, so help you God]

2 THE WITNESS: Yes, ma'am.

3 THE CLERK OF COURT: Please have a seat on the
4 stand up there, and state your full name for the
5 record.

6 THE COURT: Watch your step for me on those
7 stairs there. Have a seat. Be comfortable. Pull up
8 that chair and adjust that microphone. It's going to
9 amplify your voice.

10 I want you to begin by stating your full name
11 and spelling your last name for the court reporter.

12 THE WITNESS: It's Jessica Renee Cartrette.
13 C-A-R-T-R-E-T-T-E. Beverly was my maiden name.

14 THE COURT: Your witness, counsel. Direct
15 examination.

16 MR. EVANS: Thank you, Your Honor:
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Jessica Beverly-Cartrette
Direct Examination by Mr. Evans
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JESSICA BEVERLY CARTRETTE,
Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. EVANS:

Q. Ms. Cartrette, when did you get married?

A. April 13th of last year.

Q. Congratulations --

A. Thank you.

Q. -- before we get started.

But you were formerly Jessica Beverly; is that
right?

A. Yes.

Q. Okay. On January 20th of 2012, you were not
Ms. Cartrette, you were Ms. Beverly?

A. Yes.

Q. Where do you work now?

A. I'm currently at Walgreens.

Q. And how long have you worked there?

A. Since November of 2011.

Q. Where did you work previously?

A. North American Title Loans.

Q. And how long were you with them?

A. For about two years.

Q. And before that?

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1 A. Walgreens again.

2 Q. So you started at Walgreens, went to North
3 American, and back to Walgreens?

4 A. Yes.

5 Q. Can you tell us why you left North American
6 Title and went back to Walgreens?

7 A. Walgreens offered me more money to come back.

8 Q. Very good. And what's your position there?

9 A. At Walgreens?

10 Q. Yes, ma'am.

11 A. It's NGT, which --

12 Q. What's that?

13 A. -- is essentially an assistant manager.

14 Q. So you manage the store. And what was your
15 position at North American?

16 A. I was the store manager.

17 Q. So similar duties and responsibilities?

18 A. Yes.

19 Q. What can you tell us a little bit more about
20 your duties at North American?

21 A. I was in charge of taking care of all of the
22 paperwork for the store, keeping -- I had to call the CSR,
23 writing loans.

24 Q. What is a CSR?

25 A. The customer service rep. Each store -- or

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1 every local store that I was in was just the manager and a
2 customer service rep. There's just two of them.

3 Q. And to clarify, you were in the Walterboro
4 location?

5 A. Yes.

6 Q. When you say writing loans, what is that? What
7 does that entail?

8 A. Well, with it being a title loan, the customer
9 will bring in the car, the title. You would take a look
10 at the car and determine, based on the black book and the
11 condition of the car, how much you could lend. You have
12 them fill out an application and actually, physically key
13 in the loan and go over the loan with the customer.

14 Q. Do you know a man by the name of Craig Pinckney?

15 A. I know him from writing a loan for him when I
16 worked for the company.

17 Q. From the course of your job --

18 A. Yes.

19 Q. -- at North American? Is he in the courtroom
20 today?

21 A. He is.

22 Q. Could you identify him by something he's
23 wearing?

24 A. Plaid shirt.

25 Q. And did you work with him -- you say you know

Jessica Beverly-Cartrette
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1 him, but what was your relationship with him in the
2 business?

3 A. Simply him coming in as a customer.

4 Q. Do you remember when that happened?

5 A. I know it was in 2011, I think.

6 Q. Early 2011, late --

7 A. Early.

8 Q. Early?

9 A. Yes.

10 Q. And what did he do when he came in --

11 A. He --

12 Q. -- and met with you?

13 A. He requested that -- to take out a loan. And it
14 was us doing a buyout, which is basically taking a loan
15 over from another company.

16 Q. Is that commonplace?

17 A. Yes.

18 Q. What did that entail, specifically, to this
19 case?

20 A. Everything you do is still the same as a regular
21 loan except for you're paying out what's left owed to
22 another company and transferring the loan over to your
23 company.

24 Q. And is that what happened --

25 A. Yes.

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Direct Examination by Mr. Evans
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1 Q. -- you went ahead and went through this?

2 Do you recall roughly how much was going to
3 him?

4 A. It was around 2,000.

5 Q. And what kind of vehicle was it?

6 A. It was a black two-door Tahoe.

7 Q. Now, what sort of documentation do you get as a
8 result of all this?

9 A. Like to initially do it or --

10 It would be see their ID. Because of another
11 loan already having a lien on the title, they send us --
12 fax over a copy of the title, because the customer would
13 have the original. And then you have the customer fill
14 out an application, which would be their personal
15 information and their income information.

16 Q. And how about the actual title? How does that
17 come about?

18 A. With it being a buyout, once you pay the loan at
19 the other -- once I've paid that -- sorry -- the funds to
20 the other company, they then released the lien on the
21 title that they had and I took the title into my
22 possession, which then got turned into the DMV to have a
23 lien issued for North American.

24 Q. Do you get a new title document?

25 A. Yes. A new title would be issued with the lien

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1 holder showing on the front of the title.

2 Q. To the best of your memory, is that what
3 happened in this case?

4 A. Yes.

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

7 THE COURT: You may.

8 Q. [Mr. Evans] I'm showing you what's been
9 previously entered as State's Exhibit 3. Do you recognize
10 that?

11 A. Yes.

12 Q. And what is it?

13 A. A lien title.

14 Q. Is it the title that we're talking about in this
15 case?

16 A. Yes.

17 Q. Do you recall receiving that particular
18 document?

19 A. I honestly couldn't say whether it was myself or
20 my CSR who checked it in, but it would have come into the
21 store.

22 Q. When it comes into the store, what do you do?

23 A. It gets opened. It gets documented in the file.

24 And we note that the title has come in, and it
25 gets put into the customer's file, along with their

Jessica Beverly-Cartrette
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1 original loan contract.

2 Q. Where is the customer's file stored?

3 A. In a locked file cabinet within the store.

4 Q. And why is that?

5 A. To ensure safety. To make sure that the
6 documents are kept together and that they I guess don't
7 get misplaced or taken.

8 Q. You've mentioned I think a contract?

9 A. Yes.

10 Q. What is that? When you helped Mr. Pinckney when
11 he first came in.

12 A. The contract is a standard loan contract for a
13 title loan. It just states that the vehicle is being used
14 as collateral for the loan, the amount on the loan, and
15 the terms and conditions.

16 Q. I see. And that's something that you help them
17 fill out --

18 A. Yes.

19 Q. -- whenever they come in?

20 A. Uh-huh.

21 Q. Is that computer generated? How do you create
22 that?

23 A. We key in the customer's information, the amount
24 of the loan, and the length of the loan, and the rest of
25 it is auto generated. And then once it's printed, then we

Jessica Beverly-Cartrette
Direct Examination by Mr. Evans
May 20, 2014

1 go over it with the customer.

2 Q. So you have a computer program that has certain
3 pieces stored because they're repeated?

4 A. Yes.

5 Q. And then you enter the specifics yourself --

6 A. Yes.

7 Q. -- on the computer?

8 A. Yes.

9 Q. Do you recall doing that with Mr. Pinckney when
10 you took out -- helped him take out this loan?

11 A. Yes.

12 Q. And what, if anything, do you do after it's been
13 printed out?

14 A. You actually go over the contract with the
15 customer and they sign it. As well as being the
16 representative that did the loan, I sign it as well.

17 Q. Thank you.

18 MR. EVANS: Your Honor, may I approach the
19 witness?

20 THE COURT: You may.

21 Q. [Mr. Evans] Ms. Cartrette, without showing the
22 jury, would you please tell them -- tell the Court what's
23 the document that I'm showing to you now?

24 A. It's the original loan contract.

25 Q. How can you tell?

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1 A. The front is the loan contract. You can tell
2 it's the original on the second just because the signature
3 is not being photocopied, the original print.

4 Q. And what are the third and fourth pages of that?

5 A. That would be -- that is our arbitration
6 agreement.

7 Q. Is that something that comes with the contract
8 as --

9 A. Yeah. It's something standard with every one of
10 the loans.

11 Q. Whose signatures are on those documents?

12 A. The arbitration agreement, as well as the loan,
13 has Mr. Pinckney's signature as well as myself.

14 Q. Do you recall seeing him sign that --

15 A. Yes.

16 Q. -- when he was in your presence?

17 And you can testify that's your signature on the
18 other side?

19 A. Yes.

20 MR. EVANS: Your Honor, we would move to enter
21 this as State's Exhibit 5.

22 THE COURT: As to State's 5?

23 MS. GAY: No objection.

24 THE COURT: Ladies and gentlemen of the jury,
25 State's Exhibit Number 5 will be admitted into

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1 evidence in the trial of this case without objection.

2 State's 5 in evidence. Please have the court
3 reporter mark it, and you may publish to the jury if
4 you so desire.

5 [Whereupon, State's Exhibit Number 5 is marked
6 by the court reporter]

7 [Whereupon, State's Exhibit Number 5 is admitted
8 into evidence by the Court].

9 [Whereupon, the jury reviews documents]

10 MR. EVANS: May I approach the witness, Your
11 Honor?

12 THE COURT: You may.

13 Q. [Mr. Evans] Ms. Cartrette, I'm now going to
14 call your attention to State's Exhibit Number 1. Do you
15 recognize that document?

16 A. It's the lien release.

17 Q. You recognize this for a particular lien release
18 or the form that it was filled out on?

19 A. The form.

20 Q. What is that form? What was it, in your
21 experience, at North American Title Loans?

22 A. We used these if for some reason the title
23 either hadn't come back from the DMV yet or was misplaced
24 and the customer paid off the account in order to release
25 the lien.

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1 Q. And whose signature is that on the bottom?

2 A. It appears that it is supposed to be mine.

3 However, it's not.

4 Q. How can you tell?

5 A. It's not the same handwriting. It's not my
6 handwriting at all.

7 Q. What are the dates on that form?

8 A. January 6th, 2012.

9 Q. Any other dates on there?

10 A. And December 9th, 2011.

11 Q. What does December refer to versus January?

12 A. December is in here. It's the date that the
13 lien was satisfied, and January is the date on the lien
14 release.

15 Q. When did you leave North American Title Loans?

16 A. In November.

17 Q. November of?

18 A. Of 2011.

19 Q. Did you sign that document?

20 A. I did not.

21 Q. Did you sign any documents like that related to
22 the lien that North American had against Craig Pinckney's
23 vehicle?

24 A. No.

25 Q. Did you sign the actual title document releasing

Jessica Beverly-Cartrette
Direct Examination by Mr. Evans
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1 the lien against Craig Pinckney's vehicle?

2 A. No.

3 Q. Do you have any knowledge that the lien was
4 about to be released or that enough payments had been
5 made?

6 A. No. Because at my time in the company -- at the
7 time that I left, no payments were made at that point.

8 Q. You recall that from November of 2011?

9 A. [Indicates affirmatively]

10 MR. EVANS: Begging the Court's indulgence.

11 THE COURT: You have to give a verbal answer to
12 his question.

13 THE WITNESS: I'm sorry.

14 THE COURT: Repeat your question.

15 Q. [Mr. Evans] You had no knowledge of anything
16 being paid in November of 2011 when you left?

17 A. Yeah. At that time, there were no payments
18 made.

19 Q. [Mr. Evans] Thank you. When did you hear that
20 your name appeared on this form?

21 A. Shortly after North American was notified,
22 Ms. Garvin contacted me to let me know.

23 Q. Do you recall a month and year when that
24 happened?

25 A. It was sometime in the beginning of 2012. I

Jessica Beverly-Cartrette
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1 can't remember exactly when.

2 Q. But certainly after you left?

3 A. Yes. I was already back at -- with Walgreens at
4 the time.

5 Q. You were first contacted by Ms. Gay?

6 A. She was the first person I heard from about it.

7 Q. And what did you tell her, if anything?

8 A. I asked her what she needed me to do, because I
9 knew I hadn't signed anything.

10 Q. You made clear to her that you hadn't signed it?

11 A. Yes.

12 Q. Did you tell anybody else in the course of this
13 investigation that you hadn't signed the document?

14 A. Other than that, I spoke with -- when I started
15 talking to the solicitor's office.

16 Q. And, again, it's your testimony today that you
17 did not sign that and it's not your signature?

18 A. Yes. I did not sign it and it's not my
19 signature.

20 MR. EVANS: Those are all the questions I have
21 at this time, Your Honor.

22 Please answer any questions Ms. Gay may have.

23 MS. GAY: Thank you, Your Honor. May I
24 approach?

25 THE COURT: You may.

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CROSS-EXAMINATION

BY MS. GAY:

Q. Ma'am, I believe you said that you worked at North American for two years and you were a manager?

A. Yes, ma'am.

Q. And I believe that you -- the way that Mr. Pinckney's loan started was one of these rollover liens -- loans where they -- where you actually pay off another company's loan and then he starts a loan with y'all?

A. Yes.

Q. I think it was Auto Money's loan, maybe? Do you remember that?

A. I believe it was from Auto Money.

Q. And there was maybe \$2,000 or so that he owned them and then y'all were able to pay that off, communicate with them, and then the new loan started with y'all?

A. Yes, ma'am.

Q. Have you ever heard of a place called Cash Flow or a company called Cash Flow that's also a Title Loan company?

A. No.

Q. And with regard to your testimony, you had not -- you weren't even working at the time that this document was presented to the DMV? You had not --

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1 THE COURT: Refer to -- don't use the term this
2 document. Refer to the exhibit number for the record
3 so the witness will understand your question.

4 Q. [Ms. Gay] Exhibit 1: when that document was
5 presented to the DMV, your testimony is you no longer
6 worked at the place?

7 A. Yes.

8 MS. GAY: I want to ask my client one question
9 and then I think that's going to be it.

10 [Whereupon, Ms. Gay and Mr. Pinckney confer]

11 MS. GAY: I have no further questions for this
12 witness.

13 THE COURT: Redirect?

14 MR. EVANS: Briefly, Your Honor.

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Jessica Beverly Cartrette
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REDIRECT EXAMINATION

BY MR. EVANS:

Q. When you left North American in November of 2011, did you have any knowledge that another company was preparing to buy your lien out as you had done with Auto Money?

A. No.

Q. Would it be proper for another lien company in the process of buying your lien out to fill out a form 450 in your company's name?

A. No.

MR. EVANS: Nothing further.

THE COURT: Recross, limited to redirect.

MS. GAY: I have no questions, Your Honor.

THE COURT: As to this witness, solicitor?

MR. EVANS: Ask that she be excused.

THE COURT: Any objection, counsel?

MS. GAY: No, sir.

THE COURT: Very well.

Ms. Cartrette, you may step down. You are excused from the trial of this case. You may leave the courtroom. Watch on the stairs. Careful.

THE WITNESS: Thank you.

[Whereupon, Ms. Cartrette is excused and exits the witness stand]

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1 THE COURT: Call your next witness, solicitor.

2 MR. EVANS: At this time, the State rests, Your
3 Honor.

4 THE COURT: Very well.

5 Are there any matters of law that I need to take
6 up at this time, counsel?

7 MS. GAY: Yes, sir.

8 THE COURT: Madam Foreperson, ladies and
9 gentlemen of the jury, I'm going to ask you if you'll
10 step to your jury room. I have to take up a matter of
11 law. I'll be back with you in just a moment. Please
12 do not discuss the case. I'll be back as quickly as I
13 can.

14 [Whereupon, the jury exits the courtroom at
15 12:12 p.m.]

16 THE COURT: Let the record reflect the jury is
17 outside the presence of the courtroom.

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The State of South Carolina vs. Craig Pinckney
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MOTION FOR A DIRECTED VERDICT

THE COURT: Ms. Gay, I'll be happy to hear from you.

MS. GAY: Thank you, Your Honor.

At this time I would make a motion for a directed verdict on behalf of my client. Even in the light most favorable to the State in this case, I believe that they failed to establish facts to prove the elements of the offense. We had this conversation earlier about what the offense was and to what extent we had been noticed as to what the offense was that my client was going to be on trial for. And we took the position, Your Honor, that he -- that we were noticed through the statute but don't believe that he's provided the facts to establish the elements of the offense.

THE COURT: Very well. Solicitor?

MR. EVANS: Thank you, Your Honor.

As we discussed earlier --

THE COURT: You may be seated, Ms. Gay.

MR. EVANS: 16-21-10 is divided into a and b, a being the elements of the offense and b being the sentence upon conviction. A, in turn, is further subdivided into 1, 2, 3 and 4. As to 1 and 3, the State will concede there isn't evidence on those

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1 subsections. The State's case is based on 2 and 4.

2 2, if I may: it is unlawful for a person to
3 alter or forge and sign another certificate of title
4 or an assignment or a release of a security interest
5 on a certificate of title or a form the Department
6 prescribes --

7 THE COURT: It's your position, then, solicitor,
8 that the evidence creates an issue as to whether or
9 not you've proven beyond a reasonable doubt that the
10 defendant altered or forged an assignment of a
11 certificate of title or assignment or release of a
12 security interest on a certificate of title or on a
13 form that the Department prescribes?

14 MR. EVANS: On a form the Department prescribes.
15 That would be State's Exhibit --

16 THE COURT: Which would be 16-22 -- 16-21-
17 10(a)(2).

18 MR. EVANS: Correct.

19 THE COURT: All right. What else do you believe
20 the evidence creates an issue as to?

21 MR. EVANS: There's also testimony that in
22 State's Exhibit 2, which is the application for a
23 new title, the document was marked that the title was
24 lost --

25 THE COURT: Just a moment. Let me look at

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1 State's 2. I have it in my hand. And you're
2 referring to?

3 MR. EVANS: It's at the top of the document,
4 Section A. I asked Ms. Minus to refer to it --

5 THE COURT: I'm with you at Section A.

6 MR. EVANS: And where -- because this is an
7 application for a duplicate title, a fresh, new
8 document.

9 THE COURT: And it says duplicate title, and
10 there's a line through that and a line through the
11 block for loss. Is that what you're referring to --

12 MR. EVANS: That's correct, Your Honor.

13 THE COURT: -- on State's Exhibit 2?

14 MR. EVANS: Ms. Minus identified Mr. Pinckney as
15 the gentleman who presented that document.

16 State's Exhibit 3 is the actual title document
17 to this vehicle, no question. The VIN numbers match.

18 THE COURT: I note that State's Exhibit Number 2
19 has a signature on the back.

20 MR. EVANS: Yes, sir.

21 THE COURT: And it is your understanding that
22 the signature purports to be that of the defendant,
23 Craig Pinckney; is that correct?

24 MR. EVANS: That's correct.

25 THE COURT: And so you're also arguing that you

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1 believe you created an issue as to whether or not
2 defendant used a false or a fictitious name or
3 address, or made a materially false statement, or
4 failed to disclose a security interest, or concealed
5 any other material fact in an application for a
6 certificate of title or for registration?

7 MR. EVANS: Yes, sir.

8 He's representing by turning in this combination
9 of documents that the lien has been released and that
10 the title document itself was lost. We've shown
11 through the testimony of Ms. Garvin that, in fact, the
12 title -- the lien was never released. In fact, she
13 testified that they received no payments whatsoever
14 between the loan being issued and January 20th, 2012,
15 when she got the call from Ms. Minus at the DMV asking
16 was, in fact, the lien released.

17 So the lien was still valid, yet he's presenting
18 documents purporting to show that it's been released,
19 that Ms. Jessica Beverly, who was, of course, no
20 longer working there at the time that the State's
21 Exhibit 1 was dated and filled out, she signed that,
22 affirming in her capacity as a manager, as a local
23 manager, that the lien was paid off and released and
24 the title could be transferred to him and a fresh
25 title document could be created by DMV in Blythewood.

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1 But, in fact, none of that was the case, according to
2 the testimony of Ms. Garvin.

3 THE COURT: Very well. Anything in reply,
4 Ms. Gay?

5 MS. GAY: No, Your Honor.

6 THE COURT: Ms. Gay, having listened now to the
7 testimony, Ms. Gay, your motion for directed verdict
8 is respectfully denied.

9 I have listened carefully to the testimony, and
10 I have before me on the bench now reviewed State's
11 Exhibit 1, State's Exhibit 2, State's Exhibit 3. I
12 also have somewhere -- I think the court reporter has
13 got State's 4, which is the paid stamp, and State's 5,
14 which is the loan -- retail -- or the installment loan
15 and security agreement.

16 But for purposes of considering the existence or
17 nonexistence of evidence, I have to respectfully deny
18 your motion. I believe there is an issue created by
19 the evidence sufficient to submit the case to the jury
20 under Code Section 16-21-10(a)(2) and (a)(4).
21 Therefore, your motion is respectfully denied.

22 I ask you now in that regard, because you told
23 me -- and I gave you a break and extended it into
24 twenty-five minutes so that you would have time to
25 call. Do you have any request to charge? I realize I

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1 haven't heard your case yet and that might change. Do
2 you have any request to charge, on behalf of your
3 client, dealing with the statute?

4 MS. GAY: Yes, sir. With another statute.

5 THE COURT: Have you shown it to the solicitor?

6 MS. GAY: Yes, sir, I have, Your Honor. My
7 request --

8 THE COURT: Now, I'm talking about 16-21-10.

9 MS. GAY: Yes, sir. I would ask for you to
10 charge the whole statute.

11 THE COURT: Solicitor, the defendant wants me to
12 charge the entire statute, which is -- of course, I
13 assume that includes (b), which is the penalty?

14 MS. GAY: No. I mean, but all the a(1), (2),
15 (3), (4) --

16 THE COURT: You want to include all of 16-21-
17 10(a); is that correct?

18 MS. GAY: Yes.

19 THE COURT: Solicitor, what is the State's
20 position on that?

21 MR. EVANS: Your Honor, the State's position is
22 that it's an "or" statute and --

23 THE COURT: Pardon?

24 MR. EVANS: It's an "or" statute rather than an
25 "and" statute.

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1 THE COURT: Well, interestingly enough,
2 solicitor, the "or" appears between 3 and 4. There
3 is an "or" within the wording of 2. In fact, there
4 are two of them. There is an "or" within the wording
5 of 3.

6 MR. EVANS: Yes, sir.

7 THE COURT: But you believe that -- when you say
8 there's an or, you believe that or is implied as to 1,
9 2, 3 or 4?

10 MR. EVANS: By the use of the semicolon.

11 THE COURT: I understand that that's what you
12 think, solicitor, but what is your position on
13 charging the entire statute?

14 MR. EVANS: I have no objection.

15 THE COURT: Very well.

16 Then your request is granted, Ms. Gay. I will
17 charge 16-21-10(a)(1)(2)(3)(4).
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Defendant's Rights by the Court
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DEFENDANT'S RIGHTS

THE COURT: All right. Ms. Gay, I'm going to ask you and your client to come forward, please.

Madam Clerk, please swear the defendant.

MS. GAY: I do have one more --

THE COURT: I understand that, Ms. Gay, but you don't decide in what order we take up things, so come on forward. I know you would like to, Ms. Gay.

THE CLERK OF COURT: Please raise your right hand.

[Whereupon, Mr. Pinckney is duly sworn by the clerk of court as follows: do you affirm the testimony you give the Court shall be the truth, the whole truth, and nothing but the truth, so help you God]

MR. PINCKNEY: Yes.

THE CLERK OF COURT: Thank you.

THE COURT: All right. Has he been sworn, Pat?

THE CLERK OF COURT: Yes, sir.

THE COURT: Very well.

Mr. Pinckney, at this time I'm going to explain to you certain of your rights. If you do not understand anything that I say, please let me know. If you want me to explain anything in further detail, please let me know. Do you understand?

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1 MR. PINCKNEY: Yes, sir.

2 THE COURT: We've now reached the stage of the
3 trial where you may present your defense. You have
4 the right to testify in your own behalf. However, no
5 one, not this Court, not your lawyer, not the
6 solicitor, no one, can make you testify.

7 In the event you have any record for any
8 conviction involving dishonesty or false statement or
9 for a crime punishable by imprisonment of more than
10 one year and this Court were to determine as a matter
11 of law that the probative value of admitting this
12 evidence outweighs its prejudicial effect to you, the
13 solicitor would be able to introduce this record for
14 impeachment purposes to attack your credibility or
15 your believability.

16 If you elect not to take the witness stand, I
17 will charge the jury that they are not to give the
18 fact that you did not testify any consideration
19 whatsoever and there is to be absolutely no legal
20 prejudice to you because you did not testify. You
21 have the constitutional right to remain silent and
22 exercising that right should not be -- and I will
23 instruct the jury that they should not consider the
24 fact that you chose to remain silent in any way
25 against you.

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1 The decision as to whether or not you wish to
2 testify in the trial of this case will be left
3 entirely up to you as to whether or not you testify.
4 You may talk with your attorney, certainly, but the
5 ultimate decision as to whether or not you testify
6 will be left entirely up to you.

7 Solicitor, it is my understanding that although
8 Mr. Pinckney has a record, the State does not intend
9 to utilize his record -- which contains convictions
10 older than ten years -- in the event he elects to take
11 the witness stand. Is that correct?

12 MR. EVANS: That is correct.

13 THE COURT: So, therefore, the State does not
14 intend to use your record, according to what I'm being
15 told. Do you understand that, Mr. Pinckney?

16 MR. PINCKNEY: Yes, sir.

17 THE COURT: Very well. Have you understood what
18 I've just told you about your right to testify or not
19 testify in the trial of this case?

20 MR. PINCKNEY: Yes, sir.

21 THE COURT: Very well. Ms. Gay, have you and
22 your client reached a decision as to whether or not,
23 or do you need more time as to whether or not, your
24 client wishes to testify in the trial of this case?

25 MS. GAY: Just a few more minutes, Your Honor.

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1 THE COURT: Pardon?

2 MS. GAY: A little bit more time. A few
3 minutes.

4 THE COURT: All right. I'll give you a moment
5 to talk to your client.

6 MS. GAY: Thank you. I also have a matter
7 that's about --

8 THE COURT: Ms. Gay, we'll take it up when we
9 finish this one. Talk to your client. One thing at a
10 time.

11 MS. GAY: May I go get the piece of paper from
12 the solicitor's office on this break --

13 THE COURT: Where is it?

14 MS. GAY: It was sent by --

15 THE COURT: Marcus, go get me a paper off the
16 printer.

17 You stay in the courtroom, Ms. Gay. You are not
18 excused. Talk to your client and give me an answer.

19 [Whereupon, Ms. Gay and Mr. Pinckney confer]

20 THE COURT: Ms. Gay, have you and your client
21 had sufficient time now to consider what I've told
22 him?

23 MS. GAY: Yes, sir.

24 THE COURT: Is that right, Mr. Pinckney?

25 MR. PINCKNEY: Yes, sir.

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1 THE COURT: Have you, Mr. Pinckney, made a
2 decision about whether or not you wish to testify in
3 the trial of this case?

4 MR. PINCKNEY: Yes, sir.

5 THE COURT: And what is your decision?

6 MR. PINCKNEY: I had rather not.

7 THE COURT: You decided not to testify?

8 MR. PINCKNEY: Yes, sir.

9 THE COURT: And is that your decision and not
10 anybody else's?

11 MR. PINCKNEY: My decision.

12 THE COURT: Did anybody force you into that
13 decision?

14 MR. PINCKNEY: No, sir.

15 THE COURT: You're doing that of your own free
16 will?

17 MR. PINCKNEY: Yes, sir.

18 THE COURT: No one promised you anything in
19 making that decision?

20 MR. PINCKNEY: No, sir.

21 THE COURT: No one threatened you?

22 MR. PINCKNEY: No, sir.

23 THE COURT: Thank you very much. You may return
24 to your seat. Ms. Gay, you may also.

25 - - -

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CHARGE CONFERENCE

THE COURT: And I'll take up your next matter now, Ms. Gay, because you now have your paper from the solicitor's office.

MS. GAY: Thank you, Your Honor.

I did print out two proposed jury charges. And you've already dealt with one of them, which was my request to have the whole statute read out.

THE COURT: All right.

MS. GAY: And the other one is that I would ask that you charge the -- as a lesser included, I believe, 16-21-20, which I do have a copy. The solicitor and I were just discussing it. I can show you this document or you can look it up, Your Honor. It is a charge for a misdemeanor offense which includes: commits a fraud in an application for a title or a registration as an element of the offense. And I believe that the testimony in this case would also satisfy a commits a fraud in an application for a title or registration.

There is much discussion in this case about this being a request for a duplicate title, but no where in the statute that he's charged with, which is 16-21-10, is there any differentiation between title and/or duplicate title. So there's no specific crime that

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1 states that he would be guilty of something if he was
2 requesting a duplicate but not necessarily guilty of
3 the same thing if he was requesting a title. And I
4 believe that this statute is applicable under the
5 facts in this case and I would ask you to charge this
6 as I believe a lesser included because it says: a
7 person is guilty of misdemeanor to commit a fraud in
8 an application for a title or registration.

9 The general manager specifically -- or the DMV
10 witness said that she contacted the fraud department
11 and that their policy is if that they believe there's
12 fraud in the application, that they then contact the
13 title -- they contact the police after they're told by
14 the fraud department to do that. And I believe that
15 what is really going on in this matter could very well
16 be perceived by the jury as fraud.

17 THE COURT: Well, I haven't seen it yet, so do
18 you think you're going to hand it up now?

19 MS. GAY: Yes, sir.

20 THE COURT: Have you got a copy, solicitor?

21 MR. EVANS: I've reviewed it. I don't have a
22 copy of it.

23 [Whereupon, Ms. Gay proffers documents to the
24 Court]

25 THE COURT: Let the record reflect that counsel

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1 for the defendant has handed me a proposed jury charge
2 asking the Court to charge South Carolina Code Section
3 16-21-20.

4 Before I hear from the solicitor, first of all,
5 Ms. Gay, I don't know that 16-21-20 is a lesser
6 included offense of 16-21-10. There is no case
7 annotated after it, or that I'm aware of, that says
8 that. That was your statement that you believe. It
9 is true that one is a felony and one is a misdemeanor,
10 but that has nothing to do with whether or not it's a
11 lesser included.

12 Clearly, the State chose not to charge the
13 defendant with 16-21-20 but instead charged your
14 client with 16-21-10. I understand your argument.
15 The Blockburger test is the test whether or not the
16 elements are the same, as far as the lesser included
17 offense, and that's what you argued to me. I don't
18 necessarily believe it's lesser included. That does
19 not mean you aren't free to ask the Court to charge
20 16-21-20.

21 Solicitor, let me hear from you.

22 Be seated, Ms. Gay.

23 MR. EVANS: Your Honor, we agree that it's not
24 a lesser included and there's nothing on the face of
25 16-21-20 indicating as such. As you indicated,

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1 there's no reported cases on the matter. I think the
2 charge would be likely to confuse the jury. 16-21-10
3 is what the State, beginning with the arresting
4 officer, chose to pursue because with the specificity
5 of the four subsections it clearly directs as far as
6 what the allegations are in this case.

7 THE COURT: It is true, solicitor, that 16-21-20
8 does state that a person is guilty of a misdemeanor
9 who commits a fraud in an application for a title or
10 registration. And while I agree with you that it's
11 not necessarily lesser included, the question is
12 whether or not the evidence supports submitting that
13 statutory offense. Of course, it's being requested by
14 the defendant. I notice there's no penalty section to
15 16-21-20.

16 MR. EVANS: Correct, Your Honor.

17 THE COURT: What is the penalty for a violation
18 of 16-21-20?

19 MR. EVANS: I believe there's a --

20 THE COURT: Catch-all section.

21 MR. EVANS: -- catch-all section which says that
22 if it's not enumerated, it's thirty days. Now, I must
23 be thinking about a vehicle --

24 THE COURT: You had better check that.

25 [Whereupon, Mr. Evans reviews documents]

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1 THE COURT: Look at 16-21-130.

2 MR. EVANS: Your Honor, it's not in -- and I
3 don't have it in front of me. I apologize.

4 THE COURT: I believe under 16-21-130 it would
5 be \$100 or in prison for not more than thirty days or
6 both.

7 MR. EVANS: I see.

8 THE COURT: You agree that 16-21-130 is the
9 applicable penalty provision for 16-21-20?

10 MR. EVANS: Yes, sir.

11 THE COURT: Ms. Gay, is that all of your request
12 to charge?

13 MS. GAY: Yes, sir.

14 THE COURT: Give me a moment and let me take a
15 look at this before I make a ruling. Okay? We'll
16 take about five minutes.

17 [Whereupon, a recess is taken from 12:33 p.m. to
18 12:40 p.m.]

19 THE COURT: Ms. Gay, I have carefully considered
20 your proposed jury charge asking me to charge 16-21-20
21 of the Code. In considering that, I note that what is
22 alleged here is the allegation of forging or altering
23 the release of a security interest either on a
24 certificate title or on a form the Department
25 prescribes. Nowhere in 16-21-20 does the code address

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1 the security interest issue. It's only addressed in
2 16-21-10. For that reason, I respectfully decline
3 your request to charge 16-21-20, as I believe it does
4 not apply to the evidence in this case under the facts
5 of this case.

6 I am handing the court reporter your request to
7 charge so there will be a record of it. And I return
8 State's Exhibit Numbers 1, 2, 3 and 5 to the court
9 reporter.

10 [Whereupon, Court's Exhibit Number 2 is marked
11 by the court reporter]

12 THE COURT: I do grant your request to charge
13 16-21-10(a)(1)(2)(3) and (4) at your request.

14 And it is my understanding that your client has
15 made the decision not to testify in the trial of this
16 case.

17 In light of those rulings, and in light of the
18 time, counsel -- I realize y'all won't take long and
19 the charge won't be that long, but we're still talking
20 about -- even if you only argue fifteen minutes each
21 and the charge is fifteen minutes, we're still talking
22 about forty-five minutes. So at a minimum, we
23 wouldn't be finished until -- the jury's food will
24 arrive in fifteen minutes. It would be better I think
25 for the jury's sake to stop, and let y'all get lunch

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1 and come back and do argument and charge after lunch
2 rather than make them eat cold food because we pressed
3 through, unless y'all have some different idea of how
4 long y'all will take. Any thoughts from either one of
5 you on the time needed?

6 MR. EVANS: Leave it in your discretion, Your
7 Honor.

8 THE COURT: Ms. Gay?

9 MS. GAY: More time than it would take. I
10 believe that we can talk longer and it would be a good
11 opportunity. I hear you, Your Honor, and agree with
12 you that it would be a good time to take a lunch
13 break.

14 THE COURT: All right. So you want to wait and
15 do it after lunch?

16 MS. GAY: Yes, sir.

17 THE COURT: Then we'll do that.

18 In that case, then, Ms. Gay, I'm going to bring
19 the jury back. At that point, I will tell the jury
20 that we are going to hear from the defendant. It is
21 my understanding you intend to rest; is that correct?

22 MS. GAY: Yes, sir.

23 THE COURT: Once the jury knows that, I will
24 send them back to the jury room and let them have
25 their lunch and we will start back at two o'clock.

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1 Bring us the jury.

2 [Whereupon, the jury enters the courtroom at
3 12:44 p.m.]

4 THE COURT: Madam Foreperson, ladies and
5 gentlemen of the jury, thank you so much for your
6 patience. I told you it would happen during the
7 trial. We had matters of law to come up and it
8 required me to do a little work, but that's a part of
9 my job.

10 You've now heard the evidence from the State of
11 South Carolina. We'll now hear from the defendant.

12 Ms. Gay, you may call your first witness.

13 MS. GAY: Thank you, Your Honor. The defense
14 rests at this time.

15 THE COURT: Very well.

16 Madam Foreperson, ladies and gentlemen of the
17 jury, you have now heard all of the evidence in this
18 case. You have not heard the final arguments of the
19 attorneys or my charge to you on the law. Because
20 your lunch is going to arrive now in twelve minutes,
21 and because I don't want you to eat cold food, I'm
22 going to stop at this point and let you have your
23 lunch at one o'clock because that's when it's going to
24 arrive.

25 During the lunch break, please do not discuss

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1 this case. As soon as I know you've had your lunch,
2 and had sufficient time to take a break, which I
3 estimate will probably be around two o'clock to make
4 sure everybody is taken care of, we will finish the
5 trial of this case with closing argument and my charge
6 to you on the law at the conclusion of the case.

7 During this lunch break, please do not discuss
8 the case with each other or with anyone else. I hope
9 everyone has a pleasant lunch. And I'll be back with
10 you just as soon as I can. You may retire to your
11 jury room at this time.

12 [Whereupon, the jury exits the courtroom at
13 12:46 p.m.]

14 THE COURT: Ms. Gay, is there something from
15 your client before we break for lunch?

16 MS. GAY: Yes, sir.

17 I would like to renew my motion for a directed
18 verdict at this time --

19 THE COURT: Let the record reflect that on the
20 grounds that Ms. Gay made at the conclusion of the
21 State's case, she is renewing her motion for directed
22 verdict at the close of all the evidence, which, for
23 the reasons I stated at the close of the State's case,
24 is respectfully denied.

25 Solicitor, I'll expect you to be ready. The

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1 defendant has not put up any evidence in this case and
2 for that reason, the defendant will get final argument
3 in this case. Therefore, you will argue first,
4 followed by Ms. Gay. How long do you anticipate you
5 will need, for planning purposes, solicitor?

6 MR. EVANS: No more than ten, fifteen minutes.

7 THE COURT: Fifteen is certainly ample. If you
8 want more, I would give it to you. You think you can
9 do it in fifteen?

10 MR. EVANS: Absolutely.

11 THE COURT: And of course when you reach five
12 minutes to go, what will you hear, solicitor? The
13 familiar tap of the pen to let you know to wrap it on
14 up.

15 Ms. Gay, can you do it in fifteen?

16 MS. GAY: Yes, sir.

17 THE COURT: Wonderful. You'll get the same tap.
18 I don't pull anybody down, but just to let you know in
19 case you're into your argument that you're running
20 five minutes, according to the time you requested.

21 Ms. Gay, you will have the closing argument in
22 this case, since you did not put up any evidence.
23 And I have a jury coming back for the next case at
24 2:30. So they'll be filing into the courtroom, so I
25 want my bailiffs to know to bring them on in. We

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1 should not -- I realize if we're in the middle of
2 argument or if I'm in the middle of charge, I do not
3 want them coming in, filing in so the jury is
4 wondering. So you might have to hold them a little
5 bit because we're going to try to start back at two
6 o'clock and hopefully be close to finishing so I can
7 bring them in. However, after I meet with the
8 solicitor, that might change, Major, so I want you in
9 the meeting with me so you can let my bailiffs know.

10 Solicitor, I need to see you in chambers. We're
11 in recess until two o'clock.

12 One other thing, counsel. My law clerk is
13 preparing a verdict form which he will bring to you
14 and let y'all take a look at. I want you to see it
15 before I submit it to the jury.

16 [Whereupon, a recess is taken from 12:49 p.m. to
17 1:57 p.m.]

18 THE COURT: Ms. Gay, would you and the solicitor
19 approach, please.

20 THE COURT: Verdict form. Y'all take a look at
21 it. I understand that's what y'all want.

22 MS. GAY: Yes, sir.

23 MR. EVANS: It suits us, Judge.

24 THE COURT: All right. Y'all are okay with it?

25 MR. EVANS: Yes, sir.

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1 THE COURT: I'll put it on the record.

2 All right. Let the record reflect that I have
3 shown the verdict form to counsel for the State and
4 the defendant and they both agree with the wording on
5 the verdict form.

6 I have already ruled on request to charge. It
7 is my intention to charge presumption of innocence,
8 reasonable doubt, the duties of the trial judge and
9 the jury, direct and circumstance evidence,
10 credibility of the witnesses, failure of the defendant
11 to testify, criminal intent, the entire statute that
12 Ms. Gay requested of 16-21-10. And I'll charge all
13 sections.

14 And I understand there are no other request to
15 charge from the State; is that correct?

16 MR. EVANS: Not from the State, Your Honor.

17 THE COURT: And other than what I've ruled on,
18 no other request from the defendant?

19 MS. GAY: No, sir.

20 THE COURT: All right.

21 [Off the record momentarily]

22

23

24

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The State of South Carolina vs. Craig Pinckney
Motion to Amend Indictment by Mr. Evans
May 20, 2014

MOTION TO AMEND INDICTMENT

MR. EVANS: Your Honor?

THE COURT: Yes, sir?

MR. EVANS: I consulted with Mr. Knight during the lunch break in reference to my earlier motion, which you deemed was premature, to amend the indictment. At this time, the State would re-raise that motion and ask for an amendment. I know that we're charging on the entire statute, but I'm just concerned for the record if the appellate court sees the indictment --

THE COURT: Well, at the defendant's request, I'm charging the whole indictment. I'm not sure that doesn't moot it. I think you've put her on notice of the statutory offense. Ms. Gay, have you got a position on that? I don't know that it matters now, because I've granted your request.

MS. GAY: I would request that that not be -- that there be no amendment, Your Honor.

THE COURT: Solicitor, an indictment is a notice indictment. You clearly put the defendant on notice of the charges. I don't see any prejudice to the defendant, legally, to allow you to amend. Ms. Gay opposes it simply because she doesn't want to concede anything, and she certainly hasn't by virtue of asking

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1 that I charge the entire statute since only a portion
2 of the statute was in the indictment. But I believe
3 the defendant was clearly on notice of the charges
4 adequate to prepare a defense. To the extent that you
5 insist that the Court rule on your motion to amend to
6 conform to the evidence, over Ms. Gay's objection, it
7 is granted.

8 MR. EVANS: Thank you, Your Honor.

9 THE COURT: Bring me the jury, Marcus.

10 MS. GAY: Does that mean you're --

11 THE COURT: Hold on. I've got a jury coming in.
12 Come on up here, counsel.

13 [Whereupon, an off-the-record bench conference
14 is held]

15 [Whereupon, the jury enters the courtroom at
16 2:02 p.m.]

17 THE COURT: Thank you for your patience. We're
18 on track now. You have not heard the final arguments
19 of the attorneys, nor received my charge on the law.
20 I ask that you give the attorneys your careful
21 consideration. You're going to hear an argument from
22 each side, followed by my charge.

23 Solicitor?

24 MR. EVANS: Thank you, Your Honor. May it
25 please the Court. Ms. Gay.

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CLOSING ARGUMENT

1
2 MR. EVANS: Ladies and gentlemen, this morning
3 Judge Buckner told you that this would not be like
4 trials you've seen on TV, and I think you would agree.
5 This wasn't a murder trial or a big conspiracy. This
6 is a simple offense. But that doesn't mean that you
7 can just take it less serious. Both Mr. Pinckney and
8 the State of South Carolina are entitled to your full
9 deliberation of the issues that have been presented to
10 you here today, and that's what we're going to ask you
11 to do.

12 The judge is going to tell you what the law is
13 and then he'll send you into the jury room, where
14 you've been waiting, to decide what the facts are
15 based on the evidence that's been presented to you
16 today. He's going to tell you that Mr. Pinckney is
17 charged with an offense that you've heard about
18 already: making a false representation to the DMV in
19 trying to clear up one's title.

20 He's going to read the law to you and it's going
21 to say that it's unlawful for a person to, (1), alter,
22 forge or counterfeit a certificate of title,
23 registration card or license plate, [2], alter or
24 forge an assignment of a certificate of title or an
25 assignment or release of a security interest on a

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1 certificate of title or on a form the Department
2 prescribes, or [3], possessor used a certificate of
3 title, registration card or license plate knowing it
4 to have been altered, forged or counterfeited, or,
5 [4], use a false or fictitious name or address, make a
6 material false statement, fail to disclose a security
7 interest, or conceal any other material fact in an
8 application for a certificate of title or for a
9 registration.

10 So that's a lot. Ladies and gentlemen, we're
11 telling you or asking you to consider 2 and 4 of that
12 section. The State contends that Mr. Pinckney, when
13 he walked into the DMV here in Walterboro on January
14 the 20th, 2012, and, as Ms. Minus told you, presented
15 these two documents, State's Exhibit Number 1, State's
16 Exhibit Number 2, she told you that when someone
17 presents these documents, which are forms -- she
18 testified that State's Exhibit 1 is form 450. So a
19 form the Department proscribes. And State's Exhibit 2
20 is form 400. These are documents that the DMV
21 creates and then others fill out in order to establish
22 that the lien or security interest on their title has
23 been satisfied and therefore -- and not only physical
24 possession, but legal ownership on one of these
25 needs to be transferred back to the person who took

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1 out that loan.

2 So when Mr. Pinckney took out the loan, he lost
3 legal title, legal ownership, which is what this
4 [indicates] is. He maintained physical control.

5 Ms. Minus told you that the reason a form 450 or
6 a form 400 will be used is if the title itself is
7 lost. The title document, as you'll be able to see,
8 has a box. And this was pointed out by Ms. Garvin --
9 where if the lien is released and the title itself is
10 not lost, they just sign it right here. They keep the
11 original for their records, because this title is
12 assigned to them. They make a copy which the
13 defendant, in this case, takes to the DMV to get the
14 lien satisfied and a fresh document which doesn't
15 indicate that they own it but that he owns it free and
16 clear, is created.

17 That's not what Mr. Pinckney did. He brought in
18 the documents for a lost title. You'll be able to
19 see. And I asked Ms. Minus about this during her
20 direct examination. In section A there's a box
21 indicating why this is being used, why a duplicate
22 title is being sought. So, in other words, a brand
23 new document. He checked lost. The title wasn't
24 lost. You heard Ms. Garvin testify it had been
25 residing in their files in their office right down the

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1 street from this courthouse the entire time.

2 Why were the forms for a lost title presented
3 when the title was not lost? That is a
4 misrepresentation. Mr. Pinckney presented a document
5 not only falsely claiming that the title was lost,
6 when it was actually in North American Title Loans'
7 office, but he presented a document which was dated --
8 that had been prepared on January the 6th and
9 representing that the loan had been -- the lien had
10 been paid off on December 9th, 2011.

11 Ms. Garvin, when she learned about this document
12 and saw it, recognized that this is supposed to be
13 Jessica Beverly's signature. But she testified, and
14 Ms. Beverly herself testified again, that she left the
15 office willingly, on good terms, to take a better
16 opportunity, in November of 2011. If she left in
17 November, how could she have signed this document
18 releasing the lien in January? Does that make sense?
19 You heard her, herself, testify, this is not my
20 signature. There was some mention of a Cashwell, a
21 similar company, in Beaufort. Defense counsel asked
22 Ms. Garvin and Ms. Beverly about that. They said they
23 didn't know about that company.

24 You heard that the way this all started was that
25 North American Title Loans purchased a previous lien

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1 from another company that does the same thing and that
2 this is commonplace. There was some suggestion that
3 that's what was going to happen again. But if that's
4 the case, why does this document say North American
5 Title Loans when Ms. Garvin testified to you that not
6 a dime had been paid? Nothing, nothing of that loan,
7 had been paid off.

8 They were trying to get the car, physical
9 possession of the car, back at this time. If they
10 were trying to do that, why would they release the
11 loan, the lien? Why would they give up title to
12 something that they were trying to get not just legal
13 ownership of, but physical ownership so that they
14 could sell it at auction to try to make some of this
15 money back? It was a bad investment. They put their
16 trust in someone who didn't pay them, and they were
17 trying to use their legal remedies to recover
18 something. So why would they just give up on it?
19 Does that make any sense?

20 Ms. Beverly also testified that she recalls
21 signing State's Exhibit 5 -- this is her signature.
22 She testified in front of you today -- and State's
23 Exhibit 1 is not.

24 So Mr. Pinckney on January 20th, 2012, walks
25 into the Department of Motor Vehicles trying to take

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1 the easy way out. He's got \$2,000, plus interest,
2 hanging over his head. And maybe you'll feel sorry
3 for him that his debts were getting out of control.
4 Remember what I told you when we began this trial
5 today earlier this morning. This case is about
6 responsibility. We have a system of laws in this
7 country that people engage willingly to legal
8 obligations to each other. He wasn't forced into this
9 deal. He asked for a loan and put up his truck as
10 collateral. When he realized he couldn't pay them
11 back, he didn't want to lose his truck so he tried to
12 pull a fast one.

13 Ms. Gay in her opening statement this morning
14 asked you to not forget your common sense. And I'm
15 going to ask you to do the same. When someone walks
16 into the DMV trying to engage in an illegal
17 transaction with them and presents two false
18 documents, does it make sense that he was duped into
19 this by yet another company that was trying to take
20 him on? Why would that other company sign Jessica
21 Beverly's name and North American Title Loans on that
22 document, State's Exhibit 1? Why would they do that?
23 Does that make sense? I submit to you that it
24 doesn't.

25 What makes far more sense is that Mr. Pinckney

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1 was doing exactly what I told you: trying to pull a
2 fast one to get out of his obligations, his
3 responsibilities. That's what this case is about.
4 You know the documents are false. You know that he
5 presented them because he was identified, by both of
6 the ladies who had met him before, here in court
7 today. This is the man, they said, that did this.

8 I told you that this case was about
9 responsibility and I told you you had some. It's been
10 your responsibility to pay attention to this
11 testimony, even though it's not like TV. It's not
12 like some of the other cases that we hear in this
13 courtroom. It's dry and on paper. That doesn't mean
14 that you can just ignore it.

15 When you go back into the jury room, don't leave
16 your common sense in this jury box. Look at the
17 paperwork. I know it was tedious to get it into
18 evidence, but you paid attention. Figure out what
19 happened, based on the evidence that you heard from
20 that witness stand and the documents that you're
21 taking into the jury room with you. You know that
22 this is false [indicates]. You know that he
23 [indicates] presented the documents. I'm going to ask
24 you to come back in here, when you're through, with a
25 true verdict, guilty. Thank you.

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1 THE COURT: Ms. Gay?

2 MS. GAY: Thank you, Your Honor. May it please
3 the Court? Mr. Solicitor?

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CLOSING ARGUMENT

MS. GAY: Earlier today as we sat here, we talked about A, B, C, D, E, F, and where there -- at the end of this trial I believed there would be some serious holes.

And I think there's a few things. First of all, my client has pled not guilty and he's pled not guilty to the crime as the solicitor read it out to you, and as the judge is going to charge you, of altering, forging, misleading, misrepresentations in title application. And what's happening here is is that my client showed up, as the testimony presented, to the DMV with some documents, documents that he, without any nervousness or anxiety, presented to the DMV thinking he was going to get a title to his car.

The origins of those documents have never been proven in this case. We do know that the document does not have Ms. Beverly's -- or Jessica's signature on it. We know that. We know that that's not her signature. But what we don't know at all is who put it there. We don't have any evidence whatsoever to connect my client, Mr. Pinckney, to that signature or that piece of paper other than he came to the DMV and gave it to them. That's it.

The other thing that we know is that there was a

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1 title application that was also brought in. And if
2 you look at that application when you go back to your
3 jury room, what you're going to find is that there's
4 like a front page and a back page. And in the back
5 page there's this squiggly signature that is actually
6 identified and we believe it to be Mr. Pinckney's
7 signature or his handwriting. It is consistent with
8 Exhibit 1. Actually, the document I was just looking
9 at was Exhibit 2.

10 This Exhibit 5, which was testified as being the
11 original installment loan and security agreement for
12 Mr. Pinckney's loan has -- and I believe several
13 members of the jury, as it was passing around, took
14 extra care to look at it because they wanted to see.
15 This has been identified as Mr. Pinckney's
16 handwriting, as well. So this squiggly line right
17 here on Exhibit 5, and the squiggly line on Exhibit 2
18 are -- we know for a fact are documents that have been
19 penned by my client. But nothing else that we know of
20 that's been penned by him. There's been no testimony
21 whatsoever that he created these documents.

22 And it becomes extremely important because when
23 you go back to your jury room, one of the things that
24 the judge is going to tell you to do is to -- you
25 know, you can look at the credibility of the

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1 witnesses, you can look at everything as it meets and
2 touches each other, to see the circumstances under
3 which things are done so that you can consider all of
4 this evidence as a whole.

5 And, interestingly, in Exhibit 2, and Exhibit 1,
6 which is the satisfaction of title lien, there's these
7 holes in the top of the page and they are holes that
8 if you line these two documents up, the holes match as
9 if there was, at some point in time, some type of a,
10 you know, stapler in them because the holes match.

11 The other thing that's interesting on this piece
12 of paper is that this -- well, which is Exhibit 2 --
13 no, let's see -- Exhibit 1, is that the handwriting on
14 Exhibit 1 and Exhibit 2 are very, very similar. Not
15 Mr. Pinckney's, but very, very similar. The VIN
16 number which is printed on Exhibit 1 and the VIN
17 number that's also printed on Exhibit 2, remember I
18 was questioning the witness about this. Some of these
19 letters and numbers are identical. And, you know, we
20 can infer that this document and this document were
21 likely made by the same person. There's been no
22 evidence whatsoever that this document -- that either
23 Exhibit 1 or Exhibit 2 were actually created by my
24 client at all. However, there's this staple mark in
25 there as if it was stapled together at some time.

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1 And so one of the things that we talked about
2 about these -- the practice in title loaning is that
3 they roll over loans and that that is one of the
4 things that both ladies who worked for North American
5 Title testified to the fact that as a practice they
6 often pay out someone else's loan. There was no
7 testimony whatsoever that a customer would ever have
8 even known how to fill out one of these forms ever.
9 She specifically said -- well, they both said that
10 this particular form, which is a form 450, is no
11 longer used by the DMV because of the problems that
12 they had with this form. What other problems? That
13 somebody could get ahold of one? Yes, those are the
14 problems. And that is the situation because this
15 form, they never testified that Mr. Pinckney had ever
16 been told how to use this form or what to do with
17 this. They testified that internally that the car
18 companies, the title loan companies, fill these things
19 out for each other or give them to their customers.
20 And so this document and this document, as I said,
21 when you go back and really scrutinize it, they are so
22 similar and they -- I believe they have the same
23 origin. But there is absolutely no references
24 anywhere in this testimony that the origin of these
25 documents came from my client. And so that's what

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1 this case is about.

2 Did my client know that these were bogus
3 documents? Did my client know that he was presenting
4 something to the DMV that was not real? Because this,
5 as we know from the testimony presented, is not her
6 signature. That's a fact. We know that. She's
7 testified to that. But it's also not Mr. Pinckney's
8 signature and it's not Mr. Pinckney's handwriting, and
9 we never had a witness testify that this document was
10 filled out in any way, shape or form by Mr. Pinckney.
11 And as I said, when you look at my client's signature,
12 you'll see that it's highly unlikely whatsoever that a
13 person who signs their name with a squiggle mark can
14 actually create a document this neat and tidy.

15 And so that's where we're at here. This is what
16 this is about. And my client, as I said, has pled not
17 guilty. He is entitled to -- he's asking you to
18 review these documents and to see what's lacking,
19 because the solicitor can stand up all day and say,
20 well, he went there and he presented the documents.

21 But is that enough? That's your decision, is
22 that enough. Because his take would be -- or, you
23 know, what ends up happening was a man who did not
24 seem nervous, who did not seem anxious, who did not
25 appear to be doing anything fraudulent or misleading,

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1 goes into the DMV under the normal course of practice,
2 talks to the greeter, tells the greeter what they're
3 there for. This is what the testimony came from the
4 witness stand -- was in the office for a period of
5 time, long enough for the woman who worked for the DMV
6 to call the fraud department and say, what do I do,
7 and then call the police department and for the police
8 to respond.

9 At some point, if Mr. Pinckney had had an idea
10 or an inclination that there was something criminal in
11 nature to what he was doing, he probably would have
12 left. But he didn't. He waited, thinking that the
13 documents that he's presented or believing that -- or,
14 you know, that he's presented some documents and was
15 going to get a title.

16 Now, today, as I said, we have no idea where
17 these documents came from. The solicitor has not
18 proven to you where these documents came from. He has
19 not proven to you at all that Mr. Pinckney created
20 these documents or obtained these documents in a
21 fraudulent manner at all. All we know is that he's
22 the one who took them there. And as I said, at some
23 point they were definitely stapled together and they
24 definitely were, you know, presented and created I
25 believe by the same person. It's not Mr. Pinckney.

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1 And so today we have a few pieces of evidence
2 for you to consider. It's a short case. It's been a
3 short case today. It's been very, very helpful to
4 Mr. Pinckney how diligent y'all have been and how
5 concerned you are about this process and how fortunate
6 he is to have a jury that is really going to take time
7 to look at all this. Because as I said, he's pled not
8 guilty, and he believes that after you look at all
9 this evidence, that you will also find that he's not
10 guilty. Thank you.

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CHARGE OF THE COURT

THE COURT: Madam Foreperson, ladies and gentlemen of the jury, it's now my duty to charge you on the law of this case.

Now, the State has charged the defendant, Craig Pinckney, with altering, forging or counterfeiting a certificate of title, or altering or forging a release of a security interest, or making a material false statement, or failing to disclose a security interest, in indictment number 2012-GS-15-00062.

I remind you that the fact that the defendant was arrested, the fact that the defendant was charged, the fact that the defendant was indicted in this case is not evidence in this case, nor does it create any presumption or inference of guilt.

These documents, the indictment in this case, is simply the formal written instrument which contains the charge made against the defendant. It is the formal document by which the case is brought into this court. Now, to this indictment, the defendant has pled not guilty and that plea of not guilty puts the burden on the State to prove the defendant guilty beyond a reasonable doubt. A person charged with committing a criminal offense in South Carolina is never required to prove himself innocent.

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1 I charge you, ladies and gentlemen, that it is
2 an important rule of the law that the defendant in a
3 criminal trial, no matter what the seriousness of the
4 charge may be, will always be presumed to be innocent of
5 the crime for which the indictment was issued unless guilt
6 has been proven by evidence satisfying you of that guilt
7 beyond a reasonable doubt. This presumption of innocence
8 does not end when you begin your deliberations but it
9 accompanies the defendant throughout the trial until you,
10 the jury, reach a verdict of guilty based on evidence
11 satisfying you of that guilt beyond a reasonable doubt.
12 The presumption of innocence is not just a legal theory,
13 it's not just a legal phrase, it is a substantial right to
14 which every defendant is entitled unless you, the jury,
15 are satisfied from the evidence of the defendant's guilt
16 beyond a reasonable doubt.

17 Now, what is a reasonable doubt in the law?
18 Reasonable doubt is the kind of doubt that would cause a
19 reasonable person to hesitate to act. The State has the
20 burden of proving the defendant guilty beyond a reasonable
21 doubt. Some of you may have served as a juror in a civil
22 case where you were told by the Court in a civil case,
23 such as a contracts case or a wreck case, it is only
24 necessary to prove that a fact is more likely true than
25 not true. We call that burden of proof in a civil case by

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1 the greater weight or preponderance of the evidence.

2 In a criminal case such as the case here, the
3 State's proof must be more than that. It must be beyond a
4 reasonable doubt. Proof beyond a reasonable doubt, ladies
5 and gentlemen of the jury, is proof that leaves you firmly
6 convinced of the defendant's guilt. Now, there are very
7 few things in this world that we know with absolutely
8 certainty and in criminal cases, the law does not require
9 proof that overcomes every possible doubt. If, based on
10 your consideration of the evidence, you are firmly
11 convinced that the defendant is guilty of the crime
12 charged, you must find the defendant guilty. On the other
13 hand, if you think there's a real possibility that the
14 defendant is not guilty, you must give the defendant the
15 benefit of the doubt and find the defendant not guilty.

16 I remind you that during this trial, you and I
17 have had certain duties to perform. As the trial judge,
18 it has been my responsibility to preside over the trial
19 and I also have the duty to rule on the admissibility of
20 evidence that's been offered during the trial. You are,
21 ladies and gentlemen of the jury, as I told you at the
22 outset, to consider only the competent evidence before
23 you. If there was any testimony ordered stricken from the
24 record in this case during the trial, you must disregard
25 that testimony. You are to consider only the testimony

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1 which has been presented from this witness stand, any
2 exhibits which you will have with you in your jury room
3 which were admitted into evidence, and if there were any
4 stipulations by counsel or agreements during the trial.
5 That is what you must base your decision on.

6 Now, I also as the trial judge have the
7 additional duty to charge you the law that applies to this
8 case. As the presiding judge, I'm the sole judge of the
9 law of this case and it is your duty as jurors to accept
10 and to apply the law as I state it to you. If any of
11 you -- and if you're like my house, or many others -- if
12 any of you came to this courtroom and you already have any
13 idea or think you have an idea as to what the law is or an
14 opinion as to what the law is or what you think the law
15 ought to be, and it does not agree with what I now tell
16 you the law is, you must abandon any of your preconceived
17 ideas or opinions because you swore in your oath that you
18 would accept the law and apply the law exactly as I now
19 state it to you.

20 In every case tried in this courtroom before a
21 jury, the jury becomes the sole and the exclusive judges
22 of the facts in the case. A trial judge such as myself
23 cannot intimate, state, comment on, or make any kind of
24 statement to a trial jury such as yourselves about the
25 facts or the evidence in a case. Since you, the jury,

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1 ladies and gentlemen, are the sole judges of the facts in
2 this case, as I told you at the beginning, you are not to
3 infer from what I've said during the progress of this
4 trial in ruling upon the admissibility of evidence, or
5 anything that I say now during the course of this
6 instruction to you, that I have any opinion whatsoever
7 about the facts in this case. The law does not allow me
8 to have an opinion about the facts in this case. This is
9 a matter that is solely for you, the jury, to determine.

10 As jurors, then, it becomes your duty to
11 determine the effect, the value, the weight, and
12 ultimately the truth of the evidence that's been presented
13 during the trial of this case. Now, like many things in
14 the law, ladies and gentlemen, there are two types of
15 evidence that are generally presented during a trial. And
16 we have names for everything in the law. We call these
17 general types of evidence direct evidence and
18 circumstantial evidence. Direct evidence is the testimony
19 of a person who claims to have actual knowledge of a fact,
20 such as an eyewitness to an event who see something and
21 testifies about what he or she sees. Direct evidence is
22 evidence which immediately establishes the main fact to be
23 proved. Circumstantial evidence, as contrasted with
24 direct evidence, is proof of a chain of facts and
25 circumstances indicating the existence of a fact.

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1 Circumstantial evidence is evidence which immediately
2 establishes collateral facts from which the main fact may
3 or may not be inferred. Circumstantial evidence, ladies
4 and gentlemen of the jury, is based on inference and not
5 on personal knowledge or personal observation. The law
6 makes absolutely no distinction between the weight or the
7 value to be given to either direct evidence or
8 circumstantial evidence, nor is a greater degree of
9 certainty required of circumstantial evidence than of
10 direct evidence. You should, ladies and gentlemen of the
11 jury, weigh and consider all of the evidence in this case,
12 both direct and circumstance evidence. After considering
13 and weighing all the evidence, both direct and
14 circumstantial in this case, if you are not convinced of
15 the guilt of the defendant beyond a reasonable doubt, you
16 must find the defendant not guilty. On the other hand,
17 after hearing, weighing, and considering all the evidence
18 in this case, both direct and circumstantial, if you are
19 convinced of the guilt of the defendant beyond a
20 reasonable doubt, you must find the defendant guilty.

21 Necessarily, you're going to have to determine
22 the credibility of the witnesses who have testified in
23 this case. Credibility simply means believability. It
24 becomes your duty as jurors to analyze, it becomes your
25 duty as jurors to evaluate, the evidence and determine

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1 which evidence in this case convinces you of its truth
2 based on evidence introduced during the trial of the case.
3 In determining the believability of witnesses who have
4 testified in this case, you may believe one witness over
5 several witnesses or several witnesses over one witness.
6 You may believe a part of the testimony of a witness and
7 reject the remaining part of the testimony of that same
8 witness. You may believe the testimony of a witness in
9 its entirety or you may reject the testimony of a witness
10 in its entirety. You may consider whether any witness has
11 exhibited to you any interest, any bias or prejudice, or
12 other motive in this case. You may also consider, as I
13 told you, the appearance, the manner of the witness while
14 the witness is on the witness stand, which we call the
15 demeanor of the witness while the witness is on the
16 witness stand, in deciding the question for you the
17 credibility or the believability of the witnesses who have
18 testified during the trial of this case.

19 Now, I instruct you and charge you that the fact
20 that the defendant did not testify in this case is not a
21 factor to be considered by you in any way in your
22 deliberations and in your consideration on the question of
23 the guilt or innocence of the defendant. It must not be
24 considered by you in any manner whatsoever. A defendant
25 has the constitutional right to remain silent and the

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1 assertion of that right must not be considered by you, the
2 jury, in your deliberations. I repeat that under that
3 oath you took, you are to draw no conclusion whatsoever
4 from the fact that the defendant in this case did not
5 testify. The fact that the defendant didn't testify
6 should not even be discussed in your jury room. The
7 burden of proof, as I've stated to you, is on the State.
8 The defendant is not required to prove his innocence. The
9 burden of proof remains on the State to prove guilty
10 beyond a reasonable doubt.

11 Now, in order to establish criminal liability or
12 criminal responsibility, criminal intent is required. Let
13 me give you some examples of criminal intent, not
14 necessarily in this case. When we talk about criminal
15 intent, ladies and gentlemen, we're talking about the
16 mental state required to be proven by the State for any
17 particular crime. And it might be -- by example, it might
18 be -- some statutes might say intent, some might say
19 knowledge, recklessness, or even in some cases criminal
20 negligence. Those are just examples of criminal intent.
21 Criminal intent must be proven by the State beyond a
22 reasonable doubt. Criminal intent is always a matter that
23 must be determined by the jury from the circumstances
24 surrounding the situation based on evidence introduced
25 during the trial of the case.

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1 Now, ladies and gentlemen, there is no way to
2 prove any kind of intent or criminal intent to any
3 mathematical certainty. There is no way that medical
4 science can dissect a person's brain and determine what
5 that person had in mind. So, ladies and gentlemen, the
6 law says that criminal intent may be inferred from the
7 circumstances shown to have existed based on evidence
8 introduced during the trial of the case. This, ladies and
9 gentlemen, is how to make a determination whether or not
10 any element requiring intent was present. It is not
11 necessary, ladies and gentlemen, to establish intent by
12 direct or positive evidence but intent may be established
13 by inference, from the acts and conducts of the parties,
14 just like any other fact, taking into consideration the
15 acts of the parties and all the facts and circumstances of
16 the case based on evidence introduced during the trial of
17 the case. Criminal intent is a mental state, a conscious
18 wrongdoing. It is up to you to determine from the
19 evidence what the defendant intended to do, based on the
20 circumstances shown to have existed from evidence
21 introduced during the trial of the case.

22 I'll define the offense for you. I told you the
23 defendant is charged in this indictment with violating
24 South Carolina Code Section 16-21-0010, Subsection A. The
25 defendant is charged with violating that section in the

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1 indictment. The State must prove for this, beyond a
2 reasonable doubt, that the defendant altered -- and I am
3 reading you the entire Subsection A: that the defendant
4 altered, forged, or counterfeited a certificate of title,
5 registration card, or license plate; or the State must
6 prove beyond a reasonable doubt that the defendant altered
7 or forged an assignment of a certificate of title or an
8 assignment or release of a security interest on a
9 certificate of title, or on a form the Department
10 prescribes; or the State must prove beyond a reasonable
11 doubt that the defendant possessed or used a certificate
12 of title, registration card, or license plate, knowing it
13 to have been altered, forged, or counterfeited; or the
14 State must prove beyond a reasonable doubt that the
15 defendant used a false or fictitious name or address or
16 made a materially false statement or failed to disclose a
17 security interest or concealed any other material fact in
18 an application for certificate of title or for
19 registration.

20 Now, Madam Foreperson and ladies and gentlemen
21 of the jury, I've charged you on the law in order to help
22 guide you to a fair and a just result in this case. You
23 are the judges of the facts in this case, based on the
24 evidence. And based on your determination of the facts in
25 this case, and the law as I have explained it to you, you

The State of South Carolina vs. Craig Pinckney
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1 will soon begin your deliberations.

2 Now, I have prepared a verdict form for you,
3 Madam Foreperson. I told you I would. I've already put
4 the title of the case. It says State of South Carolina,
5 County of Colleton, State of South Carolina vs. Craig
6 Pinckney, defendant. It has in the Court of General
7 Sessions -- that's criminal court -- has the indictment
8 number, has the word verdict. There's only one question:
9 we, the jury, by unanimous consent, find the defendant,
10 Craig Pinckney, in indictment number 2012-GS-15-00062 --
11 first form of verdict is guilty. If that be your form of
12 verdict, you would check on the line beside guilty. The
13 second form of verdict under question 1 is not guilty. If
14 that be your form of verdict, you would check on the line
15 beside that form of verdict. You must find one or the
16 other, guilty or not guilty. You cannot find both.

17 There is no significance whatsoever to the order
18 in which the forms of verdict are written. We obviously
19 had to write one before the other and the order has no
20 significance whatsoever.

21 When you have checked, Madam Foreperson, for the
22 entire jury the form of verdict the jury chooses, you
23 would then sign your name on the line where it says
24 foreperson. I've already put in today's date and
25 Walterboro, South Carolina. And in italics at the bottom

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1 of the verdict form I have put: please indicate your
2 findings by checking the appropriate line, certify the
3 finding by the foreperson's signature, please inform the
4 bailiff by knocking on the door when you have reached your
5 verdict, and we will bring you back into the courtroom to
6 publish your verdict after you've completed the verdict
7 form.

8 Now, Madam Foreperson, my law clerk now has the
9 indictment and whatever you write on this verdict form and
10 sign, he's going to want you to sign your name and write
11 the same words on the indictment that you write on this
12 verdict form before you leave the courtroom today.

13 Each of you have been selected as fair and
14 impartial jurors. Your verdict must be a unanimous
15 verdict. It must be the verdict of each and every one of
16 you. All twelve of you must agree. Each of you took an
17 oath to fairly and impartially try and determine the facts
18 of this case and when you comply with that oath to do so,
19 no one can criticize your verdict. You are to decide this
20 case, though, not based on anything but the evidence in
21 this case. So it's based solely on the testimony from
22 that witness stand, any exhibits which I will send in with
23 the verdict form into your jury room when I want you to
24 begin your deliberations, based on the evidence in this
25 case that you've heard from the witness stand.

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1 Now, ladies and gentlemen, you must decide the
2 issues in this proceeding without any bias or prejudice
3 that you might have and without any bias or prejudice
4 toward either party to this case. You cannot allow
5 yourself to be governed by prejudice for or against any
6 person. You can't allow yourself to be governed by public
7 opinion or by any other arbitrary factor such as emotion.
8 Both the defendant and the State of South Carolina have
9 the absolute right to expect that each of you on this jury
10 will carefully and impartially consider all of the
11 evidence in this case and you will follow the law, as I
12 have instructed it to you to be, in reaching your verdict
13 in this case.

14 Now, Madam Foreperson and ladies and gentlemen
15 of the jury, I'm going to ask you at this time if you
16 would retire to your jury room. Before you leave me, I
17 might have to bring you back just for some brief
18 additional instructions, so do not begin your
19 deliberations yet. Wait until I send the verdict form and
20 all the exhibits which have been introduced into evidence
21 during the trial of the case and I will instruct the
22 bailiff to tell you you may then commence your
23 deliberations.

24 Please retire to your jury room.

25 [Whereupon, the jury exits the courtroom at

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1 2:48 p.m.]

2 THE COURT: Any exceptions or additions to the
3 charge from the State of South Carolina?

4 MR. EVANS: Not from the State, Your Honor.

5 THE COURT: From the defendant?

6 MS. GAY: No, Your Honor.

7 THE COURT: Counsel, I ask you to come forward,
8 certify on the record you're satisfied that the court
9 reporter has all the exhibits and that you have no
10 objection to the Major taking my verdict form, which
11 you have approved, and the exhibits into the jury and
12 telling the jury they may now commence their
13 deliberations.

14 MR. EVANS: The State is satisfied, Your Honor.

15 THE COURT: No objection to the Major taking
16 them?

17 MR. EVANS: No objection.

18 THE COURT: Is the defendant so satisfied?

19 MS. GAY: Yes, sir.

20 THE COURT: Very well. Major, if you'll get the
21 exhibits from the court reporter. It includes that
22 one, yeah, the stamp. There are how many, Mia?

23 THE COURT REPORTER: There are four paper ones
24 and --

25 THE COURT: But it's five exhibits, total. So

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1 you've got to take the fifth one, which is the stamp,
2 and the verdict form, and tell the jury they may now
3 commence their deliberations.

4 Thank you very much.

5 [Whereupon, exhibits and verdict form out to the
6 jury at 2:50 p.m.]

7 [Whereupon, a recess is taken from 2:50 p.m. to
8 3:14 p.m.]

9 OFFICER: Would you like him out, sir?

10 THE COURT: No. I'm going to first deal with
11 them and then we'll bring him out.

12 [Whereupon, an off-the-record bench conference
13 is held]

14 THE COURT: Let the record reflect that I
15 received a note from the jury. I've read it to
16 counsel. The note says: did they say that was his
17 signature? We would to have a copy of the law and
18 indictment.

19 And defendant is now present.

20 First of all, any objection to making the jury's
21 note a Court's Exhibit? From the State?

22 MR. EVANS: No, Your Honor.

23 THE COURT: From the defendant?

24 MS. GAY: No.

25 THE COURT: All right. It will be Court's

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1 Exhibit Number 3.

2 [Whereupon, Court's Exhibit Number 3 is marked
3 by the court reporter]

4 THE COURT: Counsel agrees that the answer to
5 the first question, did they say that was his
6 signature, should be you must decide this case based
7 on the evidence presented.

8 Is that correct from the State?

9 MR. EVANS: That's correct, Your Honor.

10 THE COURT: Correct from the defendant?

11 MS. GAY: Yes, sir.

12 THE COURT: All right. I'm going to have my law
13 clerk write that on it. I'll sign it Perry Buckner,
14 presiding judge.

15 As to -- and I'll ask them this, because I'm
16 going to bring them back. I'm going to tell them,
17 because y'all have agreed as to the second question
18 which they wrote: we would to have a copy of the law.

19 Both sides agree that I can give them a clean
20 copy, which I've had my law clerk run, of my entire
21 charge. I'll ask them if they want that or just a
22 portion of the charge dealing with the substantive
23 offense that defendant's charged. They can have it
24 all or a portion so they don't have to read sixteen
25 pages unless they want to.

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1 Is that agreeable with the State?

2 MR. EVANS: Yes, sir, Your Honor.

3 THE COURT: Agreeable with the defendant?

4 MS. GAY: I would think that we just needed the
5 statute of the crime committed, as opposed to all the
6 rest of the charge, Your Honor.

7 THE COURT: Well, I was going to ask them what
8 they wanted, because I think it's up to them, Ms. Gay.

9 MS. GAY: Okay. Thank you.

10 THE COURT: I understand what you want, but this
11 is the jury's question.

12 Any objection to that procedure?

13 MS. GAY: No, sir.

14 THE COURT: Very well.

15 Now, as to the last request: we would to have
16 copy of the indictment.

17 My law clerk has got it. Both sides agree the
18 indictment is not in evidence. I charged the entire
19 statute that is the subject matter of this and,
20 therefore, both sides feel the indictment should not
21 go to the jury. So I'm going to call them back and
22 tell them the indictment was not in evidence and I
23 will give them as much or as little of my charge as
24 they want. I will answer their question 1 in writing
25 and give that back to them as Court's Exhibit Number

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1 3, and I will tell them the indictment remains with
2 us.

3 Is that satisfactory with the State?

4 MR. EVANS: Yes, sir, it is.

5 THE COURT: Satisfactory with the defendant?

6 MS. GAY: Your Honor, I did say that I did not
7 have a problem with the indictment piece of paper
8 going back there. I believe you decided that you
9 weren't going to. But I did --

10 THE COURT: It's not in evidence. That's the
11 reason.

12 MS. GAY: Yes, sir.

13 THE COURT: All right. Marcus, bring me the
14 jury.

15 [Whereupon, the jury enters the courtroom at
16 3:27 p.m.]

17 THE COURT: Madam Foreperson, ladies and
18 gentlemen of the jury, I received your note.

19 The first question that you wrote to me, did
20 they say that was his signature, I've answered that in
21 writing for you: you must decide this case based upon
22 the evidence presented. Now, if you want to re-hear
23 evidence in the case, we have an audio recording. We
24 can make no comment to you about it other than that.

25 Second question: we would -- and I think you

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1 mean like. It says: we would to have a copy of the
2 law.

3 THE FOREPERSON: Would like to have.

4 THE COURT: You would like to have a copy. Now,
5 I have my entire charge. It's ten pages or so. Do
6 you want the entire charge that I charged you on the
7 law, or do you want the portion dealing just with the
8 substantive offense, which is 16-21-10 of the Code?
9 Do you want the entire thing or a portion of it? I'm
10 just trying to make -- I'll give you either that you
11 want.

12 THE FOREPERSON: Your Honor, if I'm correct, we
13 would like to have the part -- the fourth part of it
14 where the four parts are.

15 THE COURT: The part dealing with the statute
16 for which he is charged?

17 THE FOREPERSON: Yes.

18 THE COURT: All right. I'll take care of that
19 right now.

20 [Off the record momentarily]

21 THE COURT: Now, as to your request that you
22 would like to have a copy of the indictment, the
23 indictment is not in evidence and you must decide this
24 case only upon the evidence. So that remains with us.
25 However, you will have my charge, which explains the

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1 law of the indictment with you. I'm having my law
2 clerk run it off for you now. And I'm going to give
3 you back the question that I answered in writing and
4 signed my name.

5 There we go. Nathan, give that to the
6 foreperson. He's gone to the printer right now and
7 he's going to print it for you and I'm going to send
8 that in to you when he gets back.

9 Has the Court now answered each of your
10 questions?

11 THE FOREPERSON: Yes, Your Honor.

12 THE COURT: I ask you then if you'll return to
13 your jury room and please continue your deliberations.
14 And I'll send in that portion of the charge.

15 [Whereupon, the jury exits the courtroom at
16 3:29 p.m.]

17 THE COURT: Do y'all want to look at it, the
18 portion I'm sending?

19 MS. GAY: I trust you.

20 THE COURT: Thank you. Do you want to look at
21 it?

22 MR. EVANS: We're fine, sir.

23 THE COURT: Take it on in to them.

24 Any exceptions or additions to the Court's
25 comments to the jury? From the State?

The State of South Carolina vs. Craig Pinckney
Charge of the Court
May 20, 2014

1 MR. EVANS: Not from the State, Your Honor.

2 THE COURT: From the defendant?

3 MS. GAY: No, sir.

4 THE COURT: Very well.

5 We'll remain at ease while we await the jury's
6 verdict.

7 [Whereupon, a recess is taken from 3:31 p.m. to
8 3:57 p.m.]

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The State of South Carolina vs. Craig Pinckney
Verdict
May 20, 2014

VERDICT

THE COURT: I understand, counsel, from my
bailiff that the jury has reached a verdict. Anything
from the State before we publish the verdict?

MR. EVANS: Nothing from the State, Your Honor.

THE COURT: Anything from the defendant before
we publish the verdict?

MS. GAY: No, Your Honor..

THE COURT: Bring us a jury, please.

[Whereupon, the jury enters the courtroom at
3:58 p.m.]

THE CLERK OF COURT: Madam Forelady, have y'all
reached a verdict?

THE FOREPERSON: Yes.

THE COURT: You may publish the verdict.

MS. GAY: Would you like my client to stand?

THE COURT: Defendant will please rise, along
with defense counsel.

Madam Clerk, please publish the verdict in the
presence of the parties and the jury.

THE CLERK OF COURT: The State of South
Carolina, County of Colleton, the State of South
Carolina versus Craig Pinckney, indictment number
2012-GS-15-0062, we, the jury, by unanimous consent,
find the defendant, Craig Pinckney, in indictment

The State of South Carolina vs. Craig Pinckney
Verdict
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1 2012-GS-15-0062, guilty. Signed by Foreperson Thelma
2 R. Stephens.

3 If this is your verdict, please raise your right
4 hand. Thank you.

5 THE COURT: Let the record reflect twelve hands
6 were raised in response to the clerk's question.
7 Please be seated once --

8 Ms. Gay, anything before I excuse this jury,
9 from the defendant?

10 MS. GAY: I ask that you please poll the jury.

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The State of South Carolina vs. Craig Pinckney
Polling of the jury
May 20, 2014

POLLING OF THE JURY

THE COURT: Madam Clerk, you will poll the jury.

Ladies and gentlemen, the clerk is going to call your name. When your name is called, just please stand. She is going to ask you was that your verdict, and you will answer yes or no; and is that still your verdict, and you will answer yes or no.

Madam Clerk, please poll the jury.

THE CLERK OF COURT: Loretta J. Milligan, was that your verdict?

MS. MILLIGAN: Yes.

THE CLERK OF COURT: Is it still your verdict?

MS. MILLIGAN: Yes.

THE COURT: Thank you. Be seated.

THE CLERK OF COURT: Vanity A. Hodges, was that your verdict?

MS. HODGES: Yes.

THE CLERK OF COURT: Is it still your verdict?

MS. HODGES: Yes.

THE CLERK OF COURT: Lori D. Jones, was that your verdict?

MS. JONES: Yes, ma'am.

THE CLERK OF COURT: Is it still your verdict?

MS. JONES: Yes, ma'am.

THE CLERK OF COURT: Mamie L. Ferguson, was that

The State of South Carolina vs. Craig Pinckney
Polling of the jury
May 20, 2014

1 your verdict?

2 MS. FERGUSON: Yes, ma'am.

3 THE CLERK OF COURT: Is it still your verdict?

4 MS. FERGUSON: Yes, ma'am.

5 THE CLERK OF COURT: James A. Little, was that
6 your verdict?

7 MR. LITTLE: Yes, ma'am.

8 THE CLERK OF COURT: Is it still your verdict?

9 MR. LITTLE: Yes, ma'am.

10 THE CLERK OF COURT: Thelma R. Stephens, was
11 that your verdict?

12 MS. STEPHENS: Yes.

13 THE CLERK OF COURT: Is it still your verdict?

14 MS. STEPHENS: Yes.

15 THE CLERK OF COURT: Laura J. Churchill, was
16 that your verdict?

17 MS. CHURCHILL: Yes, ma'am.

18 THE CLERK OF COURT: Is it still your verdict?

19 MS. CHURCHILL: Yes, ma'am.

20 THE CLERK OF COURT: Bernard J. Dessoye, II, was
21 that your verdict?

22 MR. DESOYE: Yes, ma'am.

23 THE CLERK OF COURT: Is it still your verdict?

24 MR. DESOYE: Yes, ma'am.

25 THE CLERK OF COURT: Samuel C. Bethay, was that

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May 20, 2014

1 your verdict?

2 MR. BETHAY: Yes, ma'am.

3 THE CLERK OF COURT: Is it still your verdict?

4 MR. BETHAY: Yes, ma'am.

5 THE CLERK OF COURT: Leda M. Hughes, was that
6 your verdict?

7 MS. HUGHES : Yes, ma'am.

8 THE CLERK OF COURT: Is it still your verdict?

9 MS. HUGHES: Yes, ma'am.

10 THE CLERK OF COURT: Jessica Mears-Williams, was
11 that your verdict?

12 MS. WILLIAMS: Yes.

13 THE CLERK OF COURT: Is it still your verdict?

14 MS. WILLIAMS: Yes.

15 THE CLERK OF COURT: Willie J. Williams, Sr.,
16 was that your verdict?

17 MR. WILLIAMS: Yes, ma'am.

18 THE CLERK OF COURT: Is it still your verdict?

19 MR. WILLIAMS: Yes, ma'am.

20 THE CLERK OF COURT: The jury has been polled.

21 THE COURT: Ms. Gay, the jury has been polled.

22 The verdict stands. Anything from the defendant as to
23 the jury?

24 MS. GAY: No, sir.

25 THE COURT: Madam Foreperson, ladies and

The State of South Carolina vs. Craig Pinckney
Polling of the jury
May 20, 2014

1 gentlemen of the jury, on behalf of Colleton County
2 and this Court, I want to thank you for your service
3 in this case.

4 Now, I've got some good news for you. This
5 concludes your service for the week, so I'm going to
6 be sending you home.

7 Now, sentencing in this case is getting ready to
8 occur in just a moment and I'll be -- the courtroom is
9 a public proceeding. I'm happy for you to stay, if
10 you would like. You can stay right in the jury box
11 and Mr. Grant will escort you out after we've finished
12 with sentencing, if you would like to stay. I'll be
13 hearing about the defendant's record, I'll be hearing
14 from the defendant in mitigation, and I'll be deciding
15 the sentence. That is not your province. That's the
16 province of the Court.

17 Now, if you want to talk about your jury
18 verdict, you can do so if you want to. If you don't
19 want to, you don't have to. So if somebody comes up
20 to you and wants to talk about your verdict, it's
21 entirely up to you. If somebody persists and you
22 don't want to talk about it, you get their name and
23 give it to me and I'll handle that problem for you,
24 ladies and gentlemen.

25 Now, downstairs in the clerk's office there is a

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Polling of the jury
May 20, 2014

1 door marked general sessions. If any of you need a
2 work excuse for your employer from serving on the jury
3 this week, if you'll go downstairs before you leave,
4 go in that door, they will provide you with a work
5 excuse to show your employer.

6 Also, we'll be mailing you that exorbitant
7 amount of money that we pay you for your jury service.
8 It will be mailed to the address where we sent your
9 summons for jury duty.

10 Finally, because you served this week, you are
11 now exempt -- if the computer were to choose you --
12 for three years from jury service by virtue of your
13 service. All a judge can do is ask a jury to listen.
14 And each of you did that. I watched you. I realize
15 this wasn't a long trial, but you listened. I thank
16 you for that service on behalf of Colleton County and
17 this Court. As I told you, justice cannot be
18 accomplished in a courtroom without you, the jury,
19 because of your willingness to serve. I thank you for
20 that service.

21 Now, we're going to go right into sentencing. I
22 invite you to stay if you would like to. If you would
23 like to leave, you can leave by the door here on the
24 side of the courtroom, as you wish.

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The State of South Carolina vs. Craig Pinckney
Post Trial Motions
May 20, 2014

POST TRIAL MOTIONS.

THE COURT: All right. Ms. Gay, any post
verdict motions from counsel for the defendant?

MS. GAY: Yes, sir.

I would like to renew all my previous motions
cited for directed verdict and that was renewed in the
State's -- it was done in State's case and then
renewed at the end of my case, and ask you to consider
a judgment notwithstanding the verdict in light of the
evidence. I don't believe that it was sufficient to
establish the elements of the offense.

THE COURT: And those verdicts -- first of all,
as to renewing your earlier motions, there is no such
thing as a JNOV in a criminal case, Ms. Gay. I'm sure
you know that. There is a motion for a rest of
judgment or a motion for a new trial, as far as post
verdict is concerned. So first of all, as to your
arguing a JNOV, there's no such thing.

As to your renewing your motions that you made
at the close of the State's case and at the close of
all the evidence, they are respectfully denied post
verdict.

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The State of South Carolina vs. Craig Pinckney
Sentencing
May 20, 2014

SENTENCING

THE COURT: You and your client please come forward. Solicitor, you come forward.

MS. GAY: I do have one housekeeping matter, Your Honor.

THE COURT: Yes, ma'am. Let me get a -- I've got a sentencing sheet, don't I?

MR. EVANS: Yes, Your Honor.

THE COURT: Ms. Gay, be happy to hear from you. You said you had a housekeeping matter.

MS. GAY: Well, it's a little bit more than that. But what it is, Your Honor, is that my client is on federal supervision. That's what we talked about before this case and that I believe had a lot to do with what his decision was in this case.

As I understand it after my twenty-something years of doing this, a defendant, if they're sentenced in state court and then they get violated on federal supervision for some type of federal time, they can't be run concurrent if the federal time starts after the state time but they can be run concurrent if the federal time starts before the state time. And so I would just ask you to consider the possibility of deferring sentencing just for a short period of time so I can get in touch with his agent to find out if we

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1 can do some type of -- you know, some type of
2 voluntary to admission to -- something that we can do
3 to get his federal supervision violation figured out.
4 Which this will violate his federal --

5 THE COURT: Well, I don't necessarily agree with
6 you that it can't be run concurrent, but I can promise
7 you I can find out in five minutes. Take a seat and
8 I'll call the federal court.

9 [Whereupon, a recess is taken from 4:10 p.m. to
10 4:34 p.m.]

11 THE COURT: Ms. Gay, I have talked with the
12 Federal District Court in Charleston. I have spoken
13 directly with Judge Norton's law clerk. And I'm
14 sorry. I can't spell his last name right now because
15 I'm not sure how to spell it. He has contacted
16 federal probation. You are not correct. And that is,
17 that used to be the rule; however, it is now
18 discretionary with the federal judge as long as I say
19 at state sentencing -- this is the caveat -- that it
20 can be concurrent.

21 MS. GAY: Right.

22 THE COURT: And, therefore, I have obtained the
23 number in federal court, 2:05-135, on Mr. Pinckney.
24 So I will consider that at the time of sentencing. So
25 there's no reason to put off sentencing or delay

The State of South Carolina vs. Craig Pinckney
Sentencing
May 20, 2014

1 because of the federal supervision. That will be up
2 to the feds to decide. It can be concurrent or
3 consecutive, as they decide.

4 MS. GAY: Thank you, Your Honor.

5 THE COURT: Very well.

6 All right. I have the sentence sheet. The
7 clerk has the indictment.

8 Solicitor, I've heard the evidence in this case.
9 Do you want to tell me about his record?

10 MR. EVANS: Yes, Your Honor.

11 In 1993, carrying a pistol; 1994, possession of
12 a schedule one or two controlled substance, first
13 offense, that appears to be powder cocaine; later in
14 1994, a separate case, possession with the intent to
15 distribute crack cocaine, first offense; in 1995,
16 distributing unlawful drugs, to wit, crack cocaine and
17 distributing crack cocaine within a half a mile of a
18 school; in 2004, criminal domestic violence first
19 offense. Those are all his state convictions, Judge.

20 THE COURT: And the NCIC does not show a federal
21 conviction?

22 MR. EVANS: I found it all the way in the back,
23 Judge, and it is -- chronologically, his most recent.

24 THE COURT: And I want to make sure the number
25 you have, if you have a number on there -- because the

The State of South Carolina vs. Craig Pinckney
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May 20, 2014

1 clerk has told me 2:05-135 as the number.

2 MR. EVANS: NCIC doesn't reference that, Judge,
3 as far --

4 THE COURT: Well, that's the number --

5 MR. EVANS: -- as far as I can tell.

6 THE COURT: -- that he got from federal
7 probation for Craig Pinckney.

8 MR. EVANS: The incident does appear to be -- he
9 appears to have been arrested in 2005 and convicted in
10 2006 and that is for conspiracy to possess with intent
11 to distribute, and distribution of cocaine and cocaine
12 base, federal court here in South Carolina.

13 THE COURT: Very well.

14 I've heard his record now, solicitor. Before I
15 hear from Ms. Gay so that she can respond to anything
16 that you tell me for purposes of sentencing, is there
17 anything else you want to tell me for purposes of
18 sentencing?

19 MR. EVANS: The only thing I would add, Judge,
20 is as you heard in this case, it's a financial case.
21 In the event that you are inclined to order a split
22 sentence, I have prepared a restitution order form to
23 the victim --

24 THE COURT: And that restitution would go to the
25 finance company --

The State of South Carolina vs. Craig Pinckney
Sentencing
May 20, 2014

1 MR. EVANS: Right.

2 THE COURT: -- that was out the money in
3 connection with this matter?

4 MR. EVANS: That is correct, Your Honor.

5 THE COURT: And how much is it?

6 MR. EVANS: \$2100.

7 THE COURT: Very well. Have you shown that to
8 Ms. Gay so that she knows --

9 MR. EVANS: I have.

10 MS. GAY: My client would be willing to sign
11 this, Your Honor, if he needs to have his signature on
12 it.

13 THE COURT: He is willing to sign it?

14 MS. GAY: Yes, sir.

15 THE COURT: In that case, I suggest you and your
16 client sign it, Ms. Gay.

17 [Whereupon, Ms. Gay and Mr. Pinckney confer]

18 MR. EVANS: May I approach, Your Honor?

19 THE COURT: You may.

20 [Whereupon, Mr. Evans proffers documents to the
21 Court]

22 THE COURT: Let the record reflect that I've
23 been handed a restitution order form showing
24 restitution to North American Title Loan, South
25 Jeffries Boulevard, Walterboro, in the total amount of

The State of South Carolina vs. Craig Pinckney
Sentencing
May 20, 2014

1 \$2100, signed by the solicitor and now Ms. Gay, as
2 attorney for the defendant, and the defendant,
3 representing restitution in connection with this
4 matter.

5 Anything else, Solicitor?

6 MR. EVANS: No, sir.

7 THE COURT: Ms. Gay, I'll be happy now to hear
8 from you for purposes of sentencing.

9 MS. GAY: Thank you, Your Honor.

10 With regard to his prior record, he tells me
11 that he did go to federal prison. He was released in
12 2010. Since that time he's been on supervised release
13 and was doing very well on supervised release, had no
14 other problems with his agent. And he tells me that
15 he obtained a job at Waste Services Company that he
16 believed was probably the best job of his life. And
17 he's been consistently working. And he was on federal
18 supervision, Your Honor.

19 He's obviously been convicted by a jury. He has
20 the consequences now, of course, of the state court
21 penalty as well as the ramifications in federal court.

22 We would ask that you please consider the
23 possibility, as the solicitor said, of having some
24 type of sentence that's not just straight time so that
25 he can be ordered to pay the restitution.

The State of South Carolina vs. Craig Pinckney
Sentencing
May 20, 2014

1 Everybody makes their own decisions, for
2 whatever reason they do, Your Honor, and I came here
3 today -- or yesterday to do whatever my client wanted
4 me to do. As we had discussed in some of these
5 matters -- I think you asked me in the beginning,
6 even, was he, you know, rejecting the plea offer on my
7 advice or not on my advice and --

8 THE COURT: I just asked you what the status of
9 it was. It really doesn't matter whether or not he
10 listened to your advice or whether he made the
11 decision independent of your advice. It was his
12 decision --

13 MS. GAY: Yes, sir.

14 THE COURT: -- to go to trial, even though -- of
15 course, I've got members of the jury sitting out there
16 who did not know that the solicitor had offered you
17 probation for this case. Mr. Pinckney knows that
18 because you communicated that offer to him. And
19 despite that offer of probation, Mr. Pinckney wanted a
20 trial by his peers.

21 MS. GAY: Yes, sir.

22 THE COURT: Anything else you want to tell me,
23 Ms. Gay?

24 MS. GAY: Not me, Your Honor, but he may want to
25 address the Court.

The State of South Carolina vs. Craig Pinckney
Sentencing
May 20, 2014

1 THE COURT: Mr. Pinckney, I'll be happy to hear
2 anything you want to tell me.

3 MR. PINCKNEY: I don't have nothing to say.

4 THE COURT: Ms. Gay, was your client ever
5 incarcerated in state custody for this charge?

6 MS. GAY: I know when he was in jail on a bench
7 warrant, a bench warrant got rescinded, so I can ask
8 him.

9 THE COURT: Ask him.

10 [Whereupon, Ms. Gay and Mr. Pinckney confer]

11 MS. GAY: He says he served ten days, Your
12 Honor.

13 THE COURT: You were retained and not appointed,
14 Ms. Gay?

15 MS. GAY: I was retained. Yes, sir.

16 THE COURT: All right. Anything further from
17 the State?

18 MR. EVANS: No, sir.

19 THE COURT: Anything further from the defendant,
20 Ms. Gay?

21 MS. GAY: No, sir.

22 THE COURT: Mr. Pinckney, I didn't tell the jury
23 this when they were here, but I've still got members
24 in the courtroom. I could not agree more with the
25 jury's verdict. I thought there was clearly evidence

The State of South Carolina vs. Craig Pinckney
Sentencing
May 20, 2014

1 supporting your guilt beyond a reasonable doubt. I
2 don't ever argue with a jury's verdict. But I think
3 clearly there was evidence of your guilt, and the jury
4 has spoken, and I think they listened carefully to the
5 evidence.

6 I've considered your record. You're on federal
7 supervision. Apparently you have a record for drugs
8 in state court and the federal conviction was for
9 drugs, so I think you definitely need to be drug
10 tested.

11 I'm concerned because I've got people here from
12 North American Title Loan who are out funds in
13 connection with this and in order to see that you pay
14 back the money, as the solicitor pointed out, I have
15 to split my sentence in order to hold some time over
16 Mr. Pinckney's head to ensure that you're made whole
17 as a victim in this case.

18 Also, Ms. Gay wanted me to believe -- and I
19 understood that's what she thought, because it used to
20 be the rule. We don't have to hold up state court
21 because you're on federal supervision. With the
22 understanding that that means because we sentence
23 first, that your sentence can't run concurrent or
24 consecutive to whatever sentence I give. That's
25 entirely up to the federal government, so long as I

The State of South Carolina vs. Craig Pinckney
Sentencing
May 20, 2014

1 delineate that it could be concurrent to them.

2 Although they can decide to make it consecutive, if
3 they so desire, but that will be up to the federal
4 authorities and not to this Court.

5 Therefore, on indictment 2012-GS-15-00062, the
6 State vs. Craig Pinckney, the sentence of this Court
7 is the defendant is committed to the State Department
8 of Corrections for a term of five years, the maximum
9 allowed by law, provided that upon the service of
10 three years in jail the balance is suspended, you be
11 placed on probation for a period of four years.
12 Special condition of probation, you make restitution
13 to North American Title Loan in the amount of \$2100.
14 And I am signing a restitution order form which has
15 been signed by the assistant solicitor, defense
16 attorney, the defendant, and now myself, in connection
17 with the restitution. Special condition of probation,
18 substance abuse counseling, random drug and alcohol
19 testing. The defendant is to be given credit for any
20 time that he served, pursuant to South Carolina Code
21 Section 24-13-40. That is to be calculated and
22 applied by the State Department of Corrections.

23 I will note on my sentence sheet that my state
24 sentence is to run concurrent to federal number 2:05-
25 135, which I understand from the information I've

The State of South Carolina vs. Craig Pinckney
Sentencing
May 20, 2014

1 received today will allow the federal supervision
2 authorities to either make your sentence for violating
3 your federal supervision either concurrent or
4 consecutive, based on a decision by the federal
5 authorities at the time of your hearing in connection
6 therewith.

7 Good luck to you.

8 MS. GAY: Thank you, Your Honor.

9 THE COURT: Thank you.

10 MR. EVANS: Thank you, Your Honor.

11 THE COURT: Thank you, solicitor.

12 Ladies and gentlemen of my jury panel, thank you
13 for your patience. My witnesses thank you for your
14 patience, as well. I appreciate your willingness to
15 come and participate. I know that it's been a long
16 day for you.

17 And my jurors, thank you very much. You are now
18 excused for the balance of the week. Keep a smile on
19 your face. Thank you very much for your service.

20 You are now all excused from the courtroom.

21 [JURY TRIAL CONCLUDES AT 4:46 P.M.]
22
23
24
25

The State of South Carolina vs. Craig Pinckney
Certificate of Court Reporter

C E R T I F I C A T E

STATE OF SOUTH CAROLINA

COUNTY OF COLLETON

I, the undersigned Mia Perron, Circuit Court Reporter for the 9th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the jury trial held before the Honorable Perry M. Buckner, on Tuesday, May 20, 2014.

I do further certify that I am neither kin nor counsel to any of the parties and have no interest in the outcome of this action.

Dated this 3rd day of April, 2015.

Mia Perron

Mia Perron, CVR-CM-M
Circuit Court Reporter
9th Judicial Circuit

WITNESSES

Edwards (WPD)

DOCKET NO. 2012-GS-15-0062

The State of South Carolina

County of Colleton

COURT OF GENERAL SESSIONS

March Term 2012

ARREST WARRANT NUMBER

I-863211

January 21, 2012

ACTION OF GRAND JURY

THE STATE

vs.

Craig Pinckney

Foreperson of Grand Jury
Date: 3-29-12

VERDICT

GUILTY

TRUE BILL

Foreperson of Petit Jury

Date: May 20, 2014

Indictment for

Altering, forging, or counterfeiting cert. of title

SC Code: 16-21-0010(A)
CDR Code:0535

INDICT

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF Colleton)

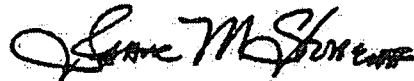
2012-GS-15-0062

At a Court of General Sessions, convened on March 29, 2012, the Grand Jurors of Colleton County present upon their oath:

Altering, forging, or counterfeiting cert. of title

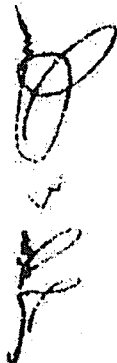
That in Colleton County, South Carolina, on or about January 20, 2012, the Defendant, Craig Pinckney, unlawfully did carry alter, forge, or counterfeit a certificate of title, registration card, or license plate; in violation of Section 16-21-10, Code of Laws of South Carolina (1976, as amended)

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



Isaac M. Stone
Solicitor

TRUE BILL



230

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Colleton

VS.

Craig Pinckney

AKA:

Race: AFRICAN AME Sex: M Age: 39

DOB: SS#:

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: Vehicle / Altering, forging, or counterfeiting cert. of title, reg. card, or license plate

in violation of § 16-21-0010(A) of the S.C. Code of Laws, bearing CDR Code # 0535

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lowd Act) ☐ §17-25-45The 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: Reed A Evans 79925

Evans, Reed

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 5 ~~days/months/years~~ ☐ under the Youthful Offender Act not to exceed 3 ~~days/months/years~~ yearsand/or to pay a fine of \$ 3 ~~days/months/years~~ and/or paymentof \$ 4 ~~days/months/years~~; plus costs and assessments as applicable*; the balance is suspended with probation for 4 ~~days/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: 2:05-135 § 24-13-40 to be calculated and applied☒ The Defendant is to be given credit for time served pursuant to S.C. Code 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 ☐ OrderedTotal: \$ 100.00 plus 20% fee: \$ 20.00

Payment Terms:

☐ Set by SCDPPPSSee Restitution Order Form

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/cv
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$ 648.90

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS1500062

A/W#: 1863211

Date of Offense: 1/20/2012

S.C. Code §: 16-21-0010(A)

CDR Code #: 0535

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSPTUP: 2:05-1352:05-135 days/hours Public Service EmploymentObtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☒Random Drug/Alcohol testing ☒Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ 100.00 beginning\$ 100.00 paid to Public Defender Fund

Other:

☒ Appointed PD or appointed other counsel.

§ 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code:

Sentence Date:

5/20/2014

STATE OF SOUTH CAROLINA)
COUNTY OF COLLETON)

IN THE COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT
TICKET NUMBER: I-863211

STATE OF SOUTH CAROLINA)
Vs)
CRAIG PINCKNEY,)
Defendant.)

PROPOSED JURY CHARGE

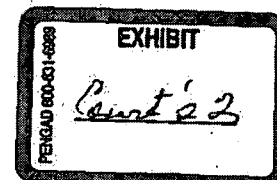
South Carolina Code 16-21-20. Permitting misuse of certificate of title, registration card or license plate; failing to deliver certificate or application; fraudulent application

A person is guilty of a misdemeanor who:

- (1) with fraudulent intent, permits another to use or have possession of a certificate of title, registration card, or license plate who is not entitled to it;
- (2) wilfully fails to mail or deliver a certificate of title or application to the department within forty-five days after the time required by Chapter 19 of Title 56;
- (3) wilfully fails to deliver to his transferee a certificate of title within forty-five days after the time required by Chapter 19 of Title 56; or
- (4) commits a fraud in an application for a title or registration.

Legislative history

1962 Code Section 46-150.82; 1957 (50) 595; 1995 Act No. 42, Section 1.



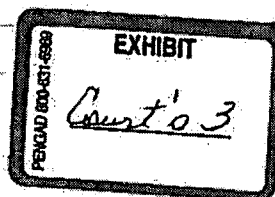
Did they say that was his signature?

You must decide this case based upon the evidence presented.

~~Lo A. B.~~
Perry M. Backman President
JUDGE

We would to have a copy

of the Law AND Indictment





South Carolina Department of Motor Vehicles
SATISFACTION OF TITLE LIEN

450
(Rev. 2/05)

Date

January 6, 2012

North American manager
Angela
Garvin
549-8580

This form is to certify that our/my lien against:

Name Craig D. Pinkney		
Address		
Make of Vehicle Chevrolet		Vehicle Identification Number
Year Make 1999	Body Style 4dr.	Vehicle Title Number

has been fully satisfied and paid on December 9 Year 2011

North American Title Loans

Name of Lienholder

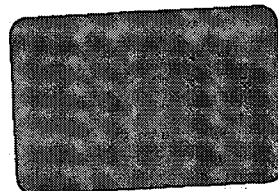
Jessica Bell

By

PAL
12/9/2011 JB

Manager

Title





South Carolina Department of Motor Vehicles
Application for Certificate of Title and Registration for Motor Vehicle or
Manufactured Home/Mobile Home

Form 400
(Rev 4/10)

No strikeovers, erasures, or correction fluid is acceptable on this form. For more information, visit our website at www.scdmvonline.com or call our Customer Call Center at (803) 896-5000.

SECTION A ☐ **EXPEDITE** (additional \$20.00 fee) Check here to expedite this title.

Check the box next to the type of transaction you need. Please enclose the required documents and fees with your completed and signed application. For expedited services (within 3 business days) include an additional \$20.00 fee. Make checks payable to: SC DMV. DO NOT SEND CASH.

☐ NEW TITLE & REGISTRATION 1) Manufacturer Certificate of Origin (MCO) or Title 2) Paid Property Tax Receipt 3) \$15.00 title fee and 4) Regular registration fee. 5) Sales Tax (5% of selling price or \$300.00 max.) 6) Insurance information.	☐ TITLE AND PLATE TRANSFER 1) Manufacturer Certificate of Origin (MCO) or Title 2) Lbl Previous Tag # 3) Previous registration in owner's name. 4) \$15.00 title 5) \$10.00 transfer fee 6) Sales Tax (5% of selling price or \$300.00 max.) 7) Insurance information	☐ TITLE FOR MOBILE OR MANUFACTURED HOME 1) Manufacturer Certificate of Origin (MCO) or Title 2) Consumer Insurance Report required for \$300.00 sales tax cap. If mobile home is energy efficient. 3) \$15.00 title fee	☐ TITLE ONLY 1) Manufacturer Certificate of Origin (MCO) or Title. 2) \$15.00 title fee 3) Sales Tax (5% of selling price or \$300.00 max.) ☐ DUPLICATE TITLE 1) ☐ Total ☐ Stolen or ☐ Destroyed Title 2) \$15.00 title fee.	☐ LEASED VEHICLE 1) Do not complete Section D. Complete Section E and all other applicable sections. MAIL YOUR APPLICATION TO: SC DMV P.O. Box 1498 - 10311 Wilson Blvd. Blythewood, SC 29018 - 0024
--	--	--	---	--

SECTION B - VEHICLE INFORMATION Please print or type in black ink only.

VEHICLE IDENTIFICATION NUMBER	MAKE	YEAR	MAKE	BODY STYLE	MODEL	EMPTY WEIGHT	GVW
	Chev	99		4dr			

SECTION C - ODOMETER MILEAGE (Miles not kilometers)

FEDERAL AND STATE LAW REQUIRES THAT YOU STATE THE MILEAGE IN CONNECTION WITH THE TRANSFER OF OWNERSHIP. FAILURE TO COMPLETE OR PROVIDING A FALSE STATEMENT MAY RESULT IN FINES AND/OR IMPRISONMENT.

I STATE THAT THE ODOMETER NOW READS _____ (NO TENTHS) AND TO THE BEST OF MY KNOWLEDGE THAT IT REFLECTS THE ACTUAL MILEAGE OF THE VEHICLE DESCRIBED ABOVE UNLESS ONE OF THE FOLLOWING STATEMENTS IS CHECKED:



DO NOT CHECK ONE OF THE FOLLOWING UNLESS IT APPLIES.

☒ EXEMPT

☐ I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE THE ODOMETER READING REFLECTS THE AMOUNT OF MILEAGE IN EXCESS OF ITS MECHANICAL LIMITS.

☐ I CERTIFY THAT THE ODOMETER READING IS NOT THE ACTUAL MILEAGE. WARNING ODOMETER DISCREPANCY.

SECTION D - OWNER INFORMATION Your complete legal name must be used on all title and registration documents.

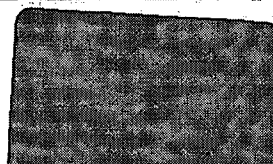
NEW PRIMARY OWNER COMPLETE LEGAL NAME (LAST, FIRST, MIDDLE)		SC CUSTOMER NO., DRIVER LICENSE NO., SOC. SEC. OR FEIN		DATE OF BIRTH
Pinkney Craig D				6/10/74
NEW CO-OWNER COMPLETE LEGAL NAME (LAST, FIRST, MIDDLE)		SHARED OWNERSHIP	SC CUSTOMER NO., DRIVER LICENSE NO., SOC. SEC. OR FEIN	
		☐ AND ☐ OR		
PRIMARY OWNER'S RESIDENCE STREET ADDRESS (APT. NO. IF APPLICABLE)		CITY	STATE	ZIP CODE
		Waterloo	SC	29488
MAILING ADDRESS (IF DIFFERENT FROM ABOVE)		CITY	STATE	ZIP CODE
ADDRESS WHERE VEHICLE IS HOUSED (IF DIFFERENT FROM ABOVE)		CITY	STATE	ZIP CODE
			SC	
DAYTIME TELEPHONE NUMBER		TEMPORARY ADDRESS (IF APPLICABLE)		EXPIRATION OF TEMPORARY ADDRESS
803-251-1111				

SECTION E - LEASING INFORMATION Complete only for a leased vehicle.

LEASING COMPANY NAME		PHONE NO.	CONTACT PERSON	CUSTOMER NO.	
ADDRESS		CITY	STATE	ZIP CODE	
NAME OF LESSEE (PERSON LEASING VEHICLE)		DRIVER LICENSE NO., SOC. SEC. NO., OR FEIN		DATE OF BIRTH	
LESSEE'S SC RESIDENCE STREET ADDRESS (APT. NO. IF APPLICABLE)		CITY	STATE	ZIP CODE	COUNTY
			SC		
LESSEE'S MAILING ADDRESS (IF DIFFERENT FROM ABOVE)		CITY	STATE	ZIP CODE	COUNTY
ADDRESS WHERE VEHICLE IS HOUSED (IF DIFFERENT FROM ABOVE)		CITY	STATE	ZIP CODE	COUNTY
			SC		

SECTION F - LIEN INFORMATION If you are a lienholder, are you a SC ELT participant? ☐ YES ☒ NO

CUSTOMER NO. OR FEIN	LIENHOLDER NAME (FIRST LIEN) Write "None" if vehicle is paid in full.	DATE OF LIEN	CONTACT PERSON	TELEPHONE NUMBER	
MAILING ADDRESS		CITY	STATE	ZIP CODE	
CUSTOMER NO. OR FEIN	LIENHOLDER NAME (SECOND LIEN)	DATE OF LIEN	CONTACT PERSON	TELEPHONE NUMBER	
MAILING ADDRESS		CITY	STATE	ZIP CODE	



< This section intentionally left blank >

SECTION G - SALES TAX EXEMPTION Complete this section if you are entitled to a sales tax exemption and sign in the space provided verifying the exemption.	
VEHICLE PURCHASED FROM INDIVIDUALS AND TITLED IN SOUTH CAROLINA ARE SUBJECT TO SALES TAX UNLESS EXEMPT. THE TAX IS 5% OF THE SALES PRICE UP TO A MAXIMUM OF \$300.00 (MOBILE HOMES ARE CALCULATED DIFFERENTLY)	
☐ THE VEHICLE WAS TRANSFERRED FROM ☐ THE VEHICLE WAS TRANSFERRED TO ME AS ☐ I AM NON-RESIDENT MILITARY PERSONNEL	☐ MY PARENT ☐ MY SPOUSE ☐ MY CHILD ☐ MY BROTHER/SISTER ☐ MY GRANDPARENT ☐ MY GRANDCHILD ☐ LEGAL HEIR ☐ BENEFICIARY ☐ DISTRIBUTE ☐ THE VEHICLE WAS A DONOR-GIFT
SIGNATURE _____	

SECTION H - ADDITIONAL INFORMATION	
DATE OF PURCHASE	DATE FIRST OPERATED IN S.C.
NEW OR USED?	ENERGY EFFICIENT MANUFACTURED/MOBILE HOME? ☐ YES ☐ NO
PRIOR TITLE NUMBER	PRIOR TITLE STATE
THE VEHICLE DESCRIBED ON THIS APPLICATION IS: ☐ REBUILDABLE ☐ NON-REBUILDABLE	
THE VEHICLE SUSTAINED THE FOLLOWING DAMAGE: ☐ COLLISION ☐ FIRE ☐ WATER ☐ STOLEN (RECOVERED) ☐ STOLEN (UNRECOVERED)	
AGENCY REFERENCE NUMBER	Calculate the Salvage Percentage: Predamaged Value: _____ Estimate for Repairs: _____ Percentage: _____
SALVAGE %	

SECTION I - SELLER INFORMATION Applicant should initial verifying the sales price of the vehicle.	
SELLER OR DEALER NAME	SC DEALER/WHOLESALE NUMBER
ADDRESS	SC SALES TAX NUMBER
	SALD PRICE
	CITY
	STATE
	ZIP CODE

SECTION J - INSURANCE CERTIFICATION
A VEHICLE MUST BE INSURED WITH LIABILITY INSURANCE COVERAGE WHEN IT IS REGISTERED AND IT MUST REMAIN INSURED WHILE REGISTERED, WHETHER OR NOT IT IS OPERATED, OR THE UNINSURED MOTORIST FEE MUST BE PAID. PENALTIES ARE SEVERE FOR VIOLATION OF THIS REQUIREMENT.
UNDER PENALTIES OF PERJURY, I (WE) DECLARE THAT THIS VEHICLE IS INSURED BY A LIABILITY INSURANCE POLICY ISSUED THROUGH AN INSURANCE COMPANY LICENSED TO DO BUSINESS IN SOUTH CAROLINA AND IT WILL REMAIN INSURED THROUGHOUT THE REGISTRATION PERIOD.
NAME OF INSURANCE COMPANY: <u>DIRECT</u>

SECTION K - DONATE LIFE SC
YES, I WISH TO DONATE \$5.00 MORE OR LESS TO DONATE LIFE SC. AMOUNT OF DONATION: \$ _____ 00

SECTION L - SIGNATURE OF OWNER
UNDER PENALTIES OF PERJURY, I (WE) DECLARE THAT I AM THE OWNER OF THIS VEHICLE AND REQUEST THAT A SOUTH CAROLINA CERTIFICATE OF TITLE AND/OR REGISTRATION BE ISSUED. I FURTHER CERTIFY THAT THE INFORMATION ON THIS APPLICATION IS CORRECT TO THE BEST OF MY KNOWLEDGE. THE VEHICLE IS SUBJECT TO THE HENS NAMED AND NOT OTHERS. ALSO, IF REGISTERING A COMMERCIAL VEHICLE OVER 10,000 LBS, I CERTIFY THAT I AM FAMILIAR WITH THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS AND/OR FEDERAL HAZARDOUS MATERIALS REGULATIONS.
SIGNATURE OF OWNER: <u>[Signature]</u> MUST BE SIGNED IN INK BY OWNER OR AUTHORIZED AGENT (ATTACH POWER OF ATTORNEY IF APPLICABLE)
DATE: <u>1-20-12</u>

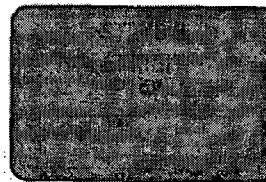
DISCLOSURE STATEMENT
56-3-240 (SOUTH CAROLINA CODE OF LAWS) - THE DEPARTMENT SHALL OBTAIN THE FEDERAL EMPLOYER IDENTIFICATION NUMBER OR SOCIAL SECURITY NUMBER WHEN A VEHICLE IS REGISTERED WITH A GROSS VEHICLE WEIGHT OF MORE THAN 26,000 POUNDS OR A BUS COMMON CARRIER. THE DRIVER PRIVACY PROTECTION ACT OF 1994 (DPPA), 16 USC SECTION 2721-2725 RESTRICT THE DISCLOSURE OF PERSONAL INFORMATION CONTAINED IN OUR RECORDS.

PENALTY FEES
FAILURE TO REGISTER WITHIN 45 DAYS OF THE DATE OF PURCHASE OR THE DATE OF OPERATION IN SOUTH CAROLINA WILL RESULT IN PENALTY FEES IN ADDITION TO REGULAR TITLE AND/OR REGISTRATION FEES. THE LATE PENALTY FEE SCHEDULE IS AS FOLLOWS:
46 - 60 DAYS LATE - \$10.00 61 - 75 DAYS LATE - \$28.00 76 - 135 DAYS LATE - \$50.00 OVER 135 DAYS LATE - \$75.00

THIS SECTION FOR DMV USE ONLY	
CHECK APPROPRIATE BOX: ☐ BRAND ☐ NO BRAND	
RATED BY	TRANSACTION FEES
OFFICE/OFFICE NUMBER	EXPEDITED FEE
PLATE NUMBER	LICENSE FEE
EXPIRATION DATE	UNINSURED FEE
PLATE CLASS	USE OR SALES TAX
SURPRISE REASON	PENALTY
	WEIGHT INCREASE
	TRANSFER
	TITLE
	DONATE LIFE SC
	TOTAL

STATE OF SOUTH CAROLINA				
CERTIFICATE OF TITLE				
OF A VEHICLE				
VEHICLE ID NUMBER	YEAR	MAKE	MODEL	NEW/USED
1	1999	CHEV	TAHOE	USED
BODY STYLE	DATE ISSUED	ODOMETER	WEIGHT	TITLE NUMBER
SU	03-28-2011		4800	
VEHICLE BRAND(S)				
EXEMPT				
FULL NAME OF OWNER(S)			CUSTOMER NUMBER: 025064819	
PINCKNEY, CRAIG DAMANI OKANG				
FIRST LIENHOLDER				
NORTH AMERICAN TITLE LOANS				
439 S JEFFERIES BLVD				
WALTERBORO SC 294884430				
DATE OF LIEN 02/25/2011				
			1ST LIEN RELEASED _____ (DATE)	
			BY _____ (AUTHORIZED AGENT)	
THE SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES HEREBY CERTIFIES THAT THE PERSON HEREIN IS REGISTERED BY THIS DEPARTMENT AS THE LAWFUL OWNER OF THE VEHICLE DESCRIBED SUBJECT TO THE LIENS, IF ANY, HEREIN SET FORTH. KEVIN A. SHWEDO EXECUTIVE DIRECTOR NIKKI R. HALEY GOVERNOR				

042194425



SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES

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ASSIGNMENT OF A VEHICLE

Federal and State law requires that you state the mileage on this form to the best of your knowledge. If you do not, a false statement may result in fines and/or imprisonment.

NOTICE: ANY ALTERATIONS OR ERASING WORDS THE ASSIGNMENT

ASSIGNMENT MUST BE MADE IN DARK INK

The undersigned hereby certifies that title to the vehicle described herein has been transferred on this _____ day of _____ year _____ to:

and is subject to the following

Name _____ Street _____ City _____ State _____ Zip Code _____

Name of Lienholder _____ Address _____ Date of Lien _____

I certify to the best of my knowledge that the odometer reading is the ACTUAL mileage of the vehicle unless one of the following conditions applies:
STOP! DO NOT check one of the following unless it applies.

Odometer Reading (no tenths) _____

- ☐ 1. The mileage is not in increments of one mile.
☐ 2. The odometer reading is not the actual mileage.
WARNING: ODOMETER DISCREPANCY

Date of Sale	_____
Sales Price	\$ _____
Less Trade-In	\$ _____
Taxable Total	\$ _____

I am aware of the above odometer certification made by the seller(s).

Signature(s) of Buyer(s) _____ Hand Print Name of Buyer(s) _____

Hand Print Name of Buyer(s) _____

ASSIGNMENTS BY DEALER/WHOLESALE/AUCTION

The undersigned hereby certifies that title to the vehicle described herein has been transferred on this _____ day of _____ year _____ to:

and is subject to the following

Name _____ Street _____ City _____ State _____ Zip Code _____

Name of Lienholder _____ Address _____ Date of Lien _____

I certify to the best of my knowledge that the odometer reading is the ACTUAL mileage of the vehicle unless one of the following conditions applies. STOP! DO NOT check one of the following unless it applies.

Odometer Reading (no tenths) _____

- ☐ 1. The mileage is not in increments of one mile.
☐ 2. The odometer reading is not the actual mileage.
WARNING: ODOMETER DISCREPANCY

Dealer/Wholesaler _____ Auction License Number _____

I am aware of the above odometer certification made by the seller(s).

Signature(s) of Buyer(s) _____ Hand Print Name of Buyer(s) _____

Hand Print Name of Buyer(s) _____



APPHSP1 25466

The undersigned hereby certifies that title to the vehicle described herein has been transferred on this _____ day of _____ year _____ to:

and is subject to the following

Name _____ Street _____ City _____ State _____ Zip Code _____

Name of Lienholder _____ Address _____ Date of Lien _____

I certify to the best of my knowledge that the odometer reading is the ACTUAL mileage of the vehicle unless one of the following conditions applies. STOP! DO NOT check one of the following unless it applies.

Odometer Reading (no tenths) _____

- ☐ 1. The mileage is not in increments of one mile.
☐ 2. The odometer reading is not the actual mileage.
WARNING: ODOMETER DISCREPANCY

Dealer/Wholesaler _____ Auction License Number _____

I am aware of the above odometer certification made by the seller(s).

Signature(s) of Buyer(s) _____ Hand Print Name of Buyer(s) _____

Hand Print Name of Buyer(s) _____

NO ADDITIONAL RE-ASSIGNMENT PERMITTED - LAST ASSIGNEE MUST RETITLE BEFORE DISPOSAL

PAID

CK. NO. _____
DATE _____

INSTALLMENT LOAN AND SECURITY AGREEMENT

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Lender:

North American Title Loans
439 South Jefferies Blvd.
Walterboro, SC 29488

Date: 2/25/2011
Time: 16:08
Contract #: 258-12178
Maturity Date: 3/25/2013

Borrower:

PINKNEY, CRAIG D

Motor Vehicle:
Make: Chevrolet
Model: Tahoe
Year: 1999
Serial #: 1GNEC13R2XJ570252

ANNUAL PERCENTAGE RATE	FINANCE CHARGE	Amount Financed	Total of Payments
The cost of your credit as a yearly rate.	The dollar amount the credit will cost you.	The amount of credit provided to you or on your behalf.	The amount you will have paid after you have made all payments as scheduled.
243.34%	\$8,302.25	\$2,015.00	\$10,317.25

Your payment schedule will be:

Number of Payments:	Amount of Payments:	When Payments Are Due:
25	\$412.69	Monthly beginning on 3/25/2011

Security: You are giving a security interest in Your Motor Vehicle.

Filing fees: \$15.00

Prepayment: If you pay off this loan early you will not have to pay a prepayment penalty.

See your contract documents for any additional information about nonpayment, default, any required repayment in full before the scheduled date, and prepayment refunds and penalties.

Itemization of Amount Financed of	\$2,015.00
\$2,000.00	Amount given to you directly.
\$0.00	Amount paid on your account
\$15.00	Paid to Public Officials (lien filing fee)
\$0.00	Amount paid to others on your behalf.
\$0.00	Prepaid finance charge.
\$2,015.00	Amount Financed.

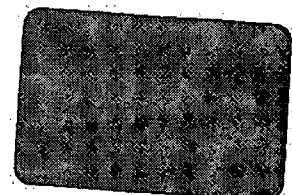
This title loan transaction and the security interest in the collateral securing it have been sold to Select Management Funding, LLC and pledged by Select Management Funding, LLC to CapitalSource Finance, LLC, as agent and administrator for various lenders.

PROMISSORY NOTE: I/We The undersigned **BORROWER** promise, jointly and severally, to pay to **LENDER**, (or subsequent holder of this note) the sum of **\$2,015.00** plus interest thereon at the rate of **243.34%** per annum, until paid in full payable in **25** monthly payment(s) of **\$412.69** beginning on **3/25/2011** at **LENDER'S** office, at the above address (or such other place as to which written notice may be given). I/We also agree to pay a \$15.00 fee for any instrument returned by any financial institution on which it is drawn. I/We also agree to pay reasonable attorney fees in the event the note is referred to an attorney for collection. I/We may prepay this note in whole, or part, at any time. I/We agree that this note will be in default for any failure to make any required payment when due, and that subject to any notices required by law, the entire balance will become immediately due and payable, and that you may exercise your rights under the law to enforce payment of this note, including repossession of the collateral securing this loan. I/We will also be in default if your prospect of payment, performance, or ability to realize upon the collateral securing this loan is significantly impaired.

SECURITY AGREEMENT: To secure the **BORROWER'S** obligations under this Agreement and any extensions or renewals hereof, **BORROWER** hereby grants to **LENDER** a security interest in the Motor Vehicle described herein, all accessions and accessories thereto, and all proceeds thereof, including but not limited to all insurance proceeds or refunds of insurance premiums related thereto.

ADMINISTRATIVE PROVISIONS: This Agreement shall be construed, applied and governed by the internal laws of the state in which it is executed. The unenforceability or invalidity of any portion of this Agreement shall not render unenforceable or invalid the remaining portions hereof. This Agreement constitutes the entire agreement between the parties, and no other agreements, representations, promises, or warranties other than those stated herein shall be binding unless reduced to writing and signed by all parties. Borrower agrees to notify Lender immediately in writing of any change in Borrower's residence address or telephone number. Lender uses automated telephone dialing, text messaging systems and electronic mail to provide messages to its customers about payment due dates, missed payments, other important information about their account and commercial messages. The telephone messages are played by a machine automatically when the telephone is answered, whether answered by Borrower or someone else. These messages may also be recorded by Borrower's answering machine. Borrower gives us permission to call or send a text message to any telephone number Borrower has given us and to play pre-recorded messages or send text messages with information about Borrower's account and commercial messages over the phone. Borrower also gives us permission to communicate such information via electronic mail. Borrower agrees that Lender will not be liable to Borrower for any such calls or electronic communications, even if some third party hears or sees the information communicated. Borrower understands that, when receiving such calls or electronic communications, Borrower may incur a charge from the company that provides Borrower with telecommunications, wireless and/or Internet services. Borrower agrees that Lender has no liability for such fees. Borrower understands that Borrower's authorization to receive electronic mail on Borrower's wireless device or text messages may be revoked at any time.

RIGHT OF RECISSION: **BORROWER** has the right to rescind this Agreement without cost until the close of business on the next business day by returning the loan proceeds or certified funds to **LENDER**.



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LIMITED RECOURSE: Except in the event of fraud by the BORROWER, if the BORROWER defaults on the repayment of this loan, LENDER's sole remedy is to seek possession and sale of the Motor Vehicle; and except in event of fraud by the BORROWER, LENDER will not pursue BORROWER personally in an action for repayment of the loan or for any deficiency after sale. LENDER will return to the BORROWER any surplus obtained after the sale of the Motor Vehicle in excess of the amount owed under this Agreement and reasonable expenses of repossession and sale in accordance with Title 36, Chapter 9 of the South Carolina Code of Laws. Examples of fraud as contemplated by this paragraph include but are not limited to:

- A borrower pledging a motor vehicle for security when the borrower does not own the motor vehicle or hold clear unencumbered title to the motor vehicle.
- A borrower encumbering or selling a motor vehicle that is already pledged as collateral for a loan, without the lender's prior written consent.
- The destruction, damaging, or hiding of the motor vehicle.
- The borrower or any co-borrower providing inaccurate information concerning the amount of his, her, or their gross monthly income.

1. This is a high-cost loan. You should consider what other lower-cost loans are available to you.
2. If you fail to pay this loan as agreed, this lender has the right to take possession of your motor vehicle and sell it to repay the loan.
3. You should use this loan only to meet short-term cash needs, not for long-term financial needs.

DO NOT SIGN THIS AGREEMENT BEFORE YOU HAVE READ IT OR IF IT CONTAINS ANY BLANK SPACES. YOU WILL RECEIVE A COMPLETED COPY.

PRIVACY NOTICE

"We do not disclose any nonpublic personal information to anyone, except as permitted by law."

Witness

Borrower

Date

Borrower

Date

ARBITRATION AGREEMENT

READ THIS ARBITRATION AGREEMENT. IF YOU DON'T REJECT IT IN ACCORDANCE WITH PARAGRAPH (a) BELOW, TO THE EXTENT PERMITTED BY APPLICABLE LAW, IT WILL BECOME PART OF YOUR INSTALLMENT LOAN AND SECURITY AGREEMENT AND HAVE A SUBSTANTIAL IMPACT ON THE WAY IN WHICH YOU OR WE WILL RESOLVE ANY CLAIM WHICH YOU OR WE HAVE AGAINST EACH OTHER NOW OR IN THE FUTURE.

This Arbitration Agreement describes when and how a Claim (as defined below) arising under or related to this INSTALLMENT LOAN AND SECURITY AGREEMENT (the "Loan Agreement") between you and us may be arbitrated. Arbitration is a method of resolving disputes in front of one or more neutral persons, instead of having a trial in court in front of a judge and/or jury. It can be a quicker and simpler way to resolve disputes. As solely used in this Arbitration Agreement, the terms "we," "us" and "our" mean the entity advancing funds (the lender) under the Loan Agreement, its parent companies, wholly or majority-owned subsidiaries, affiliates, commonly-owned companies, management companies, successors, assigns and any of their shareholders, employees, officers and directors. For purposes of this Arbitration Agreement, these terms also mean any third party providing any goods and services in connection with the origination, servicing and collection of the Loan Agreement (or any prior loan or loans we provided to you) if such third party is named as a party by you in any lawsuit between you and us. For the purposes of this Arbitration Agreement, the words "you" and "your" mean each and every borrower who signs the Loan Agreement and this Arbitration Agreement.

- a. **Your Right to Reject:** If you don't want this Arbitration Agreement to apply, you may reject it by mailing us a written rejection notice which contains all of the following:

- The date and account number of the Loan Agreement.
- The names, addresses and phone numbers of each of you.
- A statement that all of you reject the Arbitration Agreement of the Loan Agreement.

The rejection notice must be sent to us at: Legal Department, P.O. Box 5040, Alpharetta, Georgia 30023-5040.

A rejection notice is only effective if it is signed by all of you (including any cosigners or co-borrowers) and if we receive it within twenty-five (25) days after the date of the Loan Agreement. If you reject this Arbitration Agreement, that will not affect any other provision of the Loan Agreement or the status of the Loan Agreement. It will also not affect any prior arbitration agreement between you and us which will remain in full force and effect. If you don't reject this Arbitration Agreement, it will be effective as of the date of the Loan Agreement.

- b. **What Claims Are Covered:** "Claim" means any claim, dispute or controversy between you and us that in any way arises from or relates to the Loan Agreement. "Claim" has the broadest possible meaning, and includes initial claims, counterclaims, cross-claims and third-party claims. It includes disputes based upon contract, tort, consumer rights, fraud and other intentional torts, constitution, statute, regulation, ordinance, common law and equity (including any claim for injunctive or declaratory relief). Subject to paragraph (f) below, it also includes disputes about the validity, enforceability, arbitrability or scope of this Arbitration Agreement or the Loan Agreement. For purposes of this Arbitration Agreement, "Claim" also means any claim, dispute or controversy between you and us that in any way arises from or relates to any prior loan or loans you obtained from us. This Arbitration Agreement, if not rejected by you under paragraph (a) above, will supercede any prior arbitration agreement between you and us that would otherwise be applicable. However, we will not choose to arbitrate an individual Claim that you bring against us in small claims court or your state's equivalent court, if any. But if that Claim is transferred, removed or appealed to a different court, we then have the right to choose arbitration.

- c. **How Arbitration Is Started:** Either you or we may require any Claim to be arbitrated. Arbitration is started by giving written notice to the other party of the intent to start or to compel arbitration. This notice may be given before or after a lawsuit has been started over the Claim or with respect to other Claims brought later in the lawsuit. The notice may be in the form of a motion or petition to compel arbitration. Arbitration of a Claim must comply with this Arbitration Agreement and, to the extent not inconsistent or in conflict with this Arbitration Agreement, the applicable rules of the arbitration Administrator.

- d. **Choosing the Administrator:** The party requiring arbitration must choose one of the following arbitration organizations as the Administrator: the American Arbitration Association (the "AAA"), 335 Madison Avenue, New York, NY 10017, www.adr.org, or JAMS, 620 Eighth Avenue, 34th Floor, New York, NY 10018, www.jamsadr.org, provided that the Administrator must not have in place a formal or informal policy that is inconsistent with and purports to override the Class Action and Multi-Party Waivers set forth below (see Section "e"). You get to select the Administrator if you give us written notice of your selection with your notice that you are electing to arbitrate any Claim or within 20 days after we give you notice that we are electing to arbitrate any Claim (or, if later, within 20 days after any dispute over the validity of this Arbitration Agreement is finally resolved). If you do not select the Administrator on time, we will do it. If for any reason the Administrator you or we select is unable or unwilling to serve or continue to serve as Administrator, the other company will serve as Administrator. If neither the AAA nor JAMS is able or willing to serve as Administrator, we and you will mutually agree upon an Administrator or arbitrator or the court will appoint the Administrator or arbitrator or arbitrators (in the case of a three-arbitrator panel provided for in Section "k", below), subject to the limitations set forth below (Section "e") regarding the Class Action and Multi-Party Waivers.

- e. **Court and Jury Trials and Class Actions Prohibited and Other Limitations on Legal Rights:** If arbitration is chosen with respect to a Claim, all of the following apply:

- There will be no right to try that Claim in court.
- There will be no jury trial on that Claim.
- Limited discovery will be permitted pursuant to the arbitration rules of the Administrator and/or this Arbitration Agreement.
- We and you are prohibited from participating in a class action in court or class-wide arbitration with respect to that Claim (the "Class Action Waiver"). This means that neither we nor you can be a representative or member of any class of claimants or act as a private attorney general in court or in arbitration with respect to that Claim. This also means that the arbitrator has no power or authority to conduct any class-wide arbitration.
- Claims brought by or against one Borrower (or Co-Borrower) may not be joined or consolidated in the arbitration with Claims brought by or against any other borrower who obtained a different loan (the "Consolidation Waiver"). This also means that the arbitrator has no power or authority to conduct any consolidated arbitration.
- Except as allowed by this Arbitration Agreement and the Federal Arbitration Act, the arbitrator's decision will be final and binding.
- Other rights that you or we would have in court may also not be available in arbitration.

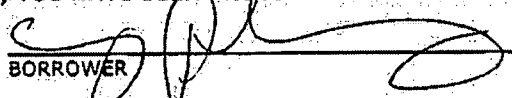
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Effect of Class Action and Consolidation Waivers: Regardless of anything else in this Arbitration Agreement, the validity and effect of the Class Action Waiver and/or Consolidation Waiver must be determined only by a court and not by an arbitrator or by any policies or procedures of the Administrator. If a court limits or voids the Class Action Waiver and/or Consolidation Waiver in a proceeding involving you and us, then this entire Arbitration Agreement (except for this sentence) shall be null and void. Nothing in this paragraph (f) shall affect the right of any party to appeal any invalidation or nonenforcement of the Class Action Waiver and/or Consolidation Waiver.

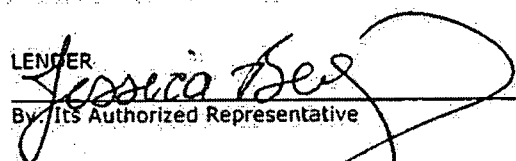
- g. **Location of Arbitration:** Any arbitration hearing that you attend must take place at a location reasonably convenient to your residence.
- h. **Cost of Arbitration:** Each Administrator charges fees to administer an arbitration proceeding and the arbitrator also charges fees. This includes fees not charged by a court. If either we or you require a Claim to be arbitrated, you may tell us in writing that you can't afford to pay the fees charged by the Administrator and the arbitrator or that you believe those fees are too high. If your request is reasonable and in good faith, we will pay or reimburse you for all or any part of the fees charged to you by the Administrator and/or arbitrator to the extent such fees exceed filing fees that you would be required to pay if the Claim had been brought in court. We will always pay the fees if applicable law requires us to or if a court requires such payment in order for this Arbitration Agreement to be enforced. We will not ask you to pay or reimburse us for any fees we pay the Administrator or arbitrator. Each party must pay the expense of that party's attorneys, experts and witnesses, regardless of which party prevails in the arbitration, unless applicable law, this Arbitration Agreement and/or the Loan Agreement gives a party the right to recover any of those fees from the other party.
- i. **Governing Law:** The Loan Agreement involves interstate commerce and this Arbitration Agreement is therefore governed by the Federal Arbitration Act, 9 U.S.C. §§ 1 et seq. (the "FAA"), and not by any state arbitration law. The arbitrator must apply applicable substantive law consistent with the FAA and applicable statutes of limitations and claims of privilege recognized at law. The arbitrator is authorized to award all remedies permitted by the substantive law that would apply if the action were pending in court (including, without limitation, punitive damages, which shall be governed by the Constitutional standards employed by the courts). At the timely request of either party, the arbitrator must provide a brief written explanation of the basis for the award.
- j. **Right to Discovery:** In addition to the parties' rights to obtain discovery pursuant to the arbitration rules of the Administrator, either party may submit a written request to the arbitrator to expand the scope of discovery normally allowable under the arbitration rules of the Administrator. The Arbitrator shall have discretion to grant or deny that request.
- k. **Arbitration Result and Right of Appeal:** Judgment upon the award given by the arbitrator may be entered in any court having jurisdiction. The arbitrator's decision is final and binding, except for any right of appeal provided by the FAA. However, if the amount of the Claim exceeds \$100,000 or the arbitration award grants or denies any claim for injunctive relief, any party can appeal the award to a three-arbitrator panel administered by the Administrator which shall reconsider any aspect of the initial award requested by the appealing party. The decision of the panel shall be by majority vote. Reference in this Arbitration Agreement to "the arbitrator" shall mean the panel of arbitrators if an appeal of the arbitrator's decision has been taken. Subject to applicable law, costs of such an appeal will be borne by the appealing party regardless of the outcome of the appeal. However, we will consider any good faith, reasonable request for us to pay all or any part of those fees if you are the appealing party and we will pay those fees to the extent necessary for this Arbitration Agreement to be enforced.
- l. **Rules of Interpretation:** This Arbitration Agreement shall survive the repayment of all amounts owed under the Loan Agreement (or any prior loan(s) obtained by you from us), the termination, cancellation or suspension of credit privileges under the Loan Agreement, any legal proceeding, and any bankruptcy by you, to the extent consistent with applicable bankruptcy law. If any portion of this Arbitration Agreement (other than the Class Action and Consolidation Waivers referred to in paragraph (f)) is deemed invalid or unenforceable, it shall not invalidate the Loan Agreement (or any prior loan(s) obtained by you from us) or the remaining portions of this Arbitration Agreement. In the event of a conflict or inconsistency between this Arbitration Agreement, on the one hand, and the applicable arbitration rules or the other provisions of the Loan Agreement, on the other hand, this Arbitration Agreement shall govern.
- m. **Breach of Arbitration Agreement:** If we or you fail to submit to arbitration following a proper demand to do so, to the extent not prohibited by law, that party shall bear all costs and expenses, including reasonable attorney's fees, incurred by the other party compelling arbitration.

ACKNOWLEDGMENT

BY SIGNING BELOW, YOU ACKNOWLEDGE THAT: (1) YOU HAVE READ THIS ENTIRE ARBITRATION AGREEMENT CAREFULLY; (2) YOU ARE ENTERING INTO THIS ARBITRATION AGREEMENT VOLUNTARILY AND NOT IN RELIANCE ON ANY PROMISES OR REPRESENTATIONS OTHER THAN THOSE CONTAINED IN THIS ARBITRATION AGREEMENT; (3) YOU WILL HAVE THE RIGHT TO REJECT THIS ARBITRATION AGREEMENT IN ACCORDANCE WITH PARAGRAPH (a) ABOVE; AND (4) YOU HAVE BEEN PROVIDED WITH A DUPLICATE COPY OF THIS ARBITRATION AGREEMENT.


BORROWER
BORROWER

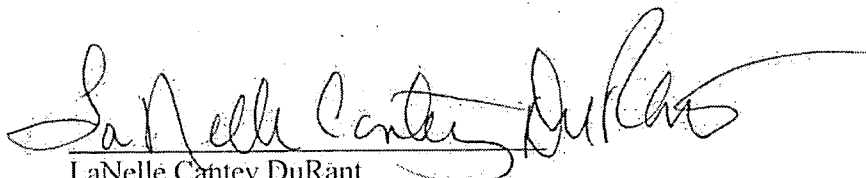
2/25/11
DATE
DATE

LENDER

By: Its Authorized Representative

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."

October 12, 2015



LaNelle Cantey DuRant
Appellate Defender

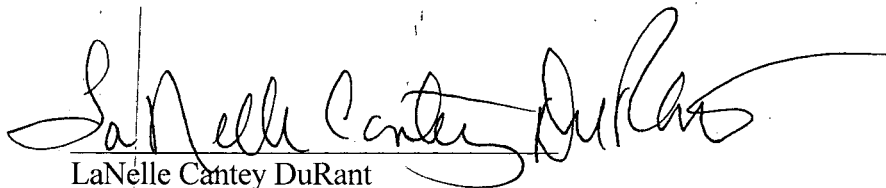
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

CERTIFICATE OF COUNSEL FOR APPELLANT

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

October 12, 2015



LaNelle Cantey DuRant
Appellate Defender

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

ATTORNEY FOR APPELLANT

RECEIVED

OCT 07 2015

SC Court of Appeals