

 ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

---

APPEAL FROM DILLON COUNTY

William H. Seals, Jr., Circuit Court Judge

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JUN 13 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DAEVON HEZZIE WILLIAMS

APPELLANT

APPELLATE CASE NO. 2014-002714

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RECORD ON APPEAL

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| STATE OF SOUTH CAROLINA | ) |                          |
|                         | ) | COURT OF GENERAL SESSION |
| <u>COUNTY OF DILLON</u> | ) | 2014-GS-17-0641          |
|                         | ) | 2014-GS-17-0642          |

|                         |   |                      |
|-------------------------|---|----------------------|
| STATE OF SOUTH CAROLINA | ) |                      |
| PLAINTIFF               | ) |                      |
| vs.                     | ) | TRANSCRIPT OF RECORD |
|                         | ) |                      |
| DAEVON H. WILLIAMS      | ) |                      |
| <u>DEFENDANT</u>        | ) |                      |

December 8-9, 2014  
Dillon, South Carolina  
Volume 01 of 02

B E F O R E:

THE HONORABLE WILLIAM H. SEALS, JR., JUDGE; and a  
jury.

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RONALD CONYERS,

BRIAN AMMONS,  
DARYL ARNETTE,  
JAMES MCDANIEL,

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Circuit Court Reporter

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| 1         | Pawnshop Receipt   | 39        | 40        |
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VOIR DIRE OF THE JURY

1  
2 THE COURT: All right. Except for those that I have  
3 excused I have found the jury panel qualified for this  
4 week. All right, Attorney General, if you will call your  
5 first case.

6 MR. ANDERS: Thank you, Your Honor. The State calls  
7 the State of South Carolina v. Daevon Williams.

8 THE COURT: All right. Thank you very much. Members  
9 of the jury, I have to ask you another series of questions  
10 to make sure that you are qualified to serve on a  
11 particular case. Again, I need for you to remember that  
12 you're under oath, and at any time if you'd like to  
13 respond up here that's perfectly fine.

14 In this particular case the State of South Carolina  
15 alleges that a Daevon Hezzy Williams did in Dillon County  
16 on or about March 27th 2012 commit the crime of burglary  
17 as he did enter a dwelling located at  
18 Lakeview, South Carolina without consent and with the  
19 intent to commit a crime therein.

20 The State of South Carolina further alleges that a  
21 Daevon Hezzy Williams did in Dillon County on or about  
22 March 27th 2012 commit the crime of grand larceny as he  
23 did take and carry away the personal property of another  
24 with the intent to deprive the owner of possession and  
25 convert the goods to his personal use.

1           In this regard the defendant has pled not guilty and  
2 requested a trial. At this time I need to know if anybody  
3 knows anything about this case. If you read anything  
4 about this case, talked to anybody about this case, heard  
5 anything about this case? If you have any knowledge about  
6 this case, no matter now insignificant you think it is,  
7 please stand.

8           All right. Good. No one stood. Is there a victim  
9 in the courtroom that needs to stand? Attorney General,  
10 do you have a victim by chance?

11           MR. ANDERS: I'm sorry, Your Honor.

12           THE COURT: Do you have a victim in the courtroom by  
13 chance?

14           MR. ANDERS: I do, Your Honor.

15           THE COURT: Is she in the courtroom?

16           MR. ANDERS: Yes, Your Honor.

17           THE COURT: All right. If you would have the victim  
18 stand. And her name is?

19           MR. ANDERS: Brenda Arnette and her son located  
20 beside her. This is Daryl Arnette.

21           THE COURT: Daryl Arnette. All right. Thank you  
22 very much. Is any member of the jury panel related blood  
23 or marriage or has a close personal or social relationship  
24 with the victims in this case, a Ms. Brenda Arnette and  
25 Daryl Arnette. If so please stand. All right. Your name

1           THE COURT: Is there anything that we need to take up  
2 before we begin with the trial?

3           MR. ANDERS: I think the Defense has a few motions.

4           MR. SCALES: Your Honor, may I approach?

5           THE COURT: You may.

6           MR. SCALES: I'd just like to take the time to review  
7 various offers and rejections.

8           THE COURT: All right. Tell me what you've got.

9           MR. SCALES: Well, those are in order. The most  
10 recent offer and rejection was for four years, receiving  
11 stolen good. And that's four years active time. He has  
12 signed and dated everything. At this point I'd just like  
13 to make that a part of the record for the Court.

14          THE COURT: All right. That will be fine. We'll  
15 take these and make them a part of the record.

16          (WHEREUPON, Court's Exhibit No. 1 was marked for  
17 identification and received into evidence.)

18          THE COURT: All right. Anything else?

19          MR. ANDERS: Your Honor, can I get a copy of them?

20          THE COURT: Okay. Anything else?

21          MR. SCALES: Just a couple pre-trial motions, Your  
22 Honor.

23          THE COURT: Okay. Let's hear them now.

24          MR. SCALES: First I'd like to make a motion to  
25 exclude the State from using any prior criminal

1 real quick.

2 I'm will allow the receiving stolen goods, common law  
3 robbery and strong armed robbery. I'm going to find the  
4 probative value of those matters outweighs the prejudicial  
5 affect. However, the burglary second, which is what he's  
6 being tried for here today, I'm not going to allow. I'm  
7 going to find that that would be extremely prejudicial and  
8 not useful.

9 Anything else you want to put on the record, from the  
10 Defense, in that regard?

11 MR. SCALES: Nothing from the Defense, Your Honor.

12 THE COURT: How about from the State?

13 MR. ANDERS: No, Your Honor.

14 THE COURT: All right. Go ahead and bring out the  
15 jury.

16 MR. SCALES: Your Honor.

17 THE COURT: I thought you said you had nothing else.  
18 All right, let me hear from you.

19 MR. SCALES: I thought you meant in regards to that  
20 motion, Your Honor. I'm sorry, Your Honor. For a second  
21 motion, Your Honor, I would move for a motion to dismiss  
22 the grand larceny charge based on the fact that the  
23 conduct does not match the crime.

24 Your Honor, I was given in discovery a content  
25 inventory summary completed by State Farm Insurance. It

1     says the cash value at \$1,229.67 with a total settlement  
2     of \$1,899.67. The grand larceny statute, as you know,  
3     requires -- anyone being charged under the statute  
4     requires a \$2,000 threshold. It does not meet this, so I  
5     would ask for it to be dismissed.

6             THE COURT: All right. Yes, sir.

7             MR. ANDERS: Your Honor, it's not the proper time to  
8     dismiss it. This is simply has been made an exhibit.  
9     Whether or not it makes it into evidence I'd do so at the  
10    proper time. But it's also items not on this lists that  
11    where discovery taken after the initial incident.

12            THE COURT: All right. Motion is denied at this  
13    time. We can take it up at the directed verdict stage.

14            MR. SCALES: Then just a motion to sequester any  
15    witnesses that are not a party to the crime or the State's  
16    primary investigator.

17            THE COURT: Any objections?

18            MR. ANDERS: No, objections, Your Honor.

19            THE COURT: Okay. That motion is granted. All  
20    right. Anything else?

21            MR. SCALES: Nothing from the Defense.

22            THE COURT: All right.

23            MR. ANDERS: Your Honor, if I may have a couple of  
24    minutes I'll get them out.

25            THE COURT: Sure.

1 MR. ANDERS: Nothing, Your Honor.

2 THE COURT: Go ahead and bring them out.

3 (WHEREUPON, the jury panel enters the courtroom at  
4 10:03 a.m.)

5 THE COURT: All right. Miss Clerk, if you would go  
6 ahead and swear them

7 (WHEREUPON, the jury panel was sworn in at  
8 10:03 a.m.)

9 THE COURT: Good morning. Before we actually being  
10 this trial I want to go over a few preliminary matters  
11 with you just to give you a little bit of working  
12 knowledge before this trial actually starts.

13 First thing I want to tell you is that the state of  
14 South Carolina has the burden of proof. They have to  
15 prove the defendant guilty beyond a reasonable doubt.  
16 Furthermore, you may ask yourselves what's is my role as  
17 the jury and what is your roll as a judge.

18 Your role as the jury is to determine what the facts  
19 of this case are. Nobody else in this courtroom  
20 determines what the facts are. Not me. Not my clerk.  
21 Not the court reporter. Nobody in the audience. Just  
22 you. Well, you ask yourselves how do we do that. You do  
23 that simply by looking at the evidence.

24 The evidence is made up of the witnesses that come  
25 over to this witness stand. They're sworn in on that

1 bible, and they testify. Furthermore, evidence is made up  
2 of any matters admitted into the record as evidence. That  
3 can be photographs. That can be reports, drawings,  
4 pistols, knives, guns, whatever. That is also evidence.  
5 You will take a look at those two matters. You will  
6 evaluate them.

7 Furthermore, I want you to understand that in regard  
8 to the witnesses that you judge their credibility. You  
9 judge their believability. You can believe nothing a  
10 witness tells you. You can believe everything a witness  
11 tells you. You can believe part of what a witness tells  
12 you. You can believe one witness against many or many  
13 against one. That is your job. You just use your common  
14 sense and listen and make those decisions.

15 Furthermore, I'm going to tell you at the end of this  
16 case I'm going to instruct you on the law applicable to  
17 this case. I am the judge of the law. You have to accept  
18 the law as I give it to you. If you have any preconceived  
19 ideas as to what you think the law is or what the law  
20 ought to be and it does not agree with what I tell you the  
21 law is you have to abandon those preconceptions and accept  
22 the law as I give it to you. Then only when I tell you to  
23 begin your deliberations will you take the facts as you  
24 find them, the law as it give it to you, put the two  
25 together and make a decision therefrom.

1           Furthermore, I do not want you to begin talking about  
2 this case in any form or fashion with anybody or among  
3 yourselves until I tell you to. And that will be at the  
4 very, very end of this case. The reason I tell you that  
5 is because I want to make sure that you have everything  
6 you need before you start deliberating on this case.

7           So if we take a break today, and you go back into the  
8 jury room, we have to take up some matters out here, you  
9 can talk about sports. You can talk about weather,  
10 politics, Christmas, whatever you want to talk about but  
11 not this case. If we go out for lunch same applies there.  
12 If by chance we don't finish today and you go home tonight  
13 you are instructed not to talk about this case in any form  
14 or fashion.

15           Furthermore, you are not to investigate this case in  
16 any way. If by chance you have access to a phone or a  
17 computer don't get on the internet and Google anything.  
18 Everything you need to make a decision in this case to be  
19 is to be derived right here in this courtroom. That way I  
20 know that you've gotten it properly according to our laws.  
21 All right.

22           Furthermore, as we continue with this case and at any  
23 point in time anybody needs anything or you need a break  
24 if you kind of wave your finger to me I'll try to make  
25 sure you're taken care of at the appropriate time. For

1 now I want you to sit back. I want you to relax and just  
2 pay attention. All right. I'll recognize the State for  
3 your opening statements.

4 MS. McMAHAN: May it please the Court.

5 THE COURT: Yes, ma'am.

6 OPENING STATEMENT BY MS. McMAHAN

7 MS. McMAHAN: I'm going to stand right here so that  
8 Madam Court Reporter can hear me better. My name is  
9 Ashley McMahan. This is my coworker, Jason Anders. We're  
10 from the Attorney General's Office, and we are both here  
11 today because that man there committed a crime. As a  
12 matter of fact he committed two crimes, grand larceny and  
13 burglary.

14 Now, back on March 27th 2012 Ms. Brenda Arnette  
15 receives a call that her home had been broken into. Ms.  
16 Brenda Arnette is a retired teacher. She's dedicated her  
17 life to public service in this community. She gets a  
18 call. She calls the Chief. She gets to her house and  
19 sees that someone has busted down her back door, ransacked  
20 her home and stolen a lot of stuff from her. Some of  
21 these things were very personal items that have a lot of  
22 sentimental value that she will never get back. Some of  
23 the items are very unique to the people that live there.  
24 One of those is her son, Daryl Arnette, who you will hear  
25 from.

1       The next day the defendant over here, Daevon  
2 Williams, was out in the community trying to move some of  
3 these items off, and he's caught wearing some of the items  
4 stolen from the house.

5       Now, you heard the Judge earlier say that we have to  
6 prove this case beyond a reasonable doubt. Well, we have  
7 indictments we use to bring a case to Court. That's what  
8 they look like. These are not evidence. They are simply  
9 pieces of paper used to bring this to court. So the first  
10 one is burglary.

11       Now, for that we have to prove that Daevon Williams  
12 did enter Ms. Arnette's house without consent with the  
13 intent to commit a crime inside. The second part of this,  
14 the grand larceny, is that we have to prove that the  
15 defendant did go into Ms. Arnette' house and carry away or  
16 take her personal property valued between \$2,000 and  
17 \$10,000.

18       Now, that reasonable doubt is a very high burden of  
19 proof, and we welcome that burden of proof. And  
20 reasonable doubt is a doubt that causes a reasonable  
21 person to hesitate to act. And they way we're going to  
22 prove that is through evidence. We have certain types of  
23 evidence that we're going to present today. Most of it is  
24 going to be testimony from witnesses.

25       However, what you're not going to hear from the

1 witnesses is that anybody saw Daevon in that house or  
2 anybody that was able to get fingerprints from that house.  
3 But there are a lot of other types of evidence called  
4 circumstantial evidence that tie all this together and  
5 prove that Daevon was the only person that could have been  
6 in that home and was the one who stole all that stuff.

7 And at the end the Judge is -- as you heard Judge  
8 Seals tell you he's going to charge you on the law. Now,  
9 anything that Jason and I say -- excuse me. Mr. Anders  
10 and I say at the end regarding the law conflicts with what  
11 the Judge tells you go with what the Judge tells says.

12 But at the end of all this you take all that  
13 circumstantial evidence then you will find the defendant  
14 guilty beyond a reasonable doubt.

15 THE COURT: All right. Thank you. Defense is  
16 recognized.

17 MR. SCALES: Thank you, Your Honor.

18 OPENING STATEMENT BY MR. SCALES

19 MR. SCALES: Again, my name is Nathan Scales. I work  
20 for the Public Defender's Office as an Assistant Public  
21 Defender here in Dillon. I represent Mr. Daevon Williams.  
22 He resides in Lakeview where this crime allegedly was  
23 committed. As you heard the Attorney General say the  
24 burden is on the State of South Carolina to prove both  
25 crimes; burglary in the second-degree non-violent and a

1 charge of grand larceny. Those, the State has to prove  
2 that beyond a reasonable doubt.

3 Also as you heard her say that any doubt that causes  
4 a reasonable person to hesitate. Now, she instructed you  
5 on the law for burglary second; entering a dwelling  
6 without consent with the intent to commit a crime therein.  
7 A reasonable doubt for each element. They have each  
8 element to pass.

9 Ladies and gentlemen of the jury, they don't even get  
10 past the first element of burglary second which is  
11 entering a dwelling. There is no fingerprints. There is  
12 no D.N.A. There is no eye witness testimony, and you will  
13 hear and the evidence will show that Ms. Arnette lives at  
14 Number Nine Junction off of highway traffic. It's a  
15 highly trafficked street in South Carolina.

16 This crime was committed on March 27th approximately  
17 at 5:06 p.m. That's a highly trafficked time of the day.  
18 No one saw Mr. Daevon Williams enter that house. She  
19 touched on someone, the Attorney General said, someone  
20 busted in her back door. Someone did bust in her back  
21 door, but we're not here disputing that fact.

22 But we are disputing that it was not my client, Mr.  
23 Daevon Williams. He was in possession of the items taken.  
24 That does not make him a burglar. That does not make him  
25 guilty of grand larceny. I would ask for you to return a

1 verdict of not guilty on both charges based on the fact,  
2 the simple fact, that they cannot prove beyond a  
3 reasonable doubt that Daevon Williams was anywhere near  
4 that house day. Thank you for your time.

5 THE COURT: Okay. Thank you. Call your first  
6 witness.

7 MR. ANDERS: Thank you, Your Honor. The State calls  
8 Bryan Burkett.

9 BRYAN BURKETT, after being duly sworn, testified  
10 as follows:

11 CLERK OF COURT: Be seated. State your full name for  
12 the Court spelling your last, please.

13 THE WITNESS: My name is Steven Bryan Burkett, Jr.  
14 Burkett is B-U-R-K-E-T-T.

15 DIRECT EXAMINATION

16 BY MR. ANDERS:

17 Q. Mr. Burkett, where are you from?

18 A. Darlington, South Carolina.

19 Q. Okay. Where have you lived in the past couple of  
20 years?

21 A. Past couple years Darlington, South Carolina.

22 Q. What is it that you do?

23 A. I'm a pawn broker.

24 Q. All right. And what were you doing in 2012?

25 A. I was operating the pawnshop on Main Street in

1 Darlington.

2 Q. And what is the name of that pawn show?

3 A. Main Street Pawn and Gun.

4 Q. Okay. How long were you employed there?

5 A. About four years.

6 Q. And I think you just said but to be sure where is  
7 that located?

8 A. 129 West Main Street. About a block down from the  
9 court house.

10 Q. A block away from the court house. How far away is  
11 that from Lakeview?

12 A. Lakeview, probably 20 miles I'm guessing.

13 Q. All right. And when did you stop working there?

14 A. Late August 2013 I believe.

15 Q. So, obviously, you were working there during March of  
16 2012?

17 A. Yes, sir.

18 Q. Have you ever encountered the defendant before?

19 A. Yes, I met him before.

20 Q. Okay. And how did you encounter the defendant?

21 A. In my -- the store that I was running. He was a  
22 customer.

23 Q. All right. And do you recall when that might have  
24 been?

25 A. I'm not sure on the date, but I know he was in my

1 store.

2 MR. ANDERS: Permission to approach, Your Honor?

3 THE COURT: Yes, sir.

4 (WHEREUPON, State's Exhibit Nos. 1 THROUGH 5 were  
5 marked for identification only.)

6 BY MR. ANDERS:

7 Q. All right. I'm going to show you what's been marked  
8 as State's Exhibit Number One. What is this?

9 A. This is a pawn brokers ticket. This is a contract  
10 between the pawnshop and the customer. We take the  
11 customer's I.D. and I have to sign receiving the product  
12 for purchase or loan. And the customer also has to sign  
13 with their South Carolina identification.

14 Q. Is this something that is kept in the regular course  
15 of business?

16 A. Yes, we keep these on every customer that comes  
17 through the door.

18 MR. ANDERS: Your Honor, at this time I want to  
19 introduce State's Number One?

20 THE COURT: Have you shown it to the Defense?

21 MR. SCALES: No objection, Your Honor.

22 THE COURT: All right. State's Number One in  
23 evidence without objection.

24 (WHEREUPON, State's Exhibit No. 1 was admitted into  
25 evidence.)

1 BY MR. ANDERS:

2 Q. All right. Mr. Burkett, let me just ask you a little  
3 bit more about this, okay. Is there a date that was  
4 created?

5 A. This is the March the 28th of 2012.

6 Q. And about what time was that created?

7 A. Time stamp is 10:38 a.m.

8 Q. What are the hours of your business?

9 A. We operate from 9:00 to 6:00 Monday through Friday  
10 and 10:00 to 5:00 on Saturday.

11 Q. 10:00 to 5:00 on Saturday. So that was -- this was  
12 created pretty close to when you opened?

13 A. Yes.

14 Q. All right. Now, I'm going to ask you again what was  
15 it that the defendant pawned?

16 A. We keep records. Any time we purchase anything we  
17 have to describe it. It was 9.5 grams of gold. It was a  
18 necklace. It was a bracelet and a cross charm, all gold.

19 Q. And how much did he receive?

20 A. He received \$80 for this purchase. This was not a  
21 loan. This was a purchase.

22 Q. And when you say, 'a purchase' what does that mean?

23 A. Sometimes people come in and say, "Hey, I just want  
24 to get a loan against this," and they can come back and  
25 get it back. This item was sold to me.

1 Q. And there is a signature at the bottom of the ticket,  
2 correct?

3 A. Yes.

4 Q. All the way to the far right whose signature is that?

5 A. The far right is my signature.

6 Q. And the signature that's to the left of that?

7 A. That's Daevon Williams.

8 Q. And is this the man who sold the ticket ---

9 A. Yes.

10 Q. --- signed the ticket?

11 A. Yes, he signed the ticket.

12 MR. ANDERS: May I approach, Your Honor?

13 THE COURT: Yes.

14 BY MR. ANDERS:

15 Q. Now, with this description in mind you recognize  
16 these items?

17 A. Yes, that is the necklace and charm that I purchased.

18 Q. Okay. And that's the necklace and charm and how  
19 about this item?

20 A. And that is the bracelet, yes.

21 Q. And are both fair and accurate depictions of what the  
22 defendant pawned?

23 A. Yes, that is exactly the same thing.

24 MR. ANDERS: Your Honor, at this time the State would  
25 wish to move State's Exhibits Two and Five into evidence?

1 THE COURT: Any Objection?

2 MR. SCALES: No objection.

3 THE COURT: All right. State's Two and Five in  
4 evidence without objection.

5 (WHEREUPON, State's Exhibit Nos. 2 and 5 were  
6 admitted into evidence.)

7 MR. ANDERS: Your Honor, may I publish these to the  
8 jury?

9 THE COURT: You may.

10 BY MR. ANDERS:

11 Q. Mr. Burkett, do you recall if Mr. Williams was alone  
12 that morning?

13 A. I couldn't recall.

14 Q. But this is the person you found in your pawnshop?

15 A. Yes, sir.

16 Q. Was in your pawnshop?

17 A. Yes, sir.

18 Q. And, once again, 10:30 is about an hour after you  
19 open?

20 A. That is correct.

21 Q. No further questions. Please answer any questions  
22 the Defense may have.

23 THE COURT: All right. Mr. Scales.

24 CROSS-EXAMINATION

25 BY MR. SCALES:

1 Q. Mr. Burkett, you have had previous dealings with Mr.  
2 Williams in the past, is that correct?

3 A. Yes, sir.

4 Q. Prior to this day?

5 A. He may have been in the store. I recall seeing him  
6 before.

7 Q. But he's been in the -- in that store pawning items  
8 before, correct?

9 A. The only pawn ticket that we have on record from him  
10 is the one in question.

11 MR. SCALES: No further questions.

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

14 MS. McMAHAN: Your Honor, the State calls Brenda  
15 Arnette.

16 BRENDA ARNETTE, after being duly sworn,  
17 testified as follows:

18 CLERK OF COURT: Have a seat in the witness box.  
19 State your full name for the Court spelling your last,  
20 please.

21 THE WITNESS: My name is Brenda Green Arnette.

22 DIRECT EXAMINATION

23 BY MS. McMAHAN:

24 Q. Spell your last name.

25 A. A-R-N-E-T-T-E.

1 Q. Ms. Arnette, where do you live?

2 A. I live at in Lakeview, South  
3 Carolina.

4 Q. And that's in Dillon County still?

5 A. That's in Dillon County.

6 Q. And how long have you lived there?

7 A. Since 1965.

8 Q. Miss Arnette, what do you do for a living? What did  
9 you do?

10 A. I am retired. I worked as the guidance counselor at  
11 Dillon County Technology Center here in Dillon.

12 Q. And what does that entail?

13 A. We place students from three high schools in the  
14 county; Dillon, Lakeview and Latta. That's come to us to  
15 take a trade. We also operate the alternative school in  
16 the afternoon for children that have been suspended from  
17 their home high school or others.

18 Q. And do you remember March 27th 2012?

19 A. Yes, I do.

20 Q. Tell me what happened that day?

21 A. I was also have been on the hospital board, and I was  
22 attending a meeting and I received a call from my neighbor  
23 saying that my back door was left open. So I asked him if  
24 he would go look closer and inspect it, and he called me  
25 back and said, "No. Its been broken."

1           So I asked him to wait until I got there, Mr.  
2   Marcella Rogers, and I called the Chief. And when I  
3   arrived in Lakeview at my home the Chief was there along  
4   with Marcella.

5   Q.   When you say, 'the Chief' who is that?

6   A.   Chief McDaniels.

7   Q.   Who is he?

8   A.   He's the Chief of Police for Lakeview.

9   Q.   Okay. Did anybody else live with you at your house?

10   A.   My son was there.

11   Q.   And what is your son's name?

12   A.   My son's name is Daryl Arnette.

13   Q.   And are -- do you have a good relationship with your  
14   neighbors?

15   A.   Very much so. To this point I had never had an alarm  
16   system. I used to tell people when they say, "Brenda, you  
17   by yourself." My son just recently came home. "That you  
18   need some type of system." I said, "I don't need a  
19   system. I have all my neighbors to take care of  
20   everything." I've never had anything taken from my house  
21   not even a hoe from the yard, and I keep my storage house  
22   unlocked.

23   Q.   I'm going to show you -- well, actually, let me back  
24   up just a minute. Can you tell the jury what was taken  
25   from your home? Do you remember everything?

1 A. No, I do not. The first thing was my laptop, a set  
2 of necklace, rings, earrings, a pair of silver earrings,  
3 another necklace and earrings, bracelet, silver ring,  
4 bracelet and ring and earring. Many of the things were in  
5 sets. Necklace and earrings. I had a commemorative Roy  
6 Wilson piece that cannot be replaced. It was given to me  
7 by my deceased sister for the work that she did with the  
8 N.A.A.C.P. in New York.

9 But a wedding band, a collection of coins. The coins  
10 were important because three of the coins were --  
11 specifically, the half dollar pieces that were minted many  
12 years ago that belonged to my father who passed in 1973.  
13 So I had them for a while.

14 As I said many of the things that were taken were  
15 things that cannot be replaced and things that you can't  
16 put a monetary value on because they are -- those things  
17 that belonged to my deceased family members. The necklace  
18 that was pawned, I really didn't realize it had been taken  
19 until I saw it at the pawn show because the necklace was  
20 broken and I had placed it in a separate place to take it  
21 to the jewelry store to have it replaced. To have the  
22 cross put back on it. There was no value to the cross as  
23 it was a gift.

24 Q. I'm going to show you a couple of things. I'm going  
25 to show you what is State's Exhibits -- what has been

1 entered as an exhibit as Two and Five. I'm also going to  
2 show you Three and Four, but let's start with Two and  
3 Five. Do you recognize these items?

4 A. That's the gold chain, and that's the chain and  
5 cross. As I said I didn't realize these things had been  
6 taken. The necklace with the cross as I said was mine and  
7 the clasp was broken. The gold chain was -- bracelet was  
8 actually something that had been given to my daughter for  
9 her graduation and she just had not taken it with her.

10 Q. And those are your items?

11 A. Those are mine.

12 Q. I'm going to show you what's marked also as State's  
13 Exhibits Three and Four. Do you recognize those items?

14 A. Those are two of the coins. I remember the date for  
15 the front and back of the 1926 piece.

16 Q. So you recognize those as the coins that were taken  
17 from your house?

18 A. Yes.

19 Q. Are those pictures a true and accurate depiction of  
20 those two coins?

21 A. I would said so.

22 MS. McMAHAN: Your Honor, at this time I would move  
23 these into evidence?

24 THE COURT: And the numbers are?

25 MS. McMAHAN: Three and Four.

1 THE COURT: All right. Any objection to State's  
2 Three and Four?

3 MR. SCALES: No, Your Honor.

4 THE COURT: All right. Numbers Three and Four in  
5 evidence without objection.

6 (WHEREUPON, State's Exhibit Nos. 3 and 4 were  
7 admitted into evidence.)

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

10 BY MS. McMAHAN:

11 Q. I'm also going to show you what was marked as State's  
12 Exhibit Eight. Do you recognize that?

13 A. Yes. This is the receipt for the ring, the wedding  
14 band.

15 Q. Is that when you bought them?

16 A. I didn't. They were also a gift. It's a bridal set.

17 Q. And that's the receipt from where they were  
18 purchased?

19 A. That's the receipt.

20 Q. Is that a true and accurate depiction of that  
21 receipt?

22 A. Yes.

23 MS. McMAHAN: Your Honor, I'd also like to move  
24 State's Exhibit Eight in.

25 THE COURT: Any objection?

1 MR. SCALES: No, Your Honor.

2 THE COURT: State's Number Eight in evidence without  
3 objection.

4 (WHEREUPON, State's Exhibit No. 8 was admitted into  
5 evidence.)

6 BY MS. McMAHAN:

7 Q. One last question, Ms. Arnette. What's the cost of  
8 those two things?

9 A. \$529.87.

10 Q. That's with tax? What was it without tax?

11 A. Without tax it was \$499.88.

12 Q. Thank you. I'm also now going to show you what has  
13 been marked as State's Exhibit Seven. Can you tell me  
14 what that is?

15 A. This is a copy of the inventory sheet that I  
16 submitted to State Farm.

17 Q. Is that a true and accurate depiction of that  
18 inventory sheet?

19 A. Yes.

20 Q. Did you keep that sheet in your own personal records?

21 A. Yes, ma'am.

22 Q. In the normal course of your business for this claim  
23 that you were filing for State Farm?

24 A. Yes.

25 Q. Does that list everything on there on?

1 A. No. I did not list the bracelet, the necklace and  
2 the cross because as I said at that time I really didn't  
3 realize that they were missing. I did not list the half  
4 dollars because they were returned. So was the necklace  
5 and bracelet. So I only listed those items that were  
6 missing.

7 One item that is not on here that was of great value  
8 was the bag that was used to carry the laptop in that  
9 can't be replaced.

10 Q. This receipt, is that included in that inventory?

11 A. No.

12 Q. So this was not in this inventory?

13 A. No. Yes, the ring. I'm sorry. I thought that was  
14 the one from the pawnshop.

15 Q. This is the one with the diamond cluster?

16 THE COURT: And that is State's what?

17 MS. McMAHAN: I apologize, Your Honor. That's State  
18 Eight.

19 THE WITNESS: Yes, Number Ten.

20 BY MS. McMAHAN:

21 Q. So that is included?

22 A. Yes, the wedding band.

23 Q. Now, what is the total of the cost to replace all of  
24 these items?

25 A. Approximate cost is \$3,449.92.

1 Q. So that's if you were going to go out and purchase  
2 new items for all of these things that were stolen?

3 A. Right.

4 Q. It would cost you \$3,400 and some change?

5 A. Yes.

6 MS. McMAHAN: Court's indulgence, Your Honor. Never  
7 mind.

8 BY MS. McMAHAN:

9 Q. A couple of other questions. Did you know the  
10 defendant?

11 A. Yes.

12 Q. How do you know him?

13 A. He attended my church on several occasions, he and  
14 his brothers. The church gave them coats one winter. He  
15 attended the school where I worked as an alternative  
16 student and I placed him in a class. I know him from  
17 being in the community.

18 Q. Have you ever seen him around your house?

19 A. Nope.

20 Q. Have you ever given him permission to be in your  
21 home?

22 A. No.

23 Q. Have you ever given him permission to be in your home  
24 while you were not there?

25 A. No.

1 Q. Did the defendant have any type of consent to be in  
2 or around your home?

3 A. No.

4 Q. Did he -- now, these items that were taken to the  
5 pawnshop did you take them to the pawnshop?

6 A. No, I did not.

7 Q. Did you ever give these items to the defendant to  
8 take to the pawnshop for you?

9 A. No, I did not.

10 Q. Beg the Court's indulgence. Nothing further, Your  
11 Honor.

12 THE COURT: All right. Yes, sir.

13 MR. SCALES: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. SCALES:

16 Q. Ms. Arnette, your -- this crime occurred at  
17 approximately 5:06 on March the 27th to the best of your  
18 knowledge, correct?

19 A. No. It would have been sooner. I received the call  
20 around 5:06. The crime had already been committed.

21 Q. Okay. And you said you don't use a home protection  
22 system because you rely on all of your neighbors, correct?

23 A. I did.

24 Q. And you live in a home -- so you live in a home that  
25 is surrounded by other homes and businesses, correct?

1 A. Other homes.

2 Q. Okay. And in relying on those neighbors none of  
3 those neighbors saw anyone enter your house that day,  
4 correct?

5 A. No.

6 Q. And you do have your insurance with State Farm,  
7 correct?

8 A. Yes, I do.

9 Q. You said that you were unsure of the items stolen at  
10 the time that that inventory summary was made, correct?

11 A. I did not include them on that summary because when I  
12 first wrote the summary I wasn't aware. Now, the next day  
13 so -- since I received the items back they could not be  
14 included in this summary. If I'm right or wrong.

15 Q. Okay. So that day of the crime was March 27th.  
16 That -- can you read off for the jury when that report was  
17 created?

18 A. Well, I was a little slow in doing it. It was  
19 created on October 24th. It was actually -- it was  
20 created by them on October 24th. It was probably sent in  
21 a little sooner.

22 Q. Okay. Do you remember that you said you had no  
23 recollection of that -- those items that were stolen  
24 specifically the bracelet and the cross necklace? Do you  
25 remember writing a statement some three days later on

1 March 30th?

2 A. I'm quite sure I did.

3 Q. In regard to these items?

4 A. This was to the pawnshop. This is the statement that  
5 was written to verified that the gold chain and gold  
6 bracelet?

7 Q. Yes, ma'am.

8 A. Yes.

9 Q. So on March 30th you knew those items were gone?

10 A. Right.

11 Q. But they did not -- they weren't included in the  
12 inventory summary on the 4th of October, some six months  
13 later?

14 A. No.

15 Q. Okay. And in reading the contents of the inventory  
16 summary can you tell me what State Farm assessed the  
17 actual cash value of your items received?

18 A. The inventory items minus my deductible.

19 Q. First page, center column.

20 A. I can see it. Policy deductible was \$1,276. Total  
21 replacement cost was \$1,550.25. Check issued \$623.57. I  
22 was told by State Farm that if I produce receipts for  
23 replacement of these items I would be reimbursed.

24 Q. But they projected or estimated your actual cash  
25 value for those items at \$1,200.29, correct?

1 A. Total replacement cost available on the left side of  
2 page says \$1,550.25.

3 Q. Even then that's still less than \$2,000, correct?

4 A. Yes, it is.

5 MR. SCALES: No further questions.

6 THE COURT: All right. Redirect.

7 REDIRECT EXAMINATION

8 BY MS. McMAHAN:

9 Q. Ms. Arnette, if you went out and replaced these items  
10 it would cost you \$3,449.92; is that correct?

11 A. That's an estimate at today's market price.

12 Q. And did your insurance policy cover replacement value  
13 or did it just cover actual cash value?

14 A. They replaced -- I'm not quite sure what you're  
15 asking. I'm instructed that if I replace these items and  
16 produce a receipt to State Farm they will replace the rest  
17 of the items.

18 Q. So if you had receipts for these items that added up  
19 to \$3,449.92 they would have reimbursed you that full  
20 amount?

21 A. Minus the \$1,200 on my deductible.

22 Q. You only had a receipt for one of the items; isn't  
23 that correct?

24 A. I actually have not produced a receipt for any of the  
25 items. I haven't replaced them because every time I go to

1 buy something I think that I'm buying something that  
2 someone is going to take from me, and I just don't buy it.

3 Q. How did you feel when you came home that day and your  
4 home had been ransacked?

5 A. Since I've been in that house, since I was 14, I felt  
6 violated. I now have an alarm system on that house. I'm  
7 not used to going out and locking up like it's Fort Knox.  
8 I'm used to leaving my house, waving goodbye to my  
9 neighbors cause as you say I do live in a high traffic  
10 area so there is usually someone around.

11 I also feel that my trust, because I trusted the  
12 young man, I actually tried to help the young man. And  
13 for him to take from me that was a very hurtful thing  
14 because most people in the community will tell you that if  
15 you ask me to do something for you I will do it. And I'm  
16 not one of these people that do things for monetary value.  
17 I do things to help my fellow man.

18 That's why I was in education instead of keeping the  
19 first job that I had because I wanted to help young  
20 people. And it hurts me that someone would take something  
21 from me after I attempted to help the them.

22 MS. McMAHAN: Nothing further, Your Honor.

23 THE COURT: All right. Yes, sir.

24 RE CROSS EXAMINATION

25 BY MR. SCALES:

1 Q. Just to clarify. You have never seen Mr. Daevon  
2 Williams around your house, correct?

3 A. No.

4 Q. Thank you.

5 THE COURT: All right. You may step down. Thank  
6 you. Call your next witness.

7 MR. ANDERS: Thank you. State calls Ronald Conyers.

8 RONALD CONYERS, after being duly sworn,  
9 testified as follows:

10 CLERK OF COURT: Be seated in the witness box. State  
11 your full name for the Court and spell your last, please.

12 THE WITNESS: Ronald Carl Conyers, C-O-N-Y-E-R-S.

13 CLERK OF COURT: Thank you, sir. You can be seated.

14 DIRECT EXAMINATION

15 BY MR. ANDERS:

16 Q. Mr. Conyers, do you know the defendant?

17 A. Yes, sir.

18 Q. How do you know the defendant?

19 A. I know him by his parents.

20 Q. You know him by his parents. And what do you do for  
21 a living, Mr. Conyers?

22 A. I work at I.G.A. in Lakeview.

23 Q. I.G.A. How long you been working there?

24 A. About four years.

25 Q. About four years. And where is that located?

1 A. Lakeview, South Carolina.

2 Q. In Lakeview. All right. Do you recall giving a  
3 statement to Chief McDaniels concerning the defendant?

4 A. Yes, sir.

5 THE COURT: Speak up.

6 THE WITNESS: Yes, sir.

7 BY MR. ANDERS:

8 Q. And if I told you that statement -- you didn't write  
9 that statement, correct?

10 A. No, sir.

11 Q. You had Mr. McDaniels -- Chief McDaniels write it for  
12 you?

13 A. Yes, sir.

14 Q. All right. And I'm not going to ask you to read the  
15 statement. I just want you to look at the date of that  
16 statement. Can you tell me the date of that statement?  
17 If I told you March 29th 2012 would you agree?

18 A. Yeah.

19 Q. Yeah. Do you recall what you told Chief McDaniels?

20 A. Yes, sir.

21 Q. All right. Could you tell the jury what you told  
22 Chief McDaniels?

23 A. That morning I was approached by a young man with  
24 some old coins.

25 THE COURT: Speak up.

1           THE WITNESS: I said that a young man approached me  
2 with an old coin. They asked me to hold for him for  
3 regular dollar. They brought my regular dollar back.  
4 And?

5           MR. SCALES: May I approach, Your Honor?

6 BY MR. ANDERS:

7 Q. So you said the defendant approached you with an old  
8 coin?

9 A. Yes.

10 Q. You know the defendant?

11 A. Yes, sir.

12 Q. Did he have a collection of coins to your knowledge?

13 A. Just one.

14 Q. Just one. If I showed you this does that look like  
15 the coin that he gave to you to hold?

16 A. Yes, sir.

17 Q. Okay. Does that look like the back of the coin he  
18 gave to you?

19 A. Yes, sir.

20 Q. Where did he give you this coin?

21 A. I was at work.

22 Q. You were at the I.G.A. in Lakeview?

23 A. Yes, sir.

24 Q. Was it the same -- excuse me. Did he give you the  
25 coin on the same day that he made this statement?

1 A. Yes, sir.

2 Q. So he gave it to you on March 29th 2012?

3 A. Yes, sir.

4 Q. Did he ever give you an old coin before?

5 A. No, sir.

6 MR. ANDERS: I have no further questions.

7 THE COURT: All right. Cross.

8 MR. SCALES: No questions from the Defense, Your  
9 Honor?

10 THE COURT: All right. You may step down. If you  
11 will call your next witness.

12 MS. McMAHAN: Your Honor, the State calls Brian  
13 Ammons.

14 BRIAN AMMONS, after being duly sworn, testified  
15 as follows:

16 CLERK OF COURT: State your full name for the Court  
17 spelling your last, please, sir.

18 THE WITNESS: Brian Ammons, A-M-M-O-N-S.

19 DIRECT EXAMINATION

20 BY MS. McMAHAN:

21 Q. Mr. Ammons, tell the jury about yourself. What do  
22 you do?

23 A. Cashier at the Save A Coin in Lakeview.

24 Q. Are you from Lakeview?

25 A. I live in Latta now.

1 Q. But you're originally from Lakeview?

2 A. Yes.

3 Q. How long have you worked at the Save A Coin?

4 A. The Save a Coin, just going on four years.

5 Q. What is the Save A Coin?

6 A. It's just a convenience store.

7 Q. Were you working there back on March 2012?

8 A. Yes, ma'am.

9 Q. Have you ever seen the defendant in the Save A Coin?

10 A. Yep.

11 Q. Do you know the defendant's name?

12 A. Only by the papers, Daevon Williams.

13 MR. SCALES: Your Honor, could you just have him  
14 speak up, please.

15 THE COURT: Yes, sir. If you would speak up. All  
16 12 -- 13 people over here have to hear you, I do, the  
17 court reporter and all the lawyers.

18 MS. McMAHAN: I'll get a little closer.

19 BY MS. McMAHAN:

20 Q. Did you see the defendant come in there March 2012?

21 A. Yes.

22 Q. And what was he doing in there?

23 A. I guess he bought something, but he also had coins in  
24 his hand.

25 Q. What kind of coins?

- 1 A. It was an old coins.
- 2 Q. I'm going to show you State's Exhibits Three and
- 3 Four. Do those look like the coin that he had?
- 4 A. Yes.
- 5 Q. The coins that he had?
- 6 A. Yes.
- 7 Q. Is that what he was trying to sell you?
- 8 A. Yes.
- 9 Q. Was that out of the ordinary for him to come in and
- 10 try to sell you a coin?
- 11 A. Yes.
- 12 Q. Why?
- 13 A. Just had never done it before.
- 14 Q. Was he the type of person that had things like this
- 15 to sell to you?
- 16 A. Well, I had never seen him with anything like that
- 17 before. Never mentioned it, talked about it or anything
- 18 like that.
- 19 Q. Was he the type of person that would come in and
- 20 spend large quantifies of money in there?
- 21 A. Not really.
- 22 Q. Did you see Daryl Arnette in there?
- 23 A. Yes, I did.
- 24 Q. When did you see Daryl Arnette in there?
- 25 A. Within a day or two.

1 Q. Within a day of two?

2 A. After that.

3 Q. Of Mr. Williams coming in?

4 A. Yes.

5 Q. Did you talk to Daryl?

6 A. I did.

7 Q. And as a result of your conversation what did you  
8 learn?

9 A. That he had some old coins that go missing. His  
10 house had got broken into.

11 Q. Did you tell Daryl?

12 A. I told him that I had seen somebody that had coins.

13 Q. Come in?

14 A. Come into the store, yes.

15 Q. Did you tell him who that was?

16 A. I described him. I didn't know a name.

17 Q. Did Daryl know who you were talking about?

18 A. I don't think he knew his name either.

19 MS. McMAHAN: Nothing further from the State, Your  
20 Honor.

21 THE COURT: Any cross?

22 MR. SCALES: No questions from the Defense, Your  
23 Honor.

24 THE COURT: You may step down. Thank you.

25 MS. McMAHAN: Your Honor, I would ask that this

1 witness be excused.

2 THE COURT: Any objection?

3 MR. SCALES: No objection, Your Honor.

4 THE COURT: All right. You have a good day. Call  
5 your next witness.

6 DARYL ARNETTE, after being duly sworn, testified  
7 as follows:

8 CLERK OF COURT: Would you be seated. State your  
9 full name for the Court spelling your last, please.

10 THE WITNESS: Daryl Bernard Arnette. A-R-N-E-T-T-E.

11 DIRECT EXAMINATION

12 BY MS. McMAHAN:

13 Q. Mr. Arnette, where did you grow up?

14 A. Lakeview.

15 Q. Did you go to school in Lakeview?

16 A. Yes, I did.

17 Q. Do you still live in Lakeview?

18 A. No.

19 Q. Don't live there now?

20 A. No.

21 Q. Did you live in Lakeview back in March 2012?

22 A. Yes.

23 Q. Who were you living with?

24 A. My mother.

25 Q. Prior to that did you live anywhere else?

1 A. I had just moved from Atlanta. I had just moved back  
2 from Atlanta in January.

3 Q. Back in March 2012 you had all your stuff at your  
4 mom's house?

5 A. Yes.

6 Q. Have you ever seen the defendant prior to this?

7 A. Just around.

8 Q. Just around town?

9 A. Yes.

10 Q. Did you happen to -- do you remember what happened on  
11 March 27th 2012?

12 A. Yes.

13 Q. What happened that day?

14 A. That day I was at work. My mother called me. She  
15 asked me a crazy question, but she asked me did I have a  
16 gun in the house. I was like, "Maw, I don't own a gun and  
17 wouldn't bring it in the house." She was like, "Well, the  
18 house just got broken into." So I left work and came  
19 home. Stopped by the park. Just asked and let them know  
20 that my house had just gotten broken into and if they hear  
21 anything let me know.

22 I went home. One of the local policemen were  
23 leaving, and mom was trying to get everything together.  
24 Had a couple of other people at the house that was  
25 leaving. That was pretty much it. I went and I didn't

1 see anything missing around the back or anything. So she  
2 had just told me what happened. That was pretty much it.

3 Q. Do you recall going to the Save A Coin shortly after  
4 this?

5 A. Yes.

6 Q. Do you remember ---

7 A. I went to Save A Coin the next day, that morning.  
8 Pretty much like I always do. I get juice before I go to  
9 work. Got there. Brian -- actually, Brian and I went to  
10 school together. I was telling him what happened. I told  
11 him what was missing, and he was like ---

12 Q. Let me stop you right there. As a result of your  
13 conversation with Mr. Ammons what did you learn?

14 A. I learn that he had old coins; that somebody came in  
15 with some old coins. It sounded like what was missing.  
16 Some of the stuff that was missing. So I left the store  
17 and went to the police station and let the Chief know.

18 Q. Did you ---

19 A. At that time I told him that I didn't know who he  
20 was. Everybody said I would know him if I saw him, but  
21 didn't know by name who he was.

22 Q. And after that what did you do?

23 A. I left the police station. Brian had also told me  
24 about the car that he was in, and I saw this particular  
25 car at the I.G.A. So I stopped at the, to be nosy, and I

1 didn't see anybody in the car. I saw two women in the  
2 car, but I didn't see anybody else. So I decided to walk  
3 in the store, and when I walked in the store as soon as I  
4 turned around the corner I saw Daevon wearing a tee shirt  
5 that I didn't realize was missing.

6 Q. So let's talk a minute about this tee shirt. What do  
7 you do for a living?

8 A. I'm a car salesman.

9 Q. Were you doing that when you were in Atlanta?

10 A. Yes.

11 Q. Where did you work down there?

12 A. I worked at Nisan South in Monroe. At that  
13 particular time that particular tee shirt I worked at  
14 Ford.

15 Q. The tee shirt the defendant was wearing, was it  
16 unique to you?

17 A. Yes, it was. A local high school's first annual car  
18 show. The only way you could get one of those particular  
19 tee shirts is to participate in the car show.

20 Q. Where was the car show?

21 A. In Duluth, Georgia.

22 Q. So the car show wasn't anywhere near Dillon, South  
23 Carolina?

24 A. No.

25 Q. It wasn't anywhere near Lakeview, South Carolina?

1 A. No.

2 Q. Did you recall ever dropping this shirt off at any  
3 thrift stores?

4 A. No.

5 Q. You said you didn't realize it was missing?

6 A. No. It's just a tee shirt that I wear around the  
7 house and in the yard.

8 Q. So you didn't realize it was missing until you saw it  
9 on Mr. Williams?

10 A. Right.

11 Q. What did the tee shirt have on it?

12 A. It's a -- it was green shirt or blue shirt. First  
13 Annual Car Show. Duluth High School. Spirit of  
14 something. I can't remember everything on there.

15 Q. Was the defendant ever a participate with you at that  
16 car show in Atlanta?

17 A. No.

18 Q. What answer did the defendant give you about his  
19 wearing that shirt?

20 A. He said he just got it. It was old. It was an old  
21 shirt.

22 Q. How old was the shirt?

23 A. Well, according to him, he said an old shirt, but I  
24 knew the shirt was -- I had just got the shirt in summer  
25 of 2011.

1 Q. Just before you had moved back?

2 A. Right.

3 Q. So the only way you could get that shirt was you had  
4 to work at the Ford dealership?

5 A. You had to be a participate in the car show.

6 Q. You actually had to participate in the car show?

7 A. Right.

8 Q. If I was just visiting I wouldn't have got one?

9 A. No.

10 Q. Did you ever give the defendant any of your mother's  
11 possessions to take to the pawnshop?

12 A. No.

13 Q. Did you ever give him permission to enter you and  
14 your mother's home?

15 A. No.

16 Q. So what did you do after you encountered Mr. Williams  
17 at the IGA?

18 A. Well, I was so upset at the time that I was trying to  
19 take a picture of him with my cell phone. I couldn't.  
20 Because I was so upset I had to take the phone out. I  
21 just went back. I think I took a picture, but it was like  
22 a slight picture and I just went and showed the teeth and  
23 told him about it. And then I left and went to work.

24 MS. McMAHAN: Nothing further, Your Honor.

25 THE COURT: Cross.

CROSS-EXAMINATION

BY MR. SCALES:

Q. Mr. Arnette, you said you took a picture on your phone or you did not?

A. I said I was trying to. I can't remember. I think I did. I think I did. I just don't remember. Two years ago.

Q. Okay. And you wrote a statement to Chief McDaniels, correct?

A. Yes.

Q. In that statement you said that when you spoke with Daevon that he started stuttering and getting nervous?

A. Yes.

Q. So why did you just say that he was talking to you when he was stuttering and getting nervous?

A. Cause I asked him about the tee shirt. I asked him where he got the tee shirt. I didn't know Daevon. I just went up to him and said like, "Hey. Nice tee shirt. Where you get that tee shirt from? I like that." That's when he started stuttering. And I said, "No, you didn't get that tee shirt from where you think you got it from. You got it out my drawer."

Q. And you also went on to say that his response was when you asked him about it was, "He told me I didn't know what I was talking about"?

1 A. I was talking about he kind of blew me off.

2 Q. You're acknowledging that no tee shirt was recovered  
3 and Daevon turned himself in, correct?

4 A. No.

5 MR. SCALES: No further questions.

6 THE COURT: All right.

7 MS. McMAHAN: Nothing further from the State.

8 THE COURT: All you may stand down. Thank you. any  
9 other witnesses?

10 MR. ANDERS: Yes, Your Honor. The State calls Chief  
11 McDaniels.

12 CLERK OF COURT: Good morning.

13 THE WITNESS: Good morning.

14 JAMES MCDANIELS, after being duly sworn,  
15 testified as follows:

16 CLERK OF COURT: Be seated in the witness box. State  
17 your full name for the Court and spell your last for us,  
18 Chief.

19 THE WITNESS: My name is James T, McDaniels.  
20 M-C-D-A-N-I-E-L-S.

21 DIRECT EXAMINATION

22 BY MR. ANDERS:

23 Q. Chief McDaniels, what's your occupation?

24 A. I'm Chief of Police of Lakeview, South Carolina.

25 Q. How long you been doing that?

1 A. Approximately 15 years with a three year break with  
2 the Dillon County Sheriff's Department.

3 Q. All right. About how long you been in law  
4 enforcement?

5 A. Approximately around 16 years.

6 Q. And you investigated this crime that occurred in  
7 Lakeview?

8 A. Yes, I did.

9 Q. If you wouldn't mind tell the jury what you did, what  
10 you found, and what your investigation led to?

11 A. Okay. On the afternoon of March 27th 2012 at  
12 approximately 1706 which would be 5:06 p.m. in the  
13 afternoon one of my young officers, he initially answered  
14 the call which he's no longer with the Lakeview Police  
15 Department. I'm pretty sure he do and most of the  
16 investigation of all crimes on the felony level within the  
17 city limits of Lakeview.

18 And upon arriving at Ms. Arnette's house we did  
19 discover that the back door had been broken into. The  
20 home had been entered into. Upon going in the home we  
21 found where someone had been visiting.

22 In the process of attempting to gather evidence for  
23 the crime we were able to get fingerprints, but once we  
24 put them on the card to view them it was determined at  
25 that time that they were to be inconclusive as in unable

1 to render a perfect print that would provide, hopefully,  
2 the identify to someone.

3 And I have the prints here if the Court is interested  
4 in these.

5 MR. ANDERS: May I approach, Your Honor?

6 BY MR. ANDERS:

7 Q. Let me just show you what's been marked as State's  
8 Exhibit Six. Can would tell the jury what are those  
9 pictures of?

10 A. These are the homes, the very first on the left there  
11 is the home of Ms. Arnette. The second one is the  
12 backyard going into the door of -- or going to the  
13 backyard, back of the house. The third one is where the  
14 door had been busted open.

15 These are different photographs that we take entering  
16 the home. You can see there where a disturbance in the  
17 things in her home had been moved around.

18 Q. And is this -- are these pictures a fair and accurate  
19 depiction of what you encountered on March 27th 2012?

20 A. That is correct.

21 MR. ANDERS: Your Honor, at this time the State would  
22 move to -- ask to move State's Exhibit Six into evidence.

23 THE COURT: Any objections?

24 MR. SCALES: No objection, Your Honor.

25 THE COURT: All right. State's Number Six in this

1 case entered into evidence without objection.

2 (WHEREUPON, State's Exhibit No. 6 was admitted into  
3 evidence.)

4 BY MR. ANDERS:

5 Q. You had mentioned fingerprints. In all your time in  
6 law enforcement do you always get fingerprints from every  
7 crime scene?

8 A. We attempt to if there is any evidence of prints.  
9 Some, they've kind of got smart lately. They like to wear  
10 gloves. So sometimes we do and sometimes we don't. We  
11 make an attempt. We try to find prints on books, items,  
12 papers, glasses, whatever has been moved around in the  
13 house.

14 Q. Okay. And in your experience do you always find  
15 D.N.A.?

16 A. No.

17 Q. Do you always find fingerprints?

18 A. Not always.

19 Q. Okay. And fingerprints, you didn't recover any  
20 fingerprints in this case, correct?

21 A. Say again.

22 Q. You tried to recover fingerprints?

23 A. Yeah. Yes, we did. It's noted on the document.

24 Q. Okay. And what would you do with those fingerprints?

25 A. If in fact it appears that there is evidence of a

1 good print we take these down to S.L.E.D, South Carolina  
2 Law Enforcement Division. They analyze it for us and come  
3 back with a report. In this case we didn't have anything  
4 worth rendering.

5 Q. All right. So what you're saying is the  
6 fingerprints, they weren't good imagines?

7 A. No, sir.

8 Q. They could not have been used?

9 A. They could not.

10 Q. There were no eye eyewitnesses?

11 A. That's correct.

12 Q. Nobody saw Mr. Williams go in there?

13 A. Nobody did.

14 Q. Okay. And did you ever -- did your investigation  
15 lead you to a pawnshop?

16 A. Say again.

17 Q. Did your investigation lead you to a pawnshop?

18 A. Yes, it did. Based on some Intel we are -- and  
19 that's one of the things that we normally do. We check  
20 pawnshops. We got some information, and I don't really  
21 remember where it come from, but we checked the pawnshop.  
22 We did find evidence there. This was documented by  
23 receipts, photographs and Mr. Williams' signature.

24 Q. And after this occurred did Miss Arnette provide you  
25 with a list of items?

1 A. Yes, she did.

2 Q. To the best of her knowledge?

3 A. Yes. As best as she could do at the time, and there  
4 was some other information that was brought at the time.  
5 We do that all the time. We add it to the report.

6 Q. Based on that list that she told you you charged her  
7 [sic] with a certain crime, correct?

8 A. Yes.

9 Q. Based on the dollar amount?

10 A. Yes.

11 Q. And the list that she gave you came to over \$2,000

12 ---

13 A. Yes, it did.

14 Q. --- of personal property?

15 A. Yes. Based on that it come to \$2,501, and we round  
16 off the last cents or penny, whatever the case may be.

17 MR. ANDERS: Beg the Court's indulgence. No further  
18 questions, Your Honor.

19 THE COURT: All right. Cross.

20 CROSS-EXAMINATION

21 BY MR. SCALES:

22 Q. Chief McDaniels, you say that you've been an officer  
23 for 16 years; is that correct?

24 A. Somewhere around there. I tried to count it up  
25 today. I just wanted to know.

1 Q. I'm sure it's hard to calculate, but how many  
2 burglaries or larcenies have you handled?

3 A. It's hard to say. In Lakeview probably -- we don't  
4 have a lot. I would said probably 50 or so. Maybe less.

5 Q. And in handling those burglaries and larcenies you  
6 usually conduct a thorough investigation, would you say?

7 A. To the best of our ability.

8 Q. And you said you were able to lift some fingerprints,  
9 correct?

10 A. Yes.

11 Q. Now, earlier you hear Ms. Arnette testify that she  
12 lives in a high traffic area with many neighbors, correct?

13 A. There are several neighbors there at certain times in  
14 the day, but not necessarily that particular time that  
15 we're talking about because school was already out.

16 Scott Street is a secondary street within the city  
17 limits of Lakeview. It is an exit off of what we call  
18 Main Street or Highway Nine East. And in March, depends  
19 on the time of year, depends on the high amount of  
20 traffic, but school was already out that day. So that  
21 would have been a reduction in your velocity or travel.

22 Q. Okay. But none of these -- did you interview any of  
23 those neighbors?

24 A. I spoke to a couple of people during the  
25 investigation. We have a tree we call the Tree in

1 Lakeview, and it's kind of a hangout for people. They  
2 behave themselves. But, anyhow, we did speak to a couple  
3 of people, and they said that they didn't see anything  
4 that particular day.

5 Q. And isn't that tree located very close to the Arnette  
6 residence?

7 A. It's across the street, but you can't see the back.

8 Q. But no one saw anybody enter or exit?

9 A. Not from the front anyway.

10 Q. Also, there were no -- you said there were no eye  
11 witnesses. There was also no D.N.A. found, correct?

12 A. None. He didn't cut himself.

13 MR. SCALES: Beg the Court's indulgence.

14 BY MR. SCALES:

15 Q. My client, also, he did turn himself in, correct?

16 A. I don't remember. It's been two years. I don't  
17 remember the exact details that day of how he get put in  
18 the jail. But the warrants were served on him. He was  
19 incarcerated with the Dillon County Detention Center with  
20 a \$30,000 bond set on him at release.

21 Q. Did he give any statement or a confession?

22 A. No, he never did. I didn't ask for one.

23 Q. When you are conducting your investigation your  
24 assessment of the goods stolen; that's a virtual and  
25 educated guess based on your experience?

1 A. Yes, we don't have a forms or whatever. We look at  
2 it. We ask the owners what did this cost you to the best  
3 of your knowledge. And that's how we accumulate the  
4 amounts that was put on the incident report.

5 Q. And you arrived at \$2,500?

6 A. I did that based on what Ms. Arnette told me.

7 Q. Okay.

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

9 THE COURT: All right. Any redirect?

10 MR. ANDERS: No, Your Honor.

11 THE COURT: All right. You may step down. Thank  
12 you, sir. Call your next witness.

13 MR. ANDERS: Your Honor, the State rests.

14 THE COURT: Members of the jury, if you would step  
15 into the jury room, but do not discuss the case at this  
16 time.

17 (WHEREUPON, the jury panel was excused from the  
18 courtroom at 11:05 a.m.)

19 COLLOQUY

20 THE COURT: Regarding his prior record I've had a  
21 chance, while the State was putting up its case, to review  
22 the case law and the rules as well and I'm not going to  
23 allow it. Common law robbery, a strong armed robbery is a  
24 taking. Grand larceny is a taking. They're very, very  
25 similar. Receiving stolen goods is receiving the goods --

1 some goods that are stolen, and grand larceny is taking  
2 somebody else's property.

3 I find that all of that is way too prejudicial to  
4 apply in this case, and I'm not going to allow the  
5 burglary because it's the exact same kind. So I think it  
6 would be improper to allow those matters.

7 Furthermore, I want to go over your right to testify.  
8 If you would please stand up, and if somebody would swear  
9 him in.

10 DAEVON WILLIAMS, after being duly sworn,  
11 testified as follows:

12 THE COURT: All right. Thank you. I want to let you  
13 know that this is your trial, and you have the right to  
14 come over here and to be sworn in and testify if you would  
15 like. However, I want you to understand that if you take  
16 the witness stand that you may be cross examined on any  
17 and all relevant issues with connection to your case.

18 Furthermore, if you have a criminal record of  
19 dishonesty or false statements or a criminal records that  
20 involves crimes that carry a punishment of more than one  
21 year and the Court determines that the probative value of  
22 admitting same outweighs its prejudicial affect then your  
23 criminal record may be introduced to attack your  
24 credibility. Do you understand that, sir?

25 MR. WILLIAMS: Yes, sir.

1           THE COURT: Furthermore, I want you to understand  
2 that you do have the constitutional right to remain  
3 silent. You do not have to testify and nobody can make  
4 you testify. And I want you to understand that if you  
5 exercise that right I will tell the jury they cannot use  
6 that against you in anyway. I will tell the jury that the  
7 fact that you did not testify is to have absolutely no  
8 prejudice against you.

9           I would even tell the jury they cannot discuss that  
10 matter in the jury room. Do you understand those matters?

11          MR. WILLIAMS: Yes, sir.

12          THE COURT: Have you talked with your lawyer about  
13 whether or not you want to testify?

14          MR. WILLIAMS: I told him no to testify.

15          THE COURT: I can't hear you.

16          MR. WILLIAMS: I told him I do not want to testify.

17          THE COURT: You do not want to testify?

18          MR. WILLIAMS: No, sir.

19          THE COURT: Is that what you're saying?

20          MR. WILLIAMS: Yes, sir.

21          THE COURT: All right. You have discussed that with  
22 your lawyer?

23          MR. WILLIAMS: Yes, sir.

24          THE COURT: Have you understood everything that I  
25 have told you?

1 MR. WILLIAMS: Yes, sir.

2 THE COURT: All right. Thank you very much. I'm  
3 make a finding that he is making that finding  
4 intelligently and with the advice of competent counsel.  
5 You may have a seat. Any motions at this time?

6 MR. SCALES: Yes, Your Honor. Before I ask for a  
7 directed verdict motion could I ask for a three minute  
8 recess?

9 THE COURT: Sure.

10 MR. SCALES: Thank you.

11 THE COURT: All right. And we'll print up the charge  
12 at this time and discuss it as well. We'll be in a brief  
13 recess. Maybe 15 minutes and then we'll come back.

14 (WHEREUPON, Court was in recess at 11:10 a.m. and  
15 reconvenes at 11:36 a.m.)

16 THE COURT: Any objection to the charge and the  
17 verdict form?

18 MR. SCALES: No objections, Your Honor.

19 THE COURT: How about from the State?

20 MR. ANDERS: No objection, Your Honor.

21 THE COURT: All right. Any objection to me charging  
22 the jury first, from the Defense?

23 MR. SCALES: None, Your Honor.

24 THE COURT: How about from the State?

25 MR. ANDERS: Your Honor, we would just object to the

1 petty larceny. They didn't find it, and we're not  
2 requesting it. And I don't think the Defense requested it  
3 also.

4 THE COURT: I think it's a lesser included offense.  
5 Value has been an issue up and down throughout this trial,  
6 and I'm going to charge it. It doesn't mean they have to  
7 accept it. I'm going to ahead and charge it. Any  
8 objections from me charging the jury first?

9 MR. SCALES: No, Your Honor.

10 THE COURT: So we're going to bring the jury in.  
11 Hold on one second. You want to go ahead and make your  
12 motions that way we don't have to take a break.

13 MR. SCALES: Yes, Your Honor.

14 THE COURT: Let's go ahead and do that.

15 MR. SCALES: Your Honor, at this time we'd like to  
16 make a motion for a directed verdict on both charges, the  
17 burglary second non-violent and the grand larceny.  
18 Defense relies on South Carolina Appellate Court case,  
19 State v. Spears, 2005 case. In that case the rules  
20 establish that directed verdict is necessary when the  
21 evidence merely raises a suspicion that the accused is  
22 guilty.

23 Your Honor, I think there is direct corollary between  
24 this case and that case -- the case at hand. The State  
25 has presented absolutely no evidence to meet the elements

1 of these crimes placing Mr. Williams at the scene of  
2 Ms. Arnette's home. That case continues that suspicion  
3 applies a belief or opinion as to the guilt based on the  
4 facts or circumstances which do not amount to proof.

5 Your Honor, again, my client's mere possession of the  
6 items do not amount to proof that he is either guilty of  
7 burglary or grand larceny.

8 I would also like to renew the previous motion and  
9 ask for directed verdict on the grand larceny charge based  
10 on the fact that the loss of the items stolen do not meet  
11 the monetary requirement of the \$2,000 required by the  
12 statute.

13 Again, referencing the copy of the inventory summary,  
14 the actual cash value of those items were placed at around  
15 \$1,2000, and the total of the settlement was paid at  
16 \$1,900; that the crime was committed on March 27th 2012.  
17 The inventory summary list was created some six months  
18 later in October. On October 4th 2012.

19 I mean I believe it' Miss Arnette along with her  
20 statements some three days later that the items not  
21 included in this list. Plenty of time to have cured this.  
22 And in regards to the burglary, and again based on the  
23 State relying solely on circumstantial evidence in this  
24 case we would ask for a directed verdict on both charges.

25 THE COURT: All right. Be glad to hear from the

1 State.

2 MR. ANDERS: Thank you, Your Honor. As Your Honor  
3 knows at this point we're not interested in the weight of  
4 the evidence but merely the existence.

5 THE COURT: Well, in a criminal trial you need  
6 substantial circumstantial evidence.

7 MR. ANDERS: That's correct, Your Honor. I'm going  
8 to pass up State v. Dewitt which is a case from 1970, Your  
9 Honor. It says that the -- concerning possession of  
10 recently stolen property the jury may infer the guilt from  
11 that possession. And as the evidence would show the next  
12 day Daevon Williams is signing that pawn card; that very  
13 recent possession of that stolen property, Your Honor.

14 We would rely on that as far as burglary is  
15 concerned, Your Honor.

16 THE COURT: All right.

17 MR. ANDERS: The jury legally has a right to infer  
18 that guilt from that possession. Your Honor, I haven't  
19 read the Dewitt case, but I have read State v. Shields.  
20 Shields deals with mere suspiciousness and speculation.  
21 In those cases there is no direct evidence, however, there  
22 is no possession of recently stolen property either as in  
23 this case, Your Honor.

24 But as far as the grand larceny there is evidence  
25 from Miss Arnette that this wasn't conclusive; that the

1 values she gave she was over \$2,000. We were relying on  
2 the cost, replacement cost, and even if they rely on the  
3 actual cash value that does not include the deductible.  
4 We think there is evidence of the value of the goods over  
5 \$2,000. We would ask Your Honor to look over the State v.  
6 Dewitt case. I think that is on point in this situation.

7 THE COURT: The key is substantial circumstantial  
8 evidence.

9 MR. ANDERS: Yes, sir.

10 THE COURT: There doesn't appear to be any direct  
11 evidence or not much anyway. But, anyway, he did  
12 allegedly, based on the testimony, pawn the stolen items  
13 the very next day. Allegedly he had these two old coins  
14 that he tried to trade with somebody, and they identified  
15 the defendant as well.

16 And, furthermore, I believe Mr. Arnette caught him  
17 with his tee shirt on on the street and confronted him  
18 with that as well. So I think there is enough  
19 circumstantial evidence to make it substantial to send it  
20 to a jury.

21 As far as your grand larceny goes as I understand  
22 your argument I appreciate your argument, but the value  
23 goes up and down. So that would be an excellent argument  
24 to make to the jury but not to me. I'm going to go ahead  
25 and send both counts to the jury. All right.

1 MR. ANDERS: Thank you, Your Honor.

2 MR. SCALES: Yes, Your Honor.

3 THE COURT: And we're going to bring the jury back  
4 out, and you want to rest on the record; is that correct?

5 MR. SCALES: Yes, Your Honor.

6 THE COURT: Do you need to make these -- renew these  
7 motions at that time or do you want to ---

8 MR. SCALES: Yes, Your Honor.

9 THE COURT: You would like to do that. All right.  
10 Go ahead and bring out the jury.

11 (WHEREUPON, the jury panel enters the courtroom at  
12 11:51 a.m.)

13 THE COURT: All right. Members of the jury, I  
14 apologize for the delay, but we have been out here working  
15 and trying to streamline this case for you hoping that  
16 we're going to get you done today and send you home today.

17 Thank you for your patience. At this time I  
18 recognize the Defense. Call your first witness.

19 MR. SCALES: The Defense rests, Your Honor.

20 THE COURT: All right. If you would go back to the  
21 jury room for about two or three more minutes and we'll  
22 conclude this case. I you would take them in there. We  
23 have to take up some more matters.

24 (WHEREUPON, the jury panel was excused from the  
25 courtroom at 11:54 a.m.)

1 MR. SCALES: Your Honor, just a question before we  
2 start. This is a matter of housekeeping. Would you  
3 prefer in the future to make the motions prior to the jury  
4 coming out?

5 THE COURT: That's what most people do and that way  
6 we don't have to do what we just did.

7 MR. SCALES: I apologize, Your Honor.

8 THE COURT: You have that right.

9 MR. SCALES: Again, I would like to renew my motion  
10 for directed verdict. The State has not presented one bit  
11 of evidence, I believe, either direct or circumstantial  
12 that places Mr. Williams in that house. And as you know  
13 the burglary second requires entering of that dwelling.  
14 Grand larceny provides that he did go in and take and  
15 carry away.

16 They have not presented one single shred of evidence.  
17 And, again, we ask for directed verdict.

18 THE COURT: All right. Any response to that?

19 MR. ANDERS: We just renew our previous responses.

20 THE COURT: And I'm going to deny the motion. If you  
21 will bring out the jury.

22 (WHEREUPON, the jury panel enters the courtroom at  
23 11:55 a.m.)

24 CHARGE OF THE COURT

25 THE COURT: All right. Members of the jury, it is

1 now my duty to instruct you on the law applicable to this  
2 case, and after doing so the lawyers will give their  
3 closing statements. It is your duty as jurors to accept  
4 and apply the law as I now state it to you. Furthermore,  
5 it is your exclusive duty to decide all the issues of fact  
6 in this case and to determine the effect, value, weight  
7 and truth of the evidence. Both the State and the  
8 Defendant have the right to expect that you will carefully  
9 consider and evaluate the evidence and apply the law of  
10 this case to it so that in the end both the State of South  
11 Carolina and this defendant will have received a fair and  
12 impartial trial.

13 I want to you to understand that when I use the word,  
14 'defendant', I refer to Mr. Daevon Williams. In this case  
15 the State of South Carolina charges the defendant with the  
16 offenses known as burglary second degree and grand  
17 larceny. To these charges the defendant has entered a  
18 plea of not guilty. This plea of not guilty places the  
19 burden of proof on the State to prove the guilt of the  
20 defendant to you on each charge beyond a reasonable doubt.

21 It is vital to understand that the defendant is  
22 presumed under the law to be innocent of the charges. It  
23 is a fundamental rule of our law that a defendant,  
24 regardless of the seriousness of the charges against him,  
25 is always presume innocent of the crimes for which she is

1 charged unless and until his guilt has been proven by  
2 evidence which satisfies you beyond a reasonable doubt.

3 The presumption of innocence is not a mere legal  
4 theory or legal phrase. The presumption of innocence is  
5 very important and you need understand that this  
6 presumption accompanies the defendant from the time of his  
7 arrest and appearance in this court and continues with the  
8 defendant even after you retire to the jury room to  
9 deliberate.

10 In other words, the defendant receives the benefit of  
11 the presumption of innocence until the very end of this  
12 trial. When you, the jury, will deliberate upon the  
13 evidence and decide whether the State has proved his guilt  
14 beyond a reasonable doubt.

15 Proof beyond a reasonable doubt is proof that leaves  
16 you firmly convinced of the defendant's guilt. There are  
17 few things in this world that we know with absolute  
18 certainty. So even in criminal cases the law does not  
19 require proof that overcomes every possible doubt.

20 However, if based on your consideration of the  
21 evidence you are firmly convinced that the defendant is  
22 guilty of the crimes charged you must find him guilty. If  
23 on the other hand you find that there is a real  
24 possibility that he is not guilty you must find -- you  
25 must give him the benefit of the doubt and find him not

1 guilty. Please understand that reasonable doubt may arise  
2 from evidence which has been presented in the case or from  
3 the lack of evidence in the case. It is your  
4 responsibility to determine whether or not reasonable  
5 doubt exists as to the guilt of this defendant on each and  
6 every charge respectively.

7 During this trial you and I have separate duties to  
8 perform. As the trial judge it is my responsibility to  
9 preside over this trial. Therefore, I also have the duty  
10 to rule on the admissibility of the evidence offered  
11 during the trial. In that regard you are to consider only  
12 the evidence before you. Thus, you are to consider only  
13 the testimony which has been presented from this witness  
14 stand together with any exhibits admitted in the record of  
15 the case.

16 Furthermore, I have the additional duty to charge you  
17 the law applicable to this case. And in that regard and  
18 it is your duty as jurors to accept and apply the law as I  
19 now state it to you. If you have any preconceived ideas  
20 as to what the law is or what the law ought to be and it  
21 does not agree with what I now tell you the law is then  
22 you are obligated under your oath to abandon these  
23 preconceptions and accept the law as I now state it to  
24 you.

25 I charge you that the defendant is entitled to every

1 reasonable doubt arising in the whole case. If upon any  
2 issues of fact essential to conviction and a verdict of  
3 guilty you have a reasonable doubt as to how that issue  
4 should be resolved it would be your duty to resolve that  
5 reasonable doubt in favor of the defendant.

6 Thus, in summary, it is important to understand that  
7 a defendant is not required to prove his innocence.  
8 Instead, the State is required by law to prove every  
9 essential element of each offense charged against the  
10 defendant by evidence which satisfies you of his guilt  
11 beyond a reasonable doubt. Only then can you convict the  
12 defendant and find him guilty.

13 During this trial you and I have separate duties to  
14 perform. As the trial judge it is my responsibility to  
15 preside over this trial. Therefore, I have the duty to  
16 rule upon the admissibility of the evidence admitted  
17 during the trial. In that regard you are to consider only  
18 the evidence before you. Thus, you are to consider only  
19 the testimony which has been presented from this witness  
20 stand together with any exhibits if any admitted into the  
21 record of this case.

22 Furthermore, I have the additional duty to charge you  
23 the law in this case. In that regard accept and apply the  
24 law as I now state it to you. If you have any  
25 preconceived ideas as to what the law is or what the law

1     ought to be and it does not agree with what I tell you the  
2     law then you are obligated to abandon those preconceptions  
3     and accept the law as I now state it to you.

4             In this trial you are the sole and exclusive judge of  
5     the fact. I am the judge of the law. Do not infer that I  
6     have any opinion about the facts in this case from  
7     anything that I have said during the course of this trial.  
8     In this regard the law simply does not permit me to have  
9     an opinion about the facts. As jurors it is your duty  
10    alone to determine the effect, value, weight and truth of  
11    the evidence presented during the course of this trial.

12            Furthermore, it is your job as jurors to determine  
13    the credibility and believability of the witnesses who  
14    have testified in this case. You may evaluate the  
15    evidence and determine which evidence convinces you of its  
16    truth. In determining the believability of witnesses who  
17    have testified in this trial you may believe one witness  
18    over many or many over one. You may believe a part of the  
19    testimony of a witness and reject the remaining part. You  
20    may believe the testimony of a witness in its entirety or  
21    reject it in full.

22            You may consider whether the witness has an interest  
23    in the result of the trial, whether the witness is  
24    prejudiced toward either party, the opportunity for the  
25    witness to have seen the matters and things about which

1 the witness may testify, and the way the witness acts on  
2 the witness stand.

3 Evidence may be direct or circumstantial. Direct  
4 evidence is testimony about what a witness personally saw  
5 or heard or did. Circumstantial evidence is indirect  
6 evidence; that is it is proof of one or more facts from  
7 which one can find another fact. You are to consider both  
8 direct and circumstantial evidence. The law permits you  
9 to give equal weight to both, but it is for you to decide  
10 how much weight to give to any evidence.

11 I further instruct you that the fact that the  
12 defendant in this trial did not testify on his own behalf  
13 is not a factor to be considered by you in any way in your  
14 deliberations and in your consideration on the question of  
15 guilt or innocence. In this regard the defendant has the  
16 constitutional right to remain silent, and the exercise of  
17 this right must not be considered by you in your  
18 deliberations.

19 The fact that the defendant did not testify should  
20 not even be discussed in the jury room. The burden of  
21 proof as I have stated to you is on the State. The  
22 Defendant has no obligation prove his innocence. The  
23 burden of proof remains with the State to prove the  
24 defendant's guilt beyond a reasonable doubt. And the fact  
25 that a defendant did not testify is not a factor to be

1 considered by you in deciding the guilt or the innocence  
2 of the defendant.

3 When you consider the whole case if you have a  
4 reasonable doubt as to the guilt or the innocence of the  
5 defendant then he is entitled to that reasonable doubt  
6 would be entitled to a verdict of not guilty. However, if  
7 upon considering the whole case you find that the State  
8 has proved by evidence which satisfies you of the guilt of  
9 the defendant beyond a reasonable doubt then in such  
10 circumstance it would equally be your duty to convict the  
11 defendant and find him guilty.

12 The defendant in this case is charged with two  
13 offenses. Each offense charges a separate and distinct  
14 crime. You must decide each offense separately on the  
15 evidence and the law applicable to it uninfluenced by your  
16 decision as to any other offense.

17 The defendant may be convicted or acquitted on any or  
18 all of the offenses charged. You will be asked to write a  
19 separate verdict of guilty or not guilty for each offense.  
20 I will now define the offenses for you.

21 The defendant is charged with second-degree burglary.  
22 To prove second degree burglary the State must first prove  
23 beyond a reasonable doubt that the defendant entered a  
24 dwelling without consent. A dwelling is any building or  
25 portion of a building in which a person ordinarily sleeps.

1 A building constructed as a dwelling that has never been  
2 occupied cannot be considered a dwelling for the purposes  
3 of burglary.

4 But a building is a dwelling even if the residents  
5 are temporarily absent from the building. In order to  
6 prove that the defendant entered the dwelling the State  
7 does not have to show that the defendant's entire body  
8 entered the building. The smallest entry is sufficient.

9 It may be any part of the body such as a hand or a  
10 foot or even an instrument. In addition the State does  
11 not have to prove that force was used to gain entry. If a  
12 person enters a dwelling by using deception, artifice,  
13 trick, misrepresentation to get consent to enter this is  
14 an entry without consent.

15 Next, the State must prove beyond a reasonable doubt  
16 that the defendant entered to commit a crime, either a  
17 felony or a misdemeanor at the time of the entry to be  
18 guilty of burglary. The mere entry in a dwelling without  
19 consent is not burglary. If the intent to commit a crime  
20 is formed after the entry it is not burglary.

21 On the other hand, if the defendant intended to  
22 commit a crime at the time of the entry it is a burglary  
23 even if the intent was abandoned after entry. It does not  
24 matter that the intended crime was completed.

25 Intent may be shown by acts and conduct of the

1 defendant and other circumstances from which you may  
2 naturally and reasonably infer intent. The defendant is  
3 also charged with grand larceny. The State must prove  
4 beyond a reasonable doubt that the defendant took and  
5 carried away the property of another against the will or  
6 without the consent of the other person. The slightest  
7 removal of the property or complete possession of the  
8 property even for an instance by the defendant is enough  
9 to show a taking and a carrying away of the property.

10 The State must also prove beyond a reasonable doubt  
11 that the defendant intended to permanently deprive the  
12 owner of the property. Finally, the State must prove that  
13 the value of the things taken was \$2,000 or more.

14 However, if you find that the defendant has not  
15 committed the crime of grand larceny you may consider the  
16 lesser included offense of petit larceny. In regards to  
17 petit larceny the State must prove all the elements of  
18 grand larceny except that the thing taken was valued at  
19 \$2,000 or less.

20 Ladies and gentlemen, I'm now drawing near the end of  
21 my charge, and I want you to clearly understand that you  
22 are not partisans or advocates for the State or this  
23 defendant. You do not serve as jurors to reward your  
24 friends or punish your enemies.

25 In this regard you have been selected by both the

1 State and this Defendant to be fair and impartial jurors.  
2 It is your duty by your joint deliberations to determine  
3 the truth in this case, giving to this defendant the  
4 benefit of every reasonable doubt on each and every issue.  
5 Then to the facts which you determine to be true you  
6 should take and apply the law which has been given to you  
7 by this Court and thus arrive at a verdict which speaks  
8 the truth in this case.

9 In fact, the word, 'verdict' which has a Latin  
10 derivative means a true saying. Thus, when you have  
11 accomplished these responsibilities you will have  
12 satisfied your oath as jurors and you will have discharged  
13 your duty to this Court.

14 Now, Mr. Bailiff, if you would hand the foreman of  
15 the jury the verdict form. Thank you. And the foreman is  
16 on the very end.

17 Now, Mr. Foreman, I have handed you the verdict form.  
18 When you arrive at a verdict in this case you will write  
19 your verdict on the form. For the charges, if the State  
20 has failed to prove the guilt of this defendant beyond a  
21 reasonable doubt your verdict would be two words, 'not  
22 guilty'. However, should the State have proved their case  
23 against this defendant beyond a reasonable doubt then your  
24 verdict would be one word, 'guilty'.

25 Mr. Foreman, once a decision has been made just check

1   whichever choice is your verdict. The verdict that you  
2   render in this case must be the verdict of each and every  
3   juror. It must be your unanimous verdict. All 12 jurors  
4   must agree on the verdict which you authority the Foreman  
5   to write for the verdict.

6       Mr. Foreman and members of the jury, I want you to  
7   further understand that the order in which the choices of  
8   verdict appear on the verdict form are not suggestive of  
9   any verdict on the part of this Court. The verdict in  
10   this case is to be determined by you the jury and not this  
11   Court.

12       Furthermore, ladies and gentlemen, please understand  
13   that even though I have given the verdict form to the  
14   foreman it is not his verdict alone. I emphasize again  
15   that the verdict must be unanimous, and it will be the  
16   verdict of each and every one of you, all 12 members of  
17   the jury.

18       After closing arguments by the attorneys you will  
19   retire to the jury room. However, I would ask that you  
20   not begin your deliberations until you are told to do so.  
21   The law requires that I first consult with the lawyers.  
22   After I have done so the bailiff will bring the items of  
23   evidence and instruct you to begin your deliberations.

24       Also, should you have any questions during your  
25   deliberations you must put them in writing and send them

1 to me by way of the bailiff. The Court bailiff will be  
2 placed immediately outside of the jury room door to provide  
3 security and assistance for you during your deliberations.  
4 Once you have reached your verdict please knock on the  
5 jury room door and ask the bailiff to advise the Court  
6 that you have reached a verdict and we will return you to  
7 the courtroom as promptly as possible therefore.

8 Thank you, and I would appreciate your giving the  
9 attorneys your undivided attention as they proceed forward  
10 with their closing arguments. In that regard I recognize  
11 the Defense for your close argument.

12 MR. SCALES: Thank you, Your Honor.

13 THE COURT: Thank you.

14 CLOSING STATEMENT BY MR. SCALES

15 MR. SCALES: Ladies and gentlemen of the jury, you've  
16 heard a lot of testimony today about my client, Daevon  
17 Williams, and you just heard the law better known as grand  
18 larceny, petit larceny and burglary second. And you heard  
19 the Judge go over the elements of those crimes.

20 The first element in both sets of crimes they have to  
21 prove that Daevon, Mr. Williams, was at Miss Arnette's  
22 house. You heard through testimony that they have no  
23 D.N.A. evidence placing Mr. Williams there. They are,  
24 despite multiple people being around and being a high  
25 traffic time of the day, they also do not have any eye

1 witnesses.

2 I believe Chief McDaniels talked about a tree that  
3 was located very close to the Arnette home where people in  
4 the community hang out. No one saw anything. Secondly,  
5 not Mr. Williams at that house. They also do not have a  
6 confession or a statement written by my client condemning  
7 himself.

8 Ladies and gentlemen, this is called circumstantial  
9 evidence, and I touched on it previously in my opening.  
10 We're not here to dispute that Daevon had those items in  
11 his possession. You can get those -- you can get any kind  
12 of items. You have some items in your possession that  
13 could be stolen. We're not disputing he was in possession  
14 of those items. We are disputing that he did not break  
15 into that house, Miss Arnette's house, on March 27th.

16 The State would love for you to play a game of  
17 connect the dots based on their testimony. And, again, I  
18 ask that you not do so. They have to prove each element  
19 beyond a reasonable doubt that Daevon did all those things  
20 you heard from the Judge.

21 This case is not about retribution. I ask that you  
22 take the emotion displayed by Ms. Arnette out of this  
23 case. This case is about the State's burden, a burden  
24 that they have failed to meet. And I understand and  
25 sympathize with the victim. I do believe that this is

1 horrible; that her life has been put on hold. But it  
2 wasn't put on hold because of Daevon Williams.

3 They cannot put my client at the scene, and they have  
4 to put my client at the scene for you to return a verdict  
5 of guilty to any of the charges you just heard. These are  
6 very serious crimes with very serious consequences. I ask  
7 if you have any doubts you have them now. Mr. Williams is  
8 entitled to those doubts as you heard the Judge say, "Any  
9 doubt that you have you are to rule in favor of the  
10 Defendant, Mr. Williams."

11 Again, the burden is on the State and my client is  
12 innocent until proven guilty. And you're -- and as Judge  
13 Seals commented on you are not allowed to hold anything --  
14 us not putting up any kind of defense. It's my client's  
15 constitutional right to not take the stand because the  
16 burden of proof is not on the Defense. It's not on Mr.  
17 Williams. It's on the State.

18 I would ask that you return a verdict of not guilty  
19 on all counts. I appreciate your time and I appreciate  
20 your attention. Thank you.

21 THE COURT: The State is recognized.

22 MR. ANDERS: May it please the Court.

23 CLOSING STATEMENT BY MR. ANDERS

24 MR. ANDERS: Defense attorney just asked how do we  
25 prove that Daevon was at that house. How do we prove it.

1 You know, he doesn't want you to play a game of connect  
2 the dots, but that's what circumstantial evidence is,  
3 ladies and gentlemen. And you heard Judge Seals say that  
4 circumstantial evidence and direct evidence carry the same  
5 weight. So how do we put the defendant at the house?  
6 Well, I'll tell you how.

7 You look at the person with the property. You look  
8 at the person who signed the pawn ticket the next morning  
9 at 10:30 in the morning, Daevon Williams. We look at the  
10 person who had the 1926 silver antique coin belonging to  
11 the victim, Daevon Williams.

12 We look at the person who went into the Save A Coin  
13 looking to pawn or sell an antique coin to Mr. Ammons.  
14 Luckily Mr. Ammons knew Mr. Arnette and he called him.  
15 "Hey, some guy's in here trying to sell your stuff." So  
16 how do we determine that he went into that house? I'll  
17 tell you why and how. The person who had the property  
18 because that's what the law says you can do. The law says  
19 that you can infer guilt from possession of recently  
20 stolen property to prove the charges the State brought  
21 against the defendant.

22 Everybody's been out in the snow and seen tracks;  
23 squirrel tracks, rabbit tracks. Even though you don't see  
24 them you know they've been there. That's what  
25 circumstantial evidence is. And it carries the exact same

1 weight as if somebody saw Mr. Williams go into that house.  
2 The exact same weight under the law.

3 We don't have D.N.A. We don't have Mr. Williams on  
4 camera. We don't have fingerprints. The Chief testified,  
5 too. That's not how it is all the time. This is not  
6 C.S.I. This is not a television show. That is a real  
7 life crime, and sometimes you don't get perfect  
8 fingerprints. And sometimes Chief don't have the ability  
9 to get the D.N.A. But he did an investigation and he got  
10 pawn tickets and he got witnesses. You heard from them  
11 today.

12 And about all those witnesses you the jury are the  
13 fact finders. You're the only jury that will ever find  
14 the facts in this case. And you do determine the  
15 credibility of these witnesses; Mr. Ammons, Mr. Conyers,  
16 Ms. Arnette, Mr. Arnette. Are they believable? You heard  
17 them. You get to look at the body language. You can  
18 determine. There in jury school. Real life is your jury  
19 school. Common sense. Common sense. Please take that  
20 common sense that gets you through life everyday back with  
21 you in that jury room.

22 You heard Mr. Arnette talk to Mr. Ammons. He found  
23 Daevon's car at the I.G.A, and so he's wearing the shirt.  
24 He is wearing his shirt that was in his drawer at his  
25 mother's house. And he wants you to say, 'it's small.

1 Don't connect the dots'. But the law says you get to play  
2 connect the dots because that's what circumstantial  
3 evidence is. That's how these are decided, ladies and  
4 gentlemen.

5 Burglary second and grand larceny, charges he's been  
6 charged with; we welcome our burden of proof. Beyond a  
7 reasonable doubt; very high burden of proof that we  
8 welcome. So, ladies and gentlemen, you've been in here a  
9 long time. You've seen the evidence. You've seen the  
10 contents summary.

11 You heard Miss Arnette testify that when she told the  
12 Chief it was \$2,500. Look at the replacement costs.  
13 \$3,400 to replace the items that were taken from her house  
14 by that man. She identified her things that he took to  
15 the pawnshop to get \$80. You saw the pictures of the  
16 broken home, and there are no pictures of the defendant  
17 anywhere in there. There are no fingerprints.

18 But I'll tell you again, substantial evidence leading  
19 to that man. Nobody else. Ladies and gentlemen, I want  
20 to thank you for your time. We would just ask that you  
21 return the only verdict the evidence proves, and that's  
22 the verdict of guilty on all charges. Thank you.

23 THE COURT: All right. Members of the jury you may  
24 retire to the jury room at this time, but as I told you  
25 before do not begin your deliberations until you are told

1 to do so. Thank you.

2 (WHEREUPON, the jury panel was excused from the  
3 courtroom at 1:22 p.m.)

4 THE COURT: All right, any objections to the charge  
5 as given from the State?

6 MR. ANDERS: No, Your Honor.

7 THE COURT: From the Defense?

8 MR. SCALES: None from the Defense, Your Honor.

9 THE COURT: All right. Let's come up here and take a  
10 look at the matters into evidence. Make sure you're in  
11 agreement on what is in evidence and we'll sent them on  
12 back and we'll bring out the alternate.

13 (WHEREUPON, the jury panel was excused from the  
14 courtroom to begin deliberations at 1:22 p.m.)

15 (WHEREUPON, the alternate was released at 1:24 p.m.)

16 (WHEREUPON, Court was in recess at 1:24 p.m. and  
17 reconvened at 2:17 p.m.)

18 (WHEREUPON, the jury panel enters the courtroom at  
19 2:17 p.m.)

20 THE COURT: All right. Members of the jury, we're  
21 going to give you a little bit of a break, and those of  
22 you that want to go outside and walk around that's fine.  
23 If you want to stay here that's fine. But I do want to  
24 instruct you and tell you that while you're on a break do  
25 not discuss the case. The only time that you need to

1 discuss the case is when all 12 of you are together in  
2 that room back there.

3 So let's take a break. We're going to send a deputy  
4 with those that want to go outside and those that want to  
5 remain you can go back in the jury room.

6 Furthermore, if you're hungry or thirsty or something  
7 like that we don't want to deprive you of any food. You  
8 just let us know and we'll try to make arrangements for  
9 that as well. So you just let us know, but go ahead and  
10 take a break at this time and do not discuss the case  
11 until you all get back together. Okay

12 (WHEREUPON, the jury panel was excused from the  
13 courtroom at 2:18 p.m.)

14 THE COURT: All right. We'll be at a ease until  
15 something else happens.

16 (WHEREUPON, Court reconvened at 2:24 p.m.)

17 QUESTION NO. 01 FROM THE JURY

18 THE COURT: We have a question from the jury. It  
19 says, "The jury are hung up on burglary in the second  
20 degree only." What do y'all suggest I do? What says the  
21 State.

22 MR. ANDERS: It's hung up as to their decision?

23 THE COURT: That would be my guess.

24 MR. ANDERS: Ask the foreperson to come back in here  
25 and charge them and go back.

1 THE COURT: What does the Defense say?

2 MR. SCALES: I agree.

3 THE COURT: Why don't we do this. Why don't I just  
4 write a note on here that says, "continue your  
5 deliberation," and let's see if they come back again. If  
6 they do we'll do an Allen Charge at that time. Is that  
7 okay with both of y'all?

8 MR. SCALES: Yes, Your Honor.

9 MR. ANDERS: Yes, Your Honor.

10 THE COURT: Okay. All right. Let's have Ms. Hattie  
11 mark that for me. Make sure you do throw that away now.  
12 Make sure you hang onto that.

13 (WHEREUPON, Court's Exhibit No. 2 was marked for  
14 identification and received into evidence.)

15 THE COURT: Take it easy until something happens.

16 (WHEREUPON, Court was in recess at 2:49 p.m. and  
17 reconvenes at 3:54 p.m.)

18 QUESTION NO. 02 FROM THE JURY

19 THE COURT: We have another note, and it says, "We  
20 are still at a stand still on burglary in the second  
21 degree." Why don't I go ahead and give them an Allen  
22 Charge, and then we'll give them about 30 or 45 minutes  
23 and see what happens and go from there. It is all right  
24 with the State?

25 MR. ANDERS: Yes, Your Honor.

1 MR. ANDERS: No, Your Honor.

2 THE COURT: From the Defense?

3 MR. SCALES: No objection, Your Honor.

4 THE COURT: We'll wait until about 4:30 and we'll see  
5 what happens.

6 (WHEREUPON, Court was in recess at 3:58 p.m. and  
7 reconvenes at 4:33 p.m.)

8 VERDICT OF THE JURY

9 THE COURT: It's been long enough. Bring out the  
10 jury and see what they have.

11 (WHEREUPON, the jury panel enters the courtroom at  
12 4:33 p.m.)

13 THE COURT: Mr. Foreman, have you reached a verdict  
14 on all but the burglary?

15 JURY FOREPERSON: Your Honor, we were just getting  
16 ready to make a decision.

17 THE COURT: Oh, you have a decision. I'm impressed.  
18 Thank you very much. I brought you out too quick. Go  
19 back in there and get us a decision and we'll go from  
20 there. And thank you very much.

21 (WHEREUPON, the jury panel was excused from the  
22 courtroom at 4:34 p.m.)

23 THE COURT: All right. Well, that was a surprise.  
24 I'm going to stay right here.

25 (WHEREUPON, Court was in recess at 4:34 p.m. and

1 reconvenes at 4:38 p.m.)

2 (WHEREUPON, the jury panel enters the courtroom at  
3 4:38 p.m.)

4 THE COURT: Mr. Foreman, have you reached a verdict.

5 JURY FOREPERSON: Yes, sir.

6 THE COURT: If you will hand it to the deputy. Thank  
7 you. All right. I find that the verdict form in order.  
8 Ms. Clerk, if you would publish it.

9 CLERK OF COURT: Thank you, Your Honor. State of  
10 South Carolina, County of Dillon, State of South Carolina  
11 v. Daevon Williams, defendant, in the Court of General  
12 Sessions, Fourth Judicial Circuit, Indictment Number  
13 2014-GS-17-641.

14 As to the charge of burglary in the second degree we  
15 the jury unanimously find not guilty.

16 As to the charge of grand larceny with the jury  
17 unanimously find the defendant guilty.

18 As to the charge of petit larceny we the jury  
19 unanimously find the defendant guilty.

20 Signed by Foreperson, Terry Wall. December 9th 2014.

21 THE COURT: Let me see the verdict form right quick.  
22 I think the petit larceny has been scratched out as  
23 guilty. So it's grand larceny. All right. Is there need  
24 for further poling from the State?

25 MR. ANDERS: No, Your Honor.

1 THE COURT: How about from the Defense?

2 MR. SCALES: None, Your Honor.

3 THE COURT: All right. Members of the jury. Thank  
4 you for your service. You have completed your service for  
5 the week. You're done and you are dismissed. You will  
6 receive a small paycheck. If you don't like it you can  
7 blame this man right here.

8 Furthermore, you have earned a three year exemption  
9 from further jury service in this court. Thank you again  
10 for being here. You're free to go. Have a nice weekend  
11 and holiday.

12 (WHEREUPON, the jury panel was excused from the  
13 courtroom at 4:41 p.m.)

14 THE COURT: All right. And grand larceny carries up  
15 to ten?

16 MS. McMAHAN: I believe it's five, Your Honor.

17 THE COURT: Five. Any prior record?

18 MS. McMAHAN: Yes, Your Honor.

19 THE COURT: I'll be glad to hear from the State.

20 MS. McMAHAN: Yes, Your Honor.

21 THE COURT: Anything of a prior record?

22 MS. McMAHAN: Yes, Your Honor. You heard the facts  
23 in the case. You heard the prior record earlier where he  
24 did have that D.J.J. thing. He's got two pending  
25 burglaries. He has the prior armed robbery and the strong

1 armed robbery. At this point, obviously, our offer was  
2 four. We are asking for the max at this time.  
3 Miss Arnette might want to say a few words or Chief  
4 McDaniels.

5 THE COURT: Sure. All right. Be glad to hear from  
6 your, Ms. Arnette.

7 THE VICTIM: As I stated earlier I have tried to help  
8 him, and I hate to see any young man incarcerated. But,  
9 Daevon, since you could not mention priors Daevon has done  
10 things before and it's time that he pays the price. And  
11 he's been slapped on his wrist on several occasions, and  
12 it's not hearsay in that we had a charge on him when I was  
13 working at the A.K. and we left him.

14 He needs to know that whenever you commit a crime  
15 that you have to pay, and I feel that we let more young  
16 men, if Daevon had paid earlier, we wouldn't be here  
17 today.

18 THE COURT: Thank you very much, and I appreciate  
19 what you said. All right, Mr. Scales.

20 MR. SCALES: Thank you, Your Honor. This is Daevon  
21 Williams. He is 21 years-old. He's single. Here to  
22 support him is his girlfriend who does wish to address the  
23 Court at the appropriate time. They do have one child on  
24 the way due in March. A baby girl. He does currently  
25 have two jobs, Harbor Freight in Dillon and Lumberton

1 Ford, which of course, is a car dealer.

2 Your Honor, he does have his high school diploma.

3 Your Honor, everybody has a checkered past, and Daevon is  
4 no exception. He has not been in trouble since 2012 when  
5 these cases came about. Obviously, we're at the mercy of  
6 this Court right now. I ask for some benefit for staying  
7 on the right track those two years.

8 Again, he is very young. Only 21 years of age. And  
9 Daevon would like to address you.

10 THE COURT: All right. Yes, sir.

11 MR. WILLIAMS: Judge, I appreciate all. I just ask  
12 that Ms. Arnette forgive me for my past and don't judge me  
13 for my past. I have been trying to better myself. I lost  
14 friends. I done lost a lot of support cause they feel  
15 like, oh, he's changing. They're not for it. I have  
16 people at home now that want to fight me because they feel  
17 like I just switched on them.

18 But it's not that. I have a child on the way, and I  
19 know that is where my head is. Behave myself where I can  
20 support my child. I've been out of trouble and this is  
21 actually the longest I have been on the street without  
22 getting in trouble. And I'm trying to live for my child  
23 so I can support my child and my family.

24 THE COURT: Yes, ma'am. Your name.

25 UNIDENTIFIED FEMALE: Jasmine.

1 COURT REPORTER: She needs to speak up.

2 THE COURT: Go ahead.

3 UNIDENTIFIED FEMALE: I don't know He has changed.  
4 He changed so much. In two years he have not got in any  
5 trouble. He found a job I wouldn't expect him to do.  
6 When I first met him he was out there. He didn't care,  
7 and just give him some time for -- I mean everybody  
8 deserves to go down for what they do. That's how you  
9 learn, and he's learned.

10 THE COURT: All right. Thank you.

11 MR. SCALES: Your Honor, I would just asked based on  
12 this that you not exceed three years.

13 THE COURT: Thank you.

14 SENTENCE OF THE COURT

15 THE COURT: All right. The sentence of the Court is  
16 that the defendant is committed to the State Department of  
17 Corrections for a term of five years. Thank you very much  
18 and good luck.

19 COURT REPORTER: Mr. Scales, what is his girlfriend's  
20 name?

21 MR. SCALES: Jasmine Santos. Your Honor, I would ask  
22 that he receive credit for the three or four days that he  
23 served.

24 THE COURT: How many days?

25 MR. SCALES: I believe he said four to five days.

DPO 210-1037 • 02/24/98 • BURRILL PRINTING CO., INC. • 1-800-831-0284

PERSON (Last Name First)

WILLIAMS DAEVON HEZZIE

ORIGINAL ONLY

315 N BEAR SLAMP RD  
LAKE VIEW

SC 29563

PAWNS  
SOLDDATE  
12/28/12TERMS  
10.3R

DATE OUT

MAIN STREET PAWN & GUN  
129 West Main Street • Dillon, SC 29538  
(843) 774-8800

FACH

See your contract for any additional information concerning repayment and default.

You are giving a Security Interest in the following goods:

3.5R GOLD NECKLACE BRACELET CROSS CHAIN

AMOUNT FINANCED  
The amount of cash advanced  
or cash extended to you.

10.3R

FINANCE CHARGE  
The dollar amount the credit  
cost you.TOTAL OF PAYMENTS  
Amount required to redeem  
your cash item.ANNUAL PERCENTAGE RATE  
The percentage of dollars a year  
also listed on Access Finance.PAYMENT  
SCHEDULE 10.3PREPAYMENT:  
If you pay off early, you will not be entitled to a  
refund of part of the finance charge.

| DRIVERS LTD. NO.                            | SEX   | RACE                            | AGE   | HGT.                  | WT. | HAIR      | EYES | DATE OF BIRTH | SOCIAL SECURITY NUMBER |
|---------------------------------------------|-------|---------------------------------|-------|-----------------------|-----|-----------|------|---------------|------------------------|
| 1025506A5 SCOT.                             | M     | B                               | 19    | 509                   | 180 | BR        | BR   | 01/23/93      |                        |
| Description of the<br>Amount Financed of \$ | 10.3R | Amount given<br>to you today \$ | 10.3R | Amount<br>Refunded \$ |     | DATE PAID |      | AMOUNT PAID   |                        |

Please give article(s) pawned by me to  
bearer of this ticket.

ORIGINAL PLEASANT SIGNATURE

TEXT

I represent the above listed collateral as wholly owned and unencumbered and I  
acknowledge receipt of a true copy of this contract. Pledged herein redeemable  
only by the person who pawned them, unless this ticket is properly endorsed.

X Daevon Williams

PLEASANT SIGNATURE

See Reverse Side For Terms And Conditions

10078

Res. Phone

Has serial number been altered?

Yes No XX

Any evidence of third party ownership?

Yes No YY

Special Markings:

Engravings:

Any other identifying or unusual  
characteristics?

Yes No ZZ

If yes, seller/pledgor ownership verified by

On this date I request that items listed  
on this ticket and ticket #be split into separate pawn  
transactions and I understand that this  
splitting will cost me  
dollars in additional interest.

X

PLEASANT SIGNATURE

X

PLEASANT SIGNATURE



# Contents Inventory Summary

Created on 10-04-12

Page 1 of 3

Customer: BRENDA G ARNETTE

Claim Number: 400V41882

Date of Loss: 03-27-2012

Policy Number: 40C598531

Catastrophe Code:

Personal Property Limits: \$95,700.00

Claim Handler:

(855)581-0951

Unit:

Z2

| Item No. | Qty | Item Description / Mfg         | Spcl Lmt | Settlement Option | Cost to Repair/ Replace (includes tax if applicable) | Depr % | Depreciation Amount | Actual Cash Value | Our Cost to Repair/ Replace (includes tax if applicable) | Total this Settlement | Previous Payments | Payments to Date | Replacement Cost Available ** | Qty Avail for RC ** |
|----------|-----|--------------------------------|----------|-------------------|------------------------------------------------------|--------|---------------------|-------------------|----------------------------------------------------------|-----------------------|-------------------|------------------|-------------------------------|---------------------|
| 1        | 1   | Laptop                         |          | Actual Cash Value | 538.92                                               | 66.67  | 358.28              | 178.64            | 538.92                                                   | 178.64                | 0.00              | 178.64           | 359.28                        | 1                   |
| 2        | 1   | Set of necklace rings and ea   | JF       | Actual Cash Value | 1,620.00                                             | 60.00  | 972.00              | 648.00            | 1,620.00                                                 | 648.00                | 0.00              | 648.00           | 972.00                        | 1                   |
| 3        | 1   | Pr of silver earrings          | JF       | Actual Cash Value | 81.00                                                | 25.00  | 20.25               | 60.75             | 81.00                                                    | 60.75                 | 0.00              | 60.75            | 20.25                         | 1                   |
| 4        | 1   | Necklace and earrings          | JF       | Actual Cash Value | 162.00                                               | 50.00  | 81.00               | 81.00             | 162.00                                                   | 81.00                 | 0.00              | 81.00            | 81.00                         | 1                   |
| 5        | 1   | Bracelet                       | JF       | Actual Cash Value | 81.00                                                | 30.00  | 24.30               | 56.70             | 81.00                                                    | 56.70                 | 0.00              | 56.70            | 24.30                         | 1                   |
| 6        | 1   | Silver ring                    | JF       | Actual Cash Value | 54.00                                                | 15.00  | 8.10                | 45.90             | 54.00                                                    | 45.90                 | 0.00              | 45.90            | 8.10                          | 1                   |
| 7        | 1   | Bracelet, ring & earring       | JF       | Actual Cash Value | 64.80                                                | 5.00   | 3.24                | 61.56             | 64.80                                                    | 61.56                 | 0.00              | 61.56            | 3.24                          | 1                   |
| 8        | 1   | Necklace & earring             | JF       | Actual Cash Value | 70.20                                                | 40.00  | 28.08               | 42.12             | 70.20                                                    | 42.12                 | 0.00              | 42.12            | 28.08                         | 1                   |
| 9        | 1   | Commemorative pc / Roy Wilkins | SG       | Negotiated        | 600.00                                               | 0.00   | 0.00                | 0.00              | 600.00                                                   | 600.00                | 0.00              | 600.00           | 0.00                          | 0                   |
| 10       | 1   | Wedding band                   | JF       | Actual Cash Value | 108.00                                               | 50.00  | 54.00               | 54.00             | 108.00                                                   | 54.00                 | 0.00              | 54.00            | 54.00                         | 1                   |
| 11       | 1   | collectors coins               | MO       | Replacement Cost  | 70.00                                                | 0.00   | 0.00                | 0.00              | 70.00                                                    | 70.00                 | 0.00              | 70.00            | 0.00                          | 0                   |
| Totals   |     |                                |          |                   | 3,449.92                                             |        | 1,550.28            | 1,229.67          | 3,449.92                                                 | 1,899.67              | 0.00              | 1,899.67         |                               |                     |

\* Indicates an item was ordered through Replacement Service.

\*\* The amount of Replacement Cost Available is subject to policy limitations.

Item No = Item Number Qty = Quantity Mfg = Manufacturer Spcl Lmt = Special Limit Depr = Depreciation RC = Replacement Cost Avail = Available

1000243

Page 1 of 3

2004 128266 204 07-07-2011

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DILLON CO CQC

8438413706

01/28/2016 13:57

PAGE 09/10

Claim Number: 400V41882

Customer: BRENDA G ARNETTE

Page 2 of 3

Policy Deductible: \$1,276.00  
Deductible Absorbed: \$0.00  
Personal Property Over Limits: \$0.00  
Total Replacement Cost Available: \$1,550.25

Total For All Settlements: \$1,899.67  
Less Deductible Applied: \$1,276.00  
Less Advances and Other Payments: \$0.00  
Less Ordered Items: \$0.00  
Less Previous Payments to Customer: \$0.00  
Plus Customer Payments: \$0.00  
Amount Due Customer: \$623.67

DILLON CO COC

8438413706

13:57

09/28/2016

\* Indicates an item was ordered through Replacement Service.

\*\* The amount of Replacement Cost Available is subject to policy limitations.

Item No = Item Number Qty = Quantity Mfg = Manufacturer Spcl Lmt = Special Limit Depr = Depreciation RC = Replacement Cost Avail = Available

1000243

Page 2 of 3

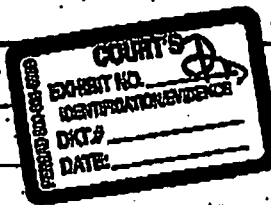
2004 128266 204 07-07-2011

For internal use only. This form and all information contained herein constitute confidential information, which may not be disclosed without appropriate State Farm authorization.

The jury are hung on Burglary in  
the Second Degree "only"

Please continue your  
deliberations

Judge Seals



WITNESSES

Chief James T. McDaniels- Lake View  
Police Department

ARREST WARRANT NUMBER

DIL 0644  
Direct Presentment

ACTION OF GRAND JURY

TRUE BILL

Mark A. Townsend  
Foreperson of Grand Jury

Date: 10/16/14  
VERDICT

Foreperson of Petit Jury

Date:

Docket Number 2014-GS-17- 0642

The State of South Carolina

County of Dillon

COURT OF GENERAL SESSIONS

October Term

THE STATE

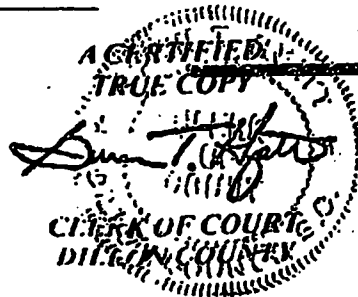
vs.

Daevon Williams  
DEFENDANT

Indictment for

Grand Larceny

SC Code: 16-13-0030 (B)  
CDR Code: 3420



After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury

Defendant

I, \_\_\_\_\_  
hereby appear in my own proper person  
and plead guilty to the within indictment  
or to

Defendant

Witness:

C.C.C. Pls. And G.S.

RECEIVED

DEC 19 2014

SC Court of Appeals

STATE OF SOUTH CAROLINA  
COUNTY OF DILLON

)  
) IN THE COURT OF GENERAL SESSIONS  
)

# INDICTMENT

At a Court of General Sessions, convened on \_\_\_\_\_ the Grand Jurors of Dillon County present upon their oath:

## Grand Larceny

That Daevon Hezzie Willimas did, in Dillon County, on or about March 27, 2012, commit the crime of Grand Larceny, to wit: Daevon Williams did take and carry away the personal property of another, valued between Two Thousand Dollars (\$2000.00) and Ten Thousand Dollars (\$10,000.00), with the intent to deprive the owner of possession and convert said goods to his personal use. To wit: Daevon Williams did enter a dwelling located at ., Lake View, SC, and did take and carry away the personal property of another, valued between Two Thousand Dollars (\$2000.00) and Ten Thousand Dollars (\$10,000) with the intent to deprive the owner of possession and to convert said personal property to his use. This was done in violation of 16-13-0030 (B), of the South Carolina Code of Laws, 1976 as amended.

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

  
ALAN WILSON/ JSA  
SOUTH CAROLINA ATTORNEY GENERAL

102:

STATE OF SOUTH CAROLINA

COUNTY OF

STATE

AKA:

Race:

Sex:

DOB:

SSN:

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:

In violation of § 16-13-0030(B)

of the S.C. Code of Laws, bearing CDR Code #

☐ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45

The charge is:

☐ As indicted,☐ Lesser Included Offense,☐

Defendant Waives Presentment to Grand Jury.

(def's initials)

The plea is:

☐ Without Negotiations or Recommendation,☐

Negotiated Sentence,

☐ Recommendation by the State.

TEST:

Assistant Attorney General

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

years

and/or to pay a fine of \$

; provided that upon the service of

days/months/years and or payment

of \$

; plus costs and assessments as applicable; the balance is suspended with probation for

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

incorporated by reference.

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

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

## SPECIAL CONDITIONS:

RESTITUTION:

☐ Deferred☐ Def. Waives Hearing☐ Ordered

PTUP

\$

plus 20% fee: \$

days/hours Public Service Employment

Payment Terms:

☐ Sent by SCDBPPS

Recipient:

\*Fine:

§14-1-208 (Assessments 197(5%))

\$100

\$

§14-1-211 (A)(1)(Conv. Surcharge)

\$100

\$

§14-1-211 (A)(2)(DUI Surcharge)

\$100

\$

§56-5-2995 (DUI Assessment)

\$12

\$

§56-1-286 (DUI Breath Test)

\$25

\$

Proviso 47.9 (Public Def/Prob)

\$500

\$

§14-1-212 (Law Enforce. Funding)

\$25

\$

§14-1-213 (Drug Court Surcharge)

\$150

\$

§50-21-114 (BUI Breath Test Fee)

\$50

\$

§56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$

Proviso 90.5 (SCCJA Surcharge)

\$5

\$

3% to County (if paid in installments)

\$

\$

TOTAL

\$

\$

Clerk of Court/Deputy Clerk:

Court Reporter:

Presiding Judge

Judge Code:

Sentence Date

SCCA/217 (03/2011)

RECEIVED

DEC 19 2014

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS-17-0042

AW#: DIL0044

Date of Offense:

03/23/201

S.C. Code §:

16-13-0030(B)

CDR Code #:

3420

## SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

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

TO:

In violation of § 16-13-0030(B)

of the S.C. Code of Laws, bearing CDR Code #

☐ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45

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Assistant Attorney General

SC Bar #

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Attorney for Defendant

SC Bar #

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for a determinate term of

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☐ under the Youthful Offender Act not to exceed

years

and/or to pay a fine of \$

; provided that upon the service of

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☐ Deferred☐ Def. Waives Hearing☐ Ordered

PTUP

\$

plus 20% fee: \$

days/hours Public Service Employment

Payment Terms:

☐ Sent by SCDBPPS

Recipient:

\*Fine:

§14-1-208 (Assessments 197(5%))

\$100

\$

§14-1-211 (A)(1)(Conv. Surcharge)

\$100

\$

§14-1-211 (A)(2)(DUI Surcharge)

\$100

\$

§56-5-2995 (DUI Assessment)

\$12

\$

§56-1-286 (DUI Breath Test)

\$25

\$

Proviso 47.9 (Public Def/Prob)

\$500

\$

§14-1-212 (Law Enforce. Funding)

\$25

\$

§14-1-213 (Drug Court Surcharge)

\$150

\$

§50-21-114 (BUI Breath Test Fee)

\$50

\$

§56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$

Proviso 90.5 (SCCJA Surcharge)

\$5

\$

3% to County (if paid in installments)

\$

\$

TOTAL

\$

\$

Clerk of Court/Deputy Clerk:

Court Reporter:

Presiding Judge

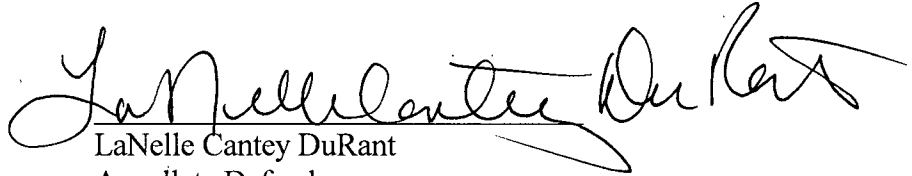
Judge Code:

Sentence Date

## CERTIFICATE OF COUNSEL FOR APPELLANT

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

June 13th, 2016



LaNelle Cantey DuRant  
Appellate Defender

**RECEIVED**

JUN 13 2016

SC Court of Appeals

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

ATTORNEY FOR APPELLANT