

22491

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM ANDERSON COUNTY

R. Scott Sprouse, Circuit Court Judge

ORIGINAL
ANDERS

RECEIVED
NO DEF. BRIEF

No Respondent's Brief Filed
MAY 10 2015
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JEREMIAH CHRISTIAN JOHNSON,

APPELLANT.

APPELLATE CASE NO. 2015-001405

RECORD ON APPEAL

DAVID ALEXANDER
Appellate Defender

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

Attorney for Appellant

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211
(803) 734-3727

CHRISTINA T. ADAMS
Solicitor, Tenth Judicial Circuit
PO Box 8002
100 S. Main Street
Anderson, SC 29622-8002
(864) 260-4046

Attorneys for Respondent

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED JUNE 22, 2015.....	1
JURY ROLL CALL	6
JURY QUALIFICATION	20
TESTIMONY	
TODD OWENS (IN CAMERA)	40
DANNY BARTON (IN CAMERA)	59
DEFENSE MOTION TO SUPPRESS DEFEDANT'S STATEMENTS	74
RULING BY THE COURT ON DEFENSE MOTION TO SUPPRESS DEFENDANT'S STATEMENTS.....	76
JURY VOIR DIRE	78
STRIKING OF THE JURY	84
PRELIMINARY INSTRUCTIONS.....	95
OPENING STATEMENT BY MR. CAMPBELL.....	99
OPENING STATEMENT BY MR. SENERIUS.....	107
TESTIMONY	
JEFF FINLEY	110
TRIAL TRANSCRIPT DATED JUNE 23, 2015.....	140
TESTIMONY	
TAWANYA EDWARDS	147
JAMES WILSON.....	153

TESTIMONY

BRETT WOODARD	159
TODD OWENS	172
DANNY BARTON	202
STATE RESTS	285
DEFENSE MOTION FOR A JUDGMENT OF ACQUITTAL	285
RULING BY THE COURT ON DEFENSE MOTION FOR A JUDGMENT OF ACQUITTAL	285
COLLOQUY REGARDING DEFENDANT'S RIGHT TO TESTIFY	286
DEFENSE RESTS	290
DEFENSE RENEWAL OF MOTION FOR A JUDGMENT OF ACQUITTAL	291
RULING BY THE COURT ON DEFENSE RENEWAL OF MOTION FOR A JUDGMENT OF ACQUITTAL	291
CLOSING ARGUMENT BY MR. HAIGLER	292
CLOSING ARGUMENT BY MR. SENERIUS	299
CHARGE ON THE LAW	305
NOTE FROM THE JURY	326
RECHARGE TO THE JURY	327
TRIAL TRANSCRIPT DATED JUNE 24, 2015	335
VERDICT	344
POLLING OF THE JURY	345
SENTENCING	351
STATE'S EXHIBIT #1	354

STATE'S EXHIBIT #2	355
STATE'S EXHIBIT #3	357
STATE'S EXHIBIT #4	358
STATE'S EXHIBIT #5	359
STATE'S EXHIBIT #6	360
INDICTMENTS AND SENTENCING SHEETS.....	361
CERTIFICATE OF COUNSEL.....	373

1 State of South Carolina
2 County of Anderson In the Court of General Sessions

3
4 State of South Carolina,) 12-GS-04-02404
5) 12-GS-04-02405
6) 12-GS-04-02447
7) 12-GS-04-02448
8 -vs-) June 22, 2015
9 Jeremiah Christian Johnson,) Volume 1
10) Pages 1 - 139
11 Defendant.) Transcript of Record
12 -----)

13 B E F O R E:

14 The Honorable R. Scott Sprouse, Judge;
15 and a jury.

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

17 Rame L. Campbell, Assistant Solicitor
18 Brantly B. Haigler, Assistant Solicitor
19 Attorneys for the State of South Carolina

20 Gordon A. Senerius, Esquire
21 Attorney for Defendant

22 Diane L. Marcengill, RPR, CRR
23 Circuit Court Reporter
24
25

	<u>I N D E X</u>	<u>Page</u>
1		
2		
3	Jury Qualification	4, 78
4	Jury Selection	85
5	<u>Witnesses - Jackson v. Denno Hearing</u>	
6	J. TODD OWENS	
7	Direct Examination By Mr. Haigler	40
8	Cross-Examination By Mr. Senerius	53
9	DANNY BARTON	
10	Direct Examination By Mr. Haigler	59
11	Cross-Examination By Mr. Senerius	67
12	Redirect Examination By Mr. Haigler	72
13	Recross-Examination By Mr. Senerius	73
14		
15	<u>Trial</u>	
16	Opening Statement By the State	99
17	Opening Statement By the Defense	107
18		
19	<u>Witnesses</u>	
20	JEFF FINLEY	
21	Direct Examination by Mr. Campbell	110
22	Cross-Examination by Mr. Senerius	133
23	Reporter's Certificate	139
24	<i>All exhibits were premarked before trial.</i>	
25		
26		
27	<u>E x h i b i t s</u>	
28	For the State:	
29		
30	<u>Marked</u>	<u>I.D.</u>
31	<u>Description</u>	<u>Admitted</u>
32	1 Advisory of Rights Form	41 77
33	2 Statement of Defendant	47 77
34	3 Advisory of Rights Form	60 77
35	4 Affidavit of Photo	63 77
36	Identification and photo	
37	lineup	
38	5 Advisory of Rights Form	65 77
39	6 Statement of Defendant	65 77

State of South Carolina v. Jeremiah C. Johnson 12-GS-04-02404, 05, 02447 & 48
Jury Qualification

3

1	7	Photograph of scene where vehicle was recovered	114	117
2	8	Photograph of scene where vehicle was recovered	114	117
3	9	Photo of front of vehicle	119	120
4	10	Photograph of scene where vehicle was recovered	114	117
	11	Photograph of residence	122	124
5	12	Photograph of vehicle	119	120
	13	Photograph of residence	122	124
6	14	Photograph of residence	122	124
	15	Photograph of residence	122	124
7	16	Photograph of residence	122	124
	17	Photograph of residence	122	124
8	18	Photograph of scene where body was recovered	128	129
9	20	Photograph of scene where vehicle was recovered	115	117
10	21	Photograph of sandals	128	129
	22	Photograph of scene where vehicle was recovered	128	129
11	23	Photograph of scene where vehicle was recovered	128	129
12	24	Photograph of scene where vehicle was recovered	128	129
13	25	Photograph of shell casing	128	129
14	26	Photograph of body	128	129
15	27	Photograph of body	128	129

16 For the Defendant:

17 Marked Description I.D. Admitted

18 None offered.

19

20

21

22

23

24

25

1 (WHEREUPON, court convened with all parties
2 present and the following proceedings were had
3 commencing at approximately 9:46 a.m.)

4 THE COURT: Good morning, ladies and gentlemen.
5 I'm Judge Scott Sprouse, judge in the Tenth Circuit. I
6 come from Oconee County. It's always good to be in
7 Anderson. We are here for a term of circuit court, and
8 the first order of business is to make sure that
9 everyone is in the right place.

10 This is circuit court. You are here for a term of
11 general sessions court, which means criminal court. If
12 you have been summoned to appear in magistrate's court,
13 federal court, or municipal court, you're in the wrong
14 place. So everyone needs to make sure they're in the
15 right place.

16 Is there anyone who thinks they might be in the
17 wrong courtroom?

18 Okay. Very good.

19 This is a term, like I said, of general sessions
20 court, which means it is criminal court. If you are
21 selected on a jury, it means you will hear a criminal
22 case.

23 We understand the inconvenience that this causes
24 in your daily lives. We don't anticipate this being
25 longer than one week. Court's generally put in terms

1 of a week at a time. So I don't think you have any
2 realistic possibility of this going longer than a week,
3 but we thank you for your service today. We'll do our
4 best to minimize your inconvenience and get this case,
5 the cases, moving. Hopefully this will be an enjoyable
6 and educational week for you.

7 We have staff here that are here to assist you.
8 We have bailiffs. If at any time you have any issues
9 that need resolution or an emergency, please let the
10 bailiffs know.

11 I will point out Mr. Shirley. Would you introduce
12 yourself? This is your Clerk of Court.

13 THE CLERK: As I told you earlier, I'm Richard
14 Shirley, and ready to do anything I can for you this
15 week.

16 THE COURT: And, Mr. Shirley, would you introduce
17 your staff that you have present here.

18 THE CLERK: This is Morgan Rogers. She is our
19 jury coordinator. And she's really the one that called
20 you up here, so if you're mad at anybody, be mad at
21 her.

22 THE COURT: Now, the first thing we do in a term
23 of circuit court that involves a jury is we have to
24 qualify the jury. Now, I'm going to ask you some
25 questions which do two things. The first is determine

1 your qualification to serve as jurors. The second is
2 to determine your eligibility to serve as jurors. I
3 have certain questions to ask you.

4 Now, Mr. Clerk, would you please put the jury
5 under oath.

6 THE CLERK: Yes, sir. I haven't called roll yet
7 either.

8 THE COURT: He's going to call the roll.

9 THE CLERK: First of all, I'd like for you to
10 stand, please, and raise your right hand.

11 Do you and each of you solemnly swear or affirm
12 that you will provide truthful answers to the questions
13 asked of you? If you will, say "I do" and have a seat.

14 (WHEREUPON, the prospective panel was sworn.)

15 THE COURT: All right. The clerk is going to call
16 the roll. When he calls your name, please stand, and
17 in a loud, clear, and audible voice, provide the
18 following information: First is your occupation. If
19 you're employed, state where you work. If you're
20 self-employed, state the nature of your business. If
21 you are retired or disabled, state your former
22 occupation. If you're married and if your spouse is
23 employed, state the nature of his or her employment, or
24 if they are retired or disabled, give the former
25 occupation or nature of business that they were in.

1 Okay, Mr. Clerk.

2 THE CLERK: If it please the Court. Our first
3 potential juror is Michael -- this is Juror Number 4,
4 Michael L. Baldwin.

5 POTENTIAL JUROR: Here. I'm a territory sales
6 manager for Pepsi. I am single. So, anything I didn't
7 mention?

8 THE CLERK: That's all I need. Thank you very
9 much.

10 Juror Number 5, Harry D. Ballard.

11 POTENTIAL JUROR: Here. I'm an architect. I work
12 with McMillan, Pazdan & Smith in Greenville. My wife
13 is a registered nurse.

14 THE CLERK: Thank you, sir.

15 Juror Number 6, Nicole L. Ballew.

16 POTENTIAL JUROR: Hi. I work at Little Angles II.
17 I'm a childcare teacher. I deal with two-year-olds.

18 THE CLERK: Thank you.

19 Juror Number 8, Brenda G. Billups.

20 POTENTIAL JUROR: I work for BMW. My husband
21 works for -- Chemicals.

22 THE CLERK: Juror Number 11, Rhonda M. Bolding.

23 POTENTIAL JUROR: I work for the Office of
24 Disability Adjudication Review. My husband is retired.

25 THE CLERK: Thank you. What is he retired from?

1 POTENTIAL JUROR: Textiles.

2 THE CLERK: Thank you.

3 Juror 13, Julia A. Bowman.

4 POTENTIAL JUROR: I'm a retired teacher, single.

5 THE CLERK: Thank you.

6 Juror Number 15, Amanda A. Bruce.

7 POTENTIAL JUROR: I'm a physical therapist, and I
8 am married. My husband is a dentist.

9 THE CLERK: Thank you.

10 Juror Number 19, Matthew L. Callenback.

11 POTENTIAL JUROR: I'm a registered nurse in
12 Greenville.

13 THE CLERK: Thank you, sir.

14 Juror Number 21, Karen A. Campbell.

15 POTENTIAL JUROR: I'm Karen Campbell. I work for
16 The People's Bank. My husband is self-employed in lawn
17 maintenance.

18 POTENTIAL JUROR: Thank you.

19 Juror Number 22, Jody R. Capps.

20 POTENTIAL JUROR: I'm an electrician at Hill
21 Electric, single.

22 POTENTIAL JUROR: Thank you.

23 Juror Number 23, Khrista S. Chastain.

24 POTENTIAL JUROR: I'm a student, and I'm single.

25 THE CLERK: Thank you.

1 Juror Number 26, Linda M. Clark.

2 POTENTIAL JUROR: I'm retired, and I worked
3 previously for the district attorney's office in
4 Georgia. And my husband is retired, and Air Force and
5 post office.

6 THE CLERK: Thank you so much.

7 Juror 27, Gary R. Cleveland.

8 POTENTIAL JUROR: I work for Timken as a CNC
9 program operator. My wife works for Belton Water
10 District.

11 THE CLERK: Thank you.

12 Juror 31, Carmen M. Cooley.

13 POTENTIAL JUROR: I work for Charter
14 Communications. I'm in sales. I'm single.

15 THE CLERK: Thank you.

16 Juror 35, Ricky L. Craine.

17 POTENTIAL JUROR: I'm self-employed with
18 exterminating, and my wife is a homemaker.

19 THE CLERK: Thank you, sir.

20 Juror 36, Elise D. Culbertson.

21 POTENTIAL JUROR: I'm disabled, and my husband is
22 employed at Lowe's.

23 THE CLERK: Thank you.

24 Juror 42, Benjamin T. Douthit.

25 POTENTIAL JUROR: I work with the social security

1 office, and my wife is a banker.

2 THE CLERK: Thank you.

3 Juror 44, Ameedah El-Amin.

4 POTENTIAL JUROR: I'm a coordinator for Marshall's
5 Home Health in Greenville. I'm also a District Five
6 school teacher, substitute teacher.

7 THE CLERK: Thank you.

8 Juror 52, Keri A. Foster.

9 POTENTIAL JUROR: I don't work, and I'm single.

10 THE CLERK: Thank you.

11 Juror 54, Sharon A. Gambrell.

12 POTENTIAL JUROR: I work for Anderson School
13 District Five, school teacher.

14 THE CLERK: Thank you, ma'am.

15 Juror 55, Eric D. Garner.

16 POTENTIAL JUROR: I'm a safety inspector for Duke
17 Energy. My wife is a registered nurse.

18 THE CLERK: Thank you.

19 Juror 56, Lena P. Gilbert.

20 POTENTIAL JUROR: "Gilbert."

21 THE CLERK: "Gilbert." I apologize.

22 POTENTIAL JUROR: I'm retired and I'm not married.

23 THE CLERK: Okay.

24 POTENTIAL JUROR: Textile.

25 THE CLERK: Retired from textile. Thank you.

1 Juror 58, John M. Glenn.

2 POTENTIAL JUROR: I work for Anderson Auto Glass,
3 and I restore cars.

4 THE CLERK: Thank you, sir.

5 Juror 60, Sandra C. Green.

6 POTENTIAL JUROR: I'm a registered nurse. I work
7 at AnMed. My husband works at District Five.

8 THE CLERK: Thank you.

9 Juror 61, Thomas M. Griffin.

10 POTENTIAL JUROR: I work at Bosch. I'm an
11 engineer. My wife is the global HR director for
12 Draxlmaier.

13 THE CLERK: Juror 65, Krystal A. Hayes.

14 POTENTIAL JUROR: I'm an assistant manager at
15 Arby's, and my husband is a manager at Regional
16 Finance.

17 THE CLERK: Thank you.

18 Juror 66, Stanley R. Haynes.

19 POTENTIAL JUROR: I'm with Michelin Tire
20 Corporation in Greenville, and my wife is retired from
21 Milliken.

22 THE CLERK: Thank you, sir.

23 That is our first page. Are there any questions
24 from the attorneys?

25 Okay. We'll keep going.

1 Juror Number 71, Jeff L. Hook.

2 POTENTIAL JUROR: I'm a management trainee for
3 Applied Medical. My wife is a stay-at-home mother.

4 THE CLERK: Thank you.

5 Juror 72, Megan M. Clark.

6 POTENTIAL JUROR: I work for Human Technologies in
7 HR. My husband is a driver for Walgreens.

8 THE CLERK: Thank you.

9 Juror 73, James D. Hopkins, Jr.

10 POTENTIAL JUROR: I work for Michelin Tire
11 Company. My wife is a service engineer.

12 THE CLERK: Thank you.

13 Juror 75, April L. Huckaby.

14 POTENTIAL JUROR: I'm a pharmacy technician at
15 AnMed.

16 THE CLERK: Thank you.

17 Juror 84, Jenna R. Johnson.

18 POTENTIAL JUROR: Certified ophthalmology
19 assistant. I'm married. My husband is in sales for
20 Pepsi.

21 THE CLERK: Thank you. Just for knowledge, for
22 your own knowledge, we're jumping from numbers like
23 from 75 to 84. Just to let you know, that you can be
24 exempted from jury duty if you are over 65 years old.
25 And the computer, if you have a driver's license or

1 you're a voter and you're over 65, the computer still
2 sends you the opportunity to be here and people will
3 turn us down.

4 There are also folks who have called ahead of time
5 who have scheduled surgery this week and they're in the
6 emergency room right now, and they can't be here, so we
7 moved them to another term of court.

8 And another reason is I had a fella call the other
9 day. He has since moved from South Carolina to North
10 Dakota, and he called me asking would we send a deputy
11 to arrest him if he didn't show up, and I told him no.
12 So that's why there are some gaps in the numbers.

13 Juror 86, Abbie D. Jones.

14 POTENTIAL JUROR: I'm a student, and I'm single.

15 THE CLERK: Okay. Thank you.

16 Juror 88, Kelly A. Jordan.

17 POTENTIAL JUROR: I'm manager at a family-owned
18 restaurant in Greenville, single.

19 THE CLERK: Juror 90, Travis J. Kay.

20 POTENTIAL JUROR: I'm a manager at Orkin Pest
21 Control. My wife is a dental hygienist.

22 THE CLERK: Thank you, sir.

23 Juror 92, Lindsey D. Kinley.

24 POTENTIAL JUROR: I'm an office manager at Family
25 Auto of Anderson. My husband is a dispatcher for

1 Anderson County Fire Department.

2 THE CLERK: Thank you.

3 Juror Number 94, John M. Laserra.

4 POTENTIAL JUROR: I'm a technical service rep for
5 Titan Coatings out of Bessemer, Alabama, and my wife is
6 a registered nurse at AnMed.

7 THE CLERK: Thank you, sir.

8 Juror Number 95, Tammy Lee.

9 POTENTIAL JUROR: Self-employed caregiver, and my
10 husband works at Glen Raven.

11 THE CLERK: Thank you.

12 Juror 97, Matthew A. Lippiatt.

13 POTENTIAL JUROR: Machine operator at Bosch,
14 single.

15 THE CLERK: Thank you, sir.

16 Juror Number 100, William L. Lloyd.

17 POTENTIAL JUROR: William Lloyd, widowed. I work
18 at Carolina --

19 THE CLERK: Thank you, sir.

20 Juror 102, Gary C. Manley.

21 POTENTIAL JUROR: I'm a manager at a marketing
22 company. My wife is a teacher.

23 THE CLERK: Thank you, sir.

24 Juror Number 109, Leia M. McNeely.

25 POTENTIAL JUROR: I'm a social media rep and

1 marketing rep for a small marketing company. My
2 husband is a delivery driver for Tri-County.

3 THE CLERK: Thank you.

4 Juror 111, Renee J. Mellace.

5 POTENTIAL JUROR: I'm a homemaker. My husband is
6 a dental technician for a dental lab.

7 THE CLERK: Thank you so much.

8 Juror 112, Caleb D. Merritt.

9 POTENTIAL JUROR: Im a machine operator at
10 Michelin, single.

11 THE CLERK: Thank you, sir.

12 Juror 113, Keith W. Moody.

13 POTENTIAL JUROR: I oversee the daily operation of
14 Clemson Area Transit. My wife is a secretary for
15 Collins Dock.

16 THE CLERK: Juror 116, Terry C. Oakley.

17 POTENTIAL JUROR: I'm Terry Oakley. I work for
18 Applied Information Technology Center, which is in
19 Clemson, and I am widowed.

20 THE CLERK: Thank you.

21 Juror Number 117, Tyrone R. Ogilivie.

22 POTENTIAL JUROR: Machine operator with Milliken,
23 single.

24 THE CLERK: Thank you, sir.

25 Juror 118, Ebony A. Oglesby.

1 POTENTIAL JUROR: Currently a college student.
2 I'm not married.

3 THE CLERK: Thank you.

4 Juror Number 122, Steven E. Parr.

5 POTENTIAL JUROR: Self-employed electrical
6 engineer. My wife is an owner operator of a
7 restaurant.

8 THE CLERK: Thank you.

9 Juror 123, Casey L. Patterson.

10 POTENTIAL JUROR: I'm an assistant store manager
11 at Dollar General.

12 THE CLERK: Thank you, sir.

13 Juror 124, Megan L. Payne.

14 POTENTIAL JUROR: I'm a cleaner for Merry Maids,
15 and I'm single.

16 THE CLERK: Juror 128, Richard A. Powell.

17 POTENTIAL JUROR: Richard A. Powell, educator,
18 Anderson District Five. My wife is an educator for
19 Anderson District Two.

20 THE CLERK: Thank you.

21 Juror 131, Christopher B. Price.

22 POTENTIAL JUROR: Gasoline hauler for Hot Spot.
23 My wife is a nurse practitioner for St. Francis.

24 THE CLERK: Thank you, sir.

25 Juror 132, Michael V. Pugliese.

1 POTENTIAL JUROR: Yes, sir. I'm a driver at FedEx
2 Freight. My wife is a mail carrier.

3 THE CLERK: Thank you very much.

4 That's our second page.

5 Any questions?

6 Juror 133, Frederick L. Ramsey.

7 POTENTIAL JUROR: That would be me. Employed by
8 Big Water Marina on Lake Hartwell.

9 THE CLERK: Thank you, sir.

10 Juror 134, Timothy J. Randall.

11 POTENTIAL JUROR: Retired criminal investigator,
12 self-employed as a private investigator, courier.

13 THE CLERK: Thank you, sir.

14 Juror 138, Rosalind D. Rice.

15 POTENTIAL JUROR: I work in automotive
16 manufacturing in AFCO, and I'm single.

17 THE CLERK: Thank you.

18 Juror 141, Brandon D. Rink.

19 POTENTIAL JUROR: Multimedia editor, Independent
20 Mail.

21 THE CLERK: Thank you, sir.

22 Juror 146, Christopher D. Simmons.

23 POTENTIAL JUROR: Yes, sir. I work at BMW
24 Manufacturing. My wife is a school teacher, District
25 Two in Anderson.

1 THE CLERK: Thank you.

2 Juror 147 -- Juror 147, Kirk H. Simpson.

3 POTENTIAL JUROR: I'm an administrative assistant
4 at Campbell Veterans Nursing Home, and my spouse is an
5 RN.

6 THE CLERK: Thank you.

7 Juror 151, Xavier Q. Smith.

8 POTENTIAL JUROR: Assembler at Electrolux Company,
9 single.

10 THE CLERK: Thank you, sir.

11 Juror 152, Tammy C. Smitherman.

12 POTENTIAL JUROR: Alpha Technology, single.

13 THE CLERK: Thank you.

14 Juror 153, Jennifer M. Spearman.

15 POTENTIAL JUROR: Medical technician for Retina
16 Consultants, single.

17 THE CLERK: Thank you.

18 Juror 154, Carolyn A. Sutherland.

19 POTENTIAL JUROR: I'm a registered nurse at AnMed,
20 and my husband is a nursing assistant at AnMed.

21 THE CLERK: Juror 155, Tracy L. Taylor.

22 POTENTIAL JUROR: I'm a massage therapist, and I'm
23 single.

24 THE CLERK: Thank you.

25 Juror 159, Lolite Thompson.

1 POTENTIAL JUROR: I work for Walgreens
2 Distribution, and I'm single.

3 THE CLERK: Thank you.

4 Juror 160, Garren R. Titus, II.

5 POTENTIAL JUROR: I'm a global commodity leader
6 for Gexpro Service, and my wife is a speech and
7 language pathologist for District One.

8 THE CLERK: Juror 170, Brett A. Williams.

9 POTENTIAL JUROR: I'm a department manager for
10 Lucia (phonetic). My wife is a school teacher.

11 THE CLERK: Thank you.

12 Juror 171, Catherine J. Williams.

13 POTENTIAL JUROR: I work for JPS Quality
14 Assurance, and I'm a cashier at Book Exchange and
15 divorced.

16 THE CLERK: Thank you, ma'am.

17 Juror 172, Marcelyn E. Williams.

18 POTENTIAL JUROR: I'm an injection operator at
19 Plastic Omnium, and I'm single.

20 THE CLERK: Juror 176, Gregory A. Young.

21 POTENTIAL JUROR: Present. I work for Southern
22 Wesleyan University, enrollment and marketing, director
23 of communications for the same university.

24 THE CLERK: Thank you.

25 Ladies and gentlemen, is there anybody whose name

1 I did not call? Or did the computer skip somebody?

2 Your Honor, that's 71 present and accounted for.

3 THE COURT: Thank you, Mr. Clerk.

4 All right. Ladies and gentlemen, now I'm going to
5 ask you certain questions to determine your
6 qualification as jurors in this court. These questions
7 determine your general eligibility to serve. State law
8 requires that I ask you these questions. Quite
9 frankly, some of these questions are very personal. I
10 will give you an opportunity to come up at the end if
11 you don't feel like answering these questions in the
12 presence of your other fellow jurors.

13 After each question, if any juror needs to
14 respond, I will ask you to stand, give your juror
15 number first then your name. We essentially don't want
16 anyone to suffer any embarrassment. Again, if you
17 would like to respond at the end and come forward, I'll
18 give you that opportunity. But remember to do so.
19 It's absolutely essential that we have accurate
20 information.

21 First question: Is there any member of this jury
22 panel that is not a citizen of the United States of
23 America? If so, please stand.

24 There are none.

25 Is any member of the jury panel not a resident and

1 citizen of Anderson County, South Carolina? If so,
2 please stand.

3 There are none.

4 Is any member of the jury panel unable to read,
5 write, speak or understand the English language? If
6 so --

7 POTENTIAL JUROR: I'm Ricky Craine, number 35, and
8 I can't read and write good.

9 THE COURT: Okay. Mr. Craine, would you come
10 forward, please, sir.

11 (WHEREUPON, off-the-record discussion between the
12 judge, counsel, and the potential juror.)

13 THE COURT: This juror is excused.

14 Let the record reflect Juror Number 35 has been
15 excused.

16 Does any member of the jury panel have less than a
17 sixth grade education or its equivalent? Please stand.

18 There are none.

19 Is any member of the jury panel unable, because of
20 mental or physical infirmities, to render efficient
21 jury service? For example, does any member of the jury
22 panel have any medical condition that would prevent you
23 from serving on the jury this week?

24 We'll take breaks as we go along, but typically
25 it's going to be an hour to two hours between breaks.

1 Yes, ma'am.

2 POTENTIAL JUROR: Juror Number 111. I suffer from
3 mental issues, depression, panic attacks. In fact, I
4 had somebody drive me here this morning because I
5 didn't feel like I could drive.

6 THE COURT: Okay.

7 POTENTIAL JUROR: I have an appointment --

8 THE COURT: Would you come forward.

9 Ma'am, if you would come up here.

10 Are you on medication?

11 POTENTIAL JUROR: They're trying to get me on
12 regular medication. But I keep having reactions. And
13 I have pills, too, and it throws me into kind of a
14 brain fog. I have an appointment with the doctor, but
15 he couldn't get me in until the 29th, so I figured I
16 better show up without a note because, you know, I
17 can't send it in.

18 THE COURT: Are you capable of sitting for an
19 hour?

20 POTENTIAL JUROR: Not really. I've got
21 fibromyalgia, too. It's hard for me to. I've always
22 got to be moving or something. It's very difficult for
23 me to keep my head going in one place.

24 THE COURT: What are you diagnosed with, the
25 condition?

1 POTENTIAL JUROR: I've had lupus since 2007,
2 fibromyalgia since 1997, and depression has been on and
3 off, and I've been on Cymbalta and all kinds of crazy
4 stuff. They can't seem to find one that I don't have
5 side effects to.

6 THE COURT: Okay, ma'am. I'm going to excuse you.
7 111 is excused.

8 Has any member of the jury panel been convicted by
9 guilty plea or trial in a state or federal court of
10 record of a crime punishable by imprisonment for more
11 than one year and your civil rights have not been
12 restored by pardon or amnesty? Punishable by more than
13 one year means that you could have received a sentence
14 of more than one year, regardless of the sentence you
15 may have actually received. If so, please stand.

16 There are none.

17 Is any member of the jury panel a clerk or deputy
18 clerk of court, constable, sheriff, or other
19 commissioned law enforcement officer, probate judge,
20 county commissioner, magistrate, or other county
21 officer or employed within the walls of any courthouse?
22 If so, please stand.

23 There are none.

24 Is there any member of the jury panel who has
25 previously served on jury duty in circuit court during

1 this calendar year? Now, again, this is not
2 magistrate's court, municipal court, or federal court
3 but circuit court. If so, please stand.

4 There are none.

5 Has any member of the jury panel served as a
6 member of an Anderson County Grand Jury during the past
7 several years? If so, please stand.

8 There are none.

9 We now move to jury exemptions. State laws
10 provides several exemptions to jury service. An
11 exemption does not mean that you are not qualified to
12 serve, it simply means you have the right to say, "I
13 choose not to serve."

14 The first exemption is for those of you who are 65
15 years of age or older. You may be exempted from
16 service. Those of you 65 years of age or older
17 represent a tremendous pool of talent for jury service,
18 and we urge you to serve this week if you are inclined
19 to do so. But if you wish to be exempted, you may
20 certainly do so.

21 Is there any member of the jury panel who is 65
22 years of age or older and wishes to be exempted from
23 jury service this week? If so, please stand.

24 There are none.

25 Another exemption concerns prior jury service. No

1 person is required to serve as a juror more than once
2 every three calendar years. Therefore, if any member
3 of the jury panel has served on a jury during the last
4 three calendar years, you may be exempt from service
5 this week if you choose to be exempted. Please note
6 this exemption does not apply if your jury service was
7 in magistrate's court and municipal court or a federal
8 court. If this exemption applies to any member of the
9 jury panel and you wish to be exempted, please stand.

10 There are none.

11 Persons who have served as Grand Jurors in the
12 last five calendar years may also be exempt from jury
13 service. If any member of the jury panel has served on
14 a Grand Jury during the last five calendar years, you
15 may be exempt from service this week if you choose to
16 be exempted. If this exemption applies to any member
17 of the jury panel and you wish to be exempted, please
18 stand.

19 There are none.

20 The next exemption deals with those of you who
21 have small children. Please listen very carefully to
22 this exemption. It has several parts, all of which
23 must apply to you to be exempted in this case. You may
24 be exempted from jury service if: One, you have a
25 small child or small children under the age of seven

1 years; two, you have legal custody of your child or
2 children; three, you have the principal care, custody,
3 and control of your child or children; and, four, you
4 are unable to make arrangements for the adequate care
5 of your child or children while performing jury duty.
6 If all of these requirements apply to you, then you may
7 be exempted on this basis. If this exemption applies
8 to you and you wish to be exempted, please stand at
9 this time.

10 POTENTIAL JUROR: Juror 100, William Lloyd.

11 THE COURT: And do all of these exemptions,
12 conditions apply to you, sir?

13 POTENTIAL JUROR: Yes, sir.

14 THE COURT: How many children do you have?

15 POTENTIAL JUROR: I got two.

16 THE COURT: And who's watching them now?

17 POTENTIAL JUROR: My -- their granny took off work
18 a day to watch them, but this is the only day she will
19 be able to.

20 THE COURT: You have legal custody of your
21 children?

22 POTENTIAL JUROR: Yes, sir.

23 THE COURT: Okay. What's your number again, sir?

24 POTENTIAL JUROR: 100.

25 THE COURT: Okay. All right. Juror 100 is

1 excused on that exemption. Thank you, sir.

2 POTENTIAL JUROR: Thank you. You have a good day,
3 sir.

4 THE COURT: The next exemption involves those of
5 you who may be attending school at this time or working
6 in some capacity with a school. If this exemption
7 applies to you and you wish to be exempted, we will
8 transfer your service to another term of court which
9 will not conflict with your school responsibilities.

10 Is there any member of the jury panel who is a
11 full-time student, school teacher, certified personnel,
12 school crossing guard, school bus driver, or who serves
13 in any other public or private school-related function,
14 including technical colleges, who is unable to serve on
15 jury duty this week as a result of that school
16 involvement? If so, please stand.

17 There are none.

18 Is there any member of the jury panel who is
19 employed with the Department of Corrections at a
20 penitentiary? If so and you would like to be exempted,
21 please stand.

22 There are none.

23 Is there any juror who performs services for a
24 business, commercial, or agricultural enterprise which
25 are so essential to the operation of that enterprise,

1 that if you were required to perform jury duty, the
2 enterprise would have to close or stop functioning. If
3 so, and you wish to be exempted, please stand.

4 There are none.

5 Is there any juror who is the primary caretaker of
6 a severely disabled person who is unable to care for
7 himself or cannot be left unattended? If so and you
8 wish to be exempted, please stand.

9 There are none.

10 POTENTIAL JUROR: Yes.

11 THE COURT: Excuse me. I didn't see you, ma'am.
12 What's your number?

13 POTENTIAL JUROR: 172.

14 THE COURT: Number 172. You're Ms. Williams?

15 POTENTIAL JUROR: Yes.

16 THE COURT: And what's your situation?

17 POTENTIAL JUROR: I am a caretaker. Thursday he
18 will have to go to Augusta, Georgia to the Veterans
19 Hospital for shots, and I was supposed to take him. He
20 has to be down there on Wednesday.

21 THE COURT: Do you have anyone else that can take
22 him?

23 POTENTIAL JUROR: He might.

24 THE COURT: I'm going to have you stay with us
25 right now, Ms. Williams. Okay?

1 Finally, is there any juror who is the primary
2 caretaker of a person aged 65 or over? If so, please
3 stand.

4 Okay. There are none.

5 Okay. Ladies and gentlemen, that concludes the
6 statutory list of qualifications and exemptions for
7 jury service. It may be that you are qualified and no
8 exemption applies to you, but jury service this week
9 would constitute an extreme hardship on you for a
10 particular reason. I cannot permanently excuse a
11 qualified juror from jury service, but under extreme
12 and compelling circumstances, I may excuse a juror from
13 this term of court and transfer that juror to another
14 term of court, particularly jurors who have not been
15 previously transferred.

16 Please understand that general inconvenience is
17 not sufficient reason to transfer you to another term
18 of court. To justify transfer, it must, again,
19 constitute an extreme hardship to you. This is also if
20 any of you have any requests to be transferred, I'm
21 going to ask you to come forward. This is also an
22 opportunity for those who did not wish to answer any of
23 the previous questions publicly to come forward. Those
24 questions again as to your eligibility to serve and
25 your qualifications to serve or if you wish to be

1 transferred.

2 So any persons wishing to respond, please come
3 forward to the railing.

4 Okay.

5 THE COURT: Yes, ma'am.

6 POTENTIAL JUROR: 154.

7 THE COURT: Ms. Sutherland, what's going on?

8 POTENTIAL JUROR: I'm the only one that's working,
9 and my job is not working 40 hours a week. We just
10 started last week and this week, and I'm two months
11 behind on rent, two months behind on --

12 THE COURT: Have you been transferred previously?
13 This will be your first time to be transferred?

14 POTENTIAL JUROR: Yeah. I never.

15 THE COURT: I'll transfer you to another term of
16 court. I can't excuse you, but I can transfer you to
17 another term. That will give you more opportunity to
18 make advanced arrangements.

19 POTENTIAL JUROR: That would be great.

20 THE COURT: Number 154 is transferred.

21 Thank you, ma'am.

22 POTENTIAL JUROR: I can leave?

23 THE COURT: Yes, ma'am. What's going on?

24 POTENTIAL JUROR: I was supposed to have a medical
25 procedure done tomorrow.

1 THE COURT: Okay.

2 POTENTIAL JUROR: Fertility clinic, and I can't
3 change it. I didn't know about it prior because, you
4 know, it falls on certain days, so I can't change it.

5 THE COURT: Well, have you been transferred
6 before?

7 POTENTIAL JUROR: No.

8 THE COURT: Okay. We'll transfer you to another
9 court.

10 POTENTIAL JUROR: Okay.

11 THE COURT: You've got a person you care for, has
12 got some kind of --

13 POTENTIAL JUROR: He's disabled.

14 THE COURT: Now, I can transfer you to another
15 term of court that you may be able to make better
16 arrangements or you can see about getting somebody to
17 else to take that person. You said it was Wednesday?

18 POTENTIAL JUROR: Wednesday -- Thursday.

19 THE COURT: Have you been transferred before?

20 POTENTIAL JUROR: No, sir.

21 THE COURT: I mean, it's up to you. If you wish
22 to seek a transfer, we can move you to another term of
23 court.

24 POTENTIAL JUROR: Okay. Can I do that now? I
25 can, for instance, see --

1 THE COURT: Well, I mean, I need to know. I
2 can -- if you don't think you're going to be able to
3 find anybody, I can transfer you, and that will give
4 you more time to make arrangements. But, again, if you
5 choose to serve, you deal with your jury service now
6 and you don't have to have another term.

7 POTENTIAL JUROR: Okay. Um, let me go ahead.

8 THE COURT: Go ahead and serve?

9 POTENTIAL JUROR: Yeah, go ahead and serve. And I
10 can talk to him, see if he can get somebody else.

11 THE COURT: Okay. Thank you, ma'am.

12 Anyone else?

13 MR. CAMPBELL: We have got one more.

14 On this right here, one of the ones with rap
15 sheets. This is 113. His date of birth is off. This
16 says 05, but when you do it under the social, the same
17 last numbers, he's got a rape conviction back in '87, I
18 believe it was. Yep, '87, out of the state of
19 Washington. Confirm if he's actually the guy.

20 THE COURT: Are you sure that's a good one? Do
21 you want to show him?

22 (WHEREUPON, rap sheet shown to Mr. Senerius.)

23 MR. HAIGLER: I seriously doubt it. They work for
24 Clemson Area Transit.

25 MR. CAMPBELL: Yeah. The social comes back, but

1 the date of birth is a month off.

2 THE COURT: So you're not certain it's the same
3 guy.

4 MR. CAMPBELL: No. I just need to confirm.

5 THE COURT: All right. That will be number --

6 MR. CAMPBELL: It's Keith Moody.

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

8 POTENTIAL JUROR: Number 8, Brenda Billups.

9 THE COURT: What's going on?

10 POTENTIAL JUROR: I've had breast cancer and
11 taking chemotherapy pills, and I'm going to physical
12 therapy.

13 THE COURT: Okay. Have you ever been transferred
14 before?

15 POTENTIAL JUROR: No.

16 THE COURT: Would it be more convenient for you to
17 serve at a later term?

18 POTENTIAL JUROR: Later term.

19 THE COURT: Okay. Ms. Billups will be
20 transferred. That's Juror Number 8. Good luck to you.

21 POTENTIAL JUROR: Thank you. Okay.

22 THE COURT: Juror 113, please come forward.

23 POTENTIAL JUROR: 113?

24 THE COURT: Yes, sir. Please come forward.

25 The solicitor has a Keith Moody with a date of

1 birth 3/29/65 that has shown up with a statutory rape
2 conviction from the state of Washington. Is that you?

3 POTENTIAL JUROR: I'm 5/29/65.

4 THE COURT: So that's a different Keith?

5 POTENTIAL JUROR: I was born 5/29/65.

6 MR. CAMPBELL: But the social comes back as yours,
7 too.

8 THE COURT: Where is that?

9 MR. CAMPBELL: Is that your social?

10 POTENTIAL JUROR: That is my social.

11 THE COURT: But you've got a different birth date
12 and this is out of the state of Washington.

13 POTENTIAL JUROR: I did have an issue in
14 Washington at one time.

15 MR. CAMPBELL: Did you go to prison?

16 POTENTIAL JUROR: No, sir.

17 THE COURT: To your knowledge, were you ever
18 convicted of that?

19 POTENTIAL JUROR: Yes, I was.

20 THE COURT: Okay. Well, then, I'm going to excuse
21 you --

22 POTENTIAL JUROR: Okay.

23 THE COURT: -- from serving.

24 Juror Number 113 is excused.

25 THE COURT: Yes, ma'am.

1 POTENTIAL JUROR: I got a traffic ticket. I have
2 got to go to court tomorrow.

3 THE COURT: Okay. What's your number?

4 POTENTIAL JUROR: 30.

5 THE COURT: Well, this court takes priority over
6 summary court.

7 POTENTIAL JUROR: All right.

8 THE COURT: So if you need a letter from the Clerk
9 of Court.

10 POTENTIAL JUROR: I just want to make sure.

11 THE COURT: Mr. Shirley can give you a letter if
12 you get selected as a juror.

13 POTENTIAL JUROR: Okay.

14 THE COURT: Thank you, ma'am.

15 Anyone else?

16 Okay. I find that the jury panel, general
17 sessions court, is qualified to serve.

18 Ladies and gentlemen of the jury, I have found you
19 qualified; therefore, you are subject to being selected
20 as jurors in the cases that will be heard this week.

21 At this point we are going to take -- it's almost
22 11 o'clock. We have some legal matters that we have to
23 take up before we begin our first case, so I'm going to
24 release you at this point, and I would like everyone
25 back at 2 o'clock this afternoon. Okay?

1 Let me just give you some guidelines for the week.
2 There will be no beepers or cell phones while you're
3 serving as jurors, so you will need to notify the Clerk
4 of Court of any emergency numbers or anything that
5 needs to be monitored. The clerk can assist you if
6 there's any communication that needs to take place.

7 It's very important that you don't have any
8 interaction with the attorneys or the litigants in the
9 cases. If you are in the hallway and you run into one
10 of these attorneys, they're not going to speak to you.
11 It's not because they're trying to be rude, it's
12 because they know they can't talk to you as jurors.

13 It's very important that you be prompt. We're
14 going to start back at 2 o'clock, so everyone will need
15 to be here at 2:00. It's not fair to your fellow
16 jurors, it's not fair to the parties in the cases or
17 the court staff for us to have to wait because everyone
18 is not back. We will select our first jury, and then
19 we'll proceed, and the fact that you don't get selected
20 for the first jury doesn't mean you're through for the
21 week. We may have another case after that. So the
22 clerk has given you a phone number that you can call,
23 and that will be updated each day. So when you go
24 home --

25 Mr. Clerk, what time do you update it, 6 o'clock?

1 THE CLERK: Yes, sir.

2 THE COURT: So after 6 o'clock each evening, you
3 will be able to call that number, and it will tell you
4 when you will have to appear again this week. Again,
5 this is a one-week term. So we're going to break now.
6 Be back in your seats by 2 o'clock this afternoon.

7 (WHEREUPON, the prospective jury panel exited open
8 court at 10:58 a.m.)

9 THE COURT: Ms. Williams, come forward, please.

10 POTENTIAL JUROR: Judge, could I go ahead and do
11 that transfer?

12 THE COURT: What was your number?

13 POTENTIAL JUROR: 172.

14 THE COURT: So you feel like you will need to
15 transfer this week?

16 POTENTIAL JUROR: Yeah. I think I need to take
17 him.

18 THE COURT: All right. We'll grant you a
19 transfer. The clerk will notify you when you come
20 back.

21 Thank you, Ms. Williams.

22 POTENTIAL JUROR: He'll call me?

23 THE COURT: They will send you another notice when
24 it's time to come back.

25 We'll take about a few-minutes break and we'll put

1 something on the record.

2 (WHEREUPON, recess taken from 11:00 a.m.

3 to 11:27 a.m.)

4 THE COURT: Ready?

5 MR. SENERIUS: Your Honor, I was asking the deputy
6 if they could remove at least one of Mr. Johnson's
7 cuffs so he could take notes. Seems to be a procedural
8 problem.

9 THE COURT: Well, he's going to have a change of
10 clothes. Has that been dealt with?

11 MR. SENERIUS: Yes. Here are the clothes.

12 THE COURT: Okay. I'll allow him to take notes
13 during the proceeding. Mr. Bailiff, what is the
14 ordinary procedure with the sheriff's department?

15 THE BAILIFF: Sir, we have an electronic vest that
16 we attach to his back when we have them in civilian
17 clothes. That gives us control if anything happens.
18 He does not have that on right now. That's why he's in
19 restraints.

20 THE COURT: Okay. Well, let's do this. We'll
21 just allow him to go ahead and change clothes and allow
22 them to go ahead and put the device on so that -- when
23 you put the device on, his hands will be free so he can
24 take notes?

25 THE BAILIFF: That's correct.

1 THE COURT: So that solves that problem. Let's go
2 ahead and do that, and we'll commence the hearing once
3 he's changed and ready to go.

4 MR. SENERIUS: Thank you, your Honor.

5 THE COURT: Okay.

6 (WHEREUPON, a recess was taken from 11:29 a.m.
7 to 11:48 a.m.)

8 THE COURT: Mr. Campbell, are we ready to proceed?

9 MR. CAMPBELL: Yes, sir. Mr. Haigler is going to
10 do the *Jackson v. Denno*.

11 MR. SENERIUS: Before we begin, I would like to
12 put on the record the fact that we had a meeting in
13 chambers prior to the Court qualifying the jury. The
14 jury was qualified in the absence of my client, which I
15 objected to, and the Court overruled my objection.

16 THE COURT: That is correct, Mr. Senerius. We
17 proceeded to qualify the jury. And certainly defense
18 counsel was present, and I found there was no prejudice
19 to the defendant by the qualification of the jury since
20 no voir dire questions had been asked of the jurors.

21 MR. SENERIUS: Yes, sir.

22 THE COURT: Mr. Haigler.

23 MR. HAIGLER: Your Honor, for purposes of this
24 hearing, Todd is the State's first witness.

25 THE COURT: We'll proceed with the *Jackson v.*

1 Denno hearing.

2 MR. CAMPBELL: Your Honor, we have already
3 premarked all the exhibits for this hearing and shown
4 them to defense counsel.

5 THE COURT: Mr. Clerk, would you swear the
6 witness.

7 J. TODD OWENS,

8 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

9 THE CLERK: If you would take the stand and state
10 your full name and spell your last name for the record,
11 please.

12 THE WITNESS: My name is Todd Owens. Spelling,
13 last name, O-w-e-n-s.

14 THE COURT: All right.

15 Mr. Haigler, your witness.

16 MR. CAMPBELL: May it please the Court.

17 DIRECT EXAMINATION

18 BY MR. HAIGLER:

19 Q Sergeant Owens, were you employed with the
20 sheriff's office in July of 2012?

21 A That is correct.

22 Q And did you have the opportunity to talk with the
23 defendant in this case, Jeremiah Johnson, about taking
24 a statement from him?

25 A I did.

State of South Carolina v. Jeremiah C. Johnson 12-GS-04-02404, 05, 02447 & 48
Jackson v. Denno Hearing

J. Todd Owens - Direct Examination by Mr. Haigler

1 Q Was the defendant advised of his rights?

2 A He was advised of his rights in writing.

3 Q Did you witness this?

4 A I did.

5 Q Did you use the form that listed his rights?

6 A Yes, sir. We have a form called the "Advisory of
7 Rights Form" that we use when we advise someone of
8 their rights.

9 (WHEREUPON, State's Exhibit Number 1 was shown
10 to the witness.)

11 BY MR. HAIGLER:

12 Q I'm going to show you what's been marked as
13 State's Exhibit 1 for purposes of this hearing. What
14 is that?

15 A This is the form we used. Has our letterhead,
16 Office of the Sheriff, Anderson County, South Carolina,
17 with "Advisory of Rights." Has a place for a name,
18 date, location, and then has their rights.

19 THE COURT: Hold on.

20 MR. SENERIUS: May I see that?

21 THE COURT: Have you had an opportunity to look at
22 it?

23 MR. SENERIUS: I'm assuming. I just want to make
24 sure of what they're doing. Just let me take a quick
25 look.

1 I did look at some earlier, but I just want to
2 make sure.

3 Okay. I'm good.

4 THE WITNESS: It's a form we use to advise someone
5 of their rights in writing. And also at the bottom it
6 has the waiver of rights, explaining to them that they
7 have read the statement and they read this information
8 or we can read it out loud to them, however they choose
9 to do so. And then there's positions there to date and
10 time stamp it and for their signature as well as for
11 witnesses to sign it as well.

12 BY MR. HAIGLER:

13 Q Can you go through that form how you would with
14 the defendant in this case? And when I asked you had
15 you had the opportunity to take a statement from the
16 defendant, do you recognize the defendant here in court
17 today?

18 A Yes. Mr. Johnson, yes, I do. This form starts
19 out at the top, states "name" and has a blank there. I
20 filled his name in, asking him his full name and asking
21 him how to spell it as Jeremiah Christian Johnson. The
22 date is on the right-hand side of 7/12/12, for the year
23 2012. The location, I've written 305 Camson Road,
24 Anderson, SC, which is the physical address for the
25 sheriff's office.

1 Below that I ask them if they're under the
2 influence of any drugs or alcohol or anything that
3 would impair their ability to read or write, ask them
4 if they can read or write the English language, if the
5 English language is their first language, et cetera.
6 And when I'm doing that, I'm trying to gauge their
7 ability to read and write and understand what we're
8 actually doing because the next section, actually I
9 have them read it out loud to me. And that statement
10 is, "You have the right to remain silent," and then,
11 "Anything you say may be used against you in court."

12 And every case, I have the individual put their
13 initial by those two lines so I can testify to the fact
14 that they read those out loud to me, so I can say that
15 they can read the English language.

16 At that point in time I ask them if they would
17 like to read it to themselves, the remainder of the
18 form of their rights before signing it, or I can read
19 it out loud to them. In this case he chose to read it
20 to himself. They don't read it out loud to me, so they
21 just read it.

22 At that point in time I ask them if they
23 understand their rights, to apply their signature at
24 the bottom and also put the date and time on there.
25 And normally people ask, "What's the date? What's the

1 time?" And in this case he had 7/12/12, for the year
2 2012, and 10:21 a.m. and then his signature. And then
3 to the left you have my signature at the top, and then
4 you have Investigator Barton's signature below mine as
5 the second witness.

6 At the very bottom of the page is a waiver of
7 rights. In this form it states -- I ask them to read
8 it to themselves. If they have any questions on any of
9 the definitions of the words or any of the meanings, or
10 if they have any questions at all, feel free to ask me.
11 Once they read that, I ask them if they agree with
12 that. If they say they do, I ask them to apply their
13 signature at the bottom and date and time stamp as well
14 as they do at the top. In this instance he wrote
15 7/12/12 and 10:21 a.m. and his signature on the right,
16 my signature at the top left and Investigator Barton's
17 signature on the bottom left.

18 The time he has on here is 10:21 a.m. I don't
19 know if he just looked up and -- because I doubt it
20 took him, you know, a minute to read it, probably. So
21 it's probably 10:22 a.m., but he wrote 10:21 a.m., but
22 that's all there is. He has to read that certain part,
23 and we explain what it is and if he has any questions.
24 As I recall, he didn't have any questions in regard to
25 the waiver of rights.

1 Q Can you describe the room that you were in where
2 this was conducted?

3 A Yes. It's our interview room. It's, I want to
4 say, approximately 12 by 12 in dimensions, 12 feet wide
5 by 12 feet long. There are no windows in there. There
6 is a mirror, which is an observation room. There are
7 no pictures. There are no clocks. There is a small
8 desk in there. It's like a table. There are several
9 chairs. There is a Bible in there, some markers, and
10 some blank pieces of paper to take notes on, draw
11 things, et cetera.

12 Q Throughout this process, was he denied any
13 comforts? Was he allowed to go to the restroom, smoke
14 cigarettes, offered food and water?

15 A Yes. Yes. He didn't smoke any cigarettes or
16 anything like that that I can recall, but we offer them
17 water because after talking for a while, your mouth
18 naturally gets dry. And oftentimes when you have a
19 series of interviews that go for a couple hours, we
20 always take bathroom breaks because we need one just as
21 much as they do, so we always offer that to them, to
22 use the restroom. And we accompany them to the
23 restroom because it's right across the hall.

24 Q Do you recall, was he in handcuffs during this
25 process?

1 A He was unhandcuffed. And the reason I know that
2 is because at one point I actually took his hand in my
3 hand. He wasn't cuffed at all. He was in the orange
4 jumpsuit, but he wasn't in handcuffs.

5 Q In your opinion, did he seem to understand his
6 advisory of rights?

7 A Yes. When he read the couple sentences out here
8 out loud to me, his speech was not slurred in any way.
9 He pronounced all the words correctly. So it did not
10 appear that he was under the influence of anything.

11 When I spoke with him, he appeared very alert,
12 very conscious of what was going on and why we were
13 there. In my opinion, he understood fully what was
14 going on, and he fully understood his rights.

15 Q Were any threats or promises made in order to get
16 him to sign the form?

17 A No, sir.

18 Q Was there any intimidation?

19 A No, sir.

20 Q So in your opinion, was his waiver of rights
21 voluntary?

22 A Yes, sir.

23 Q Did the defendant indicate to you that he wished
24 to give a statement?

25 A Yes. He said he would talk to us, asked certain

1 questions. We then began our part of asking questions
2 and began our interview.

3 Q And, ultimately, the defendant did give a
4 statement?

5 A That's correct.

6 Q I'm going to show you after I show Mr. Senerius
7 what's been marked State's Exhibit Number 2 for
8 purposes of this hearing.

9 (WHEREUPON, State's Exhibit Number 2 was shown
10 to the witness.)

11 BY MR. HAIGLER:

12 Q Do you recognize that?

13 A I do recognize it as a copy of my original.

14 Q And when he agreed to give you this statement, he
15 agreed to do so without the presence of an attorney?

16 A That's correct.

17 Q Who actually wrote that statement?

18 A I typed the statement for him in my office. We
19 had been talking for a couple hours prior to going
20 through the process, recounting exactly what happened,
21 going over details, and then we moved to my office
22 where we sat down and I typed the statement for him
23 using his words and keeping it in chronological order,
24 et cetera. It's not an exact word-for-word what he
25 said out of his mouth. It's a synopsis and a statement

1 of what he said. And I asked him as we went along, "Is
2 this what you want to say?" We would stop every couple
3 of sentences. I'm saying, "This here, is this how you
4 want to say this?" "Yes." And then we went through,
5 and at the end of it, I gave him a copy of it. I asked
6 him to read it, if there's any changes before we print
7 it, before we save it, ask him if there is any changes
8 he would like to make because this is his statement.

9 He reviewed it. He agreed that this was his
10 statement, and on each page, at the end of the
11 paragraph, he would actually initial. And then at the
12 end of it, the last sentence I have is, "end of
13 statement" with several hash marks, stating basically
14 that no one can go back and add anything to the
15 statement at that point. And he signs it, I sign it,
16 and Investigator Barton signs it as well. And at that
17 point in time, I printed it out. I do not save it. I
18 print it out and give him a copy. I stamp one
19 "original" and I stamp the other as a "copy" that I
20 give him, and this one has the stamp of "original" on
21 it.

22 Q Were you present during this entire process?

23 A Yes.

24 Q Who else was present while this statement was
25 given?

1 A Investigator Barton was present. The only time
2 that Investigator Barton was not present was a short
3 period of time in the original interview room.
4 Probably an hour, hour and a half into the interview,
5 he stepped out for a moment and observed from the other
6 room and then returned back in time for the actual
7 written statement.

8 MR. HAIGLER: Your Honor, at this time I'd ask
9 that Sergeant Owens publish the statement.

10 MR. SENERIUS: Yes, your Honor. No objection.

11 THE COURT: This would be Exhibit 2?

12 MR. HAIGLER: That's correct, your Honor.

13 THE COURT: Okay.

14 THE WITNESS: Starting at the top left-hand
15 corner, working my way down, has the date of 8/12/12,
16 for the year 2012, 1230 in military time for
17 12:30 p.m., states Anderson County Sheriff's Office,
18 Office of Detective Todd Owens, 305 Camson Road,
19 Anderson, South Carolina 29625, has the location of
20 where the statement was taken.

21 Then it has the statement of, colon, Jeremiah
22 Christian Johnson; B, for black; slash, male, for black
23 male; 29 for the year old he is; DOB for date of birth
24 of SS and then number for social security
25 number, then Anderson, SC

1 29626. He stated that was his address. Then M for
2 mobile phone number of then GED
3 completed when asked for his highest level of education
4 that he completed.

5 And then he goes on to state, "This statement
6 typed for me by Detective Todd Owens. I can read and
7 write. This is a true and accurate statement. I do
8 this of my own free will. No threats or promises have
9 been made to me," and then there is a blank where he
10 signed "Jeremiah Johnson."

11 And then we began the statement stating, "Over the
12 weekend, I think it was Saturday evening, I was with my
13 girlfriend Nikki in her car, a silver Cadillac. We
14 went over to Drive. She was driving, and I was
15 riding in the passenger seat. No one -- or no else was
16 with us.

17 "We pulled up and saw Zach Gantt, who I considered
18 to be like a son to me and he looks up to me. We
19 talked, and I got out of the car, and Kyndra called us
20 over to her house, a brick house. We walked over, and
21 she told us about a man inside who had some money, and
22 she said she -- or we should rob him.

23 "I looked at Zach and asked him, 'Do you want to
24 do this?' He shook his head 'yes.' We all three went
25 in the house. We walked back to a room with stuff

1 everywhere. Me and Zach scuffled with a guy, and the
2 guy got held down on the floor.

3 "I asked about if he had money or whatever, and
4 the guy was like, 'No, I don't have no money.' Me and
5 Zach tied the guy up with a cord or something like
6 that. We tied his hands behind him. He was sitting on
7 the floor, and Kyndra was asking him about where his
8 money was.

9 "I reached down and got his wallet. It was on the
10 floor. I sat it on a dresser. I remember Kyndra
11 checking some cards the guy had in his wallet for some
12 money. Kyndra later left with the cards, and the guy
13 had said some numbers so they would work. When she
14 came back, she said those were not the right numbers.

15 "I hit the man in the chest. Zach hit him also.
16 I left and took his car and tried to use the cards
17 using the numbers he gave us. I tried to use them at
18 the Spinx on Highway 81. I tried to use the cards in
19 the ATM. I left and went back to the house. The guy
20 one time laid down like he was knocked out. I said
21 this was enough.

22 "Soon after that, a guy named Quevo came and
23 things got out of hand. Quevo hit the man in the face.
24 I don't know how many times but it was a few times.
25 Quevo sprayed the man with a can of like bug spray or

1 something, trying to get him to talk. Quevo also
2 grabbed a knife and got it off the stove -- hot off the
3 stove and torched the man, burning him with the knife.
4 He burned him in several places. I don't know where
5 all he did because the guy was screaming.

6 "I was feeling like this was enough, and I said,
7 'Let's take him off.' Quevo was like, 'All right.' My
8 plan was to take him off and let him go. The car was
9 pulled in the backyard already. Somebody had moved it.
10 I remember somebody saying, 'Hold up a minute,' like
11 there was a car coming down the road or something. It
12 was dark.

13 "He got in the backseat in the middle. Me and
14 Zach got in the back with him. Quevo drove. We went
15 out deep into the country on a long back road. We
16 pulled up into some bushes like a driveway to a hunting
17 area or something. The man got out of the car. I was
18 trying to think of a way to get this man away from him.

19 "Quevo had a gun in his hand. Me, Zach and Quevo
20 walked down further into the woods with the man. I
21 kept asking the guy to just tell them where the money
22 is at. We were walking, and the next thing I know, I
23 hear Quevo ask the man about the money, and then I see
24 him raise the gun to the side of the man's head, and I
25 start to turn, and he shoots him in the head. I tried

1 to stop him and told him don't do this. But it was too
2 late. The man fell. I asked Quevo if the man was
3 dead. He said yes.

4 "Me and Zach started walking back, keeping him
5 close to me. We walked -- we all walked back to the
6 car. We got into the car, and Quevo drove the car
7 back. We went back to Kyndra's house. I think Quevo
8 told her what happened. Later a guy named Bug or Unc,
9 something like that, came to the house and cleaned the
10 car. I think he was going to clean it up for some dope
11 or something.

12 "I drove the car up to Fair Play. This guy, Bug
13 or whatever, rode up with me. Zach followed us in a
14 car. We dropped the car off in some bushes and Zach
15 drove us back. I'm sorry this happened, and I tried to
16 stop the violence, but it got out of hand. End of
17 statement," and then the forward slashes and then his
18 initials, JJ. "I received a copy of statement," his
19 signature, Jeremiah Johnson, Detective Todd Owens, my
20 signature, Detective Danny Barton, his signature.

21 Q Sergeant Owens, I have no further questions.
22 Please answer anything that Mr. Senerius has.

23 A Yes.

24 CROSS-EXAMINATION

25 BY MR. SENERIUS:

1 Q Detective Owens, when was Mr. Johnson arrested?

2 A When was Mr. Johnson arrested?

3 Q Yes, sir.

4 A I don't know the exact date, but I think maybe the
5 day before or maybe even the day prior to that. I'm
6 not sure of the exact date.

7 Q Did you know at the time of his arrest whether or
8 not he was advised of his Miranda rights?

9 A I'm not aware if he was advised of his rights or
10 not at the time of his arrest.

11 Q Do you know whether or not he asked for an
12 attorney at the time of his arrest?

13 A I do not know if he asked for an attorney. I was
14 not present at his arrest.

15 Q So he could have, you just don't know?

16 A I don't know.

17 Q And you -- did you bother to ask if anybody had
18 advised him of his rights or if he wanted an attorney?

19 A Asked Mr. Johnson?

20 Q No. Did you ask anyone about, at the time of his
21 arrest, whether Mr. Johnson had indicated the fact that
22 he wanted an attorney at that time?

23 A No, I did not ask anyone.

24 Q How long was this interview process?

25 A To the best of my recollection, it was at least a

1 couple hours long. Maybe two and a half.

2 Q You have down here the time, 12:30. Is that the
3 time you typed the statement or the time the interview
4 began?

5 A That's correct. The statement actually began at
6 10:21 when we advised him of his rights and we were in
7 the interview room. We talked there for several hours.
8 He was deceptive at first, saying that he wasn't
9 involved, he didn't know anything about it. We talked
10 it out. We went through the process. We told him some
11 information that we knew, and he began to become
12 truthful at that point in time, broke down emotionally.
13 And that's when I took his hand and we talked about it,
14 and he then began to tell me the details about what
15 happened. After that happened, we moved to my office
16 and typed the statement.

17 Q Did you take any notes?

18 A I did not, no.

19 Q You didn't take any notes?

20 A No, sir. I like to talk to the individual face to
21 face. Instead of taking notes, I like to have my hands
22 free so I can actually talk to them and engage them in
23 conversation.

24 Q Did you video record this statement?

25 A No, sir, we did not.

1 Q Did you audio record this statement or the
2 interview, I should say?

3 A No, sir, we did not.

4 Q Why?

5 A We didn't have the capability of the equipment at
6 that time.

7 Q You didn't have a video recorder?

8 A No, sir, not that I was aware of at that time, no.

9 Q Anderson County Sheriff's Office doesn't have any
10 audio recorders?

11 A We do now, yes, sir. At that time, no, our
12 interview room was not wired for audio recording.

13 Q Did you have a personal recorder?

14 A I may have had a digital recorder at that time,
15 but I can't actually remember when I received mine. It
16 could have been possible, but it's a small recorder
17 that's made for your pocket, basically.

18 Q Right.

19 A And it's not very good quality in that statement
20 taking, so we didn't use it. We preferred this method.

21 Q Does the Anderson County Sheriff's Department have
22 a policy of not recording statements?

23 A No, sir, we did not.

24 Q Did you have a policy of recording statements?

25 A No, sir, we did not. At that time we did not.

1 Q You're aware of the fact -- strike that.

2 Are you aware of the fact that since about 2008
3 all patrol cars are supposed to be equipped with video
4 recorders?

5 A I'm not aware of that, no.

6 Q You say that he -- nobody promised him anything?

7 A No, sir.

8 Q Nobody threatened him in any way?

9 A No, sir, we did not.

10 Q Anyone threaten any members of his family?

11 A No, sir.

12 Q How did he happen to come over to the sheriff's
13 department to give a statement that day?

14 A He was transported, and I can't remember if it was
15 by Detective Barton or by uniformed patrol officer or
16 one of our warrants division personnel, or even a
17 member of our detention center personnel. I'm not sure
18 who transported him over, but he was at our detention
19 center, and was transported over to our office.

20 Q And what occasioned his transport to your office?

21 A What occasion?

22 Q Yes, sir. I mean, did y'all just go get him?

23 A Yes. They wanted to speak to him. They wanted to
24 interview him.

25 Q So this is not something he initiated?

1 A No, sir.

2 Q We have no audio, no video, no notes, correct?

3 A That's correct, sir. I just have the statement.

4 Q I'm sorry, sir?

5 A I just have the statement. No notes.

6 Q The statement that you typed up?

7 A That's correct, sir, and he signed.

8 MR. SENERIUS: Can I have just a moment, Judge?

9 THE COURT: Yes, sir.

10 BY MR. SENERIUS:

11 Q Other than his signature or what purports to be
12 his signature on the statement as well as the rights
13 form, did he sign anything else that you're aware of?

14 A Not that I am aware of, other than the advisory of
15 rights form and the one, two, three, four, five places
16 he signed on the statement.

17 Q Okay. He didn't write anything down?

18 A No, sir.

19 Q He didn't give you any kind of a written
20 statement?

21 A This --

22 Q Actually, this would be a verbal statement in your
23 words, correct?

24 A Well, it was written. He read over it and agreed
25 that this was his statement.

1 Q But he didn't write it?

2 A No. I typed it for him.

3 MR. SENERIUS: Thank you. I have no further
4 questions of this witness.

5 THE COURT: Mr. Haigler?

6 MR. HAIGLER: Nothing further from the State for
7 this witness, your Honor.

8 THE COURT: Okay. Do either party wish to be
9 heard?

10 MR. SENERIUS: I think he has one more witness.

11 MR. HAIGLER: State would call Danny Barton.

12 DANNY BARTON,

13 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

14 THE CLERK: If you would take the stand and state
15 your name and spell your last name for the record,
16 please.

17 THE WITNESS: Danny Barton. Last name
18 B-a-r-t-o-n.

19 MR. HAIGLER: May it please the Court.

20 THE COURT: Yes, sir.

21 DIRECT EXAMINATION

22 BY MR. HAIGLER:

23 Q Detective Barton, were you employed in the
24 sheriff's office in July of 2012?

25 A Yes, sir, I was.

1 Q Were you also present with Detective Owens or
2 Sergeant Owens and the defendant on July 12, 2012, with
3 regards to taking a statement from him?

4 A Yes, sir, I was.

5 Q Was this your first time meeting with the
6 defendant about taking a statement from him?

7 A No, sir, it was not.

8 Q Do you recall when the first time you met with him
9 was?

10 A July 9th, 2012, the day he was arrested.

11 Q So he was arrested on July 9th. So on that day,
12 you did talk to him about taking a statement?

13 A Yes, sir. Not actually taking it. I mean, we
14 talked about this incident, but we didn't take a
15 statement from him.

16 Q At that time did you advise him of his rights?

17 A Yes, sir, I did.

18 Q Did you do this with the use of a form?

19 A Yes, sir, I did.

20 (WHEREUPON, State's Exhibit Number 3 was shown
21 to the witness.)

22 BY MR. HAIGLER:

23 Q I'm going to show you what's been marked for
24 purposes of this hearing as State's Exhibit 3. What is
25 that?

1 A This is the Anderson County Sheriff's Office
2 advisory of rights form.

3 Q And did you go over that with the defendant in
4 this case on July 9, 2012?

5 A Yes, sir, I did.

6 Q Was anybody else present when this happened?

7 A Detective Mark Gregory at the sheriff's office was
8 present.

9 Q And what was the room like in that situation?

10 A Like Detective Owens said, it was a square room,
11 about a 12 by 12. There is one observation window, a
12 small desk, and several chairs in the room.

13 Q Now, in this instance, although you gave him his
14 rights, there was no statement taken, did you feel that
15 he understood his rights --

16 A Yes.

17 Q -- on this date? And did he give you any
18 information? I know nothing was reduced to writing,
19 but did he give you any information about this case?

20 A We spoke about this case. He denied any knowledge
21 of the victim's whereabouts, denied seeing the victim,
22 denied being at the incident location, all the normal
23 things. He did admit to being there later on during
24 the interview when he was shown a still photo of
25 himself at the incident location on the date of the

1 incident from video cameras.

2 We talked a little longer, and he denied several
3 other things but would admit it when I showed him the
4 pictures of himself there. But he never gave me
5 anything that would help in this case, so we did not
6 take a written statement at that time.

7 Q And what was the next time you spoke with
8 defendant with regards to taking a statement from him?

9 A The next time I spoke with him was on July the
10 12th.

11 Q And that's the time we just went over with
12 Detective Owens where he did actually give a statement?

13 A Yes, sir.

14 Q And were you present during that entire process?

15 A There was one point during the initial interview
16 in the interview room that I did get up and leave. I
17 went straight into the observation room and continued
18 watching from that room.

19 Q Now, sorry to be jumping around on you. Going
20 back to July 9, 2012, did he at any point ask to speak
21 to an attorney on that date?

22 A No, sir, he did not.

23 Q He agreed to speak with you voluntarily?

24 A Yes, sir, he did.

25 Q And now back to the 12th, as you recall, did he at

1 any point ask to speak to an attorney during that
2 process?

3 A No, he did not.

4 Q And in your opinion, was his waiver of rights for
5 giving his written statement, was that voluntary?

6 A Yes, sir, it was.

7 Q In your opinion, did he understand his rights?

8 A Yes, sir, he did.

9 Q And when you -- it appears that you met with him
10 one other time on the 12th. That was right after he
11 gave the written statement?

12 A Yes.

13 Q What was the purpose of that meeting?

14 A After Mr. Johnson had been transported back down
15 to the detention center, there was a question that come
16 up that we had forgot to ask him during the initial
17 interview, so I went back down there and spoke with him
18 myself and asked him the question I needed to ask him
19 and took a short written statement from him on that
20 question. And that was it.

21 (WHEREUPON, State's Exhibit Number 4 was shown
22 to the witness.)

23 BY MR. HAIGLER:

24 Q I'm going to show you what's been marked as
25 State's Exhibit 4 for purposes of this hearing. What

1 is that?

2 A This is the affidavit of a photograph
3 identification and a photo lineup that was shown to
4 Mr. Johnson.

5 Q And was that done after he gave his statement on
6 July 12th?

7 A It was done after he gave his statement while we
8 were still at the sheriff's office.

9 Q Okay. When he gave this photo identification, was
10 he still under his Miranda warning?

11 A Yes, sir.

12 Q Did you advise him of that?

13 A Yes, sir. It was the same time we did the
14 statement in Detective Owens' office. Once we got
15 finished with the statement, we showed him the lineup
16 and he identified Mr. Williams.

17 Q And did he sign that?

18 A Yes, sir, he did.

19 Q And you believe that signature was voluntary?

20 A Yes, sir.

21 MR. HAIGLER: I have no further questions, your
22 Honor. Please answer any questions.--

23 I apologize, your Honor.

24 Q Earlier we were speaking. You said you went back
25 and asked him one more question?

1 A Yes, sir.

2 Q I showed you the photo I.D. I did not show you
3 what's been marked as State's Exhibit 5 and State's
4 Exhibit 6.

5 (WHEREUPON, State's Exhibit Number 5 was shown
6 to the witness.)

7 (WHEREUPON, State's Exhibit Number 6 was shown
8 to the witness.)

9 THE WITNESS: Yes, sir.

10 BY MR. HAIGLER:

11 Q Is that what you were referring to?

12 A Yes, sir. This is the advisory of rights form
13 where I -- again, we were at a different location, so I
14 advised him of his rights again and asked him a
15 question and took a short written statement from him.

16 Q And what was that statement?

17 A It was regarding the gun. I had failed to ask him
18 in the original interview what happened to the weapon
19 that was used, so I went down there and asked him that
20 and took a statement from him.

21 Q And throughout your involvement in this case with
22 all the interaction with the defendant in this case, is
23 it your opinion that any statements he gave were all
24 freely and voluntarily given?

25 A Yes, sir.

1 Q And that he was aware of his rights?

2 A Yes, sir.

3 Q And never did he ask about having an attorney
4 present during any of this process?

5 A No, sir.

6 Q Can you please publish that last statement we were
7 just going over about the -- you said it was about the
8 gun, that he didn't know where it was?

9 A Yes, sir. This is a written statement form. Says
10 at the top of the statement Jeremiah Christian Johnson,
11 address of in Anderson, South Carolina
12 29626; phone number of date of birth
13 and social security number, and his social
14 security number is out beside it. To the right of all
15 that I write the highest level of education that he's
16 completed, which in this case was the eleventh grade.
17 I asked him if he can read and write. He said he
18 could, so I wrote "can read and write" out beside that.
19 Below there's the date, July 12, 2012; page number
20 one; witness D.L. Barton; and below that it says,
21 "Statement taken at detention center." The line below
22 that at the beginning is Mr. Johnson's initials. Then
23 it proceeds to say, "This statement is being written
24 for me by Danny Barton." The line below that, "That
25 night, after Quevo shot that Indian, I don't know what

1 he did with the gun. I never saw it anymore once we
2 got back to the car." And the line below that is a
3 series of X's and "end of statement" and another series
4 of X's to keep anything from being added to the
5 statement.

6 Down at the bottom is "witness" where I myself was
7 the witness, so I signed it, and also Jeremiah
8 Johnson's signature. And he was also given a copy of
9 this.

10 Q Thank you. Please answer any questions
11 Mr. Senerius has.

12 THE COURT: Mr. Senerius.

13 MR. SENERIUS: Thank you, your Honor.

14 CROSS-EXAMINATION

15 BY MR. SENERIUS:

16 Q Detective Barton, you first had contact with
17 Mr. Johnson on July 9th; I believe you said?

18 A Yes, sir.

19 Q Were you the arresting officer?

20 A I was not the arresting officer, no. He was
21 arrested by, I want to say, our warrants division.

22 Q I'm sorry?

23 A I think he was arrested by our warrants division.

24 Q About what time did you have, that day, did you
25 have contact with him?

1 A It was that day at about just after 11:00 a.m.

2 Q After 11:00 a.m. Do you know what time he had
3 been arrested?

4 A No, sir, I don't.

5 Q Do you know, had he been arrested that day or the
6 day before?

7 A It was that day, I believe.

8 Q Was he in jail uniform at the time you saw him?

9 A I want to say he was.

10 Q So the best of your knowledge and recollection, he
11 had been booked and processed at that stage?

12 A Yes. To the best of my recollection, yes.

13 Q Did you have any idea about how long that process
14 takes?

15 A The booking process?

16 Q Yes, sir.

17 A Sometimes, I guess they can be pretty quick. If
18 they're backed up, it can take a while, so I don't
19 know. I don't work down there.

20 Q Did you use to work at the detention center?

21 A Yes, years ago, yes. Things have changed since
22 then.

23 Q Things change the more they stay the same.

24 A Yes.

25 Q I apologize. How long was your conversation with

1 him on the 9th?

2 A It wasn't very long. To the best of my
3 recollection, maybe an hour.

4 Q And this was over at the sheriff's office in the
5 interview room?

6 A Yes, sir.

7 Q And at that point in time he didn't have anything
8 to do with this, correct?

9 A Yes, sir. He denied any knowledge of anything at
10 first, but then he admitted being there but still
11 denied any involvement whatsoever.

12 Q Did he tell you why he was over there that day?

13 A I believe he said -- I've got it written in my
14 report. I believe he said he went over there to feed
15 his dogs, and then he ended up staying over there
16 playing video games all night long.

17 Q Did you take any notes during this interview?

18 A I don't typically take notes when I'm interviewing
19 someone.

20 Q Did you record it?

21 A No, sir.

22 Q By recording, I mean you didn't video record it?

23 A No, sir.

24 Q And you didn't audio record it?

25 A No, sir.

1 Q Okay. So the only information that we have
2 concerning this -- you didn't take any notes?

3 A No, sir.

4 Q So the only information we have concerning this is
5 your memory?

6 A Yes, sir.

7 Q I believe -- strike that.

8 Are you aware of the video recording statute that
9 came out in about 2008 with regard to DUI law?

10 A No, sir, I'm not.

11 Q You're not the DUI coordinator?

12 A I'm an SFST instructor, yes, I am, but I went
13 through that way back in like 2006.

14 Q You're aware of the fact that all DUI arrests must
15 be video recorded?

16 A Back when I was doing DUI's, there was a form that
17 if you did not have a camera in your car, that you
18 could fill this form out, but it's been years since I
19 made a DUI, so I really don't know the law anymore from
20 that.

21 Q So are the sheriff's department cars equipped with
22 video recorders?

23 A I don't know if all of them are. They weren't
24 when I was on the road back in 2009. I've never had a
25 video camera in my car.

1 Q I'm sorry?

2 A I've never had a video camera in my car.

3 Q You're aware that the capability of video
4 recording has been pretty widely available for some
5 time?

6 A I've never looked into it, so.

7 Q You don't have a video recorder in your home?

8 A In my what?

9 Q Do you have a personal video recorder?

10 A No. Other than a cell phone, no.

11 Q Your cell phone will take video recording?

12 A Yes, sir.

13 Q Okay. So have you ever been to Best Buy to see
14 what they have there?

15 A I know they sell them, but I've never been
16 interested in one.

17 Q But you know that the technology exists?

18 A Yeah, it's been around for a while.

19 Q And if we had a video recording or an audio
20 recording, we could determine what exactly took place,
21 correct?

22 A Yes, sir.

23 Q We wouldn't have to rely on your memory?

24 A Yes, sir.

25 Q You said you were present for most of the time

1 during the interview that Detective Owens had with my
2 client?

3 A Yes, sir. I was present most of the time. During
4 the actual interview in the interview room, I was there
5 for most of that time, and I left and went straight to
6 the observation room and watched through the
7 observation window after that until it came time to
8 take the statement.

9 Q When you're in the observation room, is audio
10 available?

11 A There's -- it not recorded. It's like on a baby
12 monitor system.

13 Q You can see what's going on?

14 A Yes, sir.

15 Q So you have a monitor in the observation room?

16 A Yes.

17 Q But you don't have the capability to audio record?

18 A Not at that time, no.

19 MR. SENERIUS: One moment, your Honor.

20 I have nothing further, your Honor.

21 THE COURT: Anything further from the State?

22 MR. HAIGLER: Just one question, your Honor.

23 REDIRECT EXAMINATION

24 BY MR. HAIGLER:

25 Q Detective Barton, after you took the statement on

1 the 12th, or you were present for the statement on the
2 12th, did you do anything to verify the truthfulness of
3 the statement Mr. Johnson gave you?

4 A Yes, sir. Details that he had given me in his
5 statement as well as the other codefendant had given me
6 in his statement, I went to different places, to
7 various stores, to pull video and verify things that he
8 had told me in his statement, talked to several
9 individuals that he had mentioned in his statement to
10 corroborate things that he told me.

11 MR. HAIGLER: Nothing further, your Honor.

12 RECROSS-EXAMINATION

13 BY MR. SENERIUS:

14 Q Detective Barton, the other statement that you had
15 from an individual concerning this matter?

16 A Yes, sir.

17 Q Was that obtained before or after Mr. Johnson's
18 statement?

19 A It was obtained before his second, the actual
20 written statement.

21 Q Before the long statement?

22 A Yes, sir.

23 Q Thank you.

24 MR. SENERIUS: I have nothing further.

25 MR. HAIGLER: Nothing further, your Honor.

1 THE COURT: Thank you, Officer.

2 Anything further from the State?

3 MR. CAMPBELL: No, sir, your Honor.

4 THE COURT: Does either party wish to be heard?

5 MR. SENERIUS: Your Honor, we would, at this time,
6 again move to suppress these statements as not being
7 freely and voluntarily given. As the Court is aware,
8 video and audio recording have been available for a
9 significant period of time. And we require, in a minor
10 situation like a DUI case, that everybody be recorded.
11 And if not recorded, then proper affidavit as to it
12 wasn't recorded, that the charge would be dismissed.

13 It's the case, I'm sure you're familiar with, of
14 the Shashinski (phonetic) -- if I'm coming anywhere
15 close to pronouncing that correctly -- decision. We'd
16 submit in something as serious as this, the willful
17 failure to record is detrimental to the case and
18 should, as a result thereof, suppress these statements.
19 Thank you.

20 THE COURT: Thank you.

21 Mr. Haigler.

22 MR. HAIGLER: Your Honor, obviously we're not
23 dealing with a DUI here, so I do not agree that the
24 failure to have this video or audio recorded would be
25 deemed a dismissal.

1 With regard to the voluntariness of the statement,
2 the defendant was arrested on July 9, 2012. He spoke
3 with Detective Barton, waived his rights. They spoke
4 but did not reduce anything to writing. Then two days
5 later, after he had been in jail, had time to think
6 about it, he goes back, speaks to them again. Again,
7 he is advised of his rights, and he agrees to speak
8 with them. The length of interrogation was about two
9 hours. I don't think that's unreasonable. Defendant
10 is not -- he was, I believe, 29 years old. He wasn't
11 some juvenile in there. He has an eleventh grade
12 education, but he did obtain his GED. So I believe
13 that, given the circumstances, he was very well aware
14 of what was going on and the statement was freely and
15 voluntarily given.

16 MR. SENERIUS: Just briefly, your Honor. You're
17 right. We're not dealing with a DUI. We're dealing
18 with something much more serious and would submit that
19 the requirements should be much more serious.

20 Further, with regard to the statements, he didn't
21 write them. His name appears on it, but he did not
22 write them. They were typed up and prepared by the
23 detectives involved, none of whom took any notes, did
24 not record anything, either audio or video, and,
25 therefore, all we have to rely on is their alleged

1 memory -- not alleged memory -- their memory of the
2 matters that took place. If we had video and audio
3 recording, we would not be here today. This issue
4 would have already been dealt with, we believe, that as
5 such, the statements should not be admitted against my
6 client at trial.

7 THE COURT: Thank you. All right.

8 I've heard the testimony, and we have six
9 exhibits. I find that the statements, considering
10 *State vs. Miller*, which is a South Carolina case
11 outlining the totality of the circumstances
12 considerations, I find that in a totality of
13 circumstances analysis, the defendant's statements were
14 voluntary and will be admitted.

15 Mr. Senerius, I think your arguments go more
16 towards the weight than the admissibility.

17 MR. SENERIUS: I'm sorry, Judge?

18 THE COURT: I think your arguments go more towards
19 weight rather than the admissibility of the statements,
20 so, therefore, I'm going to find that the statements
21 were voluntarily given and Exhibits 1 through 6, as
22 submitted by the State, will be admissible at this
23 time.

24 Now, we're going to -- are there any other motions
25 before we break for lunch?

1 MR. SENERIUS: None from the defense.

2 THE COURT: Okay. Anything from the State?

3 MR. HAIGLER: No, your Honor.

4 THE COURT: Mr. Senerius, your client now has
5 court clothes. Has that problem been rectified for the
6 rest of the day and for tomorrow?

7 MR. SENERIUS: For today for sure. For tomorrow,
8 I don't know.

9 THE COURT: Because I say that we were delayed
10 this morning, and you had to proceed with jury
11 qualification because your client didn't have anything
12 but his jail clothes, which I understand, and I think
13 you correctly asked the Court not to let the jury panel
14 see him in his jail attire. But I just want to make
15 sure that problem is tended to so that we don't have
16 another delay in the proceedings on account of that.

17 MR. SENERIUS: Yes, sir. One way or another,
18 we'll ensure that he has a clean shirt tomorrow.

19 THE COURT: Appropriate attire for court.

20 MR. SENERIUS: Yes, sir.

21 THE COURT: Thank you.

22 Gentlemen, we will start back at 2 o'clock.

23 (WHEREUPON, a recess was taken from 12:35 p.m. to
24 1:56 p.m.)

25 (Whereupon, the prospective jury panel came into

1 open court at approximately 1:56 p.m.)

2 MR. SENERIUS: If I may approach?

3 THE COURT: Yes, sir.

4 (WHEREUPON, a bench conference was held off the
5 record in the presence of the prospective jury panel,
6 but out of their hearing.)

7 THE COURT: Ladies and gentlemen of the jury, I
8 hope everyone had a good lunch. We are ready to
9 proceed.

10 This is the case of the State of South Carolina
11 versus Jeremiah Christian Johnson. Mr. Johnson is
12 charged under four indictments by the State:
13 Indictment 2012-GS-04-02548, he is charged with the
14 offense of murder. He is charged on indictment 02547
15 with the offense of kidnapping. He is charged with
16 indictment 02404 with the offense of armed robbery.
17 And he is charged with indictment 02405, which is the
18 charge of possession of a weapon during a violent
19 crime.

20 Mr. Johnson has pled not guilty to these charges.
21 The State, therefore, has the burden of proving each of
22 the elements of these indictments beyond a reasonable
23 doubt, and it will be your duty, as the jury, to decide
24 whether the State has met their burden.

25 Your are called here today to form a jury pool

1 from which the parties will select a jury to hear the
2 facts of the case. I asked you some questions this
3 morning when I qualified you, but I'm going to ask you
4 some more questions now. This is not to pry into your
5 personal lives, but it's just to ensure that both the
6 State and the defendant receive a fair and impartial
7 jury.

8 Madam Clerk, would you swear our jury panel,
9 please.

10 THE CLERK: If you would please stand up and raise
11 your right hand.

12 Does everyone swear to tell the truth, the whole
13 truth, and nothing but the truth?

14 Okay. Thank you very much.

15 THE COURT: Ladies and gentlemen, first question
16 is: Is there any member of the jury panel related by
17 blood or marriage or has a close personal or social
18 relationship with either party involved in the case or
19 one of the attorneys?

20 Mr. Campbell, would you introduce yourself and
21 persons that will be assisting you.

22 MR. CAMPBELL: My name is Rame Campbell. I'm the
23 assistant solicitor who's handling this case. Along
24 with myself who's handling it is Assistant Solicitor
25 Brantly Haigler. We'll both be trying this case. Also

1 seated at this table is our lead detective in this
2 case, Detective Danny Barton. Who's also assisting us
3 from our office is Kimi Fuhrman.

4 THE COURT: Mr. Senerius, would you introduce
5 yourself.

6 MR. SENERIUS: Good afternoon. Ladies and
7 gentlemen, my name is Gordon Senerius. I practice law
8 here in Anderson at the Senerius Law Firm along with my
9 daughter, Brittany Senerius. Seated here is Jeremiah
10 Johnson, as well as Barbara Lyons, my paralegal.

11 THE COURT: Any member of the jury panel related
12 by blood or marriage or have a close personal
13 relationship with either of the parties or one of the
14 attorneys involved in the case?

15 Yes, ma'am. Your number.

16 POTENTIAL JUROR: 155.

17 THE COURT: What is the nature of that
18 relationship?

19 POTENTIAL JUROR: I just have a question. I've
20 met them. I've met Rame once, but I don't know if that
21 constitutes how close that --

22 THE COURT: Do you feel that the fact that you
23 have met Mr. Campbell would make it to where you could
24 not be fair and impartial?

25 POTENTIAL JUROR: No.

1 THE COURT: Okay. Thank you.

2 What was your number, ma'am?

3 POTENTIAL JUROR: 155.

4 THE COURT: That was juror 155.

5 Has any member of the jury panel ever been
6 represented by one of the attorneys involved in this
7 case or any law firm that they were a member of? If
8 so, please stand.

9 Okay. There are no responses.

10 The following is a list of potential witnesses in
11 the case: Tawanya Edwards; Dr. Brett Woodward --
12 excuse me, Dr. Brett Woodard; Chris Wilson, Anderson
13 County Sheriff's Office; Jeff Finley, Anderson County
14 Sheriff's Office; Danny Barton, Anderson County
15 Sheriff's Office; Todd Owens, Anderson County Sheriff's
16 Office; Todd Caron, Anderson County Sheriff's Office;
17 and Zachary Gantt.

18 Is there any member of the jury panel related by
19 blood or marriage or has a close personal or social
20 relationship with any of those potential witnesses? If
21 so, please stand.

22 Has any member of the jury panel been treated by
23 the physician listed? If so, please stand.

24 Okay. There's no response to the question.

25 Yes, ma'am. What's your number?

1 POTENTIAL JUROR: Can you give that doctor's name
2 again?

3 THE COURT: Dr. Brett Woodard.

4 POTENTIAL JUROR: A doctor of what?

5 THE COURT: List doesn't say, ma'am.

6 POTENTIAL JUROR: Okay. I don't think so, but.

7 THE COURT: Mr. Campbell, what kind of doctor?

8 MR. CAMPBELL: He's a pathologist.

9 POTENTIAL JUROR: No, not the same one.

10 THE COURT: So that would be a negative response.

11 Ladies and gentlemen, this case is alleged to
12 have -- the facts of this case are alleged to have
13 occurred on or about July 1st, 2012, and the alleged
14 victim is an individual named Chadrakant Patel.

15 Does any member of the jury panel have any prior
16 knowledge about the facts of this case?

17 Yes, sir. Please stand. What's your number?

18 POTENTIAL JUROR: 128.

19 THE COURT: And what's the nature of your
20 knowledge of this case?

21 POTENTIAL JUROR: Just what was in the news.

22 THE COURT: Okay. Do you feel that you could be
23 fair and impartial?

24 POTENTIAL JUROR: Sure.

25 THE COURT: Okay. Thank you. That would be

1 number 128. What's your name, sir?

2 POTENTIAL JUROR: Richard Powell.

3 THE COURT: Mr. Powell, okay. Thank you,
4 Mr. Powell.

5 Does any member of the jury panel know of any
6 reason why he or she could not be fair and impartial to
7 each of the parties, the State and the defendant, in
8 this case? If so, please stand.

9 POTENTIAL JUROR: Juror 178.

10 THE COURT: Yes, sir.

11 POTENTIAL JUROR: Did this crime happen in
12 Pendleton? I'm just trying to kind of place it. I'm a
13 resident of Pendleton.

14 THE COURT: Sir, the information that I've given
15 you is all the Court has --

16 POTENTIAL JUROR: Okay.

17 THE COURT: -- on the indictments. It's an
18 Anderson County case.

19 Okay. Anyone further?

20 Let me ask you, sir, do you have any reason why
21 you could not be fair and impartial?

22 POTENTIAL JUROR: Well, I'm just a resident of
23 Pendleton, and, you know, this case sounds familiar to
24 something that happened a few years back, but I
25 didn't -- I don't -- it wouldn't be -- I wouldn't be

1 impartial (sic) in any way.

2 THE COURT: You feel that you could be fair and
3 impartial --

4 POTENTIAL JUROR: Yeah.

5 THE COURT: -- in the case?

6 POTENTIAL JUROR: Yep.

7 THE COURT: What was your number?

8 POTENTIAL JUROR: Juror 178.

9 THE COURT: 178. Okay. Thank you, sir.
10 Are there any specific further voir dire
11 submissions requested by the State?

12 MR. CAMPBELL: No, your Honor.

13 THE COURT: Any by the defense?

14 MR. SENERIUS: No, your Honor.

15 THE COURT: Okay. Are we ready to select?

16 MR. CAMPBELL: State is ready.

17 MR. SENERIUS: Yes, sir.

18 THE COURT: Okay. Mr. Clerk.

19 Ladies and gentlemen of the jury, we used to have
20 a big wheel that they drew names out of a hat. We
21 don't do that anymore. The lists are generated by
22 computer. And the clerk will give each side a
23 computer-generated list, and then they will call the
24 roll.

25 Mr. Campbell, Mr. Senerius, do you want to do one

1 alternate or do you want to do two?

2 MR. SENERIUS: I think one will be sufficient.

3 MR. CAMPBELL: That will be fine.

4 THE COURT: Y'all have indicated you don't think
5 this is going to be an overly long trial.

6 MR. SENERIUS: I don't believe so.

7 THE COURT: You think one will be sufficient,
8 Mr. Campbell?

9 MR. CAMPBELL: Yes.

10 THE COURT: Okay. We'll do one alternate.

11 THE CLERK: Ladies and gentlemen, when I call your
12 name, if you would come, stand in front of me and turn
13 around and face the audience, please.

14 Our first potential juror is Juror Number 131,
15 Christopher B. Price.

16 (WHEREUPON, a black male stepped forward.)

17 THE CLERK: What say you for the State?

18 MR. CAMPBELL: Please excuse this juror.

19 THE CLERK: You can have a seat back in the
20 audience, please, sir.

21 Next potential juror is Number 109, Leah M.
22 McNeely.

23 (WHEREUPON, a white female stepped forward.)

24 THE CLERK: What say you for the State?

25 MR. CAMPBELL: Present Ms. McNeely.

1 THE CLERK: What say you for the defense?

2 MR. SENERIUS: Seat Ms. McNeely, please.

3 THE CLERK: This way to the jury box.

4 Juror Number 55, Eric B. Gardner.

5 (WHEREUPON, a white male stepped forward.)

6 THE CLERK: What say you for the State?

7 MR. CAMPBELL: Present Mr. Garner.

8 THE CLERK: What say you for the defense?

9 MR. SENERIUS: Please excuse Mr. Garner.

10 THE CLERK: Juror Number 90, Travis J. Kay.

11 (WHEREUPON, a white male stepped forward.)

12 THE CLERK: What say you for the State?

13 MR. CAMPBELL: Present Mr. Kay.

14 THE CLERK: What say you for the defense?

15 MR. SENERIUS: Seat Mr. Kay, please.

16 THE CLERK: That way to the jury box, please, sir.

17 Juror Number 60, Sandra C. Green.

18 (WHEREUPON, a black female stepped forward.)

19 THE CLERK: What say you for the State?

20 MR. CAMPBELL: Present Ms. Green.

21 THE CLERK: What say you for the defense?

22 MR. SENERIUS: Please excuse Ms. Green.

23 THE CLERK: Have a seat, please, ma'am.

24 Juror Number, 147 Kirk H. Simpson.

25 (WHEREUPON, a white male stepped forward.)

1 THE CLERK: What say you for the State?

2 MR. CAMPBELL: Present Mr. Simpson.

3 THE CLERK: What say you for the defense?

4 MR. SENERIUS: Seat Mr. Simpson, please, sir.

5 THE CLERK: Juror Number 15, Amanda A. Bruce.

6 (WHEREUPON, a white female stepped forward.)

7 THE CLERK: What say you for the State?

8 MR. CAMPBELL: Present Ms. Bruce.

9 THE CLERK: What say you for the defense?

10 MR. SENERIUS: Please excuse Ms. Bruce.

11 THE CLERK: Have a seat back out in the audience,
12 please, ma'am.

13 Number 159, Lolite Thompson.

14 (WHEREUPON, a black female stepped forward.)

15 THE CLERK: What say you for the State?

16 MR. CAMPBELL: Present Ms. Thompson.

17 THE CLERK: What say you for the defense?

18 MR. SENERIUS: Please seat Ms. Thompson.

19 THE CLERK: To the jury box, please.

20 Juror Number 170, Brett A. Williams.

21 (WHEREUPON, a white male stepped forward.)

22 THE CLERK: What say you for the State?

23 MR. CAMPBELL: Present Mr. Williams.

24 THE CLERK: What say you for the defense?

25 MR. SENERIUS: Please excuse Mr. Williams.

1 THE CLERK: Juror Number 44, Ameedah El-Amin.
2 (WHEREUPON, a black female stepped forward.)
3 THE CLERK: What say you for the State?
4 MR. CAMPBELL: Please present this juror.
5 THE CLERK: What say you for the defense?
6 MR. SENERIUS: Please seat this juror.
7 THE CLERK: Juror Number 27, Gary R. Cleveland.
8 (WHEREUPON, a white male stepped forward.)
9 THE CLERK: What say you for the State?
10 MR. CAMPBELL: Please excuse this juror.
11 THE CLERK: You can have a seat, sir.
12 Juror 97, Matthew Alippiatt.
13 (WHEREUPON, a white male stepped forward.)
14 THE CLERK: What say you for the State?
15 MR. CAMPBELL: Present the juror.
16 THE CLERK: What say you for the defense?
17 MR. SENERIUS: Please seat the juror.
18 THE CLERK: Juror Number 31, Carmen N. Cooley.
19 (WHEREUPON, a black female stepped forward.)
20 THE CLERK: What say you for the State?
21 MR. CAMPBELL: Present Ms. Cooley.
22 THE CLERK: What say you for the defense?
23 MR. SENERIUS: Please seat Ms. Cooley.
24 THE CLERK: Juror Number 155, Tracy L. Taylor.
25 (WHEREUPON, a white female stepped forward.)

1 THE CLERK: What say you for the State?

2 MR. CAMPBELL: Present Ms. Taylor.

3 THE CLERK: What say you for the defense?

4 MR. SENERIUS: Please excuse Ms. Taylor.

5 THE CLERK: You can have a seat, please, ma'am.

6 Juror Number 6, Nicole L. Ballew.

7 (WHEREUPON, a white female stepped forward.)

8 THE CLERK: What say you for the State?

9 MR. CAMPBELL: Present Ms. Ballew.

10 THE CLERK: What say you for the defense?

11 MR. SENERIUS: Please seat Ms. Ballew.

12 THE CLERK: Juror Number 52, Keri A. Foster.

13 (WHEREUPON, a white female stepped forward.)

14 THE CLERK: What say you for the State?

15 MR. CAMPBELL: Present Ms. Foster.

16 THE CLERK: What say you for the defense?

17 MR. SENERIUS: Please excuse Ms. Foster.

18 THE CLERK: Juror 132, Michael, V. Pugliese.

19 (WHEREUPON, a white male stepped forward.)

20 THE CLERK: What say you for the State?

21 MR. CAMPBELL: Please present the juror.

22 THE CLERK: What say you for the defense?

23 MR. SENERIUS: Please seat the juror.

24 THE CLERK: To the jury box, please, sir. Thank

25 you.

1 Juror Number 116, Terry C. Oakley.
2 (WHEREUPON, a white female stepped forward.)
3 THE CLERK: What say you for the State?
4 MR. CAMPBELL: Present Ms. Oakley.
5 THE CLERK: What say you for the defense?
6 MR. SENERIUS: Please excuse Ms. Oakley.
7 THE CLERK: Juror 122, Steven E. Parr.
8 (WHEREUPON, a white male stepped forward.)
9 THE CLERK: What say you for the State?
10 MR. CAMPBELL: Please excuse Mr. Parr.
11 THE CLERK: Juror Number 73, James D. Hopkins, Jr.
12 (WHEREUPON, a white male stepped forward.)
13 THE CLERK: What say you for the State?
14 MR. CAMPBELL: Please present Mr. Hopkins.
15 THE CLERK: What say you for the defense?
16 MR. SENERIUS: Please excuse Mr. Hopkins.
17 THE CLERK: Juror Number 118, Ebony A. Oglesby.
18 (WHEREUPON, a white female stepped forward.)
19 THE CLERK: What say you for the State?
20 MR. CAMPBELL: Please present Ms. Oglesby.
21 THE CLERK: What say you for the defense?
22 MR. SENERIUS: Please excuse Ms. Oglesby.
23 THE CLERK: Mr. Senerius, I have nine strikes.
24 MR. SENERIUS: Yes, sir. Correct.
25 THE CLERK: Juror 72, Megan M. Clark.

1 (WHEREUPON, a white female stepped forward.)
2 THE CLERK: What say you for the State?
3 MR. CAMPBELL: What number did you call?
4 THE CLERK: 72.
5 MR. CAMPBELL: Ms. Hoover.
6 THE CLERK: Megan M. Clark.
7 MR. CAMPBELL: Please present the juror.
8 THE CLERK: What say you for the defense?
9 MR. SENERIUS: Please seat Ms. Clark.
10 THE CLERK: Juror Number 54, Sharon A. Gambrell.
11 (WHEREUPON, a black female stepped forward.)
12 THE CLERK: What say you for the State?
13 MR. CAMPBELL: Present Ms. Gambrell.
14 THE CLERK: What say you for the defense?
15 MR. SENERIUS: Please seat Ms. Gambrell.
16 THE CLERK: Juror 176, Gregory A. Young.
17 (WHEREUPON, a white male stepped forward.)
18 POTENTIAL JUROR: Sorry about my attire.
19 THE CLERK: What say you for the State?
20 MR. CAMPBELL: Present Mr. Young.
21 THE CLERK: What say you for the defense?
22 MR. SENERIUS: Please excuse Mr. Young.
23 THE CLERK: Juror Number, 71, Jeff L. Hook.
24 (WHEREUPON, a white male stepped forward.)
25 THE CLERK: What say you for the State?

1 MR. CAMPBELL: Present Mr. Hook.

2 THE CLERK: I have defense -- you may take a seat.

3 I have that as the 12th juror, so now we'll go for
4 an alternate.

5 THE COURT: One alternate.

6 MR. SENERIUS: One alternate.

7 THE CLERK: Juror Number 36, Elise E. Culbertson.

8 (WHEREUPON, a white female stepped forward.)

9 THE CLERK: What say you for the State?

10 MR. CAMPBELL: Present Ms. Culbertson.

11 THE CLERK: What say you for the defense?

12 MR. SENERIUS: Please excuse Ms. Culbertson.

13 THE CLERK: Juror Number 19, Matthew L.

14 Callenback.

15 (WHEREUPON, a white male stepped forward.)

16 THE CLERK: What say you for the State?

17 MR. CAMPBELL: Present Mr. Callenback.

18 THE CLERK: What say you for the defense?

19 MR. SENERIUS: Please excuse Mr. Callenback.

20 THE CLERK: Juror Number 5, Harry D. Ballard.

21 (WHEREUPON, a white male stepped forward.)

22 THE CLERK: What say you for the State?

23 MR. CAMPBELL: Present Mr. Ballard.

24 THE CLERK: You have had your two strikes.

25 Mr. Ballard, you're the alternate.

1 THE CLERK: Your Honor, those are the 12 jurors
2 and one alternate.

3 THE COURT: Are there any motions or exceptions to
4 the jury panel from the State?

5 MR. CAMPBELL: No, your Honor.

6 THE COURT: Are there any motions or exceptions to
7 the jury panel from the defense?

8 MR. SENERIUS: No, your Honor.

9 THE COURT: Mr. Clerk, would you swear our jury.

10 THE CLERK: Yes, sir.

11 I would ask that you stand and raise your right
12 hands, please. Do you and each of you solemnly swear
13 or affirm that you shall well and truly try and a true
14 deliverance make between the State of South Carolina
15 and the defendant, whom you shall have in charge and a
16 true verdict render according to the law and the
17 evidence? If you will, say "I do," and have a seat.

18 Thank you.

19 (WHEREUPON, the jury was impaneled.)

20 THE COURT: Ladies and gentlemen of the remainder
21 of our jury panel, the jury for this case has been
22 selected, so you are released for today. Certainly, if
23 you would like to stay and watch the trial, you are
24 welcome to do so, but I suspect most of you have other
25 things you would like to be doing this afternoon. So

1 you are released. The clerk has given you the
2 telephone number on your notice --

3 THE CLERK: I've got it here.

4 THE COURT: Okay. Call this number after 6
5 o'clock each day, and that number, there will be a
6 recording that will instruct you on when you need to
7 appear. Thank you, ladies and gentlemen. Make sure
8 you get your number. You are dismissed.

9 We're going to take about a ten-minute break and
10 we'll get started.

11 Mr. Bailiff, take our jury to the jury room. We
12 need about a ten-minute break.

13 (WHEREUPON, the jury exited open court at
14 2:30 p.m.)

15 (WHEREUPON, a recess was taken from 2:31 p.m. to
16 2:46 p.m.)

17 THE COURT: Anything from the State before we
18 bring the jury in?

19 (WHEREUPON, a bench conference was held off the
20 record.)

21 MR. CAMPBELL: Your Honor, I need to put on the
22 record what we discussed, the psychological evaluation.
23 There's two of them that were done. He was found
24 competent to stand trial.

25 THE COURT: Mark those as a Court's exhibits.

1 Mr. Senerius, you agree?

2 MR. SENERIUS: Yes, your Honor.

3 THE COURT: We'll mark those as a Court's
4 exhibits, just for the record.

5 (WHEREUPON, Court's Exhibit Number 1
6 was marked for identification.)

7 (WHEREUPON, Court's Exhibit Number 2
8 Was marked for identification.)

9 (WHEREUPON, the jury entered open court at
10 2:52 p.m.)

11 THE COURT: Ladies and gentlemen of the jury,
12 before we start, let me explain our roles in this
13 trial. I am the judge of the law. You must apply the
14 law as I give it to you. You are the judge of the
15 facts.

16 As a judge of the facts, you have the duty to
17 evaluate the evidence that is presented. Evidence is
18 sworn testimony from the witness stand or exhibits that
19 have been entered. You and you alone determine the
20 credibility of the witnesses and how much weight to
21 give their testimony.

22 Each attorney will have the opportunity to give an
23 opening statement to outline their positions and the
24 evidence that he intends to present to support those
25 claims. The attorneys will also have the opportunity

1 to make closing arguments after the testimony is
2 concluded.

3 Keep in mind the statements of the attorneys are
4 not evidence but merely tools to help you understand
5 their respective positions.

6 The State has the burden of proof in this trial.
7 It must prove beyond a reasonable doubt that the
8 defendant is guilty of the offenses charged. If the
9 State fails to meet that burden, then you must find the
10 defendant not guilty. On the other hand, if the State
11 does prove its case beyond a reasonable doubt, then you
12 must find the defendant guilty. The defendant is
13 presumed innocent and has no burden of proof in this
14 trial.

15 You're going to hear about reasonable doubt as you
16 go along in the trial. I'm going to go ahead and give
17 you a definition. A reasonable doubt is defined as a
18 doubt that would cause a reasonable person to hesitate
19 to act.

20 A few more things. This is not an endurance
21 contest. We will take breaks as we go along. If any
22 member of the jury needs a break, just let your bailiff
23 know and we will try to accommodate you as best we can.

24 During breaks or when we recess for the day, there
25 is to be no independent investigation. You are not

1 allowed to do research on the law or the facts of the
2 case. In this age of smart phones and laptops and
3 computers, it's easy to attempt to do independent
4 research. I'm specifically instructing you that you
5 may not do so in this case as jurors.

6 You also are prohibited from taking notes. The
7 reason for that is that some folks are good note
8 takers, others are not. When it comes time for you to
9 deliberate at the end of the trial, this should not
10 turn into a contest between who can take the best
11 notes. Also, as judge of the facts, the demeanor of
12 witnesses can be an important factor for you to
13 consider. If you're staring at a pad taking notes, you
14 may miss what would be an important part of the trial.

15 When we take breaks or we are in recess, you
16 cannot discuss this case with anyone. If someone comes
17 up to you attempting to discuss the case, tell the
18 bailiff, and then I will tend to it. You are not to
19 deliberate as a group until I instruct you to do so at
20 the end. If you encounter one of the attorneys
21 outside, like I told you before, they will not speak to
22 you. This is not because they are being rude. They
23 are not allowed to talk to you.

24 During the course of the trial there may be
25 objections to a particular piece of evidence or to

1 testimony. The fact that I rule one way or the other
2 should not be interpreted that I favor one side or the
3 other, as I do not. My duty as judge is to make sure
4 that each party receives a fair and impartial trial in
5 accordance with the law.

6 There may be times when an issue of law has to be
7 taken up outside your presence. This is not to hide
8 things from you, but again, it's to merely ensure that
9 each party receives a fair trial.

10 We're going to begin with opening statements.
11 Now, we're going to do opening statements, we're going
12 to begin the trial. We will not finish the trial
13 today.

14 One thing I'm going to have you do at the end --
15 we've already taken our first break, so I'm not going
16 to have you go back and do that now. We're going to go
17 ahead and get started, but the first thing you will do
18 is elect a foreperson, and we'll do that at the
19 conclusion of the first witness today.

20 So is the State ready to proceed?

21 MR. CAMPBELL: State is ready, your Honor.

22 THE COURT: Any exceptions to my preliminary
23 instructions from the State?

24 MR. CAMPBELL: No, your Honor.

25 THE COURT: Any exceptions from the defense?

1 MR. SENERIUS: No, your Honor.

2 THE COURT: Okay.

3 Mr. Campbell.

4 MR. CAMPBELL: Thank you, your Honor. May it
5 please the Court. One second.

6 Ladies and gentlemen of the jury, during the
7 late-night hours of Sunday, July 1st, 2012, Chandrakant
8 Patel was escorted down a heavily wooded path in an
9 area here in Anderson County. It was dark. His hands
10 were tied behind his back. He was escorted by three
11 men. They took him far enough back into the woods to
12 where he couldn't be seen or heard. They asked him one
13 more time for information from his ATM card. They
14 wanted his PIN number. And when he didn't give them
15 the answer that they wanted, a 9mm pistol was put to
16 the side of his head and the trigger was pulled and he
17 was dead.

18 Prior to him being murdered, it was Sunday
19 afternoon. Mr. Patel worked at the Exxon gas station
20 up on -- if you're taking Clemson Boulevard, you're
21 going up towards Clemson, right before Exit 19, there
22 is the Hardee's. After you cross the lake, there is a
23 Hardee's on the left. There is an Exxon gas station
24 right there. That is where he was the manager of that
25 gas station.

1 He had worked that Sunday afternoon. And after he
2 had gotten off work, he called up an individual by the
3 name of Kyndra Howell. And how this whole thing
4 started and what it was about is that she was to
5 arrange to have someone to have sex with him for money.

6 So he went over to her house located at

7 He arrived there. She comes out. They get in
8 his car, they leave, they come back after that. He
9 goes inside the house. And while he's sitting there
10 waiting inside the house, thinking she was fixing to
11 come back in, what he didn't know was that she was in
12 need of money, for she was being evicted from her
13 house. It just so happened that Jeremiah Johnson,
14 seated here in the courtroom today in the white shirt,
15 along with another individual by the name of Zachary
16 Gantt, happened to be outside.

17 She called them over, asked them if they wanted to
18 rob him and they agreed. So while he was waiting
19 inside her house thinking she was coming back in,
20 Mr. Johnson and Mr. Gantt burst into the room instead.
21 They began immediately and physically assaulting him.
22 They threw him on the ground. They took cords and tied
23 his hands behind his back. They began to beat him and
24 asking for his PIN numbers to his ATM cards. He gave
25 them some numbers.

1 Mr. Johnson left, went to a couple different
2 places. He went to the Spinx station on 81 South,
3 tried to use the card not once but twice. It was
4 declined. Went over to the Eddie's Minute Mart. Still
5 the card wouldn't work. He went back to the house at

6 Drive. Still they tried to get the information
7 out of him. He kept giving them the same stuff.

8 It was at that point that another individual by
9 the name -- whose nickname is Quevo showed up. This
10 just so happened to be Ms. Howell's boyfriend. His
11 real name is Ezra Williams. When he showed up, things
12 really got out of hand. The beatings continued. At
13 that point, bug spray was used and sprayed in his face
14 to get him to come off the numbers. A knife was heated
15 up on the stove and several parts of his body, he was
16 burnt with that knife to get him to tell the
17 information.

18 At some point it was decided he had to be gotten
19 rid of. So they loaded him up in his car, and they
20 drove across 11 miles to Big Water Road. Almost to
21 Georgia. It's off Highway 29. Then they took him out
22 of his car. They walked him -- if you could have seen
23 him in the daylight, he was battered, bruised and
24 beaten. They walked him a little over a hundred,
25 110 yards in those woods and they shot him.

1 But the crime didn't stop there. At that point,
2 now it's time to get rid of evidence. Mr. Johnson,
3 after they went back, they wiped the car down -- the
4 car was wiped down. Then Mr. Johnson helped dispose of
5 that car. The car was moved up to Fair Play, part of
6 Anderson County. Mr. Patel, who's known as CJ, his
7 body, that's where it stayed for approximately ten days
8 before it was recovered.

9 Now, his disappearance was initially reported by
10 his son, Meet Patel, because his dad had gone missing.
11 He called it in to the sheriff's office as a missing
12 persons report. It was assigned to Detective Danny
13 Barton. He is the lead investigator in this case.

14 Now, this case went from a missing persons case to
15 a homicide. And that's why we and y'all have been
16 chosen here today is to decide. As the judge told you
17 a while ago, we have the burden as the State to prove
18 to you the elements of the crimes that he's been
19 charged with.

20 Now, to do this, we're going to bring several
21 people. You've got Detective Danny Barton here. He's
22 the lead detective, which means he controls everything
23 in this case. He's responsible for it. He dictates to
24 other detectives to help him and assist him. But
25 ultimately it's his case, and he is the one in this

1 case that made the charge. Tawanya Edwards is a friend
2 of Jeremiah Johnson. You have Jeff Finley, who's also
3 a detective who assisted in this case you should hear
4 from shortly. Detective Todd Owens. He also assisted
5 in the case. Chris Wilson is forensics with the
6 sheriff's office. He collected evidence. And
7 Dr. Brett Woodard, he's a pathologist. He conducted
8 the autopsy of Mr. Patel's body. He will tell you how
9 his injuries and how his manner of death is.

10 Now, all the people in this case have been
11 charged. This just wasn't one person. Mr. Johnson is
12 not the only person. You have Zachary Gantt, Kyndra
13 Howell, who was the person who set this up to begin
14 with, and then Ezra Williams. In this case we are not
15 alleging that Mr. Johnson is the shooter. We firmly
16 believe that it is Ezra Williams, and we'll get more
17 into that as this case goes along.

18 But there's also some more evidence. You're going
19 to see it. It's going to come from the stand that the
20 State tends to show and prove to you beyond a
21 reasonable doubt the four charges we brought. One is
22 going to be a video from the house in which they lived.
23 That's really what got this case started. The second
24 you're going to hear from will be the words of
25 Mr. Johnson himself.

1 Now, in this case, like I say, you've got the four
2 people charged, but in this case what we're dealing
3 with is Jeremiah Johnson. The judge read you the
4 indictment numbers. That's the 2012-GS-04. That's
5 just the indictment number. That alleges what he's
6 been charged with, armed robbery, possession of a
7 weapon during commission of a violent crime,
8 kidnapping, and murder.

9 Now, as the judge told you, we have to prove to
10 you the elements before you can decide guilt. That's
11 what y'all's job is. Y'all are to determine -- y'all
12 are the fact finders. Y'all determine guilt or
13 innocence because, as he sits here right now, he is
14 innocent. He is innocent until a verdict is rendered
15 by you. And to help you come up with that decision,
16 you're going to take the testimony from this stand, and
17 you will take these elements that we're showing you
18 here.

19 And here's the first one. Murder, the killing of
20 another person with malice aforethought. Malice is a
21 wrongful injury. It means intent to do harm.
22 Aforethought means there is some sort of time period
23 prior to the act being committed, the murder. It
24 doesn't have to be one second, a minute, five minutes.
25 It just has to be prior to the killing. That's all it

1 is.

2 Now, he's also been charged with armed robbery,
3 which is the taking and carrying away of personal
4 property of another with the intent to deprive that
5 person while armed with a deadly weapon. In this case
6 it was a knife and a gun. And the property we're
7 alleging he took will be cash and credit cards. Also
8 he took his car in this case.

9 Now, kidnapping is to knowingly, unlawfully seize,
10 confine, inveigle, decoy, kidnap, abduct, carrying away
11 another person without authority of law. We talk about
12 inveigling. That means to seduce, entice, decoy to get
13 you to go somewhere under false pretenses. That's what
14 that means. It's a fancy word for that.

15 The last one, the possession of a weapon during
16 commission of a violent crime, in this case the
17 firearm. The violent crimes in this case are murder,
18 the armed robbery, and kidnapping. And then this is
19 just a charge that goes along with it, say they were
20 armed at the time.

21 Now, as I told you to begin with, we don't allege
22 that he is the shooter. However, in the state we have
23 a rule called the hand of one, hand of all. It means
24 if a crime is committed by two or more people who are
25 acting together committing a crime, the act of one is

1 the act of all.

2 What this states is that you may not be the person
3 who pulled the trigger, but if you're in on the
4 crime -- and we state that he's in on the crime from
5 the beginning to the end. And what we will try to show
6 you is he was from the inception to the murder, he was
7 in on it -- that whether or not he pulled the trigger,
8 as long as he was in a common plan with other people to
9 commit a crime such as armed robbery, kidnapping, then
10 whatever consequences flow out of it, in this case
11 murder, he is equally liable, responsible and guilty.

12 Now, as the judge told you, we have to prove this
13 to you beyond a reasonable doubt, which is a doubt that
14 causes a reasonable person to hesitate to act. The way
15 I like to look at it is you have to see the elements we
16 have to prove as the State. If we prove this to you to
17 your satisfaction and you feel that he did it, we ask
18 you to find him guilty. But, likewise, if you feel
19 that we didn't meet the burden, we didn't meet the
20 evidence for you to find him guilty, it's your job to
21 find him not guilty.

22 As I stated, he's innocent right now until a
23 verdict is rendered. He is cloaked in innocence. The
24 only way that innocence can be removed is through
25 y'all, the fact finders. We'll present the case to

1 you. You will hear from witnesses. You will get to
2 see videos and other types of evidence we feel points
3 in the direction that shows it will prove that he is
4 guilty of the crimes that we have brought, that at the
5 end of this case we're going to ask for a verdict.
6 We're going to ask for a verdict of guilty, a verdict
7 that must speak the truth and a verdict that justice
8 demands. And I thank you for your time and attention.

9 THE COURT: Mr. Senerius.

10 MR. SENERIUS: Thank you, your Honor. May it
11 please the Court, Mr. Haigler, Mr. Campbell,
12 Mr. Barton, ma'am.

13 Ladies and gentlemen of the jury, my name is
14 Gordon Senerius. You have all seen this television
15 show *Law & Order* where they talk about the criminal
16 justice system is composed of three -- two parts, the
17 police who solve the crimes and the prosecutors who
18 prosecute the crimes. They don't tell you it's also
19 composed of the defense because the defense is the most
20 important part of the criminal justice system.

21 As y'all sit here today, my client sits over there
22 today, you have certain rights. And one of those is
23 the constitutional right to have a trial if you are
24 accused of a crime and to require the State to prove
25 you guilty of each and every element of the offenses

1 charged beyond a reasonable doubt. We'll get into the
2 definition of reasonable doubt later. The judge is
3 going to give you the law on that.

4 As the judge told you, you're supposed to follow
5 the law. But this is a difficult job for you. You are
6 actually quite honored to be selected as jurors in this
7 case. Winston Churchill said jury service is the
8 highest honor to be bestowed upon a citizen in time
9 of -- except in time of war, I'm sorry. When you use
10 quotes, you ought to get them right the first time and
11 not stumble.

12 You have to sit here with an open mind. Listen to
13 everything that's presented to you today. And
14 tomorrow, if it goes tomorrow, the next day -- I'm not
15 sure we'll go the next day. I'm not sure it will, but
16 in this case it should. This isn't like television.
17 We're not going to wrap this up in an hour, actually
18 46 minutes of actual telecast less commercials. Your
19 attention span is going to be tested a little bit as
20 all of ours are. It's up to you, and it's very
21 important that you keep an open mind and not make any
22 decisions until you've heard all of the evidence that
23 comes into this case from the witness stand.

24 As I said, my client has pled not guilty. By
25 doing so, he's denying that he committed these offenses

1 and is requiring the State to prove his guilt beyond a
2 reasonable doubt. It's a burden that the State says
3 that it willfully undertakes. Whether they willfully
4 undertake it or not, it's the burden that they have,
5 and it's the burden that you must hold them to in this
6 particular case.

7 Once the trial is completed, once all the evidence
8 is completed, you will hear again from the prosecutor
9 and myself as to what we feel the evidence has shown in
10 a particular case. I'm quite confident that the
11 prosecutor is going to ask you to come back with a
12 verdict of guilt, as I am confident I'm going to come
13 back and ask you to render a verdict of not guilty.

14 One interesting note. Military law, years ago, in
15 court martials, they used to have three verdicts:
16 Guilty, not guilty, not proven. Not guilty and not
17 proven have been combined. It is the State's job to
18 prove this case beyond a reasonable doubt. If you
19 think they may have proved their case, that's not
20 enough. You have to be convinced beyond a reasonable
21 doubt. That ain't shadow of a doubt but a reasonable
22 doubt that they have proved all of the elements in this
23 case.

24 My client and I thank you for your service. We
25 feel that you will do a wonderful job in this case, and

1 we're sure that you will render a true verdict. I
2 again will get to talk to you at the conclusion of the
3 case. Thank you very much, ladies and gentlemen, for
4 your attention.

5 THE COURT: State, call your first witness.

6 MR. CAMPBELL: Your Honor, the State calls
7 Detective Jeff Finley.

8 JEFF FINLEY,

9 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

10 THE CLERK: If you would, take the stand and state
11 your name and spell your last name for the record,
12 please.

13 THE WITNESS: Jeff Finley. Last name is
14 F-i-n-l-e-y.

15 DIRECT EXAMINATION

16 BY MR. CAMPBELL:

17 Q Mr. Finley, you're a detective employed with the
18 Anderson County Sheriff's Office?

19 A Yes, sir.

20 Q How long have you been in law enforcement?

21 A Ten years.

22 Q What is your current position and duties?

23 A I work with the criminal investigations division.
24 I investigate felony crimes such as burglaries, armed
25 robberies, crimes of violence.

1 Q Were you in the same position or capacity back in
2 July of 2012?

3 A I was.

4 Q Were you involved in an investigation of the
5 disappearance and ultimately the murder investigation
6 of Chandrakant Patel?

7 A I was.

8 Q How did this first come about that you became
9 involved in this case?

10 A I happened to be on call that week, and the case
11 was assigned as a missing persons to Detective Danny
12 Barton, and I was helping him to track down leads and
13 run down witnesses.

14 Q And you refer to -- you say you're on call. What
15 are you referring to?

16 A We have to have 24-hour coverage. You have to
17 have a detective on call. There's two of us, and
18 there's also a homicide detective where we actually go
19 out, armed robbery or something happens during the
20 night, we don't close, so we have to go to them.

21 Q And in this case, when you first got involved, was
22 it considered a missing persons case when you first got
23 involved in it?

24 A Yes.

25 Q Now, what did you initially do in assisting

1 Detective Barton?

2 A Like I said before, just tracking down leads and
3 talking to folks and trying to find out where -- his
4 last whereabouts.

5 MR. SENERIUS: Excuse me, your Honor. Could I ask
6 him to speak into the mic. Thank you.

7 THE COURT: Repeat that question and have him
8 answer it.

9 BY MR. CAMPBELL:

10 Q What exactly did you initially do when the case
11 first came to the sheriff's office when you assisted
12 Detective Barton?

13 A Just whatever he needed as far as tracking down
14 leads and different people calling in, that kind of
15 thing. If something comes in, he can't be tasked with
16 it all, so I would help out.

17 Q Now, at some point did something happen that
18 changed the status or direction of this missing persons
19 investigation?

20 A Yes. We located Mr. Patel's vehicle, and he was
21 not with it.

22 Q Now, how did this initially come about, this
23 vehicle was located?

24 A We were contacted by an individual who owns some
25 property on Wooten Road in Fair Play and actually saw

1 the vehicle when he checked his land. He always
2 checked it for turkeys and noticed there was a vehicle
3 pulled off, kind of like it was trying to be hidden.
4 He had problems with trespassers, so he pulled a cable
5 and tied it across the entrance to the small, little
6 pull-off.

7 Q When initially was Mr. Patel reported missing?

8 A I believe it was on the 2nd, if I'm not mistaken.

9 Q Do you recall approximately what day his vehicle
10 was found?

11 A It was actually -- well, Mr. Glenn had actually
12 saw the vehicle on the 2nd --

13 MR. SENERIUS: Objection. This is not
14 something -- it sounds to me like it's hearsay
15 testimony.

16 THE COURT: Stay away from hearsay.

17 BY MR. CAMPBELL:

18 Q Now, what day did you actually go out to the
19 scene?

20 A Where the vehicle was?

21 Q Where the car was found.

22 A On the 3rd.

23 Q Now, you said it was in Fair Play. Is this on the
24 Anderson County side or the Oconee County side?

25 A It was Anderson County.

1 Q And you actually had the opportunity to observe
2 and see this car?

3 A Yes, I did.

4 Q Where it was actually located by the person who
5 called it in?

6 A Yes.

7 (WHEREUPON, State's Exhibit Numbers
8 7, 8 & 10 were shown to the witness.)

9 BY MR. CAMPBELL:

10 Q Now, Detective Finley, I'm going to show you
11 what's been marked State's Exhibit 10 -- excuse me --
12 7, 8 and 10. If could you please, sir, first look at
13 these photographs and tell me what they generally
14 depict.

15 A This was the area where the vehicle is found.
16 This one is where the cable was pulled across. This
17 one here is angled more down where you can actually see
18 the back of the vehicle. And this is just a closer
19 shot of the actual vehicle.

20 Q These pictures --

21 THE COURT: Mr. Campbell, could you get the
22 witness to refer to the number when he's answering the
23 questions.

24 BY MR. CAMPBELL:

25 Q I'm going to go through that in just a second.

1 Now, first of all, this group of three pictures,
2 do they fairly and accurately represent the car as you
3 found it on or about, I think you said July 3rd, 2012?

4 A Yes.

5 Q Now, I want to have you --

6 MR. CAMPBELL: Your Honor, may I have the witness
7 come off the stand, please, sir?

8 THE COURT: Yes.

9 BY MR. CAMPBELL:

10 Q Detective Finley, if you will please come off the
11 stand. I'm going to put these pictures -- I'm going to
12 show you first what's been marked State's Exhibit
13 Number 7. If you could please identify what this is,
14 sir.

15 A This is actually the picture of the opening to the
16 roadway would be down here. This is the cable that the
17 individual, Mr. Glenn, had placed across it. On the
18 other side of it here that you can't see in the
19 picture, it's tied off, the cable is, and the vehicle
20 will be further this way, as you can see in a second.

21 (WHEREUPON, State's Exhibit Number 20
22 was shown to the witness.)

23 BY MR. CAMPBELL:

24 Q I'm going to show you what's been marked State's
25 Exhibit 20. This one you actually didn't see. I'm

1 going to show it to you. Is that also a picture of the
2 scene as it was found on or about July 3, 2012?

3 A Yes.

4 Q State's Exhibit 20, what does this depict?

5 A This is where I pointed out on the last picture,
6 on this side here is where the cable actually comes
7 across and actually tied to this tree securing it.

8 Q Show you what's been marked State's Exhibit 8.

9 A You see down here, there's the cable that was in
10 the original first picture, and this is moved over a
11 little ways, but you can see how closed in it is. And
12 there is the back of the vehicle where it was left.

13 Q And if you were to go out in front of this car,
14 what would you go into?

15 A As you can see here, it's a little bit brighter.
16 There is an opening spot. There is a large field where
17 it's not as wooded.

18 Q I want to show you State's Exhibit 10. What is
19 this a close-up of?

20 A This is a close-up shot of the back of the
21 vehicle. There is a license plate there. Sitting on
22 the trunk is a pair of glasses that Mr. Glenn's son had
23 found closer to the roadway and actually placed them on
24 the trunk when he found them.

25 MR. CAMPBELL: Your Honor, at this time -- if you

1 will please take the stand again.

2 At this time I'd like to move State's Exhibit 7,
3 8, 10 and 20 into evidence.

4 THE COURT: Any objection?

5 MR. SENERIUS: No, your Honor.

6 THE COURT: 7, 8, 10 and 20 will be admitted
7 without objection.

8 (WHEREUPON, State's Exhibit Numbers 7,8, 10 & 20
9 were admitted into evidence.)

10 BY MR. CAMPBELL:

11 Q Now, did you speak to Mr. Glenn after he found the
12 car?

13 A I did.

14 Q Was he the one that reported the car on his
15 property to law enforcement?

16 A Yes.

17 Q Now, after law enforcement showed up, you actually
18 went to the scene; is that right?

19 A Yes, I did.

20 Q What actions or what steps did y'all take next in
21 this investigation after you had the car, after you
22 found the car there in Fair Play?

23 A Once in front of the vehicle, I spoke to
24 Mr. Glenn, took his statement and also took the vehicle
25 and towed it back to our armory to be held for a search

1 warrant.

2 Q While you were on the scene at Wooten Road, did
3 law enforcement do anything to help try to find out how
4 it got there, the car got there?

5 A We searched all around the surrounding areas, and
6 other detectives tried to actually speak with
7 neighbors. And we also walked that length of the open
8 field just looking for any kind of evidence or anything
9 to go along with the vehicle.

10 Q Was any evidence discovered in the field or in the
11 woods or through the neighbors?

12 A No.

13 Q Now, what is the purpose or why did y'all tow the
14 vehicle? Why didn't y'all just look into it right
15 there at Wooten Road?

16 A Well, we wanted to -- we were kind of starting to
17 think something was not right since Mr. Patel was
18 nowhere near his vehicle. So if there were any signs
19 of foul play, there are certain steps we have to go
20 through, search warrant, that kind of thing, to make
21 sure our ducks were in a row.

22 Q Was a search warrant gotten in this case to get
23 into the car to look into it?

24 A Yes.

25 Q Were you present when the search warrant was

1 conducted?

2 A I was.

3 Q Was there anything recovered that assisted you in
4 this investigation at that point in time?

5 A Not at that time.

6 Q Now, after the car was taken back, where was the
7 car towed to?

8 A It's actually the old National Guard armory. It's
9 one of our buildings that we keep now, and that's where
10 we secure vehicles to be held for that kind of thing.

11 Q Is it protected, out of the weather?

12 A It's out of the weather. It's in a big garage,
13 basically, and it's fenced in.

14 (WHEREUPON, State's Exhibit Numbers 9 & 12
15 were shown to the witness.)

16 BY MR. CAMPBELL:

17 Q I'm going to show you what's been marked State's
18 Exhibit number 9 and 12. First I'm going to show
19 you -- please look at these. What do those two
20 pictures, those photographs, overall depict?

21 A Number 9 is the actual just the front of vehicle.
22 You can see it's inside our garage-type area where it
23 was secured. And then the back side, you see other
24 detectives standing around assisting. The other
25 picture is the same, same building, just a rear quarter

1 shot. That's number 12.

2 Q Do these pictures fairly and accurately represent
3 how this car looked in July of 2012?

4 A They do.

5 Q Now, showing in State's Exhibit Number 9, there's
6 something on the windshield. Can you please identify
7 what that is?

8 A That is the actual evidence sheet where we --

9 MR. SENERIUS: I'm sorry. The actual what?

10 THE WITNESS: Evidence sheet.

11 MR. CAMPBELL: Your Honor, I'd like to move

12 State's Exhibit Number 9 and 12 into evidence, publish
13 to the jury.

14 THE COURT: Any objection?

15 MR. SENERIUS: No objection.

16 THE COURT: All right. 9 and 12 will be admitted
17 without objection.

18 (WHEREUPON, State's Exhibit Numbers 9 & 12

19 were admitted into evidence.)

20 BY MR. CAMPBELL:

21 Q All right. State's Exhibit 9 and State's Exhibit
22 Number 12.

23 Now, when you did the search warrant, who
24 processed the vehicle, do you recall?

25 A It was our forensics division, but I don't recall.

1 Q But they would have been the ones -- your
2 forensics department at the sheriff's office would have
3 been the ones who processed the vehicle looking for
4 evidence?

5 A Correct.

6 Q Now, at that point in time when you processed the
7 car -- and I can't remember if I asked you this or
8 not -- did you locate any evidence that helped you at
9 that point or assisted you in the disappearance of
10 Mr. Patel?

11 A Not at that time.

12 Q Now, after this car was done, what was the next
13 step of your involvement in this case?

14 A I actually assisted Detective Barton. He needed
15 assistance to obtain a video from the residence located
16 at I executed a search warrant that
17 led to the video being recovered from the house, which
18 then ultimately led to me speaking with Tawanya
19 Edwards, who had been to the house on July 1st, and she
20 placed Kyndra Howell and Jeremiah Johnson at the house
21 there at that time.

22 Q Now, I'm going to show you -- now, when you went
23 to Drive, what part of Anderson County is that
24 located in?

25 A Drive?

1 Q Yes, sir.

2 A It's in the lower part of Homeland Park.

3 Q Come again, Drive?

4 A It's in Homeland Park off of Roosevelt.

5 Q I'm sorry. I can't sometimes hear.

6 And when you went to do a search warrant at the
7 house at was anybody home or present
8 at the house when y'all went there?

9 A We were met by the actual landlord that was
10 actually over that property, met with him.

11 Q And at that point in time did y'all collect some
12 evidence from the house?

13 A Yes, collected the video system.

14 Q And how did y'all first become aware or knew about
15 the video system? Were you part of that, part of the
16 investigation?

17 A No, I wasn't part of that.

18 (WHEREUPON, State's Exhibit Numbers 11, 13, 14,
19 15, 16 and 17 were shown to the witness.)

20 BY MR. CAMPBELL:

21 Q I'm going to show you what's been marked -- let me
22 show Mr. Senerius first.

23 I'm going to show you what has been marked State's
24 Exhibits 11, 13, 14, 15, 16 and 17. If you will please
25 look at this group of photographs and first tell the

1 ladies and gentlemen of the jury overall what they
2 depict before we go into each of them individually.

3 A It's the residence,

4 Q And do these pictures fairly and accurately
5 represent what you witnessed and observed and saw in
6 July of 2012 --

7 A They do.

8 Q -- when you conducted part of one of the search
9 warrants on the house at Drive?

10 A They do.

11 MR. CAMPBELL: Your Honor, may I have this witness
12 come off the stand, please, sir?

13 THE COURT: Yes, sir.

14 BY MR. CAMPBELL:

15 Q Detective Finley, if you will come off the stand,
16 and I'm going to put these photographs up on the
17 overhead. If you could just please explain to the
18 ladies and gentlemen of the jury what they are viewing.

19 MR. SENERIUS: I don't believe they have been
20 admitted.

21 MR. CAMPBELL: I'm going to go through them then
22 admit them.

23 MR. SENERIUS: We would object to publication
24 prior to admission.

25 MR. CAMPBELL: Your Honor, at that point in time

1 the State would ask 11, 13, 14, 15, 16 and 17 be
2 admitted into evidence.

3 THE COURT: Any objection?

4 MR. SENERIUS: No objection.

5 THE COURT: All right. 11, 13, 14, 15, 16 and 17
6 would be admitted without objection.

7 (WHEREUPON, State's Exhibit Numbers 11, 13, 14,
8 15, 16 and 17 were admitted into evidence.)

9 BY MR. CAMPBELL:

10 Q I'm going to show you State's Exhibit 11. It's a
11 simple picture. What does it depict?

12 A It shows the entryway of the house. And above the
13 doorway there, you can see it's marked.

14 Q Then State's Exhibit 13?

15 A That's the front view of the house. You can see
16 the front door, and there is the numbers whereas in the
17 last picture. Garage opening. There is a trailer
18 sitting here. You can see there is a couple little
19 dome cameras. It's hard to see in this picture right
20 there.

21 Q And which of the ways -- you see the front door,
22 but in the garage area, I see the back side. Is that a
23 door or a window in the back?

24 A That's -- right here?

25 Q Yes, sir.

1 A That's a door.

2 Q State's Exhibit 14?

3 A Closer-up shot of just the front. You can see
4 it's illuminated a little better here. Here's the two
5 cameras that were installed on the residence.

6 Q Okay. This is State's Exhibit 15.

7 A It's the garage area. The trailer was sitting
8 there, and the door that goes inside the residence,
9 this leads to the back of the residence. It's kind of
10 an open area. This here is one of the cameras as well.

11 Q Can you please point that out.

12 A Right there.

13 Q Then Number 16, State's Exhibit 16?

14 A This is one of the bedrooms inside the residence.
15 You can see.

16 Q And then 17.

17 A This is more items inside of the bedroom inside
18 there.

19 Q If you will, please, take the stand, Detective
20 Finley.

21 Now, at this point in your investigation, you
22 found the car, you went to Drive. At any point
23 in this -- to this time frame had anybody been arrested
24 yet for the disappearance of Mr. Patel?

25 A Not at that time.

1 Q Now, eventually people were arrested. Were you a
2 part of that process?

3 A I assisted in some ways with finding Ms. Howell.

4 Q And Ms. Howell was also charged in this case, was
5 she not?

6 A Correct.

7 Q Now, at some point in time was his body,
8 Mr. Patel's body, discovered?

9 A It was.

10 Q And did you have an occasion to go to where the
11 body was located?

12 A I did.

13 Q Do you recall what date that was on?

14 A It was on July 11th.

15 Q Now --

16 MR. SENERIUS: I'm sorry, July what?

17 THE WITNESS: 11th, 2012.

18 MR. SENERIUS: Thank you.

19 BY MR. CAMPBELL:

20 Q And how long had this investigation been ongoing?

21 A Since the 2nd.

22 Q Now, you went to the actual scene where his body
23 was recovered?

24 A Correct, yes.

25 Q Where was it recovered?

1 A It was off of a heavily wooded area off of Big
2 Water Road off Highway 29 South.

3 Q And this area where it was located, was it in
4 Anderson County?

5 A It was.

6 Q Was it close to Georgia?

7 A It was.

8 Q How far from the Georgia line was it?

9 A Couple miles.

10 MR. SENERIUS: Couple what?

11 THE WITNESS: Couple miles, mile and a half.

12 THE COURT: Make sure you speak into the
13 microphone.

14 THE WITNESS: Okay.

15 BY MR. CAMPBELL:

16 Q Now, from to where Mr. Patel's
17 body was discovered, approximately how far mileage-wise
18 is that?

19 A 11. 11 and a half miles.

20 Q Was that location where his body was found
21 anywhere near where his car was located in Fair Play?

22 A No.

23 Q Approximately how many miles from Drive to
24 where his car was located in Fair Play, Wooten Road?

25 A Approximately 22 miles.

1 Q Are these two places anywhere close together?

2 A No, they're not.

3 Q Now, did you help in the recovery of his body?

4 A I did.

5 Q And you assisted -- the forensic department, I'm
6 assuming, was called out?

7 A Yes.

8 (WHEREUPON, State's Exhibit Numbers 18, 21, 22,
9 23, 24, 25, 26 and 27 were shown to the witness.)

10 BY MR. CAMPBELL:

11 Q Now, I'm going to show you what's been -- let me
12 first show them to Mr. Senerius.

13 Detective Finley, I'm going to show you what's
14 been marked State's Exhibit 18, 21, 22, 23, 24, 25, 26
15 and 27. First, overall, generally describe what those
16 pictures depict and we'll go through them individually.

17 A This is the area where we found Mr. Patel's body,
18 the wooded area in the entrance at Big Water Road.

19 Q Do these pictures fairly and accurately represent
20 the scene as you witnessed and observed it on or about
21 July 3rd, 2012?

22 A They do.

23 MR. CAMPBELL: Your Honor, at this time I'd like
24 to move these photographs into evidence.

25 THE COURT: Any objection?

1 MR. SENERIUS: No objection.

2 THE COURT: Okay. Exhibits 18, 21, 22, 23, 24,
3 25, 26 and 27 will be admitted without objection.

4 (WHEREUPON, State's Exhibit Numbers 18, 21, 22,
5 23, 24, 25, 26 and 27 was admitted into evidence.)

6 BY MR. CAMPBELL:

7 Q This is State's Exhibit 18. What is this
8 depicting?

9 A This is Highway 29 South. You keep continuing on.
10 This is actually not far from the Georgia line. This
11 is the road sign here for Big Water. Actually, this is
12 the entrance to the roadway here.

13 Q Show you what's marked State's Exhibit Number 21.

14 A These are a pair of Brown sandals that we found
15 about halfway in. The body was about 110 yards inside
16 the wooded area. As we was walking the path, about
17 halfway through, we saw these brown sandals. You can't
18 see the other one. It's off the view there.

19 Q Show you 23, State's Exhibit Number 23.

20 A You can see how wooded it is. You can kind of
21 tell there is like a small like bit of a path here that
22 kind of winds around.

23 Q And this area depicted about right here, what is
24 that showing?

25 A Right there? Marker where the body was.

1 Q Right here?

2 A Yes.

3 Q Okay.

4 A Oh, no. Excuse me. That's actually looking back
5 this way. This is where the entrance to the actual
6 place is. You see the figure there, that's other
7 detectives working.

8 Q So that's the entrance to the wooded area --

9 A Yes.

10 Q -- the path was on?

11 A Yes.

12 Q Show you number 22. What is State's Exhibit 22?
13 What is this depicting?

14 A You see how heavily wooded the area is, just
15 continuing to take pictures on the way through.

16 Q This is a photograph as you're going towards the
17 body?

18 A Yes.

19 Q State's Exhibit 24?

20 A Just more pictures as you're going through.

21 Q And this is still on the way towards where the
22 body was located?

23 A Yes.

24 Q What is State's Exhibit Number 25?

25 A You can see there is a shell casing, 9mm shell

1 casing that was located near the body.

2 Q State's Exhibit Number 26?

3 A As you can see, this is the body as we found it of
4 Mr. Patel. His hands are actually bound behind his
5 back with some kind of cord. His pants have been
6 ripped off.

7 Q What type of condition or state was his body in?

8 A He was decomposing. It had been ten days out in
9 the weather. Hot, very humid out in that area. You
10 can imagine in July what that would be like.

11 Q And then State's Exhibit Number 27.

12 A Just more of the same. You can see the body over
13 here, where he's laid out on his back.

14 Q Where this tree and the body are shown in this
15 picture, what relationship does State's Exhibit 25, a
16 9mm shell casing, where was it located in reference to
17 the body?

18 A I'm not quite sure. This picture is kind of
19 blurred.

20 Q Was it close to the tree or closer to the body?

21 MR. SENERIUS: Objection; leading.

22 THE COURT: Sustained.

23 Rephrase your question.

24 BY MR. CAMPBELL:

25 Q What area, in regards to this picture, was the 9mm

1 shell casing would have been located?

2 A Over in this area.

3 Q Detective Finley, if you will please take the
4 stand.

5 Now, at the time, on July 11th, 2012, when his
6 body was recovered, what were the weather conditions at
7 that time?

8 A I said it before. It was very hot, very humid.
9 You know, you walk outside right now, it's about the
10 same conditions. Just miserable.

11 Q After that, did you have any further involvement
12 in assisting Detective Barton with this missing persons
13 now homicide case?

14 A I did. We actually went back to
15 and executed another search warrant for the residence,
16 and we sprayed Blue Star, which essentially is a
17 chemical that we use that reacts and illuminates in the
18 presence of blood, proteins, bodily fluids, that kind
19 of thing.

20 Q Now, Detective Finley, at this point regarding
21 your assistance in helping the sheriff's office,
22 Detective Barton, with this investigation, did you help
23 in any of the arrests that were involved in this case?

24 A I, actually myself and Detective Stan, actually
25 had went to a residence in Belton. I can't recall the

1 actual number, but, and found Ms. Howell, brought her
2 to the office.

3 Q And after that did you have any further
4 involvement --

5 A No, that was all.

6 Q -- or was that the assistance in the case?
7 Detective Finley, if you will please answer any
8 questions Mr. Senerius may have.

9 THE COURT: Mr. Senerius, your witness.

10 MR. SENERIUS: Thank you, your Honor.

11 CROSS-EXAMINATION

12 BY MR. SENERIUS:

13 Q Afternoon, Detective.

14 A Hey. How you doing?

15 Q I don't have a lot of questions for you, just a
16 few.

17 The shell casing that was found?

18 A Yes, sir.

19 Q It was a 9mm?

20 A Yes, sir.

21 Q Was there ever any ballistics done on it?

22 A I was not a part of that, so I'm not sure.

23 Q Do you know whether or not any fingerprints were
24 found on it?

25 A Again, I was not a part of that.

1 Q The search warrants that you executed for, I think
2 you said Blue Star?

3 A Yes, sir.

4 Q Blue Star, that is a chemical that you spray to
5 determine whether or not there's like blood or semen or
6 other human bodily fluids; is that correct?

7 A Yes.

8 Q Was there any DNA evidence found in that
9 particular -- as a result of that?

10 A I'm not aware of the actual results.

11 Q You said forensics processed the car?

12 A Yes, sir.

13 Q Did they find any evidence when they processed the
14 car that you're aware of?

15 A Not to my knowledge.

16 Q So to the best of your knowledge, there was no
17 DNA, no fingerprints, nothing unusual found in the car?

18 A No, sir.

19 Q No blood trace?

20 A No, sir.

21 Q As far as you know?

22 A As far as I know.

23 Q I'm not trying to put words in your mouth.

24 Thank you. I have no further questions.

25 THE COURT: Redirect?

1 MR. CAMPBELL: No, your Honor.

2 THE COURT: Thank you, Officer. You can step
3 down.

4 Call your next witness.

5 MR. CAMPBELL: Your Honor, may we approach?

6 THE COURT: Yes, sir.

7 (WHEREUPON, a bench conference was held off the
8 record in the presence of the jury, but out of the
9 hearing of the jury.)

10 THE COURT: All right. Ladies and gentlemen of
11 the jury, we have reached a point in the trial where
12 there's going to be a couple lengthy witnesses. And
13 the matter of business that I'm going to have you do
14 right now is retire to your jury room and elect your
15 foreperson, and then you will come back in and we'll
16 get that result, and then we'll break for the day.

17 So, Mr. Bailiff, if you will take our jury to the
18 jury room.

19 (WHEREUPON, the jury exited open court at
20 3:47 p.m.)

21 THE COURT: We'll take about a 15-minute break.

22 (WHEREUPON, a recess was taken from 3:47 p.m. to
23 3:57 p.m.)

24 THE COURT: Okay. Anything from the State before
25 we bring the jury back in?

1 MR. CAMPBELL: No, your Honor.

2 THE COURT: Anything from the defense before we
3 bring the jury back in?

4 MR. SENERIUS: No, sir.

5 THE COURT: Mr. Bailiff, if you will get our jury
6 for us, please, sir.

7 (WHEREUPON, the jury entered open court at
8 3:58 p.m.)

9 THE COURT: All right. Ladies and gentlemen of
10 the jury, Ms. Gambrell, you have been elected as the
11 forelady of the jury. You are the presiding juror,
12 which means any communication with the Court will need
13 to be in writing like the notice that you just sent the
14 Court only in the form of a note. So whenever we take
15 breaks, if the jury has any concerns or has any needs,
16 please put that in writing and just address that to the
17 Court. You will need to sit there on the end when we
18 reconvene.

19 Mr. Alternate, you will sit in that chair on the
20 end throughout the trial. As I indicated before -- and
21 it's 4 o'clock. I'm going to generally adhere to my
22 policy that I don't like to keep jurors real late in
23 the afternoon because I know you have lives and
24 children to pick up, you have got things to tend to in
25 the afternoon.

1 So rather than embark on a long witness that's
2 going to push us way past 5 o'clock, which the State
3 indicates their next witness is going to be much
4 longer, we're going to break and go ahead and let you
5 go home.

6 Now, as I stated earlier, when you are at home and
7 when we're in recess, you can't talk about the case.
8 People are going to want to know what you did here
9 today. Your family is going to want to ask you about
10 it. You're just going to have to tell them you can't
11 talk about it. Okay? You cannot deliberate. And,
12 again, there can be no independent research on the law
13 or the facts of the case. Okay?

14 So you are free to go, and we will reconvene at
15 9:30 tomorrow morning. So be here before 9:30 so we
16 can start promptly. Okay? Thank you, ladies and
17 gentlemen.

18 (WHEREUPON, the jury exited open court at
19 4:00 p.m.)

20 THE COURT: Okay. Anything from the State before
21 we go into recess?

22 MR. CAMPBELL: No, your Honor.

23 THE COURT: Anything from the defense before we go
24 into recess?

25 MR. SENERIUS: No, sir.

1 THE COURT: Gentlemen, we will start at 9:30 in
2 the morning.

3 MR. SENERIUS: Yes, sir.

4 (WHEREUPON, proceedings adjourned at 4:01 p.m.)
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, Diane L. Marcengill, Official Court Reporter for the Tenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of a portion of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Anderson County, South Carolina, on the 22nd day of June 2015.

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

Diane L. Marcengill, RPR, CRR
Circuit Court Reporter

1 State of South Carolina
2 County of Anderson In the Court of General Sessions

3
4 State of South Carolina,) 12-GS-04-02404
5) 12-GS-04-02405
6) 12-GS-04-02447
7 -vs-) 12-GS-04-02448
8 Jeremiah Christian Johnson,) June 23, 2015
9 Defendant.) Volume 2
10) Pages 140 - 334
11) Transcript of Record
12)
13)
14)

12 B E F O R E:

13 The Honorable R. Scott Sprouse, Judge;
14 and a jury.

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

16 Rame L. Campbell, Assistant Solicitor
17 Brantly B. Haigler, Assistant Solicitor
18 Attorneys for the State of South Carolina

19 Gordon A. Senerius, Esquire
20 Attorney for Defendant
21
22
23
24
25

Diane L. Marcengill, RPR, CRR
Circuit Court Reporter

I N D E X

<u>Witnesses</u>	<u>Page</u>
TAWANYA EDWARDS	
Direct Examination By Mr. Haigler	148
JAMES CHRISTOPHER WILSON	
Direct Examination By Mr. Haigler	153
Cross-Examination By Mr. Senerius	156
DR. BRETT H. WOODARD	
Direct Examination By Mr. Haigler	159
Cross-Examination By Mr. Senerius	170
Redirect Examination By Mr. Haigler	171
J. TODD OWENS	
Direct Examination By Mr. Haigler	172
Cross-Examination By Mr. Senerius	195
DANNY BARTON	
Direct Examination By Mr. Campbell	202
Cross-Examination By Mr. Senerius	269
Charge Conference	289
Closing Argument By the State	292
Closing Argument By the Defense	299
Jury Charge	305
Reporter's Certificate	334

All exhibits were premarked before trial.

E x h i b i t s

For the State:

Marked	Description	I.D.	Admitted
1	Advisement of rights form	180	180
2	Statement of Defendant	186	187
3	Statement of Defendant	239	240
4	Photo lineup	246	248
5	Advisement of rights form	249	251
6	Statement of defendant	250	251
19	Photo - Cadillac	229	230
28	Autopsy Photograph	166	167
29	Autopsy Photograph	166	167
30	Autopsy Photograph	166	167
31	Autopsy Photograph	166	167

1	32	Photo - re-enactment	192	193
	33	Photo - re-enactment	192	193
2	34	Photo - still from house video	230	231
3	35	Photo - still from house video	230	231
4	36	Photo - still from house video	230	231
5	37	Photo - still from house video	230	231
6	38	Photo - still from house video	151	152
7	39	Photo - still from house video	220	231
8	40	Photo - still from house video	220	231
9	41	Photo - still from house video	220	231
10	42	Photo - still from house video	220	231
11	43	Photo - still from house video Defendant	151	152
12	44	Photo - still from house video	220	231
13	45	CD - video from house	222	223
14	46	CD - video from Spinx station	253	254
	47	ATM receipt	256	257
15	48	CD - video from Eddie's Minute Mart	260	262
16	49	Photo - still from Spinx video	258	259
17	50	Photo - still from Spinx video	258	259
18	51	Photo - still from Eddie's Minute Mart video	261	262
19	52	Photo - still from Eddie's Minute Mart video	261	262
20	53	Photo - still from Eddie's Minute Mart video	261	262
21	54	Photo - still from Eddie's Minute Mart video	261	262

22

23 For the Defendant:

24 Marked Description I.D. Admitted

25 None offered.

1 (WHEREUPON, court convened with all parties
2 present and the following proceedings were had
3 commencing at approximately 9:27 a.m.)

4 (Juror Number 71 entered the courtroom.)

5 THE COURT: Gentlemen, I received notice after we
6 had gone into recess yesterday that one of the jurors,
7 after the case started, realized that he may have been
8 familiar with or knew some of the alleged victim's
9 family.

10 Now, this is Juror Number 71, Mr. Hook.

11 Mr. Hook, what is the nature of what you
12 remembered about the situation?

13 MR. HOOK: Okay. Well, for about 20 years, I was
14 a tobacco sales rep in Anderson County and Oconee
15 County, and all my call points were convenience stores.
16 So for 20 years, I knew most all these accounts
17 pretty -- pretty well. I called on them once a month,
18 monthly basis.

19 And I do remember the convenience store on Clemson
20 Boulevard, the Exxon station, old Shirley's Exxon. I'm
21 assuming that's where this person worked. And I don't
22 know if -- I left that job in 2011, so the incident
23 took place in 2012. I don't know how long -- if that
24 same owner had still been at this business in 2012 as
25 the same one that I knew in the prior years, so I don't

1 know.

2 THE COURT: You did not know the person
3 individually?

4 MR. HOOK: I would probably know him if I saw him.
5 There's a lot of Indians that own these convenience
6 stores, and they're all last name were Patel. So I
7 don't know particularly which Patel this was, but I do
8 remember that store and I remember the family. Most of
9 these stores had owners that were not always there, but
10 their families were always there, so I got to know a
11 lot of them, you know, over the years.

12 THE COURT: Now --

13 MR. HOOK: I didn't recognize the name. I wasn't
14 paying attention to the name when the first -- when
15 everything was being announced at the beginning of the
16 trial.

17 THE COURT: Do you feel that you being familiar
18 with this particular store and having contact with this
19 particular family would make it impossible for you to
20 be fair and impartial in this trial?

21 MR. HOOK: Like I told the clerk last night, I
22 feel like I could be impartial, but I just want it to
23 be known up front because I don't want it to come out
24 after the trial and somebody say, "Oh, this is a
25 mistrial because this person actually knew these

1 people."

2 THE COURT: So you feel like you can be fair and
3 impartial?

4 MR. HOOK: Yes, sir.

5 THE COURT: Okay. All right. Thank you,
6 Mr. Hook.

7 Mr. Shirley, if you would take Mr. Hook back.

8 MR. SENERIUS: Your Honor, could you ask him if he
9 has any contact with those people today, with the
10 Patels?

11 THE COURT: Do you have any contact with this
12 family today?

13 MR. HOOK: No, sir.

14 THE COURT: Okay.

15 MR. SENERIUS: Thank you.

16 THE COURT: All right. Thank you, Mr. Hook.

17 MR. HOOK: Okay.

18 (WHEREUPON, Mr. Hook left the courtroom.)

19 THE COURT: Gentlemen, we do have an alternate.
20 What's the State's position?

21 MR. CAMPBELL: Your Honor, I think he's being
22 honest and straightforward and says he doesn't
23 recognize the person. I think, based on what his
24 testimony was in court, that he can be fair and
25 impartial. He left in 2011. I do not personally know

1 when Mr. Patel started running the store, his family.

2 Basically what happened is, my understanding from
3 the guy who kind of runs the show here, who's also a
4 Patel, he brings in these other people, puts them
5 there. And I don't know how long this CJ Patel had
6 been in this store, but he left in '11. This is 2012.
7 I think he can be fair and impartial, and I don't have
8 a problem keeping him.

9 THE COURT: Mr. Senerius?

10 MR. SENERIUS: Leave him on.

11 THE COURT: What, sir?

12 MR. SENERIUS: Leave him on the jury.

13 THE COURT: Okay. That's fine. Okay. He
14 answered the questions in a forthright manner. I'm not
15 going to remove him at this point.

16 MR. SENERIUS: Excuse me, Judge?

17 THE COURT: I'm not going to remove him.

18 MR. SENERIUS: I know. I was just going to ask if
19 you could speak up a little bit for me.

20 THE COURT: Yes, sir.

21 MR. SENERIUS: Hearing aids aren't working that
22 great.

23 THE COURT: Anything further before we bring our
24 jury back in?

25 MR. CAMPBELL: Not from the State.

1 MR. SENERIUS: Just the issue that we raised in
2 chambers.

3 THE COURT: I'm going to ask the jury if they have
4 consulted any media outlets about the trial.

5 MR. SENERIUS: Yes, sir.

6 THE COURT: All right.

7 Mr. Shirley, you can get our jury.

8 (WHEREUPON, the jury entered open court at
9 9:44 a.m.)

10 THE COURT: Good morning, Ladies and gentlemen. I
11 hope everyone had a good evening. We're ready to begin
12 this morning.

13 Before we begin, I want to question you as a jury:
14 Has any member of the jury panel done any independent
15 research on the facts of this case, either look up
16 things on the Internet, consulting media outlets,
17 television, newspaper articles, magazines or word of
18 mouth? Has anyone done any independent research?

19 Okay. Let the record reflect that the jury all
20 have responded in the negative.

21 Okay. Is the State ready to proceed?

22 MR. CAMPBELL: State's ready, your Honor.

23 THE COURT: Call your next witness.

24 MR. HAIGLER: State calls Tawanya Edwards.

25 TAWANYA EDWARDS,

1 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

2 THE CLERK: If you would take this witness stand
3 and state your name and spell your last name for the
4 record, please.

5 THE WITNESS: Tawanya Edwards, E-d-w-a-r-d-s.

6 DIRECT EXAMINATION

7 BY MR. HAIGLER:

8 Q Ms. Edwards, are you from Anderson?

9 A I am.

10 Q And do you currently live in Anderson?

11 A I do.

12 Q Where are you employed?

13 A At Water Sports Warehouse.

14 Q Do you know the defendant in this case, Jeremiah
15 Johnson?

16 A I do.

17 Q Do you see him in the courtroom today?

18 A I do.

19 Q Can you point him out for us?

20 A (Indicating).

21 Q How do you know Jeremiah Johnson?

22 A We've been friends for some years now.

23 Q Do you remember what you were doing on July 1st of
24 2012?

25 A I do.

1 Q Were you with the defendant for part of that day?

2 A I was.

3 Q And what were y'all doing?

4 A Hanging out at his house.

5 Q What, if anything else, did you do other than hang
6 out at his house?

7 A I took him to a friend's house. We was supposed
8 to go to a lake in Walhalla, but I ended up dropping
9 him off at a friend's house.

10 Q Do you remember what friend that was?

11 A I don't remember the guy's name. I remember just
12 seeing a girl there.

13 Q And where was this house that you took him to, do
14 you recall?

15 A It was in Homeland Park. I don't remember the
16 street or anything.

17 Q Okay. When you got there, you said you saw that
18 there was a girl there. Do you know who that girl was?

19 A Kyndra.

20 Q Okay. Do you know her last name?

21 A Howell.

22 Q Okay. When you got there, there was a -- was
23 there a car in the driveway?

24 A It was.

25 Q Do you remember what kind of car that was?

1 A I -- I don't remember the kind of car, but it was
2 like a little Honda or Altima or something like that.

3 Q And do you remember about what time you went over
4 to Kyndra's house?

5 A Yes. It was about around 6:00 in the evening.

6 MR. SENERIUS: Could you speak into the
7 microphone?

8 THE COURT: Pull the microphone over so you can
9 speak into it.

10 BY MR. HAIGLER:

11 Q You said about 6:00?

12 A Yes.

13 Q And do you remember about how long you were at
14 Kyndra's residence?

15 A The first time I was there, for like seven
16 minutes, but I left and went right back. So the first
17 time, about seven minutes, and then the next time,
18 maybe like five minutes.

19 Q And was there any more leaving and going back?

20 A Yes. I left and then I went back.

21 Q Okay. So when is the last time that you recall
22 seeing or speaking to Jeremiah that day?

23 A When I left the second time. I didn't see him
24 anymore that day.

25 Q Okay. And what, if anything, did he give you

1 before you left for the last time when you left
2 Kyndra's house?

3 A He gave me \$30 for gas.

4 (WHEREUPON, State's Exhibit Numbers 38 & 43 were
5 shown to the witness.)

6 BY MR. HAIGLER:

7 Q Okay. I want to -- Ms. Edwards, I'm going to show
8 you a couple pictures that have been marked State's
9 Exhibit 38 and State's 43 for identification purposes.
10 Do you recognize those pictures?

11 A Yes, sir.

12 Q And can you tell the jury what they are pictures
13 of?

14 A This is a picture of my car and two guys, which
15 one of them I can't really tell from the picture, but
16 it's got to be Jeremiah because he was with me. And
17 the second picture is a picture of Jeremiah.

18 Q That's a more close-up picture of Jeremiah?

19 A Yes.

20 Q Thank you. Do these pictures, both of them,
21 fairly and accurately represent that day --

22 A Yes.

23 Q -- as you recall?

24 A Yes.

25 MR. HAIGLER: Your Honor, at this time the State

1 would move to admit State's 38 and State 43 into
2 evidence.

3 THE COURT: Any objection?

4 MR. SENERIUS: No objection.

5 THE COURT: All right. State's 38 and 43 would be
6 admitted without objection.

7 (WHEREUPON, State's Exhibit Numbers 38 & 43 were
8 admitted into evidence.)

9 MR. HAIGLER: I'd like to publish them for the
10 jury at this time.

11 Q This first picture that I just showed you, that is
12 your gray Cadillac in the distance?

13 A It is.

14 Q And that's Jeremiah in a white T-shirt getting out
15 of your Cadillac?

16 A It is.

17 Q And then this second picture is just a close-up
18 picture. This is after, I believe, you had moved your
19 car in behind that black Honda?

20 A Yes, sir.

21 Q And that's just a close-up picture of Jeremiah
22 Johnson; is that correct?

23 A Yes.

24 Q Thank you.

25 MR. HAIGLER: Your Honor, I have no further

State of South Carolina vs. Jeremiah C. Johnson 2012-GS-04-02404, 05, 02447 & 48
James Christopher Wilson - Direct Examination by Mr. Haigler

153

1 questions for Ms. Edwards.

2 Please answer any questions that Mr. Senerius has.

3 MR. SENERIUS: One moment, your Honor.

4 We have no questions, your Honor.

5 THE COURT: Thank you, Ms. Edwards. You may step
6 down.

7 MR. SENERIUS: She may be excused, as far as I'm
8 concerned.

9 THE COURT: Any objection to this witness being
10 excused?

11 MR. HAIGLER: She can be excused.

12 THE COURT: Thank you, Ms. Edwards. You are
13 excused.

14 Call your next witness.

15 MR. HAIGLER: State calls Chris Wilson.

16 JAMES CHRISTOPHER WILSON,

17 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

18 THE CLERK: If you would take the witness stand
19 and state your name and spell your last name for the
20 record, please.

21 THE WITNESS: James Christopher Wilson,
22 W-i-l-s-o-n.

23 DIRECT EXAMINATION

24 BY MR. HAIGLER:

25 Q Investigator Wilson, where do you work?

1 A I work at the Anderson County Sheriff's Office.

2 Q And how long have you worked there?

3 A I've been there for nine years, all and off for
4 21.

5 Q What's your position with the sheriff's office?

6 A I'm a forensics investigator.

7 Q And how long have you worked as a forensics
8 investigator?

9 A I've worked as a forensics investigator since
10 2001.

11 Q And as a forensics investigator, what are your
12 general duties and responsibilities with the sheriff's
13 office?

14 A We are tasked with processing the scenes from an
15 auto break-in up to a homicide, taking pictures,
16 fingerprints and getting evidence.

17 Q And were you working in that capacity in the
18 summer of 2012, specifically July 1st, 2012?

19 A I was, yes, sir.

20 Q Did you have the opportunity to get involved in
21 the investigation into the murder of CJ Patel?

22 A Yes, sir, I did.

23 Q What was your first involvement in that case?

24 A First involvement was, I believe, doing a search
25 warrant on -- no. Let me take that back. Might have

1 been at the house. I'm not real familiar what the
2 first one was, but I know I did some things at the
3 house on Drive. I worked the scene off of 29
4 where Mr. Patel was located and then done a search
5 warrant on his car.

6 Q Okay. Let's go back to the car. Why was that
7 necessary? Why was it necessary for you to do a search
8 warrant on the car?

9 A Try to find fingerprints, trace evidence, any kind
10 of blood to prove whether or not, you know, if someone
11 else was in his vehicle.

12 Q And now to the house. What was the purpose of
13 doing the search warrant at the house?

14 A Trying to place Mr. Patel inside the house, any
15 kind of evidence that would do that, any kind of, you
16 know, trace evidence of foul play, anything like that.

17 Q You said that you ultimately went to the scene
18 where the victim's body was located. What, if
19 anything, did you do at the scene?

20 A Collected soil samples, some other kind of
21 evidence that we had to send off -- I couldn't tell you
22 what it was -- took photographs, located -- we
23 collected a shell casing several feet away from
24 Mr. Patel.

25 Q Did you have the opportunity to attend the autopsy

1 in this case?

2 A I did.

3 Q And what, if anything, did you observe at the
4 autopsy?

5 A He had some kind of injury to the head area. I'm
6 not sure what it was. But I collected his clothes,
7 photographed that. I photographed him there at the
8 autopsy, collected his clothes.

9 Q And did you have, other than after you attended
10 the autopsy, did you have any other involvement in this
11 case?

12 A Other than trying to enhance some videos, no, sir.

13 Q I have no further questions. Please answer any
14 questions that Mr. Senerius has.

15 THE COURT: Mr. Senerius, your witness.

16 MR. SENERIUS: Thank you, your Honor.

17 CROSS-EXAMINATION

18 BY MR. SENERIUS:

19 Q Is it officer, investigator or detective?

20 A Deputy, investigator. It doesn't matter.

21 Q Deputy? Okay.

22 A I'll answer to anything.

23 Q All right. You're with the forensics unit?

24 A Yes, sir.

25 Q One of your duties was to conduct an examination

1 of the car that was alleged to belong to Mr. Patel?

2 A Right. Conducted the search warrant.

3 Q Where did you conduct that investigation?

4 A At the forensics armory at the sheriff's office.

5 Q Okay. Did you find any fingerprints on the car?

6 A That, I'm not sure. I don't have my report. I
7 can't remember.

8 Q As far as you know, you don't remember collecting
9 any fingerprint evidence?

10 A Like I said, I don't recall.

11 Q Okay. And did you collect DNA evidence?

12 A We did collect several swabbings, yes.

13 Q And did you ever get the results of that DNA
14 evidence?

15 A I don't get the results, no, sir. It goes back to
16 the investigator.

17 Q But as far as you know, there was no DNA evidence
18 linking my client to this case?

19 A Not to my knowledge. I don't get the reports from
20 SLED, no, sir.

21 Q Okay. The shell casing that you found at the site
22 where Mr. Patel's body was found, did you examine it
23 for fingerprints?

24 A I'm pretty sure we did. I'm not -- I'm not
25 familiar if we did or not. I know we probably sent it

1 off, but I can't tell you for sure whether or not we
2 fingerprinted it or not.

3 Q And, again, you wouldn't know the results of any
4 tests that were conducted?

5 A No, sir.

6 MR. SENERIUS: One moment, your Honor.

7 No further questions, your Honor.

8 Thank you, Investigator.

9 THE COURT: Any redirect?

10 MR. HAIGLER: Nothing further, your Honor.

11 MR. SENERIUS: Your Honor, he can be excused as
12 far as I'm concerned.

13 MR. HAIGLER: Yes, sir, your Honor.

14 THE COURT: Call your next witness.

15 MR. HAIGLER: Your Honor, the State calls

16 Dr. Brett Woodard.

17 DR. BRETT H. WOODARD,

18 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

19 THE CLERK: If you would take the stand, please,
20 sir, and state your name and spell your last name for
21 the reporter, please.

22 THE WITNESS: Brett Houghten Woodard,
23 W-o-o-d-a-r-d.

24 MR. SENERIUS: Your Honor, I'm familiar with
25 Dr. Woodard. We'll stipulate to his qualifications.

1 THE COURT: Okay. So stipulated.

2 DIRECT EXAMINATION

3 BY MR. HAIGLER:

4 Q Good morning, Dr. Woodard.

5 A Good morning.

6 Q You're the pathologist who conducted the autopsy
7 on Chadrakant Patel's body?

8 A That's correct.

9 Q What date did you perform that autopsy?

10 A The autopsy was performed on the 12th of July of
11 2012.

12 Q And what's the purpose of performing an autopsy?

13 A To determine the manner, mechanism and cause of
14 death.

15 Q And this autopsy in particular, who requested that
16 an autopsy be performed, to begin with?

17 A It was requested by the Anderson County Coroner's
18 Office. Deputy Coroner Don McCown requested it.

19 Q Before we get into the procedure and all your
20 findings, I know Mr. Senerius has stipulated to your
21 qualifications, but I do want to get into a little bit
22 of your background for the jury.

23 How long have you been a licensed physician?

24 A I've been a practicing physician since 1975.

25 Q And where did you receive your medical training?

1 A I attended Tulane University School of Medicine in
2 New Orleans.

3 Q And what exactly is pathology, and do you have to
4 have any extra training?

5 A Pathology is a specialized area in medicine that
6 deals with the state of health, disease in an
7 individual by utilization of what we call anatomy,
8 looking at the structures of the organs both under a
9 microscope and grossly in looking at the organ in what
10 we call a clinical, which is chemicals and cultures and
11 other testing that can be done on the fluids and the
12 substances of the body.

13 Forensic pathology is a subspecialty in that
14 general area of pathology that requires additional
15 training and experience, and it deals with the causes
16 of injuries to the human body and their potential
17 manifestations of function all the way up to the point
18 of death.

19 Q And does the training that you've had, does it
20 include the study and the use of firearms in the manner
21 of death?

22 A Yes, it does.

23 Q Does this include the effects a gun would have
24 when a bullet is fired upon a human body?

25 A That's correct.

State of South Carolina vs. Jeremiah C. Johnson 2012-GS-04-02404, 05, 02447 & 48
Dr. Brett H. Woodard - Direct Examination by Mr. Haigler

161

1 Q And are you trained in performing a distance
2 comparison?

3 A Yes.

4 MR. HAIGLER: Your Honor, at this time the State
5 would move to declare Dr. Woodard as an expert in the
6 field of pathology.

7 MR. SENERIUS: No objection. So stipulated.

8 THE COURT: He is admitted as an expert witness.

9 Now, ladies and gentlemen of the jury, this
10 witness has been admitted as an expert witness.
11 Ordinarily witnesses are limited to what they have
12 sensed, what they have heard, what they have seen.
13 They're not allowed to give opinions.

14 Expert witnesses have a specialized degree of
15 knowledge in this particular area by education and
16 experience in which they are allowed to give an
17 opinion. An expert witness is just like any other
18 witness. You may believe or disbelieve any or part or
19 none of their testimony. You place whatever weight on
20 the expert's testimony that you, as the jury, deem
21 appropriate.

22 Thank you, Mr. Haigler. You can proceed.

23 MR. HAIGLER: Thank you, your Honor.

24 Q Dr. Woodard, when you conducted the autopsy of CJ
25 Patel on July 13th, 2012, how did you first come into

1 contact with his body?

2 A The body was brought to the Anderson Area Medical
3 Center morgue by the Anderson coroner's office.

4 Q Did the -- at this time did the coroner's office
5 have jurisdiction over the body?

6 A That's correct.

7 Q And when you were authorized to conduct a
8 complete, unrestricted autopsy, what does that mean?
9 What does that entail?

10 A That means that I'm allowed to examine all parts
11 of the body, both from the outside all the way through
12 to dissecting and looking at the inside of the body for
13 any signs of injury that might be there.

14 Q Do other people typically assist you when you
15 perform an autopsy?

16 A Yes.

17 Q Who else is present?

18 A Mr. Charles Boseman, who's the chief deputy
19 coroner, also works as my autopsy assistant, and my
20 pathology assistant, Mrs. Chapman.

21 Q In this case in particular, did you have a chance
22 to go to the crime scene where Mr. Patel's body was
23 located?

24 A I did not.

25 Q So the first time you observed his body was in the

1 morgue at the hospital; is that correct?

2 A That's correct.

3 Q What was the condition of his body when you
4 received it?

5 A It was in an advanced state of decomposition. The
6 body was breaking down because of the natural chemicals
7 that are released in the body as well as the activities
8 of insects, beetles and flies.

9 Q Can you describe to the jury the procedures you
10 followed when you started the autopsy and how you
11 document your findings?

12 A Yeah. We began by examining the body as it was
13 received in the condition that it would have been if it
14 was still laying out in the location where it was
15 found. We take pictures of everything we see on the
16 surface of the body, collect insects so they can be
17 utilized to date the time period that the body had been
18 dead, and if we see any other characteristics on the
19 surface of the body like gunshot residue or any inks or
20 powders that may have evidentiary value. We then
21 proceed after photographing these. We would remove all
22 bindings from the body in a staged fashion, take
23 additional pictures as we remove them.

24 Q Now, given that Mr. Patel's body was in an
25 advanced stage of decomposition, how were you able to

1 identify the deceased man was CJ Patel?

2 A He was identified by his dental records. Dental
3 records were obtained by the coroner's office for
4 comparison with the teeth of the deceased individual.

5 Q Were you able to initially determine the cause of
6 death before proceeding with the autopsy?

7 A Yes. There was a gunshot wound to the head.

8 Q And what, if anything -- you mentioned gunshot
9 wound to the head. What, if anything, did you observe
10 that indicated to you that you were dealing with a
11 homicide as opposed to a suicide or a natural death?

12 A The body was received with bondage wrapped around
13 the extremities. He, additionally, on the outside of
14 the body, there were multiple visible cuts. There were
15 five separate cut injuries over the left anterior
16 thigh, and then there were two cut injuries on the
17 right side of the body, one on the right medial thigh
18 and one on the right lower leg, medial aspect of the
19 right lower leg, that were definitely cut injuries.
20 And then there were other injuries that appeared to be
21 possibly cut injuries as well.

22 Q Okay. Were you able to tell the proximity that
23 the victim would have been to the gun when it was
24 fired?

25 A During the autopsy, we determined that the bones

1 in the brain had been separated widely. In order for a
2 gun to do that, a handgun, we have to get some of the
3 energy of the exploding powder into the hole that's
4 made by the bullet so that there will be enough
5 pressure to push these bones apart in an adult
6 individual. He had these signs of overpressure which
7 would indicate the end of the barrel was close, far
8 less than 18 inches or a foot, at the time of
9 discharge.

10 Q During the autopsy, was a projectile or a bullet
11 recovered within the body?

12 A It was not.

13 Q Was an x-ray performed?

14 A Yes.

15 Q And through the autopsy you observed an entry
16 wound. Did you observe an exit wound?

17 A Yes, there was an exit wound down in his neck on
18 the right side of his neck where the bullet had come
19 down through the front part of the brain, through the
20 floor, through the sinuses below that and then exited
21 the lower part of the neck.

22 Q Given the gunshot you've described, the proximity
23 the victim was to the barrel, would his death have been
24 instant?

25 A He would have been instantly incapacitated, but

1 because of the portion of the brain that was struck, it
2 would take him a period of time to hemorrhage out or
3 have brain function stop.

4 Q So would he have been able to move around or walk
5 after this gunshot?

6 A No.

7 Q The other wounds that you mentioned, the
8 superficial cuts, did you document them in any manner?

9 A I took photographs of them.

10 Q Would viewing those photographs help you in
11 explaining those injuries to the jury?

12 A Yes, it would.

13 (WHEREUPON, State's Exhibit Numbers 28 through 31
14 were shown to the witness.)

15 BY MR. HAIGLER:

16 Q Dr. Woodard, I'm going to show you what's been
17 premarked as State's 28, State's 29, State's 30 and
18 State's 31. Can you identify those and tell the jury
19 what they are?

20 A These represent photographs that I caused to be
21 made at the time of the autopsy. They showed the cuts
22 in 31 on the left leg. They show the cuts on the right
23 thigh and leg in picture 30. They show an area of
24 discoloration that was present on the left side of the
25 abdomen, and then they show the bondage material which

State of South Carolina vs. Jeremiah C. Johnson 2012-GS-04-02404, 05, 02447 & 48
Dr. Brett H. Woodard - Direct Examination by Mr. Haigler

167

1 had been wrapped around his hands and that we cut and
2 removed and then took a picture of it after it was
3 removed.

4 Q And do those photographs fairly and accurately
5 represent the victim's, the deceased's, body as you
6 viewed it the day of the autopsy?

7 A Yes.

8 MR. HAIGLER: Your Honor, at this time the State
9 would move to enter State's 28, 29, 30, and 31 into
10 evidence.

11 MR. SENERIUS: No objection.

12 THE COURT: 28, 29, 30 and 31 would be admitted
13 without objection.

14 (WHEREUPON, State's Exhibit Numbers 28 through 31
15 were admitted into evidence.)

16 MR. HAIGLER: Your Honor, would it be okay if I
17 have Dr. Woodard step down and go over these on the
18 overhead?

19 THE COURT: Yes.

20 BY MR. HAIGLER:

21 Q I'm going to start with State's 28. If you could
22 tell the jury what this is.

23 A This is like the wire that we'd connect a ground
24 line telephone at your house, and these were wrapped
25 around his wrists holding his wrists behind him at the

1 time that the body was received, at the time it was
2 discovered in the woods.

3 Q Now State's 29.

4 A This is his abdomen. We see a large area of
5 discoloration of the skin which represents an injury
6 before the time of death that occurred to this skin
7 surface.

8 Q Now State's 30.

9 A This is his right leg and thigh. You can see the
10 cut injuries there, and the cut injuries there that
11 were definitely cut injuries before the time of death.

12 Q And last, State's 31.

13 A This is his opposite leg. And you can see the cut
14 injuries on the leg that were present before the time
15 of death.

16 Q And I'm going to show you State's 29 one more
17 time. Would that be, that type of injury, could that
18 be consistent with a burn?

19 A Absolutely. First- or second-degree burn.
20 Second-degree burn would be like a blistering sunburn,
21 would produce an injury like that.

22 Q Thank you. I believe that's all with the
23 pictures.

24 Dr. Woodard, it's noted in your report there were
25 signs of animal predation on the body. Could any of

1 those injuries that you just described have been caused
2 by animals?

3 A Not those injuries, no.

4 Q Could they have been self-inflicted?

5 A Because his hands were bound behind his back, I
6 wouldn't know of a way that he could inflict them.

7 Q Now, earlier when I was asking you about the
8 distance of the barrel the gun would have been to the
9 deceased's head, from your autopsy would you be able to
10 say what the angle or anything of that nature of how
11 the gun was held to the deceased's head?

12 A Well, the gun barrel was held in such a way that
13 there was a strong downward angle slightly back in
14 relationship to his head, but a strong downward angle
15 as it passed through the front portion of his brain,
16 his skull, brain and facial structures.

17 Q Did you collect -- other than the pictures that
18 you took, did you collect any other type of evidence in
19 this case?

20 A Yes. We collected the exemplar insects, we
21 collected head hair, we saved various substances for
22 toxicology and DNA, we saved the restraints, we saved
23 the clothing that he was in. He wasn't highly clothed,
24 but there was a pair of underwear. We saved that. And
25 then we saved tissue that we could do additional

1 studies on if proved necessary.

2 Q What, if anything, do you do with that evidence
3 that you collect?

4 A The evidence that we collect in a homicide case is
5 given to the investigators from the, in this particular
6 case, the Anderson sheriff's department or whatever
7 police agency would have been involved.

8 Q Given the time of year that Mr. Patel died, can
9 you determine about how long he had been dead when you
10 performed the autopsy?

11 A It would certainly be consistent with more than a
12 week up to two weeks.

13 Q And based on this autopsy, have you formed an
14 opinion concerning his cause of death within a
15 reasonable degree of medical certainty?

16 A Gunshot wound to his head.

17 Q And would you classify this as a homicide?

18 A Yes, I would.

19 Q Dr. Woodard, I have no further questions. Please
20 answer anything that Mr. Senerius has.

21 THE COURT: Mr. Senerius, your witness.

22 MR. SENERIUS: Thank you, your Honor.

23 CROSS-EXAMINATION

24 BY MR. SENERIUS:

25 Q Good morning, Dr. Woodard.

State of South Carolina vs. Jeremiah C. Johnson 2012-GS-04-02404, 05, 02447 & 48
J. Todd Owens - Direct Examination by Mr. Haigler

171

1 A Good morning.

2 Q Been a while.

3 Your participation in this investigation was
4 limited solely to the autopsy, correct?

5 A That's correct.

6 Q You did not go to the scene where the body was
7 found?

8 A I did not.

9 Q And you don't know where the death actually took
10 place?

11 A I do not.

12 Q And you said that he could have been dead as
13 little as a week and as much as two weeks?

14 A That's correct.

15 Q So would you put his time of death somewhere,
16 since this was on the 12th, backing it up would have
17 been the 5th of July to as early as, would be the 28th
18 or 29th of June?

19 A That sounds correct.

20 Q If my math is correct.

21 Thank you. I have no further questions.

22 THE COURT: Any redirect?

23 MR. HAIGLER: Just one question.

24 REDIRECT EXAMINATION

25 BY MR. HAIGLER:

1 Q Based on the condition of the body, would there be
2 any way to give an exact date of death?

3 A A more accurate date of death could have been
4 obtained with the use of the insects. I don't know if
5 SLED did anything with that.

6 MR. HAIGLER: Thank you.

7 THE COURT: Any recross?

8 MR. SENERIUS: No.

9 THE COURT: Any objection to this witness being
10 excused?

11 MR. SENERIUS: None, your Honor.

12 MR. HAIGLER: No, sir, your Honor.

13 THE COURT: Thank you, Dr. Woodard. You are
14 excused.

15 Call your next witness.

16 MR. HAIGLER: State calls Sergeant Todd Owens.

17 J. TODD OWENS,

18 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

19 THE CLERK: If you would take the witness stand
20 and state your name and spell your last name for the
21 record, please.

22 THE WITNESS: Jarett Todd Owens, O-w-e-n-s.

23 DIRECT EXAMINATION

24 BY MR. HAIGLER:

25 Q Sergeant Owens, where do you work?

1 A The Anderson County Sheriff's Office.

2 Q How long have you worked there?

3 A 16 years.

4 Q What is your current position with the sheriff's
5 office?

6 A I'm a supervisor in the criminal investigations
7 division where I supervise other detectives in their
8 day-to-day cases, assign cases, handle personnel
9 matters, et cetera.

10 Q And how long have you worked in that capacity?

11 A For the past two and a half years.

12 Q So if my math is correct, you were not working in
13 that capacity in the summer of 2012?

14 A That is correct. I was -- at that time I was a
15 corporal, which is a training officer, in criminal
16 investigations division that still carries a caseload
17 and still investigates cases. In that position, I
18 trained other detectives, assisted them with specific
19 cases and worked my own cases as well.

20 Q Okay. And when you were in that position in
21 around July 11th, 2012, did you have the opportunity to
22 get involved in the case involving a disappearance of
23 CJ Patel?

24 A I did, sir.

25 Q What was your first involvement with this case?

1 A My first involvement, Detective Barton had
2 contacted me at the office and stated that he needed to
3 escort an individual out to try to locate a possible
4 crime scene. I was unfamiliar with the scene. I had
5 just returned from an extended vacation, was not
6 familiar with the case at all. So I agreed to join him
7 on his search for this potential crime scene with a
8 defendant by the name of Zach Gantt.

9 Q And so you went with Detective Barton and Zach
10 Gantt to a potential crime scene?

11 A That's correct.

12 Q Where did y'all go?

13 A Well, we let Mr. Gantt guide us, basically. We
14 were driving down the road, and we asked him -- from
15 the sheriff's office, the back parking lot, we had him
16 in handcuffs in front of him and he was seated in our
17 car, seat belted in, and we asked him, "Which direction
18 do we need to go?" And he began to give us directions,
19 "Turn left here, turn right here, go straight here," et
20 cetera.

21 So we followed those directions as he is sitting
22 in the vehicle with us, and we eventually ended up on
23 Highway 29 South near Big Water Marina Road. And off
24 of Big Water Marina Road we took a right onto a small
25 driveway, kind of like what you would think hunting

1 property or something like that would be. It's a
2 wooded area with just basically a path for a vehicle to
3 drive into. And we pulled into that property and
4 stopped.

5 Q And what did you do next?

6 A At that point in time we asked him, "Is this where
7 we need to go?" He stated, "Yes." I said, "Well,
8 let's step out of the vehicle and see if you can show
9 me further where we need to go and go on foot because
10 you can't go any further in a vehicle." We agreed. He
11 got out of the vehicle and he walked with me.

12 Detective Barton stayed in our vehicle because I
13 had built a rapport with Mr. Gantt. For some reason he
14 talked to me a little more freely than he did with
15 Detective Barton. Don't know why. But sometimes
16 that's just personalities. He spoke with me very
17 freely.

18 We walked out into the wooded area and followed a
19 path, and I basically had him beside me and asked him,
20 "Do we need to go straight, turn left, go right? Which
21 direction do we need to go?" I would basically let him
22 take a step, and I would take a step following his
23 direction the entire time.

24 Q Can you describe that path that y'all took into
25 the woods?

1 A The path is -- it appeared to be an overgrown
2 logging trail or old driveway for a homeplace,
3 something of that kind of nature. It's in a wooded
4 area, a lot of hardwoods, some pines mixed in. It's
5 fairly open. You can see 100 yards or so in various
6 directions with some thickets in different places. A
7 lot of debris on the ground from dead leaves, dead
8 limbs, et cetera.

9 Q Did anything in particular stand out to you while
10 you were walking to where the body was ultimately
11 discovered?

12 A Yes. We were walking along the path, and I had
13 become familiar with the case while we were on the way
14 down there. We kind of were making general
15 conversation, and I had discovered that Mr. Patel was
16 of East Indian descent. And as we're walking along the
17 trail, I notice a pair of sandals that are there. They
18 have not been in the weather very long. They are
19 pristine. They're new. They're not like a dog had
20 chewed on them and dragged them out there, but they're
21 sitting there as someone had just slipped them off
22 their feet. And we were going there in the hopes of
23 finding Mr. Patel's body.

24 And when I saw those sandals, it instantly clicked
25 in my mind that people of East Indian descent

1 oftentimes remove their shoes in ceremonies, holy
2 ground, or if they are entering into something they
3 consider to be sacred. And it really stuck with me
4 because I think at that point Mr. Patel --

5 MR. SENERIUS: Objection as to conclusions as to
6 what Mr. Patel would have been thinking.

7 THE COURT: All right. Sustained.

8 BY MR. HAIGLER:

9 Q Okay. So moving on from after you saw these
10 sandals, did you ultimately -- were you ultimately led
11 to the victim's body?

12 A Yes. Mr. Gantt continued to walk with me down
13 this path. The closer we got to the ultimate discovery
14 of Mr. Patel's body, he became more and more physically
15 and emotionally upset. He would look down. He would
16 look at me. He would swallow a lot. At one point he
17 even teared up. He almost leaned on me as an older
18 brother, father figure, something of that nature is the
19 only kind of way I can describe, but at one point in
20 time I actually had my arm around him and he's leaning
21 his head over on my shoulder and he's sobbing as we
22 walk down this path. And he keeps saying, "Go
23 straight. Go straight." And then we came to a
24 position where the path basically became very narrow,
25 almost like a game trail, and he said, "Go right." And

1 then we got to a point he just stopped and he would not
2 go any further. I said, "What is it?" He said, "Look
3 over there, over there," and he kind of motioned with
4 his head. And he's still kind of sobbing at this point
5 in time.

6 I looked over there. At that point I saw
7 Mr. Patel's body or what I assumed to be Mr. Patel's
8 body. It was a human corpse over there in a state of
9 decay. He sobbed, began to really want to lean on me
10 more and more. I asked him, I said, "Is this him?"
11 "Yes." I said, "Were you here?" He swallowed, looked
12 around. I said, "Were you here when this happened?"
13 "Yes, I was." I said, "What happened?" He said,
14 "Quevo shot him."

15 MR. SENERIUS: Objection as to hearsay.

16 THE COURT: Sustained.

17 BY MR. HAIGLER:

18 Q Okay. So after Mr. Gantt shows you the body, what
19 happens next?

20 A After Mr. Gantt showed me the body, I returned
21 with him back to Detective Barton. I informed
22 Detective Barton that we had indeed located the body.
23 We sat Mr. Gantt down in the back of my car, cut on the
24 air conditioner because it was hot at that point in
25 time, and I sat in the vehicle with him. We contacted

1 other detectives at our office, our forensics
2 investigations unit, et cetera. They arrived on scene.
3 Once they arrived on scene, Detective Barton and I left
4 and returned back to our office to continue the
5 interview of Mr. Gantt.

6 Q Okay. And after your dealings with Mr. Gantt, did
7 you have any other involvement in this case?

8 A Yes. The next day Detective Barton and I wanted
9 to interview Mr. Johnson, the defendant here in this
10 case, about his involvement because of Mr. Gantt's
11 indication that he was present. So he was brought to
12 the sheriff's office, and we interviewed him in an
13 interview room. And then after a couple of hours in
14 the interview room, he spoke with us about his
15 involvement, and then we moved to my office where we
16 typed a statement and he initialed several places and
17 signed saying that was his statement of the events that
18 occurred.

19 Q Okay. Let's back up just a little bit.

20 A Sure.

21 Q Was he advised of his rights before sitting down
22 and speaking with him?

23 A Yes. We have a form at the sheriff's office we
24 fill out when we ask anyone that's in custody, any kind
25 of custodial interrogation or interview. We always

1 fill this form out and advise them of their rights in
2 writing and have them read a couple sections. And we
3 explain it to them if they have any questions so
4 they're fully aware of their rights.

5 Q Did you witness this take place?

6 A I did.

7 (WHEREUPON, State's Exhibit Number 1
8 was shown to the witness.)

9 BY MR. HAIGLER:

10 Q Is this the form you used?

11 A It is the form I used.

12 MR. HAIGLER: Your Honor, the State would move to
13 enter the defendant's advisory of rights into evidence.

14 THE COURT: What is the number?

15 MR. HAIGLER: It's State's Exhibit 1.

16 MR. SENERIUS: No objection.

17 MR. HAIGLER: Can I have Sergeant Owens step down?

18 THE COURT: State's Exhibit 1 is admitted without
19 objection.

20 (WHEREUPON, State's Exhibit Number 1 was admitted
21 into evidence.)

22 MR. HAIGLER: Sergeant Owens, would you mind
23 stepping down?

24 THE WITNESS: Yes, sir.

25 BY MR. HAIGLER:

1 Q Can you see that?

2 A Yeah. If you will come down just a little bit.

3 There you go.

4 Q All right.

5 A At the top we have Office of Sheriff, Anderson,
6 South Carolina with our emblem. It is a form that's a
7 blank standard form that we use, so we always fill in
8 the individual's name. We ask them for their name. We
9 ask them to spell their name so we have their full,
10 correct name on there. I wrote this in, Jeremiah
11 Christian Johnson. The location, 305 Camson Road,
12 Anderson, SC, that's the physical address of the
13 sheriff's office where we did it.

14 If you will slide it to the left just a little
15 bit. And the date here, 7/12/12, for the year 2012.
16 Slide it back to the right. And what we do is, as I --
17 I say "we." As I spoke to Mr. Johnson, and when I
18 speak to individuals, I ask them specific questions to
19 determine their understanding to make sure that they're
20 not under the influence of any drug and alcohol, lack
21 of sleep, that kind of thing that would interfere with
22 their ability to comprehend what's going on. We ask
23 them specific questions like the spelling of a name.
24 If someone is highly intoxicated or under the influence
25 of drugs, a lot of times they slur their words, slur

1 their names, can't spell their full name. They don't
2 give their full name. They will just give their first
3 name and last name. But in this case he gave me his
4 entire name. He spelled it for me. He spoke very
5 clearly. It appeared to me his eyes were bright and
6 light. He appeared very alert. He, in all aspects, he
7 appeared to be very conscious and aware of what was
8 going on.

9 Another thing we do is we ask them if they can
10 read and write the English language. And we ask them,
11 "Is English your first language?" He indicated he
12 could read and write the English language, acknowledged
13 English is his first language. He spoke it fluently
14 and read it fluently. So I asked him to read these two
15 lines out loud to me so I can confirm that he can read
16 and write. It's not just taking his word for it. I
17 actually have him read to me. And I have him initial
18 here and here beside that once they have read that out
19 loud to me and JJ for Jeremiah Johnson where he
20 initialed.

21 From that point I ask them to read the form to
22 themselves. If they have any questions about any of
23 the definitions of the words, any of the meanings, they
24 can ask me and I would be happy to explain it to them.
25 He read those to himself.

1 If you will slide down for me just a little bit.

2 And at the bottom I asked him, "Do you understand your
3 rights? These are what your rights are. If you agree
4 with that, if you would sign and date and time for me."

5 If you will slide it to the left just a little for
6 me. Here he indicated 7/12/12, for the year 2012, and
7 10:21 a.m. He asked what time it was. I told him.
8 And I believe he asked the date and I told him because
9 I have to look at my watch and say 7/12. At that point
10 I said, "If you agree with this, give me your
11 signature." He signs on there. And over at the top
12 left-hand corner I witnessed it and Detective Barton
13 added his signature as well.

14 Down here at the bottom, if you would pan out just
15 a little bit, make it easier to explain this next
16 section. Right there. At this section of the form,
17 it's called waiver of rights. Basically, if someone is
18 stating in writing that they understand what their
19 rights are and they are freely and voluntarily waiving
20 their rights to an attorney at that point in time and
21 they are talking to us of their own free will basically
22 is what this is. I have them read it to themselves or
23 I read it out loud to them and again state, "If you
24 have any questions about definitions of words, any
25 meanings, ask me. I'll be happy to explain it to you."

1 There, as it states, it says, "I have read this
2 statement of my rights. I understand what my rights
3 are. I'm willing to make a statement and answer
4 questions. I do not want a lawyer at this time. I
5 understand and know what I am doing. No promises or
6 threats have been made to me and no pressure or
7 coercion of any kind has been used against me."

8 Oftentimes we explain to them coercion, what that
9 is, just simply because it's not a word you use in
10 everyday conversation. And I always explain it this
11 way: There's good coercion and bad coercion. Bad
12 coercion is if you don't tell me what I want to know,
13 I've got Deputy Billy Bob over here who's 6'8" and
14 300 pounds, and he's going to stand here and he's going
15 to squeeze you until you tell me what I want to know.

16 Good coercion is, I found out you love pepperoni
17 pizza and Dr. Pepper. Well, I go buy you a pepperoni
18 pizza and a Dr. Pepper and I set it in here and I don't
19 let you eat for a day or so, and I bring that pizza in
20 and say, "You tell me what I want to know." We're
21 saying we haven't done that. They are agreeing we
22 haven't done that. We haven't threatened them. We
23 haven't tried to intimidate them in any way. We
24 haven't tried to trick them or anything like that.

25 Ask them again, if you agree with this, if you

1 agree with everything we're doing is on the up-and-up
2 and if you agree with it, if you would sign and date
3 and time for us. Again, he signed his name here, put
4 the date and the time of 10:21 a.m., my signature, and
5 then Detective Barton's signature.

6 Q Thank you. Sergeant Owens, after you went over
7 the advisement of rights, did the defendant indicate to
8 you that he did wish to give a statement?

9 A He did.

10 Q Who wrote the statement?

11 A I typed the statement. We spoke after the initial
12 advisement of rights. We were in the interview room
13 for a couple of hours speaking about various things,
14 becoming to know one another, asking questions. At
15 first he denied involvement in the situation, stating
16 he didn't have anything to do with it, that he was
17 playing video games at the home, didn't know what was
18 going on, didn't hear anything. We went through that.

19 We told him that we had information from another
20 individual that was there at the home who is saying he
21 was there, why would they say that if it wasn't true,
22 and basically he became physically distraught and
23 basically leaned forward. He was unhandcuffed, sitting
24 in a chair much like this one with his back to the
25 wall, leaned forward toward me, put his head down,

1 appeared to be physically and emotionally upset. I
2 leaned in, I took his hand, touched him on the shoulder
3 and said, "Tell me what happened. It will be okay,"
4 tried to reassure him.

5 You know, we talked about it for just a second.
6 He took a deep breath and basically at that point said,
7 "Quevo shot him." And I said, "Well, tell me about
8 what happened." And he began to tell me the details of
9 what led up to the event and what his involvement was
10 and his involvement all the way up to the murder of
11 Mr. Patel.

12 Q And at that point he gave you a full statement
13 which you did type?

14 A That's correct. After we left the -- I asked him,
15 "Do you want to sit down and write this down, have me
16 type it for you?" He agreed. We got up from the
17 interview room, moved to my office, which was next
18 door, and typed the statement.

19 (WHEREUPON, State's Exhibit Number 2 was shown
20 to the witness.)

21 BY MR. HAIGLER:

22 Q I'm going to show you what's been marked as
23 State's Exhibit 2. Is this the statement that you
24 typed?

25 A It is.

1 Q When you typed that statement, was it written
2 accurately, truly and accurately, what the defendant
3 told you what happened?

4 A Yes.

5 Q Was it read back to him or did he read it himself?

6 A I read it back to him and then handed him a copy
7 of it and asked him if he would like to read it for
8 himself before he signed it and before we printed it
9 out for the final time and finalized it. He agreed.
10 He took it. He signed it. He agreed that that was a
11 true and accurate statement, representation of the
12 events, and agreed to sign it. And he kept his copy
13 and I kept my copy.

14 MR. HAIGLER: Your Honor, at this time the State
15 would move to enter State's Exhibit 2, the defendant's
16 statement, into evidence.

17 MR. SENERIUS: Based on our previous arguments, we
18 would object.

19 THE COURT: Your previous objection is noted. The
20 Court's ruling is the same. Overruled. So Number 2
21 will be admitted.

22 (WHEREUPON, State's Exhibit Number 2 was admitted
23 into evidence.)

24 MR. HAIGLER: Your Honor, at this time I would
25 ask Sergeant Owens to publish it to the jury.

1 THE WITNESS: At the top I have the date -- top
2 left-hand corner, 7/12/12 at 1230 military time, which
3 is 12:30 p.m. Also there is a stamp that I always put
4 on there that says "original." Then it states,
5 Anderson County Sheriff's Office, forward slash, Office
6 of Detective Todd Owens, 305 Camson Road, Anderson, SC
7 29625. States, Statement of, colon, Jeremiah Christian
8 Johnson; black male; 29, which is for 29 years of age;
9 date of birth, SS hash tag for social
10 security number,
11 Anderson, SC 29626, which is his address that he
12 provided the me. "M paren" for his mobile phone number
13 of and then "GED completed" because we
14 always ask what's the highest level of education
15 someone has completed and, again, to gauge their
16 understanding.

17 Then it has, "This statement typed for me by
18 Detective Todd Owens. I can read and write. This is a
19 true and accurate statement. I do this of my own free
20 will. No threats or promises have been made to me."
21 And then there is a blank and with his signature,
22 Jeremiah Johnson.

23 And it continues on the statement stating, "Over
24 the weekend, I think it was Saturday evening, I was
25 with my girlfriend Nikki in her car, a silver Cadillac.

1 We went over to Drive. She was driving and I was
2 riding in the passenger seat. No one else was with us.
3 We pulled up and saw Zach Gantt, who I considered to be
4 like a son to me and he looks up to me. We talked, and
5 I got out of the car, and Kyndra called us over to her
6 house, a brick house.

7 "We walked over, and she told us about a man
8 inside who had some money and she said we should rob
9 him. I looked at Zach and asked him, 'Do you want to
10 do this?' He shook his head 'yes.' We all three went
11 in the house. We walked back to a room with stuff
12 everywhere. Me and Zach scuffled with the guy, and the
13 guy got held down on the floor. I asked about if he
14 had any money or whatever and the guy was like, 'No, I
15 don't have no money.'

16 "Me and Zach tied the guy up with a cord or
17 something like that. We tied his hands behind him. He
18 was sitting on the floor and Kyndra was asking him
19 about where his money was. I reached down and got his
20 wallet. It was on the floor. I set it on a dresser.
21 I remember Kyndra checking some cards the guy had in
22 his wallet for some money.

23 "Kyndra later left the cards. The guy had said
24 some numbers so they would work. When she came back,
25 she said those were not the right numbers. I hit the

1 man in the chest. Zach hit him also. I left and took
2 his car and tried to use the cards using the numbers he
3 gave us. I tried to use them at the Spinx on Highway
4 81. I tried to use his cards in the ATM. I left and
5 went back to the house.

6 "The guy one time lay down like he was knocked
7 out. I said this was enough. Soon after that, a guy
8 named Quevo came and things got out of hand. Quevo hit
9 the man in the face. I don't know how many times, but
10 it was a few times. Quevo sprayed the man with a can
11 of like bug spray or something, trying to get him to
12 talk. Quevo also grabbed a knife and got it off the
13 hot stove and torched the man, burning him with the
14 knife. He burned him in several places. I don't know
15 where all he did because the guy was screaming.

16 "I was feeling like this was enough and I said,
17 'Let's take him off.' Quevo was like, 'All right.' My
18 plan was to take him off and let him go. The car was
19 pulled in the backyard already. Somebody had moved it.
20 I remember somebody saying, 'Hold up a minute,' like
21 there was a car coming down the road or something. It
22 was dark. He got in the backseat in the middle. Me
23 and Zach got in the back with him. Quevo drove.

24 "We went out deep into the country on a long back
25 road. We pulled up into some bushes like a driveway to

1 a hunting area or something. The man got out of the
2 car. I was trying to think of a way to get this man
3 away from him. Quevo had a gun in his hand. Me and
4 Zach and Quevo walked down further into the woods with
5 the man. I kept asking the guy to just tell them where
6 the money is at. We were walking, and the next thing I
7 know I hear Quevo ask the man about the money, and I
8 see him raise the gun to the side of the man's head,
9 and I start to turn and he shoots him in the head. I
10 tried to stop him and told him don't do this, but it
11 was too late. The man fell. I asked Quevo if the man
12 was dead. He said yes.

13 "Me and Zach started walking back, keeping him
14 close to me. We all walked back to the car. We got
15 into the car and Quevo drove the car back. We went
16 back to Kyndra's house. I think Quevo told her what
17 happened.

18 "Later a guy named Bug or Unc, something like
19 that, came to the house and cleaned the car. I think
20 he was going to clean it up for some dope or something.
21 I drove the car up to Fair Play and the guy, Bug or
22 whatever, rode up with me. Zach followed us in a car.
23 We dropped the car off in some bushes and Zach drove us
24 back. I am sorry this happened. I tried to stop the
25 violence but it got out of hand. End of statement."

1 And then forward slashes and then his initials, JJ.

2 And then it states, "I have received a copy of
3 statement," and then Jeremiah Johnson's signature,
4 Detective Todd Owens, my signature, Detective Danny
5 Barton and Detective Barton's signature. At the top
6 left-hand corner of the back page is JJ, and at the
7 bottom right of the paragraph is JJ, and at the top is
8 a stamp for original, and at the bottom right of the
9 first page is the initials JJ. And we do that so that
10 we can say nothing is added or deleted after they give
11 their statement. Once they apply their signature to
12 it, we can't add or delete anything.

13 (WHEREUPON, State's Exhibit Numbers 32 & 33
14 were shown to the witness.)

15 BY MR. HAIGLER:

16 Q Okay. I'm going to show you what's been marked as
17 State's 32 and 33. Do you recognize those?

18 A I do.

19 Q Can you tell the jury what those depict?

20 A This is Jeremiah Johnson with us. He's standing
21 in my office. This is during the statement process.
22 We were trying to determine where and how the victim
23 was positioned and where he was. Basically,
24 Mr. Johnson stated that he would re-create this for us,
25 and I asked him to position me, and he had me stand up,

1 put my hands behind my back. I asked him to position
2 Investigator Barton as if he was Quevo. He did. He
3 advised him where to stand exactly and to raise his
4 hand up as if there was a gun in it. And then we asked
5 him to stand where he was, and he stood where he was
6 when the incident occurred.

7 Q And do those photos fairly and accurately depict
8 how he had you stand, the positioning?

9 A They do.

10 MR. HAIGLER: Your Honor, at this time the State
11 moves Exhibits 32 and 33 into evidence.

12 MR. SENERIUS: No objection.

13 THE COURT: 32 and 33 would be admitted without
14 objection.

15 (WHEREUPON, State's Exhibit Numbers 32 & 33
16 were admitted into evidence.)

17 BY MR. HAIGLER:

18 Q Sergeant Owens, I'm going to have you come down
19 one more time to have you describe these to the jury,
20 please.

21 A As you can see, this is me. And this is my
22 office. This is Mr. Gantt. As you can tell, he's not
23 handcuffed --

24 Q I believe you said Mr. Gantt. You mean
25 Mr. Johnson?

1 A I'm sorry, Mr. Johnson. He's standing there with
2 us not handcuffed, and this is the jumpsuit he had on
3 during the interview process. And this is where we
4 typed the statement. He had me stand in this position,
5 place my hands behind my back as if they were bound.
6 He had Detective Barton stand here, raise his arm up
7 and even told him to -- advised him to turn his hand
8 sideways. Even that small detail of how the other
9 individual, Mr. Quevo, was holding the gun.
10 Mr. Johnson said he was standing here. And the other
11 picture is exactly how they were standing when the
12 incident happened.

13 Q Thank you. I have no more questions. Please
14 answer any questions that Mr. Senerius has.

15 A I will, sir.

16 THE COURT: Mr. Senerius, your witness.

17 MR. SENERIUS: Can we take a break?

18 THE COURT: All right. We will take about a
19 ten-minute break at this point.

20 Mr. Bailiff, if you would take the jury to the
21 jury room.

22 (WHEREUPON, the jury exited open court at
23 10:50 a.m.)

24 THE COURT: We'll be in recess for about ten
25 minutes.

State of South Carolina vs. Jeremiah C. Johnson 2012-GS-04-02404, 05, 02447 & 48
J. Todd Owens - Cross-Examination by Mr. Senerius

195

1 (WHEREUPON, a recess was taken from 10:51 a.m. to
2 11:01 a.m.)

3 THE COURT: Anything from the State before we
4 bring the jury back?

5 MR. CAMPBELL: No, sir.

6 THE COURT: Anything for the defense?

7 MR. SENERIUS: No, sir.

8 THE COURT: Mr. Bailiff, if you will get our jury
9 for us, please, sir.

10 (WHEREUPON, the jury entered open court at
11 11:02 a.m.)

12 CROSS-EXAMINATION

13 BY MR. SENERIUS:

14 Q Detective Owens, I want to show you what's been
15 admitted as State's Exhibit 3, the advisement of rights
16 form that you testified about.

17 A I didn't testify about this one. I testified
18 about State's Exhibit 1.

19 Q Oh, State's Exhibit 1. I'm sorry. I'll swap it
20 with you.

21 A Yes. This is State's Exhibit 1, the one I
22 testified to.

23 Q You had him initial the first two sentences?

24 A I had him read the first two sentences out loud to
25 me to gauge his ability to read the English language

1 and to further comprehend whether, if he was under the
2 influence of anything, and he understood what was going
3 on and then had him initial.

4 Q Right. Can I see that for a moment, please?

5 A Yes, sir.

6 Q Those are two pretty short sentences, correct?

7 A Yes, sir.

8 Q The three following are rather lengthy, are they
9 not, in comparison?

10 A They are.

11 Q Yet you didn't have him read those or initial
12 those, did you?

13 A I asked him to read those to himself, and if he
14 had any questions, he would feel free to ask me.

15 Q But you didn't ask him to read them out loud.

16 A No, sir.

17 Q And you didn't have him initial them?

18 A Those, no, sir. I had him sign down below stating
19 he understood his rights.

20 Q Why not have them initial the three that deal with
21 him having the right to have a lawyer?

22 A Letting him have the ability to initial these
23 first two at the beginning, just chronological order.

24 Q How long of an interview was this with my client
25 approximately?

1 A I would say two and a half hours, something along
2 that line.

3 Q Two and a half hours straight through?

4 A Yes.

5 Q There weren't any breaks taken?

6 A Yes, there were breaks taken.

7 Q There were?

8 A Yes.

9 Q Okay. The room that you call an interview room,
10 the interrogation room, describe it for me, please.

11 A It's a room about 12 feet by 12 feet in dimension,
12 12 feet wide, 12 feet long.

13 Q Please speak up.

14 A I'm sorry.

15 Q It's okay.

16 A It's about 12 feet long, 12 feet wide, almost like
17 what you would consider a sterile room, no windows, no
18 pictures, no fixtures on the wall kind of thing. It's
19 a very plain-looking room with a window that has a
20 reflective surface on it that's an observation area for
21 someone else to observe from outside the room what's
22 going on inside the room and hear what's going on
23 inside the room. There is a small table, like a desk,
24 kind of like that, a -- several chairs for individuals
25 to sit in and a trash can, a Bible, some markers, pens

1 and some blank pieces of paper.

2 Q One way in, one way out?

3 A Yes, sir.

4 Q Okay. And before this interview started, y'all
5 actually went to the jail to get my client or had him
6 sent over?

7 A No. We requested for him to be brought to our
8 facility, our office.

9 Q So he was there at your request, not at his?

10 A Yes, sir.

11 Q And none of this was recorded?

12 A No, sir, not as far as audio and video recording.
13 No, it was recorded in a statement.

14 Q Okay. Well, the statement is something that you
15 typed up, correct?

16 A That's correct.

17 Q Okay. But there's no video recording, no audio
18 recording?

19 A No, sir. We did not have those capabilities at
20 that time.

21 Q This is 2012?

22 A Yes, sir.

23 Q Anderson County Sheriff's Office didn't have
24 access to a video recorder in 2012?

25 A No, sir. We did not have that room set up for

1 audio and video recording at that time.

2 Q Is it set up for audiovisual recording now?

3 A Yes, sir, it is.

4 Q Audio/video recording has been around for -- since
5 the 80s's, hasn't it?

6 A Audio recording, probably prior to that.

7 Q Audio prior to the '80s, VCRs or camcorders or
8 what have you, have been around since the '80s?

9 A Yes, sir.

10 Q Did you take any notes during this interview?

11 A No, sir. I like to be able to engage the
12 individual openly and look at them and talk to them,
13 basically just have a conversation with them, not being
14 distracted by trying to take notes.

15 Q And my client, when you started this interview,
16 denied any involvement; is that correct?

17 A That's correct. He stated he was at the home but
18 didn't say anything about his involvement, stating he
19 didn't know anything about what had occurred.

20 Q I'm sorry?

21 A He stated he didn't know anything about what had
22 occurred at the home at first.

23 Q Right. And you told him that other people had
24 told you otherwise, correct?

25 A That's correct.

1 Q Did you -- were you specific in what you claim
2 other people told him -- or told you, rather?

3 A As specific as? What do you mean?

4 Q As to what other people were saying that he
5 supposedly did.

6 A Yes, that he was there at the home and that he was
7 involved.

8 Q Okay. You said that at some point in time he
9 became visibly upset?

10 A In my experience.

11 Q In your opinion --

12 A In my opinion, yes, he appeared to be --

13 Q -- right?

14 A -- emotionally upset, physically manifested into
15 physical reaction.

16 Q Did you ask him at that point if he wished to care
17 to keep going on?

18 A Yes. I mean, we continued to speak.

19 Q Detective, at one point in time, I believe you
20 testified you told him to go ahead and tell you
21 whatever he wanted to, that everything would be all
22 right?

23 A Yes.

24 MR. SENERIUS: A moment, your Honor.

25 Q You are one of the investigating officers in this

State of South Carolina vs. Jeremiah C. Johnson 2012-GS-04-02404, 05, 02447 & 48
J. Todd Owens - Cross-Examination by Mr. Senerius

201

1 case?

2 A Well, my involvement was the escorting of
3 Mr. Gantt to the crime scene where the body was
4 located. The walking out into the woods and the
5 ultimately locating the body and then returning back,
6 talking to him, taking a statement from him and then
7 the next day talking to Mr. Johnson and taking the
8 statement from him.

9 Q So you -- do you have any knowledge of any
10 forensic evidence in this case?

11 A No, sir.

12 Q Thank you.

13 MR. SENERIUS: I have no further questions at this
14 time, your Honor.

15 THE COURT: Any redirect?

16 MR. HAIGLER: No, sir, your Honor.

17 THE COURT: Thank you, Officer. You can step
18 down.

19 THE WITNESS: Thank you, sir.

20 THE COURT: Call your next witness.

21 MR. CAMPBELL: Your Honor, State calls Detective
22 Danny Barton to the stand.

23 DANNY BARTON,

24 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

25 THE CLERK: If you would take the stand and state

1 your name and spell your last name for the reporter,
2 please.

3 THE WITNESS: Danny Barton. Last name is
4 B-a-r-t-o-n.

5 DIRECT EXAMINATION

6 BY MR. CAMPBELL:

7 Q Now, Detective Barton, you're the lead detective
8 involved in the disappearance and death of Chandrakant
9 Patel; is that correct?

10 A Yes, sir, I am.

11 Q Are you also the detective who brought charges
12 against Jeremiah Johnson for armed robbery, kidnapping,
13 possession of a weapon during the commission of a
14 violent crime and murder?

15 A Yes, sir, I am.

16 Q Now, prior to being involved in this case, how
17 many years had you been or have you been in law
18 enforcement?

19 A Prior to the involvement in this one, 13 years.

20 Q And during your law enforcement career, what
21 agencies have you worked for?

22 A Anderson County Sheriff's Office.

23 Q The whole time?

24 A For yes, sir.

25 Q And prior to that, prior to becoming a law

1 enforcement officer, what, if anything, did you do?

2 A Prior to law enforcement, I graduated high school
3 here in Anderson and joined the military straight out
4 of high school, U.S. Navy, was honorably discharged in
5 1999. Began my career at the detention center soon
6 after discharged from the military. In 2005 I
7 transferred from being a shift lieutenant at the
8 detention center to the Anderson County Sheriff's
9 Office uniformed patrol division where I worked the
10 streets answering calls, that sort of thing.

11 In 2009 I was promoted to the criminal
12 investigations division where I'm at now, working
13 crimes of burglary, larcenies, that sort of thing.
14 Soon after I switched to economic crimes, white
15 collar-type stuff, forgeries, counterfeit money, that
16 type of thing. Worked that for a little while, then
17 switched over to violent crimes, homicides, missing
18 persons, runaways, sex crimes, crimes against children.

19 Currently I am working those crimes as well as a
20 corporal in the criminal investigations division. I'm
21 responsible for training the new recruits that are
22 hired at the sheriff's office as well as the newly
23 assigned investigators. Other duties at the sheriff's
24 office, I am a sniper on the SWAT team.

25 Q Now, on the date that you became involved in this

1 case, do you recall exactly what day that was?

2 A Yes, sir.

3 Q What day was that?

4 A It was July 2nd, a Monday morning.

5 Q And how did you become involved in this case?

6 A On late night July 1st, early morning July 2nd, I
7 believe it was around midnight, Meet Patel filed a
8 report with the Anderson County Sheriff's Office with
9 our uniformed patrol division that his father hadn't
10 been seen or heard from around 5:30 on the afternoon on
11 July 1st, that Sunday.

12 Q And at the time he filed the report, how long had
13 CJ Patel been missing?

14 A Around six to seven hours.

15 Q How were you treating this case at that point in
16 time when you received it?

17 A That Monday morning when I came to work, our
18 supervisors assigned out cases. It was a missing
19 persons when it was assigned to me. And when I got to
20 work at 8 o'clock in the morning, that's exactly what
21 it was, was a standard missing persons report.

22 Q When you say "missing persons report," typically
23 do you get these type of calls into the sheriff's
24 office for y'all to investigate?

25 A Yes, sir. Oftentimes we get runaway reports or

1 missing persons reports, and typically it's someone
2 that doesn't want to be found. A husband doesn't want
3 to be around his wife for a while, so he may take off
4 for a couple days or that sort of thing. Or a kid
5 doesn't want to be at home, so they run away. And they
6 typically come back in the next day or two, so it's not
7 that big of an issue, but we still have to work it
8 nonetheless.

9 Q And when you work a missing persons report, can
10 you just explain to the ladies and gentlemen of the
11 jury typically how you go about conducting an
12 investigation?

13 A Typically, when the report first comes in that
14 morning, I'll call the family, number one, find out if
15 they have heard from the person. If they haven't, then
16 find out if they have talked to any of their friends,
17 if they have contacted anybody prior to going missing,
18 if they have any banking accounts, has the bank
19 accounts been used, that sort of thing.

20 Q And did you do that in this case?

21 A Yes, sir, I did.

22 Q And as a result of you reaching out and contacting
23 the family and starting your investigation, were you
24 able to determine where Mr. Patel worked?

25 A Yes, sir. Mr. Patel worked -- he managed the

1 Exxon station on Clemson Boulevard. Just before you
2 get to Interstate 85, the Exxon station right besides
3 the Hardee's.

4 Q What was his full name?

5 A Chandrakant Patel. He went by CJ.

6 Q Now, did you meet his son, Meet Patel, first or
7 did you speak to him by phone?

8 A I think I spoke to him by phone and then he came
9 to the sheriff's office a little while later.

10 Q And through your conversations, was this normal
11 for him to be gone this length of time?

12 A No. He said normally his father doesn't go that
13 long without contacting some type of family. And now,
14 that next morning, we had been, you know, over
15 12 hours, on about 16 hours or so.

16 Q Now, when you got the case, after you did what you
17 have already described, can you just explain how you
18 started your investigation, how this thing started
19 going forward?

20 A Yes, sir. When I spoke with Meet Patel, of
21 course, I got his banking account information and
22 determined that no activity as far as withdrawals or
23 anything had shown up on his account yet. The -- got
24 his phone records. His phone records showed that just
25 before he went missing at around 5:30 in the afternoon

1 on Sunday, he had made numerous phone calls. There
2 were a few different numbers dialed, but one number in
3 particular, I believe it was 202-9730, he called it
4 many, many, many times within that last hour before he
5 went missing. So the 202-9730 seemed like a pretty
6 good lead to go by.

7 Q Were you able to determine the ownership or person
8 who owned that number or used that telephone number?

9 A Yes, sir. We have different databases that we use
10 as investigative tools that we can look certain
11 information up on phone numbers, addresses, find out,
12 you know, known associates, that sort of thing. So I
13 pulled this number up in that database, and it came
14 back to a Leanne Howell with two different addresses,
15 one on Howard Lane over off Belton Highway, and the
16 other, which is in the Homeland Park
17 area.

18 Also, Meet Patel, his father had an iPhone, so he
19 was able to do some type of "find my phone" app on the
20 iPhone or something like that, and the phone was
21 pinging in the area of Manley Drive that night, which
22 is also in the area of Homeland Park, probably less
23 than a mile from Drive as the crow flies. So

24 Drive seemed like a legitimate lead.

25 Q Now, did you go to Drive?

1 A Yes, sir, I did.

2 Q And what did you learn when you went there and
3 where exactly did you go?

4 A Drive is like a trailer park, sort of.

5 There is one brick house in it, and that is

6 The rest of the residences down there are
7 trailers. It runs off Roosevelt back behind Eddie's
8 Minute Mart.

9 I went to Drive. When you pull in off
10 Roosevelt, there's several trailers, and then you got
11 the one brick house, which is and
12 then there's poles in the road to keep you from going
13 on down into Drive to access the rest of the
14 trailer park for some reason.

15 Q Now, what part of Anderson County would this be
16 considered located in?

17 A Homeland Park.

18 Q When you went there, was it still on the 2nd,
19 Monday, July 2nd?

20 A Yes, sir, it was that morning.

21 Q Did you go into the house? Did you meet anybody
22 there?

23 A Yes, sir. Once I located I
24 parked right in front of the residence and got out and
25 walked up to the carport to knock on the door. There

1 was a trailer backed up inside the carport. There was
2 no vehicles, but there was a trailer backed up inside
3 the carport, had a bunch of junk on it that either
4 people were throwing a bunch of junk away or they were
5 moving. There was a door inside the carport. I
6 knocked on that door. A black male who I didn't
7 recognize came to the door. We later identified him as
8 Zachary Gantt, but at the time I had no clue who this
9 guy was. And I asked him if he knew Leanne Howell,
10 because that's whose name the phone number was coming
11 back to. Of course, he didn't. I didn't think
12 anything of it. Leanne Howell is a white female. This
13 is a black male, you know. And people that live in
14 that area typically don't live there very long, so this
15 database that I looked through could have been
16 outdated, you know. It could have been just a wrong
17 address, so I didn't think much of it and left.

18 Q So no red flags are going up at this point?

19 A Not yet.

20 Q Now, after you met with Mr. -- who you later
21 determined to be Mr. Gantt, did you do any other type
22 of investigation trying to track down Mr. Patel?

23 A Yes, sir. Leanne Howell also had an address on
24 Howard Lane, which is an apartment complex, like I
25 said, off Belton Highway in Anderson. I went to that

1 location, knocked on the door, couldn't find anybody.

2 The office manager had no records of a Leanne Howell

3 living there.

4 I also went to Manley Drive, which is, like I

5 said, in Homeland Park as well. We didn't have an

6 address on Manley Drive, so I didn't know where to

7 stop, but we went up and down Manley Drive. There was

8 a dirt road. We got out and walked down this dirt road

9 just to see if there was any sign of Patel's car,

10 couldn't find anything, and that was pretty much all we

11 had to go on at the moment.

12 Q And what kind of car was he known to drive?

13 A Black Honda Accord.

14 Q How many doors?

15 A Four-door.

16 Q And were you able -- was his family able also to

17 give you a physical description of Mr. Patel?

18 A Yes. They said, of course, he was of Indian

19 descent, short male, kind of stocky.

20 Q Have you had -- prior to this had you met

21 Mr. Patel before?

22 A No, sir.

23 Q Now, after you did all this, on that Monday was

24 your investigation, did you get anywhere on your

25 missing persons case on that Monday?

State of South Carolina vs. Jeremiah C. Johnson 2012-GS-04-02404, 05, 02447 & 48
Danny Barton - Direct Examination by Mr. Campbell

211

1 A Not yet. But like I say, it wasn't -- it didn't
2 throw up any red flags. Most of the time these missing
3 people come back within a day or two.

4 Q Now, the next day, on July 3rd, 2012, when you
5 went back to work, what was the next steps that you
6 took in this investigation?

7 A Well, I called Meet Patel again, CJ's son, spoke
8 with him to find out if he had any contact with his
9 father overnight, find out if there was any activity on
10 his bank accounts or any activity of his cell phone.
11 There was no phone calls or anything like that. During
12 our conversation, I found out that the phone number,
13 202-9730, actually came back to a Kyndra Howell, not a
14 Leanne Howell -- Kyndra is Leanne's daughter, so
15 apparently the phone was in her mother's name -- and
16 that the road deputies had spoke with Kyndra that
17 night, as in the night of the 2nd, morning of the 3rd,
18 about CJ's whereabouts. And Ms. Howell denied any --

19 MR. SENERIUS: Objection, your Honor. Hearsay.

20 THE COURT: Sustained.

21 BY MR. CAMPBELL:

22 Q Now, was this the first time in this investigation
23 that the name of Kyndra Howell had come up?

24 A Yes, sir.

25 Q And based upon that information, did you also

1 learn --

2 MR. SENERIUS: Objection; leading.

3 MR. CAMPBELL: I didn't state the question.

4 THE COURT: Overruled.

5 BY MR. CAMPBELL:

6 Q Were you able also to learn whether or not there
7 was contact by your department with Mrs. Howell?

8 MR. SENERIUS: Objection; leading.

9 MR. CAMPBELL: It's a yes or no question. It's
10 not leading.

11 THE COURT: Overruled.

12 THE WITNESS: Yes, there was contact with our
13 department and Ms. Howell.

14 BY MR. CAMPBELL:

15 Q And was it by a road deputy?

16 A Yes, sir.

17 Q Did this deputy write a report?

18 A Yes, sir. He did do a supplemental incident
19 report.

20 Q Did you review this report?

21 A I did.

22 Q And what was the address where the road deputy
23 interviewed Ms. Howell?

24 A

25 Q At that point in time did you go back to

1 to further your investigation?

2 A Not at that time. Around the same time that I was
3 speaking to Mr. Patel, there was a call came out over
4 the radio about a black Honda Accord being spotted in a
5 dirt field in Fair Play on Wooten Road, I believe it
6 was. So I went to that location instead.

7 Q And approximately how far from Drive to
8 Wooten Road in Fair Play was that car located?

9 A Approximately 20 miles.

10 Q Is this part of Anderson County?

11 A Yes, it is. It's on the outskirts.

12 Q When you arrived, how was it determined that this
13 car that was found was actually owned by CJ Patel?

14 A The tag was ran. The description was the same.

15 Q Did it come back to him being the owner?

16 A Yes, sir, I believe it did.

17 Q Now, when you arrived at Wooten Road, what was the
18 first steps or what did y'all do to try to determine
19 whether or not he was associated with this car, talking
20 about Mr. Patel?

21 A Well, of course, by the time we got there, the
22 tags had already been run. It was determined that --

23 MR. SENERIUS: I'm sorry, your Honor.

24 Could you speak up, please.

25 THE WITNESS: Yes, sir. By the time I got there,

1 the tags and the VIN had already been run and it was
2 determined it was CJ's vehicle. When I got there, it
3 was just an investigation to figure out why it was
4 there and where Mr. Patel was.

5 BY MR. CAMPBELL:

6 Q And were you able to determine, based upon your
7 observation of where this car was found on Wooten Road,
8 whether or not he was located or near this area or
9 anything had occurred in this area?

10 A When I first got there, of course, we checked out
11 the vehicle as far as, you know, whether anybody was in
12 it or anything like that. There was not. We searched
13 the entire field area where the car was pulled up right
14 in front of. As you heard before, it was kind of a
15 dirt pull-off that led into a big pasture area with a
16 cable across the road. Looked like, you know, somebody
17 parked it there to try to conceal it. But we searched
18 that whole field. The wooded area, there's creeks and
19 everything that run across the street there. The
20 entire road from one side -- I believe it's 247 or 243,
21 whichever road that is up in Townville, it's one stop
22 sign and it goes for a couple miles to the other end.
23 We searched and talked to every neighbor on the road,
24 and no one seen or heard from Mr. Patel. No one had
25 any information on how the car got there.

1 Q Now, to your knowledge, the individuals who
2 discovered his car in this wooded area off Wooten Road,
3 had they touched, bothered, messed with the car?

4 A To my knowledge, the only thing that had been
5 messed with was a pair of eyeglasses that were found on
6 the ground near the vehicle. I believe the person who
7 located the vehicle picked those up and sat them on the
8 trunk of the car, and that's where they were sitting
9 when I got out there.

10 Q What did y'all do with the car?

11 A The car was towed back to the Anderson County
12 Sheriff's Office armory to conduct a search warrant on
13 it.

14 Q What is the purpose of doing that?

15 A To look for any leads, any possible clue of why
16 Mr. Patel's car is sitting out there and Mr. Patel is
17 not in it. To see if, you know, anybody else's
18 property is in there who might have dumped the car
19 there, you know. We're still working a missing
20 persons, but it's starting to look a lot more than
21 that.

22 Q And through your investigation when you went back,
23 when the car was towed back to the sheriff's office and
24 a search warrant was conducted on the car, was any
25 information taken from the car that would help you

1 further your investigation into this disappearance or
2 his whereabouts?

3 A At that time we still didn't know what we were
4 working with. Several swabs were taken from the
5 vehicle to try to put anybody in one of the seats.
6 The -- several other items were taken from the vehicle
7 like a bottle that looked like it could have been a
8 spit bottle or something. It was taken for possible
9 DNA later on. I believe that was all that was taken at
10 that time.

11 Q And at this point how many days had you been
12 working this case as a missing persons?

13 A I got the case early morning the 2nd, and this is
14 late night on the 3rd.

15 Q Now, as far as your investigation with the
16 sheriff's office, did you do anything or reach out to
17 the public in any shape, manner, or form to try to
18 gather information regarding his disappearance?

19 A Yes, sir. Typically, when a missing persons case
20 comes in, I don't typically do it immediately, but
21 after it's been a couple days, we'll put it out on the
22 media. When we see the person's obviously not coming
23 home, we'll put it out on the media and set up a tip
24 line, if anybody's got information, if they see this
25 person to call into the sheriff's office, and we set up

State of South Carolina vs. Jeremiah C. Johnson 2012-GS-04-02404, 05, 02447 & 48
Danny Barton - Direct Examination by Mr. Campbell

217

1 a dedicated line for that in the sheriff's office.

2 Q Did anybody call in on this tip line?

3 A Yes, sir. Late that night on the 3rd, I had went
4 back to the sheriff's office. It was after they were
5 doing the search warrant on the car, we had finished
6 walking the field, I went back to the sheriff's office
7 and manned that phone line for just a little while.
8 And we did get several tips that didn't pan out, but
9 then we had a female, Kimberly Lomax, call in and want
10 to speak with me about it.

11 Q And did you speak to Ms. Lomax?

12 A I did.

13 Q And what, if anything, did she advise you of her
14 knowledge --

15 MR. SENERIUS: Objection; hearsay.

16 THE COURT: Sustained.

17 BY MR. CAMPBELL:

18 Q Now, did you call Ms. Lomax?

19 A Yes, I did. I called her back from my office
20 phone, and we spoke at length for a little while. She
21 told me several things. But while I was on the phone
22 with her, she got a phone call from a Kyndra Howell.

23 MR. SENERIUS: Objection as to his knowledge of --

24 THE COURT: Sustained.

25 BY MR. CAMPBELL:

1 Q Now, as a result of that phone call conversation
2 you had with Ms. Lomax, what, if any, action did you
3 take regarding that?

4 A The -- while I was on the phone with Kyndra
5 Howell, the -- as I said, there was a speaker phone
6 call. I mean, that's how I heard what they were
7 talking about. I overheard a conversation with her and
8 someone else talking. And the female wanted to know
9 where an all-night gas station was in Belton.

10 MR. SENERIUS: Objection.

11 THE COURT: Sustained.

12 BY MR. CAMPBELL:

13 Q Where did you go as a result of this conversation?

14 A As a result of that conversation, I had Belton PD
15 put out a BOLO for Kyndra Howell at a gas station.
16 There's only one gas station in Belton that stays open
17 all night long, so I had Belton PD go there and look
18 for Kyndra Howell.

19 MR. SENERIUS: I'm sorry, I can't hear. Speak up,
20 please.

21 THE WITNESS: There is one gas station that stays
22 open all night long in Belton. So as a result of that
23 conversation, I had Belton PD go out to the Little
24 General and BOLO for Kyndra Howell.

25 BY MR. CAMPBELL:

State of South Carolina vs. Jeremiah C. Johnson 2012-GS-04-02404, 05, 02447 & 48
Danny Barton - Direct Examination by Mr. Campbell

219

1 Q And was she found there?

2 A Yes, sir, she was.

3 Q And did you yourself go to Belton to the Little
4 General store?

5 A Yes, I did.

6 Q And was she by herself or in the company of
7 somebody else?

8 A She was in the company of Ezra Williams.

9 Q And did you speak to her?

10 A I did.

11 Q And did you speak to Ezra Williams?

12 A Not at that time, no. Ezra's name hadn't came up
13 in this. We know Ezra from some prior dealings, but
14 his name hasn't come up in this yet.

15 Q As a result of your conversation with her, what
16 next steps did you take in this investigation?

17 A The -- as a result of that conversation as well as
18 Kimberly Lomax, we did do a search warrant on Kyndra
19 Howell's residence at to look for any
20 signs that Mr. Patel had been there.

21 Q And what did you learn as a result of the search
22 warrant?

23 A When we first did the search warrant, when we got
24 to the house, we were taking pictures of the outside,
25 we noticed there was security cameras up on the outside

1 of the house, which there is a lot of drugs in this
2 area. A lot of drug houses, they run security cameras
3 on the outside. They don't have digital video
4 recorders connected to them because they don't want an
5 actual recording of the activity, but they want to see
6 who's coming up to the door, so there is a live feed to
7 the house.

8 When we got inside the house, we looked for any
9 kind of live feed, couldn't find one. We also looked
10 for a digital video recorder, couldn't find one of
11 those. So at that point I just assumed the cameras
12 were for looks.

13 Q And did you take any type of evidence regarding
14 this?

15 A We took several cords and whatnot from the house
16 that someone could have been held hostage with inside
17 that house.

18 Q And did you actually even know what you were
19 looking for when you did the search warrant?

20 A Not at that time. We had a very good feeling that
21 something happened at that house based on the
22 conversations, like I said, with Kim and Kyndra, but we
23 didn't know what we were looking for.

24 Q Now, was Ms. Howell, did she own this house or was
25 she renting this house?

State of South Carolina vs. Jeremiah C. Johnson 2012-GS-04-02404, 05, 02447 & 48
Danny Barton - Direct Examination by Mr. Campbell

221

1 A She was renting.

2 Q Were, at some point, you able to contact the owner
3 of this house?

4 A I was. The owner is Brian Gilmer. We contacted
5 him and learned about the DVR system, and there was
6 actually a DVR system connected to those cameras. It
7 was in a wall in the closet that couldn't be accessed
8 by the tenant or anybody else other than -- or, yeah,
9 it could only be accessed by the landlord.

10 Q And as a result of that information, what was your
11 next step?

12 A We got another search warrant for the house to
13 collect this information and met with, I believe it was
14 the maintenance worker we met down there to retrieve
15 the DVR system.

16 MR. SENERIUS: I'm sorry, to do what?

17 THE WITNESS: We met the maintenance worker at the
18 house to retrieve the DVR system.

19 BY MR. CAMPBELL:

20 Q Now, after you retrieved the DVR system, what did
21 you do with it?

22 A We took it back to the sheriff's office, to my
23 office, and reviewed the video footage on it.

24 Q And after you reviewed it, did you make a copy of
25 it?

1 A Yes, sir, I did.

2 (WHEREUPON, State's Exhibit Number 45 was shown
3 to the witness.)

4 BY MR. CAMPBELL:

5 Q Now, I'm going to show you -- we got the disk
6 ready, but State's Exhibit 45. Do you recognize this
7 as far as this investigation?

8 A Yes, sir.

9 Q What is it?

10 A I believe it's the disk from the video camera
11 system mounted to the house.

12 Q Is this an accurate copy of what you took off the
13 DVR system that you found at

14 A Yes, sir.

15 Q And does it accurately display what you observed?

16 A Yes, sir.

17 Q Has it been altered in any way, shape, manner, or
18 form?

19 A No, sir.

20 MR. CAMPBELL: Your Honor, at this time I'd like
21 to move State's Exhibit 45 into evidence.

22 THE COURT: Mr. Senerius?

23 MR. SENERIUS: No objection.

24 THE COURT: All right. State's Exhibit 45 will be
25 admitted without objection.

1 (WHEREUPON, State's Exhibit Number 45 was admitted
2 into evidence.)

3 BY MR. CAMPBELL:

4 Q Now, Detective Barton, can you just briefly first
5 just tell the ladies and gentlemen of the jury what you
6 witnessed and observed on the video recording that you
7 made off that DVR system?

8 MR. SENERIUS: I'm going to object. If he's going
9 to play the video, it will speak for itself. It
10 doesn't need to be explained by Detective Barton.

11 THE COURT: Rephrase your question.

12 MR. CAMPBELL: At this time I am going to publish
13 the video to the jury and have him explain what he
14 witnessed and observed and how it was important to his
15 investigation.

16 MR. SENERIUS: We would again object to any
17 narrative by Detective Barton.

18 THE COURT: I'll overrule your objection. He's
19 entitled to comment on the video.

20 Mr. Senerius, since he's coming away from the
21 microphone, you may want to move closer since you're
22 having trouble hearing.

23 MR. SENERIUS: He's supposedly going to wear a
24 microphone.

25 THE COURT: I understand the lapel microphone is

1 not working. I know you have been having difficulty
2 hearing, so you might want to move closer.

3 MR. SENERIUS: Thank you, your Honor.

4 (WHEREUPON, State's Exhibit Number 45 is being
5 played for the jury.)

6 BY MR. CAMPBELL:

7 Q Detective Barton, first of all, what are these
8 cameras' angles showing?

9 A These three cameras are mounted on the front of
10 the residence at This camera is
11 pointed up towards Roosevelt. If you look up there,
12 that's Roosevelt Drive. This camera is pointed down
13 into the trailer park, and this camera is mounted on
14 the front of the house pointed straight out the
15 driveway. And this is Drive. That would be
16 Drive as well.

17 Q We're going to press play here.

18 A What you're seeing right here is the black Honda
19 that's owned by CJ Patel. It's going to pull up. And
20 I believe at first it goes past the driveway of Kyndra
21 Howell, then it will back up and come back down. Or
22 this might be where he pulls into the driveway. Yeah,
23 he's going to pass the driveway then come back.

24 You will see Mr. Patel's car pull up into the
25 driveway, and you will see Kyndra Howell walk out of

1 the residence this way and get into the vehicle. Once
2 Kyndra gets into the vehicle, the vehicle will back out
3 and go back up Drive onto Roosevelt.

4 Q Was this the same Kyndra Howell that you met at
5 the Belton convenience store?

6 A Yes, sir, it was.

7 As I said, the vehicle is going back up
8 Drive, and it's going to pull on to Roosevelt Drive and
9 go out of sight.

10 The next thing on video, they're going to advance
11 to 1809 on the clock down here. And what you will see
12 is CJ Patel's car return and pull back into the
13 driveway, and Kyndra Howell and CJ Patel will both get
14 out and walk inside the residence.

15 Q Did that car have anything to do with anything?

16 A This vehicle has nothing to do with it. It's the
17 maintenance man for the housing complex.

18 There's CJ Patel's car pulling back into the
19 driveway. Kyndra Howell will get out the passenger
20 side and walk in. CJ Patel will walk in on this side,
21 and that will be the last time CJ Patel is seen by
22 anyone.

23 At 1812 -- it's 1811 now, but at 1812 this silver
24 Cadillac is going to pull into this driveway right
25 here, and that will be Jeremiah Johnson getting out the

1 passenger seat of the silver Cadillac and who you heard
2 from earlier, Tawanya Edwards, will be driving the
3 silver Cadillac.

4 And also, if you notice, when the Cadillac pulls
5 up here and parks, a black male comes walking from this
6 direction. This is who has been identified as Zachary
7 Gantt. He's another codefendant in this case. There's
8 Zachary Gantt right here. Jeremiah Johnson will get
9 out of the Cadillac and come and get some sort of bag,
10 looks like maybe dog food or a bag of something.

11 MR. SENERIUS: I'm sorry. What did you say?

12 THE WITNESS: He gets a bag out of the back of the
13 car.

14 MR. SENERIUS: Okay.

15 THE WITNESS: And both of them together will walk
16 over here. And Jeremiah goes this way towards the
17 house, and Zachary Gantt actually comes this way as if
18 he's going to leave.

19 Again, this is Jeremiah Johnson. That's Zach
20 Gantt. When you see Zach Gantt come across through
21 here as he's going to leave, it appears like he's
22 stopped by someone inside the carport and he turns
23 around, looks back, he throws his hand up and turns
24 around and goes back into the carport. And the silver
25 Cadillac is moved over in Kyndra Howell's driveway.

1 At 1822 on the counter -- is that the next time
2 you have, 1822? At 1822 on the counter you're going to
3 see Kyndra Howell, I believe, is on this camera right
4 here. She walks outside holding a puppy. Looks like
5 she's talking on a cell phone of some sort.

6 At 1824 the silver Cadillac is leaving for the
7 first time, and at 1827 you will see Jeremiah Johnson
8 walk out the house and get into CJ Patel's car. You
9 can see the car leave at 1828. It drives up
10 Drive and turns on Roosevelt, and 13 minutes later it
11 returns and pulls back into the driveway.

12 As Tawanya Edwards said in her statement, she had
13 left and came back. So at 1840 it shows her in the
14 driveway. She backs out and allows Jeremiah Johnson to
15 pull back in in CJ Patel's vehicle. The Cadillac will
16 pull back in behind CJ's vehicle, and Jeremiah Johnson
17 will get out of this car and goes back and talks to the
18 driver of the Cadillac.

19 You will see Jeremiah Johnson walk into this
20 camera view and go back inside the house.

21 You see the Cadillac just left.

22 At 1858 on the counter you will see Kyndra Howell
23 come outside the house and get into CJ's vehicle and
24 move the vehicle behind the house.

25 MR. SENERIUS: Objection; can't tell where that

1 car is being moved to.

2 THE WITNESS: There is a house right here. There
3 is a trailer right here --

4 THE COURT: Hold on. State your objection again.

5 MR. SENERIUS: I don't believe the video describes
6 where the car was moved to. The video should speak for
7 itself.

8 THE COURT: Okay. Limit the testimony to what is
9 on the video.

10 THE WITNESS: You will see Kyndra Howell come
11 outside and move the vehicle this direction out of the
12 view of the camera.

13 At 1901 you will see CJ's vehicle come out from
14 beside the house right here and back into camera view
15 and go out Drive towards Roosevelt.

16 Parks over this way and pulls back up Drive
17 towards Roosevelt.

18 After the vehicle gets out of sight, the next
19 thing will be 1910 on the counter, you will see Patel's
20 car return and pull back the same way out of the view
21 of the camera.

22 Your next thing will be 1929 on the counter, you
23 will see CJ's car back out once again and leave back
24 towards Roosevelt Drive. After CJ's car gets out of
25 view, the next thing on the counter will be 1947. You

State of South Carolina vs. Jeremiah C. Johnson , 2012-GS-04-02404, 05, 02447 & 48
Danny Barton - Direct Examination by Mr. Campbell

229

1 will see CJ's car again return and pull back out of the
2 view of the camera.

3 CJ Patel's vehicle comes back here and pulls back
4 beside the house again, again out of the view of the
5 camera.

6 The next thing is -- that's going to be it on that
7 disk.

8 Q If you will please take the stand again.

9 (WHEREUPON, State's Exhibit Number 19 was shown
10 to the witness.)

11 BY MR. CAMPBELL:

12 Q Detective Barton, I am going to show you a group
13 of photographs. First I'm going to show you what's
14 been marked State's Exhibit 19. If you could please
15 identify what that is, sir.

16 A This is the silver Cadillac belonging to Tawanya
17 Edwards.

18 Q Was that Cadillac taken in conjunction with this
19 investigation after you witnessed this video?

20 A Yes, sir.

21 Q Does that fairly and accurately represent that
22 Cadillac at the scene?

23 A Yes, sir.

24 MR. CAMPBELL: At this time I would like to move
25 State's Exhibit 19 into evidence.

1 THE COURT: Any objection?

2 MR. SENERIUS: No objection.

3 THE COURT: Number 19 will be admitted without
4 objection.

5 (WHEREUPON, State's Exhibit Number 19 was admitted
6 into evidence.)

7 (WHEREUPON, State's Exhibit Numbers 34 through 37
8 were shown to the witness.)

9 (WHEREUPON, State's Exhibit Numbers 39 through 42
10 & 44 were shown to the witness.)

11 BY MR. CAMPBELL:

12 Q I'm also going to show you State's Exhibit 34, 35,
13 36, 37, 39, 40, 41, 42, and 44. If you would please
14 look at these as a group and let me know what they
15 depict as a whole before we go through them
16 individually.

17 A These are still images from the video footage that
18 we just watched on the front of Kyndra Howell's
19 residence.

20 Q Okay. And were these taken at your discretion
21 from the video we just witnessed?

22 A Yes, sir.

23 Q Do they accurately represent what was seen on that
24 video?

25 A They do.

State of South Carolina vs. Jeremiah C. Johnson 2012-GS-04-02404, 05, 02447 & 48
Danny Barton - Direct Examination by Mr. Campbell

231

1 MR. CAMPBELL: Your Honor, at this time I'd like
2 to move State's Exhibit 34, 35, 36, 37, 39, 40, 41, 42
3 and 44 into evidence.

4 THE COURT: Any objection?

5 MR. SENERIUS: Your Honor, we're going to object.
6 I think the video speaks for itself, and this is just
7 redundant.

8 THE COURT: Overruled.

9 (WHEREUPON, State's Exhibit Numbers 34 through 37,
10 39 through 42 & 44 were admitted into evidence.)

11 MR. CAMPBELL: Your Honor, may I have Detective
12 Barton come off the stand?

13 THE COURT: Yes.

14 BY MR. CAMPBELL:

15 Q Now, Detective Barton, what was the purpose, why
16 did you have video stills taken off of the video?

17 A Mainly because this is a DVR system, and like with
18 any electronics, you can have problems.

19 MR. SENERIUS: I'm sorry. I didn't understand
20 you.

21 THE WITNESS: It's a video recording system, and
22 as with any electronics, you can have problems with the
23 video being erased or something getting damaged, so
24 just as a backup to a backup, we made still images of
25 what was on the security camera.

1 BY MR. CAMPBELL:

2 Q I'll just quickly go through these. What is
3 showing on State's Exhibit 34?

4 A This one will be Kyndra Howell walking back into
5 her residence after she and CJ had left and came back.

6 Q What does the information depicted right down here
7 indicate?

8 A This is the time stamp and a date stamp, July 1st,
9 2012, at 1809. This is pretty accurate. I mean, it
10 may be off by several minutes, but it's pretty accurate
11 to the time.

12 Q What is 1809 stamped?

13 A That's military time. It's 6:09 p.m. And
14 Mr. Patel, like you heard earlier, went missing around
15 5:30 p.m.

16 Q State's Exhibit 35?

17 A This is CJ Patel also at 6:09 on 7/1/12. As I
18 said earlier, this is CJ Patel walking inside Kyndra
19 Howell's carport where there is the door to inside the
20 residence. And this would be the last time anybody
21 sees him alive.

22 Q 36?

23 A Another one. This is just a couple steps forward
24 as CJ is walking inside the house there.

25 Q 37?

1 A This is the silver Cadillac right after it pulls
2 up at the residence right beside Kyndra Howell's,
3 driven by Tawanya Edwards with Jeremiah Johnson in the
4 passenger seat.

5 Q Is that what is depicted in State's Exhibit 19?

6 A Yes, sir, it is. This one was taken several days
7 later.

8 Q State's Exhibit 39?

9 A This is, of course, the silver Cadillac driven by
10 Tawanya Edwards. She's still sitting in the driver's
11 seat. This is Jeremiah Johnson. You can see he's
12 carrying something in his hand and Zach Gantt walking
13 from the residence next door.

14 Q 40?

15 A Same, same details as last photo. Still Jeremiah
16 Johnson and Zach Gantt, silver Cadillac still sitting
17 there. Just a few steps forward, closer to Kyndra
18 Howell's residence, to show that that's the way they're
19 moving.

20 Q 41?

21 A This is after the Cadillac pulls over from next
22 door to Kyndra Howell's driveway.

23 Q 42?

24 A This one at 6:27 p.m., like you seen earlier on
25 the video, this is Jeremiah Johnson coming outside to

1 get into CJ Patel's vehicle.

2 Q And 44?

3 A Same thing. As you can tell by the time here,
4 it's just a fraction of a second later, a few steps
5 forward, about to get into CJ Patel's vehicle.

6 Q Okay. Thank you, Detective. If you would please
7 take the stand.

8 Now, Detective Barton, based upon the information
9 that you viewed in this video, what action did you take
10 at this point in time?

11 A Based upon what was in the video and the
12 information we received from Kim Lomax and a couple
13 others, we did sign warrants on Kyndra Howell.

14 Q When you say you signed warrants, what are you
15 talking about or referring to?

16 A We signed an arrest warrant on Kyndra Howell for
17 kidnapping of CJ Patel.

18 Q And why is that?

19 A It was based on the information we received that
20 someone is being held hostage in her house.

21 Q Now, did you ever determine what purpose Mr. Patel
22 was at her house for?

23 A Yes, sir. He was there to buy sex from Kyndra
24 Howell.

25 Q Now, when you reviewed the video after you did the

State of South Carolina vs. Jeremiah C. Johnson 2012-GS-04-02404, 05, 02447 & 48
Danny Barton - Direct Examination by Mr. Campbell

235

1 search warrant at and you saw the two
2 individuals get out of the -- or next to that silver
3 Cadillac, were you able to determine whether or not
4 that one was the individual that you spoke to the first
5 time you went to Drive?

6 A Yes, sir. The -- when we first looked at the
7 video, I obviously didn't know who the two guys were.
8 I knew who Kyndra Howell was because I had just seen
9 her the day prior. But speaking with several
10 individuals from the area, we were able to get Zachary
11 Gantt and Jeremiah Johnson identified. And once we
12 identified Zachary Gantt, I realized that's the same
13 guy that was there on July 2nd when I knocked on Kyndra
14 Howell's door and asked for Leanne Howell.

15 Q Now, based upon what you saw there and your
16 investigation up to this point, did you take out any
17 type of arrest warrant on Zachary Gantt and Jeremiah
18 Johnson at this time?

19 A Yes, sir. As I said before, once we had the video
20 and statements from Kim Lomax and various other things,
21 we did have enough probable cause to sign kidnapping
22 warrants on Jeremiah Johnson and Zach Gantt once they
23 were identified on video.

24 Q Now, at this point you still are dealing -- your
25 investigation is dealing with a missing person?

1 A Technically, yes. But, you know, I mean, things
2 are starting to look ugly at this point. It's been
3 several days since Mr. Patel has been seen. His
4 vehicle has been abandoned in a field in Fair Play.

5 The last place he's seen is with Zach
6 Gantt, Jeremiah Johnson, and Kyndra Howell. It's just
7 not looking good at this point.

8 MR. SENERIUS: Objection as to the editorializing.

9 THE COURT: Move along.

10 BY MR. CAMPBELL:

11 Q Now, at this point, had Mr. Patel's body been
12 located?

13 A No, it had not.

14 Q So you took out arrest warrants on Zachary Gantt,
15 Jeremiah Johnson, and Ms. Howell. What was the next
16 step in your investigation?

17 A The next step was we did obtain another search
18 warrant for CJ Patel's vehicle. And we executed that
19 search warrant at the armory.

20 Q What was the purpose of that?

21 A There is a chemical that we use called Blue Star
22 that reacts to different types of material, and one of
23 those is blood. It reacts to the presence of blood.
24 So we executed a search warrant on that car for that
25 purpose.

1 Q Were you present during this time?

2 A I was.

3 Q And did it react at all?

4 A Yes, sir. Places in the backseat reacted as well
5 as places in the trunk of the car, reacted as if it was
6 possible blood.

7 Q Were samples taken from those for evidence
8 purposes?

9 A They were. They were sent to SLED.

10 Q Now, after you did his car, did y'all go back into
11 Drive again?

12 A Yes, sir. We executed a third search warrant at
13 Drive. The first one, of course, we took the
14 cords. The second one we took the video. After we
15 seen the video, we can tell something happened at that
16 house, so we went back to look for more evidence, also
17 to spray the Blue Star chemical to look for any
18 presence of, you know, blood or any sign that CJ had
19 been there.

20 Q Now, at some point -- at this point in time when
21 you were doing that, had anybody been arrested at this
22 point in time?

23 A Kyndra Howell, she got arrested sometime right
24 around then, but Jeremiah Johnson and Zach Gantt had
25 not been arrested yet.

1 Q When was Zachary Gantt arrested?

2 A July 9th, 2012.

3 Q Is that Zachary Gantt or Jeremiah Johnson?

4 A I'm sorry. Zachary Gantt was arrested July 7,
5 2012.

6 Q How did that come about? Were you present?

7 A He turned himself in to the sheriff's office. I
8 had already gone home, but I was notified and I
9 immediately came back in.

10 Q When was Jeremiah Johnson eventually arrested?

11 A He was arrested on July 9th.

12 Q Do you recall a location of where he was arrested
13 at?

14 A I believe it was his residence on Manley Drive.

15 Q Now, when he was arrested, did you have an
16 opportunity to speak to him?

17 A I did.

18 Q Detective Barton, I'm going to show you -- first
19 of all, when he was arrested, did you have an
20 opportunity to go speak to him?

21 A Yes, sir, I did.

22 Q And where was this location? Where did you go do
23 this at?

24 A It was at the Anderson County Sheriff's Office
25 interview room.

State of South Carolina vs. Jeremiah C. Johnson 2012-GS-04-02404, 05, 02447 & 48
Danny Barton - Direct Examination by Mr. Campbell

239

1 Q Had he already been booked in or processed through
2 the detention center?

3 A I believe he had already been booked in, and then
4 we had him brought to the sheriff's office.

5 Q And prior to you speaking to him, what, if
6 anything, did you do?

7 A We advised him of his Miranda rights.

8 Q When you say "Miranda," what is the purpose of
9 that? What are you talking about?

10 A It's a Miranda advisement to explain to a person
11 that they have a right to a lawyer, they don't have to
12 speak with me if they don't want to, and anytime during
13 our conversation that if they decide they want to stop
14 talking, they can stop talking at any time.

15 Q And how is this administered or given to an
16 individual?

17 A We have a form at the sheriff's office that we
18 use. Like Detective Owens said earlier, we have them
19 read the first two lines, and then I actually read the
20 rest of it to them as they follow along.

21 (WHEREUPON, State's Exhibit Number 3 was shown
22 to the witness.)

23 BY MR. CAMPBELL:

24 Q I'm going to show you what's been marked State's
25 Exhibit 3. If you could please identify this, sir.

1 A Yes, sir. It's the Anderson County Sheriff's
2 Office Advisory of Rights form.

3 Q And was this the form that was given to him on
4 July 9, 2012?

5 A Yes, sir.

6 Q And how do you know that?

7 A It has my signature and his signature on it.

8 Q And has this been changed or altered in any way,
9 shape, or form?

10 A No, sir.

11 MR. CAMPBELL: Your Honor, at this time I would
12 like to move State's Exhibit 3 into evidence.

13 MR. SENERIUS: No objection.

14 THE COURT: State's 3 would be admitted without
15 objection.

16 (WHEREUPON, State's Exhibit Number 3 was admitted
17 into evidence.)

18 BY MR. CAMPBELL:

19 Q Now, Detective Barton, on State's Exhibit 3, when
20 you went to speak to him, did you determine how far he
21 had been in school?

22 A Yes, sir.

23 Q How far was that?

24 A I believe it was eleventh grade he had been in
25 school, but he told me he had a GED.

1 Q So he could read and write the English language?

2 A Yes, sir.

3 Q And understand the English language?

4 A Yes, sir. I asked him if he could read and write.
5 He told me he could, and he also read part of the form
6 out loud for me.

7 Q Did you go through the same process that you heard
8 Detective Sergeant Owens go through on the Miranda
9 form?

10 A Most of the same process. I actually read it --
11 like Detective Owens has them read the first two lines
12 out loud to show him they can read, I do the same
13 thing. But the other three, I actually read out loud
14 for him and he follows along.

15 Q Did he sign this?

16 A Yes, he did.

17 Q And did he also -- according to that form, there
18 is a waiver of rights section. Did you go through that
19 with him?

20 A Yes, sir. Again, Detective Owens does his a
21 little different than mine. I actually read this part
22 and have him follow along. On the word "coercion,"
23 like Detective Owens, it's not a common word a lot of
24 people know, so I actually explain it to everybody.
25 Whether they tell me they know what coercion means or

1 not, I explain it to them, and then I have them initial
2 by "coercion" that I explained it to them.

3 Q Did you do that in this case?

4 A Yes, sir.

5 Q Did he sign this?

6 A Yes, sir.

7 Q Did he say he would speak to you without the
8 presence of a lawyer?

9 A Yes, sir.

10 Q And did he?

11 A Yes, sir, he did.

12 Q What, if anything, did you learn from that
13 conversation on July 9th, 2012?

14 A At first Jeremiah denied any involvement
15 whatsoever. He denied being at the house. Of course,
16 after I showed him still images of him being at the
17 house on video camera, he did acknowledge that he was
18 there but claimed that he knew nothing about Patel,
19 that he sat there on the couch playing video games all
20 night long and never saw Mr. Patel. We asked him about
21 driving the vehicle because he's on video driving CJ's
22 vehicle, and he said that he took the vehicle and went
23 to the store.

24 When I asked him which one, he told me Lucky's,
25 that he went in to buy some cigarettes or something. I

1 told him that I would go to Lucky's and pull the video
2 just to prove whether he was there or not. And when I
3 told him that, he changed his story and told me that he
4 was at the Spinx station, but still didn't change the
5 fact that he hadn't seen Patel. He denied all that
6 knowledge.

7 We didn't take a written statement from him at
8 that time just because he wasn't -- I mean, he wasn't
9 telling me anything that was relevant to this
10 investigation as far as the whereabouts of CJ.

11 Q Now, at what point -- that was on the 9th?

12 A Yes, sir.

13 Q At what point during your investigation was the
14 body discovered?

15 A July 11th, 2012.

16 Q And did you go to the scene where the body was
17 discovered?

18 A Yes, sir, I did.

19 Q Was the body discovered through the efforts or
20 help of Zachary Gantt?

21 A Yes, sir, it was.

22 Q And did you actually physically observe the body
23 yourself?

24 A Yes, sir. Like Detective Owens testified earlier,
25 when we got to the scene, I actually stayed out. There

1 was another person there that I went over to talk to
2 while Detective Owens walked Zachary Gantt into the
3 woods. A few minutes later Detective Owens emerged
4 with Zachary Gantt and told me that Zachary had told
5 him that he was there. We put Zachary back in the car
6 with a third deputy who was there with us, and we
7 walked -- Detective Owens walked me back into the woods
8 to show me where the body was. And he walked me up to
9 about apparently 20 to 30 feet from where the body was.

10 Q And after that, where did you go next or what did
11 you do?

12 A Once I saw the body, I went back to the vehicle.
13 Detective Owens and I and Zachary Gantt went back to
14 the sheriff's office to interview Zachary Gantt.

15 Q At some point was an autopsy conducted on the
16 body?

17 A Yes, sir, the next day, July 12th.

18 Q Were you present at the autopsy?

19 A No, I was not. I was interviewing Jeremiah
20 Johnson during the autopsy.

21 Q And the statement that you saw and observed
22 earlier through Detective or Sergeant Owens, was that
23 his involvement you're referring to?

24 A Yes, sir.

25 Q And were you present during this time when the

1 statement was taken from Mr. Johnson?

2 A Yes, sir. We started, like Detective Owens said,
3 in the interview room. At some point during the
4 interview in the interview room, I got up and walked
5 out of that room and went directly into the observation
6 room to watch what was being said between those two
7 from the observation room. And basically, I mean, Todd
8 had a good rapport with Jeremiah. He was talking very
9 good with him, so I got up and left and let Detective
10 Owens finish.

11 Q And were you present when the statement was made
12 by Jeremiah Johnson that was officially typed out?

13 A Yes, sir. Once we had finished or Todd finished
14 pretty much talking to him inside the interview room,
15 he was going to move him to his office, but first we
16 were going to take a break and offer him something to
17 eat, bathroom and smoke and all that. We went to
18 Detective Owens' office. I joined back up with them at
19 that point.

20 Q And when the statement was finally written down
21 and he signed it, during this whole time frame, whether
22 it was the interview in the investigation room or at
23 Sergeant Owens' office, did you take any type of
24 written notes down?

25 A No, sir. Like Detective Owens, you know, I feel

1 if I'm trying to take notes, I'm going to miss
2 something he says. However, I do document in an
3 incident report what all was said, what all was done,
4 every break that was given, that sort of thing. And I
5 document in my report just as soon after I walk out of
6 that interview room as far as what happened.

7 Q So the report is used basically as your notes?

8 A Yes, sir.

9 Q Now, after this statement was given, did you also
10 have him help in the investigation to determine who
11 else was present?

12 A Yes, sir. I had him identify Ezra Williams
13 through a photo lineup and he did, no problem.

14 (WHEREUPON, State's Exhibit Number 4 was shown
15 to the witness.)

16 BY MR. CAMPBELL:

17 Q I'm going to show you what's been marked State's
18 Exhibit 4. If you could please identify this, sir.

19 A This is the affidavit of photograph identification
20 and a photo lineup containing a photo of Ezra Williams.
21 And Ezra goes by the name of Quevo. Nobody really knew
22 his real name. We knew his real name, so we put him in
23 a photo lineup and showed it, and Jeremiah Johnson
24 picked out Ezra Williams as who he knows as Quevo.

25 Q And how do we know this is a form that you used?

1 A It has my signature as a witness, and it has
2 Jeremiah Johnson's signature as the person who did the
3 photo lineup.

4 Q When you did the photographs, how was it
5 determined or how did he acknowledge that that
6 photograph was Ezra Williams?

7 A The way the photograph was done is we had a group
8 of six photographs placed on a page. We call this a
9 photo lineup. One of the photos is the person in
10 question. I hand it to him and ask him is there
11 anybody he recognizes. Of course, he pointed to
12 photograph number four, told me that's who Quevo was.
13 Me, knowing that I did the photo lineup, I knew
14 photograph number four was Ezra Williams. I had him
15 circle it, put the date and time and sign it.

16 Q Did he do this on his own free will?

17 A Yes, sir.

18 Q Was this still part of the process right after he
19 gave the written statement?

20 A Yes, sir. It was all still done at the sheriff's
21 office here in the same interview.

22 Q And he was still under Miranda when he filled out
23 this photograph identification form?

24 A Yes, sir, he was. We hadn't left the sheriff's
25 office.

1 MR. CAMPBELL: I'd like to move Exhibit 4 into
2 evidence.

3 MR. SENERIUS: No objection.

4 THE COURT: State's Exhibit Number 4 will be
5 admitted without objection.

6 (WHEREUPON, State's Exhibit Number 4 was admitted
7 into evidence.)

8 BY MR. CAMPBELL:

9 Q Now, Detective Barton, after this was conducted,
10 was he transported back to the detention center or did
11 he remain at the sheriff's office?

12 A He was transported back to the detention center.

13 Q At some point in time in that day, did you have an
14 opportunity to go back and speak with him?

15 A Yes, sir. After the interview, later on, might
16 have been a couple hours later, maybe an hour later, I
17 remembered a question that I had meant to ask him about
18 this incident, so I went back down to the jail and
19 talked with him for a second.

20 Q And when you spoke to him at the jail, did you go
21 back through the same procedure that has been -- he has
22 gone through twice before?

23 A Yes, sir, I did because he had been out of my
24 presence for, like I say, an hour, two hours. He was
25 at a different building, so I felt that I needed to go

State of South Carolina vs. Jeremiah C. Johnson 2012-GS-04-02404, 05, 02447 & 48
Danny Barton - Direct Examination by Mr. Campbell

249

1 back through the Miranda rights just to make sure he
2 understood everything. This was a total separate time.

3 Q You did that in this case?

4 A Yes, sir.

5 (WHEREUPON, State's Exhibit Number 5 was shown
6 to the witness.)

7 BY MR. CAMPBELL:

8 Q I'm going to show you what's been marked State's
9 Exhibit 5. Will you please identify that, sir?

10 A Again, this is the Anderson County Sheriff's
11 Office Advisement of Rights form.

12 Q And is this the form that you used while he was at
13 the detention center when you went back later that
14 evening?

15 A Yes, sir, it is.

16 Q And approximately what time did you go back?

17 A 5:40 p.m.

18 Q And was the same process done? Was he read his
19 advisory of rights?

20 A Yes, sir. Same process.

21 Q Did he sign it?

22 A He signed it and initialed everywhere, the same as
23 before.

24 Q How about the waiver of rights portion of the
25 advisement of rights form?

1 A Same thing. He signed it, agreed to speak with me
2 and initialed by "coercion" that he understood what
3 that meant.

4 (WHEREUPON, State's Exhibit Number 6 was shown
5 to the witness.)

6 BY MR. CAMPBELL:

7 Q I'm going to show you what's been marked State's
8 Exhibit 6. What is that, sir?

9 A This is the written statement from when I went
10 back to talk with him at the jail and I advised him of
11 his Miranda and then we took a quick written statement.
12 Just a little three-line statement.

13 Q And the information that's on top of that, where
14 did that come from?

15 A It's information that Jeremiah had given me.

16 Q While you were speaking to him?

17 A Yes, sir.

18 Q And after he -- you took that information, did you
19 take a statement from him?

20 A Yes, sir, I did.

21 Q And what was that?

22 A The statement was written by me in Jeremiah
23 Johnson's words. The statement reads, "That night,
24 after Quevo shot that Indian, I don't know what he did
25 with the gun. I never saw it anymore once we got back

State of South Carolina vs. Jeremiah C. Johnson 2012-GS-04-02404, 05, 02447 & 48
Danny Barton - Direct Examination by Mr. Campbell

251

1 to the car. End of statement." I put a couple X's,
2 wrote "end of statement" so nothing would be added, and
3 Jeremiah Johnson signed it at the bottom and I
4 witnessed it.

5 Q Did you witness it?

6 A Yes, sir.

7 MR. CAMPBELL: Your Honor, I move 5 and 6 into
8 evidence.

9 MR. SENERIUS: 5 and 6, no objection.

10 THE COURT: No objection to State's Exhibit 5 and
11 6. They will be admitted.

12 (WHEREUPON, State's Exhibit Number 5 was admitted
13 into evidence.)

14 (WHEREUPON, State's Exhibit Number 6 was admitted
15 into evidence.)

16 BY MR. CAMPBELL:

17 Q So at this point in time, since he was arrested on
18 July 9th, how many Miranda forms had he been given?

19 A I believe that was the fourth one.

20 Q And each time he agreed to voluntarily speak with
21 law enforcement?

22 A Yes, sir.

23 Q And each time did he cooperate with law
24 enforcement?

25 A Yes, sir, every time. He was very forthcoming to

1 come talk with us.

2 Q Now, just because you have the statement that he
3 wrote regarding his involvement, did you stop at that
4 point in time?

5 A No, sir. Typically after a statement is retrieved
6 from an individual, we have to verify things that were
7 told to us in the statement. So I went around to
8 various places, verified things that he had told me in
9 the statement, where he had been, who he had talked to,
10 who he got to do this or that, just to try to
11 corroborate everything he told me, as well as what Zach
12 Gantt had told me the day before.

13 Q Did you do that in this case?

14 A Yes, sir, I did.

15 Q Now, Detective Barton, when you said you
16 corroborated some information that's in his statement,
17 what is one of the things you did?

18 A I went to the Spinx station where he said he had
19 been trying to use the debit card of Mr. Patel.

20 Q And what action did you take?

21 A I spoke with the manager at the Spinx and obtained
22 a copy of the video surveillance and also a copy of the
23 receipt tape from the ATM machine that shows the
24 declined transactions.

25 Q And did you observe this prior to getting a copy

1 of it?

2 A Yes, sir, I did.

3 Q And did you get a copy of it right then?

4 A I don't think it was right then. I think she
5 called me a few days later and told me it was ready.
6 This is something she had to record from headquarters.

7 Q Did you receive a copy of it?

8 A Yes, sir, I did.

9 Q Did you have an opportunity to review it?

10 A Yes, sir, I did.

11 Q And did the information that you saw on the day
12 you went down to the Spinx station, was it the same
13 that you saw in the video that you received?

14 A Yes, sir, I did. The only difference in that day
15 at the Spinx station was actually time stamped. For
16 some reason, when they gave it to me, it was in a
17 different file format that didn't have the time stamp
18 and that on it.

19 (WHEREUPON, State's Exhibit Number 46 was shown
20 to the witness.)

21 Q And State's Exhibit 46, what is that a copy of?

22 A The Spinx video.

23 Q Have you had an opportunity to review this video?

24 A Yes, sir.

25 Q Is this the same video you received pursuant to

1 your request of the manager?

2 A It is.

3 Q Which Spinx station is this?

4 A It's the one on like a Murray Avenue address, but
5 it's 81 South, like you're headed towards Starr. If
6 you go down 28 Bypass and hang a right towards Starr,
7 it's the first Spinx station there on the left past the
8 car wash.

9 Q Has this been changed or altered in any way,
10 shape, or form?

11 A No, sir.

12 MR. CAMPBELL: At this time I would like to move
13 State's Exhibit 46 into evidence.

14 MR. SENERIUS: No objection.

15 THE COURT: State's Exhibit 46 will be admitted
16 without objection.

17 (WHEREUPON, State's Exhibit Number 46 was admitted
18 into evidence.)

19 MR. CAMPBELL: Your Honor, I would like to ask
20 Detective Barton to step off the stand to show the
21 ladies and gentlemen what he observed.

22 (State's Exhibit 46 being played for the jury.)

23 THE WITNESS: As you watch the video, Jeremiah
24 Johnson is going to come through the door and stand at
25 the ATM machine. And you will see him using the ATM

State of South Carolina vs. Jeremiah C. Johnson 2012-GS-04-02404, 05, 02447 & 48
Danny Barton - Direct Examination by Mr. Campbell

255

1 machine, but he doesn't appear to get any money out of
2 the machine, and he walks out of the door and leaves.
3 He doesn't buy anything else while he's in there. He
4 just comes in to use the machine.

5 BY MR. CAMPBELL:

6 Q Is this Jeremiah Johnson who's walking in?

7 A Yes, that is Jeremiah Johnson.

8 MR. SENERIUS: Objection. The video speaks for
9 itself.

10 THE COURT: Overruled.

11 Proceed.

12 THE WITNESS: As you see, Mr. Johnson walks up to
13 the ATM machine, and he's going to make what appears to
14 be an attempted transaction.

15 BY MR. CAMPBELL:

16 Q Now, is he in the same clothing that you had
17 observed from the house video?

18 A Yes, he is.

19 Like I said, you see him walk back out the door,
20 and he comes in a short time later again.

21 You will see him come back in and do the same
22 thing, go to the ATM machine and try to use it. As I
23 said earlier, this copy is not time stamped, but the
24 actual time on the video was around 30, 40 minutes
25 after the first time he came in.

1 Again, he's up here trying to get the money and
2 leaves the machine.

3 Q Detective Barton, please take the stand.

4 Now, Detective Barton, you stated you also got a
5 receipt from the store?

6 A Yes, sir.

7 (WHEREUPON, State's Exhibit Number 47 was shown
8 to the witness.)

9 BY MR. CAMPBELL:

10 Q I'm going to show you what's been marked State's
11 Exhibit number 47. If you can please identify what
12 this is, sir.

13 A This is a photocopy of the receipt tape from that
14 ATM machine from that day.

15 Q And is this a copy that you were given?

16 A Yes, sir.

17 Q Were you -- actually, were you able to obtain the
18 original?

19 A Yes, sir, I was.

20 Q And is this a copy of the original?

21 A It is. I made that copy.

22 MR. CAMPBELL: Your Honor, at this point I would
23 like to move State's Exhibit 47 into evidence.

24 THE COURT: Any objection?

25 MR. SENERIUS: No objection.

State of South Carolina vs. Jeremiah C. Johnson 2012-GS-04-02404, 05, 02447 & 48
Danny Barton - Direct Examination by Mr. Campbell

257

1 THE COURT: State's 47 would be admitted without
2 objection.

3 (WHEREUPON, State's Exhibit Number 47 was admitted
4 into evidence.)

5 BY MR. CAMPBELL:

6 Q Detective Barton, could you please explain the
7 significance of Exhibit 47 to the ladies and gentlemen
8 of the jury.

9 A Around the same time that we saw Jeremiah enter
10 the Spinx station, use the ATM machine, the -- there
11 are two declined transactions on this receipt tape, and
12 I spoke with these banks and discovered these were
13 declined transactions from this location.

14 Q Where exactly are they located on this document?

15 A They're on page -- looks like page six on
16 7/1/2012, looks like 6:47 p.m. and 6:48 p.m., both the
17 same card, both invalid PINs and both transactions were
18 requested for \$200.

19 MR. CAMPBELL: Your Honor, I'd like to publish
20 this to the jury.

21 THE COURT: It's in evidence.

22 BY MR. CAMPBELL:

23 Q Detective, if you can please just step off the
24 stand and explain to the ladies and gentlemen of the
25 jury what they're viewing here.

1 A Again, this is the receipt tape from the ATM
2 machine. The photocopy is a little broken up. We're
3 trying to take a picture of a receipt tape that's three
4 years old here. At that time it's 6:47 p.m., invalid
5 PIN. Last four of the card is 9064. Same thing down
6 here, 9064. Invalid PIN a minute later, around the
7 same time that Jeremiah Johnson came in the store and
8 used the ATM machine.

9 Q If you will please take the stand, sir.
10 (WHEREUPON, State's Exhibit Numbers 49 & 50
11 were shown to the witness.)

12 BY MR. CAMPBELL:

13 Q I will show you what's been marked State's Exhibit
14 Number 49 and 50. If you could please identify what
15 these are, sir.

16 A These are still images of Jeremiah Johnson coming
17 into the store and using the ATM machine.

18 Q And the store you're referring to is the Spinx
19 station?

20 A The Spinx station, yes.

21 Q And are these images you had made off of the
22 video?

23 A Yes, sir.

24 Q That we saw earlier?

25 A Yes, sir.

State of South Carolina vs. Jeremiah C. Johnson 2012-GS-04-02404, 05, 02447 & 48
Danny Barton - Direct Examination by Mr. Campbell

259

1 Q And these fairly and accurately represent what was
2 off the video or on the video?

3 A Yes, sir.

4 MR. CAMPBELL: Your Honor, I'd like to move 49 and
5 50 into evidence.

6 THE COURT: Any objection?

7 MR. SENERIUS: I have no objection.

8 THE COURT: State's Exhibit 49 and 50 will be
9 admitted without objection.

10 (WHEREUPON, State's Exhibit Number 49 & 50 were
11 admitted into evidence.)

12 BY MR. CAMPBELL:

13 Q And 49, what is this referring to, Detective
14 Barton?

15 A Can I --

16 Q Yes, sir. If you can please step off the stand.

17 A This is the same thing that you saw in the video.
18 It's Jeremiah Johnson entering the store and going to
19 the ATM machine.

20 Q And 50?

21 A Again, the same as you saw on video. This is
22 Jeremiah Johnson standing there using the ATM machine.

23 Q Detective Barton, if you could please take the
24 stand.

25 Now, Detective Barton, besides the Spinx station,

1 did you go anywhere else to try to determine whether or
2 not Mr. Johnson had gone anywhere else?

3 A Yes, sir. We knew several trips had been made,
4 according to the video from the house, so -- and we
5 only had two times that someone was in the Spinx
6 station, so there had to be other stores in the area.
7 So we went to Eddie's Minute Mart, another store right
8 down the road, prominent store in the area that a lot
9 of people frequent, and pulled that video and, of
10 course, saw Jeremiah Johnson come in there and use the
11 ATM machine as well.

12 (WHEREUPON, State's Exhibit Number 48 was shown
13 to the witness.)

14 BY MR. CAMPBELL:

15 Q Show you what's been marked State's Exhibit 48.
16 If would you please identify that, sir.

17 A This is the video from Eddie's Minute Mart on
18 Abbeville Highway.

19 Q And was this the video that you collected?

20 A Yes, sir, it was.

21 Q And prior to collecting this video or obtaining
22 it, did you first view it at Eddie's Minute Mart?

23 A I did.

24 Q Does this fairly and accurately represent what you
25 observed or witnessed?

State of South Carolina vs. Jeremiah C. Johnson 2012-GS-04-02404, 05, 02447 & 48
Danny Barton - Direct Examination by Mr. Campbell

261

1 A Yes, sir, it does.

2 (WHEREUPON, State's Exhibit Numbers 51 through 54
3 were shown to the witness.)

4 BY MR. CAMPBELL:

5 Q I'm going to show you also -- I'm just going to do
6 it now -- State's Exhibits 51, 52, 53, 54. If could
7 you please identify what those are, sir.

8 A This one is CJ Patel's vehicle pulling into the
9 parking lot of Eddie's Minute Mart. Actually, this is
10 when it's back out.

11 Q First of all, are these photographs that were
12 taken as digital stills off the video?

13 A Yes, sir, it is.

14 Q Do these fairly and accurately represent what was
15 on that video?

16 A Yes, sir, it does.

17 Q And were these done at your request?

18 A Yes, sir, they were.

19 MR. CAMPBELL: Your Honor, at this time I'd like
20 to move 48, 52, 53, and 54 into evidence.

21 THE COURT: Is there a 51?

22 You're seeking to move 48, 51, 52, 53 and 54 into
23 evidence; is that correct?

24 MR. CAMPBELL: Yes, sir.

25 THE COURT: Mr. Senerius, any objection?

1 MR. SENERIUS: No objection.

2 THE COURT: All of those exhibits, State's 48, 51,
3 52, 53 and 54, will be admitted without objection.

4 (WHEREUPON, State's Exhibit Numbers 48, 51, 52,
5 53 and 54 were admitted into evidence.)

6 MR. CAMPBELL: Your Honor, may I have the witness
7 step off the stand?

8 THE COURT: Yes, sir.

9 (State's Exhibit 48 being played for the jury.)

10 THE WITNESS: This is the parking lot video from
11 Eddie's Minute Mart. This truck right here will back
12 out and leave, and then you will see the black Honda
13 Accord pull into the parking space here. You won't be
14 able to see who gets out. If you look down here in the
15 corner, you will see a white T-shirt of the person who
16 gets out, and you will see the time and date right
17 here.

18 BY MR. CAMPBELL:

19 Q What road is that video facing towards?

20 A This is Abbeville Highway right here, and at this
21 stop sign here, this is Roosevelt Drive. Across the
22 street is Meadow Run Apartments. This is just about --

23 Drive is not even probably an eighth of a mile
24 from Eddie's Minute Mart.

25 Just a few seconds after this, you will see the

1 black Honda Accord pull up and park in that same
2 parking spot. He's coming from the direction of
3 Roosevelt Drive. As you see, the driver has on a white
4 shirt, and down here in the corner you will see whoever
5 is getting out of the car has on a white shirt. And
6 notice the time is 6:41.

7 Q Now, Detective Barton, I'm going to show you
8 what's been marked State's Exhibit Number 51. What is
9 this depicting?

10 A This is CJ Patel's vehicle backing out of that
11 parking spot and about to leave towards Roosevelt
12 Drive.

13 Q And then State's Exhibit number 52.

14 A This is Jeremiah Johnson walking into the side
15 door of Eddie's Minute Mart. That parking lot, that
16 parking space you seen the car in, is right out front
17 right around here.

18 Q Is this the same clothing that we've seen in the
19 Spinx station also in the house video?

20 A Yes, sir, same clothing.

21 Q State's Exhibit Number 53, what is that depicting?

22 A This is the ATM machine inside Eddie's Minute
23 Mart. This is Jeremiah Johnson holding a green debit
24 card about to place it into the machine.

25 Q And State's Exhibit Number 54.

1 A This is Jeremiah Johnson walking away from the ATM
2 machine. This is all still in Eddie's Minute Mart.
3 You see the time, 6:42 p.m. This transaction right
4 here did not complete. There was actually something
5 wrong with the ATM machine at the time.

6 Q Detective Barton, please take the stand.

7 Now, Detective Barton, as the lead investigator in
8 this case, you are also responsible for the evidence
9 that is collected?

10 A Yes, sir.

11 Q And in this case a 9mm shell casing was recovered.
12 Was a gun ever recovered in this matter?

13 A No, sir, it was not.

14 Q Would the shell casing that you recovered, were
15 you able to do anything with it to determine who shot
16 it, where it came from, how it got there, et cetera?

17 A You can't do ballistics without at least a bullet
18 and a firearm to go with the shell casing, so this
19 shell casing didn't do us much good other than knowing
20 what --

21 MR. SENERIUS: I'm sorry. The shell casing what?

22 THE WITNESS: It didn't do us much good without
23 having a gun to go with it. As far as, you know, DNA
24 fingerprints, the shell casing sat out in the weather
25 and the dirt for almost two weeks. There was not a lot

State of South Carolina vs. Jeremiah C. Johnson 2012-GS-04-02404, 05, 02447 & 48
Danny Barton - Direct Examination by Mr. Campbell

265

1 we could do, you know, fingerprint-wise with that.

2 BY MR. CAMPBELL:

3 Q Now, the swabs that were collected by Investigator
4 Wilson out of the car and you were also present for,
5 did you send those off to SLED to have them analyzed
6 for DNA?

7 A Yes, sir, I did.

8 Q What, if anything, did you learn as a result of
9 that?

10 A After DNA analysis, we did learn that it was CJ
11 Patel's blood that was in the backseat and the trunk of
12 his own vehicle.

13 Q And in this case do you feel that Jeremiah Johnson
14 was a shooter in this case?

15 A No, I don't.

16 Q Why is that?

17 A The statements we got, nothing points towards him
18 being the shooter. So I feel pretty confident that the
19 shooter is the codefendant.

20 Q Now, as a result of this, what, if anything, were
21 you able to determine that the four individuals
22 benefitted from this case?

23 A Based on, you know, everybody's statements, the
24 codefendant's statement and all this, the benefit was
25 the \$70 that was taken off CJ Patel. I believe 30 or

1 40 of it went to Tawanya Edwards, and the remainder of
2 the money went to Kyndra Howell.

3 Q Now, you charged Mr. Johnson with armed robbery,
4 kidnapping, possession of a weapon during the
5 commission of a violent crime, and murder. And just
6 tell the ladies and gentlemen of the jury why you made
7 each of those charges against Mr. Johnson.

8 A Yes, sir. Based on statements we received,
9 witnesses, the codefendants' statements, Mr. Johnson's
10 statement himself, we believe that he was there at the
11 inception of this crime, at the plan to rob CJ Patel.
12 He was very much an active participant of torturing
13 him, tying him up, bounding his hands behind his back
14 with telephone cord. He was very much an active
15 participant for all that, using his debit cards, trying
16 to get information out of him. He was there at the
17 plan to take him off into the woods. He went along
18 with that. He went all the way out to Highway 29
19 South, Big Water Road, walked with Mr. Patel into the
20 woods along with Zach Gantt and Ezra Williams. I mean,
21 everybody knew what was about to happen going into
22 those woods. I mean, this went on for hours. It
23 started at, you know, 5:30 in the afternoon, and this
24 was around midnight, 2:00 in the morning, sometime
25 around that time frame when they took him off into the

State of South Carolina vs. Jeremiah C. Johnson 2012-GS-04-02404, 05, 02447 & 48
Danny Barton - Direct Examination by Mr. Campbell

267

1 woods. They all knew what was about to happen. He
2 watched as Ezra Williams put a gun to Mr. CJ's head,
3 tried to get numbers one more time and shoot him, left
4 him there dead, went back to Kyndra Howell's house, had
5 the car cleaned up. He himself drove to the dumpsite
6 to try to get rid of the car to conceal what they had
7 done. He was there from the beginning to the end. He
8 never once tried to get out of it.

9 In the state of South Carolina, the hand of one is
10 the hand of all. While we don't believe Jeremiah
11 Johnson was the shooter, he was very much an active
12 participant in everything that happened up to that
13 point and everyone got charged with all the same
14 crimes.

15 MR. CAMPBELL: Your Honor, I have no further
16 questions of this witness.

17 THE COURT: All right. Mr. Senerius.
18 Counsel, approach.

19 (WHEREUPON, a bench conference was held off the
20 record in the presence of the jury, but out of the
21 hearing of the jury.)

22 THE COURT: Okay. Ladies and gentlemen of the
23 jury, it is almost 1 o'clock, and you've been sitting
24 now for almost two hours. I'm going to go ahead and
25 break for lunch. We will reconvene at 2:15, so be back

1 in the jury room by 2:15.

2 The same instructions apply. You can't talk to
3 anybody about the case, no independent research about
4 the facts of the case or the law while you're out at
5 lunch.

6 So, Mr. Bailiff, if you would take our jury out.

7 (WHEREUPON, the jury exited open court at
8 12:59 p.m.)

9 THE COURT: All right. We will be in recess 'til
10 2:15.

11 Officer Barton, you're in the middle of your
12 testimony under oath, so you can't talk about the case
13 with anyone during lunch.

14 THE WITNESS: Yes, sir.

15 THE COURT: Gentlemen, we'll see you back at 2:15.

16 (WHEREUPON, lunch recess taken from 1:00 p.m.
17 to 2:16 p.m.)

18 THE COURT: Anything for the State before we bring
19 the jury back?

20 MR. CAMPBELL: No, sir.

21 THE COURT: Anything from the defense?

22 MR. SENERIUS: No, your Honor.

23 THE COURT: All right.

24 (WHEREUPON, the jury entered open court at
25 2:17 p.m.)

1 THE COURT: Okay. Officer Barton, you are still
2 under oath.

3 Mr. Senerius, your witness.

4 MR. SENERIUS: Thank you, your Honor. May it
5 please the Court.

6 CROSS-EXAMINATION

7 BY MR. SENERIUS:

8 Q Afternoon, Detective.

9 A Good afternoon.

10 Q Am I correct that you prepared no notes during any
11 of your investigation or just a supplemental report?

12 A Just a supplemental. When I'm doing this kind of
13 case, I keep a running narrative in a computer and
14 that's my report.

15 Q Okay. Well, I'm curious because do you have your
16 supplemental report in front of you?

17 A Yes, sir.

18 Q Would you take a look at it, please.

19 A Yes, sir.

20 Q I'm curious because I look at your supplemental
21 report, and it's quite lengthy.

22 A Uh-huh.

23 Q Probably ten, 15 pages?

24 A Something like that.

25 Q Okay. And it's dated July the 11th. If you look

1 down at the bottom right-hand corner --

2 A Yes, sir.

3 Q -- dated July the 11th?

4 A Uh-huh.

5 Q And then approved by you on July 12th?

6 A Uh-huh.

7 Q And, yet, based on your testimony, you took no
8 notes and you have incidents in here beginning on July
9 the 2nd?

10 A Uh-huh. Yes, sir.

11 Q So from looking at this report, just looking at
12 the report itself, it would appear -- excuse me. It
13 would appear that it was prepared on July the 11th?

14 A It was added into the computer, into this PD
15 Manager system, on July 11th. I actually write my
16 reports in Microsoft Word and then copy and paste it in
17 our PD.

18 Q So you do have something other than this
19 supplemental report?

20 A Well, I don't have it anymore, but it's where I
21 originally wrote the narrative for this report. And
22 once I transfer it over to our PD Manager system, it's
23 the same.

24 Q This is the only document?

25 A Yes, sir.

1 Q It was created in Microsoft Word, did you say?

2 A Yes.

3 Q And then transferred to this?

4 A Yes, sir. Most of my lengthy narratives like
5 this -- this, in our computer system, you can only see
6 a certain amount, so I don't like typing the lengthy
7 supplementals in that, so I type them myself.

8 Q I was just curious as to why it wasn't dated
9 contemporaneously with the --

10 A The --

11 Q -- the body of the report.

12 A The 7/11 is what date this report was created.

13 Q Right.

14 A But like I say, I typed it in Microsoft Word and
15 transferred.

16 Q I was just curious why there wasn't a report from
17 July the 2nd and one from July 3rd.

18 A Because it was entered into PD Manager, our
19 computer system, on July 11th.

20 Q Okay. All right. If you look on the first page,
21 fourth paragraph.

22 A Yes, sir.

23 Q It appears this is when you were talking with
24 Kyndra Howell?

25 A First page, fourth paragraph?

1 Q Fourth full paragraph, yes, sir.

2 A The fourth paragraph in mine on the first page
3 says --

4 Q I'll show you mine.

5 A -- the same date.

6 Q Yeah. I'm sorry. Third paragraph. I can't
7 count. That's why I'm a lawyer, not an accountant.

8 A Okay.

9 Q There appears to be something missing, and
10 there's -- you don't have any notes, so you wouldn't
11 know what's missing from that?

12 A Doesn't look like anything is missing to me.

13 Q I'm sorry?

14 A Doesn't look like anything is missing to me.

15 Q Well, the last four words are, "She stated that
16 CJ"?

17 A Oh, yes. Yes. Yes, you're correct in that.

18 Q And you did create this on the 11th?

19 A This?

20 Q Document.

21 A Document in our computer system, yes.

22 Q In your computer system in this form?

23 A Yes.

24 Q And, yet, if I remember correctly, go to the third
25 from the last page of your report where you're talking

1 about statement purportedly made by my client, that
2 statement wasn't taken until the 12th?

3 A On the third to the last date?

4 Q Third to the last page.

5 A Let me see what you've got.

6 Q I'll show it to you. I don't think -- maybe they
7 are numbered. I don't think they are numbered. No.
8 Starts out "process." Third to the last page.

9 A That's the last page I've got. That's third to
10 the last page.

11 Q Yep. Maybe it's before.

12 A What's the last page you have?

13 Q Last page that I have is -- we have a different
14 last page.

15 A You got your discovery, and there were still
16 things that were done in this case.

17 Q So you may not have all of your report. Let's try
18 the actual third to the last.

19 A What hae you got on your last page, on your last
20 page? "Met with Ann Barker." You have got to right
21 here.

22 Q Go back one, two, three.

23 A Yes, sir.

24 Q Yeah. Here you're talking about my client's
25 statement that was given on the 12th?

1 A Yes, sir.

2 Q But you typed in your report on the 11th?

3 A Yes, sir. This, when you look at this report,
4 this original page was created on the 11th. I could go
5 back in the report today and add something to this
6 report, and it's still going to be showing 7/11 because
7 that's when the document was created. It doesn't
8 update.

9 The last page that I have was entered in on 9/17
10 of '13, and you still see it's 7/11 of '12. You don't
11 have that page because it was done after your
12 discovery, but it's there.

13 Q Well, when was this page created, the one I'm
14 talking about?

15 A This last page?

16 Q This page --

17 A As something was done, we just added information
18 to it.

19 Q Wouldn't it be more accurate that this report than
20 your supplement would be completed on the 12th as
21 opposed to the 11th which is what it indicates?

22 A Not necessarily. If I started this supplement on
23 the 2nd when I got the case, then it's still going to
24 say July 2nd on this supplement.

25 Q Okay.

1 A The date that you see is what date this supplement
2 was created. Like I said, I can go back and add
3 information now, and you're still going to see the same
4 date.

5 Q I understand what you're telling me. It just
6 seems odd the dates don't seem to match up, the dates
7 of creation don't seem to match up with the date of the
8 content.

9 A I apologize for that. That's the computer system.

10 Q I believe you said you were present on the 3rd
11 when the car was found, Mr. Patel's car was found?

12 A Yes, sir. I did go to that location.

13 Q And that car was brought back to the sheriff's
14 office or sheriff's office annex?

15 A It was the armory at the sheriff's office, yes.

16 Q Part of the sheriff's office?

17 A Yes, sir.

18 Q And it was searched at that time?

19 A I believe it was done that day. I wasn't the one
20 that executed that search warrant.

21 Q To the best of your recollection?

22 A Best of my recollection, I believe it was done
23 that day.

24 Q It's been three years ago.

25 A It has been.

1 Q And I believe you testified that nothing was
2 really found?

3 A Nothing of any significance. They took, I think,
4 a bottle out of the car, numerous swabs from the seats
5 to try to place someone in the vehicle.

6 Q Did those DNA results ever come back?

7 A Those, they did come back, and there was not a
8 match to anyone.

9 MR. SENERIUS: May we approach for a moment,
10 Judge?

11 (WHEREUPON, a bench conference was held off the
12 record in the presence of the jury, but out of the
13 hearing of the jury.)

14 BY MR. SENERIUS:

15 Q How many searches were effected on Mr. Patel's
16 car, if you recall?

17 A Two, I believe.

18 Q And one of those searches, you used a chemical
19 called Blue Star?

20 A Yes, sir. It was the second search.

21 Q And that reacted to -- it reacts to bodily fluids,
22 right?

23 A Yes. Yes.

24 Q So just from looking at it, you can't tell whether
25 it's blood or semen or perspiration or whatever to the

1 untrained eye?

2 A Typically, yes, but we did see what looked like
3 blood in the backseat.

4 Q Okay. You sent that on to SLED?

5 A Yes, sir.

6 Q And you were the case agent in this, for lack of a
7 better word, responsible for all the evidence in this
8 case?

9 A Yes, sir, I was.

10 Q Did any of those results ever come back from SLED?

11 A Everything that was taken on the first search
12 warrant on the car didn't match anything. The second
13 search warrant for the vehicle where we took the --
14 where we sprayed the Blue Star and we took swabs of the
15 area that lit up, those did come back belonging to CJ
16 Patel.

17 Q You did get a report to that effect?

18 A Yes, I believe we did.

19 Q Well, that would be the only way you would know,
20 right? You're not a forensic chemist yourself?

21 A That's right.

22 Q You did some testing at Drive, as I recall?

23 A Excuse me?

24 Q Drive, did the same kind of testing, Blue
25 Star testing there?

1 A Yes, sir. We did on the third and fourth search
2 warrants, we did Blue Star at the house.

3 Q And the Blue Star reacted to some substance?

4 A Yes. The first time we did it, which was the
5 third search warrant, we sprayed several areas in the
6 house. We had the -- the information that we had at
7 the time, something had occurred in Kyndra's bedroom.
8 We didn't have very much Blue Star that night, so we
9 sprayed her bedroom, the living room, and I believe the
10 bathroom. And there were some areas lit up. We
11 collected samples from those. Once we got statements
12 from your client as well as Zach Gantt, we did another
13 search warrant at that house on the room that they told
14 us that the activity happened in. In that room it did
15 light up as if there were presence of some sort of
16 bodily fluids. We sent that off but weren't able to
17 get a match to anything.

18 Q So you did get a result back but nothing -- they
19 couldn't match it to anything?

20 A Yes, sir.

21 Q But you did get a lab result back?

22 A I believe so, yes.

23 Q Well --

24 A We got a lot of paperwork back.

25 Q I mean, you're not making this stuff up, so,

1 obviously, you got a result back?

2 A No. It was on there.

3 Q Okay. I believe you testified the first time you
4 talked with my client was on July 9th?

5 A Yes, sir, the day he was arrested.

6 Q Day he was arrested. And you were not -- you
7 didn't effect the arrest yourself?

8 A No, sir. I believe our warrants division did.

9 Q I'm sorry?

10 A I believe it was our warrants division that locked
11 him up.

12 Q Did you take any notes concerning that --

13 A No, sir.

14 Q -- that interview?

15 A No, sir.

16 Q Fair to say you didn't record it, either video or
17 audio?

18 A No, sir. We didn't do any audio or video
19 recording at that time. We didn't have the capability
20 at the sheriff's office.

21 Q You're aware of little pocket recorders?

22 A Yes, sir. I'm aware that they make those. And,
23 you know, six months to a year, so after this incident,
24 now the sheriff's office has the capability of doing
25 such, but at the time no interviews were video or

1 audio.

2 Q 2012, sheriff's office didn't have the capability
3 of video or audio recording?

4 A No, sir.

5 Q When was -- the sheriff's office is in a new
6 building, right, a newer building?

7 A Yes, sir.

8 Q Not new. It's been a few years.

9 A Yes, sir.

10 Q Is that the building you were in in 2012?

11 A Yes, it was.

12 Q You indicated that Mr. Patel had an iPhone. You
13 were informed he had an iPhone?

14 A I believe it was an iPhone, yes.

15 Q And that there was an app that would locate the
16 phone?

17 A Yes, it would locate the general area.

18 Q Did you ever find the phone?

19 A No, we did not. It was pinged on Manley Drive,
20 and I searched that area. Like I said earlier, I
21 searched down a dirt road off Manley Drive in an area
22 where the phone was pinged. Never located Mr. Patel
23 or the phone.

24 Q I'll show you what's been marked as State's
25 Exhibit 47. These are receipts from the cash card

1 machine at Spinx; is that correct?

2 A Yes, sir.

3 Q There are numerous transactions on there, correct?

4 A There are.

5 Q And if I'm not mistaken, the only identification
6 as to the account is the last four numbers of the
7 account; is that correct?

8 A Yes, sir.

9 Q Do you know how many -- strike that.

10 What type of ATM card -- that's the word I was
11 looking for, ATM. What type of ATM card did Mr. Patel
12 have?

13 A He had numerous. His family told me he had a
14 Discover Card, Regions Bank card, several others. I
15 have several others listed in the report here.

16 Q How many of those cards were capable of being used
17 at an ATM machine?

18 A Any one of them.

19 Q Any of them?

20 A Should be. I would imagine any credit card can be
21 used at an ATM.

22 Q I don't know. I don't use them.

23 A I would think.

24 Q I notice that the -- at least on the copy that I
25 have, that the one, two -- the third transaction is for

1 credit card 4353. Does that match up, on the first
2 page?

3 A Third transaction on the first page?

4 Q Yes, sir.

5 A Third transaction on my page is 3939.

6 Q Let's see if we got the right. Have things in the
7 right order.

8 A Well, that's the actual transaction number. The
9 card number is 3939.

10 Q Okay. Yeah. You're right.

11 A That's the number of the transaction on the
12 machine.

13 Q That's kind of -- the 3939?

14 A Yes.

15 Q How many various cards would have that last four
16 numbers?

17 A I have no idea.

18 Q More than one?

19 A I'm sure.

20 Q I have five pages to my exhibit. Is that how many
21 you have?

22 A Eight.

23 Q You have nine?

24 A Eight.

25 Q Okay. Well, let's see if we can find the same

1 page.

2 A Yeah, I got eight.

3 Q I take your word for it that you can count. Let's
4 see. Right in there. There is a transaction 648?

5 A Yes.

6 Q Account number ending in 4488; is that correct?
7 Am I reading that right?

8 A No, you're not. The account number is 9064.

9 Q I'm sorry. 9064?

10 A The transaction number is 43 --

11 Q 9064?

12 A Yes.

13 Q Do you know how many cards have that last four
14 numbers?

15 A I have no way --

16 Q So that could have been anybody's card?

17 A I have no way of telling that, but we were
18 corroborating your client's, himself, statement, so.

19 Q Well, could have been anybody's card. Could have
20 been his card for all you know. You never saw the
21 card, correct?

22 A I mean, it could have been, but he told me what
23 cards he used.

24 Q Okay. The shell casing that was found --

25 A Yes, sir.

1 Q -- did you -- do you know, was any attempt at
2 forensic evidence sought on that?

3 A I don't believe there was. Like I said earlier,
4 it had been laying out in the weather in the dirt for
5 ten days. There was not much we could do with it. If
6 we found a gun and a projectile, of course, we could
7 have sent it to ballistics for that.

8 Q As far as you know, somebody assumed there
9 wouldn't be anything on it, nothing was done?

10 A As far as I know.

11 Q So if I'm correct here, there's no forensic
12 evidence, either fingerprints, DNA evidence, anything
13 like that, that implicates Mr. Johnson; is that
14 correct?

15 A No fingerprints or DNA, yes.

16 Q So there's no forensics --

17 A There's obviously the video.

18 MR. CAMPBELL: Objection, your Honor. The witness
19 was still trying to answer the question.

20 THE COURT: Let the witness finish his answer.

21 THE WITNESS: There's no fingerprint and DNA, but,
22 like I said, we do have the video that puts your client
23 there.

24 BY MR. SENERIUS:

25 Q I'm sorry, you have what?

1 A We do have the video that puts your client there,
2 all the corroborating stuff.

3 Q But you have no forensic evidence?

4 A No, we have no forensic evidence.

5 MR. SENERIUS: One moment, your Honor.

6 I have nothing further at this time.

7 THE COURT: Any redirect?

8 MR. CAMPBELL: No, your Honor.

9 THE COURT: Okay. Officer, you can step down.

10 Call your next witness.

11 MR. CAMPBELL: Your Honor, that's the State's
12 case. The State rests.

13 THE COURT: Mr. Bailiff, would you take the jury
14 to the jury room. We have some matters of law that we
15 will need to take up.

16 (WHEREUPON, the jury exited open court at
17 2:41 p.m.)

18 THE COURT: Okay. Any motions?

19 MR. SENERIUS: At this time, your Honor, we'd move
20 for a judgment of acquittal. The State has not met its
21 burden of proving sufficient evidence to send the case
22 to the jury at this stage.

23 THE COURT: After hearing the evidence in the
24 case, I find there is evidence in the record to make
25 this a jury question, so I'll deny your motion.

1 All right. Anything further from the State?

2 MR. CAMPBELL: No, your Honor.

3 THE COURT: Okay. Mr. Senerius, Mr. Johnson,
4 would you please stand.

5 Mr. Clerk, would you put Mr. Johnson under oath.

6 MR. SENERIUS: Would you like us to come forward?

7 THE COURT: You can just stay right there.

8 (WHEREUPON, the defendant was sworn.)

9 THE COURT: All right. Mr. Johnson, at this time
10 I'm going to explain to you some of your rights. If
11 you do not understand anything that I say, please let
12 me know and I will explain it to you in more detail.
13 If you answer the question, I will assume that you
14 understood the question. Do you understand?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: We have reached the stage in the trial
17 where you may present your defense. You have the right
18 to claim the protections given to you by the Fifth
19 Amendment to the Constitution of the United States.
20 This amendment states in part, "No person shall be
21 compelled, in any criminal case, to be a witness
22 against himself." This means that you cannot be
23 required to testify in this case.

24 On the other hand, you have the right to testify
25 on your own behalf should you choose to do so.

1 However, no one can make you testify. This is a
2 personal right, and no one can waive this right except
3 you. If you decide to testify, you will be subject to
4 the same rules that govern other witnesses, and you may
5 be examined and cross-examined on any relevant issue in
6 this case.

7 In addition, if you have any convictions involving
8 dishonesty or false statement or for crimes punishable
9 by imprisonment for more than one year and this Court
10 determines that the probative value of admitting this
11 evidence outweighs its prejudicial effect to you, the
12 solicitor will be able to introduce your record to
13 attack your credibility. If you decide to testify,
14 this decision on your part must be freely voluntarily
15 and intelligently made with knowledge of the
16 protections given to you by the Fifth Amendment and the
17 consequences of your decision to testify.

18 If you decide not to testify, I will instruct the
19 jurors that they cannot give the fact that you did not
20 testify any consideration whatsoever and that there is
21 to be absolutely no prejudice to you because you did
22 not testify. It is left entirely up to you whether or
23 not to testify. You may talk to your attorney, your
24 family, your friends, or anyone else, but the final
25 decision will be left entirely up to you.

1 Do you understand what I've told you?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you have any questions about what
4 I've explained to you?

5 THE DEFENDANT: No, sir.

6 THE COURT: Okay. We're going to go off the
7 record for a few moments, let Mr. Senerius discuss this
8 matter with his client.

9 (Off the record.)

10 MR. SENERIUS: Your Honor, Mr. Johnson is ready
11 with his decision.

12 THE COURT: Okay. Mr. Johnson, have you discussed
13 with your lawyer whether or not you should testify in
14 the case?

15 THE DEFENDANT: No, sir, I do not.

16 THE COURT: Have you had enough time to talk to
17 Mr. Senerius about whether or not --

18 THE DEFENDANT: Yes, sir. Yes, sir. I'm sorry,
19 sir.

20 THE COURT: You believe you have had enough time
21 to talk to him?

22 THE DEFENDANT: Yes.

23 THE COURT: What is your decision, do you wish to
24 testify?

25 THE DEFENDANT: No, sir.

1 THE COURT: Okay.

2 MR. SENERIUS: Your Honor, for the record, I would
3 indicate Mr. Johnson and I have had this discussion not
4 just during court today, but on previous occasions when
5 we've met to discuss the case.

6 THE COURT: Thank you, Mr. Senerius.

7 Mr. Senerius, do you have any other witnesses that
8 you plan to call?

9 MR. SENERIUS: I do not. I have -- once we rest,
10 as far as the defense goes, I have another motion to
11 make pursuant to Rule 29 which I'm of the understanding
12 I must make three times to preserve it on the record.

13 THE COURT: Okay. All right. Well, let's go
14 ahead and discuss -- and it's not even 3 o'clock yet,
15 so are there any specific charges that either attorney
16 wishes to submit? I have my general charges, then I
17 have general charges on these particular offenses of
18 the charge.

19 MR. SENERIUS: Your Honor, I have no specific
20 requests to charge, although I do think that we should
21 rest in front of the jury and excuse the jury, allow me
22 to make my motion.

23 THE COURT: I'm going to allow you to. Just while
24 we've got the jury out.

25 MR. SENERIUS: I'm sorry. I'm putting the horse

1 before the cart (sic).

2 MR. CAMPBELL: No, your Honor, just general
3 charges is fine with the State.

4 THE COURT: I have all the standard criminal case
5 charges, plus I have charges on armed robbery,
6 possession of weapon during a violent crime,
7 kidnapping, murder, standard charge on those offenses,
8 felony murder, inference. We have the standard charge
9 on the hand of one, hand of all, which there's been
10 testimony, too. Also have a charge on the statement of
11 the defendant and then the standard charges. Okay?

12 Anything further before we bring the jury back
13 from the State?

14 MR. CAMPBELL: No, your Honor.

15 THE COURT: Anything further from the defense?

16 MR. SENERIUS: No, sir.

17 THE COURT: Okay. Mr. Bailiff, you can get our
18 jury.

19 I'm going to have my law clerk hand you a copy of
20 the verdict form. Straightforward. I want to have
21 each attorney look at it before we proceed.

22 (WHEREUPON, the jury entered open court at
23 2:50 p.m.)

24 THE COURT: Mr. Senerius.

25 MR. SENERIUS: Your Honor, at this time the

1 defense rests.

2 THE COURT: Okay. All right. Ladies and
3 gentlemen of the jury, the defense has rested. That
4 brings us to the conclusion of the evidence in the
5 case. Each attorney will have the opportunity to make
6 a closing argument to you to summarize their positions.

7 Let me remind you that what the attorneys tell you
8 is not evidence. The evidence is the sworn testimony
9 from the witness stand or any exhibits that have been
10 entered. The attorneys are going to make arguments to
11 try to help you understand their respective positions.

12 So, Mr. Campbell, is the State ready?

13 MR. SENERIUS: Your Honor, I have a motion that I
14 need to make.

15 THE COURT: Okay. Mr. Bailiff, could we take the
16 jury out again, please.

17 Ladies and gentlemen, there's one more matter of
18 law that we need to take up.

19 (WHEREUPON, the jury exited open court at
20 2:51 p.m.)

21 MR. SENERIUS: Yes, your Honor. At this time we
22 would renew our motion for acquittal based on our --
23 not sufficient evidence for the case to go to the jury
24 at this time.

25 THE COURT: The motion is so noted and the Court

1 denies the motion respectfully, Mr. Senerius.

2 Mr. Campbell, are you prepared?

3 MR. CAMPBELL: Yes, sir. Mr. Haigler is going to
4 do our closing.

5 THE COURT: Mr. Haigler will do the closing, and
6 since the defense presented no evidence in the case,
7 they will get the last word.

8 MR. CAMPBELL: Correct.

9 THE COURT: Okay. All right. If you could get
10 our jury for us.

11 (WHEREUPON, the jury entered open court at
12 2:53 p.m.)

13 THE COURT: You're going to do the closing?

14 MR. HAIGLER: I am. I don't know if he wants to
15 be here to critique me or make fun of me or not. I'm
16 ready when you are.

17 THE COURT: Proceed.

18 MR. HAIGLER: May it please the Court,
19 Mr. Senerius.

20 Ladies and gentlemen, under the laws of our state,
21 a defendant is entitled to his day in court. Jeremiah
22 Johnson has had that. A defendant is also entitled to
23 a trial by a fair and impartial jury. Jeremiah Johnson
24 has had that. That is all he is entitled to.

25 At the beginning of this trial, Mr. Campbell told

1 you that the defendant, as he sat here today, was
2 innocent. And I believe he described it that he was
3 sitting in a cloak of innocence. What I want to do is
4 take you through the evidence that we have laid out in
5 this case to show you that we have effectively removed
6 that cloak of innocence and you can find him guilty
7 beyond a reasonable doubt on all charges.

8 First, we go through the charge of kidnapping.
9 Kidnapping is the unlawful seizure, confining,
10 inveigling, decoying, abducting or carrying away of a
11 person by any means without the authority of law.

12 Jeremiah Johnson and his codefendants were guilty
13 of kidnapping the minute that they walked into Kyndra
14 Howell's house, beat CJ Patel and tied him up. He was
15 no longer free to leave. They were effectively guilty
16 of kidnapping.

17 Armed robbery: Taking or attempted taking,
18 carrying away of personal property of another with the
19 intent to deprive him of possession by use of force,
20 threats, or intimidation while armed with a deadly
21 weapon. The deadly weapon we're talking about here is
22 that they had CJ Patel tied up after beating him for
23 hours. Ezra Williams decides that he's going to get a
24 knife, start cutting him with it, burn him with it.
25 That is our deadly weapon as far as armed robbery.

1 They were trying to get his PIN numbers to his ATM
2 machine so they can take money out of an ATM machine.
3 That is our armed robbery. That is proof of armed
4 robbery beyond a reasonable doubt.

5 Murder. Murder deals with the killing of a person
6 with malice aforethought. Killing of a person is
7 pretty simple to understand. Malice is defined as the
8 wrongful intent to injure another and indicates a
9 wicked or depraved heart, intent on doing wrong. In
10 other words, it is the evil, wicked intent to take
11 human life without any legal excuse or justification.

12 Now, I submit to you that holding someone against
13 their will, beating them for hours upon hours, cutting
14 them, burning them, spraying bug spray in their eyes,
15 that is evidence of a wicked or depraved heart intent
16 on doing wrong with no regard for human life.

17 "Aforethought" just means the killing must
18 accompany -- that malice must accompany the act of
19 killing. The evil, wicked intent does not have to be
20 formed any significant amount of time before the
21 killing, and it can be conceived at the very moment of
22 the blow.

23 The moment that they decided, "We're not going to
24 get any more money from Mr. Patel. Let's get rid of
25 this witness. We don't need to leave anything behind,"

1 they took him out to the woods, walked him 100 yards
2 into the woods and shot him in the head, left him for
3 dead, for the animals, to rot. That was enough to
4 prove malice aforethought beyond a reasonable doubt.

5 And possession of a weapon during a violent crime.
6 Here we're dealing with armed robbery. That's a
7 violent crime. That could deal with the knife and the
8 murder, obviously, dealing with the gun that was used
9 to commit the murder. Both satisfy those elements of
10 possession of a weapon during a violent crime.

11 Now, luckily you don't have to just take my word
12 for everything that you've heard in this case. You've
13 heard from the defendant's own statement what happened
14 that day. "Over the weekend, I think it was Saturday
15 evening, I was with my girlfriend Nikki in her car, a
16 silver Cadillac." You saw on the video a silver
17 Cadillac pull up to and Jeremiah
18 Johnson get out of that car.

19 "We talk and I got out of the car and Kyndra
20 called us over the her house, a brick house. We walked
21 over, and she told us about a man inside who had some
22 money and she said we should rob him." That is when
23 the plan was formed to go in and commit the armed
24 robbery of CJ Patel.

25 "Me and Zach scuffled with the guy. I asked him

1 if he had any money. Me and Zach tied the guy up with
2 a cord, something like that. We tied his hands behind
3 him. I reached down and got his wallet." Kidnapping
4 and armed robbery in the words of the defendant.

5 "I left and took his car and tried to use the
6 cards using the numbers he gave us. I tried to use
7 them at the Spinx on Highway 81." You saw that with
8 your own eyes. You saw him leave the surveillance
9 video from the house, get in the victim's car, drive
10 off. Further saw the surveillance video from the Spinx
11 with the defendant trying to go in and use the ATM
12 machine.

13 "Sprayed the man with a can of bug spray. Grabbed
14 a knife and got it hot off the stove and tortured the
15 man, burning him with the knife. He burned him several
16 places. The guy was screaming." Malice.

17 "Quevo had a gun in his hand. Me and Zach and
18 Quevo walked down further in the woods with the man."
19 There's probably supposed to be a quote in there about
20 how they ultimately took him down farther in the woods
21 and shot him in the head that must not have made it
22 into my PowerPoint. I've never done one of these
23 before.

24 "Later a guy named Bug or Unc, something like
25 that, came to the house and cleaned the car. I think

1 he was going to clean it up for some dope or something.
2 I drove the car up to Fair Play. This guy, Bug or
3 whatever, rode with me up there. Zach followed us in
4 the car. We dropped the car off in some bushes and
5 Zach drove us back." Further evidence that he was
6 trying to conceal everything that happened that night.

7 Here again are the photos that were put into
8 evidence: The Spinx station, him trying to use the ATM
9 machine. This is him pulling up at Eddie's Minute Mart
10 in CJ's car, him going into Eddie's Minute Mart, him
11 trying to use the ATM again, again trying to get \$200.

12 The last thing I want to go over with y'all is one
13 of the most important parts of this case, and it's the
14 rule of the hand of one, hand of all. As you can see,
15 a person who joins with another to commit an unlawful
16 act is criminally responsible for everything done by
17 the other person which happens as a probable or natural
18 consequence of the acts done in carrying out the common
19 plan and purpose.

20 For example, two people can be guilty of killing
21 another person when only one of the two had a gun,
22 there was only one bullet, and only one of the two
23 fired the shot that caused the death as is the case
24 here. We're not alleging that Jeremiah Johnson fired
25 the shot that killed CJ Patel, but what we are alleging

1 and what the facts show is that he was part of this
2 crime from the inception, and, therefore, he is just as
3 guilty as Ezra Williams, who we believe fired the shot.

4 When a person does an act in the presence of and
5 with the assistance of another, the act is done by
6 both. Where two or more acting with a common plan or
7 intent are present at the commission of a crime, it
8 does not matter who actually commits the crime. All
9 are guilty. The hand of one is the hand of all.

10 Me and Detective Barton decided that we wanted to
11 go rob a gas station. He agrees to drive me there. I
12 go in. He walks out and plays the lookout. Things get
13 out of hand while I'm in the gas station. I shoot the
14 clerk. I'm the one that shot the clerk, but Detective
15 Barton is just as guilty for the murder of the clerk as
16 I am. That is how the hand of one, hand of all works,
17 and the facts of this case are no different. This is
18 why we have -- cases like this is why we have the hand
19 of one, hand of all.

20 Ladies and gentlemen, I submit to you that the
21 testimony, the evidence that you've seen in this case,
22 is proof beyond a reasonable doubt that Jeremiah
23 Johnson is guilty of kidnapping, armed robbery, murder,
24 ,and possession of a weapon during a violent crime.
25 Thank you.

1 THE COURT: Mr. Senerius.

2 MR. SENERIUS: Thank you, your Honor.

3 May it please the State, your Honor.

4 Ladies and gentlemen of the jury, good afternoon.

5 First thing I want to do is thank you for your service
6 and your attention. I've been paying attention to you
7 paying attention to the witnesses. You seem to have
8 been very attentive, and for that we thank you. It's a
9 tough job. It's fatiguing at times, just sitting there
10 listening to somebody go on and on and on, but you did
11 a very good job, and we appreciate that. Both myself
12 and my client appreciate that.

13 I'm not as technically savvy as the State is. I'm
14 old school. In old school, we use posters. This is to
15 help you understand the standard of reasonable doubt.

16 The standard of reasonable doubt is the highest
17 standard in the law. So, for example, if there's just
18 a little bit of evidence, a scintilla of evidence, as
19 we call it, which is a minuscule amount, your verdict
20 must be not guilty because it's not sufficient to raise
21 to beyond a reasonable doubt.

22 If there's some reasonable suspicion that the
23 crime -- that my client may have committed these
24 crimes, again, if all you find is reasonable suspicion,
25 you're duty bound to find him not guilty beyond a

1 reasonable doubt.

2 If you think that there's probable cause to
3 believe him -- probable cause is, "Yeah, I kind of
4 think so." You know, there's a little bit of evidence
5 that may implicate somebody. For example, in a DUI
6 case, probable cause for the stop may be the fact that
7 you made a left-hand turn and didn't use your turn
8 signal, or you made a right-hand turn and didn't turn
9 into the nearest lane, you turned into the further
10 lane. That would have been probable cause to stop you.
11 And if there was DUI, they might argue that there's
12 probable cause for you to have had something to drink
13 that night. That's not enough to convict you.

14 Preponderance of the evidence is the standard that
15 we use in civil cases. Heaven forbid you're ever in an
16 automobile accident and end up in court having to sue
17 somebody. Preponderance of the evidence is the
18 standard that you must reach in order to win your case.
19 Preponderance of the evidence, if you think of Lady
20 Justice, you know, the scales of justice and her
21 blindfold. If those scales are even, that's not a
22 preponderance of the evidence. If the scales tip just
23 slightly in your favor, that is a preponderance of the
24 evidence.

25 The next standard is clear and convincing

1 evidence. Clear and convincing evidence is a little
2 bit more than preponderance of the evidence but still
3 less than reasonable doubt. It's a standard that is
4 used in some civil cases and some family court cases.

5 The highest standard, the top step that has to be
6 overcome by the prosecution is guilt beyond a
7 reasonable doubt. If you have any reasonable doubt as
8 to the guilt of my client with regard to one or all of
9 the offenses, you must find him not guilty. Only if
10 you have no reasonable doubt at all may you find him
11 guilty under your oath as jurors.

12 The government's burden in this case and in any
13 case is that they must prove each and every element of
14 the offense charged by proof beyond a reasonable doubt.
15 The law is you, as a citizen, does not have to prove
16 his innocence. Anyone accused of a crime is presumed
17 innocent by the law until proven guilty beyond a
18 reasonable doubt. We aren't required to do anything.
19 We are not required to cross-examine the State's
20 witnesses, although I did. Not -- my client is not
21 required to take the stand in his own defense, nor is
22 he required to put up any kind of a defense at all. He
23 is presumed to be innocent, and the burden is on the
24 State to prove him guilty beyond a reasonable doubt.
25 And until they do that, until they meet that burden,

1 you must find my client innocent.

2 One more. Reasonable doubt. You must be
3 100 percent free of reasonable doubt if you are going
4 to vote to convict my client. If you're not
5 100 percent free of reasonable doubt of any element of
6 the offenses charged, you must find Jeremiah not
7 guilty.

8 Now, if you have any doubt based on reason, that's
9 a reasonable doubt. Understand your verdict must be
10 unanimous. All of you must feel that there is guilt
11 beyond a reasonable doubt. But your belief as to
12 reasonable doubt is individual. So if you have a
13 reasonable doubt (indicating) but you do not
14 (indicating), you must vote for not guilty because you
15 have reasonable doubt. That is the standard. All it
16 takes is a reasonable doubt for finding him not guilty
17 in this case.

18 As I indicated to you, I believe, in opening
19 statements, back in the days before I was even in the
20 service, military court-martials had three verdicts:
21 Guilty, not guilty, not proven. The last two were
22 equally important since they have been merged today
23 into a finding of not guilty. So not guilty not only
24 means he didn't do it or we don't think he did it, but
25 it also means he may have done it but they didn't prove

1 it, and that is the standard.

2 Now, there's been some testimony, evidence given
3 in this case, and I'm not going to bore you with
4 rehashing what you've sat through roughly eight hours
5 listening to, but there are a few things that I want to
6 mention to you.

7 First of all, if you believe my client's
8 statements were freely and voluntarily given without
9 coercion and knowingly and intelligently done, then I
10 submit to you that you must believe all of the
11 statement and not just part of the statement. And
12 clearly in the statement unchallenged by the
13 prosecution are indications of my client's intent if,
14 in fact, you believe his statement as to let Mr. Patel
15 go. He had no intent, no desire, no thought, no
16 knowledge Mr. Patel would be murdered out in that field
17 that night.

18 Armed robbery. One of the elements of that is
19 that he possessed a weapon. But, again, all of the
20 testimony is that all of this was done by Mr. Williams,
21 Ezra Williams, known as Quevo. There's no evidence, no
22 testimony, nothing that indicates, other than
23 physically touching Mr. Patel, my client used any kind
24 of a weapon against him or tortured him in any manner.

25 Again, with regard to the possession of a weapon

1 in the commission of a violent crime, again, no
2 indication that my client knew or possessed a weapon
3 during the time that these acts are alleged to have
4 occurred. No gun was found. No forensic evidence was
5 done. Didn't even try to take forensic evidence off
6 the shell casing they found. They might as well not
7 have found it. DNA evidence. No nothing that ties my
8 client into any of this. Fingerprints. I don't see
9 those either. DNA results. Well, supposedly they came
10 back negative. Maybe that's why I didn't get them.
11 Nothing corroborates the allegations made against my
12 client. Common plan, hand of one, hand of all. My
13 client's plan, if you believe his statement -- you
14 either believe it or you don't believe it -- is that he
15 intended to let Mr. Patel go. No common plan to cause
16 him harm.

17 You, not Mr. Haigler, Mr. Campbell, Detective
18 Barton, you alone decide the issues of guilt or
19 innocence or not guilty. Doesn't sound right, but you
20 get my drift. It's a heavy burden. My client still
21 sits there clothed with the presumption until you say
22 otherwise.

23 I know that when you go back to do your
24 deliberations that you will take your time, that you
25 will go over the evidence, that you will discuss with

State of South Carolina vs. Jeremiah C. Johnson 2012-GS-04-02404, 05, 02447 & 48
Jury Charge

305

1 one another whether you believe that the evidence has
2 established each and every element of each and every
3 crime charged beyond a reasonable doubt.

4 Again, I want to thank you for your attention. I
5 know you didn't want to be here. Truth be told, I
6 didn't want to be here either. Have a good day.

7 THE COURT: Okay. Ladies and gentlemen, we've
8 come to the point in the trial where I instruct you on
9 the law. My instructions will be somewhat lengthy, and
10 they will be in three parts.

11 The first will be the instructions of the general
12 rules that define and control your duties as the jury.
13 Second, the instructions that the state -- that state
14 the rules of law you must apply, i.e., what the State
15 must prove to make its case. And thirdly, some general
16 rules for your deliberations.

17 The general rules begin with your duties as
18 jurors. It is your duty to find the facts from all of
19 the evidence in the case. To those facts you must
20 apply the law as I give it to you. You should not be
21 concerned with what the law should be but what it is.
22 And you must not be influenced by any personal likes or
23 dislikes, opinions, prejudices or undue sympathy. That
24 means you must decide the case solely on the evidence
25 before you in accordance with the law, the very thing

1 that you took an oath to do at the beginning of the
2 trial.

3 It is your responsibility and yours alone to
4 determine the facts of the case. I would, therefore,
5 charge you that if, during the course of this trial or
6 during this charge, you have been given or are left
7 with the impression that I favor one side or the other,
8 I would specifically instruct you to disregard that
9 impression. Under our constitution, I'm not allowed to
10 have an opinion as to the facts of this case. You
11 should not be influenced by any objections or the
12 Court's ruling on them. You and you alone are the
13 judges of the facts. You determine the facts by
14 evaluating or weighing the evidence that you've heard
15 during the trial.

16 What is evidence? Evidence is the sworn testimony
17 from witnesses and any exhibits that have been entered
18 into evidence. The statements by the attorneys are not
19 evidence. What they have said in opening statements,
20 closing arguments and at other times is intended to
21 help you interpret the evidence, but it is not
22 evidence.

23 There are two types of evidence which are
24 generally presented in a trial: Direct evidence and
25 circumstantial evidence. Direct evidence directly

State of South Carolina vs. Jeremiah C. Johnson 2012-GS-04-02404, 05, 02447 & 48
Jury Charge

307

1 proves the existence of a fact and does not require
2 deduction. Circumstantial evidence is proof of a chain
3 of facts and circumstances indicating the existence of
4 a fact. Crimes may be proven by circumstantial
5 evidence. The law makes no distinction between the
6 weight or value to be given to either direct or
7 circumstantial evidence. However, to the extent the
8 State relies on circumstantial evidence, all the
9 circumstances must be consistent with each other, and
10 when taken together, point conclusively to the guilt of
11 the accused beyond a reasonable doubt. If the
12 circumstances merely portray the defendant's behavior
13 as suspicious, the proof has failed. The State has the
14 burden of proving the defendant guilty beyond a
15 reasonable doubt. The burden rests with the State
16 regardless of whether the State relies on direct
17 evidence, circumstantial evidence, or some combination
18 of the two.

19 As judges of the facts, you are the sole judges of
20 the credibility, that is the believability, of
21 witnesses who have testified in this case. In
22 determining their credibility, you may take into
23 consideration many things such as the appearance and
24 manner of the witness on the stand sometimes referred
25 to as the demeanor of the witness; was the witness able

1 to see, hear, or know the things about which the
2 witness testified; how well was the witness able to
3 recall and describe those things; did the witness have
4 a cause or reason to be biased and prejudiced in favor
5 of the testimony he or she gave; how reasonable was the
6 witness' testimony considered in the light of all the
7 evidence in the case; was the witness' testimony
8 contradicted by what the witness has said or done at
9 another time or by the testimony of other witnesses or
10 by other evidence? These are just some of the factors
11 you may consider in deciding whether to believe
12 testimony.

13 As jurors, you have a right to believe all of the
14 testimony of a witness or none of the testimony of a
15 witness. You have a right to believe a portion of the
16 testimony of a witness and discard the rest. You may
17 believe the testimony of one witness over the many or
18 the many over the one. Most certainly you do not
19 determine the matter of credibility or believability by
20 counting up the number of witnesses who may have
21 testified on behalf of the parties in this case. Your
22 sole objective is to find the truth. It does not
23 matter whether the truth comes from a witness for the
24 State or a witness for the defendant.

25 The defendant has pled not guilty to these

1 indictments. And that plea puts the burden on the
2 State to prove the defendant guilty. A person charged
3 with committing a criminal offense is never required to
4 prove himself innocent. I charge you that it is an
5 important rule of the law that a defendant in a
6 criminal trial, no matter what the seriousness of the
7 charge may be, will always be presumed innocent of the
8 crime for which the indictment was issued unless guilt
9 has been proven by evidence satisfying you of that
10 guilt beyond a reasonable doubt.

11 The presumption of innocence does not end when you
12 begin your deliberations, but it accompanies the
13 defendant throughout the trial until you reach a
14 verdict of guilt based on the evidence satisfying you
15 of that guilt beyond a reasonable doubt.

16 The presumption of innocence is like a robe of
17 righteousness placed about the shoulders of the
18 defendant which remains with the defendant until it has
19 been stripped from the defendant by evidence satisfying
20 you of the defendant's guilt beyond a reasonable doubt.

21 The presumption of innocence is not a mere legal
22 theory. It is not just a legal phrase. It is a
23 substantial right to which every defendant is entitled
24 unless you, the jury, are satisfied from the evidence
25 of the defendant's guilt beyond a reasonable doubt.

1 What is a reasonable doubt? A reasonable doubt is
2 the kind of doubt that would cause a reasonable person
3 to hesitate to act. Some of you may have served as
4 jurors in civil cases where you were told that it is
5 only necessary to prove that a fact is more likely true
6 than not true, such as by the greater weight or
7 preponderance of the evidence.

8 In criminal cases, the State's proof must be more
9 powerful than that. It must be beyond a reasonable
10 doubt. Proof beyond a reasonable doubt is proof that
11 leaves you firmly convinced of the defendant's guilt.
12 There are very few things in this world that we know
13 with absolute certainty. And in criminal cases, that
14 law does not require proof that overcomes every
15 possible doubt.

16 If, based on your consideration of the evidence,
17 you are firmly convinced that the defendant is guilty
18 of the crime charged, you must find the defendant
19 guilty. If, on the other hand, you think that there is
20 a real possibility that the defendant is not guilty,
21 you must give the defendant the benefit of the doubt
22 and find him not guilty.

23 A reasonable doubt may arise from the evidence or
24 from a lack of evidence. The defendant is entitled to
25 every reasonable doubt that may arise in the case. If

State of South Carolina vs. Jeremiah C. Johnson 2012-GS-04-02404, 05, 02447 & 48
Jury Charge

311

1 upon any issue of fact essential to a conviction and a
2 verdict of guilty to an offense, if you have reasonable
3 doubt as to how that issue should be resolved, it is
4 your duty to resolve that doubt in favor of the
5 defendant. Suspicion, however strong, is not enough to
6 sustain a conviction. The evidence presented by the
7 State must be substantial evidence that tends to prove
8 the guilt of the defendant beyond a reasonable doubt.

9 In order to establish criminal liability, criminal
10 intent is required. For example, the mental state
11 required to be proven by the State for a particular
12 crime might be purpose, intent, knowledge,
13 recklessness, or criminal negligence. Criminal intent
14 must be proven by the State beyond a reasonable doubt.

15 Criminal intent is always a matter that must be
16 determined by the jury from the circumstances
17 surrounding the situation. There's no way to prove
18 intent to a mathematical certainty. There's no way to
19 dissect a person's brain and determine what that person
20 had in mind, so the law says that criminal intent may
21 be inferred from the circumstances shown to have
22 existed. This is how you make a determination of
23 whether or not the element requiring intent was
24 present. It is not necessary to establish intent by
25 direct or positive evidence, but intent may be

1 established by inference in the same way as any other
2 fact, by taking into consideration the acts of the
3 parties and all the facts and circumstances of the
4 case.

5 Criminal intent is a mental state, a conscious
6 wrongdoing. It is up to you to determine what the
7 defendant intended to do based on the circumstances
8 shown to have existed. Criminal intent can arise from
9 action or a failure to act. It may arise from
10 negligence, recklessness, or an indifference to duty or
11 to the consequences that is considered by the law to be
12 the equivalent of criminal intent.

13 The indictments in this case allege several
14 offenses against the defendant, Jeremiah Christian
15 Johnson. The charges are: Indictment number
16 2012-GS-04-2404, armed robbery; indictment number
17 2012-GS-04-2405, possession of a weapon during the
18 commission of a violent crime; indictment number
19 2012-GS-04-2547, kidnapping; indictment number
20 2012-GS-04-2548, murder.

21 Each indictment carries a separate and distinct
22 offense. You must decide each indictment separately on
23 the evidence and the law applicable to it uninfluenced
24 by your decision as to any other indictment. The
25 defendant may be convicted or acquitted on any or all

1 of the offenses charged.

2 You will be asked to write a separate verdict of
3 guilty or not guilty for each indictment. I remind you
4 that the fact that the defendant was arrested, charged,
5 and indicted in this case is not evidence in this case
6 and cannot be considered by you as evidence of guilt in
7 this case, nor does it create any presumption or
8 inference of guilt. The indictment is simply the
9 formal, written instrument which contains the charge
10 made against the defendant. It is a formal document by
11 which the case is brought into court.

12 The defendant is charged with murder. The State
13 must prove beyond a reasonable doubt that the defendant
14 killed another person with malice aforethought. Malice
15 is hatred, ill will, or hostility toward another
16 person. It is the intentional doing of a wrongful act
17 without just cause or excuse and with an intent to
18 inflict an injury or under circumstances that the law
19 will infer an evil intent.

20 Malice aforethought does not require that malice
21 exist for any particular time before the act is
22 committed, but malice must exist in the mind of the
23 defendant just before and at the time the act is
24 committed; therefore, there must be a combination of
25 the previous evil intent and the act.

1 Malice aforethought may be expressed or inferred.
2 These terms, "express" and "inferred," do not mean
3 different kinds of malice but merely the manner in
4 which the malice may be shown to exist, that is, either
5 by direct evidence or by inference from the facts and
6 circumstances which are proved.

7 Express malice is shown when a person speaks words
8 which express hatred or ill will for another or when
9 the person prepared beforehand to do the act which was
10 later accomplished, for example, lying in wait for a
11 person or other acts in preparation going to show that
12 the deed was within the defendant's mind would be
13 express malice.

14 Malice may be inferred from conduct showing a
15 total disregard for human life. Inferred malice may
16 also arise when the deed is done with a deadly weapon.
17 A deadly weapon is any article, instrument, or
18 substance which is likely to cause death or great
19 bodily harm. Whether an instrument has been used as a
20 deadly weapon depends on the facts and circumstances of
21 each case.

22 The following are examples of instruments which
23 may be a deadly weapon: A pistol, a shotgun, a rifle,
24 a dirk, a dagger, a knife, a slingshot, metal knuckles,
25 a razor, gasoline, a fire bomb, a Molotov cocktail, and

1 lighter fluid. A gun may be a deadly weapon even if it
2 is not operating.

3 If one intentionally kills another during the
4 commission of a felony, the inference of malice may
5 arise. If facts are proved beyond a reasonable doubt
6 sufficient to raise an inference of malice to your
7 satisfaction, this inference would simply be an
8 evidentiary fact to be taken into consideration by you
9 along with all of the other evidence in the case, and
10 you may give it the weight that you decide it should
11 receive.

12 The defendant is charged with kidnapping. The
13 State must prove beyond a reasonable doubt that the
14 defendant knowingly and unlawfully seized, confined,
15 inveigled, decoyed, kidnapped, abducted, or carried
16 away another person without authority of law. To do a
17 thing unlawfully is to do it willfully against the law.
18 "Knowing" means with knowledge, consciously, not
19 accidentally. "Seize" means to hold, take hold of
20 suddenly or forcibly. "Confine" means to limit,
21 restrict, or enclose within bounds, imprison or shut or
22 keep in. "Inveigle" means to lure, entice, or lead
23 astray by false representations, promises or other
24 deceitful means. "Decoy" means to lure by or as if by
25 decoy. A decoy is something to entice a person into a

1 trap. "Kidnap" is to remove a person against his will
2 by unlawful force or by fraud. "Abduct" means to carry
3 off secretly or by force for an illegal purpose.
4 "Carry away" means to remove.

5 The State does not have to prove that the
6 defendant did all of these things. Instead, if you
7 find beyond a reasonable doubt that the defendant did
8 any of these things, you may find the defendant guilty
9 of kidnapping. Something done without authority of law
10 is something which the law does not sanction, permit,
11 allow, condone or provide justification for. The
12 kidnapping does not have to be for any personal or
13 monetary gain or any illegal purpose but may be for any
14 reason whatsoever.

15 The defendant is charged with armed robbery. In
16 order to prove this offense, the State must first prove
17 beyond a reasonable doubt that the defendant took
18 personal property from the person or presence of
19 another person. Property is in the presence of a
20 person if it is within the person's reach, inspection,
21 observation, or control so that the person could, if
22 not overcome with violence or prevented by fear, keep
23 possession of the property. The State must also prove
24 beyond a reasonable doubt that the defendant carried
25 the property away intending to permanently deprive the

1 owner of the property and to keep the property for the
2 defendant's own use. The slightest removal of the
3 property or the complete possession of the property,
4 even for an instance by the defendant, is sufficient to
5 show a taking and carrying away of the property. The
6 taking and carrying away of the property must have been
7 done with violence or by putting the owner of property
8 in fear of violence.

9 Finally, the State must prove beyond a reasonable
10 doubt that the defendant was armed with a deadly weapon
11 during the robbery. A deadly weapon is any article,
12 instrument, or substance which is likely to cause death
13 or great bodily harm. Whether an instrument has been
14 used as a deadly weapon depends on the facts and
15 circumstances of each case.

16 The following are examples of instruments which
17 may be a deadly weapon: A pistol, a shotgun, a rifle,
18 a dirk, a dagger, a knife, a slingshot, metal knuckles,
19 a razor, gasoline, a fire bomb or Molotov cocktail and
20 lighter fluid. A gun may be a deadly weapon even if it
21 is not operating.

22 The defendant is charged with possession of a
23 weapon during the commission of or attempt to commit a
24 violent crime. The State must prove beyond a
25 reasonable doubt that the defendant was in possession

1 of a firearm or physically displayed what appeared to
2 be a firearm or visibly displayed a knife during the
3 commission of a violent crime. A firearm means any
4 machine gun, automatic rifle, revolver, pistol, or any
5 weapon which will, is designed to, or may be readily
6 converted to expel a projectile. A knife means an
7 instrument or tool with a sharp cutting blade whether
8 or not fastened to a handle which can be used to
9 inflict a cut, slash, or wound.

10 In order to find the defendant guilty of
11 possession of a weapon during the commission of a
12 violent crime, you must first find the defendant guilty
13 of either committing a violent crime or attempting to
14 commit a violent crime. Murder, kidnapping, and armed
15 robbery are classified as violent crimes. The State
16 must prove beyond a reasonable doubt that the weapon
17 further advanced or helped in the commission of the
18 crime.

19 If a crime is committed by two or more people who
20 are acting together in committing a crime, the act of
21 one is the act of all. A person who joins with another
22 to commit an unlawful act is criminally responsible for
23 everything done by the other person which happens as a
24 probable or natural consequence of the acts done in
25 carrying out the common plan and purpose.

1 For example, two people can be guilty of killing
2 another person when only one of the two had a gun,
3 there was only one bullet, and only one of the two
4 fired the shot that caused the death. If two or more
5 people are together, acting together, assisting each
6 other in committing the offense, the act of one is the
7 act of all, or as it is sometimes said, the hand of one
8 is the hand of all. Prior knowledge that a crime is
9 going to be committed without more is not sufficient to
10 make a person guilty of that crime. Mere knowledge
11 that another person is going to commit a crime, even if
12 the defendant is present when the crime is committed,
13 is not sufficient to convict the defendant as a
14 principal. Guilt as a principal is shown by active or
15 constructive presence at the scene as a result of prior
16 arrangement. Therefore, a finding of a prior arranged
17 plan or common scheme is necessary for the finding of
18 guilt as a principal.

19 The State must prove beyond a reasonable doubt by
20 competent evidence the theory of the hand of one is the
21 hand of all. A principal in a crime is one who either
22 actually commits the crime or who is present aiding,
23 abetting, or assisting in committing the crime. When a
24 person does an act in the presence of and with the
25 assistance of another, the act is done by both. Where

1 two or more acting with a common plan or intent are
2 present at the commission of a crime, it does not
3 matter who actually commits the crime. All are guilty.
4 The hand of one is the hand of all.

5 Present at the commission of the crime means to be
6 sufficiently near to aid and abet and assist in the
7 commission of the crime. However, mere presence at the
8 scene of a crime is not sufficient to convict one as a
9 principal on the theory of aiding and abetting. Intent
10 is also a necessary element, for there must have been a
11 common design or intent to commit the crime, and the
12 crime must have been committed pursuant thereto with
13 the person aiding and abetting by some overt act.

14 Intent means intending the result which actually
15 occurs, not accidentally or involuntarily. Intent may
16 be shown by acts and conduct of the defendant and other
17 circumstances from which you may naturally and
18 reasonably infer intent. The State must prove these
19 elements beyond a reasonable doubt.

20 A statement alleged to have been made by the
21 defendant has been admitted into evidence in this case.
22 While the Court has determined that the statement is
23 admissible, I instruct you that you make the ultimate
24 decision of whether or not the defendant made the
25 statement. If the defendant did make the statement,

1 you must determine whether the statement was made by
2 the defendant voluntarily and of his own free will.
3 This means that the statement was not caused by
4 pressure, force, fear, threats, coercion, or
5 intimidation or by hope or a promise of leniency or a
6 reward of any kind.

7 In determining whether the statement was
8 voluntary, you should consider both the characteristics
9 of the defendant and the details of the questioning.
10 Some of the factors that you must consider are: The
11 age of the defendant, the defendant's education or lack
12 of education, the defendant's mental ability or
13 capacity, the defendant's intelligence, the defendant's
14 background and environment, the place and length of
15 detention, the nature of the questioning, the advice or
16 lack thereof to the defendant of his constitutional
17 rights including but not limited to the right to remain
18 silent, that any statement could be used against him in
19 a court of law, the right to have a lawyer present,
20 that if he cannot afford a lawyer, a lawyer would be
21 appointed to represent him without any cost, that he
22 could stop making the statement at any time.

23 You must carefully consider all of the surrounding
24 circumstances before you give any weight to the alleged
25 statement. The State has the burden of proving beyond

1 a reasonable doubt that the alleged statement was
2 voluntary. If you determine it was, you may give the
3 statement any further consideration that you deem
4 proper. You must decide what weight, if any, should be
5 given to the alleged statement. If you determine the
6 alleged statement was not the free and voluntary
7 statement of defendant, you should not consider the
8 statement at all.

9 I instruct you and emphasize that the fact that
10 the defendant did not testify or put up evidence is not
11 a factor to be considered by you in any way in your
12 deliberation and in your consideration on the question
13 of the guilt or the innocence of the defendant. It
14 must not be considered by you in any manner whatsoever.

15 A defendant has the constitutional right to remain
16 silent. And the assertion of this right must not be
17 considered by you in your deliberations. I repeat,
18 under your oath you are to draw no conclusion
19 whatsoever from the fact that the defendant in this
20 case did not testify. The fact that this defendant did
21 not testify should not even be discussed in the jury
22 room. The burden of proof, as I have stated to you, is
23 on the State. The defendant is not required to prove
24 his innocence. The burden of proof remains on the
25 State to prove the guilt beyond a reasonable doubt.

1 Ladies and gentlemen, this has been a lengthy
2 instruction, but we are almost to the point where I
3 send you to the jury room to begin your deliberations.
4 Before I send you, I wanted to leave you with some
5 final thoughts.

6 You were chosen as jurors because both sides
7 believed that you could be fair and impartial in
8 deciding this case. I instruct you to make use of your
9 life experiences, your good common sense and your sense
10 of logic and reason in evaluating the evidence in this
11 case. You are not partisans or advocates for either
12 side. You have no friends to reward nor any enemies to
13 punish. You are the judge of the facts. Your sole
14 interest is to find the truth from the evidence that
15 has been presented in the case. Be courteous to one
16 another, listen to the views of your fellow jurors,
17 take the amount of time necessary for you to thoroughly
18 evaluate the evidence. This case is important to both
19 sides, and this is their only day in court.

20 Madam Forelady, the verdict form has each offense
21 listed, each indictment. First is armed robbery. And
22 it gives you two choices. And I'm just going to go
23 down the form very briefly with you.

24 Armed robbery in indictment 2404, you have the
25 choice, the jury unanimously find the defendant,

1 Jeremiah Christian Johnson, is guilty of armed robbery
2 or not guilty. You also have the same option for
3 possession of a weapon during commission of a violent
4 crime, kidnapping and murder. Don't place any
5 significance on the fact that one choice is listed
6 before the other on the verdict form. It simply means
7 one had to go on the page before the other, but no
8 significance is to be placed on that.

9 Your verdict has to be unanimous. When you have
10 reached a verdict, knock on the door, let the bailiff
11 know. It has to be unanimous. And, Madam Forelady,
12 you will have to sign it at the bottom. There is a
13 line for you to sign the verdict form, and you will
14 date it.

15 Now, one instruction for the possession of weapon
16 during the commission of a violent crime. You must, in
17 order to find the defendant guilty of that offense, you
18 would have to find him guilty of one of the other
19 offenses for that offense to apply. So I'm going to
20 send you to the jury room at this point while we gather
21 up exhibits, and we will send that back to you. Do not
22 begin your deliberations until I instruct you to do so
23 and send the exhibits back.

24 So, Mr. Bailiff, if you will take our jury back to
25 the jury room.

State of South Carolina vs. Jeremiah C. Johnson 2012-GS-04-02404, 05, 02447 & 48
Jury Charge

325

1 (WHEREUPON, the jury exited open court at
2 3:39 p.m.)

3 THE COURT: All right. Are there any exceptions
4 from the State to my jury charge?

5 MR. CAMPBELL: No, your Honor.

6 THE COURT: Any exceptions from the defense?

7 MR. SENERIUS: No, your Honor.

8 THE COURT: Okay. Any exceptions from the State
9 to the verdict form?

10 MR. CAMPBELL: No, sir.

11 THE COURT: Any from the defense?

12 MR. SENERIUS: No, sir.

13 THE COURT: Okay. Well, let's gather up, make
14 sure we have all our exhibits to send back to the jury
15 room.

16 You can bring the alternate back.

17 I want to take this opportunity to thank you, the
18 attorneys on both sides. You have handled the case in
19 a very professional manner. We have gotten through a
20 lot of material in two days, and the Court takes note
21 of the good job both sides have done.

22 MR. SENERIUS: Thank you.

23 THE COURT: So that's appreciated.

24 (WHEREUPON, the alternate juror entered the
25 courtroom.)

1 THE COURT: Mr. Alternate, you have the worst job
2 in America. You have to sit and listen to all of it,
3 ,and they don't let you make a decision.

4 ALTERNATE JUROR: That's right.

5 THE COURT: So if you wish to stay, you're
6 certainly welcome to do so, but we appreciate you -- a
7 lot of times they want to stay and see how it turns
8 out.

9 ALTERNATE JUROR: Yes, sir.

10 THE COURT: But I appreciate your service,
11 appreciate your attentiveness over there. I know this
12 hasn't been a real long trial, but they got through it.
13 Again, if you want to just stay to the end, have a
14 seat.

15 ALTERNATE JUROR: Sure. Great. Thank you.

16 (Court in recess, pending verdict, from 3:42 p.m.
17 until 4:56 p.m.)

18 THE COURT: All right. Gentlemen, we have two
19 questions from the jury. The questions are: One,
20 "What elements constitute a weapon during commission of
21 a violent crime?" And, two, "What elements constitute
22 armed robbery?" This is signed by the forelady of the
23 jury.

24 I'm going to have the jury brought back in, and I
25 will recharge them on those two offenses.

1 MR. SENERIUS: Yes, sir.

2 THE COURT: Any objection to that from the State?

3 MR. CAMPBELL: No, sir.

4 THE COURT: Any from the defense?

5 MR. SENERIUS: No, sir.

6 THE COURT: Mr. Bailiff, if you will bring our
7 jury back in.

8 (WHEREUPON, the jury entered open court at
9 5:05 p.m.)

10 THE COURT: Ladies and gentlemen, I am in receipt
11 of your questions signed by Madam Forelady. One, "What
12 elements constitute a weapon during the commission of a
13 violent crime?" And, two, "What elements constitute
14 armed robbery?"

15 What I'm going to do is recharge you the law on
16 those two offenses, so listen carefully. First will be
17 armed robbery.

18 The defendant is charged with armed robbery. In
19 order to prove this offense, the State must first prove
20 beyond a reasonable doubt that the defendant took
21 personal property from the person or presence of
22 another person. Property is in the presence of a
23 person if it is within the person's reach, inspection,
24 observation, or control so that the person could, if
25 not overcome with violence or prevented by fear, keep

1 possession of the property.

2 The State must also prove beyond a reasonable
3 doubt that the defendant carried the property away
4 intending to permanently deprive the owner of the
5 property and to keep the property for the defendant's
6 own use. The slightest removal of the property or the
7 complete possession of the property, even for an
8 instance by the defendant, is sufficient to show a
9 taking and carrying away of the property. The taking
10 and carrying away of the property must have been done
11 with violence or by putting the owner of the property
12 in fear of violence.

13 Finally, the State must prove beyond a reasonable
14 doubt that the defendant was armed with a deadly weapon
15 during the robbery. A deadly weapon is any article,
16 instrument, or substance which is likely to cause death
17 or great bodily harm. Whether an instrument has been
18 used as a deadly weapon depends on the facts and
19 circumstances of each case.

20 The following are examples of instruments which
21 may be deadly weapons: A pistol, a shotgun, a rifle, a
22 dirk, a dagger, a knife, a slingshot, metal knuckles, a
23 razor, gasoline, a fire bomb or Molotov cocktail and
24 lighter fluid. A gun may be a deadly weapon even if it
25 is not operating.

1 All right. That is the law regarding armed
2 robbery. Now, I'm going to give you the law regarding
3 possession of a weapon during the commission of or
4 attempt to commit a violent crime.

5 The defendant is charged with possession of a
6 weapon during the commission of or attempt to commit a
7 violent crime. The State must prove beyond a
8 reasonable doubt that the defendant was in possession
9 of a firearm or visibly displayed what appeared to be a
10 firearm or visibly displayed a knife during the
11 commission of a violent crime. A firearm means any
12 machine gun, automatic rifle, revolver, pistol, or any
13 weapon which will, is designed to, or may be readily
14 converted to expel a projectile. A knife means an
15 instrument or tool with a sharp cutting blade whether
16 or not fastened to a handle which can be used to
17 inflict a cut, slash, or wound.

18 In order to find the defendant guilty of
19 possession of a weapon during the commission of a
20 violent crime, you must first find the defendant guilty
21 of either committing a violent crime or attempting to
22 commit a violent crime. Murder, kidnapping, and armed
23 robbery are classified as violent crimes. The State
24 must prove beyond a reasonable doubt that the weapon
25 furthered, advanced, or helped in the commission of the

1 crime.

2 Those are the legal definitions of the two
3 offenses. Now, I'm going to send you back to the jury
4 room so that you can resume your deliberations.

5 (WHEREUPON, the jury exited open court at
6 5:09 p.m.)

7 THE COURT: Any exceptions from the State?

8 MR. CAMPBELL: No, your Honor.

9 THE COURT: Any exceptions from the defense?

10 MR. SENERIUS: No, your Honor.

11 THE COURT: Okay. We'll go back into recess.

12 (Court in recess, pending verdict, from 5:09 p.m.
13 until 6:22 p.m.)

14 THE COURT: I'm going to bring the jury in and
15 inquire whether they want to continue deliberating
16 tonight or they want to come back tomorrow. Apparently
17 they have not been able to reach an agreement at this
18 point, and I'm just going to inquire.

19 So, Mr. Bailiff.

20 (WHEREUPON, the jury entered open court at
21 6:24 p.m.)

22 THE COURT: Madam Forelady of the Jury, as I
23 understand it, you have not been able to reach a
24 decision yet.

25 JURY FORELADY: Yes, sir.

1 THE COURT: But it's generally my policy when we
2 reach an after hours situation like we're in now, it's
3 almost 6:30, we have two options. We can continue
4 tonight, and you just deliberate, take as long as you
5 need, or we can break and you can go home and come back
6 in the morning and continue your deliberations. I'm
7 going to leave that up to you as a jury to determine
8 whether you want to stay tonight and see if you can get
9 it finished or whether you just want to break and come
10 back and start anew in the morning.

11 So, Madam Forelady, if you would, take a vote in
12 the jury room as to what the jury would like to do and
13 just let the Court know.

14 JURY FORELADY: Yes, sir.

15 (WHEREUPON, the jury exited open court at
16 6:25 p.m.).

17 THE COURT: Any exceptions from the State?

18 MR. CAMPBELL: No, sir.

19 THE COURT: Any from the defense?

20 MR. SENERIUS: No, sir.

21 THE COURT: We'll wait on their decision.

22 (WHEREUPON, recess taken from 6:25 p.m.
23 to 6:30 p.m.)

24 THE COURT: All right. Gentlemen, the jury has
25 sent me a note stating the jury decided to come back

1 tomorrow to continue deliberating. "Vote eight to come
2 back tomorrow. Vote four to stay." So we'll allow
3 them to go home, and we'll resume in the morning.

4 We can mark that as a Court's exhibit.

5 (WHEREUPON, Court's Exhibit Number 1 was marked
6 for identification.)

7 THE COURT: If you can bring the jury back in.

8 (WHEREUPON, the jury entered open court at
9 6:31 p.m.)

10 THE COURT: Ladies and gentlemen, I have received
11 your note, which the majority indicates you would like
12 to come back tomorrow. So I'm going to let you go home
13 for the evening. We will resume in the morning at
14 9:30. You will need to report to the jury room where
15 you were.

16 Let me reiterate that you cannot discuss this case
17 with anyone. You cannot do independent research. That
18 means don't watch the evening news. A story about this
19 case may be on it. Don't read the newspaper. Don't
20 get on the Internet and research the case. The
21 evidence that you are to consider has been submitted to
22 you. Okay? So that is very, very important that you
23 do no independent research and that you don't discuss
24 the case with anyone. I understand you have family
25 that's going to want to know what on earth has kept you

1 out until 7 o'clock at the courthouse. But you're just
2 going to tell them that the judge told you you can't
3 talk about it. So have a good evening and we'll see
4 everyone in the morning.

5 (WHEREUPON, the jury exited open court at
6 6:33 p.m.)

7 (WHEREUPON, proceedings adjourned at 6:33 p.m.)
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

11 This transcript may contain quoted material. Such
12 material is reproduced as read by the speaker.
13 I do further certify that I am neither of kin, counsel,
14 nor interest to any party hereto.

16
17
18
19
20
21
22
23
24
25

Diane L. Marcengill, RPR, CRR
Circuit Court Reporter

State of South Carolina

County of Anderson

In the Court of General Sessions

State of South Carolina,

Plaintiff,

-VS-

Jeremiah Johnson,

Defendant.

2012-GS-04-2404/2405

2012-GS-04- 2547/2548

June 24, 2015

Transcript of Record

BEFORE:

The Honorable Scott Sprouse, Judge

APPEARANCES:

Rame Campbell, Esquire
Assistant Solicitor for Tenth Judicial Circuit
Attorney for the State

Gordon Senerius, Esquire
Attorney for the Defendant

Renee H. Tollison
Circuit Court Reporter

INDEX

	PAGE
Verdict and Sentencing	3
Certificate of Reporter	19

EXHIBITS

No	DESCRIPTION	ID	EV
C-6	Jury Question	9	

Sentencing Hearing

3

1 **June 24, 2015**

2 (WHEREUPON, court convened with all parties present,
3 and the following proceedings were had commencing at
4 approximately 9:33 a.m.)

5 THE COURT: Do we have all twelve of our
6 jurors?

7 THE CLERK: Let me go check, Your Honor,
8 please, sir.

9 THE COURT: If you could have them bring the
10 jury in just briefly.

11 Where is your client?

12 MR. SENERIUS: Down stairs.

13 THE COURT: Are they bringing him up?

14 THE CLERK: They're supposed to be bringing him
15 up.

16 THE COURT: Just hold off. His client's not
17 here yet.

18 THE CLERK: All right. I'm sorry.

19 (WHEREUPON, court stood at ease after which the
20 Defendant entered the courtroom.)

21 THE COURT: Okay. Mr. Bailiff, if we could get
22 our jury, please.

23 THE BAILIFF: Bring them in?

24 THE CLERK: Bring them in, please, sir.

25 (WHEREUPON, the jury entered the open court at

1 approximately 9:51 a.m.)

2 THE COURT: Okay. Good morning, ladies and
3 gentlemen.

4 THE JURY: Good morning.

5 THE COURT: I hope everyone had a good evening.
6 Before we get started, for the record, once we adjourned
7 last night, did any member of the jury panel conduct an
8 independent investigation into the case, do any
9 independent research through media, internet or any other
10 source, deliberate or consult with third parties about
11 the facts?

12 (WHEREUPON, the jurors all responded in the
13 negative.)

14 THE COURT: Okay. Let the record reflect that
15 they're all negative responses.

16 Gentlemen, we have three questions that have been
17 submitted by the jury. The first is, "If we cannot come
18 to a decision on one charge out of the four charges, what
19 happens with the other three charges?" Ladies and
20 gentlemen of the jury, I will instruct you again that the
21 charges are distinct charges. I will give you my
22 instruction again, which is that each indictment
23 constitutes a separate and distinct offense. You must
24 decide each indictment separately on the evidence and the
25 law applicable to it, uninfluenced by your decision as to

Sentencing Hearing

5

1 any other indictment.

2 Now, this does not include the weapons charge. As I
3 instructed you before, the weapon, the possession of a
4 weapon during the commission of a violent crime, you must
5 find the defendant guilty of a violent crime in order for
6 that charge to be applicable. Okay?

7 The next question was, "What constitutes murder in
8 this case?" I can give you my murder charge again. I'll
9 read you the definition.

10 The defendant is charged with murder. The State
11 must prove beyond a reasonable doubt that the defendant
12 killed another person with malice aforethought. Malice
13 is hatred, ill will or hostility towards another person.
14 It is the intentional doing of a wrongful act without
15 just cause or excuse or with an intent to inflict an
16 injury or under circumstances that the law will infer an
17 evil intent.

18 Malice aforethought does not require that malice
19 exist for any particular time before the act is
20 committed, but malice must exist in the mind of the
21 Defendant just before and at the time the act is
22 committed. Therefore, there must be a combination of the
23 previous evil intent and the act.

24 Malice aforethought may be expressed or inferred.
25 These terms, expressed and inferred, do not mean

1 different kinds of malice but merely the manner in which
2 malice may be shown to exist. That is either by direct
3 evidence or by inference from the facts and circumstances
4 which are proved. Expressed malice is shown when a
5 person speaks words which express hatred or ill will for
6 another or when the person prepared beforehand to do the
7 act which was later accomplished. For example, lying in
8 wait for a person or any other acts of preparation going
9 to show that the deed was within the defendant's mind
10 would be expressed malice.

11 Malice may be inferred from conduct showing a total
12 disregard for human life. Inferred malice may also arise
13 when the deed is done with a deadly weapon. A deadly
14 weapon is any article, instrument or substance which is
15 likely to cause death or great bodily harm. Whether an
16 instrument has been used as a deadly weapon depends on
17 the facts and circumstances of each case. The following
18 are examples of instruments which may be deadly weapons:
19 a pistol, a shotgun, a rifle, a dirk, a dagger, a knife,
20 a slingshot, metal knuckles, a razor, gasoline, a fire
21 bomb or Molotov cocktail, and lighter fluid. A gun may
22 be a deadly weapon even if it is not operated.

23 That is the instruction on the charge of murder.

24 Now, the third question is, "Please clarify the hand
25 of one, hand of all law," which I will give you that law

Sentencing Hearing

7

1 again.

2 If a crime is committed by two or more people who
3 are acting together in committing a crime, the act of one
4 is the act of all. A person who joins with another to
5 commit an unlawful act is criminally responsible for
6 everything done by the other person, which happens as a
7 probable or natural consequence of the acts done in
8 carrying out the common plan and purpose. For example,
9 two people can be guilty of killing another person when
10 only one of the two had a gun, there was only one bullet
11 and only one of the two fired the shot that caused the
12 death. If two or more people are together acting
13 together, assisting each other in committing the offense,
14 the act of one is the act of all or, as it is sometimes
15 said, the hand of one is the hand of all.

16 Prior knowledge that a crime is going to be
17 committed without more is not sufficient to make a person
18 guilty of that crime. Mere knowledge that another person
19 is going to commit a crime, even if the defendant is
20 present when the crime is committed is not sufficient to
21 convict the defendant as a principle.

22 Guilt as a principle is shown by actual or
23 constructive presence at the scene as a result of prior
24 arrangement. Therefore, a finding of a prior arranged
25 plan or common scheme is necessary for a finding of guilt

1 as a principle. The State must prove beyond a reasonable
2 doubt by competent evidence that the theory of the hand
3 of one is the hand of all.

4 A principle in a crime is one who either actually
5 commits the crime or who is present aiding, abetting, or
6 assisting in committing of the crime. When a person does
7 an act in the presence of and with the assistance of
8 another, the act is done by both. Where two or more
9 acting with a common plan or intent are present at the
10 commission of a crime, it does not matter who actually
11 commits the crime. All are guilty. The hand of one is
12 the hand of all.

13 Present at the commission of a crime means to be
14 sufficiently near to aid and abet and assist in the
15 commission of the crime. However, mere presence at the
16 scene of a crime is not sufficient to convict one as a
17 principle on the theory of aiding and abetting.

18 Intent is also a necessary element. For there must
19 have been a common design or intent to commit a crime.
20 And the crime must have been committed pursuant thereto
21 with the person aiding and abetting by some overt act.
22 Intent means intending the result which actually occurs,
23 not accidentally or involuntarily.

24 Intent may be shown by acts and conduct of the
25 defendant and other circumstances from which you may

Sentencing Hearing

9

1 naturally and reasonably infer intent.

2 The State must prove these elements beyond a
3 reasonable doubt. That is the law of the land of one is
4 the land of all.

5 Okay. Those are the three questions that were
6 submitted. Ladies and gentlemen, I'm going to have you
7 retire to the jury room and resume your deliberations.

8 (WHEREUPON, the jury exited the open court at
9 approximately 10:00 a.m. to continue deliberations.)

10 THE COURT: I guess we'll mark that as an
11 exhibit.

12 (WHEREUPON, Court's Exhibit Number 6 was marked for
13 identification only.)

14 THE COURT: Any exceptions from the State?

15 MR. CAMPBELL: No, Your Honor.

16 THE COURT: Any exceptions from the Defense?

17 MR. SENERIUS: No, Your Honor.

18 THE COURT: Okay. We will be in recess on that
19 case. And I have had the court reporter mark that as a
20 Court's Exhibit, the question.

21 (WHEREUPON, court stood at recess awaiting the
22 verdict of the jury.)

23 THE COURT: Gentlemen, we have been informed
24 that the jury has reached a verdict. And I will have the
25 bailiff to go get our jury for us, please, sir.

Sentencing Hearing

10

1 (WHEREUPON, the jury entered the open court at
2 approximately 1:40 p.m.)

3 THE COURT: Okay. Madam Forelady, I've been
4 informed that the jury has reached a verdict in the case.
5 Is that correct?

6 THE JUROR: Yes, sir.

7 THE COURT: Would you hand the verdict form to
8 the clerk of court, please, ma'am?

9 (WHEREUPON, the verdict form was handed up to the
10 Court.)

11 THE COURT: Mr. Johnson, would you stand,
12 please, sir, while the clerk publishes the verdict?

13 THE CLERK: If it pleases the Court?

14 THE COURT: Yes, sir.

15 THE CLERK: This is the State of South
16 Carolina, County of Anderson in the Court of General
17 Sessions, indictment number 2012-GS-04-02404, 2012-GS-04-
18 02405, 2012-GS-04-02547, and 2012-GS-04-02548. This is
19 the verdict in the State of South Carolina versus
20 Jeremiah Christian Johnson, defendant.

21 On indictment number 2012-GS-04-02404, armed
22 robbery, we, the jury, unanimously find on this
23 indictment that the defendant, Jeremiah Christian
24 Johnson, is guilty of armed robbery.

25 On indictment number 2012-GS-04-02405, possession of

Sentencing Hearing

11

1 a weapon during the commission of a violent crime, we,
2 the jury, unanimously find on this indictment that the
3 defendant, Jeremiah Christian Johnson, is guilty of
4 possession of a weapon during the commission of a violent
5 crime.

6 On indictment number 2012-GS-04-02547, kidnapping,
7 we, the jury, unanimously find on this indictment that
8 the defendant, Jeremiah Christian Johnson, is guilty of
9 kidnapping.

10 On indictment number 2012-GS-04-02548, murder, we,
11 the jury, unanimously find on indictment number 2012-GS-
12 04-02548 that the defendant, Jeremiah Christian Johnson,
13 is guilty of murder.

14 This is signed by the foreperson in Anderson, South
15 Carolina, dated today, June 24, 2015.

16 THE COURT: Would you poll the jury, please,
17 sir?

18 THE CLERK: Ladies and gentlemen, I'm going to
19 call your names. When I do, if this is your verdict,
20 would you say, "It is."?

21 Harry D. -- that was our alternate, wasn't it,
22 Ballard?

23 Nicole L. Ballew, is this your verdict?

24 THE JUROR: Yes.

25 THE CLERK: Carmen N. Cooley, is this your

1 verdict?

2 THE JUROR: Yes.

3 THE CLERK: Ameedah El-Amin, is this your

4 verdict?

5 THE JUROR: Yes.

6 THE CLERK: Sharon A. Gambrell, is this your

7 verdict?

8 THE JUROR: Yes.

9 THE CLERK: Jeff L. Hook?

10 THE JUROR: It is.

11 THE CLERK: Megan M. Clark?

12 THE JUROR: Yeah.

13 THE CLERK: Travis J. Kay?

14 THE JUROR: Yes.

15 THE CLERK: Matthew Alippiatt?

16 THE JUROR: It is.

17 THE CLERK: Leah M. McNeely?

18 THE JUROR: Yes, sir.

19 THE CLERK: Michael V. Pugliese?

20 THE JUROR: Yes, sir.

21 THE CLERK: Kirk H. Simpson?

22 THE JUROR: It is.

23 THE CLERK: And Lolite Thompson?

24 THE JUROR: Yes.

25 THE COURT: Ladies and gentlemen of the jury, I

Sentencing Hearing

13

1 thank you for your service. Our system of justice is
2 based on citizens participating as jurors. One of the
3 fundamental rights that all of us have as citizens is to
4 be tried by a jury of our peers when we're accused of a
5 crime. This has been a difficult case. I know that you
6 have put a lot of time into it. I know that you have
7 deliberated for quite some time. But our system of
8 justice functions when jurors do that. And the Court
9 greatly appreciates it and appreciates your service for
10 this week. So you are now free to go. You can see the
11 clerk of court if you have any questions or concerns.

12 Madam Forelady, I need you to step forward and
13 conform the indictment.

14 Thank you, ladies and gentlemen. The rest of you
15 may leave.

16 (WHEREUPON, the jury exited the open court at
17 approximately 1:45 p.m.)

18 THE COURT: Okay. Mr. Campbell, do you have
19 anyone from the victim's family that would like to speak
20 before sentencing?

21 MR. CAMPBELL: No, sir. We had contacted the
22 victims. They've actually moved to Columbia, South
23 Carolina. And they just indicated to our victim's
24 advocate that they just wished to be notified of what the
25 results were.

1 THE COURT: Okay.

2 Mr. Senerius, I'll be happy to hear from you or your
3 client or anything you would like to present for purposes
4 of sentencing.

5 MR. SENERIUS: May it please the Court. It's
6 been a difficult trial. The Court's heard the evidence.
7 I believe that there is ample evidence to indicate that
8 it was not my client's intention for any serious harm to
9 befall Mr. Patel. I also believe that the evidence
10 clearly indicates that while he may have been a
11 participant in these crimes, he clearly was not the
12 mastermind or the leader of this endeavor.

13 He's in his early thirties. He said he was thirty-
14 two, told the Court he was thirty-two. A little bit of
15 education, G.E.D. We'd ask the Court to take all those
16 factors into consideration in sentencing and fashion a
17 sentence that at some point in time might lead him to
18 returning to society as a productive member of society.

19 Thank you, Your Honor.

20 THE COURT: Thank you, Mr. Senerius.

21 Mr. Johnson, anything you would like to tell me?

22 THE DEFENDANT: Yes, Your Honor. I know I made
23 some mistakes in my life, and I ain't never do anything
24 to harm nobody in no type of shape, form or manner. And
25 I apologize for Mr. Patel's loss. And I just wish you

Sentencing Hearing

15

1 could be lenient on me. Thank you.

2 THE COURT: Mr. Campbell, what's the prior
3 record of the Defendant?

4 MR. CAMPBELL: Your Honor, I'll just include
5 all including magistrate court. 2001, operating a
6 gambling house, disorderly conduct; 2004, malicious
7 injury to property, simple assault and battery,
8 assaulting a police officer while resisting arrest, PWID
9 cocaine; 2008, interference injuring officers in
10 Magistrate's Court; 2011, possession of cocaine. In 2000
11 two counts of burglary. This is out of Georgia. 2010,
12 possession of cocaine with intent to distribute;
13 purchasing, possession or manufacturing or distribution
14 of marijuana; and possession or transfer of a firearm by
15 convicted offender. Those are all out of Georgia. Those
16 are his current records.

17 THE COURT: Mr. Senerius, you agree that's your
18 client's record?

19 MR. SENERIUS: Yes, Your Honor.

20 THE COURT: All right. Anything from the
21 State?

22 MR. CAMPBELL: Yes, sir. And I have the
23 sentencing sheets I'll hand up to the Court.

24 Your Honor, the State feels in this case that due to
25 the fact that he was in on it from the inception, he

1 agreed immediately to participate in the robbery, through
2 to his own words he acknowledged they tied him up, they
3 physically assaulted him, it doesn't show that he was
4 trying to do no harm to this man. This man spent hours
5 upon hours being tortured to the point where the ending
6 was to get rid of him, which they did. It was ten or
7 eleven days before he was finally found. And then he
8 also participated in covering up and disposing of
9 evidence. And I think eventually the jury saw that and
10 rendered a verdict in this case that speaks that. And we
11 feel in this case that the maximum penalty is the result
12 of what he should receive in this matter.

13 I will hand up the armed robbery, possession of a
14 weapon, kidnapping and murder sentencing sheets. And
15 while the family is not here, I know that they're looking
16 for closure. And they wish to see a sentence that the
17 Court feels fit in this matter.

18 THE COURT: Now, does each party agree that the
19 sentencing range, just to put this on the record, the
20 murder conviction carries a minimum of thirty years and a
21 maximum of life? Does each attorney agree with that?

22 MR. CAMPBELL: That's correct.

23 MR. SENERIUS: Yes, sir.

24 THE COURT: The kidnapping carries up to thirty
25 years. Each attorney agree with that?

Sentencing Hearing

17

1 MR. SENERIUS: Yes, sir.

2 MR. CAMPBELL: Yes, sir.

3 THE COURT: The armed robbery carries a minimum
4 of ten years and a maximum of thirty years; is that
5 correct?

6 MR. SENERIUS: Yes, sir.

7 MR. CAMPBELL: Yes, sir.

8 THE COURT: And do you agree that the
9 possession of a weapon during a violent crime carries a
10 five-year sentence?

11 MR. SENERIUS: Yes, sir.

12 THE COURT: Okay.

13 If there's nothing further, Jeremiah Christian
14 Johnson, defendant, on indictment 2012-GS-04-02548,
15 murder, you will be confined to the State Department of
16 Corrections for a term of thirty years. There will be no
17 contact with the victim's family.

18 On 2012-GS-04-02404, armed robbery, the defendant
19 will be confined to the State Department of Corrections
20 for a term of ten years consecutive.

21 In indictment 2012-GS-04-02405, possession of a
22 weapon during a violent crime, the defendant will be
23 confined to the Department of Corrections for a term of
24 five years concurrent.

25 And in 2012-GS-04-02547, kidnapping, the defendant

Sentencing Hearing

18

1 will be confined for a term of twenty years to the
2 Department of Corrections concurrent.

3 That will be the sentence of the Court.

4 Good luck to you, sir.

5 MR. SENERIUS: Thank you, Your Honor.

6 (WHEREUPON, court stood at recess in this case at
7 approximately 2:00 p.m.)

8 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

1 CERTIFICATE OF REPORTER

2 I, the undersigned Renee H. Tollison, Official Court
3 Reporter for the Tenth Judicial Circuit of the State of
4 South Carolina, do hereby certify that the foregoing is a
5 true, accurate, and complete transcript of record of all
6 the proceedings had and evidence introduced in the
7 trial/hearing of the captioned case, relative to appeal,
8 in the Circuit Court for Anderson County, South Carolina,
9 on the day 24th day of June 2015.

10 This transcript may contain quoted material. Such
11 material is reproduced as read by the speaker.

12 I do further certify that I am neither of kin,
13 counsel, nor interest to any party hereto.

14 September 10, 2015

15

16 s/ *Renee H. Tollison*

17 Circuit Court Reporter



OFFICE OF THE SHERIFF

ANDERSON COUNTY SC

Advisory of Rights

Name: Jeremiah Christian Johnson

Date: 7-12-12

Location: 305 Carson Rd Anderson SC

Before you are asked any questions, you must understand your rights.

33 You have the right to remain silent.

33 Anything you say may be used against you in court.

You have the right to speak to a lawyer for advice before you are asked any questions and have him with you during questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning, if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering questions at any time. You also have the right to stop answering at any time until you speak with a lawyer.

Heidi Diers 7-12-12 10:21 AM
 Witness Date & Time
[Signature] Jeremiah Johnson
 Witness Signature

Waiver of Rights

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

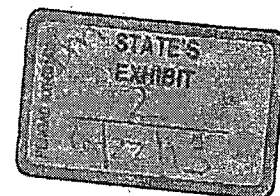
Heidi Diers 7-12-12 10:21 AM
 Witness Date & Time
[Signature] Jeremiah Johnson
 Witness Signature



FILED-CLERK'S OFFICE
 ANDERSON SC
 2012 JUL 26 PM 1:12
 COMMON PLEAS AND
 GENERAL SESSION



CLERK'S OFFICE
ANDERSON SC



07-12-12 12:30

Anderson County Sheriff's Office/ Office of Detective Todd Owens

305 Camson Rd Anderson SC 29625

2015 JUN 26 PM 1: 32

Statement of: Jeremiah Christian Johnson B/M 29 DOB 06-11-1983 SS# 256-55-0682

209 Manley Dr Anderson SC 29626

M)864-221-7104

GED Completed

COMMON PLEAS AND
GENERAL SESSIONS

This statement typed for me by Detective Todd Owens I can read and write, this is a true and accurate statement I do this of my own free will, no threats or promises have been made to me

Jeremiah Christian Johnson

Over the weekend I think it was Saturday evening I was with my girlfriend Nikki in her car a silver Cadillac. We went over to Jerry Dr she was driving and I was riding in the passenger seat no else was with us. We pulled up and saw Zach Gantt who I consider to be like a son to me and he looks up to me. We talked and I got out of the car and Kyndra called us over to her house a brick house. We walked over and she told us about a man inside who had some money and she said we should rob him. I looked at Zach and asked him "do you want to do this" he shook his head yes. We all three went in the house. We walked back to a room with stuff everywhere. Me and Zach scuffled with the guy and the guy got held down on the floor. I asked about if he had any money or whatever and the guy was like no I don't have no money. Me and Zach tied the guy up with a cord or something like that; we tied his hands behind him. He was sitting on the floor and Kyndra was asking him about where his money was. I reached down and got his wallet it was on the floor, I sat it on a dresser. I remember Kyndra checking some cards the guy had in his wallet for some money. Kyndra later left with the cards the guy had said some numbers so they would work. When she came back she said those were not the right numbers. I hit the man in the chest, Zach hit him also. I left and took his car and tried to use the cards using the numbers he gave us. I tried to use them at the Sphinx on Hwy 81. I tried to use his cards in the ATM. I left and went back to the house. The guy one time lay down like he was knocked out. I said this was enough. Soon after that a guy named Quevo came and things got out of hand. Quevo hit the man in the face I don't know how many times but it was few times. Quevo sprayed the man with a can of like bug spray or something trying to get him to talk. Quevo also grabbed a knife and got it hot off the stove and torched the man burning him with the knife. He burned him in several places I don't know where all he did because the guy was screaming. I was feeling like this was enough and I said "let's take him off" Quevo was like "alright". My plan was to take him off and let him go. The car was pulled in the backyard already, somebody had moved it. I remember somebody saying hold up wait a minute like there was car coming down the road or something it was dark. He got in the back seat in the middle. Me and Zach got in the back with him, Quevo drove. We went out deep into the country on a long back road. We pulled up into some bushes like a driveway to a hunting area or something. The man got out of the car I was trying to think of a way to get this man away from him. Quevo had a gun in his hand. Me, Zach and Quevo walked down further into the woods with the man. I kept asking the guy to just tell them where the money is at. We were walking and the next thing I know I hear Quevo ask the man about the money and then I see him raise the gun to the side of the man's head and I start to turn and he shoots him in

94

[illegible]

Jermiah Johnson

God Owers

[Handwritten signature]



FILED-CLERK'S OFFICE

ANDERSON, SC

OFFICE OF THE SHERIFF

JUN 26 PM 1:37

ANDERSON COUNTY SC

COMMON PLEAS AND
GENERAL SESSIONS

Advisory of Rights

Name: Jeremiah Christian Johnson 611-83 Date: 7-9-12Location: ACSO

Before you are asked any questions, you must understand your rights.

99
99

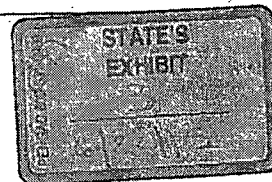
You have the right to remain silent.

Anything you say may be used against you in court.

You have the right to speak to a lawyer for advice before you are asked any questions and have him with you during questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning, if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering questions at any time. You also have the right to stop answering at any time until you speak with a lawyer.



[Signature] 7-9-12 1119
 Witness Date & Time
[Signature] Mark Gregory Jeremiah Johnson
 Witness Signature

Waiver of Rights

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

[Signature] 7-9-12 1120
 Witness Date & Time
[Signature] Mark Gregory Jeremiah Johnson
 Witness Signature



Anderson County Sheriff's Office
Post Office Box 5497
305 Camson Road
Anderson, South Carolina 29625

AFFIDAVIT OF PHOTOGRAPH IDENTIFICATION

Date: 7-12-12 Case #: 2012-35819

Time: 2:06 pm

Location: 305 Camson Rd Anderson, SC 29625

I, Jeremiah C Johnson have viewed a group of 6
photographs this 12th day of July, 2012 from which I have positively
identified photograph # 4 displayed to me by Detective Batten
of the Anderson County Sheriff's Office as being the person who:

I know as Quevo. He is the person that
shot that Indian guy last week.

FILED-CLERK'S OFFICE
ANDERSON SC
JUL 12 2012
COMMON PLEAS AND
GENERAL SESSIONS
2:05 PM 1:32

Signature: Jeremiah C Johnson

Address: 209 Manley Dr

Anderson, SC 29626

Witness: [Signature]





OFFICE OF THE SHERIFF

ANDERSON COUNTY SC

*11th Grade
Can Read &
write*

Advisory of Rights

Name: Jeremiah Christian Johnson ⁶⁻¹¹⁻⁸³ Date: 7-12-12
 Location: Anderson County Detention Center

Before you are asked any questions, you must understand your rights.

[Signature] You have the right to remain silent.

[Signature] Anything you say may be used against you in court.

You have the right to speak to a lawyer for advice before you are asked any questions and have him with you during questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning, if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering questions at any time. You also have the right to stop answering at any time until you speak with a lawyer.

[Signature] 7-12-12 17:40
 Witness Date & Time
Jeremiah Johnson
 Witness Signature

Waiver of Rights

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

[Signature] 7-12-12 17:41
 Witness Date & Time
Jeremiah Johnson
 Witness Signature

FILED-CLERK'S OFFICE
 ANDERSON SC
 7:26 PM 1:32
 COMMUNICATIONS AND
 RECORDS SECTION



Jeremiah Christian Johnson
 209 Maley Dr
 Anderson, SC 29626
 221-7104
 DOB 6-11-83
 SSN 250-55-0682

11th Grade
 Cap Read
 W

Date 7-12-12 Page No. 1

STATEMENT OF:

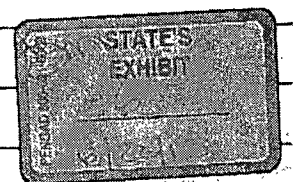
Witness: D L Barton

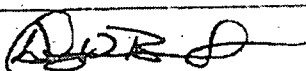
Statement taken @ Detention Center

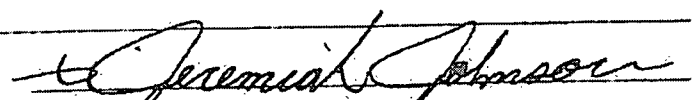
This statement is being written for me by
 Danny Barton.

That night after Owens shot that Indian, I
 don't know what he did with the gun. I never
 saw it anymore once we got back to the car.
 XXX End of Statement XXX

FILED-CLERK'S OFFICE
 ANDERSON SC
 2015 JUN 26 PM 4:33
 COMMON PLEAS AND
 GENERAL SESSIONS



Witness: 



STATE OF SOUTH CAROLINA)
COUNTY OF Anderson)

INDICTMENT

At a Court of General Sessions, convened on DEC 11 2012, the Grand Jurors of Anderson County present upon their oath:

Murder / Murder

That Jeremiah Christian Johnson did in Anderson County, on or about July 1, 2012, unlawfully and with malice aforethought kill Chandrakant Patel by means of by shooting the victim in the head with a firearm, and that Chandrakant Patel died as a proximate result thereof. This is in violation of §16-3-10 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.

Ronell Campbell
ASSISTANT SOLICITOR

ARREST WARRANT

J-925276

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

THE STATE

2012-35819

against

Jeremiah Christian Johnson

Address:

Anderson, SC 29626-4001

Phone: _____ SSN: _____

Sex: M Race: B Height: 6 Weight: 200

DL State: SC DL #: 090547033

DOB: _____ Agency ORI #: SC0040000

Prosecuting Agency: Anderson County Sheriff

Prosecuting Officer: D Barton - 422

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010, 0020

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant
on _____*Lincoln Phyllis*
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
100 South Main Street
Po Box 8002
Anderson, SC 29622

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Personally appeared before me the affiant D Barton

being duly sworn deposes and says that defendant Jeremiah Christian Johnson

did within this county and state on or about 07/01/2012

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Anderson

in the following particulars:

DESCRIPTION OF OFFENSE Murder / Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on July 1, 2012 in the county of Anderson, the defendant did, with malice aforethought, aid and assist in the death of victim Chandrakant AKA CJ Patel in that a co-defendant did shoot Patel in the head with a handgun. The defendant has admitted to this crime.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Affiant's Address 305 Camson Road

Anderson, SC 29625-

Affiant's Telephone _____

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 7/1/2012 defendant Jeremiah Christian Johnson

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Anderson) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution or as soon thereafter as is practicable

Sworn to and subscribed before me

on 07/12/2012

Ronald Warren Whitman (L.S.)
Signature of Issuing Judge

Ronald Warren Whitman (Magistrate)

Judge Code: 5954

Judge's Address 2404 N Main St

Anderson, SC 29621

Judge's Telephone (864)260-4156

Issuing Court: ☒ Magistrate☐ Municipal☐ Circuit

A TRUE COPY

JUL 27 2012

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCGA 516

AFFIDAVIT

who

violate the criminal laws of the

)

COUNTY OF Anderson
 STATE VS.
Jeremiah Christian Johnson

AKA:

Race: B Sex: M Age: 31DOB: SS#:

Address:

City, State, Zip: Anderson, SC 29626-4001DL#: SID#: SC01298181*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Murder / MurderINDICTMENT/CASE#: 2012GS0402548A/W#: J925276Date of Offense: 7/1/2012S.C. Code § : 16-03-0010, 0020CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45
The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Rame Lambert

13981

Campbell, Rame Lambert

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 30 days/months/years or ☐ under the Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years and/or paymentof \$; 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 the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ plus 20% fee: \$ Payment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5%) \$ § 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00§ 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 \$ 25.00§ 14-1-213 (Drug Court Surcharge) \$150 \$ § 50-21-114(BUI Breath Test Fee) \$50 \$ § 56-5-2942(I) (Vehicle Assessment) \$40/ea \$ Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.003% to County (if paid in installments) \$ TOTAL \$ 179.00

Clerk of Court/ Deputy Clerk

Court Reporter: R. Tolson

SCCA/217 (03/2011)

PTUP

 days/hours Public Service EmploymentObtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender FundOther: no contact with victim's family☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code: 2752Sentence Date: 6-24-15

A TRUE COPY

JUN 25 2015

CLERK OF COURT

STATE OF SOUTH CAROLINA)
COUNTY OF Anderson)

INDICTMENT

At a Court of General Sessions, convened on NOV 27, the Grand Jurors of Anderson County present upon their oath:

Robbery / Armed Robbery, robbery while armed or allegedly armed

That Jeremiah Christian Johnson did in Anderson County, on or about July 1, 2012, while armed with a deadly weapon, to wit: a firearm and/or a knife, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies described as: credit cards and cash from the person or presence of Chandrakant Patel. This is in violation of §16-11-330(A) 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.

Rose L. Campbell
ASSISTANT SOLICITOR

365

ARREST WARRANT

J-925277

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

THE STATE

2012-35819

against

Jeremiah Christian Johnson

Address:

Anderson, SC 29626-4001

Phone: _____ SSN: _____
Sex: M Race: B Height: 6 Weight: 200
DL State: SC DL #: 090547033
DOB: _____ Agency ORI #: SC0040000

Prosecuting Agency: Anderson County Sheriff
Prosecuting Officer: D Barton - 422

Offense: Robbery / Armed Robbery, robbery while armed
or allegedly armed with a deadly weapon

Offense Code: 0139
Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of

The accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant _____
on _____

1/10/12 7/10/12
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
100 South Main Street
Po Box 8002
Anderson, SC 29622

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA)
☒ County/ ☐ Municipality of)
Anderson)

Personally appeared before me the affiant D Barton who
being duly sworn deposes and says that defendant Jeremiah Christian Johnson
did within this county and state on or about 07/01/2012 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Anderson)
in the following particulars:

DESCRIPTION OF OFFENSE Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

That on July 1, 2012, in the county of Anderson, one Jeremiah Christian Johnson did take credit cards and U.S. currency from the
victim with intent to deprive while armed with a handgun and knife, a deadly weapon. The defendant admitted to his participation
in this crime.

Signature of Affiant

STATE OF SOUTH CAROLINA)
☒ County/ ☐ Municipality of)
Anderson)

Affiant's Address 305 Camson Road
Anderson, SC 29625-

Affiant's Telephone _____

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 7/1/2012 defendant Jeremiah Christian Johnson
did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County/ ☐ Municipality of Anderson) as set forth below:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me

on 07/12/2012)
[Signature] (L.S.))
Signature of Issuing Judge)
Ronald Warren Whitman (Magistrate))
Judge Code: 5954)

Judge's Address 2404 N Main St
Anderson, SC 29621
Judge's Telephone (864) 260-4136

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

A TRUE COPY

JUL 27 2012

CLERK

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Anderson

VS.

Jeremiah Christian Johnson

AKA:

Race: B

Sex: M

Age: 31

DOB:

SS#:

Address:

City, State, Zip: Anderson, SC 29626-4001

DL#:

SID#: SC01298181

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

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

TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0402404

A/W#: J925277

Date of Offense: 7/1/2012

S.C. Code §: 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET



☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

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

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

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

ATTEST:

James L. Campbell

13981

Campbell, Rame Lambert

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 10 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of 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: 2012GS0402548
☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114(BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCJA Surcharge)

3% to County (if paid in installments)

TOTAL

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

PTUP

 days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

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

\$ paid to Public Defender Fund

Other:

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

Presiding Judge

Judge Code:

Sentence Date:

Richard A. Miller

2752

6-24-15

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Anderson)

INDICTMENT

At a Court of General Sessions, convened on NOV 27 2012, the Grand Jurors of Anderson County present upon their oath:

Weapons / Poss. weapon during violent crime, if not also sen

That Jeremiah Christian Johnson did in Anderson County, on or about July 1, 2012, while committing the crime of Murder, Armed Robbery and Kidnapping, crimes of violence, have in his possession a knife and/or a firearm, all in violation of Section 16-23-490, *Code of Laws of South Carolina (1976)*, as amended.

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

Rene L. Campbell

ASSISTANT SOLICITOR

ARREST WARRANT

J-925283

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

THE STATE
against

2012-36818

Jeremiah Christian Johnson

Address:

Anderson, SC 29626-4001

Phone: _____ SSN: _____
 Sex: M Race: B Height: 6 Weight: 200
 DL State: SC DL #: 090547033
 DOB: _____ Agency ORI #: SC0040000

Prosecuting Agency: Anderson County Sheriff

Prosecuting Officer: D Barton - 422

Offense: Weapons / Poss. weapon during violent crime, if
not also sentenced to life without parole or death

Offense Code: 0549

Code/Ordinance Sec: 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be
dealt with according to the law

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant _____
on _____

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
 100 South Main Street
 Po Box 8002
 Anderson, SC 29622

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Personally appeared before me the affiant D Barton

being duly sworn deposes and says that defendant Jeremiah Christian Johnson

did within this county and state on or about 07/01/2012

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Anderson)

in the following particulars:

DESCRIPTION OF OFFENSE Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on July 1, 2012 in the county of Anderson, the defendant was present and did aid and assist in the kidnapping, murder and
armed robbery of victim. A co-defendant was in possession of a handgun and knife. The defendant has admitted to this offense.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Affiant's Address 305 Camson Road
Anderson, SC 29625-

Affiant's Telephone _____

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 7/1/2012 defendant Jeremiah Christian Johnson

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Anderson

) as set forth below:

DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the defendant named above and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of his execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me

on 07/12/2012

Signature of Issuing Judge
 Ronald Warren Whitman (Magistrate)
 Judge Code: 5954

(L.S.)

Judge's Address 2404 N Main St
Anderson, SC 29621-

Judge's Telephone (864)260-4156

Issuing Court: ☒ Magistrate ☐ Municipal

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

AFFIDAVIT

who

800

A TRUE COPY

JUL 27 2012

Kip's ex Kulu

CLERK OF COURT

COUNTY OF Anderson
STATE VS.
Jeremiah Christian Johnson

AKA:

Race: B Sex: M Age: 31DOB: 0 SS#:

Address:

City, State, Zip: Anderson, SC 29626-4001DL#: SID#: SC01298181*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or deathin violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

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

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Renee Campbell
Campbell, Renee Lambert

13981

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 or ☐ under the Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years and/or paymentof \$; 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 the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114 (BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCJA Surcharge)

3% to County (if paid in installments)

TOTAL

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

INDICTMENT/CASE#: 2012GS0402405A/W#: J925283Date of Offense: 7/1/2012S.C. Code § : 16-23-0490CDR Code #: 0549

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

0

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

0549

Clerk of Court Deputy Clerk

Court Reporter: R. T. Tolison

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2752Sentence Date: 6-24-15

A TRUE COPY

JUN 25 2015

CLERK OF COURT

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

) STATE OF SOUTH CAROLINA)
COUNTY OF Anderson)

INDICTMENT

At a Court of General Sessions, convened on DEC 11 2012, the Grand Jurors of Anderson County present upon their oath:

Kidnapping / Kidnapping

)
That Jeremiah Christian Johnson did in Anderson County, on or about July 1, 2012, unlawfully seize, abduct, confine, inveigle, decoy, kidnap, abduct, or carry away Chandrakant Patel, without the authority of law. This is in violation of §16-3-0910 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.

Forrest L. Campbell

ASSISTANT SOLICITOR

1/00114
ARREST WARRANT
J-912464

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of

Anderson

THE STATE 2012-35819
against

Jeremiah Christian Johnson

Address:

Anderson, SC 29626-4001

Phone: _____ SSN: _____
Sex: M Race: B Height: 6 Weight: 200
DL State: SC DL #: 090547033
DOB: _____ Agency ORI #: SC0040000

Prosecuting Agency: Anderson County Sheriff

Prosecuting Officer: D Barton - 422

Offense: Kidnapping / Kidnapping

Offense Code: 0095

Code/Ordinance Sec: 16-03-0910

This warrant is **CERTIFIED FOR SERVICE** in the
☐ County/ ☐ Municipality of _____
The accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant Jeremiah Johnson
on 7/9/2012

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
100 South Main Street
Po Box 8002
Anderson, SC 29622

ORIGINAL

ORIGINAL

7-11-12

STATE OF SOUTH CAROLINA)
☒ County/ ☐ Municipality of)
Anderson)

Personally appeared before me the affiant D Barton who
being duly sworn deposes and says that defendant Jeremiah Christian Johnson
did within this county and state on or about 07/01/2012 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Anderson)
in the following particulars:

DESCRIPTION OF OFFENSE Kidnapping / Kidnapping

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

That on July 1, 2012 in the county of Anderson, one Jeremiah Christian Johnson did unlawfully seize, confine, kidnap or abduct
victim at Anderson, S. C. without authority of law. The defendant is observed on video at the time and location of
the crime.

Signature of Affiant

STATE OF SOUTH CAROLINA)
☒ County/ ☐ Municipality of)
Anderson)

Affiant's Address 305 Camson Road
Anderson, SC 29625-

Affiant's Telephone _____

FILED-CLERK'S OFFICE:
ANDERSON S.C.
2012 JUL 12 A 11:30
COMMON PLEAS AND
GENERAL SESSIONS

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 7/1/2012 defendant Jeremiah Christian Johnson

did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County/ ☐ Municipality of Anderson) as set forth below.

DESCRIPTION OF OFFENSE: Kidnapping / Kidnapping

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me

on 07/07/2012

Signature of Issuing Judge
Denise M Malone
Denise M Malone
Judge Code: 7105

Judge's Address 1019 David Lee Coffee Place
Anderson, SC 29625-

Judge's Telephone (864)222-6637

Issuing Court ☒ Magistrate ☐ Municipal

ORIGINAL

ORIGINAL

A TRUE COPY

JUL 12 2012

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

Anderson

VS.

Jeremiah Christian Johnson

AKA:

Race: B Sex: M Age: 31

DOB: SS#: ?

Address:

City, State, Zip: Anderson, SC 29626-4001

DL#: SID#: SC01298181

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Kidnapping / Kidnapping

INDICTMENT/CASE#: 2012GS0402547

A/W#: J912464

Date of Offense: 7/1/2012

S.C. Code § : 16-03-0910

CDR Code #: 0095

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Rame Lambert

13981

Campbell, Rame Lambert

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 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ 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 the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

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

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
§ 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	\$25.00
§ 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 (SCCA Surcharge)	\$5	\$5.00
3% to County (if paid in installments)		\$
TOTAL		\$130.00

Clerk of Court Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Comp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing ☐

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

\$ _____ paid to Public Defender Fund

Other:

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

Presiding Judge

Judge Code:

Sentence Date:

A TRUE COPY

JUN 25 2015

Richard A. Shirley
CLERK OF COURT

Presiding Judge

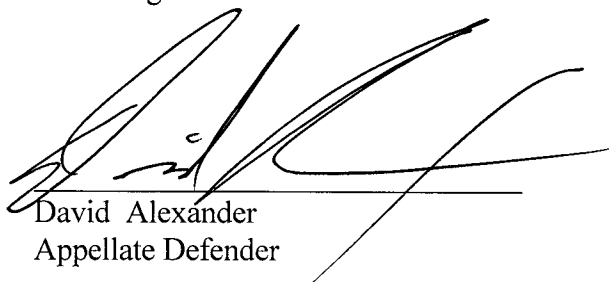
Judge Code:

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."

March 30, 2016



David Alexander
Appellate Defender

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

ATTORNEY FOR APPELLANT