

 ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM DILLON COUNTY

William H. Seals, Jr., Circuit Court Judge

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JUN 13 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DAEVON HEZZIE WILLIAMS

APPELLANT

APPELLATE CASE NO. 2014-002714

RECORD ON APPEAL

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	)	COURT OF GENERAL SESSION
<u>COUNTY OF DILLON</u>	)	2014-GS-17-0641
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STATE OF SOUTH CAROLINA	)	
PLAINTIFF	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
DAEVON H. WILLIAMS	)	
<u>DEFENDANT</u>	)	

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

B E F O R E:

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

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VOIR DIRE OF THE JURY

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

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

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

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

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

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

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

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

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

14 MR. ANDERS: I do, Your Honor.

15 THE COURT: Is she in the courtroom?

16 MR. ANDERS: Yes, Your Honor.

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

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

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

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

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

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

5 THE COURT: You may.

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

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

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

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

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

18 THE COURT: All right. Anything else?

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

20 THE COURT: Okay. Anything else?

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

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

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

1 real quick.

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

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

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

12 THE COURT: How about from the State?

13 MR. ANDERS: No, Your Honor.

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

16 MR. SCALES: Your Honor.

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

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

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

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

6 THE COURT: All right. Yes, sir.

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

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

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

17 THE COURT: Any objections?

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

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

21 MR. SCALES: Nothing from the Defense.

22 THE COURT: All right.

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

25 THE COURT: Sure.

1 MR. ANDERS: Nothing, Your Honor.

2 THE COURT: Go ahead and bring them out.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 MS. McMAHAN: May it please the Court.

5 THE COURT: Yes, ma'am.

6 OPENING STATEMENT BY MS. McMAHAN

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

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

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

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

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

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

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

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

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

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

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

17 MR. SCALES: Thank you, Your Honor.

18 OPENING STATEMENT BY MR. SCALES

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

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

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

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

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

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

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

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

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

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

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

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

15 DIRECT EXAMINATION

16 BY MR. ANDERS:

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

18 A. Darlington, South Carolina.

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

21 A. Past couple years Darlington, South Carolina.

22 Q. What is it that you do?

23 A. I'm a pawn broker.

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

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

1 Darlington.

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

3 A. Main Street Pawn and Gun.

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

5 A. About four years.

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

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

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

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

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

14 A. Late August 2013 I believe.

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

17 A. Yes, sir.

18 Q. Have you ever encountered the defendant before?

19 A. Yes, I met him before.

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

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

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

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

1 store.

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

3 THE COURT: Yes, sir.

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

6 BY MR. ANDERS:

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

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

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

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

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

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

21 MR. SCALES: No objection, Your Honor.

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

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

1 BY MR. ANDERS:

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

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

6 Q. And about what time was that created?

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

8 Q. What are the hours of your business?

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

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

13 A. Yes.

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

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

19 Q. And how much did he receive?

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

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

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

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

3 A. Yes.

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

5 A. The far right is my signature.

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

7 A. That's Daevon Williams.

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

9 A. Yes.

10 Q. --- signed the ticket?

11 A. Yes, he signed the ticket.

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

13 THE COURT: Yes.

14 BY MR. ANDERS:

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

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

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

20 A. And that is the bracelet, yes.

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

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

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

1 THE COURT: Any Objection?

2 MR. SCALES: No objection.

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

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

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

9 THE COURT: You may.

10 BY MR. ANDERS:

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

13 A. I couldn't recall.

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

15 A. Yes, sir.

16 Q. Was in your pawnshop?

17 A. Yes, sir.

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

20 A. That is correct.

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

23 THE COURT: All right. Mr. Scales.

24 CROSS-EXAMINATION

25 BY MR. SCALES:

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

3 A. Yes, sir.

4 Q. Prior to this day?

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

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

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

11 MR. SCALES: No further questions.

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

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

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

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

21 THE WITNESS: My name is Brenda Green Arnette.

22 DIRECT EXAMINATION

23 BY MS. McMAHAN:

24 Q. Spell your last name.

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

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

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

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

5 A. That's in Dillon County.

6 Q. And how long have you lived there?

7 A. Since 1965.

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

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

12 Q. And what does that entail?

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

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

19 A. Yes, I do.

20 Q. Tell me what happened that day?

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

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

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

6 A. Chief McDaniels.

7 Q. Who is he?

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

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

10 A. My son was there.

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

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

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

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

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

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

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

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

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

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

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

10 Q. And those are your items?

11 A. Those are mine.

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

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

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

18 A. Yes.

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

21 A. I would said so.

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

24 THE COURT: And the numbers are?

25 MS. McMAHAN: Three and Four.

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

3 MR. SCALES: No, Your Honor.

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

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

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

10 BY MS. McMAHAN:

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

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

15 Q. Is that when you bought them?

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

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

19 A. That's the receipt.

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

22 A. Yes.

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

25 THE COURT: Any objection?

1 MR. SCALES: No, Your Honor.

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

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

6 BY MS. McMAHAN:

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

9 A. \$529.87.

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

11 A. Without tax it was \$499.88.

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

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

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

19 A. Yes.

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

21 A. Yes, ma'am.

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

24 A. Yes.

25 Q. Does that list everything on there on?

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

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

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

11 A. No.

12 Q. So this was not in this inventory?

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

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

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

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

19 THE WITNESS: Yes, Number Ten.

20 BY MS. McMAHAN:

21 Q. So that is included?

22 A. Yes, the wedding band.

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

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

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

3 A. Right.

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

5 A. Yes.

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

8 BY MS. McMAHAN:

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

11 A. Yes.

12 Q. How do you know him?

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

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

19 A. Nope.

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

22 A. No.

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

25 A. No.

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

3 A. No.

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

6 A. No, I did not.

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

9 A. No, I did not.

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

12 THE COURT: All right. Yes, sir.

13 MR. SCALES: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. SCALES:

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

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

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

23 A. I did.

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

1 A. Other homes.

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

5 A. No.

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

8 A. Yes, I do.

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

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

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

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

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

1 March 30th?

2 A. I'm quite sure I did.

3 Q. In regard to these items?

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

7 Q. Yes, ma'am.

8 A. Yes.

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

10 A. Right.

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

14 A. No.

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

18 A. The inventory items minus my deductible.

19 Q. First page, center column.

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

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

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

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

4 A. Yes, it is.

5 MR. SCALES: No further questions.

6 THE COURT: All right. Redirect.

7 REDIRECT EXAMINATION

8 BY MS. McMAHAN:

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

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

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

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

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

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

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

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

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

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

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

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

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

22 MS. McMAHAN: Nothing further, Your Honor.

23 THE COURT: All right. Yes, sir.

24 RECROSS EXAMINATION

25 BY MR. SCALES:

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

3 A. No.

4 Q. Thank you.

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

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

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

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

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

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

14 DIRECT EXAMINATION

15 BY MR. ANDERS:

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

17 A. Yes, sir.

18 Q. How do you know the defendant?

19 A. I know him by his parents.

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

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

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

24 A. About four years.

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

1 A. Lakeview, South Carolina.

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

4 A. Yes, sir.

5 THE COURT: Speak up.

6 THE WITNESS: Yes, sir.

7 BY MR. ANDERS:

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

10 A. No, sir.

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

13 A. Yes, sir.

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

18 A. Yeah.

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

20 A. Yes, sir.

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

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

25 THE COURT: Speak up.

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

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

6 BY MR. ANDERS:

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

9 A. Yes.

10 Q. You know the defendant?

11 A. Yes, sir.

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

13 A. Just one.

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

16 A. Yes, sir.

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

19 A. Yes, sir.

20 Q. Where did he give you this coin?

21 A. I was at work.

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

23 A. Yes, sir.

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

1 A. Yes, sir.

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

3 A. Yes, sir.

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

5 A. No, sir.

6 MR. ANDERS: I have no further questions.

7 THE COURT: All right. Cross.

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

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

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

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

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

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

19 DIRECT EXAMINATION

20 BY MS. McMAHAN:

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

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

24 Q. Are you from Lakeview?

25 A. I live in Latta now.

1 Q. But you're originally from Lakeview?

2 A. Yes.

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

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

5 Q. What is the Save A Coin?

6 A. It's just a convenience store.

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

8 A. Yes, ma'am.

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

10 A. Yep.

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

12 A. Only by the papers, Daevon Williams.

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

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

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

19 BY MS. McMAHAN:

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

21 A. Yes.

22 Q. And what was he doing in there?

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

25 Q. What kind of coins?

1 A. It was an old coins.

2 Q. I'm going to show you State's Exhibits Three and
3 Four. Do those look like the coin that he had?

4 A. Yes.

5 Q. The coins that he had?

6 A. Yes.

7 Q. Is that what he was trying to sell you?

8 A. Yes.

9 Q. Was that out of the ordinary for him to come in and
10 try to sell you a coin?

11 A. Yes.

12 Q. Why?

13 A. Just had never done it before.

14 Q. Was he the type of person that had things like this
15 to sell to you?

16 A. Well, I had never seen him with anything like that
17 before. Never mentioned it, talked about it or anything
18 like that.

19 Q. Was he the type of person that would come in and
20 spend large quantifies of money in there?

21 A. Not really.

22 Q. Did you see Daryl Arnette in there?

23 A. Yes, I did.

24 Q. When did you see Daryl Arnette in there?

25 A. Within a day or two.

1 Q. Within a day of two?

2 A. After that.

3 Q. Of Mr. Williams coming in?

4 A. Yes.

5 Q. Did you talk to Daryl?

6 A. I did.

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

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

11 Q. Did you tell Daryl?

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

13 Q. Come in?

14 A. Come into the store, yes.

15 Q. Did you tell him who that was?

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

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

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

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

21 THE COURT: Any cross?

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

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

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

1 witness be excused.

2 THE COURT: Any objection?

3 MR. SCALES: No objection, Your Honor.

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

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

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

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

11 DIRECT EXAMINATION

12 BY MS. McMAHAN:

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

14 A. Lakeview.

15 Q. Did you go to school in Lakeview?

16 A. Yes, I did.

17 Q. Do you still live in Lakeview?

18 A. No.

19 Q. Don't live there now?

20 A. No.

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

22 A. Yes.

23 Q. Who were you living with?

24 A. My mother.

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

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

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

5 A. Yes.

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

7 A. Just around.

8 Q. Just around town?

9 A. Yes.

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

12 A. Yes.

13 Q. What happened that day?

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

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

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

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

5 A. Yes.

6 Q. Do you remember ---

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

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

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

18 Q. Did you ---

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

22 Q. And after that what did you do?

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

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

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

8 A. I'm a car salesman.

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

10 A. Yes.

11 Q. Where did you work down there?

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

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

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

20 Q. Where was the car show?

21 A. In Duluth, Georgia.

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

24 A. No.

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

1 A. No.

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

4 A. No.

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

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

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

10 A. Right.

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

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

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

17 A. No.

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

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

22 Q. How old was the shirt?

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

1 Q. Just before you had moved back?

2 A. Right.

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

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

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

7 A. Right.

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

9 A. No.

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

12 A. No.

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

15 A. No.

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

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

24 MS. McMAHAN: Nothing further, Your Honor.

25 THE COURT: Cross.

CROSS-EXAMINATION

BY MR. SCALES:

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

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

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

A. Yes.

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

A. Yes.

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

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

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

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

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

4 A. No.

5 MR. SCALES: No further questions.

6 THE COURT: All right.

7 MS. McMAHAN: Nothing further from the State.

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

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

12 CLERK OF COURT: Good morning.

13 THE WITNESS: Good morning.

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

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

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

21 DIRECT EXAMINATION

22 BY MR. ANDERS:

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

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

25 Q. How long you been doing that?

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

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

5 A. Approximately around 16 years.

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

8 A. Yes, I did.

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

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

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

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

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

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

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

6 BY MR. ANDERS:

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

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

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

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

20 A. That is correct.

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

23 THE COURT: Any objections?

24 MR. SCALES: No objection, Your Honor.

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

1 case entered into evidence without objection.

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

4 BY MR. ANDERS:

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

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

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

16 A. No.

17 Q. Do you always find fingerprints?

18 A. Not always.

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

21 A. Say again.

22 Q. You tried to recover fingerprints?

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

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

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

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

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

7 A. No, sir.

8 Q. They could not have been used?

9 A. They could not.

10 Q. There were no eye eyewitnesses?

11 A. That's correct.

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

13 A. Nobody did.

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

16 A. Say again.

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

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

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

1 A. Yes, she did.

2 Q. To the best of her knowledge?

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

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

8 A. Yes.

9 Q. Based on the dollar amount?

10 A. Yes.

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

12 ---

13 A. Yes, it did.

14 Q. --- of personal property?

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

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

19 THE COURT: All right. Cross.

20 CROSS-EXAMINATION

21 BY MR. SCALES:

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

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

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

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

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

7 A. To the best of our ability.

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

10 A. Yes.

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

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

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

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

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

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

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

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

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

9 A. Not from the front anyway.

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

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

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

14 BY MR. SCALES:

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

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

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

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

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

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

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

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

7 Q. Okay.

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

9 THE COURT: All right. Any redirect?

10 MR. ANDERS: No, Your Honor.

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

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

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

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

19 COLLOQUY

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

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

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

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

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

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

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

25 MR. WILLIAMS: Yes, sir.

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

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

11 MR. WILLIAMS: Yes, sir.

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

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

15 THE COURT: I can't hear you.

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

17 THE COURT: You do not want to testify?

18 MR. WILLIAMS: No, sir.

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

20 MR. WILLIAMS: Yes, sir.

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

23 MR. WILLIAMS: Yes, sir.

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

1 MR. WILLIAMS: Yes, sir.

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

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

9 THE COURT: Sure.

10 MR. SCALES: Thank you.

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

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

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

18 MR. SCALES: No objections, Your Honor.

19 THE COURT: How about from the State?

20 MR. ANDERS: No objection, Your Honor.

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

23 MR. SCALES: None, Your Honor.

24 THE COURT: How about from the State?

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

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

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

9 MR. SCALES: No, Your Honor.

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

13 MR. SCALES: Yes, Your Honor.

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

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

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

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

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

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

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

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

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

1 State.

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

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

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

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

16 THE COURT: All right.

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

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

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

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

9 MR. ANDERS: Yes, sir.

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

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

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

1 MR. ANDERS: Thank you, Your Honor.

2 MR. SCALES: Yes, Your Honor.

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

5 MR. SCALES: Yes, Your Honor.

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

8 MR. SCALES: Yes, Your Honor.

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

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

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

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

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

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

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

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

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

7 MR. SCALES: I apologize, Your Honor.

8 THE COURT: You have that right.

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

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

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

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

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

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

24 CHARGE OF THE COURT

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

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

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

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

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

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

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

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

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

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

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

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

25 I charge you that the defendant is entitled to every

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 Intent may be shown by acts and conduct of the

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

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

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

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

25 In this regard you have been selected by both the

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

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

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

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

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

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

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

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

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

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

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

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

12 MR. SCALES: Thank you, Your Honor.

13 THE COURT: Thank you.

14 CLOSING STATEMENT BY MR. SCALES

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

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

1 witnesses.

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

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

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

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

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

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

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

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

21 THE COURT: The State is recognized.

22 MR. ANDERS: May it please the Court.

23 CLOSING STATEMENT BY MR. ANDERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 to do so. Thank you.

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

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

6 MR. ANDERS: No, Your Honor.

7 THE COURT: From the Defense?

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

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

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

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

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

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

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

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

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

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

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

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

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

17 QUESTION NO. 01 FROM THE JURY

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

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

23 THE COURT: That would be my guess.

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

1 THE COURT: What does the Defense say?

2 MR. SCALES: I agree.

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

8 MR. SCALES: Yes, Your Honor.

9 MR. ANDERS: Yes, Your Honor.

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

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

15 THE COURT: Take it easy until something happens.

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

18 QUESTION NO. 02 FROM THE JURY

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

25 MR. ANDERS: Yes, Your Honor.

1 MR. ANDERS: No, Your Honor.

2 THE COURT: From the Defense?

3 MR. SCALES: No objection, Your Honor.

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

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

8 VERDICT OF THE JURY

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

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

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

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

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

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

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

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

1 reconvenes at 4:38 p.m.)

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

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

5 JURY FOREPERSON: Yes, sir.

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

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

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

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

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

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

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

25 MR. ANDERS: No, Your Honor.

1 THE COURT: How about from the Defense?

2 MR. SCALES: None, Your Honor.

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

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

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

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

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

17 THE COURT: Five. Any prior record?

18 MS. McMAHAN: Yes, Your Honor.

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

20 MS. McMAHAN: Yes, Your Honor.

21 THE COURT: Anything of a prior record?

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

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

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

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

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

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

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

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

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

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

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

10 THE COURT: All right. Yes, sir.

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

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

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

25 UNIDENTIFIED FEMALE: Jasmine.

1 COURT REPORTER: She needs to speak up.

2 THE COURT: Go ahead.

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

10 THE COURT: All right. Thank you.

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

13 THE COURT: Thank you.

14 SENTENCE OF THE COURT

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

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

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

24 THE COURT: How many days?

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

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refund of part of the finance charge.

DRIVERS LTD. NO.	SEX	RACE	AGE	HGT.	WT.	HAIR	EYES	DATE OF BIRTH	SOCIAL SECURITY NUMBER
1025506A5 SCOT.	M	B	19	509	180	BR	BR	01/23/93	
Description of the Amount Financed of \$	20.00	Amount given to you today \$	40.00	Amount Refunded \$		DATE PAID		AMOUNT PAID	

Please give article(s) pawned by me to
bearer of this ticket.I represent the above listed collateral as wholly owned and unencumbered and I
acknowledge receipt of a true copy of this contract. Pledged herein redeemable
only by the person who pawned them, unless this ticket is properly endorsed.

X Daevon Williams

PLEDGEE'S SIGNATURE

See Reverse Side For Terms And Conditions

Res. Phone

Has serial number been altered?

Yes No XX

Any evidence of third party ownership?

Yes No YY

Special Markings:

Engravings:

Any other identifiers or unusual
characteristics?

Yes No ZZ

If yes, seller/pledgor ownership verified by

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

X

PLEDGEE'S SIGNATURE

X

PLEDGEE'S SIGNATURE



Contents Inventory Summary

Created on 10-04-12

Page 1 of 3

Customer: BRENDA G ARNETTE

Claim Number: 400V41882

Date of Loss: 03-27-2012

Policy Number: 40C598531

Catastrophe Code:

Personal Property Limits: \$95,700.00

Claim Handler:

(855)581-0951

Unit:

Z2

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

* Indicates an item was ordered through Replacement Service.

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

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

1000243

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2004 128266 204 07-07-2011

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DILLON CO CQC

8438413706

01/28/2016 13:57

PAGE 09/10

Claim Number: 400V41882

Customer: BRENDA G ARNETTE

Page 2 of 3

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

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

DILLON CO COC

8438413706

13:57

09/28/2015

* Indicates an item was ordered through Replacement Service.

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

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

1000243

Page 2 of 3

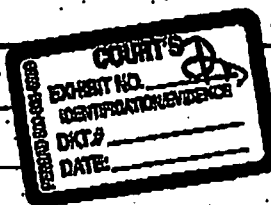
2004 128266 204 07-07-2011

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

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

Please continue your
deliberations

Judge Seals



WITNESSES

Chief James T. McDaniels- Lake View
Police Department

ARREST WARRANT NUMBER

DIL 0644
Direct Presentment

ACTION OF GRAND JURY

TRUE BILL

Mark A. Townsend
Foreperson of Grand Jury

Date: 10/16/14
VERDICT

Foreperson of Petit Jury

Date:

Docket Number 2014-GS-17- 0642

The State of South Carolina

County of Dillon

COURT OF GENERAL SESSIONS

October Term

THE STATE

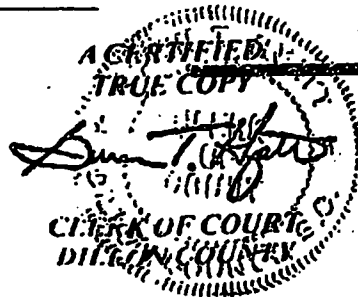
vs.

Daevon Williams
DEFENDANT

Indictment for

Grand Larceny

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



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

Defendant

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

Defendant

Witness:

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

RECEIVED

DEC 19 2014

SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF DILLON

)
) IN THE COURT OF GENERAL SESSIONS
)

INDICTMENT

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

Grand Larceny

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

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


 ALAN WILSON/ JSA
 SOUTH CAROLINA ATTORNEY GENERAL

102:

STATE OF SOUTH CAROLINA

COUNTY OF

STATE

AKA:

Race:

Sex:

DOB:

SSN:

Address:

City, State, Zip:

DL#

SID#

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

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

TO:

In violation of § 16-13-0030(B) of the S.C. Code of Laws, bearing CDR Code # 3420

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense,The plea is: ☐ Without Negotiations or Recommendation,☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)
☐ Negotiated Sentence, ☐ Recommendation by the State.

TEST:

Assistant Attorney General

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 5 days/months/years 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. 5 days☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms:

☐ Sent by SCDBPPS

Recipient:

*Fine:

§14-1-208 (Assessments 197(5%))	\$	100.00
§14-1-211 (A)(1)(Conv. Surcharge)	\$	100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$	100.00
§56-5-2995 (DUI Assessment)	\$	12.00
§56-1-286 (DUI Breath Test)	\$	25.00
Proviso 47.9 (Public Def/Prob)	\$	500.00
§14-1-212 (Law Enforce. Funding)	\$	25.00
§14-1-213 (Drug Court Surcharge)	\$	150.00
§50-21-114 (BUI Breath Test Fee)	\$	50.00
§56-5-2942(J) (Vehicle Assessment)	\$	40/ea
Proviso 90.5 (SCCJA Surcharge)	\$	5.00
3% to County (if paid in installments)	\$	3.90
TOTAL	\$	133.90

Clerk of Court/Deputy Clerk:

Court Reporter:

Presiding Judge

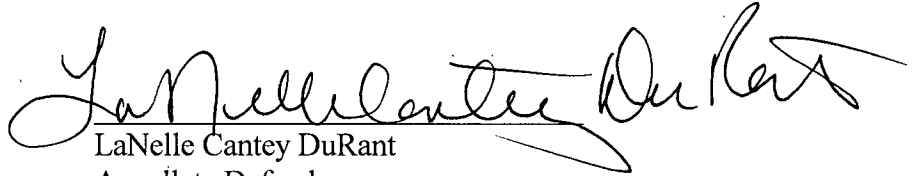
Judge Code:

Sentence Date

CERTIFICATE OF COUNSEL FOR APPELLANT

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

June 13th, 2016



LaNelle Cantey DuRant
Appellate Defender

RECEIVED

JUN 13 2016

SC Court of Appeals

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

ATTORNEY FOR APPELLANT