

 ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM PICKENS COUNTY

James R. Barber, III, Circuit Court Judge

RECEIVED

MAR 23 2015

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

VINCENT MISSOURI,

APPELLANT

APPELLATE CASE NO. 2014-001176

RECORD ON APPEAL

TIFFANY L. BUTLER
Appellate Defender

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

Attorney for Appellant

ALAN WILSON
Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211
(803) 734-3727

Attorneys for Respondent

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STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF PICKENS	)	Case No(s) : 2012GS2302203,
	)	2012GS2302242
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
-VS-	)	TRANSCRIPT OF RECORD
	)	
Vincent Missouri,	)	
	)	
Defendant.	)	
	)	

December 19, 2013
Pickens, South Carolina

B E F O R E:

HONORABLE LETITIA H. VERDIN, Judge.

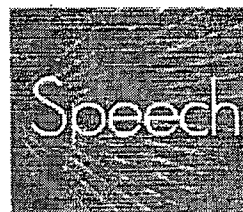
A P P E A R A N C E S:

DOUG RICHARDSON, Esquire
Attorney for the Plaintiff

AARON ANGELL, Esquire
Attorney for the Defendant

Teresa B. Johnson
Certified Verbatim Reporter
P.O. Box 2812
Greenville, S.C. 29602

Records are
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produced via



Speech CAT 7

I N D E XDIRECT CROSS REDIRECT RECROSS

Motions 4

Certificate of Reporter 13

EXHIBITS PAGENO.DESCRIPTIONID EV**PLAINTIFF EXHIBITS**

(No exhibits offered.)

DEFENSE EXHIBITS

(No exhibits offered.)

COURT EXHIBITS

(No exhibits offered.)

P R O C E E D I N G S

(WHEREUPON, the proceedings begin on the 19th day of December, 2013 at approximately 11:23 a.m.)

THE COURT: All right. Come on up here to the microphone. There we go.

MR. MISSOURI: I need to have a minute to sort this out please.

THE COURT: What all do you got there?

MR. MISSOURI: The motions that we supposed to hear.

THE COURT: No, the only motion I'm hearing today is the motion to be relieved as counsel.

MR. MISSOURI: That's fine.

THE COURT: That's the only motion I've got.

MR. MISSOURI: That's fine.

THE COURT: All right. Yes, sir.

MR. ANGELL: Thank you, Your Honor. May it please the Court. We are here for, essentially, Mr. Missouri's motion I filed with the court on behalf of him. He -- from an administrative standpoint, he's appointed counsel in Greenville for other charges, Symmes Culbertson, I believe, on those.

1 **THE COURT:** Okay.

2 **MR. ANGELL:** I'm not sure of the status of
3 that representation. But for here now, I
4 represent him on four charges here in Pickens.

5 **THE COURT:** Okay. All right. Yes, sir.
6 You want to tell me why you'd like, uh, him
7 relieved as your counsel?

8 **MR. MISSOURI:** Uh, yes, ma'am.

9 **THE COURT:** I know you filed written
10 motions. But if there's anything in addition
11 you'd like today, go ahead.

12 **MR. MISSOURI:** Just based on the time and
13 the amount of cases Mr. Aaron has and the
14 complexity of my defenses, I feel it'd be
15 better that I have either someone that doesn't
16 have as much of a case load as he has or either
17 I be prepared to represent myself.

18 **THE COURT:** Well, let's talk about that
19 for one second, Mr. Missouri. I really want
20 you to think about this, think this one
21 through.

22 **MR. MISSOURI:** Okay.

23 **THE COURT:** You want an attorney that's
24 not that busy. Good attorneys are busy because
25 they have lots of clients that want them to

1 represent them, right?

2 MR. MISSOURI: Right.

3 THE COURT: So the fact that he's got lots
4 of clients should let you know he's a good
5 attorney who knows what he's doing.

6 MR. MISSOURI: Yeah, most of the time,
7 that would be true unless you have experienced
8 deficiencies in his performance. I mean, he's
9 been with me since June, I think, June or July
10 of 2012. There's a lot of things that I
11 required as defense too that I'm still lacking.
12 It's based on our past attorney/client
13 relationship that I make this decision, not out
14 of just assumptions.

15 THE COURT: I got you. I got you. What's
16 the State's position on this?

17 MR. RICHARDSON: Your Honor, we are
18 opposed to Mr. Aaron coming down -- off as his
19 defense attorney. He's already had one defense
20 attorney who was relieved in June earlier.
21 It's my understanding he also has made a motion
22 in Greenville. He has Greenville charges, the
23 same type of charges. This main charge here is
24 a bank robbery where he's asked to basically
25 fire Mr. Culbertson who represents him in

1 Greenville.

2 Your Honor, we plan on trying this case in
3 the spring. At this point in time, I've had
4 negotiations and dealings with his attorney. I
5 would ask that you deny the motion.

6 **THE COURT:** Mr. Angell, do you want to say
7 anything?

8 **MR. ANGELL:** Judge, from my vantage point,
9 it seems as if Mr. Missouri is unhappy with me.
10 I told him --

11 And I'm not going to speak for you.

12 -- but I told him there was probably one of
13 three things that would happen is you let him
14 go on pro se, you'd keep me on board or he
15 fires me and you hire one more. I don't know
16 what you want to do.

17 **THE COURT:** What is he charged with?

18 **MR. RICHARDSON:** Your Honor, he's charged
19 with bank robbery. In state court, it's
20 Entering a Bank with Intent to Steal, Armed
21 Robbery, Failure to Stop.

22 **THE COURT:** Pro se is not in the realm of
23 possibility right now.

24 **MR. ANGELL:** Probably not, Your Honor.
25 And I wanted to say for the record when I was

1 first appointed -- I believe he had a lawyer or
2 two before me -- we did do a bond reduction for
3 him. Judge Miller reduced the bond for him.
4 He was actually able to get out on an ankle
5 monitor and then received some subsequent
6 charges.

7 **THE COURT:** But he did have a positive
8 result ---

9 **MR. ANGELL:** Yeah, I gave him something.

10 **THE COURT:** --- from your representation.
11 I see what you're saying. I see what you're
12 saying.

13 Anything else you would like to add, sir?

14 **MR. MISSOURI:** Certainly, Your Honor. And
15 it's another thing. I see -- who is this
16 gentleman here I don't recognize?

17 **THE COURT:** He's the prosecutor.

18 **MR. MISSOURI:** Mr. ---

19 **MR. RICHARDSON:** Doug Richardson.

20 **MR. MISSOURI:** --- Doug Richardson, I
21 wrote --

22 **THE COURT:** Direct your comments to me.

23 **MR. MISSOURI:** Okay. Well, I don't have
24 any indictments, Your Honor. I have requested
25 and requested. I see I was noticing the ones

1 that's sitting over there now. I haven't had
2 any indictments. It's June 18th, 2012. I see
3 he has indictments. I have pieces of paper
4 that actually says indictments. They haven't
5 been filed with the court, nor have they been
6 presented to the Grand Jurors of South
7 Carolina.

8 **THE COURT:** That sounds like something we
9 could remedy pretty easily.

10 **MR. MISSOURI:** Well, yes, ma'am, but I
11 don't -- you know, I'm the accused. I'm
12 supposed to be put on notice at an adequate
13 point of time if the State is planning on
14 prosecuting me for these charges, but I've been
15 left out of the loop. I see he has a copy of
16 them, but I don't. I'm the accused.

17 **MR. RICHARDSON:** I'll be more than happy,
18 Your Honor, to make copies of the indicted
19 cases and give it to his attorneys. Those are
20 actually on file with the clerk's office in
21 Pickens.

22 **THE COURT:** It seems the prosecutor is
23 more than willing to hand those over and will
24 do that. All right. Here's what I'm going to
25 do, Mr. Missouri. Here's what we're going to

1 do. You've got an outstanding attorney. I'm
2 going to leave you with him. This is your
3 second attorney on this case. I can't relieve
4 this second attorney but he's an outstanding
5 attorney. If you have any hope of doing well
6 in the spring at trial, we don't need to change
7 horses in midstream.

8 Please don't take offense to me calling you
9 a horse.

10 We don't need to change horses in
11 midstream. We need to -- you need to -- from
12 this point forward, you need to do everything
13 you can to work with Mr. Angell and y'all get
14 along. I have no doubt that you will do so. I
15 wish you the best of luck with it.

16 **MR. MISSOURI:** Can I ask you one more
17 question, Judge?

18 **THE COURT:** Uh, maybe. I don't know if
19 I'm going to answer it or not but I will listen
20 to it.

21 **MR. MISSOURI:** Who do I con -- who would I
22 contact in the event that I am petitioning to
23 Mr. Angell to file a motion because there's a
24 local rule by the Supreme Court of South
25 Carolina --

1 **THE COURT:** If you just -- if you just get
2 in touch with Mr. Angell -- and let me tell
3 you, Mr. Missouri, I've gotten some mail from
4 you.

5 **MR. MISSOURI:** Uh-huh.

6 **THE COURT:** I want you to know that is not
7 the avenue that you should go. When you are
8 represented, everything needs to come through
9 your attorney and let me tell you why. It
10 sounds like maybe you have devoted yourself to
11 studying some law, but you don't know law like
12 this man knows law and you don't know strategy
13 the way he knows strategy. Because as you
14 said, he represents a number of clients and
15 he's been around this block a number of times.
16 There could be things you say to my office that
17 he doesn't want you to say. In other words,
18 things you say about the defense of this case.

19 **MR. MISSOURI:** Uh-huh.

20 **THE COURT:** I have to give a copy to
21 everybody involved otherwise it would be an ex
22 parte communication.

23 **MR. MISSOURI:** Uh-huh.

24 **THE COURT:** So you make everything go
25 through your lawyer. He's here to make sure

1 you're not saying something you shouldn't.

2 Okay? Good luck to you.

3 **MR. MISSOURI:** So in other words, I have
4 to keep him.

5 **THE COURT:** Bottom line, you got to keep
6 him. You're going to be happy with him.

7 **MR. MISSOURI:** Oh, boy. Thank you, Judge.

8 **THE COURT:** Thank you.
9

10 (WHEREUPON, the proceedings conclude at
11 approximately 11:31 a.m.)
12
13
14
15

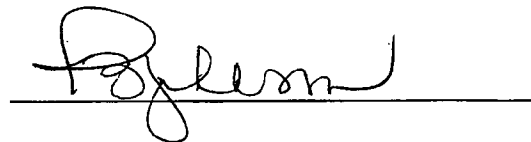
CERTIFICATE

13

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

I, the undersigned, Teresa B. Johnson, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Pickens, South Carolina, on this 6th day of August, 2014.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

A handwritten signature in cursive script, appearing to read 'T. B. Johnson', is written over a horizontal line.

Teresa B. Johnson

Official Court Reporter

STATE OF SOUTH CAROLINA
COUNTY OF PICKENS

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,

PLAINTIFF,

-VS-

VINCENT MISSOURI,

DEFENDANT.

2012-GS-39-02203

MAY 19-20, 2014

TRANSCRIPT OF RECORD

BEFORE:

THE HONORABLE JAMES R. BARBER, III, JUDGE

APPEARANCES:

DOUG RICHARDSON, ESQUIRE
ATTORNEY FOR THE STATE

AARON ANGELL, ESQUIRE
ATTORNEY FOR THE DEFENDANT

DANETTE P. HANKS
CIRCUIT COURT REPORTER

<u>I N D E X</u>				
WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
Samuel Lane Byers - In-Camera Richardson Angell	14	22	24	
Rachel White Richardson Angell	65	81	85	
Morgan Dorriety Richardson Angell	86	92		
Bobby Wright Richardson Angell	94	99		
Brian Byers Richardson Angell	107	110		
J.T. Albrecht Richardson Angell	113	115		
Tim Morgan Richardson Angell	116	118	119	
Keith Galloway Richardson Angell	119	130		
Scott Ticknor Richardson Angell	131	137		
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DEFENDANT'S EXHIBITS

	(NONE)		

COURT'S EXHIBITS

	(NONE)		

JURY VOIR DIRE

Juror #	Name	Race	Sex	Strikes			Accept
				Court	Plaintiff	Def.	
144	Snyder, James H	W	M			x	
93	Manley, Robbie A	W	F		x		
124	Posey, Joy W	W	F			x	
43	Dinkins, Rodney K	B	M				x
154	Turner, Sheila J	W	F				x
31	Center, Gladys B	W	F			x	
81	Jones, Jeremy D	W	M				x
16	Blackwood, John K	W	M			x	
79	Jameson, Lake H Jr	W	M				x
94	Marchbanks, Sandra B	W	F				x
130	Rider, Donald P	W	M		x		
155	Ward, Jack C Sr	W	M				x
111	Mulligan, Brenda M	W	F				x
65	Hammond, Julie M	W	F			x	
70	Heard, Brenda G	B	F		x		
53	Fletcher, Karen M	W	F			x	
157	Wentworth, Adam D	W	M				x
56	Frazor, Weston C	W	M				x
27	Burgess, Grace A	W	F				x
121	Pittman, Sherry B	W	F				x
160	Wray, Lisa L	W	F				x
146	Spearman, Kendall A	W	F				x

1 THE COURT: And let twelve citizens of this county
2 listen to the evidence and they would ultimately determine
3 whether you're guilty or not. They would judge the evidence
4 and determine what they believe to be the facts. They would
5 apply the law. And then they would reach a verdict on the
6 three charges that are pending against you. Do you
7 understand that?

8 THE DEFENDANT: Yes, sir, I do.

9 THE COURT: And of course, you can waive that.
10 And if it's waived, the state has to concur with you in
11 going forward with a non-jury bench trial. And of course,
12 the court has to agree to it, as well. Do you understand
13 that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And I have not made a decision. It's
16 my understanding the state has no objection to that. Is
17 that correct, Mr. Richardson?

18 MR. RICHARDSON: We do not have an objection.

19 THE COURT: Of course, if the jury hears it,
20 there's twelve citizens on that jury and the law requires
21 that they be unanimous in whatever the verdict is. Do you
22 understand that?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And so we can't be eleven/one or
25 twelve -- I mean nine/three. It has to be unanimous. And

1 if they can't get a unanimous verdict then the jury is hung
2 and a mistrial would be granted. Do you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And it would be up to the state to
5 determine after that whether they wish to proceed with the
6 case again. Do you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: What is it you need to know to make
9 your decision, Mr. Missouri?

10 THE DEFENDANT: Well, it's the complexities of the
11 defense that I was discussing with Mr. Angell that I would
12 be wanting to go forward dealing with involuntary
13 intoxication. And it would be sort of like asking a jury
14 that's not familiar with the law to actually participate in
15 the legal gymnastics of the mind. I don't think they would
16 be capable of appreciating such a defense in order to
17 actually determine whether or not I could be actually held
18 guilty under such a diminished capacity.

19 THE COURT: So your defense would be intoxication?

20 THE DEFENDANT: Involuntary intoxication, Your
21 Honor, based on addiction, long term addictions.

22 THE COURT: Well, you understand that intoxication
23 is not a defense in South Carolina?

24 THE DEFENDANT: Not intoxication alone. Yes, sir,
25 I understand that.

1 THE COURT: The jury would be charged with that,
2 as well. Well, we need to -- I understand there are some
3 pretrial matters that need to be addressed.

4 THE DEFENDANT: Probably about eighteen months of
5 them.

6 THE COURT: No.. Well, I understand there a
7 statement that the state is alleging that you gave in this
8 case.

9 THE DEFENDANT: I sure did.

10 THE COURT: So there's going to have to be what we
11 call a Jackson v. Denno hearing to determine the
12 voluntariness of the statement.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: What other motions are there, Mr.
15 Angell?

16 MR. ANGELL: Your Honor, my client wants a change
17 of venue, as well. He feels that he won't get a fair trial
18 in this county based on what he's told me, demographics, and
19 he's not comfortable should he serve -- should a jury of
20 twelve serve in this case. I know that's yet to be seen.
21 We're not sure where we're going on that, whether it's a
22 bench trial or a jury trial.

23 Also a motion to dismiss for malicious prosecution.
24 And a couple of others that Mr. Missouri is ---

25 THE COURT: Well, you're the attorney. You would

1 be the one that would be putting up whatever we need to put
2 up. So what other motions do you believe are meritorious
3 that we would hear this morning other than the Jackson v.
4 Denno, a change of venue and, I believe, a malicious
5 prosecution?

6 MR. ANGELL: Those are all that come to mind,
7 Judge, that I have that I think are meritorious.

8 THE COURT: Have y'all filed motions?

9 MR. ANGELL: No, sir.

10 THE COURT: These are just oral motions that
11 somebody's going to make?

12 MR. ANGELL: Yes, sir.

13 THE COURT: All right. Is that it?

14 THE DEFENDANT: That may be it as far as Mr. Aaron
15 is concerned, Mr. Angell here. I have a motion -- several
16 motions challenging the process for which the indictment was
17 received. I have motions protecting my right to a speedy
18 trial. I have a motion dealing with ---

19 THE COURT: Well, your lawyer is the one that has
20 the motions, Mr. Missouri. He is the attorney in the
21 matter. You certainly have a right to discuss with him what
22 motions you think your lawyer should consider. But the
23 lawyer is the one that makes the motions. He's representing
24 you in this matter.

25 All right. Should we go forward with the Jackson v.

1 Denno hearing right now?

2 MR. ANGELL: Yes.

3 THE COURT: We'll go through whatever other
4 motions we have to after that.

5 THE DEFENDANT: Your Honor, could I say one other
6 thing before we go into that? To put it on the record, I
7 had also, eight days after this incident occurred in Pickens
8 County, I also filed a motion prior to Mr. Aaron Angell
9 being appointed to my case, to actually represent this
10 situation myself. I had a motion that was filed with the
11 Pickens County clerk asking for self-representation so that
12 we don't get into a situation whereas a motion that should
13 ---

14 THE COURT: So there's a motion to terminate Mr.
15 Angell and to represent yourself?

16 THE DEFENDANT: Yeah. There's also a motion
17 pending that Judge Verdin heard on December the 19th, 2013,
18 and she denied that motion.

19 THE COURT: Well, that motions has been taken care
20 of.

21 THE DEFENDANT: And there's been a subsequent one
22 on appeal.

23 THE COURT: I don't know about an appeal. That
24 motion has already been heard.

25 THE DEFENDANT: But it wasn't based on the factual

1 finding as I understood it.

2 THE COURT: Well, I can't go behind her on her --
3 I don't know anything about her ruling, but if she denied
4 the motion, I don't have the ability to go back and say,
5 hey, you were wrong, and I -- because I'm here now -- I just
6 can't undo what some other judge has already done and ruled
7 on. And if there's an error in that regard, then you will
8 have to deal with that in the future.

9 You understand that the state is not going forward with
10 an armed robbery charge? They have -- they're going forward
11 with a strong armed robbery, common law robbery, which is a
12 lesser included of armed robbery.

13 THE DEFENDANT: So the charges are bank robbery;
14 it's going to be strong armed robbery?

15 THE COURT: It's strong armed robbery, bank
16 robbery, or entering the bank, entering the bank or
17 depository or building and loan with the intent to steal.
18 The armed robbery is not -- the armed robbery was a thirty
19 year sentence, maximum thirty years, which you've got to do
20 -- what is the minimum; ten? Isn't that right?

21 MR. RICHARDSON: That's correct, Your Honor.

22 THE COURT: There's a failure to stop for a blue
23 light, which is a three-year charge. And the bank robbery,
24 for lack of a better term, bank robbery, that's a thirty
25 year with no mandatory minimum on that. Do you understand

1 those charges?

2 THE DEFENDANT: Yes, Your Honor, I understand
3 them.

4 THE COURT: So as I say, the state is not going
5 forward with an armed robbery. They're doing the lesser
6 included common law robbery, strong armed robbery, which is
7 the maximum sentence of fifteen years.

8 All right.. Let's ---

9 THE DEFENDANT: The maximum sentence is fifteen
10 years now, that's what I'm What's the highest charge
11 that we're looking at here? Okay.

12 THE COURT: The difference between -- I mean, the
13 difference between an armed robbery and strong -- sentence-
14 wise is there's a mandatory minimum on a strong armed
15 robbery -- I mean, on an armed robbery. There is none on
16 the entering the building for theft on the bank robbery.

17 THE DEFENDANT: Okay.

18 THE COURT: So you could get anything from one day
19 to thirty years, if you were convicted on that charge. You
20 understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: All right. State ready to go forward
23 on the Jackson v. Denno?

24 MR. RICHARDSON: Yes, Your Honor, the state's
25 ready.

1 THE COURT: All right.

2 MR. RICHARDSON: State would call Detective Sam
3 Byers to the stand.

4 THE CLERK: Do you solemnly swear or affirm the
5 testimony you're about to give in this case to be the truth,
6 the whole truth and nothing but the truth, so help you God?

7 THE WITNESS: I do.

8 THE CLERK: Thank you, sir. If you would have a
9 seat and state your name for the record, please.

10 THE WITNESS: Detective Samuel Lane Byers.

11 **IN-CAMERA TESTIMONY**

12 **SAMUEL LANE BYERS,**

13 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

14 **DIRECT EXAMINATION**

15 **BY MR. RICHARDSON:**

16 Q. Detective Byers, where are you employed?

17 A. Pickens City Police Department.

18 Q. And how long have you been employed with the Pickens
19 City Police Department?

20 A. Eleven and a half years now.

21 Q. Okay, sir. And back on -- well, are you a detective?

22 A. Yes, sir.

23 Q. And back on April -- excuse me -- June the 18th of
24 2012, were you working as a detective with the Pickens
25 Police Department?

1 A. Yes, sir.

2 Q. Okay, sir. And in that capacity did you investigate a
3 case involving a Vincent Missouri?

4 A. Yes, sir.

5 Q. Okay. And as part of that investigation did you have
6 an opportunity to interrogate or interview the defendant?

7 A. Yes, sir.

8 Q. And was that after the defendant had been placed in
9 custody and, in fact, arrested on the charges that we're
10 here today about?

11 A. Yes, sir.

12 Q. Okay, sir. Now, where did you have this interview?

13 A. It was at the Pickens County Detention Center.

14 Q. Okay, sir. And was that actually the location of
15 where the defendant was incarcerated?

16 A. Yes, sir.

17 Q. And at the Pickens Detention Center is there a
18 particular room or area that interviews are done?

19 A. They have a couple of rooms. There was one room
20 directly adjacent to the lobby area where they processed
21 inmates in that we went into and spoke.

22 Q. Okay, sir. And just can you briefly describe the
23 room? Did it have windows or ---

24 A. There's no windows. There's one door. There was a
25 single table and approximately four chairs in the room.

- 1 Q. Okay, sir. And were you the only officer in that area
- 2 ---
- 3 A. Yes, sir.
- 4 Q. --- with Mr. Missouri?
- 5 A. In that room, yes, sir.
- 6 Q. And was anybody else in the room?
- 7 A. Mr. Missouri was with me.
- 8 Q. Okay. And when you first came in and started talking
- 9 to Mr. Missouri, did you ascertain whether he was -- he
- 10 appeared intoxicated or under the influence of any alcohol
- 11 or drugs or anything of that nature?
- 12 A. He did not appear to be at that time.
- 13 Q. Okay, sir. And did you find him behaving in any
- 14 bizarre or weird manner?
- 15 A. No, sir.
- 16 Q. Okay, sir. Was he being cooperative with you?
- 17 A. Yes, sir.
- 18 Q. And let me hand you -- when you first go into the room
- 19 in your first conversation with Mr. Missouri, what takes
- 20 place?
- 21 A. The first thing I do with him is advise him that I
- 22 need to read him Miranda rights.
- 23 Q. And did you, in fact, give him his Miranda rights?
- 24 A. Yes, sir.
- 25 Q. Okay. Let me hand you what's been previously marked

1 now as State's Exhibit 1. Can you identify that, please,
2 sir?

3 A. Yes, sir.

4 Q. And what is that?

5 A. This is the advisement of Miranda rights that I went
6 over -- that I read to Mr. Missouri.

7 Q. Okay, sir. And is there a date on that?

8 A. Yes, sir. It's dated June 18, 2012.

9 Q. And is that the date of arrest?

10 A. Yes, sir.

11 Q. Okay, sir. And did you -- is there also a time on
12 there?

13 A. Yes, sir.

14 Q. And what time is indicated?

15 A. Six oh nine p.m.

16 Q. Okay, sir. And when you indicate that time, six oh
17 nine p.m., is that when the interview starts?

18 A. Yes, sir.

19 Q. Okay, sir. And did you also question him about his
20 education level?

21 A. Yes, sir.

22 Q. Okay. And is that also indicated on that form?

23 A. Yes, sir.

24 Q. And what does that indicate?

25 A. He stated he has completed twelve years of school.

1 Q. Okay. And did he corroborate that in any manner?

2 A. Yes, sir. He initialed off to the right side of it.

3 Q. He put his initials on there?

4 A. Yes, sir.

5 Q. And that's his handwriting?

6 A. Yes, sir.

7 Q. Okay. When you give the Miranda rights, just explain
8 to the judge exactly how you -- different officers do it
9 different ways. But explain how you do it from that form.
10 Do you read it to him, do you let him read, that type thing?

11 A. At that time what I do is after I determine there --
12 the years that they completed school, that they can
13 understand, read and write, of the information that's going
14 to be given to them, I allow them to hold the piece of paper
15 that they can read along with me while I read aloud. I read
16 each individual line and ask them if they understand, if
17 they would initial to the left side. And if they have any
18 questions to please ask me at that time.

19 Q. Okay, sir. And did you do that procedure with Mr.
20 Missouri?

21 A. Yes, sir.

22 Q. Okay. And did he initial on each particular right
23 that you read him?

24 A. Yes, sir. He did.

25 Q. And those are his initials, not -- that's not your

1 handwriting?

2 A. No, sir. It's not my handwriting.

3 Q. And did he indicate anywhere on there that he -- after
4 being told those rights, that he understood those rights?

5 A. Yes, sir. Line number six, he stated -- it asks, does
6 he understand these rights that have been explained to him?
7 He did check the yes box and initialed to the left side.

8 Q. Okay. And after that process of informing him of his
9 rights and his indicating he understands those rights, at
10 that point in time what do you do?

11 A. I read him the waiver at the bottom for waiver of
12 rights.

13 Q. Okay. And did you, in fact, read those rights to him?

14 A. Yes, sir.

15 Q. Okay. Excuse me. Did you read the waiver to him?

16 A. Yes, sir. I read the waiver of rights to him and he
17 also read along with me.

18 Q. And did he indicate that he wanted to waive those
19 rights?

20 A. He signed above that he did wish to waive his rights
21 and speak with me.

22 Q. Okay. And did he also date it?

23 A. Yes, sir.

24 Q. And what was the date?

25 A. 6/18/2012.

1 Q. Okay. And did you also sign this form?

2 A. Yes, sir.

3 Q. Okay. Same date?

4 A. Yes, sir.

5 Q. Okay. And was there any indication to you that he
6 didn't comprehend or understand the rights that you were
7 giving him?

8 A. No, sir.

9 Q. Did you, while he was in the room and you were
10 interviewing him -- after this, did he give a written
11 statement?

12 A. Yes, sir.

13 Q. Okay. And let me just hand you what's been marked
14 State's Exhibit 2. Can you identify that, please?

15 A. Yes, sir. This is the statement that I received from
16 Mr. Missouri on the date and time of the interview.

17 Q. Okay. And what time was that statement started?

18 A. The statement started at six thirty-six p.m.

19 Q. Okay. And did he, did he write the statement or did
20 you write it or what?

21 A. No, sir. He wrote this statement.

22 Q. Okay. That's his handwriting?

23 A. Yes, sir.

24 Q. All right. And did he also sign the statement?

25 A. Yes, sir.

1 Q. Okay, sir. And during this period of time in which
2 he's giving a statement and you're talking to him and
3 questioning him, did you prevent him from going to the
4 bathroom?

5 A. No, sir. He did not ask me to go to the restroom at
6 any time during that period.

7 Q. Okay. Did you keep him from having any food or water
8 or anything of that nature?

9 A. I was not asked to be given anything.

10 Q. Okay. Did you force him to give that statement in
11 anyway?

12 A. No, sir.

13 Q. Coerce him in anyway?

14 A. No, sir.

15 Q. Intimidate him in anyway?

16 A. No, sir.

17 Q. Did he give that statement freely and voluntarily?

18 A. Yes, sir.

19 Q. And just so we're clear, from the time that it
20 started, the interview started, I believe you testified it
21 was six oh nine?

22 A. Yes, sir.

23 Q. When did the interview complete?

24 A. The statement was signed ended at seven oh six p.m.

25 Q. Okay. So not quite an hour?

1 A. Correct.

2 Q. And after it was completed at seven oh six p.m., was
3 there any further conversations or interviews or anything of
4 that nature with the defendant?

5 A. At that time, I thanked him for his time, told him
6 that we would be in touch with him with the warrants that he
7 would be charged on.

8 Q. And throughout this process, did the defendant appear
9 rational and responsive to your questions?

10 A. Yes, sir.

11 Q. Did he appear to understand what you were asking and
12 telling him?

13 A. Yes, sir.

14 Q. Thank you. That's all the questions I have. Please
15 answer any questions defense counsel may have.

16 **CROSS EXAMINATION**

17 **BY MR. ANGELL:**

18 Q. Detective Byers; had you met my client before the day
19 of June 18? Had you ever met him before?

20 A. No, sir.

21 Q. So it was the first interaction you had ever had with
22 my client?

23 A. Yes, sir.

24 Q. You mentioned that the interview was performed in a
25 room with no windows; correct?

1 A. Correct.

2 Q. And there was nobody else in there other than the two
3 of y'all; correct?

4 A. Exactly.

5 Q. Did my client ask for a phone call at any point?

6 A. Not that I recall.

7 Q. Did he act in anyway confused in regards to the
8 confession that he submitted?

9 A. No, sir.

10 Q. I understand that he put in this confession that there
11 was a crack cocaine binge. Is that your understanding, as
12 well?

13 A. He had told me that he had used crack cocaine earlier
14 in the day.

15 Q. But you said that he didn't appear impaired in anyway
16 from your vantage point; correct?

17 A. Exactly.

18 Q. Are you trained in any drug recognition?

19 A. No, sir.

20 Q. So you can't be positive that he wasn't under the
21 influence of crack at the time of the statement; correct?

22 A. Correct.

23 Q. Did he -- did my client at any time stop in the middle
24 of the interrogation and ask for further instructions? Did
25 he at any point, at any time, question what was going on in

1 that room?

2 A. No, sir.

3 Q. So you were in there for just under an hour and he
4 agreed and cooperated through every question and explanation
5 that you had?

6 A. Yes, sir.

7 Q. Was my client -- I know there are two co-defendants in
8 this case. Was my client the first that you interviewed in
9 this case?

10 A. Yes, sir. I spoke to the co-defendant after I spoke
11 to your client.

12 Q. And the co-defendant was in the same room? You spoke
13 to the co-defendant in the same room?

14 A. Yes, sir. Later time.

15 Q. Separate from my client?

16 A. Yes, sir.

17 Q. Did my client at any point in time indicate that he
18 was interested in committing suicide to you?

19 A. Not that I recall, no, sir. I would have indicated
20 that to the detention officers.

21 MR. ANGELL: Nothing further, Your Honor.

22 THE COURT: Anything?

23 MR. RICHARDSON: Just briefly.

24 **REDIRECT EXAMINATION**

25 **BY MR. RICHARDSON:**

1 Q. Officer, how long did you testify you had been an
2 officer?

3 A. Eleven and a half years.

4 Q. Okay. You've seen people high on crack cocaine
5 before?

6 A. Yes, sir.

7 Q. Okay. And so you know what a person looks like when
8 they're high on crack cocaine?

9 A. Yes, sir.

10 Q. And in your opinion was this defendant high on crack
11 cocaine at the time of this interview?

12 A. In my opinion, no, sir.

13 Q. Thank you.

14 THE COURT: All right. Thank you, Detective. You
15 may step down.

16 Anything further from the state?

17 MR. RICHARDSON: Nothing further, Your Honor.

18 THE COURT: Anything from the defendant?

19 MR. ANGELL: Your Honor, we ask that this
20 confession be suppressed on the basis that my client
21 contends he was under the influence of crack cocaine and did
22 not voluntarily and freely make this confession. We ask
23 that Your Honor suppress the confession.

24 THE COURT: All right. I'm going to deny your
25 motion. I'm going to find that the defendant was in custody

1 at the time he was questioned by the officer. That the
2 officer reviewed with him his Miranda rights. That the
3 defendant indicated by initialing each and every right that
4 they had been reviewed by him. He signed a waiver of his
5 Miranda rights. The officer testified that the defendant
6 did this voluntarily. That he was not threatened, coerced,
7 forced or -- to make any statement. That he appeared to be
8 confident. There was nothing that indicated to the officer
9 that he -- that the defendant was under the influence of any
10 kind of determination, that he acted in a normal manner and
11 his responses were appropriate.

12 I'm going to find that the statement shall be admitted.
13 We will certainly charge the jury that, if it goes forward
14 with a jury trial, that they ultimately are the decider of
15 the facts in that matter. That the court has determined
16 that it will be admissible, but that they have to make the
17 ultimate decision as to whether the statement is voluntary.
18 If they determine it is not voluntary, that they can exclude
19 the statement and not consider it for any purpose.

20 All right. What's the next motion?

21 MR. ANGELL: Judge, the next motion is for change
22 of venue.

23 THE COURT: All right. According to Mr. Angell,
24 these motions are orally being made here this morning, Mr.
25 Solicitor, and y'all have -- I don't know what knowledge you

1 had as to -- that the motions would be made, and I don't
2 know how that may affect you and your preparation for
3 response to these motions. Are you ready to go forward with
4 them or ...

5 MR. RICHARDSON: Your Honor, I'll go forward with
6 them at this time.

7 THE COURT: All right. Mr. Angell, if you would.

8 MR. ANGELL: Thank you, Your Honor.

9 It's our contention that my client is not going to
10 receive a fair trial in Pickens. He's concerned that should
11 the jury be selected to sit for this case that they won't be
12 able to sit impartially and fairly because of his reputation
13 in town and from the news that was spread as a result of
14 this arrest. We ask that you change the venue and allow my
15 client to be tried somewhere else where he feels he'll have
16 a better opportunity to sit before a fair and impartial
17 jury. That's the extent of the defendant's motion.

18 THE COURT: All right. Mr. Solicitor.

19 MR. RICHARDSON: Your Honor, of course, you
20 qualified the jury and they said they would be fair. The
21 defendant is from Greenville County. That's where this
22 whole thing started. His reputation here, I think we need
23 some kind of particular facts proffered for the court in
24 order for that to even be considered. So Your Honor, I
25 think a jury here is going to give him a fair trial just as

1 any jury is going to do in Greenville or any other county,
2 for that matter. I don't see any difference.

3 THE COURT: Anything further?

4 MR. ANGELL: Nothing further, Your Honor.

5 THE COURT: All right. Y'all have not offered any
6 affidavit, y'all have not proffered any statisticians,
7 anybody that might come in and indicate that there is some
8 probability that your client is not going to receive a fair
9 and impartial trial. I don't know anything about his
10 reputation. Y'all have not offered anything in that regard.

11 Clearly, we have come up with a strike sheet of forty
12 jurors. We don't know who is going to be on this jury and
13 we clearly will inquire of the jury if they have any
14 knowledge about your client and if they have any knowledge
15 about the incident. And if they indicate they do and they
16 can't be fair and impartial, then we certainly -- they would
17 be struck. And you would have the opportunity to use any of
18 your strikes on a peremptory basis if you believe that
19 there's some juror that's showing some hidden bias or
20 prejudice. So we will -- I'm going to deny that motion.

21 What else we got?

22 MR. ANGELL: Your Honor, my client would like to
23 have these charges dismissed based on failure to indict
24 within thirty days -- ninety days of the arrest warrant,
25 Judge. It's my understanding that that's an administrative

1 issue and maybe not dispositive, but we wanted to put that
2 on the record and ask that you dismiss the case for the
3 indictment coming well after ninety days from the arrest
4 warrant. It was probably closer to a year and a half or so.

5 THE COURT: Anything from the state?

6 MR. RICHARDSON: Your Honor, it's not dispositive
7 to the indictment as it stands today.

8 THE COURT: That's correct. Okay. I'm going to
9 deny that motion.

10 Was there ever a motion for a speedy trial made in this
11 case?

12 MR. ANGELL: It's my understanding, Judge, that he
13 made that -- my client made that motion pro se before he was
14 represented. To my understanding there's not been one
15 renewed since then.

16 THE COURT: Well, the best he probably -- is your
17 client incarcerated?

18 MR. ANGELL: Yes, Your Honor.

19 THE COURT: Has he been incarcerated since he was
20 arrested?

21 MR. ANGELL: Outside of a short probably two weeks
22 period, Your Honor, he has been. So for the past two years
23 or so.

24 THE COURT: All right. It's unlikely that he
25 would have a speedy trial motion in a period of less than

1 two years. The charges would have been dismissed. They
2 might have ordered the case be tried at some point in time
3 and if it wasn't, set a more favorable bond -- well, I don't
4 know what kind of bond he was on or is on now, if any, so
5 anyway. What else we got?

6 MR. ANGELL: Judge, I have no further motions pre-
7 trial.

8 THE COURT: All right. Here's what we're going to
9 do. Rule 14 of the Rules of Criminal Procedure provides
10 that a defendant may waive his right to a jury trial only
11 with approval of the solicitor and the trial judge. As I
12 told you, we've got the jury calling back at twelve o'clock.
13 Is that right, Mr. Clerk?

14 THE CLERK: Yes, sir.

15 THE COURT: So we're going to -- I'm going to give
16 you some time, Mr. Angell, if you would like, to discuss
17 this further with your client. And after he's made his
18 decision, if he's made a decision that he would like to try
19 it with a bench trial, then if you and the solicitor will
20 come in my office and we'll talk about whether the court or
21 the solicitor is going to consent to his waiver. If not,
22 then we'll pick the jury at two o'clock and go forward with
23 the trial. If so, I guess we can begin today. How many
24 witnesses are you going to have, Mr. Solicitor,
25 approximately?

1 MR. RICHARDSON: Your Honor, somewhere in the
2 neighborhood of about thirteen or fourteen. Probably a
3 little less.

4 THE COURT: Where is security? Where can Mr.
5 Angell and his client ...

6 THE DEPUTY: The Grand Jury room.

7 THE COURT: All right. Take Mr. Missouri back
8 there and I'll have Mr. Angell come in in just a moment.
9 We'll let them decide.

10 All right. We'll stand in recess for about -- how much
11 time do you think you're going to need? Half an hour or so?

12 MR. ANGELL: That'll be fine. Thank you, Judge.

13 THE COURT: If we give you the information at
14 twenty till, Mr. Clerk, we can get the message ---

15 THE CLERK: Yes, sir.

16 THE COURT: All right. So we'll give you about a
17 half hour. Do y'all have any voir dire? Do you have any
18 proposed witness lists or anything that you want ---

19 MR. RICHARDSON: Yes, sir, I've got one.

20 THE COURT: Y'all step up here just a minute.

21 (WHEREUPON, Messrs. Richardson and Angell approached
22 the bar.)

23 THE COURT: All right. We'll going to stand in
24 recess for a few minutes.

25 (WHEREUPON, the court stood at recess for a short

1 break.)

2 (WHEREUPON, State Exhibit Numbers 3 through 19 were
3 marked for identification.)

4 THE COURT: You're terminating the services of
5 your attorney. You indicated at some time in the past, I
6 don't know, at the beginning of the year you indicated that
7 you wanted to relieve him of counsel and represent yourself?

8 THE DEFENDANT: In the past, yes, I did indicate
9 that.

10 THE COURT: You still interested in doing that?

11 THE DEFENDANT: I mean, you told me you couldn't
12 do ---

13 THE COURT: I'm asking you, are you still
14 interested in doing that? Because I've reconsidered it and
15 I would be willing to consider that because I think you're
16 capable of doing so. Are you interested in doing that?
17 Want to represent yourself? If you don't, you don't have
18 to. You've got a lawyer and we're going to go forward with
19 it. If you do, we're going to discuss this issue.

20 THE DEFENDANT: Could I inquire what made you
21 change your ---

22 THE COURT: I read a case while we were at lunch
23 that indicated that you might be entitled to do so.

24 THE DEFENDANT: Well, may I ask the court what
25 happens to the twenty-three months that I was trying to do

1 this and trying to ---

2 THE COURT: Mr. Missouri, I just got ---

3 THE DEFENDANT: I just have some question, sir.

4 THE COURT: --- to Pickens County today. I don't
5 know about anything that happened in the past. If you are
6 interested in representing yourself, I will have certain
7 questions I want to ask you. If I find you're competent to
8 do so, you will be able to represent yourself and we'll go
9 forward ---

10 THE DEFENDANT: Sir, are you stating on the record
11 that actually the court at an earlier time made an error?

12 THE COURT: I'm not stating anything about it.
13 I'm telling you what I'm prepared to do. If you make the
14 motion. If you don't want to make the motion, that's fine.
15 We're ready to go. What is it you want to do?

16 THE DEFENDANT: May I speak? It kind of puts me
17 in an awkward position, Your Honor, because ---

18 THE COURT: Mr. Missouri, you're no different now
19 than you were at eleven thirty this morning when Mr. Angell
20 indicated that that was something that you might want, and
21 that is to represent yourself. That's the first time I
22 heard about this.

23 THE DEFENDANT: Okay. But again, you know, you
24 stated your reason that you said you was not going to do ---

25 THE COURT: If you're prepared to make the motion,

1 I'm prepared to consider it.

2 THE DEFENDANT: And what would happen to Mr.

3 Angell?

4 THE COURT: I'll have to see. I don't know. He
5 may go home. I assume that's what you wanted when you made
6 the motion before.

7 THE DEFENDANT: Yeah, I made the motion June 26th,
8 2012, in lieu of South Carolina procedure that you can't
9 really manage your defense as far as doing -- during
10 pretrial because South Carolina Supreme Court has a

11 directive saying that if you are represented by counsel ---

12 THE COURT: Mr. Missouri, we are here today, it is
13 May 19th, we are going to pick a jury at two o'clock.

14 THE DEFENDANT: Right.

15 THE COURT: We're going to pick a jury and you're
16 either going to have this gentlemen representing you or
17 you're going to represent yourself.

18 THE DEFENDANT: Okay. If I decide to represent
19 myself, Your Honor, there's a whole ton of motions that was
20 self-constructed that haven't been, you know, ---

21 THE COURT: There are no other motions pending in
22 this court.

23 THE DEFENDANT: That he drew up, that he did, that
24 Mr. Angell have done. There's plenty motions that I have
25 did and I feel like if I'm going to be granted the authority

1 to represent myself, then it should have started at the time
2 the defense started..

3 THE COURT: Mr. Angell -- I mean, Mr. Missouri,
4 this is the first I've had this case. Do you want to
5 represent yourself? If you're not going to make a motion,
6 then I'm going to assume that you don't want to represent
7 yourself and this gentleman is going to represent you.

8 THE DEFENDANT: Okay. If I want to represent --
9 the only think I'm saying, Your Honor, and don't take that
10 the wrong way. If you grant me the right to represent
11 myself, please grant me the right to go over my material as
12 opposed to what Mr. Angell did a poor job of doing this
13 morning. Please give me that right.

14 THE COURT: No, sir.

15 THE DEFENDANT: I need to represent myself
16 completely or not at all.

17 THE COURT: We're not going to revisit the issues.
18 There's nothing that you can tell me differently that was
19 brought out -- you nor anyone else have nothing that will
20 change my mind on the Jackson v. Denno hearing.

21 THE DEFENDANT: Okay. I didn't plan to bring that
22 hearing up. That was Mr. Angell's motion.

23 THE COURT: Well, he doesn't have any choice when
24 there's a question of the voluntariness of a statement. I
25 would have done it if he hadn't done it.

1 THE DEFENDANT: Right.

2 THE COURT: In terms of a motion to change venue,
3 you've got nothing to prevail in that regard. I don't know
4 ---

5 THE DEFENDANT: Well, he didn't have anything.
6 Now, I have stuff that I could have, but I wasn't able to
7 talk during that motion.

8 THE COURT: You've got nothing based on any proof
9 or on anything that was here. What was the other motion?

10 MR. RICHARDSON: Was it change of venue?

11 THE COURT: Change of venue, there is nothing.

12 MR. RICHARDSON: Okay.

13 MR. ANGELL: The indictments, the delayed
14 indictments, Your Honor.

15 THE COURT: Oh, yeah.

16 THE DEFENDANT: Well, he raised them under the
17 rule. I raised them on the constitutional ground of due
18 process. Because due process protects administrative and
19 jurisdictional issues.

20 THE COURT: All right. I've denied the motion.

21 THE DEFENDANT: Right.

22 THE COURT: You'll have a right, if you're
23 convicted, you can appeal on everything I've done here
24 today.

25 All right. It appears that Mr. Missouri is not

1 prepared to make a motion in the matter, so we will go
2 forward with -- I don't know the state's position. The
3 state indicated that it had no objection to trying the
4 matter with a bench trial. I assume your position is you
5 still want -- well, y'all never decided on that, so I don't
6 really ---

7 MR. ANGELL: Your Honor, we'd like a jury trial.

8 THE COURT: All right. Well, that's good.

9 All right. I have gotten the voir dire from the -- I
10 mean the witness list. Was there any voir from either the
11 state or the defendant?

12 MR. RICHARDSON: There's nothing from the state,
13 Your Honor.

14 MR. ANGELL: Nothing from the defense, Your Honor.

15 THE COURT: All right. Let's bring the jury in,
16 if we could. It's five and ten; correct?

17 MR. RICHARDSON: That's correct, Your Honor.

18 THE COURT: And we're going to do one alternate.
19 Y'all don't anticipate this case going more than one night?

20 MR. RICHARDSON: I believe we'll be finished by
21 tomorrow afternoon. Yes, sir.

22 THE BAILIFF: We're waiting for one juror.

23 THE COURT: One other thing first. Mr. Missouri,
24 I've been told that you have some pending charges in another
25 county. And I've also been told that there's potential life

1 without parole as a result of all these charges that are
2 pending against you. Do you understand that?

3 THE DEFENDANT: Sure.

4 THE COURT: Pardon me?

5 THE DEFENDANT: Sure.

6 THE COURT: I didn't hear what you said?

7 THE DEFENDANT: Sure.

8 THE COURT: You do? Okay. All right.

9 One juror is not here?

10 THE BAILIFF: One juror.

11 THE COURT: One juror has not come ---

12 THE BAILIFF: Has not showed up yet. Yes, sir.

13 THE COURT: We can't wait on that one juror. Who
14 is it? I'll deal with that juror when they get here. Don't
15 let him leave.

16 Do we know what juror it is, Mr. Clerk?

17 THE CLERK: No, sir, I do not.

18 THE COURT: I assume one of the bailiffs would
19 know?

20 THE CLERK: They should, Your Honor.

21 (WHEREUPON, the jury panel entered the open court at
22 approximately 2:10 p.m.)

23 THE COURT: All right. Ladies and gentlemen, good
24 afternoon to you. As I told you this morning in jury
25 qualification, I'm Judge Barber. And we're about to select

1 a jury in a case entitled State of South Carolina versus
2 Vincent Missouri. Mr. Missouri has been charged with and
3 indicted with the following offenses: Entering a bank with
4 intent to steal, wherein the state alleged that Mr. Missouri
5 did, in Pickens County, on or about the 18th of June, 2012,
6 enter the Bank of America located at 334 East Main Street,
7 Pickens, South Carolina, with the intent to steal money
8 and/or securities for money either by force, intimidation or
9 threats.

10 He's also been indicted for the offense of strong armed
11 robbery. And the indictment alleges that Mr. Missouri did,
12 in Pickens County, on or about the 18th day of June, 2012,
13 feloniously take from the person or presence of Rachel
14 White, who was an employee of Bank of America, by means of
15 force, threats or intimidation, goods or monies being
16 described as follows: money and/or securities for money with
17 the intent to permanently deprive the owner thereof.

18 And he has been indicted for the offense of failure to
19 stop for a blue light, wherein the state alleges that Mr.
20 Missouri did, in Pickens County, on or about the 18th day of
21 June, 2012, wilfully, knowingly and unlawfully commit the
22 offense of failure to stop for a police vehicle. And that
23 the defendant, while driving on a road, street or highway of
24 the state, intentionally refused to stop when signaled to do
25 so by a police vehicle using a blue light and/or a siren.

1 Now, to these charges, ladies and gentlemen, the
2 defendant has entered a plea of not guilty, which now places
3 upon the state of South Carolina the burden of proving this
4 defendant guilty and proving him guilty beyond a reasonable
5 doubt.

6 Now, ladies and gentlemen, these indictments are not to
7 be considered by you for any purpose other than notice
8 documents. They have put the defendant on notice of the
9 particular charges. They are not evidence and they are not
10 to be considered by you for any other purpose than they are
11 notice documents.

12 Now, before we begin selection of the jury, I want you
13 to keep two things in mind. In South Carolina and
14 everywhere else, we have two basic principals of our
15 criminal justice system.

16 One, in every instance when a person comes into
17 court, the person is considered to be not guilty. And he is
18 not guilty until and unless the state proves the defendant
19 guilty and proves the defendant guilty beyond a reasonable
20 doubt.

21 The second thing you need to understand, ladies and
22 gentlemen, is the burden of proof falls upon the state of
23 South Carolina to prove this defendant guilty of each and
24 every charge. The defendant has no burden. The defendant
25 does not have to do anything in a criminal case. The burden

1 falls upon the state to prove him guilty of all the charges
2 and prove him guilty beyond a reasonable doubt.

3 Now, before we begin, ladies and gentlemen, I have
4 certain individuals I want to introduce you to. And I have
5 certain questions I want to ask you.

6 First I want to introduce you to Mr. Missouri. Mr.
7 Missouri, if you would please stand and face the jury so
8 they can see who you are. Ladies and gentlemen, this is Mr.
9 Vincent Missouri. And I would inquire at this time, is
10 there any member of this jury panel or any member of the
11 jury panel's immediate family who is related by blood or
12 connected by marriage or either now or in the past has had a
13 close personal relationship with Mr. Missouri or either now
14 or in the past has had an employment or a business
15 relationship with Mr. Missouri. If so, please stand.

16 (No response.)

17 THE COURT: All right. Thank you very much.
18 Ladies and gentlemen, most instances when parties come into
19 court, they are represented by attorneys. In fact, that is
20 the situation here today. The state of South Carolina is
21 represented by the solicitor's office of the Thirteenth
22 Judicial Circuit. And in this instance, the solicitor
23 representing the state is Mr. Doug Richardson. Mr.
24 Richardson, if you would please stand. This is Mr.
25 Richardson. He is the solicitor in this case. And I would

1 inquire at this time, is there any member of this jury panel
2 or any member of the jury panel's immediate family who is
3 related by blood or connected by marriage or either now or
4 in the past has had a close personal relationship with Mr.
5 Richardson or any member of the solicitor's office? Or
6 either now or in the past has had an employment or a
7 business relationship with Mr. Richardson or with the
8 solicitor's office of this circuit. Or either now or in the
9 past had any connection with the solicitor's office in terms
10 of a relationship? If so, please stand.

11 (No response.)

12 THE COURT: All right. Ladies and gentlemen,
13 representing the defendant in this matter is Mr. Aaron
14 Angell. And this is Mr. Angell standing now. Mr. Angell is
15 an attorney that I think he told me his offices are in
16 Clemson, but he practices throughout the state of South
17 Carolina and is a member of the South Carolina bar. And I
18 would inquire at this time, is there any member of this jury
19 panel or any member of the jury panel's immediate family who
20 is related by blood or connected by marriage or either now
21 or in the past has had a close personal relationship with
22 Mr. Angell or either now or in the past has had an
23 employment or a business relationship with Mr. Angell or
24 been represented by Mr. Angell? If so, please stand.

25 (No response.)

1 THE COURT: All right. Ladies and gentlemen, I
2 now have certain individuals -- I want to give you the names
3 of potential witnesses who may testify in this trial. And
4 if any of them are here, I would ask that they stand so that
5 the jury can see who they may be. Mr. Tim Morgan, formerly
6 with the Pickens County Sheriff's Office; Mr. Bobby Wright;
7 Mr. Morgan Dorriety, D-O-R-R-I-E-T-Y, with Bank of America;
8 Deputy Brian Byers with the Pickens County Sheriff's Office;
9 Officer Sam Byers with the Pickens City Police Department;
10 Rachel White with the Bank of America; Robby Raines with the
11 Pickens City Police Department; Scott Ticknor of the Pickens
12 County Sheriff's Office; Keith Galloway of the Pickens
13 County Sheriff's Office; Kevin Durham of the Pickens County
14 Sheriff's Office; Rodney Gregory of the Pickens City Police;
15 Tony Robinson of the Pickens County Sheriff's Office; Noe
16 Sudduth, S-U-D-D-U-T-H, of the Pickens City Police; Deputy
17 J.T. Albrecht, A-L-B-R-E-C-H-T, of the Pickens County
18 Sheriff's Office; and Officer Mike Hughes of the Pickens
19 Police Department.

20 I would inquire at this time, is there any member of
21 this jury panel or any member of the jury panel's immediate
22 family who is related by blood or connected by marriage or
23 either now or in the past has had a close personal
24 relationship with any of the individuals named that I just
25 read to you? Or either now or in the past has had an

1 employment or a business relationship?

2 Yes, ma'am. If you would please stand. Tell me your
3 name, please.

4 THE JUROR: Gladys Center.

5 THE COURT: I'm sorry. Gladys ---

6 THE JUROR: Gladys Center.

7 THE COURT: Center?

8 THE JUROR: Yes, sir.

9 THE COURT: And what is your jury number, ma'am?

10 THE JUROR: 31.

11 THE COURT: 31? All right. Hold on one second.

12 All right. Ms. Center, what is your situation?

13 THE JUROR: Keith Galloway is -- I work with his
14 wife.

15 THE COURT: You know Keith Galloway, who is a
16 potential witness in this case?

17 THE JUROR: Yes, sir.

18 THE COURT: All right. The fact that you know Mr.
19 Galloway, would that prevent you from listening to the
20 evidence in this case, and based upon such evidence,
21 rendering a fair and impartial verdict?

22 THE JUROR: I would be fair, sir.

23 THE COURT: All right. Thank you, ma'am.

24 All right. Ladies and gentlemen, when I read the
25 indictments to you, as I told you, this case arises out of

1 an alleged attempt to steal from a bank or entering a bank,
2 strong armed robbery at a bank, and a failure to stop for a
3 blue light. Does any member of this jury panel have any
4 knowledge about this case? And if so, please stand.

5 (No response.)

6 THE COURT: All right. Ladies and gentlemen, at
7 the end of this case, I'm going to charge you or instruct
8 you as to the law as it applies to this type fo case. And
9 it's your obligation to accept the law as I give it to you
10 and apply it to the facts of the case. Is there any member
11 of this jury panel who believes you will not be able to
12 comply with my instructions by applying the law that I give
13 to you to the facts of the case as determined by you? If
14 you cannot comply with my instructions, please stand at this
15 time.

16 (No response.)

17 THE COURT: Does any member of this jury panel
18 know of any bias or prejudice, either for or against, the
19 state or the defendant? If so, please stand.

20 (No response.)

21 THE COURT: Is there any member of this jury panel
22 who believes you cannot be fair and impartial to both the
23 state and the defendant? If you do not believe you can be
24 fair and impartial to both parties, please stand at this
25 time.

1 (No response.)

2 THE COURT: All right. Any further inquiry from
3 the state?

4 MR. RICHARDSON: Nothing further from the state.

5 THE COURT: Anything from the defendant?

6 MR. ANGELL: Nothing from the defense, Your Honor.

7 THE COURT: All right. Mr. Clerk, if you could.

8 Y'all have had the strike sheet; right? I assume you've had
9 a chance to review it. All right. Mr. Clerk.

10 THE CLERK: Do you want them to stand in place or
11 come up front?

12 THE COURT: Whatever y'all normally do.

13 THE CLERK: We'll have them stand in place.

14 As I call your name, if you would, please, stand.

15 Juror number 44 (verbatim) , James H. Snyder. What
16 says the state?

17 MR. RICHARDSON: Please present Mr. Snyder.

18 THE CLERK: And the defense?

19 MR. ANGELL: Please excuse this juror.

20 THE CLERK: If you would have a seat, please, sir.
21 Return to your seat, please, sir.

22 Juror number 93, Robbie A. Manley. What says the
23 state?

24 MR. RICHARDSON: Please excuse Ms. Manley from the
25 trial of this case.

1 THE CLERK: If you would return to your seat,
2 please, ma'am.

3 Juror number 124, Joy W. Posey. What says the state?

4 MR. RICHARDSON: Please present Ms. Posey.

5 THE CLERK: And the defense?

6 MR. ANGELL: Please excuse this juror.

7 THE CLERK: Return to your seat, please, ma'am.

8 Juror number 43, Rodney K. Dinkins. What says the
9 state?

10 MR. RICHARDSON: Please present Mr. Dinkins.

11 THE CLERK: And the defense?

12 MR. ANGELL: Please seat the juror.

13 THE CLERK: Come forward, please, sir, and have a
14 seat in the jury box.

15 Juror number 154, Shelia J. Turner. What says the
16 state?

17 MR. RICHARDSON: Please present Mr. Turner.

18 THE CLERK: And the defense?

19 MR. ANGELL: Please swear the juror.

20 THE CLERK: If you would come forward, please,
21 ma'am, and have a seat in the jury box.

22 Juror number 31, Gladys B. Center. What says the
23 state?

24 MR. RICHARDSON: Please present Ms. Center.

25 THE CLERK: And the defense?

1 MR. ANGELL: Please excuse this juror.

2 THE CLERK: If you would have a seat, please,

3 ma'am.

4 Juror number 81, Jeremy D. Jones. What says the state?

5 MR. RICHARDSON: Please present Mr. Jones.

6 THE CLERK: And the defense?

7 MR. ANGELL: Please swear the juror.

8 THE CLERK: If you would come forward, please,

9 sir, and have a seat in the jury box.

10 Juror number 16, John K. Blackwood. What says the

11 state?

12 MR. RICHARDSON: Please present Mr. Blackwood.

13 THE CLERK: And the defense?

14 MR. ANGELL: Please excuse this juror.

15 THE CLERK: If you would return to your seat,

16 please, sir.

17 Juror number 79, Lake H. Jameson, Jr. What says the

18 state?

19 MR. RICHARDSON: Please present Mr. Jameson.

20 THE CLERK: And the defense?

21 MR. ANGELL: Please swear the juror.

22 THE CLERK: If you would come forward, please,

23 sir, and have a seat in the jury box.

24 Juror number 94, Sandra B. Marchbanks. What says the

25 state?

1 MR. RICHARDSON: Please present Ms. Marchbanks.

2 THE CLERK: And the defense?

3 MR. ANGELL: Please swear the juror.

4 THE CLERK: If you would come forward, please,
5 ma'am, and have a seat in the jury box.

6 Juror number 130, Donald P. Rider. What says the
7 state?

8 MR. RICHARDSON: Please excuse Mr. Rider from the
9 trial of this case.

10 THE CLERK: Return to your seat, please, sir.

11 Juror number 155, Jack C. Ward, Sr. What says the
12 state?

13 MR. RICHARDSON: Please present Mr. Ward.

14 THE CLERK: And the defense?

15 MR. ANGELL: Please swear the juror.

16 THE CLERK: If you would come forward, please,
17 sir, and have a seat in the jury box.

18 Juror number 111, Brenda M. Mulligan. What says the
19 state?

20 MR. RICHARDSON: Please present Ms. Mulligan.

21 THE CLERK: And the defense?

22 MR. ANGELL: Please seat the juror.

23 THE CLERK: If you would come forward, please,
24 ma'am, and have a seat in the jury box.

25 Juror number 65, Julie M. Hammond. What says the

1 state?

2 MR. RICHARDSON: Please present Ms. Hammond.

3 THE CLERK: What ---

4 MR. ANGELL: Please excuse this juror.

5 THE CLERK: If you would return to your seat,
6 please, ma'am.

7 Juror number 70, Brenda G. Heard. What says the state?

8 MR. RICHARDSON: Please excuse Ms. Heard from the
9 trial of this case.

10 THE CLERK: If you would return to your seat,
11 please, ma'am.

12 Juror number 53, Karen M. Fletcher. What says the
13 state?

14 MR. RICHARDSON: Please present Ms. Fletcher.

15 THE CLERK: And the defense?

16 MR. ANGELL: Please excuse this juror.

17 THE CLERK: If you would return to your seat,
18 please, ma'am.

19 Juror number 157, Adam D. Wentworth. What says the
20 state?

21 MR. RICHARDSON: Please present Mr. Wentworth.

22 THE CLERK: And the defense?

23 MR. ANGELL: Please swear the juror.

24 THE CLERK: If you would come forward, please,
25 sir, and have a seat in the jury box.

1 Juror number 56, Weston C. Frazor. What says the
2 state?

3 MR. RICHARDSON: Please present Mr. Frazor.

4 THE CLERK: And the defense?

5 MR. ANGELL: Please swear the juror.

6 THE CLERK: If you would come forward, please,
7 sir, and have a seat in the jury box.

8 Juror number 27, Grace A. Burgess. What says the
9 state?

10 MR. RICHARDSON: Please present Ms. Burgess.

11 THE CLERK: And the defense?

12 MR. ANGELL: Please swear the juror.

13 THE CLERK: If you would come forward, please,
14 ma'am, and have a seat in the jury box.

15 Juror number 121, Sherry B. Pittman. What says the
16 state?

17 MR. RICHARDSON: Please present Ms. Pittman.

18 THE CLERK: And the defense?

19 MR. ANGELL: Please swear the juror.

20 THE CLERK: If you would come forward, please,
21 ma'am, and have a seat in the jury box.

22 Juror number 160, Lisa L. Wray. What says the state?

23 MR. RICHARDSON: Please present Mr. Wray.

24 THE CLERK: And the defense?

25 MR. ANGELL: Please swear the juror.

1 THE CLERK: If you would come forward, please,
2 ma'am, and have a seat in the jury box.

3 THE COURT: One alternate; two and one for
4 strikes.

5 THE CLERK: Juror number 146, Kendall A. Spearman.
6 What says the state?

7 MR. RICHARDSON: Please present Ms. Spearman.

8 THE CLERK: And the defense?

9 MR. ANGELL: Please swear the juror.

10 THE CLERK: Come forward, please, ma'am.

11 THE COURT: All right. Anything from the state
12 with respect to the composition of the jury?

13 MR. RICHARDSON: Nothing from the state, Your
14 Honor.

15 THE COURT: Anything from the defendant?

16 MR. ANGELL: Nothing, Your Honor.

17 THE COURT: All right. Ladies and gentlemen of
18 the jury panel that did not get selected, I thank you very
19 much for making yourselves available this afternoon. We're
20 going to turn you loose. And Mr. Clerk, are we asking they
21 call back tonight?

22 THE CLERK: After six o'clock.

23 THE COURT: Call back after six tonight and you
24 will get further instructions at that time. Y'all have a
25 nice evening. And you are free to leave at this time.

1 (WHEREUPON, the jury panel exited the open court at
2 approximately 2:31 p.m.)

3 THE COURT: All right. Mr. Clerk, you may swear
4 the jury.

5 THE CLERK: Yes, sir. If you would please stand.
6 After the oath is administered, please answer by saying I
7 will. Raise your right hand.

8 You shall well and truly try the issue joined in this
9 case of the State versus Vincent Missouri and a true verdict
10 render according to law and evidence, so help you God.

11 (WHEREUPON, the jury was duly sworn.)

12 THE CLERK: Thank you. You may be seated.

13 THE COURT: All right. Ladies and gentlemen,
14 before I turn this matter over to the attorneys, I'm going
15 to take a few minutes to tell you a little bit about the
16 process in case it's been some time since you served on a
17 jury or you've never had the opportunity to serve on a jury.

18 First thing I want to tell you is this case is very,
19 very important to both the state and the defendant. So we
20 want to do everything we can to make sure that both parties
21 receive a fair and impartial trial. One of the ways I'm
22 going to ask you to help me do that, ladies and gentlemen,
23 is to not discuss this case with each other or with anyone
24 else at any time until you have been given instructions that
25 you can begin your deliberations. So any time we take a

1 break and you go back to the jury room and you're back
2 there, do not talk about the case with each other. When you
3 go home this evening -- this case is not going to finish
4 today -- when we go home this evening and you come in
5 contact with your family, your friends or neighbors or
6 anybody else, please do not discuss this case with anybody
7 that you come in contact with.

8 The reason I ask you to do that, ladies and gentlemen,
9 is you are the judges of the facts in this case. It's your
10 responsibility to listen to all the evidence and ultimately
11 determine what you believe to be the facts. Then it's your
12 responsibility to take the law that I give you and apply it
13 to the facts and ultimately render your verdict. If you
14 start talking about the case with each other back in the
15 jury room at any time, you may begin to formulate some
16 opinion about the case, even though you've not heard all the
17 evidence or heard everything that we want to hear from the
18 attorneys. You go home and talk to a family or a friend or
19 a neighbor or somebody, even though they're not here, I
20 promise you they'll have an opinion. They'll voice that
21 opinion and that may affect you in some manner. So again,
22 I'm going to ask that you not discuss the case. When your
23 jury service is over, you can talk about this case with each
24 other or anybody else as long and as often as you want to
25 talk about it. When your service is over if somebody

1 approaches you about it and you don't want to talk about it,
2 you don't have to, and you can decline. And if they persist
3 in trying to talk to you, get their names, call me, call the
4 clerk, and I promise you, I will deal with that individual.

5 I'm also going to ask that you not do any independent
6 investigation or make any independent inquiry of this
7 matter. Don't get on the internet and google anything.
8 Don't go by any location or site that may be mentioned in
9 the course of the trial. Because, as I told you, you are to
10 decide this case based upon the evidence that's presented
11 here in the courtroom and not by anything else.

12 Now, ladies and gentlemen, as I told you, you are the
13 fact -- I mean, the judges of the facts. It's your sole
14 responsibility to determine what those facts are. It is my
15 responsibility to do two things, which is different from
16 your responsibility.

17 One of the things I do is I see to it that we comply
18 with the rules of evidence and the rules of procedure in the
19 trial of this case. In most structured events they have
20 rules. They have umpires or referees or somebody that
21 decides what the rules are and sees that they're complied
22 with. That's my responsibility. My other responsibility
23 is, as I've told you, is to instruct you as to the law at
24 the end of the trial so you can apply the law to the facts
25 of the case.

1 The lawyers have a role in this case, too, ladies and
2 gentlemen. And I want you to pay close attention to what
3 the lawyers say during the course of the trial. But
4 understand one thing. What they tell you is not evidence.
5 It is not to be considered by you as evidence. They are
6 advocates for their clients. It's their responsibility to
7 put forth what they think would be helpful in their client
8 ultimately receiving a verdict that is favorable to them.
9 So anything they tell you is not evidence is not to be
10 considered by you as such.

11 Now, the way a trial takes place, ladies and gentlemen,
12 the first thing that happens, lawyers are both given an
13 opportunity to get up and make an opening statement. The
14 state, the solicitor, will go first. Because as I told you,
15 the state has the burden of proving this defendant guilty
16 and proving him guilty beyond a reasonable doubt. And
17 because that burden falls upon the state, they get to go
18 first throughout the trial. The opening statement is a
19 chance for these lawyers to introduce themselves and to tell
20 you a little bit about what they think will come out during
21 the course of the trial. It is a chance for them to educate
22 you or inform you so that you have some understanding of
23 what will unfold during the course of the next several days
24 as this case is being tried. After the state makes their
25 opening statement, then the defendant will have the

1 opportunity to make his opening statement, his opening
2 statement through his attorney. When both sides have
3 completed that, then the state will go forward with the
4 presentation of its evidence.

5 Most of its evidence, I think, ladies and gentlemen,
6 will come in by way of testimony from witnesses. Those
7 witnesses will be put under oath. They will get in this
8 witness box right here and they will tell you what
9 information they have that's related to this case. They've
10 seen something, heard something, smelled something, tasted
11 something, felt something. They had some information from
12 one of their senses and they will tell you what that is.
13 Other types of evidence that could come in may be things
14 like documents or photographs or something like that. That
15 is actually introduced. It becomes an exhibit. It's a
16 given a number. And that will go with you to the jury room
17 so that you will have it to review during the course of your
18 deliberations. Ladies and gentlemen, the testimony will go
19 with you in your memory. So it is absolutely essential that
20 you pay close attention to what's being said here in the
21 courtroom. If you can't hear somebody, don't understand
22 somebody, raise your hand, let me know in some way and we
23 will make sure that that person speaks more clearly or
24 speaks louder when they're in the courtroom.

25 A third type of evidence that could come in is what we

1 call a stipulation and that is where the parties stipulate
2 or agree as to some fact or some matter. If there's a
3 stipulation, the lawyers will tell me and I will tell you
4 and you are to accept that as though it has been proven here
5 in the courtroom.

6 Now, after the state has offered all of its evidence,
7 the defendant is given an opportunity to offer any evidence
8 the defense wishes to offer. But as I told you, ladies and
9 gentlemen, before we selected you, there are two basic
10 principals that you need to keep in mind. And one of them
11 is the defendant is presumed innocent and that presumption
12 of innocence is with him and will remain with him throughout
13 the course of the trial. That is an important rule and you
14 need to keep that in mind.

15 The other piece of information that you need to know if
16 and I've mentioned it, is that the state has the burden of
17 proving the defendant guilty and proving him guilty beyond a
18 reasonable doubt. Because the defendant has no burden, a
19 defendant doesn't have to put up a case. The defendant
20 doesn't have to do anything. It solely rests upon the state
21 to prove this defendant guilty and prove him guilty beyond a
22 reasonable doubt of each of the charges that it has brought.

23 Now, if the defendant puts up a case, I would assume it
24 would be of a similar type to the state. Most of it would
25 be testimony from witnesses. When the defendant has

1 finished presentation of all its evidence then the parties
2 have another opportunity to speak with you. This is what we
3 call a closing argument and it is a little bit different
4 from an opening statement. In the closing argument is a
5 chance for the parties to recap what they think came in
6 during the course of the trial and to emphasize to you what
7 they hope you will consider and discuss when you're in the
8 jury room during your deliberations. It is an opportunity
9 for the lawyers to attempt to convince or persuade you as to
10 why you should ultimately return a verdict for their
11 respective sides.

12 When both sides have completed their closing arguments,
13 ladies and gentlemen, then I will charge you or instruct you
14 as to the law. You will then retire to the jury room, begin
15 your deliberations, determine the facts, apply the law and
16 ultimately render your verdict on each one of these charges
17 that has been brought against the defendant.

18 As I told you, these charges were brought pursuant to
19 the indictments. And those indictments are for entering a
20 bank with intent to steal where the defendant was charged
21 here in Pickens County on or about the 18th day of June,
22 2012, with entering the Bank of America located at 334 East
23 Main Street, Pickens, South Carolina, with the intent to
24 steal money and/or securities for money either by force,
25 intimidation and/or threats; strong armed robbery, the

1 indictment alleges that Mr. Missouri did, in Pickens County,
2 on or about the 18th day of June, 2012, feloniously take
3 from the person or presence of Rachel White, an employee of
4 Bank of America, by means of force, threats or intimidation,
5 goods or monies described as money and/or securities for
6 money, with the intent to permanently deprive the owner
7 therefrom; and failure to stop for a blue light when the
8 indictment alleges that Mr. Missouri did, in Pickens County,
9 on or about June 18, 2012, wilfully, knowingly, and
10 unlawfully commit the offense of failure to stop for a
11 police vehicle. And that the defendant, while driving on a
12 road, street or highway of this state, did intentionally
13 refuse to stop when signaled to do so by a police vehicle
14 using blue lights and/or siren. Of course, the defendant
15 pled not guilty to each one of these charges. Again, I
16 remind you that these indictments are notice documents.
17 They are not evidence. They're not to be considered by you
18 for any purpose other than they put this defendant on notice
19 of these particular charges.

20 All right. With that said, I think we'll turn this
21 over to the attorneys and let them proceed. Mr. Richardson,
22 you're prepared to go forward with your opening statement?

23 MR. RICHARDSON: I am, Your Honor.

24 THE COURT: All right. If you would, please, sir.

25 MR. RICHARDSON: Thank you, sir. Please the

1 court. Mr. Angell.

2 **OPENING STATEMENT**

3 **BY MR. RICHARDSON:**

4 Good afternoon, ladies and gentlemen. The judge
5 introduced me earlier, but to reintroduce myself, I am Doug
6 Richardson. I'm an assistant solicitor here in Pickens
7 County. And basically assistant solicitors are more
8 commonly known as a district attorney in other states, but
9 South Carolina still takes the old English term of
10 solicitor.

11 My job is to prosecute the various cases that come up
12 here from the various law enforcement agencies. This
13 particular case came from the city of Pickens. This is
14 Detective Sam Byers. He works with the city of Pickens.
15 You will hear him testify. He's the lead detective in this
16 case.

17 Now, ladies and gentlemen, the judge has gone over
18 several times what the charges are. I'm not going to do
19 that again, other than just to tell you that these charges,
20 when we have a bank robbery, and it's not called bank
21 robbery, but in essence it is bank robbery. A bank robbery
22 can happen without the necessity of a weapon. And that's
23 the fact of the case in this case. There's no weapon used.
24 However, if there's intimidation or force, things of that
25 nature, stealing money from the bank and having an attempt

1 to steal money from the bank, and that's the element that we
2 are looking at in this particular case to prove.

3 Common law robbery, once again, that is -- excuse me --
4 strong armed robbery is a common law in which it's a robbery
5 that takes place when you take by force or intimidation
6 money or property. Once again, it's not with a weapon. If
7 there was a weapon, then the charge would be -- before y'all
8 would be armed robbery.

9 And then lastly we have the failure to stop. And
10 basically, ladies and gentlemen, in the state of South
11 Carolina when a police officer turns on his blue light
12 and/or siren, at that point in time, we are required to
13 stop. If we fail to do so, then that is failure to stop for
14 a state (verbatim). Those are the three charges that y'all
15 will be deciding today.

16 Now, I'm not going to go into the specific facts of the
17 case. I'm going to put up witnesses, quite a few; ten,
18 twelve, thirteen, something like that. And I'm also going
19 to put in some physical evidence for y'all to review. It's
20 like a puzzle. And as I do it, we will be putting a piece
21 of that puzzle together for me to prove this case to you
22 beyond a reasonable doubt, which is a burden I gladly
23 accept. Solicitors all over the state do it every day and I
24 gladly accept that burden. And I'm going to put up these
25 witnesses and this evidence. And at the end of this case

1 when those pieces of the puzzle are put into place, it will
2 show you a picture. And I think it will show you a picture
3 that the defendant is guilty of all three of these charges.

4 Ladies and gentlemen, simply all we're asking you to do
5 is -- you come in here from all walks of life, different
6 jobs. Some jurors are students. Everybody comes in and
7 uses all their common sense and their every day knowledge to
8 look at all these facts and all this evidence and decide
9 whether somebody is guilty of the crime. And that's what
10 I'm simply asking you to do today, is to use your common
11 sense in this case.

12 And ladies and gentlemen, as I said before, if you use
13 your common sense, and once I put this picture together
14 through the witnesses and through the evidence, at the end
15 of this case, I will come back and ask you for a verdict of
16 guilty.

17 Thank you.

18 THE COURT: All right. Mr. Angell.

19 MR. ANGELL: Thank you, Your Honor. May it please
20 the court. Mr. Solicitor.

21 **OPENING STATEMENT**

22 **BY MR. ANGELL:**

23 Ladies and gentlemen of the jury, my name is Aaron
24 Angell, as the judge introduced me earlier. It's going to
25 sound like I'm echoing what the judge just told you and what

1 the solicitor just told you. But throughout this whole
2 case, I want you to keep your ears open, listen attentively
3 and don't discuss this case until the very end. The burden
4 is with the solicitor's office. They are the moving party
5 in this case. They must prove each and every element of the
6 charges alleged against my client.

7 My client is considered innocent until proven guilty.
8 That's not some punch line or some high in the sky concept.
9 That's his constitutional right. I ask for you to enter
10 this with an open mind and listen closely. At this point
11 you've heard no evidence. You haven't seen anything. We're
12 about to get into some testimony. But the indictments alone
13 are not evidence that my client has committed any crime.
14 The only thing that he's done wrong today up to this point
15 is been charged with a crime. You haven't heard any
16 evidence as of yet.

17 I ask that you listen closely, that you don't discuss
18 the case until the very end because often things arise that
19 may change your opinion. And it's important for you to
20 conduct yourselves that way, as the judge said.

21 And with that, we intend to show that my client had no
22 intent to commit these crimes. And look forward to working
23 with you over the course of the next day and a half.

24 Thank you.

25 THE COURT: All right. You want to call your

1 first witness, please, sir.

2 MR. RICHARDSON: Yes, sir. The state would call
3 Rachel White to the stand.

4 THE CLERK: Left hand on the bible. Raise your
5 right.

6 Do you solemnly swear or affirm the testimony you're
7 about to give in this case to be the truth, the whole truth
8 and nothing but the truth, so help you God?

9 THE WITNESS: I do.

10 THE CLERK: Thank you, sir. If you would have a
11 seat and state your name for the record, please.

12 RACHEL WHITE,

13 HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

14 DIRECT EXAMINATION

15 BY MR. RICHARDSON:

16 Q. Ms. White, can you state your name for the record,
17 please?

18 A. It's Rachel White.

19 Q. Ms. White, this courtroom is really hard to hear in;
20 okay? So what I'm going to ask you to do is if you'll pull
21 that microphone down there and speak loud enough so that
22 these last jurors over here can hear; okay? All right. Ms.
23 White, where are you -- where do you reside?

24 A. Pickens, South Carolina.

25 Q. And are you married?

- 1 A. Yes, sir.
- 2 Q. Okay. And how long have you been married?
- 3 A. August will be thirty-four years.
- 4 Q. Okay. Wow. And do you have children?
- 5 A. Yes, sir.
- 6 Q. Okay. How many children do you have?
- 7 A. Two boys.
- 8 Q. Now, are you presently employed?
- 9 A. Yes, sir.
- 10 Q. Okay. And where are you employed?
- 11 A. Bank of America.
- 12 Q. Okay. And which Bank of America are you employed at?
- 13 A. At Clemson, South Carolina.
- 14 Q. Okay. Now, let me ask you, take your memory back to
- 15 June 18th of 2012, were you working for Bank of America at
- 16 that time?
- 17 A. Yes.
- 18 Q. Okay. Which Bank of America were you working at?
- 19 A. The Bank of America in Pickens.
- 20 Q. Okay. And was that located here on Main Street?
- 21 A. Yes, sir.
- 22 Q. Okay. Is that -- has that bank closed now?
- 23 A. Yes, sir.
- 24 Q. Okay. Did they transfer you to ---
- 25 A. Clemson.

1 Q. --- another branch? Okay. And so you've been at
2 Clemson ever since ---

3 A. Yes, sir.

4 Q. Okay. Now, you -- were you working June the 18th of
5 2012?

6 A. Yes, sir.

7 Q. Okay. And what were you doing?

8 A. I was the head teller.

9 Q. Okay. And what are the duties of the head teller?

10 A. We manage the branch and we manage the tellers and
11 make sure the money is there for our customers' needs and
12 stuff.

13 Q. Okay. And is part of your duties as head teller also
14 to be a teller, to wait on people?

15 A. Yes, sir.

16 Q. Okay. And on this particular day were you doing that?

17 A. Yes, sir.

18 Q. Okay. And do you recall an incident happening on that
19 particular day?

20 A. Yes, sir.

21 Q. Okay. Can you tell the jury what happened -- first of
22 all, about what time did this incident start?

23 A. It was probably about fifteen till five. Almost
24 closing, not too -- about four thirty, fifteen till five.

25 Q. Okay. So if it's fifteen till five, what are you

1 doing at that particular time?

2 A. We try to start checking up and getting things
3 organized and stuff like that so we can get out, you know,
4 like at five or ten after five, instead of having to stay so
5 late.

6 Q. Okay. And what happened at about four forty-five, I
7 believe it was?

8 A. I had my last customer for the day. And he come in
9 the side door, and it was a guy that robbed me.

10 Q. Okay. Now, where is the -- when you say side door,
11 are you referring to a door that's on Main Street or where
12 is it on?

13 A. It's on the side street that goes down below --
14 between us and First Baptist Church.

15 Q. Okay. Now, when he came in what did he do?

16 A. He walked up to the window, my teller station, and I
17 welcomed him just like you normally do. I like to be real
18 polite and all that, say, how you doing today? And he said,
19 fine. And then I bent my head down just a second and he
20 looked up and he said, hurry up, hurry up, hurry up. And I
21 looked at him, and I thought, oh, no, I'm being robbed. He
22 said, read your note, read your note. And I didn't have a
23 note. Then he handed me a note. And I started reading the
24 note; then I said, oops and my -- you know, in your mind
25 you're thinking this pretty fast. And I said, oops, I'm

1 being robbed. So you do exactly what they say and not try
2 to move and do nothing, because you're scared for your life.
3 Q. Okay. And did you -- at some point in time did you
4 give him any money?
5 A. Yes, sir. I did.
6 Q. Okay. How did that happen?
7 A. Well, I read the note. And the note, it stated to put
8 everything from the top drawer in the bag. And it says, I
9 know who you are. And then when I said that, I thought,
10 well maybe he had been stalking us or something and he
11 really did know me and my family. And that really scared
12 me. And he kept saying, put it in the bag, put it in the
13 bag, hurry up, hurry up. And I was so scared because I seen
14 his hand go to the side and I thought, oh, no. And then
15 when I was getting the money out of my drawer, in my mind I
16 was thinking, what am I going to do with this money? I just
17 can't hand it to him like this; it's going to go up in the
18 air like this. And he kept saying, put it in the bag. And
19 we do have extra bags for our customers who come in for
20 change orders, you know, like Burger King, McDonald's and
21 place like that, if they forget to bring a bag. I can step
22 behind me and get extra bags to put coin in. And I thought,
23 there's no way that I could go back there and get a coin --
24 a coin bag or something to put this money in, because if I
25 did I just felt like I would be shot in the back. So I ---

1 Q. Okay. Did you ever -- I'm sorry. I'm sorry. Go
2 ahead.

3 A. And then when he kept saying, hurry up, hurry up, put
4 in the bag, I got so frustrated I looked him in the face and
5 I said, I don't have a bag. So ...

6 Q. Okay. Did you -- at some point in time did you get a
7 bag?

8 A. Yes, sir. He gave me a bag then. And when he fumbled
9 for the bag, I had a chance to push my alarm. And then when
10 I pushed the alarm, he looked up about the same time, and
11 then he said, you did it now. And he said, hurry up, hurry
12 up. So I got it in the bag and he reached over and yanked
13 the bag.

14 Q. And do you recall what kind of bag this was that he
15 gave you?

16 A. It was like a grocery bag. You know, like a brown Bi-
17 Lo bag or a brown bag that you would get at the grocery
18 store.

19 Q. Okay. And you stated at some point in time he handed
20 you a note?

21 A. Yes, sir.

22 Q. Okay. Let me show you what's been marked State's
23 Exhibit 17. Can you identify that?

24 A. Yes, sir.

25 Q. And what is that?

1 A. This is the note he gave me.

2 MR. RICHARDSON: Your Honor, at this time we would
3 move State's Exhibit 17 into evidence.

4 MR. ANGELL: No objection.

5 THE COURT: So admitted

6 (WHEREUPON, State Exhibit Number 17 was admitted into
7 evidence.)

8 Q. All right. Now let me hand you this back. You stated
9 this is the note that he gave you?

10 A. Yes, sir.

11 Q. Can you read that note to the jury, please, ma'am?

12 A. Place all the money in the bag. Keep left hand on top
13 of camera. Empty drawer with right hand. No die pack. I
14 know who you are.

15 Q. Okay. Now, do you know -- you stated you put the
16 money in the bag. Was it all bills or was there any change
17 or what?

18 A. It was all currency; no coins.

19 Q. Okay. And do you know how much you put into the bag?

20 A. It was about seventeen eighty to eighteen hundred
21 dollars. Because I knew that because before he came in, as
22 tellers we like to get home to our families too, so we
23 usually try to spot count. And I had already spot counted
24 on a scratch piece of paper and added up my drawer. And
25 then we can go in and figure out how much we should end up

1 with a day. And I had already knew how much was in my top
2 drawer. I had it on a piece of note.

3 Q. Okay. Now, do you recall when you, you saw him come
4 in and you're dealing with him what he was wearing?

5 A. He was wearing real dark sunglasses and a black shirt
6 with white on it. And he was baldheaded.

7 Q. Okay. Let me hand you what's been marked State's
8 Exhibit 18. And do you recognize that?

9 A. Yes, sir.

10 Q. Okay.

11 MR. RICHARDSON: Your Honor, at this time we would
12 move State's Exhibit 18 into evidence.

13 MR. ANGELL: No objection, Your Honor.

14 THE COURT: So admitted without objection.

15 (WHEREUPON, State Exhibit Number 18 was admitted into
16 evidence.)

17 Q. Okay, ma'am. And I'll show it to you again. And
18 you're looking at it. Is that the shirt that the defendant
19 was wearing at the time of the crime?

20 A. Yes, sir.

21 Q. Okay. And you stated he also was wearing some
22 sunglasses?

23 A. Yes, sir.

24 Q. Okay. Let me hand you what's been marked State's
25 Exhibit 19. Do you recognize those?

1 A. Yes, sir. They're real dark.

2 Q. Okay.

3 MR. RICHARDSON: Your Honor, at this time we would
4 move State's Exhibit 19 into evidence.

5 MR. ANGELL: No objection, Your Honor.

6 THE COURT: So admitted without objection.

7 (WHEREUPON, State Exhibit Number 19 was admitted into
8 evidence.)

9 Q. Those sunglasses, you said you recognize them. Where
10 do you recognize them from?

11 A. On him.

12 Q. On the defendant?

13 A. Yes, sir.

14 Q. And was that the sunglasses he was wearing at the time
15 of the robbery?

16 A. Yes, sir. Because I looked him right in the face, you
17 know, with them, because I was real scared when I was asking
18 for the bag.

19 Q. Okay. Now, did you in fact -- let me ask you this.
20 Were you the only teller working at that particular time?

21 A. I was the only teller up front. And we have one at
22 the drive-through. And then my manager was in the office.

23 Q. Okay. And was the drive-through right there where you
24 were or can you explain that to the jury? Can you just tell
25 the jury where basically it was?

1 A. It's -- like I'm on the front, like this is my station
2 right here, and then right behind me is like a hallway. And
3 it just goes down just a little piece and you go down like
4 some steps. Something like this, maybe an extra step, and
5 that's where the drive-through is, off down there.

6 Q. Okay. After you placed the money in the brown bag,
7 what happened?

8 A. Okay. He reached over and grabbed the bag.

9 Q. When you say he, who are you referring to?

10 A. Him.

11 Q. The defendant?

12 A. Yes, sir.

13 Q. Go ahead.

14 A. Then he got the bag and then he turned around and went
15 back out the side door. And I kept watching him and waited
16 till he got out the door on the bottom of the steps and
17 turned to the right, to make sure he would not come back in
18 with him or anybody else. Then I flew out the teller door
19 around the front and I started hollering, I said, Morgan, we
20 have been robbed. Lock the door, lock the door. So I was
21 locking that side door and she locked the front door.

22 Q. Okay. And so we're clear for the jury, Morgan is who?

23 A. My manager.

24 Q. Okay. Now, at the time of the robbery, was she in her
25 office?

1 A. Yes, sir.

2 Q. Okay. Now, after you did that -- and I think you
3 testified to a little of this. I want to clarify. Did you
4 actually hit the alarm?

5 A. Yes, sir, I did.

6 Q. Where is that alarm located?

7 A. It's like right under here like this.

8 Q. Okay. And when you hit an alarm like that, do you
9 know what happens; where it goes to?

10 A. It goes to the police.

11 Q. Okay. And after you hit the alarm and he ran out, you
12 locked the doors, what did you do at that point in time?

13 A. I just felt all the adrenaline and all that stuff, it
14 just like rushed down, and I had to come back to my teller
15 station right here and I held onto the door because I
16 thought I was going to fall over, just for relief. It was
17 like that door, I shut the door, even though this was all
18 locked for security, like a security blanket.

19 Q. All right. And does this -- your bank have
20 surveillance?

21 A. Yes, sir.

22 Q. Surveillance video?

23 A. Yes, sir.

24 Q. Let me show you what's been marked State's Exhibit --
25 well, let me ask you. Prior to this trial did you view some

1 video or surveillance video of that incident?

2 A. Yes, sir.

3 Q. Okay. Let me hand you what's been marked State's

4 Exhibit Number 3. Do you recognize that?

5 A. Yes, sir.

6 Q. And is that a DVD of the surveillance that you

7 videoed?

8 A. Yes, sir.

9 Q. Excuse me. I said videoed. That you viewed.

10 MR. RICHARDSON: Your Honor, at this time, the

11 state would move State's Exhibit Number 3 into evidence.

12 MR. ANGELL: No objection, Your Honor.

13 THE COURT: So admitted.

14 (WHEREUPON, State Exhibit Number 3 was admitted into

15 evidence.)

16 MR. RICHARDSON: Your Honor, I've ask that I be

17 allowed to push it to the jury.

18 THE COURT: You may

19 MR. RICHARDSON: Thank you.

20 Q. I may stop this and ask you a few question as we go;

21 okay? There's a laser pointer up there, ma'am, if you can

22 use that to reference things. The red button. Can you show

23 ---

24 (WHEREUPON, State Exhibit Number 3 was played in open

25 court.)

1 THE COURT: Mr. Richardson, you need to show her
2 how to work it.

3 MR. RICHARDSON: I apologize. The red button,
4 push it. I apologize for that.

5 Q. Okay. Ms. White, can you show where your area was and
6 where you were at the time of the robbery?

7 A. Right there.

8 Q. All right. And where is the -- when we refer to the
9 drive-through, where is that?

10 A. That open spot right there. That's a hallway and it
11 goes down there straight right there. And we keep those
12 bags right there.

13 Q. Okay. And in this frame here, what is that?

14 A. This is the side door that goes out on the street
15 between -- this is us and that's First Baptist across the
16 street. And that's the side door.

17 Q. Okay. And is that the door that the defendant came
18 in?

19 A. Yes, sir.

20 Q. Okay. Now, who is that?

21 A. That's the guy that robbed us right there.

22 Q. Okay. And is that the shirt he was wearing ---

23 A. Yes, sir.

24 Q. --- that was just put in evidence? And in this frame,
25 where are you located?

- 1 A. (Indicating.)
- 2 Q. Okay. What is that white in the defendant's hand?
- 3 A. That's the note that he gave me.
- 4 Q. Is that the note that we just -- that you just read to
- 5 the jury?
- 6 A. Yes, sir.
- 7 Q. And are you reading the note at this point in time?
- 8 A. Yes, sir.
- 9 Q. What was that he just did? What is he doing with his
- 10 hands right now?
- 11 A. Can you go back one time? I was looking at the ...
- 12 Q. Sure. Do you recall what he was doing here?
- 13 A. He tells me to hurry up a lot.
- 14 Q. Okay.
- 15 A. And then he gives me a bag.
- 16 Q. Okay. And at this point what are you doing?
- 17 A. I'm going to lock the side door.
- 18 Q. And you're doing what here?
- 19 A. I told the girl at the drive-in that we had been
- 20 robbed, to close the drive-in up.
- 21 Q. And who is that in the far left of the screen?
- 22 A. That's Morgan. She had just got back locking the
- 23 front door and she went into the office to call 911.
- 24 Q. Okay. And does this video surveillance also -- it has
- 25 a view of him leaving the bank; does it not?

1 A. It should.

2 Q. So is this what you -- do you recall him leaving the
3 bank? That's him leaving there?

4 A. Yes, sir.

5 Q. Is that standard procedure, to lock the doors after a
6 ---

7 A. Yes, sir.

8 Q. --- robbery? Have you ever been involved with an
9 armed robbery -- or bank robbery, I should say, before?

10 A. Almost. Yeah, one time before in Pendleton.

11 Q. Okay, ma'am. And as part of that video, let me hand
12 you State's Exhibit 4. Can you identify that?

13 A. Yes, sir.

14 Q. And State's Exhibit 5? Can you identify that?

15 A. Yes, sir.

16 Q. And what are those?

17 A. It's the guy that robbed us, the bank robber.

18 MR. RICHARDSON: At this time, the state would
19 move State's Exhibit 4 and State's Exhibit 5 into evidence.

20 MR. ANGELL: No objection, Your Honor.

21 THE COURT: So admitted.

22 (WHEREUPON, State Exhibit Numbers 4 and 5 were admitted
23 into evidence.)

24 Q. This picture, did that come from that video that we
25 just saw?

1 A. Yes, sir.

2 Q. And State's Exhibit 5 also?

3 A. Yes, sir.

4 Q. Now, when you went to the door and locked it, did you
5 see where the defendant went?

6 A. He stepped off the bottom of the step and he turned
7 right. And then if you see in the video, I ran back to the
8 teller line because I was just so scared. And then Morgan
9 looked at the window and all that and saw which direction he
10 ran in to.

11 Q. Okay. So did you get an opportunity to see what he
12 was driving?

13 A. No, sir. I did not.

14 Q. And the person that was on that video, that came up to
15 you and handled you that note and robbed you of that money,
16 is he in this courtroom?

17 A. Yes, sir. He's right there.

18 Q. What's he wearing?

19 A. A brown jacket and a cream turtleneck shirt.

20 MR. RICHARDSON: Beg the court's indulgence.

21 THE COURT: Let the record reflect she identified
22 the defendant.

23 MR. RICHARDSON: Thank you, Your Honor. Please
24 let the record reflect that she did identify the defendant.

25 Q. After -- the police ultimately came to the bank; is

1 that correct?

2 A. Yes, sir. They got there in minutes, seemed like.

3 Q. And you gave a description to them?

4 A. Yes, sir.

5 Q. Okay. And what was that description?

6 A. It was a baldhead, I think in that I said about five
7 four to five eight, about a hundred and forty-five to a
8 hundred and seventy pounds, and a black African. And
9 described the clothes he was wearing..

10 Q. You've already talked about that. But you described
11 the clothes to the officer also?

12 A. Uh-huh (affirmative).

13 Q. Thank you. That's all the questions I have. Please
14 answer any questions Mr. Angell has for you.

15 **CROSS EXAMINATION**

16 **BY MR. ANGELL:**

17 Q. Ms. White, when my client entered the bank, he didn't
18 have a mask on; did he?

19 A. No, sir. He did not.

20 Q. And it's your statement that he walked up to your
21 station. He didn't run up; did he?

22 A. He walked up to my -- yes.

23 Q. Did he ever threaten you? Did he ever tell you he was
24 going to hurt you?

25 A. He acted like it, like a couple of times when I looked

1 at him twice, the way he did with his hands like he was
2 going for a gun. But I tried not to look at him that much.

3 Q. He never said that he was going to hurt you, though;
4 did he?

5 A. No, sir.

6 Q. Never said he was going to kill you or anything; did
7 he?

8 A. No, sir.

9 Q. What's the bank policy when somebody puts a note up to
10 your counter and says, give me the money, what's the policy
11 of the bank at that time?

12 A. We follow the directions just exactly what he tells me
13 to do and what the note says.

14 Q. Okay. So policy would be that when you're handed a
15 note asking for money, you just give them money?

16 A. Yes, sir.

17 Q. You're not told to think about that; are you?

18 A. No, sir.

19 Q. Now, you've identified my client in this courtroom
20 today. How far away would you say you're sitting from him?
21 Rough estimate? Thirty feet?

22 A. Yeah.

23 Q. And is it safe to say on that date, the date in
24 question, June 18th, that you were much closer to the
25 alleged robber at that time?

1 A. Yes, sir.

2 Q. And your description is that he's a black male, bald;
3 correct?

4 A. Uh-huh (affirmative).

5 Q. And isn't it true that there was a photo lineup
6 presented to you?

7 A. Yes, sir.

8 Q. And when those six individuals were put in front of
9 you, were you able to make an identification?

10 A. I narrowed it down to three. But I couldn't pick from
11 the three.

12 Q. But you weren't able to positively identify off of
13 those six suspects; correct?

14 A. Right. Because they looked like triplets.

15 Q. Did my client ever tell you he was armed?

16 A. No, sir.

17 Q. You never saw a weapon; did you?

18 A. No, sir.

19 Q. And you mentioned my client reached down into his
20 pocket. Didn't he do that to give you a bag to put money
21 in?

22 A. No. That was before he gave -- he came in, like after
23 he gave me the note, I watched -- if you could go back
24 through the video, you could see it, that his hand stayed
25 there about the whole time on the video, but I would only

1 see it like twice -- two to three times because I would only
2 -- try not to look at him so much while I was doing the
3 money and stuff.

4 Q. So -- but he did retrieve a bag from his pocket;
5 correct?

6 A. Yes. His back pocket.

7 Q. And handed you that bag?

8 A. Yes, sir.

9 Q. And you testified earlier that you had spot counted
10 that money; correct?

11 A. Yes, sir.

12 Q. How do you spot count money? What is it that you do
13 to come up with the figure?

14 A. Well, you know, it's all generated by computers and
15 you can go into a screen and it tells you how much money
16 that you have ---

17 Q. I see.

18 A. --- and then you just count it on a piece of paper and
19 then you total that and it should match.

20 Q. Okay. You wouldn't describe my client as a relatively
21 large individual; would you?

22 A. No, sir.

23 Q. He's not real tall; is he?

24 A. Uh-uh (negative).

25 Q. He doesn't seem to be unusually large?

1 A. No, sir.

2 Q. And to this point you've said that you weren't sure
3 and you never saw any weapons; correct?

4 A. I never saw no weapons. No, sir.

5 MR. ANGELL: One minute, Your Honor. No further
6 questions, Your Honor.

7 THE COURT: Anything on redirect?

8 MR. RICHARDSON: Yes, Your Honor, briefly.

9 **REDIRECT EXAMINATION**

10 **BY MR. RICHARDSON:**

11 Q. Defense counsel asked you about a lineup and what was
12 the reason you could not pick him out of a lineup?

13 A. They was three on there looked almost alike.

14 Q. Okay.

15 A. They all had the bald heads. But I did pick the one
16 out with the officer, but then I told him that I would not
17 pick it out at a hundred percent sure.

18 (WHEREUPON, State Exhibit Number 20 was marked for
19 identification.)

20 Q. And let me hand you what's been marked State's Exhibit
21 20. Do you recognize that?

22 A. Yes, sir.

23 Q. Okay. Is that the photo lineup that you were shown?

24 A. Yes, sir.

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

1 move State's Exhibit 20 into evidence.

2 MR. ANGELL: No objection.

3 THE COURT: So admitted.

4 (WHEREUPON, State Exhibit Number 20 was admitted into
5 evidence.)

6 Q. And in your testimony -- this is the lineup -- I'm
7 referring to State's Exhibit 20. This is the lineup that
8 you were shown?

9 A. Yes, sir.

10 Q. Okay. And your testimony is -- what was the reason
11 why you couldn't pick one person out of that lineup?

12 A. They all -- there's three that looks almost alike just
13 about.

14 Q. And when you got that note, and I'm referring to
15 State's Exhibit 17 that I showed you, did you feel
16 intimidated by that note?

17 A. Yes, sir.

18 Q. Were you scared?

19 A. Yes, sir.

20 Q. Were you scared for your life?

21 A. Yes, sir.

22 Q. Okay. Thank you. That's all the questions I have.

23 THE COURT: Anything?

24 MR. ANGELL: Nothing further.

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

1 Call your next witness.

2 MR. RICHARDSON: Call Morgan Dorriety to the
3 stand.

4 THE CLERK: Place your left hand on the bible.
5 Raise your right.

6 Do you solemnly swear or affirm the testimony you're
7 about to give in this case to be the truth, the whole truth
8 and nothing but the truth, so help you God?

9 THE WITNESS: I do.

10 THE CLERK: If you would have a seat and state
11 your name for the record, please.

12 THE WITNESS: My name is Morgan Dorriety.

13 **MORGAN DORRIETY,**

14 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

15 **DIRECT EXAMINATION**

16 **BY MR. RICHARDSON:**

17 Q. Ms. Dorriety, where do you live?

18 A. I live in Easley, South Carolina.

19 Q. Okay. And are you married?

20 A. I am.

21 Q. How long have you been married?

22 A. It'll be eight years in August.

23 Q. Okay. And do you have any children?

24 A. I do.

25 Q. How many children do you have?

- 1 A. One.
- 2 Q. How old is that child?
- 3 A. Almost four.
- 4 Q. Okay. Are you presently employed?
- 5 A. I am.
- 6 Q. Where are you employed?
- 7 A. By Bank of America.
- 8 Q. Okay. And which branch do you work at?
- 9 A. I'm at Clemson, South Carolina branch now.
- 10 Q. Okay. And back in June 18th of 2012, did you work for
- 11 Bank of America then?
- 12 A. I did.
- 13 Q. Okay. And at which branch did you work?
- 14 A. At the Pickens main office.
- 15 Q. Okay. Located ---
- 16 A. The only office in Pickens.
- 17 Q. Okay. And it's located -- it was located here in the
- 18 city of Pickens?
- 19 A. It was.
- 20 Q. Okay. And do you recall the robbery on that day at
- 21 that branch?
- 22 A. Uh-huh (affirmative). I do.
- 23 Q. At that particular time, what was your position with
- 24 the bank?
- 25 A. The banking center manager.

1 Q. Okay. And this may sound like a silly question. But
2 this is a bank that is federally insured and did
3 transactions with money and people that had accounts; is
4 that correct?

5 A. Correct.

6 Q. Okay. Now, do you recall the incident that particular
7 day?

8 A. I do.

9 Q. Okay. Where were you?

10 A. I was in my office, which is at the front corner of
11 the building.

12 Q. Okay. In this office, is it a -- is it four walls or
13 windows or what?

14 A. It is, but it's windows so I can see out of the bank
15 to the outside, and I can see through to the office in front
16 of me and to all of my tellers on the teller line.

17 Q. Okay. Now, did you see the defendant enter the bank?

18 A. I did.

19 Q. Okay. And what were you doing at that particular
20 time?

21 A. I was just doing paperwork at my desk.

22 Q. All right. And did -- at some point in time did he or
23 Ms. White get your attention for some reason?

24 A. I did, I saw him enter and go up to her and then I
25 just went back to doing what I was doing. And then when he

1 was leaving I looked back up, as I always do when people
2 come in and out, and I saw him in a hurry. And then as soon
3 as he got out the door, Rachel came running around the
4 teller line, you know, yelling that we've been robbed and to
5 go lock the front door.

6 Q. Okay. And at that point in time when you heard her
7 say that, what did you do?

8 A. I immediately got up from my desk and locked the front
9 two doors, what was double doors, and then I went into -- I
10 went to the office that's in front of me so that I could see
11 where he was going. He was running down the sidewalk. Then
12 I just watched until I couldn't see anymore. But I went
13 straight in to go get the phone to go ahead and call 911.

14 Q. And did you, in fact, call 911?

15 A. I did.

16 Q. And you said you saw him -- I believe you testified
17 you saw him running down the street?

18 A. Uh-huh (affirmative).

19 Q. Did you see where he went?

20 A. Just the way the building was, I was in the window, I
21 was looking, he was just running down the sidewalk, but I
22 couldn't see any further because the brick was there. It's
23 not a wall full of windows. There's some brick in between.
24 So I could only see so far.

25 Q. Okay. And were you able to see what, if any, type of

1 vehicle he got in?

2 A. No, I didn't.

3 Q. Okay. Now, after the police came to the bank, were
4 you -- did they request you to get some surveillance video?

5 A. Yes. I had to -- they requested it from me and I had
6 to get it from my security manager.

7 Q. Okay. And is that the surveillance video that we
8 played earlier in this trial?

9 A. Uh-huh (affirmative). Yes, sir.

10 Q. Okay. And when the police came did you also give a
11 description?

12 A. I did.

13 Q. And what description did you give?

14 A. That it was a black male, baldheaded, about five ten,
15 around a hundred and fifty pounds, I think.

16 Q. Okay. And did you get a clear view of him coming into
17 the bank?

18 A. Uh-huh (affirmative). I did.

19 Q. Were you able to get a clear view of him leaving?

20 A. Not as good as coming in, because it was -- he wasn't
21 running out, but it was a lot quicker pace. And I -- Rachel
22 was causing commotion running around, so I paid more
23 attention to her. But coming in, I could see him.

24 Q. Okay. And is that person that came in and robbed your
25 bank; is he in the courtroom today?

1 A. Yes, sir.

2 Q. Can you point him out?

3 A. He's over here.

4 Q. And what is he wearing?

5 A. Tan blazer and a white shirt.

6 MR. RICHARDSON: Please let the record reflect
7 that she has identified the defendant.

8 THE COURT: So noted.

9 Q. That's all the questions I have. Please answer any
10 questions that Mr. Angell has for you.

11 **CROSS EXAMINATION**

12 **BY MR. ANGELL:**

13 Q. Mrs. Dorriety, you never spoke with my client; did
14 you?

15 A. No, sir.

16 Q. And you mentioned that you saw him coming in, but you
17 turned back to do your responsibilities as the manager;
18 correct?

19 A. Yes, sir.

20 Q. And you didn't hear anything, any commotion between my
21 client or the teller at that time?

22 A. No, sir.

23 Q. Okay. You were shown a lineup as well; isn't that
24 correct?

25 A. Yes, sir.

1 Q. And were you able to identify ---

2 A. I thought that I knew who it was, but I told him I
3 didn't want to say a hundred percent.

4 Q. Okay. So you weren't able to positively identify ---

5 A. Correct.

6 Q. --- my client? Did you see my client place a note to
7 the teller?

8 A. No.

9 Q. So you just saw him come in and then exit quickly;
10 correct?

11 A. Yes.

12 Q. No further questions. Thank you.

13 MR. RICHARDSON: Nothing further, Your Honor.

14 THE COURT: Thank you, ma'am. You may step down.

15 MR. RICHARDSON: Your Honor, may this witness and
16 also Ms. White be excused if they wish?

17 THE COURT: They may. Y'all are free to leave if
18 you'd like.

19 MR. RICHARDSON: State calls Bobby Wright to the
20 stand.

21 THE CLERK: Place your left hand on the bible.
22 Raise your right.

23 Do you solemnly swear or affirm the testimony you're
24 about to give in this case to be the truth, the whole truth
25 and nothing but the truth, so help you God?

1 THE WITNESS: Yes, sir.

2 THE CLERK: Thank you, sir. If you would have a
3 seat and state your name for the record, please.

4 BOBBY WRIGHT,

5 HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

6 DIRECT EXAMINATION

7 BY MR. RICHARDSON:

8 Q. Go ahead and state your name for the record.

9 A. My name is Bobby Wright.

10 Q. Okay. Mr. Wright, where do you reside? Where do you
11 live?

12 A. I live at [REDACTED] in Greenville, South
13 Carolina.

14 Q. Okay, sir. Now, so we're clear, you were charged in
15 this incident; were you not?

16 A. Yes, sir.

17 Q. Okay. Do you know the defendant?

18 A. Yes, sir.

19 Q. How do you know him?

20 A. I grew up with him.

21 Q. Okay. I'm going to take your memory back to June
22 18th, 2012. Did you see him that day?

23 A. Yes, sir.

24 Q. Okay. And how did you come to meet up with him?

25 A. Well, he came by my house that morning and told me

1 that he needed to go and pick up some supplies for a job and
2 asked me did I want to ride, and I said, sure.

3 Q. Okay. And when he picked you up, is it the same
4 residence in Greenville County that you just said you live
5 at?

6 A. Yes.

7 Q. Okay. Do you recall what he was driving when he
8 picked you up?

9 A. Oh, yes, sir, he was driving a 150 Ford truck.

10 Q. Okay. Do you remember what color it was?

11 A. It was red.

12 Q. Now, after he picked you up, where did y'all go?

13 A. We went to -- came to Pickens.

14 Q. Okay. And what was the reason that you were coming to
15 Pickens? Did he tell you why you were coming to Pickens?

16 A. Pick up some supplies for a job.

17 Q. Okay. And do you know where these supplies were?

18 A. Do I know what they were?

19 Q. Or where they were?

20 A. No, sir.

21 Q. Was the defendant driving?

22 A. Yes, sir.

23 Q. Once you got to Pickens, what happened? Did you get
24 the supplies?

25 A. No. When we got -- when we was going there it was

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1 closed, so we started coming down -- back down the road and
2 he told me he needed to get a check cashed, and we stopped
3 at a bank.

4 Q. Okay. Now, when you say you're coming down the road,
5 which road were you coming down?

6 A. This Main Street here.

7 Q. Main Street in Pickens?

8 A. Yes.

9 Q. Okay. And did he point out a particular bank?

10 A. No, sir. We passed, and he was like Bank of America,
11 I need to stop and get a check cashed. And we stopped.

12 Q. Okay. Now, when you say you stopped, where did he
13 park the truck?

14 A. Down on the side street of the bank to the left.

15 Q. Okay. Was it behind a building of some type?

16 A. I ain't going to say behind. It was an opening in
17 between two buildings.

18 Q. Okay. Was it the Bank of America parking lot?

19 A. No, sir.

20 Q. Okay. Now, at that point in time, what does he do;
21 the defendant?

22 A. Well, like I say, he told me he had a check to cash,
23 so we parked, he get out, he go in the bank. I sit and
24 smoke me a cigarette. He come back and get in the bank --
25 get in the car and we drive off.

1 Q. Okay. And at that point in time where did you go?

2 A. We was going to ---

3 Q. Well, let me ask you -- I'm sorry to interrupt.

4 Before that did you see him at that point in time with any
5 -- a bag or money or anything like that?

6 A. No, sir.

7 Q. Okay. At that point in time where did you go?

8 A. We get in the -- well, going down the road we stop at
9 Family Dollar.

10 Q. Okay. And where do you go -- do you go inside Family
11 Dollar?

12 A. Yes, sir. We did.

13 Q. Both of you did?

14 A. Yes.

15 Q. And what does he do in Family Dollar?

16 A. Well, when we stopped at Family Dollar, I was like,
17 well, they must have cashed his check, so he bought him some
18 things.

19 Q. And what kind of things did he buy?

20 A. Like shorts, socks.

21 Q. Clothes?

22 A. Yes.

23 Q. And did he offer you anything at that time?

24 A. Not at that time, no, sir.

25 Q. Okay. After Family Dollar, where did you go?

1 A. We was driving down the street and we come to a red
2 light. And I noticed he was looking in the rearview mirror
3 and the side glass, so I thought, okay, I need to put my
4 seatbelt on. So we sat there and he was like, okay, they on
5 us. I'm like, who on us?

6 Q. Wait, wait, wait. Who says, they're on us?

7 A. Sir?

8 Q. Who says that?

9 A. Mr. Missouri.

10 Q. Okay. Go ahead.

11 A. And I'm like, on us? On us what? And he was like,
12 the police. I was like, why? He was like, I robbed the
13 bank.

14 Q. All right. And what happened then?

15 A. He took off and that's all I remember.

16 Q. Okay. Do you recall the police chasing you?

17 A. Yes.

18 Q. All right. Do you recall blue lights and sirens?

19 A. Yes.

20 Q. All right. At some point in time did you come to a
21 stop? What happened? Where did the chase end?

22 A. We was at a red light, like I said, we was at a red
23 light. And once we made a turn, everything just broke out.

24 Q. Okay. And at some point in time did he stop the
25 vehicle?

1 A. No, sir.

2 Q. At some point in time, at some point in time did he
3 run from the vehicle?

4 A. Well, when we -- yeah, when they was chasing us, when
5 we came to a stop, yes, he run.

6 Q. Okay. And at that point in time did you see the -- at
7 what point in time did you ever see the money in the bag?

8 A. In the chase.

9 Q. During the chase?

10 A. Yes..

11 Q. And where did he pull it from?

12 A. His pants.

13 Q. All right. And when you got to the point that he ran,
14 what did you do?

15 A. I was in the truck like this (indicating).

16 Q. And were you arrested?

17 A. Yes, I were.

18 Q. And was he also arrested at that time?

19 A. Yes, he were.

20 Q. That's all the questions I have. Please answer any
21 questions Mr. Angell has for you.

22 **CROSS EXAMINATION**

23 **BY MR. ANGELL:**

24 Q. Mr. Wright, you said you were going to pick up some
25 supplies for a job?

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1 A. Yes, sir.

2 Q. What kind of job is that?

3 A. I have no idea. He stated to me he need to go get
4 supplies for his job.

5 Q. Have you had occasion to meet my client before that
6 date; right? You had met him before that date? You knew
7 who he was before ---

8 A. Right. Right.

9 Q. Okay. And how are y'all affiliated?

10 A. I know him. We grew up in the same neighborhood.

11 Q. Did you have any knowledge of Mr. Missouri using any
12 drugs?

13 A. That day?

14 Q. Just in general?

15 A. Yes.

16 Q. And is it clear to you on that day whether he was
17 using drugs or not?

18 A. I don't remember.

19 Q. Whenever you were arrested, did you see any officers
20 frisk Mr. Missouri?

21 A. No, because I was laying on the ground.

22 Q. But after they picked you up, you didn't see him with
23 another officer?

24 A. When they picked me up and put me in the car, they
25 already had put him in. I didn't see nothing. I was on the

1 ground.

2 Q. So you didn't see anything regarding my client's
3 arrest?

4 A. No. Uh-uh (negative).

5 MR. ANGELL: No further questions, Your Honor.

6 THE COURT: Anything?

7 MR. RICHARDSON: Nothing further.

8 THE COURT: All right. Thank you, sir. You may
9 step down.

10 Mr. Richardson, we're going to take a break at this
11 time, let the jury step back into the jury room and relax
12 for about fifteen, twenty minutes. Please don't discuss the
13 case while you're back there. We'll bring you back in just
14 a little bit. Thank you.

15 (WHEREUPON, the jury exited the open court at
16 approximately 3:35 p.m.)

17 THE COURT: All right. We'll stand in recess.

18 MR. RICHARDSON: Your Honor, can Mr. Wright be
19 excused? I'm sorry, I didn't ask.

20 THE COURT: Sure.

21 MR. RICHARDSON: Thank you.

22 (WHEREUPON, the court stood at recess for a short
23 break.)

24 THE COURT: Is that juror out there?

25 THE BAILIFF: Yes, sir.

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1 THE COURT: Bring him in here. Bring that juror
2 in here, please.

3 Stand right up there. Why weren't you here at two
4 o'clock? Get your hands out of your pockets, please.

5 THE JUROR: I called two weeks ago. I told them
6 about I wanted to go to a retirement dinner in Atlanta to
7 see a dying friend. They told me I could come here Monday
8 morning and they'd make sure I didn't have to do anything on
9 Monday afternoon and I'd be available on Tuesday. So ---

10 THE COURT: Why weren't you here at two o'clock?
11 You were instructed to be back here at two o'clock after you
12 left here this morning; correct?

13 THE JUROR: Yes, sir. Yes, Your Honor. I was ten
14 minutes late, Your Honor, and I apologize.

15 THE COURT: Why?

16 THE JUROR: I had made -- I didn't think I was
17 going to be coming back, and I had made previous
18 appointments. And when they called me about eleven thirty
19 and they said I was really low on the list and it didn't
20 look like I'd get picked, so I admit I wasn't real worried
21 about getting called and I didn't -- this is the first time
22 I've served on any kind of a circuit court, so I didn't know
23 if everybody was ---

24 THE COURT: Were you in jury qualifications this
25 morning?

1 THE JUROR: I ---

2 THE COURT: When I spoke to the jury and told them
3 two things, be here fifteen minutes before you're supposed
4 to ---

5 THE JUROR: Yes, sir.

6 THE COURT: --- and you're never late -- I mean,
7 early. You're either on time or you're late.

8 THE JUROR: I understand that, sir. I have the
9 same problem with my students.

10 THE COURT: What does that have to do with
11 anything? So it's okay for you to be late because your
12 students are late?

13 THE JUROR: I have no excuse. I understand what
14 you're saying completely.

15 THE COURT: Where do you teach?

16 THE JUROR: Clemson.

17 THE COURT: What if all the jurors decided they
18 don't want to come? We just stop court, huh?

19 THE JUROR: I very much understand the importance
20 of the jury system, Your Honor. It's about the only thing
21 left we have that I have faith in. It won't happen again.

22 THE COURT: Too late now.

23 THE JUROR: I'll have the opportunity again to
24 serve, I hope.

25 THE COURT: You'll definitely get that.

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1 When do you have another term of court, Mr. Clerk?

2 THE CLERK: June 23rd is our next term of general
3 sessions court.

4 THE COURT: Is that a full week?

5 THE CLERK: Yes, sir. I've got the schedule for
6 the rest of the year.

7 THE COURT: How do you pronounce your name?
8 Thies, Thies?

9 THE JUROR: Thies.

10 THE COURT: I ought to put you in jail, Mr. Thies.
11 Are you the fellow that's the chemical engineer instructor?

12 THE JUROR: Yes, sir.

13 THE COURT: Where did you go to college?

14 THE JUROR: Georgia Tech and Delaware.

15 THE COURT: All right. I want this man -- are you
16 planning on going to some retirement when?

17 THE JUROR: I already missed it, Your Honor. It
18 starts at five o'clock.

19 THE COURT: And where was it?

20 THE JUROR: Georgia Tech. A mentor is dying and
21 they threw together a retirement dinner at the last minute
22 for him. And that's one of the reasons I was late ---

23 THE COURT: Why didn't you tell us this when you
24 came in here this morning?

25 THE JUROR: I had called two weeks ahead and I was

1 -- I'm sorry, I had the wrong impression it was ---

2 THE COURT: Sir, the only one that can excuse you
3 from jury service is me.

4 THE JUROR: Your Honor, I just ---

5 THE COURT: If I don't know it, I can't do a thing
6 for you.

7 THE JUROR: I understand, Your Honor. When I told
8 them it was too late.

9 THE COURT: When you told who?

10 THE JUROR: I told the clerk.

11 THE COURT: I thought he told us after he had
12 already been put on the panel; right?

13 THE CLERK: Yes, sir. It was too late then.

14 THE COURT: We could have excused you for the
15 week, brought you back some other time.

16 THE JUROR: I offered that opportunity when I
17 called two weeks ago, and they said ---

18 THE COURT: Sir, what did I just tell you who can
19 excuse you from jury service?

20 THE JUROR: You.

21 THE COURT: The one fellow that can help you out
22 is the one fellow you don't tell.

23 THE JUROR: Your Honor, I didn't know that.

24 THE COURT: Well, I asked if anybody had anything
25 they wanted to talk to me about.

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1 THE JUROR: I guess I thought I'd be wasting your
2 time because it was already in the system.

3 THE COURT: You weren't in anything at that time
4 other than you were there. You could have been excused at
5 ten o'clock this morning and gone on about your merry
6 business.

7 All right. I want him back here on the week of June
8 23rd. You'll serve that week.

9 THE CLERK: We probably won't have time to get a
10 notice mailed to you. They've already gone out. So you'll
11 be here on June 23rd.

12 THE JUROR: June 23rd at nine o'clock.

13 THE COURT: Nine o'clock.

14 THE JUROR: Yes, sir.

15 THE COURT: You're free to leave.

16 THE JUROR: Thank you, Your Honor.

17 (WHEREUPON, the court stood at recess for a short
18 break.)

19 THE COURT: All right. Let's bring the jury in.
20 Bring the jury in, if you would, please.

21 (WHEREUPON, the jury entered the open court at
22 approximately 3:56 p.m.)

23 THE COURT: All right. Ladies and gentlemen, I'll
24 ask the state to call their next witness, if they would,
25 please.

1 MR. RICHARDSON: Thank you, Your Honor, please the
2 court. State calls Brian Byers to the stand.

3 THE CLERK: Place your left hand on the bible and
4 raise your right.

5 Do you solemnly swear or affirm the testimony you're
6 about to give in this case to be the truth, the whole truth
7 and nothing but the truth, so help you God?

8 THE WITNESS: I do, sir.

9 THE CLERK: Thank you, sir. If you would have a
10 seat and state your name for the record, please.

11 THE WITNESS: Brian Byers.

12 **BRIAN BYERS,**

13 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

14 **DIRECT EXAMINATION**

15 **BY MR. RICHARDSON:**

16 Q. Officer, where are you employed?

17 A. Pickens County Sheriff's Office.

18 Q. And how long have you been employed there?

19 A. Two and a half years.

20 Q. And how long have you been in law enforcement?

21 A. Twelve and a half years.

22 Q. Okay, sir. And is your position -- you're road
23 patrol; is that what you do?

24 A. Yes, sir.

25 Q. And as part of that -- well, let me ask you, were you

1 working June 18th, 2012?

2 A. I was.

3 Q. Okay. And were you dispatched to the Bank of America
4 in the city of Pickens?

5 A. I was dispatched to the area.

6 Q. I see. Can you tell the jury what happened in that
7 regard?

8 A. We received a call that there had just been a robbery
9 at Bank of America. So everybody kind of starts going
10 toward that area looking for suspicious persons or people
11 fitting any kind of description that comes across the radio
12 later, memorizing vehicles that you see and then we'll track
13 them down.

14 Q. And did you locate any suspicious persons or vehicles
15 at that time?

16 A. I didn't at that time.

17 Q. Okay. At some point in time did you proceed to the
18 Bank of America?

19 A. I did.

20 Q. And when you got there what did you do?

21 A. We were -- by the time Pickens city officer was
22 relaying his information, what he was gathering to his
23 dispatch, they were getting it to our dispatch. Our
24 dispatch was getting it back out to us. We're not on the
25 same radio channel. It was a large lapse of time, so I just

1 stepped inside and just started -- when the information came
2 out, I just put it straight out onto the radio to everyone
3 else.

4 Q. Okay. And so we're clear here, this is kind of a
5 joint ---

6 A. Joint ---

7 Q. --- operation or joint ---

8 A. Multi-jurisdictional.

9 Q. Okay. Thank you. Between Pickens City and also
10 Pickens County?

11 A. Yes, sir.

12 Q. Now at some point in time did you speak to the
13 employees and get a description?

14 A. I overheard what was being told. I didn't
15 specifically ask anyone. I just kind of stood back,
16 listened in. Anything I heard, I just passed it along.

17 Q. Okay. And did you -- were you ever involved with the
18 surveillance video?

19 A. I did observe it. I was kind of standing back behind
20 them and I observed them while they were watching the video.

21 Q. Okay. And is that -- were you in the courtroom when
22 that was played earlier?

23 A. I was.

24 Q. And is that the video that you saw?

25 A. It is.

1 Q. And when you -- what did you send out over the
2 airwaves, for lack of a better term?

3 A. Over the radio I gave a physical description of what
4 the suspect looked like and his clothing description. And
5 then I used my cell phone and took some pictures and sent it
6 out to the guys that were on the road that were talking on
7 the radio, just sent them a text just of the pictures that I
8 was able to take real quick so they would know the suspect
9 and they could look directly at him and say that's going to
10 be him or not.

11 Q. Okay. And those pictures, did that -- were you taking
12 an actual picture of the surveillance video?

13 A. I just took it straight from surveillance on the --
14 while they were watching, I just snapped a quick picture.

15 Q. Okay. And the purpose of that was for identity
16 purposes later?

17 A. It was just to help the guys that were on the road at
18 the time, just using a tool to help us in our job.

19 Q. Thank you. That's all the questions I have. Please
20 answer any questions Mr. Angell has.

21 A. Yes, sir. Thank you.

22 **CROSS EXAMINATION**

23 **BY MR. ANGELL:**

24 Q. So it's my understanding that you -- your role in this
25 investigation was to show up to the Bank of America and

1 conduct an investigation at the actual bank; correct?

2 A. I was not dispatched to the Bank of America. I took
3 it upon myself to get out at the Bank of America to help cut
4 down the time between information being gathered and put
5 back out on the radio.

6 Q. So -- but you learned of the alleged robbery at the
7 Bank of America over the radio waves; is that correct?

8 A. I did.

9 Q. Okay. And were you aware that there were two suspects
10 in this case?

11 A. I do not recall knowing if there was two or not.

12 Q. And when you sent a picture over, who did you send
13 that to?

14 A. The deputies that were working out on the road. I
15 don't remember specific names. It was probably whoever was
16 on the road or whoever was talking on the radio saying they
17 were looking for him at the time.

18 Q. And which picture -- I know you have a description.
19 What was -- what picture did you take?

20 A. Probably just the ones that showed up on surveillance
21 that were quick, able to get a good shot of the face and
22 clothing description that I could send right back out to
23 help them.

24 Q. So a picture of an individual with sunglasses on and
25 black shirt ---

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1 A. Right.

2 Q. --- and khaki pants?

3 A. From that video.

4 Q. Okay. And then you finished up -- you didn't go out
5 on the road at this point to help look for any suspect; did
6 you?

7 A. I stayed around in case there was more information.
8 Once they -- I believe they said they had a suspect or
9 whatever in custody, I went ahead and left. Went back to
10 work.

11 Q. Thank you. No further questions.

12 MR. RICHARDSON: Nothing further, Your Honor.

13 THE COURT: Give me your name?

14 THE WITNESS: Brian Byers, B-Y-E-R-S.

15 THE COURT: You may step down.

16 THE WITNESS: Thank you, sir...

17 MR. RICHARDSON: Your Honor, may this witness be
18 excused?

19 THE COURT: Yes, sir. You're free to leave.

20 Thank you.

21 MR. RICHARDSON: The state calls J.T. Albrecht.

22 THE CLERK: Place your left hand on the bible.

23 Raise your right.

24 Do you solemnly swear or affirm the testimony you're
25 about to give in this case to be the truth, the whole truth

1 and nothing but the truth, so help you God?

2 THE WITNESS: I do.

3 THE CLERK: Thank you, sir. If you would have a
4 seat and state your name for the record, please.

5 THE WITNESS: J.T. Albrecht.

6 J.T. ALBRECHT,

7 HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

8 DIRECT EXAMINATION

9 BY MR. RICHARDSON:

10 Q. Officer, you're employed with the Pickens County
11 Sheriff's Office; correct?

12 A. That's correct.

13 Q. And how long have you been in law enforcement?

14 A. Since 1993.

15 Q. Okay. And are you in a particular part of the Pickens
16 County Sheriff's Office?

17 A. Yes. I'm in forensics.

18 Q. Okay. And what is forensics?

19 A. Evidence collection. We respond to crime scenes, look
20 for evidence of the crime, identify it and collect it.

21 Q. Let me -- it's hard to hear in this courtroom, so try
22 to speak into that. Thank you. And were you called to --
23 well, let me ask you this. Part of forensics is attempting
24 to get fingerprints?

25 A. That's correct.

1 Q. Okay. Were you called back on June 18th of 2012 to
2 the Bank of America?

3 A. I was.

4 Q. Okay. And did you, in fact, go to the Bank of
5 America?

6 A. Yes, sir.

7 Q. Okay. Upon arrival there, what did you do?

8 A. I went in and met with the officers from Pickens
9 Police Department that were on the scene. Asked them where
10 the suspect had come into the bank, what he had done while
11 he was in the bank, where did he go out of the bank. And I
12 checked those areas for fingerprints.

13 Q. Okay. And when you check an area for fingerprints,
14 what exactly do you do?

15 A. Dust it.

16 Q. And were you able to get any identifiable
17 fingerprints?

18 A. No, sir.

19 Q. Okay. Can you explain to the jury why you could not
20 do that?

21 A. The areas where the suspect had made contact, which
22 would be the interior surface of the door, exterior surface
23 of the door, as well as the counter, those are all common
24 contact areas. Any transfer of fingerprint to that area,
25 the next person who comes along, if they happen to touch in

1 the same area, they transfer their fingerprint to it.

2 Basically what you end up having is just a big mass of body
3 oil contact and skin contacts. So you'll get fragments of
4 fingerprints that survived, you know, from the last person
5 that put their hand there, but you don't get an identifiable
6 ridge count.

7 Q. Thank you, sir. And other than that, did you have any
8 other involvement forensic-wise with this case?

9 A. No, sir.

10 Q. Thank you. That's all the questions I have. Please
11 answer any questions Mr. Angell has...

12 **CROSS EXAMINATION**

13 **BY MR. ANGELL:**

14 Q. Deputy Albrecht, in regards to forensics, did you do
15 any DNA, pull saliva or swear or blood off the scene?

16 A. I did not.

17 Q. Do you -- in general is that your job at times?

18 A. I can. But I did not in this case.

19 Q. Okay. And just to be clear, you said you were unable
20 to produce or find any fingerprints in this case; correct?

21 A. That's correct.

22 Q. Thank you. No further questions, Your Honor.

23 THE COURT: All right. Thank you, sir. You may
24 step down.

25 MR. RICHARDSON: Your Honor, may this witness be

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1 excused?

2 THE COURT: He may.

3 MR. RICHARDSON: State calls Tim Morgan.

4 THE CLERK: Do you solemnly swear or affirm the
5 testimony you're about to give in this case to be the truth,
6 the whole truth and nothing but the truth, so help you God?

7 THE WITNESS: I do.

8 THE CLERK: Thank you, sir. If you would have a
9 seat and state your name for the record, please.

10 THE WITNESS: My name is Tim Morgan.

11 **TIM MORGAN,**

12 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

13 **DIRECT EXAMINATION**

14 **BY MR. RICHARDSON:**

15 Q. Mr. Morgan, are you presently employed?

16 A. I am.

17 Q. And are you employed with Blue Ridge?

18 A. I work with Blue Ridge Security.

19 Q. Okay. Now, prior to that were you in law enforcement?

20 A. I was. I was the assistant sheriff for Pickens
21 County. I was there for thirty-seven years.

22 Q. Okay. And so back on June the 18th, 2012, you were
23 still employed as assistant sheriff?

24 A. That's correct.

25 Q. Okay, sir. And on that date did you receive a

1 dispatch or any information that the Bank of America had
2 been robbed in Pickens?

3 A. I was monitoring the radio and heard that there had
4 been a robbery at the Bank of America. When something like
5 that happens, you drop what you're doing and get involved,
6 which is what I did on that day.

7 Q. Okay, sir. And where did you -- what did you do?
8 Where did you go?

9 A. I got in my car and I went toward the Bank of America.
10 I pulled in behind Grace Church, which is the parking lot
11 between the two churches, the First Baptist and then Grace.
12 It's not a common parking lot. It's separated by a short
13 walk. But I pulled in there and started -- there was a
14 couple of people there and I asked them had they seen
15 anything.

16 Q. Okay. And did you get any information from them?

17 A. I did. I identified myself. There was a female, and
18 told her there had been a bank robbery, had she seen
19 anything? And she said, yeah, I saw a black male running
20 down the sidewalk and he turned into the parking lot and got
21 into a red truck.

22 Q. Okay, sir. Now once you obtained that information,
23 what did you do?

24 A. I immediately got on the radio and, you know, time is
25 critically important when something like that happens. We

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1 got on the radio and relayed the information to all the
2 units that were working and responding.

3 Q. Okay. And is that what y'all would call a BOLO?

4 A. It is, be on the lookout.

5 Q. Okay. And the information that you relayed out was
6 for a red Ford pickup truck?

7 A. It was a red pickup truck. As best I can recall, the
8 lady didn't remember exactly the make of the truck. She was
9 very definite about it being a red pickup truck.

10 Q. Okay. And that goes out to all channels, all
11 personnel out on the road working that day?

12 A. It does. Yes, sir.

13 Q. That's all the questions I have. Please answer any
14 questions Mr. Angell has for you.

15 **CROSS EXAMINATION**

16 **BY MR. ANGELL:**

17 Q. Mr. Morgan, when you sent out that BOLO, what
18 frequency did you send that over?

19 A. I was on the sheriff's channel.

20 Q. So it was just for the sheriff's department? The city
21 didn't get that?

22 A. They didn't get it from me, but it was relayed by our
23 dispatch, I'm quite sure.

24 Q. Okay. So when you sent it out to the sheriff's
25 department, then it's sent to the other channels of the

1 multi-jurisdictional ---

2 A. And if they're monitoring our channel, they do get it.

3 Q. Okay. The female that you said identified someone who
4 got into a red truck, did she describe anybody? Did she
5 describe exactly who got in that truck?

6 A. She said it was a black male running down the sidewalk
7 and got in the truck.

8 Q. So she just said black male, sidewalk, truck. Beyond
9 that did you have any other involvement in this case?

10 A. I went ---

11 Q. Did -- sorry. Go ahead.

12 A. I went -- it was a short time later that a pursuit
13 took place, which is another situation where managers and
14 supervisors get involved. Pursuits can be very dangerous
15 situations. So I was monitoring the pursuit and going in
16 that general direction. So after the truck was located, I
17 did go to the scene.

18 Q. Thank you. No further questions.

19 THE COURT: Anything?

20 MR. RICHARDSON: Sorry, Your Honor, one question.

21 **REDIRECT EXAMINATION**

22 **BY MR. RICHARDSON:**

23 Q. In the pursuit that you're referring to, is that the
24 pursuit of that red truck?

25 A. It is.

1 Q. Okay, sir. Thank you. That's all the questions I
2 have.

3 THE COURT: All right. Thank you, sir. You may
4 step down..

5 MR. RICHARDSON: Your Honor, may this witness be
6 excused?

7 THE COURT: He may.

8 MR. RICHARDSON: Thank you. State calls Keith
9 Galloway.

10 THE CLERK: Do you solemnly swear or affirm the
11 testimony you're about to give in this case to be the truth,
12 the whole truth and nothing but the truth, so help you God?

13 THE WITNESS: I do.

14 THE CLERK: Thank you, sir. If you would have a
15 seat and state your name for the record, please.

16 THE WITNESS: Captain Keith Galloway..

17 **KEITH GALLOWAY,**

18 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

19 **DIRECT EXAMINATION**

20 **BY MR. RICHARDSON:**

21 Q. Officer Galloway, where are you employed?

22 A. I'm currently employed with the Pickens County
23 Sheriff's Office.

24 Q. And as you stated, you're a captain?

25 A. I'm on command staff; that's correct.

1 Q. Okay, sir. And what are your duties with Pickens
2 County Sheriff's Office?

3 A. Currently I oversee the -- I'm the jail administrator
4 and I oversee the judicial services division.

5 Q. Okay, sir. And how long have you been in law
6 enforcement?

7 A. Twenty-five years.

8 Q. Okay, sir. Did you start out on the road?

9 A. I did. I actually started in Easley, but my last
10 twenty-two years have been with the sheriff.

11 Q. Okay, sir. Now, let me take your memory back to June
12 18 of 2012. On that particular day, did you overhear a BOLO
13 or a dispatch?

14 A. I did.

15 Q. Okay. When was that?

16 A. I was actually on my way home to secure from work.
17 I'll kind of set the scene for you. I was on Highway 93, if
18 you're familiar with Easley, there about where the Huddle
19 and Marion Davis is. And I began to monitor radio traffic
20 from the Chief Deputy concerning a bank robbery, and a
21 suspect vehicle and a suspect description.

22 Q. Okay, sir. And at some point in time, did you locate
23 a red Ford pickup truck?

24 A. What I did, I actually stopped -- I felt maybe there
25 was a possibility that they may be headed to Greenville. So

1 93 being a pretty big thoroughfare, I decided since I was
2 there I'd go ahead and stop or turn around and look for the
3 vehicle. So I actually turned around in the Huddle parking
4 lot and started back up 93, which is actually Main Street,
5 Highway 8, but Main Street in Easley there where the Huddle
6 in and Marion Davis. I actually turned around and started
7 back toward Pickens and was looking at oncoming traffic
8 headed toward Greenville.

9 Q. Okay, sir. And what did you see?

10 A. Well, we knew Assistant Sheriff Morgan had come over
11 the radio and told us to be looking for a red Ford pickup
12 truck occupied by a black male. Thereabout Marion Davis,
13 thereabout where the red light is where the train tracks
14 are, I actually met a red F150 and it was occupied by two
15 black males headed toward Greenville. And I immediately --
16 when I saw them, I immediately turned my vehicle around. I
17 was in an unmarked car. I immediately turned my vehicle
18 around and got in behind -- directly in behind the truck.

19 Q. Okay, sir. And you just testified you were in an
20 unmarked car. However, does that car have blue lights?

21 A. It does have blue lights and sirens, yes.

22 Q. Okay. And where are the blue lights located?

23 A. There's actually one over the visor, two in the grill
24 and about nine in the back glass.

25 Q. Okay, sir. Now, once you got behind the red truck,

1 what, if anything, did you do?

2 A. The first thing I done, I noticed immediately when I
3 fell in behind the truck, there was a lot of movement in the
4 cab. And it was very obvious to me that the driver took his
5 left hand and unbuckled the seatbelt and brought it back
6 across his waist. That arose my suspicions quite a bit. At
7 that point I ran the tag on the car or on the truck.

8 Q. Okay. After running the tag, did you have any -- did
9 you -- were you having any radio contact with any other
10 officers at this time?

11 A. Well, I was talking to my dispatch. I was actually
12 running the tag and waiting on a reply from my dispatch,
13 which they did reply and told me the truck was stolen out of
14 Greenville.

15 Q. Okay. Once you had that information, what did you do?

16 A. Well, there was actually -- when I fell in behind the
17 truck, there was actually an Easley City police car. There
18 was a lot of communication between Pickens City and Easley
19 City and Pickens County, and you have to understand, a lot
20 of us can listen to each other, but there was some
21 communication between all three agencies and an Easley City
22 police car actually was coming to assist me, and kind of
23 shot by me just a little bit in the fast lane. And I was
24 trying to kind of stay behind the truck to maybe do a box-in
25 maneuver or something of that nature to avoid a pursuit.

1 Q. And let me -- I'm sorry to interrupt. So it's clear,
2 at this point in time, have you engaged blue lights and
3 siren?

4 A. No.

5 Q. Okay. Go ahead. I'm sorry.

6 A. At that point, when I saw the driver undo the
7 seatbelt, my mind immediately said, you know, there was some
8 things running through my mind with the movement. And then
9 when the tag came back stolen, naturally I began to think,
10 you know, we're going to have a pursuit here. So I was
11 trying to delay and slow things up as much as I could to
12 delay the pursuit or try to stop the pursuit, waiting on
13 other cars to get behind me, waiting on the other help to
14 get there where we could maybe try to box that in. That
15 went all the way down from Marion Davis all the way down by
16 the Huddle and down by the old mill there like you're going
17 toward the junior high school, Stewart Avenue. And went all
18 the way -- I stayed behind them all the way till we got to
19 the red light that actually turns right there at the junior
20 high school.

21 Q. Okay, sir. And at the red light, was the light, in
22 fact, red?

23 A. The light turned red and we were all caught up in
24 traffic. And there was actually an Easley City car, and at
25 this moment I looked up in my rearview mirror and noticed

1 another one of our unmarked cars behind me. And we were
2 actually caught up in traffic at the red light. And that's
3 when the red Ford pickup truck made a hard right and the
4 pursuit began.

5 Q. Okay, sir. And that hard right, so is that the road
6 going down by the middle school?

7 A. It is. It's actually -- if you'll let me reflect back
8 to my report.

9 Q. And I believe it's Gettys Middle School?

10 A. And I can review the names, the street names, the
11 actual street names.

12 Q. And I don't actually need the names. But just the
13 area?

14 A. Yeah. The area is actually -- the streets are
15 actually behind -- in front of Gettys Middle School, the
16 side streets and so forth.

17 Q. Okay.

18 A. And actually the street that we actually got the truck
19 stopped on was one of the side streets that dumps back on
20 123.

21 Q. Okay.

22 A. But it was all those streets that were actually in
23 front of the junior high school, if you know where the
24 junior high school is at, that turns off the main road
25 there. But at that point, I -- at that point when the truck

1 made the hard right, I had yet to turn on the blue lights.

2 So this was a process that he initiated before we did.

3 Q. I see. And so when did you turn on your blue lights?

4 A. When he made the hard right and accelerated speed,
5 then I turned the blue light and siren on. And that's when
6 the chase ensued.

7 Q. All right. And did he continue to speed away from
8 you?

9 A. He did. We went through four, five or six
10 intersections and blowing stop signs, not stopping for stop
11 signs, and things of that nature.

12 Q. Did he ever stop for a stop sign?

13 A. No.

14 Q. How many do you recall ---

15 A. I think there were four or five total that we went
16 through.

17 Q. Okay. Is this a residential ---

18 A. It is.

19 Q. --- neighborhood?

20 A. It is.

21 Q. What happened then?

22 A. Well, as we approached the last stop, there was a hard
23 left turn on the side street that would actually dump back
24 onto 123 and there was an Easley City car that was actually
25 coming up that road and was in the process of blocking the

1 road. Undoubtedly, he saw that car, you know, in a position
2 to try to stop the pursuit and he went through a front yard
3 of a lady and stopped the truck.

4 Q. Okay. So his vehicle was actually in a residential
5 yard?

6 A. It was actually in a lady's front yard; that's
7 correct.

8 Q. Okay, sir. Now, at that point in time what happens?

9 A. At that point in time, Mr. Missouri, who's seated here
10 to my left, exited the vehicle from the driver's side and
11 began running down through the woods.

12 Q. Okay. Now, did you see him exit the vehicle?

13 A. I did.

14 Q. You stated he exited the driver's side?

15 A. He exited the driver's side of the vehicle.

16 Q. Okay. And did he have anything in his hands that you
17 could see at that time?

18 A. He appeared to be carrying a sack or a bag or
19 something of that nature. It appeared brown to me or some
20 type of flash of brown.

21 Q. All right. And were you involved with the -- his
22 arrest or was that another officer?

23 A. I actually went to the passenger side of the vehicle
24 and we took Mr. Wright into custody, myself and another
25 deputy went there. And the two deputies that were behind me

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1 in the unmarked car actually initiated in the foot pursuit
2 with Mr. Missouri.

3 Q. Okay, sir. And let me hand you what's been marked
4 State's Exhibit 6. Can you identify that for me, please,
5 sir?

6 A. That's the truck, that's the truck with the same tag
7 number. And actually that's my patrol car parked alongside
8 of it there.

9 Q. Okay.

10 MR. RICHARDSON: Your Honor, at this time state
11 moves State's Exhibit 6 to be placed into evidence.

12 MR. ANGELL: No objection.

13 THE COURT: So admitted.

14 (WHEREUPON, State Exhibit Number 6 was admitted into
15 evidence.)

16 Q. Okay, sir. There's a pointer if you need it. Where
17 did the defendant exit the vehicle?

18 A. The defendant exited ---

19 Q. There's a laser pointer right there. Just hit the red
20 button.

21 A. The red?

22 Q. Yes, sir.

23 A. He exited the driver's side door here and actually ran
24 to the lefthand side of the truck down through the wooded
25 area. Mr. Wright was very compliant. He stayed seated.

- 1 And myself and Deputy Durham approached him. He was
2 actually very compliant with hands up and never caused a bit
3 of a problem. But he was took from the passenger side of
4 the vehicle here; Mr. Wright was.
- 5 Q. Okay. And did you place Mr. Wright under arrest?
- 6 A. We did.
- 7 Q. Did you search him?
- 8 A. We did.
- 9 Q. Okay. Did you find any large amounts of money or
10 anything about his person?
- 11 A. I did not.
- 12 Q. What vehicle is that next to the red truck?
- 13 A. That's actually my patrol vehicle. And if you
14 actually look, you can see one of the blue lights is
15 actually on right there.
- 16 Q. Okay, sir. And do you recall, there was another --
17 was there another Pickens County Sheriff's Office vehicle in
18 the ---
- 19 A. There was an unmarked van that we utilize for warrant
20 service that actually was behind me. It's not shown in the
21 picture, but he was actually behind me the entire pursuit.
- 22 Q. Okay. And is that the officer that dealt with the
23 defendant?
- 24 A. One of those were, yes.
- 25 Q. And is the person that was driving that vehicle and

1 ran from you in that vehicle and also ran on foot, is he in
2 this courtroom?

3 A. He is. He's seated right to the left there.

4 Q. Can you describe what he has on?

5 A. Tan jacket, white shirt.

6 Q. Okay, sir. Please ---

7 THE COURT: Let the record reflect that he
8 identified the defendant.

9 MR. RICHARDSON: Thank you. That's all the
10 questions I have. Please answer any questions the defense
11 has.

12 **CROSS EXAMINATION**

13 **BY MR. ANGELL:**

14 Q. Captain Galloway, how long were your blue lights
15 activated before you got out of your vehicle?

16 A. The amount of time it would have took -- we took
17 several, four or five side streets. The chase probably
18 lasted no longer than two to three, maybe four minutes, at
19 the most.

20 Q. Did you ever see the driver turn back and look at you
21 at any time during that chase?

22 A. No.

23 Q. And was there anything located in that truck, any
24 money, in the seats of that truck?

25 A. I did not collect any money. No.

1 Q. So you didn't see anything in the cab of that truck?

2 A. No.

3 Q. That's all. Thank you.

4 A. Thank you.

5 MR. RICHARDSON: Nothing further, Your Honor.

6 THE COURT: Sir?

7 MR. RICHARDSON: Nothing further. I'm sorry.

8 THE COURT: All right. Thank you.

9 MR. RICHARDSON: Your Honor, may this witness be
10 excused?

11 THE COURT: He may.

12 MR. RICHARDSON: Thank you. State calls Scott
13 Ticknor to the stand.

14 THE CLERK: Left hand on the bible. Raise your
15 right.

16 Do you solemnly swear or affirm the testimony you're
17 about to give in this case to be the truth, the whole truth
18 and nothing but the truth, so help you God?

19 THE WITNESS: I do.

20 THE CLERK: Thank you, sir. If you would have a
21 seat and state your name for the record, please.

22 THE WITNESS: Scott Ticknor.

23 SCOTT TICKNOR,

24 HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

25 DIRECT EXAMINATION

1 **BY MR. RICHARDSON:**

2 Q. Where are you employed?

3 A. Pickens County Sheriff's Office.

4 Q. In what capacity?

5 A. I work the warrants division.

6 Q. Okay, sir. And how long have you been in law
7 enforcement?

8 A. Since 1995.

9 Q. Okay, sir. Were you actually working on June the
10 18th, 2012?

11 A. Yes, sir.

12 Q. And what were you doing that particular day?

13 A. Deputy Durham and myself were working in a special
14 detail that day over in Easley.

15 Q. Okay, sir. And at some point in time did you hear a
16 radio call go out?

17 A. Yes, sir. We heard a radio call in reference to a
18 bank robbery in the city of Pickens. At that time I looked
19 at Deputy Durham and I said, what if he rides this way, what
20 will we do? We were down on 123 at the time.

21 Q. Okay, sir. And so I'm clear, what kind of vehicle
22 were you driving?

23 A. It was an unmarked vehicle. It was a mini van.

24 Q. Okay. And why were you driving that vehicle?

25 A. We were working on a detail at the time that we would

- 1 involve that type of vehicle to be used.
- 2 Q. Okay. An undercover?
- 3 A. Yes, sir.
- 4 Q. Okay, sir. And does that vehicle have lights?
- 5 A. Yes, sir, it does.
- 6 Q. Blue lights?
- 7 A. Yes, sir.
- 8 Q. And does it also have a siren?
- 9 A. It does now. It didn't at the time, sir.
- 10 Q. It did not at the time?
- 11 A. No, sir.
- 12 Q. Okay. Now, at some point in time did you become
- 13 involved with a vehicle pursuit of a red Ford pickup truck?
- 14 A. Yes, sir.
- 15 Q. Okay. Tell the jury what happened?
- 16 A. On that day, like I said, Deputy Durham and I were
- 17 working a detail and we kind of jokingly said, well, what if
- 18 we run up on this guy and we chase him down and go from
- 19 there. We came back down 123 onto 93 and we were at the
- 20 Hardee's light at the five points where the Goodwill is now
- 21 -- it used to be a Bi-Lo -- and seen a red pickup truck come
- 22 down 93 through that intersection right there in front of
- 23 Hardee's and had two black males in it. It was a red Ford
- 24 F150. Both of us kind of looked at each other. And I said,
- 25 what do you think about that one? He said, yeah, let's go

1 ahead. So we made a turn-around and fell in behind the
2 vehicle just past the car wash there.

3 Q. Okay. And at this time was Deputy -- excuse me --
4 Captain Galloway, was he present in his vehicle?

5 A. Not at this time. That was just a few minutes before
6 when this took place. I would say maybe a minute and a
7 half, two minutes, if that long.

8 Q. Okay. And did -- eventually did you end up in a
9 pursuit of that vehicle after your blue lights had been
10 engaged?

11 A. Yes, sir.

12 Q. Okay. And where did that pursuit -- was that pursuit
13 in a residential neighborhood?

14 A. Yes, sir. It turned off of 93 just before Stewart
15 Drive, which I think it was Freeman. There's a small short
16 street at an attorney's office, and it dropped down over a
17 hill and came up onto Grigsby Avenue, is where it goes to.

18 Q. Okay, sir. And I'm referring to State's Exhibit
19 Number 6. Do you recognize that vehicle?

20 A. Yes, sir.

21 Q. Is that the vehicle that you were pursuing?

22 A. Yes, sir. That's correct.

23 Q. Okay, sir. And at some point in time, did the vehicle
24 come to a stop where you see it in that picture?

25 A. Yes, sir. And we were over here in the bushes. There

- 1 was a bush right here and our -- I stopped the van here.
- 2 Q. Okay. Now, when you stopped the van -- you had
- 3 another officer with you; right?
- 4 A. Yes, sir.
- 5 Q. This officer back here?
- 6 A. Yes, sir, Deputy Durham.
- 7 Q. Okay. Were you driving or was Deputy Durham driving?
- 8 A. I was driving.
- 9 Q. Okay. And once you stopped that van, what did you do?
- 10 A. I called driver. We kind of do that. I said, I've
- 11 got driver. And I jumped out, and he jumped out his side
- 12 and he took the passenger. And I went down through -- I
- 13 come through here and went down into this wooded area. It
- 14 went down into kind of a yard going into the woods and took
- 15 the suspect down back off in this area here.
- 16 Q. Okay, sir. Approximately how far from the Ford truck
- 17 did you -- when you say take him down, did you have to
- 18 tackle him?
- 19 A. Yes, sir.
- 20 Q. Okay. Approximately how far was that?
- 21 A. A hundred feet, maybe a hundred fifty feet, if that
- 22 far.
- 23 Q. Okay. And was he carrying anything?
- 24 A. He had something. Like I said, I was just -- I was
- 25 looking to take him down. Like I said, I didn't do a lot of

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1 looking for other things. I just basically took -- we went
2 down to the ground and I was able to handcuff him and hold
3 him down. And Deputy -- I'm sorry -- City Officer
4 Harrelson, Patrol Officer Harrelson came running up and
5 covered him while we were waiting for everybody else to get
6 the other part taken care of.

7 Q. Okay, sir. And do you recall him having a white bag
8 on him?

9 A. He had a bag -- when he hit the ground, something went
10 out of his hand, yes. And like I said, I cuffed him up and
11 then I just kind of stayed with him for a few minutes ---

12 Q. And then you let that ---

13 A. All that laid there.

14 Q. Okay.

15 A. And me and Mr. Harrelson took him up off the ground
16 and started him back up the hill.

17 Q. So your involvement was the arrest part of it?

18 A. Yes, sir.

19 Q. Okay. You didn't have any involvement with the
20 identification or the forensics or ---

21 A. No, sir.

22 Q. So you left that item for forensics?

23 A. Yeah. I left that and I told them on the way back up
24 the hill, I told him there was some stuff on the ground.

25 And then I walked him back past the truck in between the van

1 and the truck to a marked patrol car that was pulling up out
2 by the roadway.

3 Q. Okay, sir. And is that person that you tackled and
4 arrested that day, is he in this courtroom?

5 A. Yes, sir.

6 Q. And where is here?

7 A. He's over here in the brown blazer and the turtleneck,
8 white turtleneck.

9 MR. RICHARDSON: Please let the record reflect
10 he's identified the defendant. That's all the questions I
11 have. Please answer any questions Mr. Angell has for you.

12 THE WITNESS: Yes, sir.

13 **CROSS EXAMINATION**

14 **BY MR. ANGELL:**

15 Q. Deputy Ticknor, forgive me, but you said you tackled
16 my client; correct?

17 A. Yes, sir.

18 Q. And that you didn't -- you searched him after
19 handcuffing him; correct?

20 A. That's correct. I padded him down.

21 Q. And you didn't find anything on him?

22 A. Not anything that I would have to take off such as
23 weapons, sir.

24 Q. So he had no weapons? Did you say anything to my
25 client after you arrested him?

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1 A. Yes, sir. I probably talked to him about running.

2 Q. What did you say to him?

3 A. You need to go faster next time, I believe.

4 Q. Once you got him down and handcuffed him, did he try
5 to run again?

6 A. No, sir.

7 Q. Did he cooperate from then on out?

8 A. Yes, sir.

9 Q. Now, in regards to the pursuit, was your van the
10 closest to that truck throughout this pursuit?

11 A. No, sir. Captain Galloway was in front of us.

12 Q. Okay.

13 A. And we were just behind him. And he was -- he took
14 the lead on that and we worked the radio. I believe Deputy
15 Durham was working the radio.

16 Q. Were you the only one to tackle my client? Was there
17 another officer ---

18 A. The other officer was running down the hill and it was
19 already, it was already in play when he came running down.

20 Q. So the two of you were already on the ground?

21 A. Yes, sir.

22 MR. ANGELL: Nothing else. Thank you.

23 MR. RICHARDSON: Nothing further, Your Honor.

24 THE COURT: Thank you, sir.

25 MR. RICHARDSON: Your Honor, may this witness be

1 excused?

2 THE COURT: He may.

3 MR. RICHARDSON: Thank you. State calls Rodney
4 Gregory to the stand.

5 THE CLERK: Place your left hand on the bible,
6 raise your right.

7 Do you solemnly swear or affirm the testimony you're
8 about to give in this case to be the truth, the whole truth
9 and nothing but the truth, so help you God?

10 THE WITNESS: I do.

11 THE CLERK: Thank you, sir. If you would have a
12 seat and state your name for the record, please.

13 THE WITNESS: Rodney Gregory.

14 **RODNEY GREGORY,**

15 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

16 **DIRECT EXAMINATION**

17 **BY MR. RICHARDSON:**

18 Q. Sir, are you the chief of police of Pickens City?

19 A. Yes, I am.

20 Q. And how long have you been chief of police?

21 A. Approximately three years.

22 Q. Okay, sir. And how long have you been in law
23 enforcement?

24 A. Eighteen years.

25 Q. Okay, sir. And were you the chief of police back on

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1 June 18th of 2012?

2 A. Yes.

3 Q. Okay, sir. And were you dispatched to the Bank of
4 America, or how did that come about?

5 A. It came over the radio and I left my office and headed
6 that way. Yes.

7 Q. Okay. And did you actually -- you went to the Bank
8 of America?

9 A. Not at first. I saw Assistant Sheriff Morgan over to
10 the right between the two churches and I pulled in there.
11 And that's where we was talking to some ladies there and
12 they said that a red pickup truck -- that a black male run
13 out and got into a red pickup truck and it went out beside
14 the gas station, took a right.

15 Q. Okay, sir. Now, did you put that information out on
16 your radio waves?

17 A. Yes. I dispatched it to our officers.

18 Q. Okay. And so we're clear, is Pickens County and
19 Pickens City, are y'all on the same frequency?

20 A. No.

21 Q. Okay. Now, after you did that, did you ever proceed
22 to another location?

23 A. Yes. I went to the bank for a few minutes and then I
24 heard the pursuit and had the vehicle stopped, so I headed
25 towards Easley.

1 Q. Okay. And did you, in fact, go to this area that's
2 State's Exhibit 6 that's showing?

3 A. Yes.

4 Q. Okay, sir. And while there did you, did you view a
5 shirt in the truck?

6 A. Yes, I did. By the time I got there, the two people
7 had already left the scene in patrol cars. And you see the
8 truck door is closed there. It was opened up and I was
9 standing over to the left of it. And I glanced in the truck
10 and seen a dark colored shirt behind the seat of the
11 driver's side.

12 Q. Okay, sir. Let me show you what's been marked as
13 State's Exhibit 18. Do you recognize this?

14 A. Yes. That's the shirt that was behind there.

15 Q. Okay, sir.

16 A. The forensic people pulled it out of the truck, and I
17 viewed it.

18 Q. Okay. And did you -- you located it for the forensics
19 people?

20 A. I spotted the shirt and told them they needed to look
21 at that shirt and they pulled it out.

22 Q. Okay. And at that point in time, you let forensics
23 take the evidence from there?

24 A. That is correct.

25 Q. That's all the questions I have. Please answer any

1 questions the defense counsel may have for you.

2 **CROSS EXAMINATION**

3 **BY MR. ANGELL:**

4 Q. Mr. Gregory, what else did you find in addition to
5 that shirt in the truck?

6 A. That's -- I didn't find it in the truck. I seen it
7 from outside and I notified forensics to pull it out. I
8 didn't get in the truck at all.

9 Q. So what was your role at the scene there exactly?

10 A. It happened in my city and I'm responsible.

11 MR. ANGELL: Nothing further.

12 THE COURT: Anything further?

13 MR. RICHARDSON: Nothing further, Your Honor.

14 THE COURT: Thank you.

15 MR. RICHARDSON: Your Honor, may this witness be
16 excused?

17 THE COURT: He may.

18 MR. RICHARDSON: Thank you. State calls Tony
19 Robinson.

20 THE CLERK: Do you solemnly swear or affirm the
21 testimony you're about to give in this case to be the truth,
22 the whole truth and nothing but the truth, so help you God?

23 THE WITNESS: I do.

24 THE CLERK: Thank you, sir. If you would have a
25 seat and state your name for the record, please.

1 THE WITNESS: Tony Robinson.

2 TONY ROBINSON,

3 HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

4 DIRECT EXAMINATION

5 BY MR. RICHARDSON:

6 Q. You're employed with the Pickens County Sheriff's
7 Office?

8 A. I am.

9 Q. And how long have you been in law enforcement?

10 A. Twenty-five years.

11 Q. And what is your position right now with the Pickens
12 County Sheriff's Office?

13 A. I'm a lieutenant over the forensic unit.

14 Q. And you're, in fact, in charge of the forensic unit?

15 A. Yes, sir.

16 Q. And were you working on June the 18th of 2012?

17 A. I was.

18 Q. Were you dispatched to a particular area?

19 A. Yes. I went to the Easley area.

20 Q. Okay, sir. And what was that in reference to?

21 A. The suspect vehicle in the bank robbery had been
22 located or had been apprehended on Grace Avenue in Easley.
23 And I went to that location.

24 Q. Okay, sir. And is the location that you went to, in
25 fact, is what is shown as State's Exhibit 6?

1 A. It is.

2 Q. And what was the purpose of you going to the scene
3 that day?

4 A. I went there to document that scene, photograph and
5 collect evidence.

6 Q. Okay. And is that -- in essence is that what a
7 forensic officer and identification officer does?

8 A. It is.

9 Q. Okay. Is that your sole duties?

10 A. It is.

11 Q. And while at the scene did you -- is part of your
12 duties as a forensic officer to take pictures?

13 A. It is.

14 Q. And did you, in fact, take pictures at this scene?

15 A. Yes, sir.

16 Q. Okay. Let me have you identify State's Exhibit 7, 8,
17 11, 12, 13, 14, 15 and 16. If you could look at those and
18 tell me if you can identify those?

19 A. All of these are pictures that I took at that scene.

20 Q. Okay, sir.

21 MR. RICHARDSON: Your Honor, at this time the
22 state moves to have State's Exhibits 7, 8, 11, 12, 13, 14,
23 15 and 16 entered into evidence.

24 MR. ANGELL: No objection, Your Honor.

25 THE COURT: So admitted.

1 (WHEREUPON, State Exhibit Numbers 7, 8, 11, 12, 13, 14,
2 15 and 16 were admitted into evidence.)

3 Q. I'm referencing State's Exhibit Number 7. What is
4 that?

5 A. That's a bag that was laying on the ground in the area
6 where I was informed that the suspect had been captured by
7 Officer Ticknor.

8 Q. Okay, sir. And I'm going to go back to State's
9 Exhibit 6. If you could use that pointer, what direction is
10 that bag from that vehicle?

11 A. It's in front of the truck down probably a hundred
12 feet or so.

13 Q. Okay, sir. And I'm referring to State's Exhibit 8.
14 What is that, sir?

15 A. That's a close-up picture of that bag.

16 Q. The same bag as in State's Exhibit 7?

17 A. That's correct.

18 Q. Okay, sir. Had you moved it, touched it in anyway?

19 A. Not at that time.

20 Q. Not at this time, okay. And now I'm referring to
21 State's Exhibit 14. What is that?

22 A. That's a brown plastic bag that was down inside the
23 white bag.

24 Q. Okay, sir. And the money that is in that bag, did you
25 take possession of that money?

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- 1 A. I did.
- 2 Q. Did you take it into evidence?
- 3 A. I did.
- 4 Q. And as part of doing that, did you count that money?
- 5 A. I did.
- 6 Q. And do you recall how much it was?
- 7 A. There was money also in the truck and the total amount
- 8 of money was one thousand seven hundred and fifty dollars.
- 9 Q. Okay. Let me show you State's Exhibit 16. Is that
- 10 the money you're referring to in the truck?
- 11 A. It is. Yes. It was in the console of the truck.
- 12 Q. Okay, sir. And back to State's 14. That money --
- 13 where was it -- it was found in the white bag?
- 14 A. That money was down inside that white bag.
- 15 Q. Okay, sir. And State's Exhibit 15?
- 16 A. That's the money. I was just laying the money out so
- 17 you could see it better.
- 18 Q. Okay, sir. And State's Exhibit 13, what is this?
- 19 A. That's other items that were in the bag. There were
- 20 some clothing items, new clothing items and there's a
- 21 receipt there, I believe, from Family Dollar.
- 22 Q. Did you take that receipt into evidence?
- 23 A. I did.
- 24 Q. And there's a -- looks like a white blur right here.
- 25 What is this right here?

1 A. That's the white bag that all that stuff was down
2 inside.

3 Q. Okay, sir. And what is this?

4 A. That's the bag with the money.

5 Q. I'm going to show you State's Exhibit 11?

6 A. That's the t-shirt that Chief Gregory saw inside the
7 truck, and I pulled it out and took photographs of it.

8 Q. Okay. And is that -- I'm going to show you State's
9 Exhibit 18. Can you identify that?

10 A. That's the same t-shirt. Yes.

11 Q. Did you pull the t-shirt out of the vehicle?

12 A. I did.

13 Q. And did you lay it out like that?

14 A. I did.

15 Q. Okay, sir. And then State's Exhibit 12?

16 A. That's the other side of that t-shirt.

17 Q. Okay, sir. And you stated there was a receipt in the
18 picture, a Family Dollar receipt?

19 A. That's right.

20 (WHEREUPON, State Exhibit Number 21 was marked for
21 identification.)

22 Q. Okay. Let me hand you what's been marked State's
23 Exhibit 21. Can you identify that?

24 A. Yes. This is that Family Dollar receipt.

25 MR. RICHARDSON: Your Honor, at this time state

1 would move State's Exhibit 21 into evidence.

2 MR. ANGELL: No objection, Your Honor.

3 THE COURT: So admitted.

4 (WHEREUPON, State Exhibit Number 21 was admitted into
5 evidence.)

6 Q. And is that the Family Dollar receipt that you took
7 into evidence?

8 A. It is.

9 Q. Okay. What is the date on that receipt?

10 A. June 18th, 2012.

11 Q. And what's the time on it?

12 A. Seventeen oh three, which that's military time for
13 five oh three p.m.

14 Q. And was that receipt found with the money and also
15 with the clothing?

16 A. It was. It was down in that bag.

17 MR. RICHARDSON: Beg the court's indulgence.

18 That's all the questions I have. Please answer any
19 questions defense counsel may have for you.

20 **CROSS EXAMINATION**

21 **BY MR. ANGELL:**

22 Q. Mr. Robinson, how long after the chase before -- how
23 long after the chase did it take for you to arrive?

24 A. I would have been there within ten minutes probably.

25 Q. When you got there, there were no suspects on the

1 scene at that point; correct?

2 A. They had already been transported.

3 Q. And what ultimately happened to the money that you
4 seized?

5 A. I took everything into evidence and I turned it over
6 to the Pickens Police Department on the next day, the 19th.

7 Q. To be clear, when you got there, there were no
8 suspects; only these items that were shown; correct?

9 A. Correct.

10 Q. Thank you.

11 MR. RICHARDSON: Nothing further, Your Honor.

12 THE COURT: Thank you, sir. You may step down.

13 MR. RICHARDSON: Your Honor, may this witness be
14 excused?

15 THE COURT: He may.

16 MR. RICHARDSON: Thank you, sir.

17 State calls Detective Sam Byers to the stand.

18 THE CLERK: Do you solemnly swear or affirm the
19 testimony you're about to give in this case to be the truth,
20 the whole truth and nothing but the truth, so help you God?

21 THE WITNESS: I do.

22 THE CLERK: Thank you, sir. If you would have a
23 seat and state your name for the record, please.

24 THE WITNESS: I'm Detective Samuel Byers.

25 **SAMUEL LANE BYERS,**

1 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

2 **DIRECT EXAMINATION**

3 **BY MR. RICHARDSON:**

4 Q. Detective, where are you employed?

5 A. I'm employed with the Pickens City Police Department.

6 Q. Yes, sir. And how long have you been employed with
7 the Pickens City Police Department?

8 A. Eleven and a half years.

9 Q. Okay, sir. And what's your position now with Pickens
10 City?

11 A. I'm the detective over criminal investigations.

12 Q. Okay, sir. And how long have you been in that --
13 working in that capacity?

14 A. Approximately three years.

15 Q. Okay, sir. And were you working on June the 18th of
16 2012?

17 A. Yes, sir.

18 Q. Okay. And on that date where did you go?

19 A. On that date we responded to the Bank of America
20 located at East Main Street in Pickens in reference to a
21 bank robbery.

22 Q. Okay, sir. And what did you do at the bank?

23 A. Well, upon arrival at the bank, I spoke with the
24 officers on the scene and asked them what information they
25 had already gathered. And told them to continue gathering

1 information for their report. I spoke with the branch
2 manager and asked them if they, on their computer, pull up a
3 copy of the video surveillance for our observation to
4 identify the person that came into the bank.

5 Q. Okay, sir. And once you did that, at some point in
6 time did you -- were you made aware that a suspect had been
7 arrested?

8 A. Yes, sir.

9 Q. Okay. And up until that point were you still at the
10 bank?

11 A. Yes, sir.

12 Q. Okay. Once you had received that information about
13 the arrest, what did you do?

14 A. After I received that information, I continued to stay
15 at the bank for a short period longer. After that I left
16 and went to the Pickens County Detention Center to speak
17 with the person that they had apprehended.

18 Q. Okay. And the person that you went to speak with, did
19 you actually interview that person?

20 A. Yes, I did.

21 Q. Okay. And was that the defendant?

22 A. Yes, it is.

23 Q. Okay. And where were you when you interviewed him?

24 A. It was a small room inside the detention center that
25 is just adjacent to the lobby where they process in people

1 who have been arrested.

2 Q. Okay, sir. And this room, does it -- were you and the
3 defendant the only two people in it?

4 A. Yes, we were.

5 Q. Okay. Now, at this point in time is the defendant in
6 custody?

7 A. Yes. He was in custody at that time.

8 Q. Okay. And when you interview a defendant in custody,
9 do you give them any rights?

10 A. Yes, sir.

11 Q. Okay. And is that what's known -- commonly known as
12 Miranda?

13 A. Yes, sir.

14 Q. Okay, sir. And in this particular case regarding the
15 defendant, did you, in fact, give him his Miranda rights?

16 A. Yes, I did.

17 Q. Okay, sir. And in giving him his Miranda rights, did
18 you do it through a form documentation?

19 A. Yes, I did.

20 Q. Let me hand you what's been marked State's Exhibit 1.
21 Can you identify that?

22 A. Yes. This is the advisement of Miranda rights.

23 Q. Okay, sir.

24 MR. RICHARDSON: Your Honor, at this time we move
25 State's Exhibit 1 into evidence.

1 MR. ANGELL: No objection, Your Honor.

2 THE COURT: So admitted.

3 (WHEREUPON, State Exhibit Number 1 was admitted into
4 evidence.)

5 Q. Sir, I'm going to hand you back State's Exhibit 1.

6 Well, I tell you what, I'm now going to refer to State's --
7 is this -- State's 1, is this a common form that y'all use
8 at the Pickens Police Department?

9 A. Yes, sir. Common form that we use when we advise the
10 subject of their Miranda rights.

11 Q. Okay, sir. I see some writing at the very top. If
12 you'll use that laser pointer, can you point to the jury the
13 date?

14 A. The date of June 18, 2012.

15 Q. Okay. And what's the time?

16 A. The time is six oh nine p.m.

17 Q. Okay. So we're clear on that, but the time indicated
18 on that, did you fill that in?

19 A. Yes, sir.

20 Q. Okay. Is that when you started the interview or
21 what's that time indicate?

22 A. That's the time that we got into the room and I began
23 to speak with Mr. Missouri.

24 Q. Okay, sir. Now, there is another point -- is there a
25 point on here where it states his education level?

1 A. Yes. States right here, it says, I have completed
2 twelve years of school.

3 Q. And what's that right next to that statement?

4 A. That would be his initials.

5 Q. Okay. And he initialed it?

6 A. Yes, he did.

7 Q. Okay. Is he initialing that he agrees that he's had
8 twelve years of school?

9 A. Yes, he is.

10 Q. Now, I'm going to try to get this a little closer. I
11 don't know if everybody can see it. Now, when you give
12 Miranda rights off this form to a suspect or somebody you're
13 interviewing, and particularly Mr. Missouri, how do you do
14 it? Can you explain to the jury how you do it?

15 A. The way that I do this is that I sit down with each
16 person and by determining the amount of school and education
17 they have, that they can read and write and understand the
18 words. The first thing I do is I explain to them -- when I
19 complete this, I ask them if this is true and correct, if
20 they would initial off to the side there. Then I go through
21 and I will read each individual line of Miranda rights. And
22 I advise them that if they understand each of these Miranda
23 rights, if they would initial off to the lefthand side. I
24 also tell them that if they have any questions, please stop
25 me and ask me at that time.

- 1 Q. So you're actually reading it to them?
- 2 A. Yes, sir.
- 3 Q. Okay. And when they go to initial it, do you read one
- 4 item and then have them initial it or do you read them all
- 5 and have them initial all?
- 6 A. I have them initial each one as I read it.
- 7 Q. As you read it. Okay. And I'm going to ask that you
- 8 read these for the jury. I don't know if they can see it
- 9 back there. What's the first right that you read him?
- 10 A. The first one is: You have the right to remain
- 11 silent.
- 12 Q. Okay. And he indicates that -- is that his initials
- 13 next to it?
- 14 A. That is his initials, yes, sir.
- 15 Q. What is the next right?
- 16 A. The next one: Anything you say can and will be used
- 17 against you in a court of law.
- 18 Q. Okay, sir. And whose initials are next to that?
- 19 A. That would be Mr. Missouri's.
- 20 Q. And the next right?
- 21 A. The next one: You have the right to talk to a lawyer
- 22 and have him or her present with you while you are being
- 23 questioned.
- 24 Q. Okay. And his initials, are they indicated?
- 25 A. Yes, sir.

1 Q. And next right?

2 A. If you cannot afford to hire a lawyer, one will be
3 appointed to represent you before any questioning, if you
4 wish.

5 Q. And are his initials indicated next to that one?

6 A. They are.

7 Q. And what's the next right?

8 A. The next one is: You can decide at any time to
9 exercise these rights and not answer any questions or make
10 any statements.

11 Q. And is his initials indicated next to that one?

12 A. Yes, sir.

13 Q. Okay. Now, what's item number 6?

14 A. Item number 6 states: Do you understand these rights
15 as they have been explained to you?

16 Q. Okay, sir. And did he -- the checkmark, is that next
17 to yes or no?

18 A. Next to yes.

19 Q. And did he check it or did you check it?

20 A. He checked it.

21 Q. And whose initials?

22 A. That would be his initials next to 6.

23 Q. Now, when you've given him these rights and you're
24 interviewing him in this room, are you depriving him in
25 anyway of any food or water or bathroom or anything of that

- 1 nature?
- 2 A. No, sir.
- 3 Q. Are you forcing him to enter into these rights and
- 4 waive these rights?
- 5 A. No, sir.
- 6 Q. Okay. Did you coerce him or intimidate him in any
- 7 way?
- 8 A. No, sir.
- 9 Q. Did you make him any promises?
- 10 A. No, sir.
- 11 Q. When you went through these rights with him, did he
- 12 appear coherent to you?
- 13 A. Yes, sir.
- 14 Q. Did he appear under the influence of any alcohol or
- 15 drugs?
- 16 A. No, sir.
- 17 Q. And how long have you been a police officer?
- 18 A. Eleven and a half years.
- 19 Q. Have you seen people under the influence of alcohol
- 20 and drugs?
- 21 A. I have.
- 22 Q. Okay. And you indicted that he did not appear to be
- 23 under the influence of any alcohol or drugs?
- 24 A. No, he did not.
- 25 Q. Did he appear to understand your questions?

- 1 A. Yes, he did.
- 2 Q. Okay. Was he responsive to your questions?
- 3 A. Yes.
- 4 Q. Was his responses coherent?
- 5 A. Yes.
- 6 Q. Now, what's the next item down on that ---
- 7 A. The waiver of rights.
- 8 Q. Yes, sir. And can you read that -- well, let me ask
- 9 you before you do that, did he read the waiver of rights or
- 10 did you read that to him?
- 11 A. I read them to him. He had a copy to read along with
- 12 me.
- 13 Q. He had his own copy to read along?
- 14 A. Yes.
- 15 Q. Okay. Can you read those rights to the jury?
- 16 A. I have read the above statements of my rights and I
- 17 understand each of those rights and having these rights in
- 18 mind, I waive them and willingly make a statement. No
- 19 promises or threats have been made to me and no pressure or
- 20 coercion of any kind has been used against me.
- 21 Q. Okay, sir. And did he appear to understand that
- 22 statement when you read it to him?
- 23 A. Yes, sir.
- 24 Q. And whose signature is under that waiver of rights?
- 25 A. That would be his signature.

- 1 Q. Okay. And the date?
- 2 A. The date would be 6/18/2012.
- 3 Q. And whose signature is under that?
- 4 A. Below his signature would be my signature.
- 5 Q. Okay, sir. And so did the defendant, in fact, waive
- 6 his Miranda rights?
- 7 A. Yes, sir.
- 8 Q. And did he voluntarily and of his own free will enter
- 9 into a statement?
- 10 A. Yes, sir.
- 11 Q. He gave you a statement?
- 12 A. Yes, sir.
- 13 Q. And was that statement in written form?
- 14 A. Yes, sir.
- 15 Q. Let me hand you what's been marked State's Exhibit 2.
- 16 Can you identify that, please, sir?
- 17 A. Yes, sir. It's the statement that I received from Mr.
- 18 Missouri.
- 19 Q. On June 18th, 2012?
- 20 A. Yes, sir.
- 21 MR. RICHARDSON: Your Honor, at this time the
- 22 state moves State's Exhibit Number 2 into evidence.
- 23 MR. ANGELL: No objection, Your Honor.
- 24 THE COURT: So admitted.
- 25 (WHEREUPON, State Exhibit Number 2 was admitted into

1 evidence.)

2 Q. Officer, can you read that?

3 A. Yes, sir. It states -- are you asking me to read the
4 narrative?

5 Q. No. Well, let me just, before you do that, there's
6 writing at the very top. Who did that?

7 A. He filled the top part out.

8 Q. Okay. And that's his age and address?

9 A. Yes.

10 Q. He filled that out?

11 A. He filled it out with me pointing out to indicate
12 exactly what information to put in there.

13 Q. Okay. And the written part of it -- well, let me ask
14 you, before you get to the handwritten part, there's what
15 appears to be a lengthy typewritten part. What is that?

16 A. It goes back into Miranda rights again advising them
17 of their rights so that they understand that they're doing
18 this on a free and voluntary basis; that we're asking them
19 to give a statement in regards to the event, that they do
20 have a right to counsel at that time.

21 Q. And did you -- at that time did you read that to him
22 or have him read that?

23 A. I advised him to read through it.

24 Q. Okay. So in essence that's the second time he's been
25 given those?

1 A. Yes, sir.

2 Q. Okay. This statement, the written portion of this
3 statement, who wrote that?

4 A. The narrative part of that was written by Mr.
5 Missouri.

6 Q. Okay. Will you go ahead and publish that and read
7 that to the jury for us?

8 A. Yes, sir. After a month-long crack cocaine binge, I
9 found myself -- I apologize, I'm having a hard time making
10 out that word.

11 Q. Plotting?

12 A. Yeah. --- plotting to obtain a vehicle to try and rob
13 a bank. I first stopped at Fulbright Motors with the intent
14 to steal a vehicle to rob SunTrust Bank on Anderson Road.

15 But while looking, there was a red truck with the driver's
16 side door open and empty of a driver. I took the truck and
17 went by a friend's home -- excuse me -- house, and asked if
18 he wanted to ride with me to cash some checks. Bobby didn't
19 have a clue that I was going to rob the bank. I went in and
20 presented the teller with a robbery note. She said she
21 didn't have a bag and I supplied her with a bag. She
22 proceeded to fill the bag with money. And when she was
23 through I fled the scene. I went to Easley and got into a
24 chase with police. The chase ended in a residential area
25 where I got -- where I gave up without incident. End of

1 statement.

2 Q. And just so we're clear. What's the reason you have
3 it x'ed in the statement?

4 A. So that no one can add anything to his statement that
5 would not be what he said.

6 Q. Okay, sir. And whose signature is at the bottom of
7 that statement?

8 A. On the -- are you asking at the bottom right hand
9 corner?

10 Q. Yes, sir.

11 A. The bottom right hand corner would be Mr. Missouri's
12 signature.

13 Q. Okay. And whose signature is to the left of that?

14 A. To the left would be my signature.

15 Q. Okay. Is there a time also on that form?

16 A. Yes, sir. Time ended, seven oh six p.m.

17 Q. So is that when the entire interview and statement-
18 giving process ended?

19 A. That's when he -- when he finished the statement I
20 noted that on there.

21 Q. So what was the total amount of time that you were in
22 the room with him?

23 A. Approximately one hour.

24 Q. And at some point in time did you inventory the red
25 Ford truck?

- 1 A. Yes, I did.
- 2 Q. And what's the purpose of doing that?
- 3 A. The purpose of inventorying the pickup truck was
- 4 because the fact it was towed back to our impound lot. We
- 5 want to take an inventory of what items are inside the
- 6 vehicle. One is to protect the police department from
- 7 allegations of theft. And two, to protect the victim so
- 8 that they can't say that we took anything out of the vehicle
- 9 or if anything seems to be lost or stolen, they have a note
- 10 of what we received when got it to impound.
- 11 Q. And did you have occasion to remove any sunglasses
- 12 from that vehicle?
- 13 A. Yes, I did.
- 14 Q. And had you viewed the surveillance video?
- 15 A. Yes, I did.
- 16 Q. Okay. And did you take those sunglasses into
- 17 evidence?
- 18 A. Yes, I did.
- 19 Q. Let me hand you what's been marked State's Exhibit 19.
- 20 Do you recognize those?
- 21 A. Yes, sir.
- 22 Q. And what is that?
- 23 A. This would be the sunglasses that I removed from the
- 24 truck during inventory. It also matched the sunglasses of
- 25 the suspect that was on the surveillance.

1 MR. RICHARDSON: Beg the court's indulgence.

2 That's all the questions I have. Please answer --

3 well, I take that back. Sorry.

4 Q. During the interview process, at any point in time did
5 he stop and exert any of his rights?

6 A. No, he did not.

7 Q. And did you advise him he could stop the interview and
8 exert his rights at any point in time?

9 A. When I read him Miranda rights, he was advised of
10 that, yes, sir.

11 Q. That's all the questions I have. Please answer any
12 questions defense counsel may have for you.

13 **CROSS EXAMINATION**

14 **BY MR. ANGELL:**

15 Q. Detective Byers, you'd never met my client before June
16 18th, 2012; correct?

17 A. Correct.

18 Q. So you wouldn't know what he appears -- what he looks
19 like sober or drunk; would you?

20 A. No, sir.

21 Q. So you wouldn't have an idea, being that you first met
22 him, whether -- what state of mind my client was in?

23 A. No, sir.

24 Q. At the beginning of the interview did you afford my
25 client a telephone call?

1 A. No, sir. He didn't ask for one.

2 Q. And in the course of discussion, I'm sure he mentioned
3 when he spoke with you, and not everything is recorded on
4 this statement; would you agree?

5 A. I'm sorry. Say again.

6 Q. That everything that he said to you wasn't necessarily
7 written on this statement; correct?

8 A. In the beginning ---

9 Q. For almost an hour?

10 A. In the beginning, no, that was not the story that he
11 gave.

12 Q. Okay. Did he ever mention threatening the bank
13 teller, that he threatened -- did my client ever tell you
14 that he threatened the bank teller in anyway?

15 A. No, sir.

16 Q. Did he ever tell you that he was going to hurt her in
17 anyway?

18 A. No, sir.

19 MR. RICHARDSON: Your Honor, I'm going to object.
20 He's asking self-serving hearsay. Can I approach?

21 (WHEREUPON, Messrs. Richardson and Angell approached
22 the bar.)

23 THE COURT: I'll overrule the objection.

24 MR. ANGELL: One moment, Your Honor. No further
25 questions.

1 THE COURT: Anything further?

2 Thank you, Officer, you may step down.

3 Okay, ladies and gentlemen, I think we're going to
4 recess for the evening. It's a little after five. I'm
5 going to ask that you -- I'm going to let you go in just a
6 minute. Don't discuss the case at all while you're home
7 tonight, or when you come back in the morning. We will
8 resume tomorrow and don't want to do anything to jeopardize
9 the work you've put in here today. So don't get on the
10 internet, don't do any investigation of any sort in this
11 matter. Y'all have a nice evening. We'll start at nine
12 thirty in the morning. Please be prompt. And we'll see you
13 tomorrow morning.

14 (WHEREUPON, the jury exited the open court at
15 approximately 5:04 p.m.)

16 THE COURT: All right. Mr. Richardson, how many
17 more witnesses do you think you're going to have?

18 MR. RICHARDSON: I'm done.

19 THE COURT: So you'll be resting then in the
20 morning?

21 MR. RICHARDSON: Yes, sir.

22 THE COURT: All right. Is your client going to
23 testify?

24 MR. ANGELL: Your Honor, I need to discuss that
25 further with him. I don't think he is.

1 THE DEFENDANT: Certainly, certainly, certainly.

2 THE COURT: I'm sorry?

3 MR. ANGELL: I guess he is, Your Honor, at this
4 point.

5 THE COURT: All right. Well, we'll -- I'll make
6 inquiry with him in the morning and that'll give you an
7 opportunity to talk to him tonight and we'll go over in the
8 morning his right to testify or not testify.

9 THE DEFENDANT: Your Honor, could I say something
10 before you close out for the evening?

11 THE COURT: You can say something to your lawyer.
12 Your lawyer can tell me whatever it is that needs to be
13 told. We'll talk about your testifying tomorrow morning
14 when -- I'll give your lawyer a chance to talk to you about
15 it tonight.

16 Y'all have a nice evening. We'll start up at nine
17 thirty.

18 (WHEREUPON, the court stood at recess for the evening.)

19 **MAY 20, 2014**

20 (WHEREUPON, court convened with all parties present and
21 the following proceedings were had.)

22 THE COURT: All right. I think the state is going
23 to rest. You made me aware of that. He said that
24 yesterday. So the decision would have to be made about your
25 client testifying. So have you had a chance to talk to him?

1 MR. ANGELL: I have, Your Honor.

2 THE COURT: All right. Mr. Missouri, let me get
3 you to stand and raise your right hand if you would, please,
4 sir.

5 Do you solemnly swear or affirm any testimony --
6 statements that you give here today be the truth, the whole
7 truth and nothing but the truth?

8 THE DEFENDANT: I affirm.

9 THE COURT: All right. You can put your hand
10 down. I'm not going to ask you anything about the case, but
11 I do want to review with you your understanding of your
12 right to testify or not testify?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: All right. You understand under the
15 constitution you have a right to not testify. You can't be
16 compelled to say anything, do anything, to help the state in
17 anyway. You don't have to testify. Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And of course, if you elected not to
20 testify, the court would instruct the jury they wouldn't
21 even consider that fact in the course of their
22 deliberations. So they couldn't go back in the jury room
23 and talk about the fact that you didn't testify. Do you
24 understand that?

25 THE DEFENDANT: Yes.

1 THE COURT: But you also have a right to testify,
2 to tell your side of the story. Do you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Of course, if you do so, you subject
5 yourself to being examined by the state. They can ask you
6 questions about matters that are relevant, including things
7 about the facts of the case or any effort on their part to
8 impeach your testimony. Do you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: That would include if you have any
11 kind of prior record, they may have the right to impeach
12 your testimony by virtue of that prior record. Do you
13 understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: All right. And have you made a
16 decision as to whether you are going to testify or not?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right. And what is that?

19 THE DEFENDANT: I'm going to testify.

20 THE COURT: Of course, this is your decision;
21 right?

22 THE DEFENDANT: My decision totally.

23 THE COURT: All right. Nobody's threatened you,
24 coerced you, forced you or pressured you into doing this?

25 THE DEFENDANT: No, sir.

1 THE COURT: All right. You are doing so freely
2 and voluntarily?

3 THE DEFENDANT: Yes, sir. Actually counsel
4 advised me not to.

5 THE COURT: All right. But of course, you
6 understand it is your decision and nobody else's?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And you understand all the rights that
9 I've been over, and so you're just making this decision
10 knowingly and intelligently?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Is that correct? You haven't had any
13 drugs, taken any medications, in the last twenty-four hours;
14 have you?

15 THE DEFENDANT: Not in the last twenty-four
16 months, Judge.

17 THE COURT: All right. Well, and you haven't had
18 any alcoholic beverages in the last twenty-four hours; have
19 you?

20 THE DEFENDANT: No, sir.

21 THE COURT: So you're not under the influence of
22 any kind of substance here today; is that correct?

23 THE DEFENDANT: No, sir.

24 THE COURT: All right. Mr. Angell, any inquiry
25 you want to make of your client?

1 MR. ANGELL: Nothing further at this time, Judge.

2 Just for the record, I did advise him, but I understand
3 that's his decision. And he's free to make that decision.

4 THE COURT: And anything further you want me to
5 inquire of your client?

6 MR. ANGELL: I'm satisfied with his decision, Your
7 Honor.

8 THE COURT: All right. Now, did y'all determine,
9 does he have a prior record?

10 MR. RICHARDSON: Your Honor, he has an extensive
11 prior record, but for impeachment purposes, he pled guilty
12 to possession with intent to distribute crack cocaine on
13 January 14th of 2013. We would intend to use that. Also,
14 he pled guilty to bank robbery in federal court. That
15 actually took place in the year 2000. However, he was in
16 prison for a hundred and eighty-eight months and he was
17 released in 2008.

18 THE COURT: 2000 when?

19 MR. RICHARDSON: 2008.

20 THE COURT: Okay.

21 MR. RICHARDSON: He was put on supervised release.
22 He violated that in 2009 and got sent back to prison.

23 THE COURT: Anything you want to say about either
24 -- those are the extent of his offenses that y'all would
25 attempt to impeach on?

1 MR. RICHARDSON: Yes, sir.

2 THE COURT: Anything you want to say about that,
3 Mr. Angell?

4 MR. ANGELL: Your Honor, I think that the date of
5 the crack cocaine, I was thinking it was '93.

6 MR. RICHARDSON: Your Honor, I can show counsel.

7 THE DEFENDANT: 2013 I was in jail. I was in jail
8 since November the 9th, 2012.

9 MR. ANGELL: Judge, my client can see that he
10 signed that in 2013.

11 THE COURT: Wait a minute, I ---

12 MR. ANGELL: He thought that that was a
13 misdemeanor evidently at the time that he pled to it, but
14 it's clear that he pled to a felony.

15 MR. RICHARDSON: Yes. Let me clarify. I heard
16 Mr. Aaron's client speaking over there, so I looked back
17 over it. I misspoke. It is not possession with intent to
18 distribute. Actually it's a possession of crack cocaine.
19 He pled down to a lesser included.

20 THE COURT: All right. Anything else? I have
21 some concerns about his -- you bringing up a bank robbery
22 case. It's mighty close to -- real close, and I'm probably
23 not going to allow y'all to do that. Now, I may be able to
24 allow you to inquire of his having been convicted of
25 something, but having it come out as a bank robbery, I just

1 think that is so prejudicial that it ---

2 MR. RICHARDSON: Your Honor, if my question to the
3 defendant is that he pled guilty in federal court to a
4 felony, would that suffice the court?

5 THE COURT: I would do it, but I'm not going to --
6 I don't want to go into the bank robbery, because he's
7 charged with bank robbery here.

8 MR. RICHARDSON: Okay.

9 THE COURT: And I just think that would -- you
10 understand that, Mr. Missouri?

11 THE DEFENDANT: Thank you, Your Honor. Yes, I do.

12 THE COURT: But I will allow him to inquire as to
13 did he plead guilty to a felony. All right?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Is there anything else that you would

16 ---

17 MR. RICHARDSON: No, sir.

18 THE COURT: --- be seeking to impeach him on?

19 MR. RICHARDSON: Nothing further on his prior
20 record.

21 THE COURT: All right. Anything else we need to
22 take up here this morning?

23 MR. ANGELL: Nothing, Your Honor.

24 THE COURT: All right. Let's -- we don't have --
25 the alternate is not here. So rather than wait on the

1 alternate, we've got the twelve jurors. I'm going to go
2 forward ---

3 THE CLERK: The alternate is here, Your Honor.

4 THE COURT: Alternate did come?

5 THE CLERK: Yes, sir.

6 THE COURT: All right. I was just going to move
7 forward because we won't need the alternate anyway.

8 All right. After your client testifies, do y'all have
9 any ---

10 MR. ANGELL: That'll be all. That'll be the
11 extent of our case, Your Honor.

12 THE COURT: All right. We will then take -- after
13 your testimony and before we go into the argument and
14 charge, we'll take a few minutes to review the charges and
15 then go into the argument and charge; okay? Y'all going to
16 open on the law?

17 MR. RICHARDSON: Your Honor, we will not.

18 THE COURT: Do y'all have any objection to their
19 waiving opening on the law?

20 MR. ANGELL: No objection, Your Honor.

21 THE COURT: All right. Let's bring the jury in if
22 you could, please.

23 (WHEREUPON, the jury entered the open court at
24 approximately 9:40 a.m.)

25 THE COURT: All right. Good morning, ladies and

1 gentlemen. Nice to see you this morning. Hope you all had
2 a nice evening. Before we begin, I'm going to ask y'all a
3 couple of questions. Anybody had a conversation about this
4 case with each other or with anyone else since we left
5 yesterday afternoon?

6 (No response.)

7 THE COURT: Were you approached by anyone to
8 discuss the case since we left yesterday afternoon?

9 (No response.)

10 THE COURT: Has anybody done their own inquiry or
11 made any investigation or done anything that we talked about
12 not doing since we left yesterday afternoon?

13 (No response.)

14 THE COURT: All right. Good. Ladies and
15 gentlemen, as you recall, when we finished yesterday
16 afternoon, the state was in the process of putting forth its
17 case in chief. And so I'll ask, Mr. Solicitor, y'all ready
18 to proceed?

19 MR. RICHARDSON: Your Honor, we are ready to
20 proceed. And at this time the state rests.

21 THE COURT: All right. Ladies and gentlemen, that
22 means the state has now concluded the presentation of all
23 its evidence in its case in chief and the state has finished
24 that phase of their trial. And I'll call on the -- Mr.
25 Angell, y'all prepared to go forward?

1 MR. ANGELL: We are, Your Honor.

2 THE COURT: You can call your first witness.

3 MR. ANGELL: Yes, Your Honor. Defense calls
4 Vincent Missouri to the stand.

5 THE DEFENDANT: Okay.

6 THE CLERK: If you would place your left hand on
7 the bible and raise your right.

8 Do you solemnly swear or affirm the testimony you're
9 about to give in this case to be the truth, the whole truth
10 and nothing but the truth, so help you God?

11 THE WITNESS: Yes, sir.

12 THE COURT: State your full name, please.

13 THE WITNESS: Vincent Missouri.

14 VINCENT MISSOURI,

15 HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

16 DIRECT EXAMINATION

17 BY MR. ANGELL:

18 Q. Mr. Missouri, do you want to tell the jury what you
19 were doing in the weeks leading up to the incident date,
20 June 18th, 2012?

21 A. Yes, sir. Yes, sir. The weeks leading up to the
22 incident that's in question here today, I had recently got
23 out of federal prison. I think my release date was like
24 November 18th, 2011. And it wasn't too long after I was
25 home that I began to experience certain difficulties; job,

1 stuff like that normal do experience. It gets emotional at
2 times and you'll have to excuse me at times. But I began to
3 relapse into my addiction from probably, I'm going to say, I
4 was in prison for about eight years. And after I went
5 through a lot of frustration on the street I relapsed into
6 my addiction. My drug of choice was crack cocaine. And I
7 was just basically running around getting high, getting
8 money from anywhere I could to get high. I never really
9 hurt anybody, never harmed anybody, just getting money where
10 I could and getting high.

11 And on the date that -- what was the date of the
12 incident? June 18th? June 18th, the date that this robbery
13 occurred, you know, it was not my defense to come into court
14 and try to convince twelve people that I didn't do it. In
15 fact, I did do it. So that, you know, that eliminates y'all
16 having to consider that. Mr. Richardson, he did an
17 excellent job. I mean, the evidence is there. There's no
18 refuting the evidence. I mean, that's what happened on June
19 18th.

20 But in doing that, my defense, you know, I constructed
21 a defense for this case when I first was arrested. I think
22 I was arrested somewhere around June 18th. And I informed
23 the court at that time that I wanted to be able to address
24 the court myself as to reference to my habit, my addiction,
25 and what addiction actually does. I wasn't able to do that,

1 so the defense let you -- I mean, it's just like a situation
2 where a car is running fast as long as it's running. You
3 might think you've got the fastest car in the world. You
4 might think Mr. Doug Richardson, the case he put on against
5 me, was the tightest case in the world. But unless you
6 actually -- have actually walked in my shoes, experienced
7 it, you really, you really can't consider whether I'm guilty
8 or not guilty. Yeah, I'm guilty of the offense. I'm guilty
9 of the offense.

10 But there's defenses to these kind of things when they
11 happen to which a prison bed is not always the answer to
12 them. For the past -- not only the time leading up to this,
13 but for the past -- I started using drugs in 1992. And from
14 1992 till now equates to about twenty-two years. And I'm
15 not proud to say that the last twenty of those years was
16 spent in prison as opposed to doing any kind of treatment.

17 Matter of fact, I was ordered to treatment and
18 counseling by the federal court. The federal court was
19 aware of those records. There was professional testimony
20 that I had wished to offer at this trial. There was federal
21 witnesses that I wanted to be at this trial. But I was
22 excluded from doing so. Whether it was right or not, that's
23 not the issue that we address here today. That's an issue
24 for which I will address on appeal. But I was excluded from
25 preparing and presenting a defense. I didn't come here to

1 lie to nobody. I didn't come here to tell you I didn't take
2 the money from the bank, because I did. It's called
3 irresistible impulses. When you have long-term addiction,
4 experts consider that a disease. It's not something that we
5 can handle ourselves. It's not. If I could, do you
6 actually think that I would be sitting here with the
7 experience and with the training and with the knowledge I
8 have in jeopardy of doing to prison rather than being a
9 productive member of society. I didn't choose that route.
10 A lot of people say, well, you made the choice to use the
11 drugs. Yeah. The first time you ever make the choice, you
12 did, you make the choice. But we as mere human beings and
13 not physicians, we don't know our susceptibility to what a
14 drug does to the human body until after it's consumed. We
15 don't know. A lot of people can drink two or three beers
16 and function fine. But a lot of people can drink one beer
17 and can't hardly stand up straight. But that don't mean
18 that they committed a crime because if they did -- once you
19 are intertwined and drugs controls your body -- I'm not a
20 violent person by nature. Mr. Richardson, the state, can't
21 pull up nothing that says that I hurt anybody, that I CDV,
22 slapped my wife. I don't molest children. I've not done
23 anything except take a little bit of money from the bank.
24 Yeah, that's against the law. Society, you twelve members
25 of the jury are not willing to accept that as being a lawful

1 act. Now, there's consequences for everything. There's
2 consequences for every choice we make.

3 But you, the jury, have to be mindful that the
4 consequences don't sometimes fit the actions. And, you
5 know, I've tried, I've tried, I've tried. And even the lady
6 that testified here, Ms. Rachel White, she testified. I
7 read her statements. I didn't have a weapon. I didn't know
8 I was presenting myself as a person that was a threatening
9 person. I'm not an intimidating individual. I don't have
10 an intimidating character. Anybody that knows me, Mr.
11 Angell, his secretary, I've been to their office when I was
12 out. They pretty much know me. I could have brought a
13 whole bunch of character witnesses up here. I could not
14 even have testified, because they say when you testify you
15 get -- the state gets to impeach you on your testimony, get
16 to bring up your prior convictions. Even in light of all of
17 that, I wasn't worried about that. Because I wanted the
18 jury to be able to hear from the person that's accused. Me
19 sitting over there don't give y'all no sense of who I am.
20 Not one bit.

21 I mean, I'm not asking for anything. I'm just asking
22 for y'all to hear me out and know that what I did was wrong.
23 I know that. I'm fifty years old. I mean, and like I was
24 beginning to say, the federal court ordered me to go to
25 treatment and counseling in 2009, June 23rd, 2009, in the

1 federal prison. She said I violated -- Mr. Richardson just
2 pulled up -- one of the charges I pled guilty to was a
3 violation of my federal because I was possessing cocaine. I
4 possessed what I had. Sometimes they try -- the police will
5 charge you with possession with intent to distribute when
6 it's not possessing with intent to distribute if you don't
7 have it with the intent to distribute, but South Carolina
8 law, they trigger the intent to distribution due to the
9 amount you have in your possession. And I always had
10 quantities to which a user of my caliber would have -- would
11 smoke in a day. And it normally would be more than a gram,
12 more than two grams sometimes.

13 But I mean, the money that I've thrown away that wasn't
14 bank money, you know -- bank money is significant because it
15 didn't belong to me. But what's more significant is the
16 money I've spent that I could have spent it on my family.
17 That money means more to me than, you know, any of the
18 money.

19 But like I said, the court issued an order in 2009 that
20 I receive drug treatment and counseling. She sentenced me
21 for a violation of my supervision on federal release because
22 I got caught getting high again. I got caught with cocaine
23 in my system. So we had a hearing like this. It's called a
24 supervised release hearing. And she discussed -- she said
25 well -- she was talking to the United States probation

1 agent. She was asking, you know, why hadn't I went through
2 the treatment program. And he said, well, in my opinion --
3 he was a probation officer, mind you. He said, in my
4 opinion, Your Honor, I didn't feel Mr. Missouri needs it.
5 This was a United States probation agent. He wasn't
6 licensed in the science of addictions. He just said he felt
7 like I didn't need it. But in order to determine what a
8 person needs and what a person feels, is a person
9 intoxicated, you've got to know the path that that person
10 have traveled. You've got to know that person prior to and
11 not just at that particular time in order to determine -- if
12 I look at one of y'all twelve members of the jury, I can't
13 tell whether one of y'all are high or not. I'm not saying
14 you get high. But I'm just saying, I would not be able to
15 determine that because I don't know you -- I don't know
16 you. I don't know the way you normally act, and I don't
17 know what will alter that behavior. I just don't know. But
18 he concluded that he wouldn't be -- he didn't feel that I
19 needed drug treatment and counseling.

20 So I went without it. I got out, like Mr. Richardson
21 said, November -- no, October 23, 2008. And I relapsed just
22 a short period after release. And I'm thinking, what is
23 going on? Why does this keep happening to me? Why is --
24 you know, I'm struggling. I'm trying to do the right thing.
25 Why does this addiction appearing? And it wasn't until I

1 started to really reach out and seek literature dealing with
2 addiction -- I think that's the literature that they give
3 you when you go to these treatment centers -- then I learned
4 about addictions. And until you learn about addictions,
5 it's hard to beat it. But also, you have to count on your
6 higher power, too. You can't do it alone. It's not going
7 to happen.

8 So Judge Seymour, at the end of that hearing for which
9 she ordered the treatment and he did not extend that
10 treatment, she simply ran back down the road, three more --
11 do three years. And then when you come out in two more
12 years, we're going to put you back on supervised released
13 because Congress -- and I argued that. I argued that
14 vigorously. I said, Judge Seymour, if you're going to give
15 me three years for the violation for getting high again,
16 then why are you going to put me on supervised release for
17 two years after I get out of prison? She said, because, Mr.
18 Missouri, you have demonstrated that you have an acute
19 addiction to crack cocaine and I need you to get out and get
20 treatment and counseling for at least two years after you're
21 released from federal prison. Okay. That was the federal
22 court's order. I couldn't do nothing with the order.

23 So I got sent right back down the road. I went to
24 Kentucky this time. I tried to get some treatment while I
25 was in. They didn't offer the kind of treatment that was

1 required by the judge. They said I had two years supervised
2 release, so I could get it when I get out.

3 So I filed a petition to the court explaining to the
4 court, well, Your Honor, three years plus two years in
5 regular arithmetic equals five. According to the statute
6 for which you sentenced me under, you could only have given
7 me three years. What I need you to do is please reduce the
8 time that I have to serve incarcerated that I may be able to
9 do some of the time on treatment and counseling. Well, at
10 that time Mr. Richardson's here supervisor, Mr. W. Walter
11 Wilkins, was U.S. Attorney. He was over the U.S. Attorney's
12 Office at that time. He's their supervisor here now. He's
13 the South Carolina lead attorney general for the Thirteenth
14 Judicial Circuit over here in Greenville. He's over here
15 now. He was in the federal process then. He was a U.S.
16 Attorney then. But he argued against that and said, let him
17 do the three years. His administration. I'm not saying him
18 directly. His administration, his underlings which he
19 employed, they argued that I should do the whole three
20 years. So that's when I got out November the 18th, 2011.

21 So now, because the U.S. probation officer didn't give
22 me the treatment because he felt I didn't need it, the judge
23 sentenced me back to prison and gave me the treatment for
24 the two years for when I get released. But come to find
25 out, that sentence was illegal. She didn't know the

1 sentencing structure. She didn't know she couldn't give me
2 five years at the time she gave me the sentence. So rather
3 than her reduce the prison time to make sure I get the
4 treatment, she gave me the maximum prison time and took away
5 the treatment. So then I get out November the 18th, 2011,
6 after doing almost twenty years in prison, you know, no job,
7 no residence. I mean, it's difficult for everyday people
8 out there that don't have convictions. Very difficult.

9 I just want you all to imagine for a minute what it
10 would be like after serving continuously almost twenty years
11 where society has passed you by that far. Technology has --
12 you can't even fill out an application no more by a pen.
13 They want you on a computer. I mean, it was so much of a
14 change. And like I say, once you go back to, once you go
15 back to -- I mean, yeah, there may have been things that
16 could have been done differently, looking at it from
17 hindsight. What I did was wrong, going in the bank looking
18 for money to get, you know, to get what I was craving. But
19 the doctors describe that as irresistible impulse. They
20 said, it caters to your mental stability. It's a mental
21 disease. You're incapable of functioning right. I mean,
22 Congress heard these testimonies about this cocaine
23 epidemic. Congress heard testimony from law enforcement,
24 from scientists. I think one of the lead officials was Dr.
25 Lauren Vocauf (phonics). She works for the CDC, I think,

1 down in Atlanta. She deals with all kind of drugs and
2 narcotics and all kind of diseases. And she said, cocaine,
3 by far, is the most -- one of the most addictive drugs ---

4 MR. RICHARDSON: Your Honor, at this time, I'm
5 sorry, I'm going to object. I've sat here and listened to
6 this. This is non-responsive.

7 THE COURT: You can't testify to what other
8 people said, Mr. Missouri. That's hearsay.

9 THE DEFENDANT: Okay. I mean, I'm not trying to
10 break the rules, Your Honor. I'm just trying to state, you
11 know, the facts.

12 THE COURT: You cannot testify to what other
13 people have said.

14 THE DEFENDANT: All right.

15 A. But I mean, all in all, I didn't elect -- I mean, they
16 gave me an offer. They gave me an offer on the table. I
17 didn't accept it because it doesn't change nothing. Going
18 down the road to prison -- and I'll still probably go down
19 the road to prison. But I'd rather go down the road to
20 prison knowing I've preserved my rights to challenge this as
21 opposed to going down there waiving my rights when it's
22 wrong. Not to say the law is wrong. The law is put in
23 place for us to abide by. We couldn't live in a
24 civilization without laws, structures, to -- in order for
25 the human life -- we couldn't do without that. But when

1 they're applied in the wrong way, we're saying that money is
2 allotted for tax dollars to do this, to help society to get
3 over this. But yet society turns and buys prison beds. And
4 then we say, why is the crime rate so high? Why is the
5 crime rate so high? Why am I afraid to walk of the house?
6 Why am I afraid to get out of my car? What are you doing?
7 What are you doing, South Carolina? What are you doing to
8 prevent crime? Locking people up, caging them in there like
9 animals. That's -- you're creating criminals. You're
10 creating it. You're not helping the situation. That
11 doesn't help anything. The only way you can fix the problem
12 is fix the people that has the problem. That's the only way
13 we're going to do that.

14 THE COURT: All right. Mr. Angell, let's ask any
15 questions you want to ask.

16 Q. Mr. Missouri, anything else you want to finish and
17 tell the jury today?

18 A. Well, I mean, I mean, like I said, the evidence is
19 overwhelming. Hats off to Mr. Richardson. You did an
20 excellent job. I don't know no prosecutor that could have
21 did better, you know. Everything was there. Except my
22 defense. I didn't have a defense in this case. I wasn't --
23 not that I didn't want to put on one. I wanted to have the
24 federal witnesses here. I wanted to have what Mr. -- what
25 Your Honor just said I couldn't testify to. Those facts are

1 available. You all would have been able to read those facts
2 and determine, not by what I'm saying, but determine by what
3 is actually real. What is really going on in our society.
4 You would have been able to base your verdict on real facts.

5 Like I say, when a car is running by, you might think
6 you've got the fastest car in the world until it's up
7 against a car that runs faster. The evidence that he put up
8 might be the best evidence in the world unless you had seen
9 the defense that I wanted to put up. But like I said, I
10 don't know, we haven't got to that point where, I guess, you
11 know, the courts are ready to accept that, you know, and so
12 I was prevented from doing it.

13 But you are the jurors in the case. You are the jurors
14 and the finders of the facts. So you have the right --
15 you're not under the authority of this court. You're not
16 under the authority of the state. The jury is comprised
17 within the constitution itself. That's why it's separate
18 where we will have somebody else determine our guilt, aside
19 from you working for the prosecutor. You don't owe Mr.
20 Douglas (verbatim) no obligation to find me guilty. And you
21 can acquit for any reason. You don't have to find me guilty
22 based on his evidence. The jury did such a thing that's
23 called jury nullification for any reason in the world that
24 you might want to say, not guilty, y'all have that right.
25 And you cannot be intimidated by the judge, nor Mr.

1 Richardson. Y'all have that right. Y'all have to know your
2 powers in order to be able to exercise them. That is the
3 power of the jury. You're not under state government.
4 You're not under the courts. You're not under the judicial
5 branch. The jury is created separately from the
6 establishment of our jury trial rights. That's why we elect
7 to have a jury to find us guilty as opposed to any other
8 entity. That is your power. For whatever reason that I may
9 have given you, you can say I'm guilty.

10 THE COURT: Mr. Missouri, I will instruct the jury
11 on the law of the state of South Carolina as it applies to
12 this case.

13 Do you have any other questions you want to ask this
14 witness?

15 MR. ANGELL: No further questions, Your Honor.

16 THE COURT: Anything from the state?

17 MR. RICHARDSON: No questions, Your Honor.

18 THE COURT: All right. Thank you, sir. You may
19 step down.

20 THE DEFENDANT: Thank you for listening.

21 THE COURT: Anything further from the defendant?

22 MR. ANGELL: Nothing further, Your Honor. Defense
23 rests.

24 THE COURT: Anything in reply from the state?

25 MR. RICHARDSON: Nothing in reply, Your Honor.

1 THE COURT: All right. Ladies and gentlemen,
2 we're at the phase of the trial where I'm going to let the
3 lawyers make their closing arguments. In fact, the state
4 would be entitled to two of them. They're allowed to open
5 -- I mean, to make a statement on the law and then reply and
6 make a statement after the defendant.

7 Before we do that, I need to take up some matters with
8 these attorneys. I'm going to let y'all step back to the
9 jury room. I'm going to ask you not to discuss the case,
10 but to do one thing for me, and that is to select a
11 foreperson of the jury, if you would, while you're back
12 there. If you'll let the bailiff know, he'll let the court
13 know who it is. And I'll bring you back in about five or
14 ten minutes and we'll go forward with the closing arguments.
15 But don't discuss anything other than selecting a
16 foreperson. Thank y'all.

17 (WHEREUPON, the jury exited the open court at
18 approximately 10:09 a.m.)

19 THE COURT: All right. Does anybody have any
20 charges they want me to look at?

21 MR. ANGELL: Your Honor, we looked at the common
22 law robbery charge this morning and it looked good to us.

23 MR. RICHARDSON: Your Honor, the only request I
24 would have is that there be a charge that intoxication ---

25 THE COURT: Let me tell you what I'm going to

1 charge them.

2 MR. RICHARDSON: Okay.

3 THE COURT: I'm going to charge circumstantial
4 evidence. I'm going to charge the statement of the
5 defendant. I'm going to charge -- the prior record of the
6 defendant, the defendant got up and testified about his
7 having been convicted. So I'll charge that, even though
8 y'all didn't ask to impeach him. I'm going to charge
9 identification. I intend to charge the statute for the
10 three offenses charged. And I intend to charge that
11 voluntary intoxication is not an excuse or a defense to a
12 crime.

13 MR. RICHARDSON: That suffices, Your Honor.

14 THE COURT: Do y'all have anything else you want
15 me to consider in this regard?

16 MR. RICHARDSON: Your Honor, can I talk to the
17 defense counsel real quick?

18 THE COURT: Sure. We'll take about five minutes.
19 Did you want to say something?

20 MR. ANGELL: Judge, I did want to make a motion
21 for a directed verdict at this point.

22 THE COURT: All right.

23 MR. ANGELL: In light of all the evidence
24 presented, we ask that you dismiss all three charges as the
25 state has failed to bring -- we contend the state has failed

1 to provide enough evidence to convict my client at this
2 point. That's the motion.

3 THE COURT: All right. Anything y'all want to
4 say?

5 MR. RICHARDSON: Your Honor, the evidence, you've
6 seen the evidence presented. And I believe in the light
7 most favorable to the state, which is standard, that
8 directed verdict is not proper in this case.

9 THE COURT: All right. I'm going to deny your
10 motion. The standard is taking everything most -- in the
11 light most favorable to the state, which would be the non-
12 moving party, is there any direct evidence or any
13 substantial circumstantial evidence. Clearly, your client
14 has acknowledged himself that he committed these offenses.
15 He believes he has a defense by virtue of his suffering a
16 severe addiction situation, but there is clearly evidence.
17 The police testified he was identified as the one that come
18 into the bank asking for the money. He's admitted that. He
19 was identified as the person that was seeking to run from
20 the police in the vehicle and got out and the police -- was
21 apprehended at the scene where the truck was stopped. So
22 whether there's sufficient evidence to convict, you know,
23 that's up to the jury. That's my ideas about that, but
24 there is some evidence and that's all there has to be.
25 All right. We'll take about five minutes, let y'all

1 catch your thoughts and then come back and continue.

2 (WHEREUPON, the court stood at recess for a short
3 break.)

4 THE COURT: All right. Ladies and gentlemen, we
5 need to get Mr. Missouri. What did you do with him, Mr.
6 Angell? Oh, okay, he's in here.

7 Lake Jameson has been selected as foreperson of the
8 jury, just for y'all's information.

9 All right. Y'all ready to go?

10 MR. RICHARDSON: State's ready, Your Honor.

11 THE COURT: You ready to go?

12 MR. ANGELL: We're ready, Your Honor.

13 THE COURT: All right. Thank you. Bring the jury
14 in, please, sir.

15 (WHEREUPON, the jury entered the open court at
16 approximately 10:20 a.m.)

17 THE COURT: All right. Ladies and gentlemen,
18 thank you very much. And Doctor, thank you for agreeing to
19 serve as foreperson. I appreciate y'all doing that. So
20 with that said, I'll call on Mr. Angell. You ready to
21 proceed, please, sir?

22 MR. ANGELL: Ready, Your Honor.

23 THE COURT: All right. If you would.

24 MR. ANGELL: Thank you, Your Honor, may it please
25 the court.

1 THE COURT: Yes, sir.

2 **CLOSING ARGUMENT**

3 **BY MR. ANGELL:**

4 Ladies and gentlemen of the jury, you just heard my
5 client get on the stand and testify to what he testified to.
6 But I will remind you, from the ten witnesses called
7 yesterday, seven officers, two bank tellers and one co-
8 defendant, the evidence did reveal that my client never
9 threatened Rachel White, never intimidated her. He was not
10 armed. Never told her he was going to hurt her. And he's
11 charged with strong armed robbery, and the state has the
12 burden of proving beyond a reasonable doubt all elements for
13 each and every crime; failure to stop, entering the bank
14 with intent to steal and strong armed robbery.

15 And my client, as you heard Ms. White yesterday testify
16 to, is five six, bald and black. He's not particularly
17 tall. He's not particularly big. He doesn't have a
18 threatening countenance on him. Nobody was hurt or injured
19 in this incident.

20 And so I'm asking you to hold the state to prove beyond
21 a reasonable doubt that Ms. White was threatened or coerced
22 or intimidated. The only thing that my client did, and
23 admitted to having done, was put this note on the counter
24 and grab a bag and give it to the teller. And he didn't
25 wield a knife, didn't wield a gun or any other thing that

1 looks threatening. And y'all are going to have all this
2 evidence when you go back to your deliberation. You're
3 going to be able to review it. But the state can't get
4 around the fact that the teller was never threatened, was
5 never coerced, was never intimidated.

6 And I ask that you return a verdict of not guilty on
7 strong armed robbery for my client. Thank you.

8 THE COURT: All right. Mr. Solicitor.

9 MR. RICHARDSON: Thank you, Your Honor, please the
10 court.

11 **CLOSING ARGUMENT**

12 **BY MR. RICHARDSON:**

13 Ladies and gentlemen, I told you at the beginning of
14 this case I was going to put together the pieces of the
15 puzzle so you'd have a picture. Ultimately the picture is
16 there. You know the evidence. I'm not going to rehash all
17 this evidence. You've seen it. You've heard the defendant
18 admit it on the stand.

19 In response to what defense counsel just came up here
20 and told you regarding intimidation, I would remind you
21 that, first, the note states: I know who you are. And
22 you're a bank teller, you're sitting there -- Ms. White's
23 sitting there and she gets this note and it says: I know
24 who you are. At some point in time, if you recall, she
25 testified that she hits the alarm. At the time she hits the

1 alarm, the defendant says: Oh, now you've done it. You
2 also heard her testify that she was scared. She was scared
3 to turn around and get a bag. She was afraid she was going
4 to get shot because the defendant kept going to his pants.

5 The whole circumstance we have to take is what a
6 reasonable person would believe. And is a reasonable person
7 intimidated by the actions of the defendant. The fact that
8 he didn't say, I'm going to kill you or anything of that
9 nature, is not what pertains. Was she intimidated? Would a
10 reasonable person be intimidated in getting this note at the
11 time when she was the only teller up there and those
12 statements being made? And you saw her on the video. You
13 saw her reaction when she came out and she locked the door.
14 And you saw her when she came up and the look on her face.
15 Was she intimidated? Was she scared? Ladies and gentlemen,
16 I don't believe that's a question.

17 You've heard testimony about the defendant's drug use
18 and that type thing. I will tell you, and the judge is
19 going to instruct you, that in the state of South Carolina
20 intoxication is not a defense. Addiction is not a defense.
21 These things he got up and spoke to you about are not
22 defenses. You were sworn to try this case under the facts
23 and the evidence that was presented to you and those facts
24 and evidence that I put in there. And if you look at those
25 facts and evidence, once again that puzzle is there, that

1 picture is there, and the defendant is guilty of all three
2 offenses.

3 Thank you.

4 **CHARGE**

5 **BY THE COURT:**

6 All right. Ladies and gentlemen, the indictments in
7 this case charge the defendant with three offenses; strong
8 armed robbery, entering a bank with intent to steal and
9 failure to stop for a blue light.

10 I remind you that the fact that the defendant was
11 arrested, charged and indicted in this case is not evidence
12 in the case and cannot be considered by you as evidence of
13 guilt. Nor does it create any presumption or inference of
14 guilt. Those documents are simply the formal written
15 instruments which contain the charges made against the
16 defendant. They are the formal documents by which this case
17 is brought into this court.

18 Now, as I told you again, the indictments in this case
19 allege several different offenses against the defendant.
20 Those are strong armed robbery, entering a bank with intent
21 to steal and failure to stop for a blue light. Each
22 indictment charges a separate and distinct offense. You
23 must decide each indictment separately on the evidence and
24 the law applicable to the indictment, uninfluenced by your
25 decision as to the other indictments. The defendant may be

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1 convicted or acquitted on any or all of the offenses
2 charged. You will be asked to write a separate verdict of
3 guilty or not guilty for each indictment.

4 Now, to the indictments the defendant has entered pleas
5 of not guilty, which places upon the state the burden of
6 proving the defendant guilty. A person charged with
7 committing a criminal offense in South Carolina is never
8 required to prove himself innocent. I charge you that it is
9 a vital, important rule of the law of evidence that the
10 defendant in a criminal case, no matter how or serious may
11 be the offense for which he is charged, must always be
12 presumed to be innocent, until his guilt has been proven
13 beyond a reasonable doubt. This presumption of innocence
14 remains with the defendant at all times, from the moment of
15 his appearance in this court throughout the trial and until
16 the jury has, upon the testimony and the evidence presented,
17 reached a verdict of guilty beyond a reasonable doubt. For
18 it is the solemn duty of the jury, if not clearly convinced
19 of his guilt beyond a reasonable doubt, to acquit the
20 defendant. So the burden of proof is upon the state to
21 establish, by evidence to your satisfaction, the guilt
22 beyond a reasonable doubt of this defendant here on trial
23 for the charge of strong armed robbery, entering a bank to
24 steal and failure to stop for a blue light.

25 Now, what is a reasonable doubt? A reasonable doubt is

1 the kind of doubt that would cause a reasonable person to
2 hesitate to act. If you have such a doubt as to the guilt
3 of the defendant, then he would be entitled to a verdict of
4 not guilty. Proof beyond a reasonable doubt is proof that
5 leaves you firmly convinced of the defendant's guilt.
6 Reasonable doubt may arise from evidence which is in the
7 case or from the absence or lack of evidence in the case.
8 If you think that a defendant is probably guilty or the
9 circumstances are suspicious is not enough.

10 Now, there are two types of evidence which are
11 generally presented during a trial; direct evidence and
12 circumstantial evidence. Direct evidence directly proves
13 the existence of a fact and does not require deductions.
14 Circumstantial evidence is proof of a chain of facts and
15 circumstances indicating the existence of a fact. Crimes
16 may be proven by circumstantial evidence. The law makes no
17 distinction between the weight or value to be given either
18 direct or circumstantial evidence. However, to the extent
19 the state relies on circumstantial evidence, all the
20 circumstances must be consistent with each other, and when
21 taken together, point conclusively to the guilt of the
22 accused beyond a reasonable doubt. If these circumstances
23 merely portray the defendant's behavior as suspicious, the
24 proof has failed. The state has the burden of proving the
25 defendant guilty beyond a reasonable doubt, but this burden

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1 rests with the state, regardless of whether the state relies
2 on direct evidence or circumstantial evidence or a
3 combination of the two.

4 Now, Mr. Foreman, ladies and gentlemen of the jury,
5 under our constitution and code of laws, you are the finders
6 of the facts in this case. I do not have the right to pass
7 upon the facts or even to express any opinion I may have as
8 to those facts. Nor may I intimate in anyway what I may
9 think about the guilt or the innocence of a defendant. You
10 are also the judges of the credibility. And by that I mean
11 the believability of the witnesses who have testified in
12 this case. In passing upon their credibility, you may take
13 into consideration many things, such as the demeanor and the
14 manner of the testifying person. Whether the witness had
15 reason to be biased or prejudiced. You can consider whether
16 a witness's testimony was contradicted on the one hand or
17 supported and corroborated on the other hand. You certainly
18 do not determine the credibility or believability by
19 counting the number of witnesses who may have testified for
20 either side. You may believe a small portion of a witness's
21 testimony and disregard the larger, or vice versa. You may
22 believe one witness against many or many against one.

23 Now, ladies and gentlemen, a statement alleged to have
24 been made by the defendant has been admitted into evidence
25 in this case. While the court has determined that the

1 statement is admissible, I instruct you that you make the
2 ultimate decision of whether or not the defendant made the
3 statement. If the defendant did make the statement, you
4 must determine whether the statement was made by the
5 defendant voluntarily and of his own free will. This means
6 that the statement was not caused by pressure, force, fear,
7 threats, coercion or intimidation or by hope of a promise of
8 leniency or reward of any kind. In determining whether the
9 statement was voluntary, you should consider both the
10 characteristics of the defendant and the details of the
11 questioning. Some of the factors that you must consider are
12 the age of the defendant, the defendant's education or lack
13 of education, the defendant's mental ability or capacity,
14 the defendant's IQ or intelligence, the defendant's
15 background and environment, the place and length of the
16 detention, the nature of the questions and the advice, or
17 lack thereof, to the defendant of his constitutional rights,
18 including but not limited to, the right to remain silent,
19 that any statement could be used against him in court, the
20 right to have a lawyer present, that if he could not afford
21 a lawyer, a lawyer would be appointed to represent him
22 without any cost and that he could stop making a statement
23 at any time. You must carefully consider all of the
24 surrounding circumstances before you give any weight to the
25 alleged statement. The state has the burden of proving

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1 beyond a reasonable doubt that the alleged statement was
2 voluntary. If you determine it was, you may give the
3 statement any further consideration that you deem proper.
4 You must decide what weight, if any, should be given to the
5 statement. If you determine the alleged statement was not
6 free and voluntary by the defendant, you should not consider
7 the statement at all.

8 Now, an issue in this case is the identification of the
9 defendant as the person who committed the crime. The state
10 has the burden of proving the identity beyond a reasonable
11 doubt. You must be satisfied beyond a reasonable doubt of
12 the accuracy of any identification of the defendant before
13 you may convict the defendant. Identification testimony is
14 an expression of believe or impression by a witness. You
15 must determine the accuracy of the identification of the
16 defendant. You must consider the believability of each
17 identification witness in the same way as any other witness.
18 You may consider whether the witness had an adequate
19 opportunity to observe the offender at the time of the
20 offense. You will be affected by things like how long or
21 short a time was available, how far or close the witness
22 was, the lighting conditions and whether the witness had the
23 chance to see or know the person in the past. Once again, I
24 instruct you that the burden of proof on the state extends
25 to every element of the crime charged and this specifically

1 includes the burden of proving beyond a reasonable doubt the
2 identity of the defendant as the person who committed the
3 crime. If, after examining the testimony, you have a
4 reasonable doubt as to the accuracy of the identification,
5 you must find the defendant not guilty.

6 Now, you've heard evidence that the defendant was
7 convicted of a crime other than the one for which -- the
8 ones for which the defendant is now on trial. This evidence
9 may be considered by you if you conclude it to be true only
10 in deciding whether the defendant's testimony is believable,
11 and for no other purpose. You must not consider the
12 defendant's prior record as any evidence of the defendant's
13 guilt of the charges we are trying today. All of these
14 things you will consider, bearing in mind that you should
15 give the defendant the benefit of a reasonable doubt.

16 Now, the same constitution and laws which make you the
17 finders of facts and the evidence, as I discussed with you,
18 make me the sole and only instructor of the law. You must
19 accept as correct the law which I charge and apply it to the
20 evidence as you find it and reach your verdict.

21 And finally I charge you in this regard, that you, nor
22 should I, be concerned about what we think the law ought to
23 be or what we wish the law were, but rather what I charge
24 you the law to be.

25 Now, ladies and gentlemen, the defendant is charged

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1 with the offense of entering a bank or depository or a
2 building and loan association with the intent to steal. In
3 South Carolina it is unlawful for a person to enter a
4 building or part of a building occupied as a bank,
5 depository, or building and loan association with the intent
6 to steal money, securities for money or property, either by
7 force, intimidation or threat. So the state must prove
8 beyond a reasonable doubt that the defendant entered a
9 building or part of a building occupied by a bank,
10 depository or building and loan association, with the intent
11 to steal either money, securities for money or property,
12 either by force, intimidation or threats.

13 The defendant is also charged with strong armed
14 robbery. In order to prove this offense, the state must
15 prove beyond a reasonable doubt that the defendant took
16 personal property from the person or presence of another
17 person. Property is in the presence of a person if it is
18 within the person's reach, inspection, observation or
19 control, so that the person could, if not overcome by
20 violence or intimidation or prevented by fear, keep
21 possession of the property. The defendant -- state must
22 also prove beyond a reasonable doubt that the defendant
23 carried the property away intending to permanently deprive
24 the owner of the property and keep the property for the
25 defendant's own use. The slightest removal of the property

1 or the complete possession of the property, even for an
2 instance, by the defendant is sufficient to show a taking
3 and carrying away of the property. Strong armed robbery is
4 the taking of something of value from a person in the
5 immediate presence of a person by violence or intimidation.
6 In determining whether the robbery was committed with
7 intimidation, you should determine whether or an ordinary
8 and reasonable person in the victim's position would feel a
9 threat of bodily harm from the perpetrator's act.

10 The lastly, ladies and gentlemen, the defendant has
11 been charged with failing to stop for a blue light. In
12 order to prove this crime, the state must prove beyond a
13 reasonable doubt that the defendant was driving a motor
14 vehicle. That the defendant was driving a vehicle on a
15 road, street or highway of the state, that the defendant was
16 signaled to stop by a law enforcement vehicle by means of a
17 siren or flashing light and that the defendant did not stop.
18 To determine whether or not there are mitigating
19 circumstances which would justify the defendant's failure to
20 stop for a blue light, you may consider the actual road
21 conditions, the actual roadside conditions, other conditions
22 such as lighting and weather, the officer, driver and/or
23 passenger safety or any other circumstances you believe to
24 be reasonably able to mitigate the alleged violation. An
25 official signal requiring a motorist to stop may be a siren

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1 or flashing lights, but both are not required. Any attempt
2 to increase the speed of a vehicle or in some other manner
3 avoid the pursuing law enforcement vehicle when signaled by a
4 siren or flashing light may be considered as evidence of
5 failure to stop for a blue light. However, it is merely an
6 evidentiary fact to be taken into consideration by you,
7 along with the other evidence introduced in the case, and to
8 be given the weight that you decide it should receive.

9 Now, ladies and gentlemen, I charge you that voluntary
10 intoxication by alcohol or drugs is never an excuse or a
11 defense to a crime. A person who voluntarily renders
12 himself intoxicated is no less responsible for his acts
13 while in such condition. A voluntarily -- a person who
14 voluntarily drinks intoxicating liquors or ingests drugs and
15 becomes intoxicated and while in that condition commits an
16 act which would be a crime if it had been committed by a
17 sober person, the fact of drunkenness or being under the
18 influence of the drugs would not relieve the intoxicated
19 person from responsibility. Voluntary intoxication is not
20 an excuse for or a defense to a crime. This rule also
21 extends to voluntarily ingesting drugs.

22 Mr. Foreman and ladies and gentlemen of the jury, you
23 have been selected as fair and impartial jurors, sworn to
24 impartially try and determine the facts of the case. And
25 when you comply with your oath to do so, then no one will

1 have a right to criticize your verdict and you will have
2 fully discharged your duty as jurors. You are to decide
3 this case according to the testimony that you've heard from
4 the sworn witnesses, along with other evidence introduced.
5 I charge you that as jurors, you must decide the issues in
6 this proceeding, without bias and without prejudice to
7 either party. You cannot allow yourselves to be governed by
8 sympathy, by prejudice, by passion, by public opinion or by
9 any other arbitrary fact. Both the state and the defendant
10 have the right to expect that each of you will carefully and
11 impartially consider all the evidence in this case and you
12 will follow the law as I have explained it to you.

13 Mr. Foreman, I have prepared three verdict forms; one
14 for each indictment in the case. One is for entering the
15 bank with intent to steal. One is for strong armed robbery.
16 And one is for failure to stop for a blue light. On each
17 one of these verdict forms there are two possible verdicts
18 that you can reach. You should not infer anything by what
19 goes first and what goes second on the verdict form as to
20 the verdict you should reach. Something has to go first and
21 something has to go second. Those two possible verdicts
22 are: We the jury unanimously find the defendant guilty; or
23 we the jury unanimously find the defendant not guilty. As
24 this verdict form says, it has to be the unanimous verdict
25 of all twelve jurors with respect to each of the charges.

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1 It cannot be eleven/one or nine/three or seven/five. It has
2 to be the unanimous verdict of all twelve jurors.

3 Mr. Foreman, what I'm going to ask you to do, when you
4 have reached a verdict as to each of the respective charges,
5 I'm going to ask you to circle that verdict completely, the
6 whole verdict, whatever it is, and I'm going to ask you to
7 sign the verdict form as the foreperson and date the verdict
8 form. When you have reached a verdict with respect to all
9 three of the charges, if you will ... How do y'all let them
10 know, Mr. Clerk? Knock on the door or ---

11 THE CLERK: Knock on the door.

12 THE COURT: --- just knock on the door. There
13 will be a bailiff seated outside. Somebody advise the
14 bailiff that y'all have reached a verdict of all three
15 charges and we will bring you back so that your verdicts can
16 be published here in the courtroom.

17 Now, in just a moment I'm going to ask all of you but
18 the -- I mean, the alternate, if you would remain with me --
19 all of you step back to the jury room, but do not begin your
20 deliberations when you get back to the jury room. I have to
21 review with the attorneys the instructions that I have just
22 given you. If they believe that I either failed to instruct
23 you in some manner or I incorrectly instructed you, and I
24 agree with them, I will bring you back and give you whatever
25 additional instructions are necessary. If no additional

1 instructions are necessary, I will have these verdict forms,
2 along with all the exhibits that have been introduced in
3 this case, brought to the jury room. When you receive those
4 you can begin your deliberations.

5 All right. If y'all would step back to the jury room.
6 Do not begin your deliberations. We will be with you
7 momentarily.

8 (WHEREUPON, the jury exited the open court at
9 approximately 10:44 a.m.)

10 THE COURT: All right. Madam Alternate, your
11 colleagues all survived the process, so I'm going to be able
12 to turn you loose. I thank you very much for your service.
13 I don't know how you feel about it -- you've been here for
14 two days -- whether you want to be back there and be able to
15 participate, or you're relieved you don't have to. We're
16 going to turn you loose. What I am going to ask you to do
17 is call back tonight after six. Is that right, Mr. Clerk?

18 THE CLERK: Yes, sir.

19 THE COURT: If you will call back after six, there
20 are some other cases that are pending. And we will know
21 later on today what the status of those cases are. We may
22 ask you to come back in tomorrow or call back again or do
23 something in that regard. But we can turn you loose at this
24 time. And again, I thank you for your service. Hope you
25 have a nice afternoon.

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1 THE JUROR: You, too.

2 THE COURT: All right. Thank you, ma'am.

3 All right. Anything from the state with respect to the
4 instructions?

5 MR. RICHARDSON: No exceptions or objections,
6 Judge.

7 THE COURT: Anything from the defendant?

8 MR. ANGELL: Nothing from the defendant.

9 THE COURT: All right. If y'all will get with our
10 court reporter and make sure we've got all the exhibits..

11 (WHEREUPON, all admitted exhibits and the verdict forms
12 were delivered to the jury, at which time deliberations
13 began at approximately 10:48 a.m.)

14 THE COURT: All right. We will stand in recess
15 until we've got a verdict.

16 Mr. Richardson, I don't know if y'all have got anything
17 else y'all want us to do today.

18 MR. RICHARDSON: I don't think there's anything,
19 Your Honor.

20 (WHEREUPON, the court stood at recess awaiting the
21 verdict of the jury.)

22 THE COURT: All right. Mr. Solicitor, it's been
23 reported that the jury has reached a verdict. Is the state
24 ready to receive the verdict?

25 MR. RICHARDSON: The state's ready, Your Honor.

1 THE COURT: Thank you. Defendant ready to receive
2 the verdict?

3 MR. ANGELL: Yes, sir, Your Honor.

4 THE COURT: All right. If you could, bring the
5 jury in, please.

6 (WHEREUPON, the jury entered the open court at
7 approximately 11:17 a.m.)

8 THE COURT: All right. Mr. Foreman, it's been
9 reported that the jury has reached a verdict?

10 MR. FOREMAN: Yes, we have, Your Honor.

11 THE COURT: It's a unanimous verdict on all three
12 charges?

13 MR. FOREMAN: Yes, it is, Your Honor.

14 THE COURT: If you would hand the verdict form to
15 the bailiff, please, sir, Mr. Foreman.

16 THE CLERK: This is the State versus Vincent
17 Missouri, indictment 2012-GS-39-2203, entering a bank with
18 intent to steal. We, the jury, unanimously find the
19 defendant guilty.

20 This is indictment 2012-GS-39-2242, strong armed
21 robbery. We, the jury, unanimously find the defendant
22 guilty.

23 This is indictment 2012-GS-39-2204, failure to stop for
24 a blue light. We, the jury, unanimously find the defendant
25 guilty.

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1 Is this your verdict and still your verdict, so say you
2 all by raising your right hand?

3 (WHEREUPON, all jurors raised their right hands.)

4 THE CLERK: Thank you very much.

5 THE COURT: All right. Anything from the state
6 with respect to the jury?

7 MR. RICHARDSON: Nothing further, Your Honor.

8 THE COURT: Anything from the defendant?

9 MR. ANGELL: Nothing with respect to the jury,
10 Your Honor.

11 THE COURT: All right. Mr. Foreman, ladies and
12 gentlemen, I want to thank you very much for your service in
13 this case. What I'm going to tell you is we're going to let
14 you go for the afternoon, but unfortunately we're going to
15 have to ask you to call back tonight after six and you will
16 get further instructions at that time whether there's going
17 to be a case tomorrow or Thursday. I can't speak to that at
18 this time. I know the state has a docket and we'll have to
19 see how things unfold later on today.

20 But I do thank you for your service. Y'all are free to
21 go at this time. And with respect to this case, you don't
22 have to talk to anybody about it if you don't want to. I
23 would suggest you don't do anything about discussing the
24 case until after your service is over at the end of the week
25 and then you can make a decision as to whether you ever want

1 to talk to anybody about it or not. By that I mean, in case
2 anybody makes an inquiry of you, you certainly can talk with
3 family and friends, things of that nature.

4 All right. Y'all have a nice afternoon. Thank you,
5 again. Call back tonight after six o'clock, if you would.

6 (WHEREUPON, the jury exited the open court at
7 approximately 11:20 a.m.)

8 THE COURT: All right. Are y'all ready? Anything
9 from anybody?

10 MR. ANGELL: Thank you, Your Honor, may it please
11 the court. I would like to, at this point, give our notice
12 of intent to appeal.

13 THE COURT: I think you've got to wait until he's
14 been sentenced.

15 MR. ANGELL: That's true. Sorry, Judge. I'm
16 jumping the gun.

17 THE COURT: You don't need to notice me. You're
18 going to have to ---

19 MR. ANGELL: Motion for a new trial, Judge.

20 THE COURT: All right. You're making a motion for
21 a new trial?

22 MR. ANGELL: Yes, sir.

23 THE COURT: Anything you want to tell me about it?

24 MR. ANGELL: Well, Judge, my client is making a
25 motion based on his ---

1 THE COURT: You're making the motion on your
2 client's behalf.

3 MR. ANGELL: The motion is based on involuntary
4 intoxication. He wants to represent himself pro se.

5 THE COURT: Say that again.

6 MR. ANGELL: Involuntary intoxication and pro se
7 representation is what my client is basing his motion on for
8 a new trial.

9 THE COURT: Well, he had the opportunity to
10 request that he be allowed to represent himself and he
11 declined to do so. I informed him the court was willing to
12 consider it and if he met the criteria that I would allow
13 him to do so and he just needed to make a motion. If he
14 wasn't going to make a motion, I can't do it for him. He
15 declined to do that. But he can address this in anyway he
16 wants in the future. In terms of voluntary intoxication,
17 he's addicted to drugs and therefore can't control himself
18 and should we give him some special treatment is not a
19 defense in South Carolina. If we did, everybody who's ever
20 used drugs would be claiming they used drugs before I did
21 whatever I did. So your motion is denied.

22 Do we have the sentencing sheets?

23 MR. RICHARDSON: I gave them to defense counsel.

24 THE COURT: If you and your client would step up
25 here.

1 The bank robbery charge is eighty-five percent; isn't
2 it?

3 MR. RICHARDSON: Yes, sir.

4 THE DEFENDANT: I've never seen the indictment for
5 that charge.

6 THE COURT: Sir?

7 THE CLERK: I showed him the indictment for the
8 strong armed robbery. He's not signing the sentencing sheet
9 on this.

10 THE COURT: This is a lesser included of the armed
11 robbery charge.

12 THE DEFENDANT: Doesn't he have to amend it in the
13 presence of the grand jury or is he free to ---

14 THE COURT: I can't advised on that.

15 THE DEFENDANT: Right. That's what I'm saying, if
16 it's amended outside the presence of the ---

17 THE COURT: Strong armed robbery is not -- you
18 know, he can deal with that. It's a lesser included of
19 armed robbery. They went forward on the lesser of the
20 charge, strong armed robbery, which carries up to fifteen
21 years. If it's not proper, you can handle that on any
22 appeal you want, as well.

23 THE DEFENDANT: Okay, sir, but ---

24 THE COURT: Your problem, Mr. Missouri, is you're
25 looking at a thirty year sentence of which you've got to

1 serve eighty-five percent. You're also looking at two
2 charges over in Greenville County, which the state may elect
3 to try and seek life without parole against you. Up to this
4 moment, I do not understand why you didn't consider the fact
5 that you're -- the plea offer that your attorney indicated
6 to me that was made to you at some point in time.

7 THE DEFENDANT: I considered it, Your Honor. I
8 considered it. But it was due to the fact that, I mean, for
9 me to have considered it and the work I had put into the
10 case, I mean, like ---

11 THE COURT: You got up and testified you had no
12 defense other than you are addicted to cocaine.

13 THE DEFENDANT: Well, I had the defense that dealt
14 with federal studies and witnesses to be called ---

15 THE COURT: You had no defense other than you are
16 addicted to cocaine and couldn't control yourself.

17 THE DEFENDANT: Involuntary use, yes, sir.

18 THE COURT: All right. That was your sole
19 defense. And that's not a defense in South Carolina.

20 THE DEFENDANT: Involuntary is. But it's not --
21 just regular voluntary intoxication isn't, you're right.
22 But involuntary addiction that's brought on by long term use
23 of a drug ---

24 THE COURT: Well, you rolled your dice and took
25 your chances and unfortunately you didn't get the results

1 you were hoping for. And you've got to -- as you say, there
2 are consequences. You'll have all the appellate processes
3 you want in the future and we'll see what happens.

4 Anything the state wants to tell me? Do you have the
5 sentencing sheets?

6 MR. RICHARDSON: Your Honor, were they handed up?

7 THE COURT: He doesn't need to sign the sentencing
8 sheets. He's been tried and convicted.

9 All right. Anything y'all want to tell me?

10 MR. RICHARDSON: Your Honor, just to let you know,
11 his prior record goes back to 1982 where he had a
12 shoplifting; 1985, assault and battery; 1986, receiving
13 stolen goods; 1989, a fraudulent check; 1989, also receiving
14 stolen goods; 1991, prowling; 1992, a strong armed robbery;
15 1993, escape; also in 1993, a distribution of crack. As you
16 heard previously, in 2012, he pled to a possession of crack
17 cocaine. In 2001, he pled to a federal bank robbery. He
18 received one hundred and eighty-eight months. He got out in
19 2008 on supervised release and that was revoked; he got
20 thirty-six months on that revocation. He gets out in 2011,
21 as you've heard, and he then commits these crimes. His bond
22 was reduced on this particular charge. He got out on
23 electronic monitoring, which within two weeks he went to
24 Greenville and committed two more bank robberies.

25 Your Honor, based upon all of that, the state would

1 seek the maximum sentence in this case.

2 THE COURT: All right. Mr. Angell.

3 MR. ANGELL: Thank you, Your Honor, may it please
4 the court. As you've heard at trial, this was involving
5 eighteen hundred dollars. There was no weapons involved.
6 By my estimation, it's not as violent of a crime that
7 warrants the maximum sentence. I understand my client has
8 got a record. I'd ask that in consideration of the time
9 that you order him to serve that he doesn't have a violent
10 record, Judge. He's had an addiction throughout -- started
11 in '92. His records reflects that addiction all the way
12 through. I'm in no way saying that he's completely
13 innocent, but I certainly think that mitigates, Judge, the
14 fact that nobody was hurt, nobody was injured and no weapons
15 were used. I know he's got more charges in Greenville. I
16 ask that you at least consider coming off the max on the
17 sentence on this and give him a chance to defend himself in
18 Greenville.

19 THE COURT: He'll have that chance. Anything you
20 want to tell me, Mr. Missouri?

21 THE DEFENDANT: Yeah. I just concur with Mr.
22 Angell. Like I said, this was brought on by just drug
23 addiction, sir, you know. You say it's no defense and, you
24 know, to some extent, you know, I'm remorseful for my
25 actions. I mean, that's the point. You know, I went in the

1 bank and took the money. You know, I'm remorseful for that
2 part. You know, I'm remorseful for a lot of things, you
3 know, that we haven't, as a society, addressed, you know,
4 addictions in a better situation than we do. We're
5 imprisoning more people and that's not, that's not an act --
6 it's not correcting the problem.

7 I mean, hopefully, if I'm in prison, I can use my time
8 to help others to understand addiction that have an
9 opportunity to come back outside of prison to help them
10 understand what brought me in the prison and to help them to
11 try to understand that the law doesn't take in account if
12 you get out there and use drugs, because I'm a victim of
13 that law. So, you know, I can use my time wisely. I mean,
14 God got a plan for me regardless. You know, and he's been
15 working with me. And I know, Judge -- well, there's a lot
16 of judges say, well, it's a convenient time for you to find
17 the Lord when it's time for you to be going to jail. But,
18 you know, you either find him now or you never find him. I
19 mean, he gives you time to find him in jail. He visits the
20 prisoners. I mean, that's what he does. I feel better in
21 jail not on drugs than I feel outside on drugs. So, you
22 know, I asked God to deliver me from the drugs. If it's by
23 incarceration, he did His job.

24 THE COURT: You know, I feel bad for you. I feel
25 bad for anybody who's got a problem that they can't control.

1 But, you know, you do have some responsibility in this deal
2 to get yourself clean.

3 THE DEFENDANT: Oh, yeah.

4 THE COURT: I mean, it's not necessarily society's
5 responsibility to take you and say, all right, here's what
6 we're going to do. You have to take the first step. You
7 have to take your life under control and try and get ahead
8 of the game.

9 THE DEFENDANT: It's easy for some and it's
10 difficult for others, you know.

11 THE COURT: Well, I understand that. But ---

12 THE DEFENDANT: For me it was a little more
13 difficult than just saying it.

14 THE COURT: But you've been -- how old was he when
15 he started -- you're fifty now?

16 THE DEFENDANT: In '92 I started.

17 THE COURT: But now it goes back to '82; right?

18 MR. RICHARDSON: It goes back to '82, yes, sir.

19 THE DEFENDANT: My shoplifting and little petty
20 stuff I did as a teenager. But I'm saying my drug use ---

21 THE COURT: That's thirty-two years ago. Eighteen
22 years of age you start getting caught by the police for
23 doing things that you shouldn't; minor things, big things.
24 Clearly, you've got some brains. Nobody has told me
25 anything about where you're seeking to hurt anybody, as you

1 testified here. But, you know, you're hurting somebody when
2 you take something that doesn't belong to you and does
3 belong to them.

4 THE DEFENDANT: Well, like I said, I can use this
5 time, like I said, to try to help others.

6 THE COURT: I hope you do.

7 All right. The sentence of this court on 2012-GS-39-
8 2242, which is the strong armed robbery, you're to be
9 committed to the Department of Corrections for a term of
10 five years, plus costs and assessments as applicable.

11 The bank robbery, sentence of this court, you're to be
12 committed to the Department of Corrections for a term of
13 twenty years, plus costs and assessments as applicable.

14 The failure to stop for a blue lights, the sentence of
15 this court is you be committed to the Department of
16 Corrections for a term of three years, plus costs and
17 assessments as applicable.

18 All those to run concurrent. Give you credit for your
19 time served. Any court costs upon release from the
20 Department of Corrections.

21 THE DEFENDANT: Thank you, Your Honor.

22 MR. ANGELL: Thank you, Your Honor.

23 THE COURT: All right. Anything further?

24 MR. RICHARDSON: Nothing further from the state.

25 MR. ANGELL: Judge, we would like to, I guess when

1 he comes back in ---

2 THE COURT: Come back in for what?

3 MR. ANGELL: I don't know where he's going, but we
4 want to put in a notice of his intent to appeal.

5 THE COURT: You have to file that.

6 MR. ANGELL: I know. I wanted to get the notice
7 out if I can.

8 THE COURT: You have ten days. Telling me about
9 it won't do a bit of good, because I'm out of here. The
10 only thing you can do with me is file a motion to reconsider
11 the sentence.

12 MR. ANGELL: Nothing further, Your Honor.

13 THE COURT: If he wants to appeal, you file your
14 notice and I guess you'll turn it over to appellate defense
15 and see what happens.

16 Anything else, Mr. Solicitor?

17 MR. RICHARDSON: Your Honor, I believe as far as
18 our docket today, that'll be all we have for you.

19 THE COURT: All right.

20

21 [END OF REQUESTED TRANSCRIPT OF RECORD]

1 CERTIFICATE OF REPORTER

2

3 I, the undersigned Danette P. Hanks, Official Court
4 Reporter for the Thirteenth Judicial Circuit of the State of
5 South Carolina, do hereby certify that the foregoing is a
6 true, accurate, and complete transcript of record of all the
7 proceedings had and evidence introduced in the trial/hearing
8 of the captioned case, relative to appeal, in the Circuit
9 Court for Pickens County, South Carolina, on the 19th day of
10 May, 2014.

11 This transcript may contain quoted material. Such
12 material is reproduced as read by the speaker.

13 I do further certify that I am neither of kin, counsel,
14 nor interest to any party hereto.

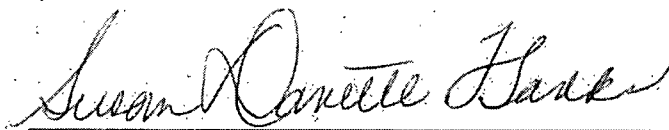
15 September 16, 2014

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Circuit Court Reporter

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WITNESSES

Sam Byers

Pickens Police Department

6/19/2012

ARREST WARRANT NUMBER

1336638

ACTION OF GRAND JURY

TRUE BILL
NOV 12 2013

Steven Richardson

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2012-GS-39- 2203

WDR

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

NOV 12 2013

TERM 2012

THE STATE

vs.

VINCENT MISSOURI

Indictment for

0257

ENTERING BANK WITH INTENT TO STEAL

VIOLATION § 16-11-0380

STATE OF SOUTH CAROLINA)

COUNTY OF PICKENS)

INDICTMENT FOR

ENTERING BANK WITH INTENT TO STEAL

At a Court of General Sessions, convened on

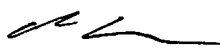
NOV 12 2013

the Grand Jurors of Pickens

County present upon their oath:

That VINCENT MISSOURI did in Pickens County, on or about the 18th day of June, 2012, enter BANK OF AMERICA, located at 334 E. Main Street, Pickens, South Carolina with intent to steal money and/or securities for money, either by force intimidation and/or threats. This is in violation of §16-11-380 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.


SOLICITOR

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF PICKENS)

ENTERING BANK WITH INTENT TO STEAL

At a Court of General Sessions, convened on

NOV 12 2013

the Grand Jurors of Pickens

County present upon their oath:

That VINCENT MISSOURI did in Pickens County, on or about the 18th day of June, 2012, enter BANK OF AMERICA, located at 334 E. Main Street, Pickens, South Carolina with intent to steal money and/or securities for money, either by force intimidation and/or threats. This is in violation of §16-11-380 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.


SOLICITOR

WITNESSES

Sam Byers

Pickens Police Department

6/19/2012

ARREST WARRANT NUMBER

1336639

ACTION OF GRAND JURY

TRUE BILL
Date NOV 12 2013

Steven Richardson
Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012-GS-39-2242
WDR

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

NOV 12 2013 TERM 2012

THE STATE

vs.

VINCENT MISSOURI

Indictment for

0026

ARMED ROBBERY

VIOLATION § 16-11-0330(B)

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

INDICTMENT FOR
ARMED ROBBERY

At a Court of General Sessions, convened on

NOV 12 2013

the Grand Jurors of Pickens

County present upon their oath:

That VINCENT MISSOURI did in Pickens County, on or about the 18th day of June, 2012, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies described as: cash from BANK OF AMERICA. This is in violation of §16-11-330 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.


SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)

INDICTMENT FOR
ARMED ROBBERY

At a Court of General Sessions, convened on

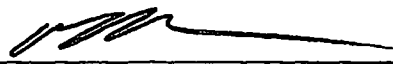
NOV 12 2013

the Grand Jurors of Pickens

County present upon their oath:

That VINCENT MISSOURI did in Pickens County, on or about the 18th day of June, 2012, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies described as: cash from BANK OF AMERICA. This is in violation of §16-11-330 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.


SOLICITOR

243

WITNESSES

Smith Galloway

Pickens County Sheriff's Office

6/18/2012

ARREST WARRANT NUMBER

66579DF

ACTION OF GRAND JURY

TRUE BILL

Date NOV 12 2013

Steven Richardson

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2012-GS-39-2204

WDR

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

NOV 12 2013

TERM 2012

THE STATE

vs.

VINCENT MISSOURI

Indictment for

0065

FAILURE TO STOP FOR A BLUE LIGHT

VIOLATION § 56-05-0750(B)(1)

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

INDICTMENT FOR
FAILURE TO STOP FOR A BLUE LIGHT

At a Court of General Sessions, convened on

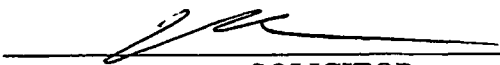
NOV 12 2013

the Grand Jurors of Pickens

County present upon their oath:

That VINCENT MISSOURI did in Pickens County, on or about the 18th day of June, 2012, willfully, knowingly, and unlawfully commit the offense of failure to stop for police vehicle in that the said defendant while driving on a road, street or highway of the State did intentionally refuse to stop when signaled to do so by a police vehicle using blue lights and/or siren. This is in violation of §56-5-750 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.


SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

INDICTMENT FOR
FAILURE TO STOP FOR A BLUE LIGHT

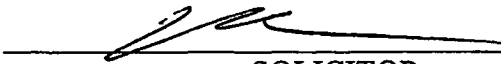
At a Court of General Sessions, convened on,
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NOV 12 2013

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

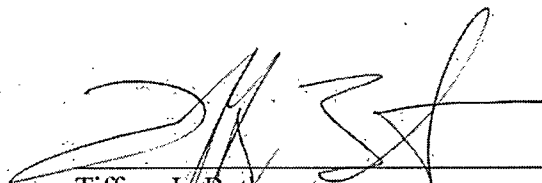

SOLICITOR

RECORDED

CERTIFICATE OF COUNSEL FOR APPELLANT

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

March 23, 2015



Tiffany L. Butler
Appellate Defender

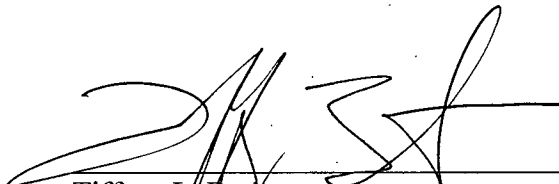
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

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