

ANDERS

No Respondent's Brief Filed

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229 63

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL
NO DEFENDANT'S BRIEF

RECEIVED

OCT 10 2016

SC Court of Appeals

Appeal from Horry County

Honorable Steven H. John, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RASHEED TAMIR GLOVER,

APPELLANT

APPELLATE CASE NO 2016-000675

RECORD ON APPEAL

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Defense
Division of Appellate Defense
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ATTORNEYS FOR RESPONDENT

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COPY

WITNESSES

Tyrone Williams Conway Police Department

CERTIFIED COPY

2016 MAR 24 PM 3:49

Melanie Huggins-Ward

CLERK OF COURT
HORRY COUNTY

DOCKET NO. 2015-GS-26-01237

HORRY COUNTY

The State of South Carolina

County of Horry

MELANIE HUGGINS-WARD

CLERK OF COURT

15H00178

COURT OF GENERAL SESSIONS

MARCH, 2015 TERM

THE STATE

VS.

Rasheed Tamir Glover
/ M

43
Conway, SC 29527

ATTORNEY: J. M. "Buddy" Long, III

Indictment for

ARMED ROBBERY

Jimmy A. Richardson, II, Solicitor

ORIGINAL

FILED
HORRY COUNTY

2015 MAR 27 PM 4:32

MELANIE HUGGINS-WARD
CLERK OF COURT

DATE RECEIVED FROM
GRAND JURY

ARREST WARRANT NUMBER

2015A2610200023

CDR: 0139 16-11-0330(A)

DOA: 1/2/2015

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: MAR 26 2015

VERDICT

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)

COUNTY OF Horry)

INDICTMENT

At a Court of General Sessions, convened on March 26, 2015, the Grand Jurors of Horry County present upon their oath:

ARMED ROBBERY

CDR: 0139 16-11-0330(A)

That Rasheed Tamir Glover did in Horry County on or about January 2, 2015, while armed with a deadly weapon, to wit: a handgun, take and carry away personal property of Scotchman Store 3058 from or in the immediate presence of Angie Glick, employee or agent of Scotchman Store with intent to deprive Scotchman Store 3058 possession by use of force, threats or intimidation, in violation of Section 16-11-020(A), S. C. Code of Laws, 1976, as amended.

FILED
Horry County
2016 MAR 24 PM 3:35
CLERK OF COURT
MELANIE HIGGINS-WARD

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

Jimmy A. Richardson, II
JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SO. DIST. JUDGE
CLERK OF COURT
Horry County
2016 MAR 24 PM 3:49
CERTIFIED COPY
Melanie Higgins-Ward

3
COPY

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Horry
VS.

Rasheed Tamir Glover

AKA:

Race:

Sex: M

Age: 20

DOB:

SS#:

Address:

City, State, Zip: Conway, SC 29527

DI#:

SID#:

*ODL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
TO: Armed Robbery

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code #

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lowd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ARREST:

SCB76142

Richardson, Ladree

SC Bar#

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections, ☐ County Detention Center

for a determinate term of 25 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

	\$	\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90 + \$ 40.00 = \$ 173.90

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015GS2601237

A/W#: 2015A2610200023

Date of Offense: 1/2/2015

S.C. Code § : 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

CONVICTED OF or

SC Court of Appeals

FILED
CLERK OF COURT
Horry County
MAR 23 PM 3:35
MAR 24 AM 8:01
MAR 24 PM 1:49
CERTIFIED COPY

PTUP days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ 25.00 beginning

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code:

Sentence Date:

2144
2-2-15, 2015

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF HORRY)

2015-GS-26-01237

STATE OF SOUTH CAROLINA,)

Plaintiff,)

Transcript of Record

(Volume I of II)

vs.)

October 12, 2015

RASHEED TAMIR GLOVER,)

Defendant.)

B E F O R E:

Honorable R. Ferrell Cothran
Horry County Courthouse
Conway, South Carolina

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

Lauree Richardson, Esquire
Thomas G. Terrell, III, Esquire
Attorney for Plaintiff

Jonny Gardner, Esquire
Attorney for Defendant

Kay H. Richardson
Circuit Court Reporter

State v. Glover - 2015-GS-26-01237

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VOIR DIRE

1 (OCTOBER 12, 2015 - 11:36 A.M.)

2 BY THE COURT:

3 THE COURT: All right. You may call your case, Mr.
4 Terrell.

5 MR. TERRELL: This is the State of South Carolina versus
6 Rasheed Tamir Glover. He is charged with true-billed
7 indictment 2015-GS-26-01237, true-billed indictment, Your
8 Honor, for armed robbery.

9 VOIR DIRE:

10 THE COURT: Ladies and gentlemen of the Jury, if you'll
11 give me your attention, we're about to begin the trial of
12 Rasheed Tamir Glover. Is there any member of the jury panel
13 connected by blood or marriage, close personal friend, social
14 relations with the Defendant in this case, Mr. Glover. If so,
15 please stand.

16 (REPORTER'S NOTE: No response.)

17 THE COURT: Do you have a list of witnesses?

18 While he's looking for the list. I didn't introduce
19 myself to y'all. My name is Ferrell Cothran. I'm a Circuit
20 Judge from Clarendon County, from Manning, and I've been
21 assigned to hold court here this week. I'm glad to be here.
22 It's a bit wet in Manning, of course it's a bit wet here. It
23 was an adventure to get down here but at least it's drier
24 here.

25 Sometimes it takes a while to get the wheels of justice

State v. Glover - 2015-GS-26-01237
VOIR DIRE

7

1 turning.

2 Okay. Ladies and gentlemen, I'm gonna read you out a
3 list of potential witnesses in this case and I need to know
4 whether you are connected by blood or marriage, close personal
5 friends, social relations with any of these potential
6 witnesses. Detective Christopher Johnson; Sergeant Dale Long;
7 Don Wooten; Earl Mason; Mark Bobbitt; James Rhodes; Officer
8 Dailey; Officer Jeff Gordan; Richard Edwards; Derrick Ard;
9 Glen Guyett; Jonathan Martin; Angie Lee Gilchrest or Christ;
10 Tyrone Williams; Thomas Kilbride; Aaron Maurer; Daniel Todd,
11 Daniel Brooks Todd; Tabitha O'Riley; Asia Collier; Brad
12 Townsend; and Mathew Stephenson. And I probably butchered a
13 couple of those names, but anybody connected by blood or
14 marriage, close personal friends, social relations with any of
15 those potential witnesses? If so, please stand.

16 (REPORTER'S NOTE: No response.)

17 THE COURT: Okay. I'm sorry, the lawyers in this case
18 representing the State of South Carolina, Lauree Richardson
19 and Tom Terrell. Any members of the jury panel connected by
20 blood or marriage, close personal friends, social relations or
21 have ever been represented by these attorneys? If so, please
22 stand.

23 (REPORTER'S NOTE: No response.)

24 THE COURT: Representing the Defendant in this case is
25 Johnny Gardner. Any member of the jury panel connected by

State v. Glover - 2015-GS-26-01237
VOIR DIRE

8

1 blood or marriage, close personal friends, social relations or
2 have been represented by Mr. Gardner in the past? If so,
3 please stand.

4 THE COURT: Okay. Yes, sir. Can you give ---

5 JUROR 310: Last year, I was divorced and his firm,
6 Heather -- ends with a K.

7 THE COURT: Okay. Are they still representing you?

8 JUROR 310: No, sir.

9 THE COURT: The fact that his firm had represented you in
10 -- is it a domestic case? It's a divorce case?

11 JUROR 310: yes, sir.

12 THE COURT: The fact that his firm represented you in the
13 past, would that affect your ability to be fair and impartial
14 in this trial?

15 JUROR 310: It would not affect my ability whatsoever.

16 THE COURT: Okay. Thank you, sir. Give me your name and
17 number, please, sir?

18 JUROR 310: My name is Timothy Selba. Phone number is
19 843- ---

20 THE COURT: No, your juror number.

21 JUROR 310: I'm sorry, 301 [sic].

22 THE COURT: Okay. 301.

23 JUROR 310: I'll give you my phone number, too, if you
24 want that.

25 THE COURT: No, I don't need that. Thank you.

State v. Glover - 2015-GS-26-01237
VOIR DIRE

9

1 Anyone else?

2 (REPORTER'S NOTE: No response.)

3 THE COURT: This alleged armed robbery occurred on or
4 about January the 2nd of 2015. Anybody on the jury panel know
5 anything about this case at all?

6 (REPORTER'S NOTE: No response.)

7 THE COURT: Anybody formed or expressed an opinion about
8 any of the issues and matters involved in this case?

9 (REPORTER'S NOTE: No response.)

10 THE COURT: Any member of the jury panel aware of any
11 bias or prejudice that you have toward the State of South
12 Carolina or this Defendant? If so, please stand.

13 (REPORTER'S NOTE: No response.)

14 THE COURT: Any member of the jury panel were a member of
15 the Grand Jury that indicted this case? If so, please stand.

16 (REPORTER'S NOTE: No response.)

17 THE COURT: Any member of the jury panel due to religious
18 or moral reason -- I'm sorry -- unable to sit in judgment of
19 your fellow man? If so, please stand.

20 (REPORTER'S NOTE: No response.)

21 THE COURT: Any member of the jury panel know of any
22 reason whatsoever they can't give the State of South Carolina
23 and this Defendant a fair and impartial trial? If so, please
24 stand.

25 (REPORTER'S NOTE: No response.)

State v. Glover - 2015-GS-26-01237
JURY SELECTION

10

1 THE COURT: Any further questions from the State?

2 MS. RICHARDSON: No, sir, Your Honor.

3 THE COURT: From Defense?

4 MR. GARDNER: No, Your Honor.

5 THE COURT: Okay. Madame Clerk, if you'll give me a
6 jury. It'll be five and ten.

7 JURY SELECTION:

8 CLERK: When I call your name and juror number, if you'll
9 please come to the front of the courtroom about right here in
10 front of the Defense and State table, face the back of the
11 courtroom and bring any belongings that you have with you.

12 Juror Number 142, Elaine Green. Yes, ma'am, that's fine.
13 If you'll just turn around and face the back of the courtroom.

14 What say the State?

15 MS. RICHARDSON: Please excuse this particular juror.

16 CLERK: You're excused from this particular case. You
17 can go back and have a seat.

18 377, Deborah Whitty.

19 What say the State?

20 MS. RICHARDSON: Please present the juror.

21 CLERK: Defense?

22 MR. GARDNER: Swear the juror, Your Honor.

23 CLERK: Please be seated in the jury box.

24 345, Steven Swayger.

25 What say the State?

State v. Glover - 2015-GS-26-01237

11

JURY SELECTION

1 MS. RICHARDSON: Please present the juror.

2 CLERK: Defense?

3 MR. GARDNER: Please excuse this juror from this
4 particular case, Your Honor.

5 CLERK: You are excused from this particular case.

6 112, Kelvin Farmer.

7 What say the State?

8 MS. RICHARDSON: Please present the juror.

9 CLERK: Defense?

10 MR. GARDNER: Please excuse this juror from this
11 particular case.

12 CLERK: You are excused from this particular case.

13 36, Casey Brown.

14 What say the State?

15 MS. RICHARDSON: Please excuse this particular juror.

16 CLERK: You are excused from this particular case.

17 50, Audrey Casey.

18 What say the State?

19 MS. RICHARDSON: Please present the juror.

20 CLERK: Defense?

21 MR. GARDNER: Swear the juror, Your Honor.

22 CLERK: Please be seated in the jury box.

23 212, Alena Lopez.

24 What say the State?

25 MS. RICHARDSON: Please present the juror.

State v. Glover - 2015-GS-26-01237
JURY SELECTION

12

1 CLERK: Defense?

2 MR. GARDNER: Please swear the juror, Your Honor.

3 CLERK: Please be seated in the jury box.

4 19, Nicholas Bartholomew.

5 What say the State?

6 MS. RICHARDSON: Please present the juror.

7 CLERK: Defense?

8 MR. GARDNER: Swear the juror, Your Honor.

9 CLERK: Please be seated in the jury box.

10 286, Ronald Prady.

11 What say the State?

12 MS. RICHARDSON: Please present the juror.

13 CLERK: Defense?

14 MR. GARDNER: Swear the juror, Your Honor.

15 CLERK: Please be seated in the jury box.

16 80, Donna Crownover.

17 What say the State?

18 MS. RICHARDSON: Please present the juror.

19 CLERK: Defense?

20 MR. GARDNER: Please excuse the juror from this case,

21 Your Honor.

22 CLERK: You're excused from this particular case.

23 27, Tristan Bland.

24 What say the State?

25 MS. RICHARDSON: Please excuse the juror.

State v. Glover - 2015-GS-26-01237
JURY SELECTION

13

1 CLERK: You are excused from this particular case.
2 118, Julie Flynn.
3 What say the State?
4 MS. RICHARDSON: Please present the juror.
5 CLERK: Defense?
6 MR. GARDNER: Please swear the juror.
7 CLERK: Please be seated in the jury box.
8 205, Robert Leonard.
9 What say the State?
10 MS. RICHARDSON: Please seat the juror.
11 CLERK: Defense?
12 MR. GARDNER: Please swear the juror, Your Honor.
13 CLERK: Please be seated in the jury box.
14 282, Sandra Pirozzi.
15 What say the State?
16 MS. RICHARDSON: Please present the juror.
17 CLERK: Defense?
18 MR. GARDNER: Please excuse this juror, Your Honor.
19 CLERK: You are excused from this particular case.
20 253, Lisa Morrow.
21 What say the State?
22 MS. RICHARDSON: Please present the juror.
23 MR. GARDNER: Swear the juror, Your Honor.
24 CLERK: Please be seated in the jury box.
25 75, Stephanie Cowan.

State v. Glover - 2015-GS-26-01237
JURY SELECTION

14

1 What say the State?

2 MS. RICHARDSON: Please present her.

3 CLERK: Defense?

4 MR. GARDNER: Please excuse the juror, Your Honor.

5 CLERK: You're excused from this particular case.

6 61, Amanda Cole.

7 What say the State?

8 MS. RICHARDSON: Please present her.

9 CLERK: Defense?

10 MR. GARDNER: Please swear the juror, Your Honor.

11 CLERK: Please be seated in the jury box.

12 265, Jamie Orner.

13 What say the State?

14 MS. RICHARDSON: Please present him.

15 MR. GARDNER: Swear the juror, Your Honor.

16 CLERK: Please be seated in the jury box.

17 77, Paula Cranford.

18 What say the State?

19 MS. RICHARDSON: Please present the juror.

20 CLERK: Defense?

21 MR. GARDNER: Please swear the juror, Your Honor.

22 CLERK: Please be seated in the jury box.

23 337, Taheilia Stephenson.

24 What say the State?

25 MS. RICHARDSON: Please present the juror.

State v. Glover - 2015-GS-26-01237
BY THE COURT

15

1 CLERK: Defense?

2 MR. GARDNER: Please swear the juror, Your Honor.

3 CLERK: Please be seated in the jury box.

4 THE COURT: Do we need one or two alternates?

5 MR. GARDNER: One?

6 MS. RICHARDSON: I'm good with one.

7 THE COURT: Okay.

8 CLERK: 224, Charles Mansell.

9 What say the State?

10 MS. RICHARDSON: Please present him.

11 MR. GARDNER: Swear the juror.

12 CLERK: Please be seated in the jury box.

13 THE COURT: Are there any matters of law pertaining to
14 the selection of the Jury on behalf of the State?

15 MS. RICHARDSON: No, sir, Your Honor.

16 THE COURT: And Defense?

17 MR. GARDNER: No, Your Honor.

18 BY THE COURT:

19 THE COURT: Okay. Ladies and gentlemen who were not
20 selected to serve, I need you to call the Clerk's office back
21 after 6 o'clock tonight. Hopefully, nobody will be there and
22 so you'll get a recording so you can't argue with it, it's
23 simply gonna tell you when to be back. And I don't know when
24 that'll be but somebody will put a recording on there to tell
25 you when you'll need to report back or call back. You have a

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BY THE COURT

16

1 nice day. Thank you.

2 (REPORTER'S NOTE: Remaining Jury Venire exits courtroom.
3 11:58 A.M.)

4 (REPORTER'S NOTE: A bench conference was held off the record
5 in the presence of but out of hearing of the Jury.)

6 THE COURT: Ladies and gentlemen, I've got some matters
7 of law that I need to take up outside of your presence. So,
8 instead of having you sitting back in the jury room, I'm gonna
9 send you to lunch and we're gonna deal with those matters. I
10 ask you to be back at 2 o'clock. Now, you don't know anything
11 about this case, I don't need you to talk about it, I don't
12 want you to Google anybody, I don't want you to do any
13 research because I'm looking for a fair and impartial juror
14 and, everything you know about this case, I need you to learn
15 in this courtroom. So, if you'll keep that in mind when you
16 go to lunch, just don't talk about this case or allow somebody
17 to talk about it. When you get back, I'll explain your role
18 in this case and tell you what you're to do throughout this
19 trial but if you would just do that. If for some reason you
20 have an emergency over lunch and you're not gonna be back at 2
21 o'clock, please call the Clerk's office and let us know
22 because if I haven't heard from you and you don't come back
23 and you don't call, then I'm gonna send the sheriffs to look
24 for you to bring you in. And it needs to be an emergency. I
25 had a situation one time where one of the jurors didn't come

State v. Glover - 2015-GS-26-01237
BY THE COURT

17

1 back and -- because Days of Our Lives was on and they weren't
2 gonna miss it. That's not an emergency. So, please be back
3 at 2 o'clock. If you've got an emergency, call us and I'll
4 see you at 2:00. You have a nice lunch. Thank you.

5 (REPORTER'S NOTE: Jury exits courtroom. 12:01 P.M. The
6 following takes place outside the presence of the Jury.)

7 THE COURT: Okay. Are we ready?

8 MS. RICHARDSON: Your Honor, would you require testimony
9 from my assistant to say that she sent the subpoenas or do you
10 just want to look at his ---

11 THE COURT: What's your position on that?

12 MS. RICHARDSON: This is just saying that we can go
13 forward in his absence and he had notice to be here today.

14 MR. GARDNER: I've never done a TIA so know if he had --
15 we need to put on -- I've tried to talk with him.

16 THE COURT: I don't know what y'all normally do here.
17 Normally, the Clerk's office gets on the stand and puts the
18 bond in.

19 MS. RICHARDSON: Okay. So, the Clerk just puts the bond
20 in?

21 THE COURT: Yeah, normally what happens is, in the old
22 school, you never know ---

23 MS. RICHARDSON: Not in General Sessions, Your Honor, not
24 like a Magistrate.

25 THE COURT: Normally what happens is that somebody from

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18

BY THE COURT

1 the Clerk's office gets on the stand and testifies that they
2 are the official record keepers for the records on the Court
3 of General Sessions and in their official capacity they have a
4 bond and, you know, in the Defendant's name and it's
5 returnable for such and such a date and each term thereafter
6 and they signed on there that they've been under -- that they
7 were put on notice that if they were not present, they could
8 be tried in their absence. And that's what most bonds say and
9 usually the Clerk testifies to that and gets in the record as
10 a Court's exhibit. It gives me jurisdiction to proceed.

11 MS. RICHARDSON: Okay. All right.

12 THE COURT: Can you -- do you have a copy or can you go
13 get it or what and I'll ---

14 CLERK: I can get the original if we need to, Your Honor.

15 THE COURT: Well, it technically needs to be in the
16 record to give me jurisdiction. Now, you can testify from it
17 and that gets it in the record but from -- you know, if --
18 that satisfies, you know, the notice requirement. Now, you
19 know, and that was pretty clear cut and that is pretty
20 consistent throughout the State and that's the way everybody
21 did it back before 1987.

22 MS. RICHARDSON: I believe we put our assistants up
23 there, too, just to say that we sent notice to ---

24 THE COURT: Because normally, that was all the notice
25 required, the Solicitors didn't send notice because they had

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BY THE COURT

19

1 roll and everybody had to be here.

2 MS. RICHARDSON: Okay.

3 THE COURT: Since the crime wave hit in '87, you know,
4 every Solicitor and circuit does things different and sends
5 out notices and so it just needs to be on the record that he
6 in fact had notice. But the legal requirement is usually on
7 the bond.

8 MS. RICHARDSON: Okay. Your Honor, may I -- can we break
9 until 1:30. We'll come back 1:30 and put this on the record.

10 THE COURT: Sure.

11 MS. RICHARDSON: 1:30?

12 THE COURT: Sure.

13 *****OFF THE RECORD*****

14 (On the Record - 1:32 P.M.)

15 THE COURT: Okay. Are you ready?

16 MS. RICHARDSON: Yes, sir, Your Honor.

17 THE COURT: All right.

18 MS. RICHARDSON: Your Honor, we're gonna just put on the
19 record that we have supplied the Defendant sufficient notice
20 that, one, he was gonna be tried this week and that if he was
21 -- if he failed to appear that he will be tried in his
22 absence.

23 THE COURT: Okay.

24 MS. RICHARDSON: Your Honor, the State would first call
25 Heather Lewis ---

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BY THE COURT

20

1 THE COURT: All right.

2 MS. RICHARDSON: --- from the Clerk's office.

3 THE COURT: I guess I need to swear you in, don't I.

4 MS. LEWIS: Yes, sir.

5 HEATHER LEWIS, HAVING BEEN DULY

6 SWORN, TESTIFIES AS FOLLOWS:

7 THE COURT: Is that a Gideon Bible you just put your hand
8 on?

9 MS. LEWIS: Yes, sir.

10 THE COURT: And does Horry County have the most Gideon
11 Bibles in the State?

12 MS. LEWIS: Probably so.

13 THE COURT: Okay.

14 DIRECT EXAMINATION OF HEATHER LEWIS BY MS. RICHARDSON:

15 Q: Ms. Lewis, where are you employed?

16 A: I work for the Horry County Clerk's office.

17 Q: Are you the official record keeper for the Clerk's office?

18 A: Yes.

19 Q: Okay. Mr. Rasheed Glover, he was charged with an armed
20 robbery from January 2nd of 2015?

21 A: Yes, ma'am. I know he was charged. I'm not exactly sure
22 of the date, though, without looking at an indictment.

23 Q: Okay. Were you able to look at his bond paperwork?

24 A: Yes, ma'am.

25 Q: Is that something that you hold in your office, that you

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HEATHER LEWIS - DIRECT BY RICHARDSON

21

1 keep record of?

2 A: It is.

3 Q: Okay. And who was his bondsman?

4 A: It was -- do you have one I can refer to?

5 Q: Sure.

6 A: I actually have the original over there if we need to get
7 the original.

8 MS. RICHARDSON: Do we need to mark it?

9 THE COURT: It's marked as a Court's Exhibit.

10 COURT'S EXHIBIT NUMBER ONE

11 MARKED FOR IDENTIFICATION

12 BY MS. RICHARDSON:

13 Q: I'm gonna hand you what's been marked as Court's Exhibit
14 One. Whose name is on that form, the Defendant's name?

15 A: It's Rasheed Tamir Glover.

16 Q: Okay. And does it have his charges listed on there?

17 A: It does.

18 Q: What charge is that?

19 A: It's armed robbery.

20 Q: Okay. Does it have a date on there for which he was
21 charged?

22 A: It's got the date that it was signed by the Judge.

23 Q: Okay. And what was that date?

24 A: It was January 3rd, 2015.

25 Q: Okay. And who is his bondsman?

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HEATHER LEWIS - DIRECT BY RICHARDSON

22

1 A: Donnell and Ladawn Bail Bondsmen.

2 Q: Okay. And what kind of bond was he on?

3 A: It's a surety bond.

4 Q: Okay.

5 A: It's a cash or surety bond.

6 Q: Okay. I'm gonna refer you to the back page of this. And
7 can you just read those three lines into the record and tell
8 me whose signature that is below that.

9 A: It says, I understand that if I violate any condition of
10 this order, a warrant for my arrest will be issued. I
11 understand and have been informed that I have the right and
12 obligation to be present at trial and should I fail to attend
13 the Court, the trial will proceed in my absence. It has been
14 explained to me that if I fail to appear before the Court as
15 required, a warrant for my arrest will be issued. And it's
16 got signature of the Defendant, which is Rasheed Glover.

17 Q: Okay. Let me hold that just one second. And is there an
18 address on that form for which we are to send notice?

19 A: There is.

20 Q: And what is that address?

21 A: It's 1911 9th Avenue, Apartment **A3**, Conway, South
22 Carolina, 29527.

23 Q: Thank you. Court's indulgence just a moment.

24 THE COURT: Okay.

25 MS. RICHARDSON: That's all from the State, Your Honor.

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HEATHER LEWIS - DIRECT BY RICHARDSON

23

1 THE COURT: Do you have any questions?

2 CROSS EXAMINATION OF HEATHER LEWIS BY MR. GARDNER:

3 Q: Madame Clerk, nothing in that paperwork tells him when the
4 trial is gonna be or the trial is today, is there?

5 A: No, sir.

6 MR. GARDNER: That's all, Your Honor.

7 THE COURT: Can I see that? Okay. I see on the form
8 that he was required initially to be on April the 10th, 2015
9 and remain throughout each term and if the case wasn't
10 disposed of, he was to appear on each succeeding term until
11 his final disposition. And he initialed that. Okay. Thank
12 you.

13 MS. RICHARDSON: The State would now call Ms. Gayle
14 Jordan.

15 GAYLE JORDAN HAVING BEEN DULY SWORN,
16 TESTIFIES AS FOLLOWS:

17 CLERK: If you'd please state your full name and spell
18 your last name.

19 MS. JORDAN: Gayle Jordan, J-O-R-D-A-N.

20 DIRECT EXAMINATION OF GAYLE JORDAN BY MS. RICHARDSON:

21 Q: Ms. Jordan, where are you employed?

22 A: Horry County Solicitor's office.

23 Q: And you work as my assistant; is that correct?

24 A: I do.

25 Q: And part of your duties with the Solicitor's office, do

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HEATHER LEWIS - CROSS BY GARDNER

24

1 you send out subpoenas?

2 A: I do.

3 COURT'S EXHIBIT NUMBER TWO

4 MARKED FOR IDENTIFICATION

5 Q: I'm gonna show you what's been marked as Court's Exhibit
6 Number Two and see if you can identify that for me?

7 A: Yes, they are the subpoenas for Rasheed Glover.

8 Q: And where were -- those were the subpoenas that you sent?

9 A: Yes.

10 Q: Or they are copies of the subpoenas you sent?

11 A: Yes, we send the originals.

12 Q: What address did you send those subpoenas to?

13 A: We sent one to 1911 9th Avenue, Apartment A3, Conway,
14 29527. And we sent one to 1911 9th Avenue, Apartment D6,
15 Conway, 29527.

16 Q: Do you know where the D6 address comes from?

17 A: Not unless we had a change of address, but I don't know
18 that.

19 Q: But we sent it to those two addresses?

20 A: Yes.

21 Q: And when did you mail those subpoenas?

22 A: We mailed them on September the 18th.

23 Q: And did we also send one to the bonding company?

24 A: Yes, we did.

25 Q: And what bonding company was that?

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GAYLE JORDAN - DIRECT BY RICHARDSON

25

1 A: Donell and Ladawn Bail Bonds.

2 Q: Okay. And when did we send that one?

3 A: Also on September the 18th.

4 Q: And was that for Rasheed Glover?

5 A: Yes, it is.

6 Q: In regards to Mr. Glover's subpoenas, when was he
7 subpoenaed to be in court?

8 A: He was subpoenaed to be here on October the 2nd at 8:30
9 and each day this term of court until -- or until the
10 disposition of the case.

11 MS. RICHARDSON: Nothing further, Your Honor.

12 THE COURT: Okay. Any questions?

13 CROSS EXAMINATION OF GAYLE JORDAN BY MR. GARDNER:

14 Q: Was today on that -- was that a normal scheduled week or
15 was that add on?

16 A: It is the second week of our normal schedule.

17 Q: Thank you.

18 MS. RICHARDSON: Nothing further from this witness.

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

20 MS. RICHARDSON: That would be the State's showing as to
21 trying Mr. Rasheed Glover in his absence, Your Honor.

22 THE COURT: Anything you'd like to say?

23 MR. GARDNER: No, Your Honor, I'd just renew my motion
24 for a continuance.

25 BY THE COURT:

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GAYLE JORDAN - CROSS BY GARDNER

26

1 THE COURT: Okay. And I'll respectfully grant -- deny
2 that motion. I find that this Court has jurisdiction, that
3 Mr. Glover was notified pursuant to his bond papers that he
4 had to appear on the April 10th term and each court thereafter
5 until his case was disposed of. That he received notice of
6 this term and he's not here and that the State may proceed in
7 his absence. Okay.

8 I guess we just got to wait till the Jury comes back? We
9 got any other matters we need to deal with?

10 MS. RICHARDSON: Not to my knowledge, Your Honor.

11 THE COURT: Okay.

12 MR. GARDNER: Nothing.

13 THE COURT: Okay.

14 (RECESS - 1:42 P.M.)

15 *****OFF THE RECORD*****

16 (On the Record - 2:04 P.M.)

17 (REPORTER'S NOTE: Jury enters courtroom. 2:04 P.M.)

18 BY THE COURT:

19 THE COURT: Madame Clerk, you may swear the Jury.

20 CLERK: Please stand and raise your right hand.

21 Do you solemnly swear or affirm you will well and truly
22 try the issues joined in this case and a true verdict render
23 according to the law and evidence so help you God?

24 (REPORTER'S NOTE: Jury unanimously responds.)

25 CLERK: Thank you.

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BY THE COURT

27

1 THE COURT: Ladies and gentlemen, we're about to begin
2 the trial of the State versus Rasheed Glover. And basically
3 what I intend to tell you is just some introductory remarks
4 and explain to you what your role is and what my role is and
5 what your responsibilities are. Mr. Glover is indicted with
6 the crime of armed robbery and I'll explain to you the
7 elements of the armed robbery at the end of the trial when I
8 charge you on the law. But to this indictment, he's entered a
9 plea of not guilty and therefore it placed a burden upon the
10 State to prove each and every element of this indictment to
11 you beyond a reasonable doubt. Your job is to determine what
12 the true facts are. Your job is to listen to testimony that
13 will come before you in this trial. In determining what the
14 true facts are in this case, the -- and you need to pay close
15 attention because it's important that you get it right because
16 if you make a mistake it is very difficult to correct your
17 mistake as far as the facts are concerned. If I make a
18 mistake in the law, then it's some other time and some other
19 place that will be reviewed but it's important that you make
20 -- get this right. And your job is to listen to the evidence
21 and it's gonna basically come to you in three forms. First of
22 all, through sworn testimony from the witness stand.
23 Witnesses will come before you under oath and testify to us
24 about the things that they know or have observed. The other
25 way is through any introductions into exhibits or photographs

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BY THE COURT

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1 or something that either party may introduce in this case.
2 And the third way you're gonna receive evidence is possibly
3 through stipulations of the attorneys. That's how you're
4 gonna receive evidence in this case and you'll decide this
5 case based on the evidence. The attorneys are gonna get up in
6 the few minutes and make an opening statement to you. That
7 opening statement is not evidence. That's simply the
8 attorneys trying to explain to you what this case is about and
9 what they think the evidence is gonna show or not show in this
10 case. Then you're gonna hear the testimony and evidence in
11 this case and then their lawyer is gonna get up and make a
12 closing argument to you and they gonna argue to you as to what
13 they think the evidence show or didn't show in this case.
14 Then, I'm going to charge you on the law and give you this
15 case to decide. My job is to rule upon what evidence under
16 our rules you're entitled to hear and to charge you on the law
17 and your job is to listen closely to the facts and determine
18 what's the truth in this case. You determine the guilt or
19 innocence of this Defendant based on the facts that you hear
20 in this courtroom. And so, I will try to stop every hour or
21 hour and a half for a break. And I usually try to stop
22 between witnesses. Sometimes a witness is so long, you know,
23 we have to go -- we stop in the middle of the testimony.
24 Having said that, if at any time during the trial you need a
25 break or for any reason whatsoever, you just need simply raise

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BY THE COURT

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1 your hand and let me know and we'll take a break, as I need
2 each one of you to play close attention and if you're
3 uncomfortable for some reason, you can't pay attention. So,
4 if you need a break, we'll take one and we'll come back and
5 resume the case.

6 Having said that, I'm gonna instruct you, you can't talk
7 about this case until I tell you can talk about this case.
8 And the reason being, you, you know, if you decide -- after
9 one witness, we take a break and you go back in the jury room
10 and you start talking about this witness' testimony -- and
11 many of you will think, well, why can't we do that? And the
12 reason I don't want you to do that, because if you do, then at
13 the end of the case, you're gonna want to defend that opinion
14 you had in the beginning of the case to your fellow juror and
15 I don't want you to start forming opinions and expressing
16 those opinions to each other until you've heard all the
17 evidence in the case. Then and only then, would it be proper
18 for you to discuss this case among yourselves. And when we go
19 home -- we won't finish this case today and when you go home
20 tonight, your family is gonna want to know what you've been
21 doing all day. And I understand it's tough not to tell them
22 but if your family is anything like my family, and when you
23 tell them what you've done and what you've heard, they gonna
24 have an opinion as to what you ought to do and they haven't
25 been here and I don't want you to use their opinion. You've

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1 got to decide this case based on your own observations and
2 your own knowledge and what you hear in this courtroom because
3 both sides are entitled to a fair and impartial juror, that's
4 what you're here for. And when you do it that way, the
5 system works. So, at the end of the case, you can tell them
6 anything you want to, you can talk to anybody you want to
7 about the case, but I just need you to have an open mind, I
8 mean, not be influenced by anything outside of this courtroom
9 until you decide what the truth in this case. And your job is
10 simply to determine what the truth is based on the facts that
11 you hear. And I'm not allowed to have an opinion about the
12 facts, so don't try to judge what I'm doing based on what you
13 think I think about the facts because I'm not allowed under
14 our law. I'm simply to rule upon the admissibility of the
15 evidence and charge you on the law. It is your job to
16 determine what the true facts are, so if you'd pay close
17 attention throughout this trial. The attorney is gonna get up
18 and make an opening statement to you, the State has the burden
19 of proof and they go first. The Defense goes second but they
20 don't even have to make an opening statement because the
21 Defense doesn't have to prove anything. The State has the
22 burden of proof in this case. Most of the time, both sides do
23 make an opening statement and both sides do make a closing
24 argument but that's their right. So, if you'd pay close
25 attention, we'll begin with the opening statements.

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BY THE COURT

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1 Madame Solicitor, Mr. Solicitor, which ---

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

4 THE COURT: Yes, sir.

5 OPENING STATEMENT BY TERRELL:

6 MR. TERRELL: A ten, two fives and eight ones. On the
7 morning of January 2nd, 2015, just up 501 here in Conway at
8 the Scotchman convenience store, Angie Gilchrist was robbed at
9 gunpoint for a ten, two fives and eight ones. She was working
10 that night, she was working the third shift, 11:00 P.M. to
11 7:00 A.M. This happened approximately at 1:30 that morning.
12 There are some people who work for what they've got. Angie
13 Gilchrist is one of those people. There are other people in
14 the world who take what's not theirs. They feel that they can
15 just take a gun, put it in someone's face and demand what
16 isn't rightfully theirs. Rasheed Glover belongs in this group
17 of takers. He took what wasn't his to take. To be fair, he
18 wasn't alone, he's not the only taker in the world. On this
19 night, he wasn't the only taker. There were four other people
20 acting in concert. This isn't their day. This is Rasheed
21 Glover's day in court. Don't worry about the rest of them for
22 right now. You'll hear from one of them, she was the driver,
23 you'll hear from her. The others will have their day in court
24 but this day is about Rasheed Glover, what he did that night
25 that made him a taker.

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OPENING STATEMENT BY TERRELL

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1 As I said, this happened about 1:30 in the morning.
2 Let's go back a few hours, January the 1st, New Year's Day of
3 this year. All the Codefendants, Mr. Glover and his four
4 Codefendants, Asia Collier, who as I said was the driver,
5 Amontre Ellerbe, Aikeem Coles and Tyreke Phillips, they were
6 all hanging out at Rasheed's mom's house. They're hanging out
7 in the living room, presumably enjoying the New Year's Day and
8 they hatch a plan. That plan was to forever change how they
9 would be considered in society. We're gonna become takers
10 instead of the workers. They decide that they're gonna rob a
11 convenience store. So, they talk about it throughout the day,
12 all five of them. They talk about it in the living room. The
13 time comes, they get Rasheed's brother's car that's titled in
14 his mom's name, we'll hear about that. It's Rasheed's
15 brother's car. They all get in, Asia is the driver. They
16 make a quick stop at Walmart to pick up what they need,
17 Walmart right here in Conway. Drive right up 501 to the
18 intersection of Four Mile and 501. She drives past the store.
19 She turns right onto Four Mile and drives a little bit past
20 the store and parks on the shoulder of the road. All four of
21 the males she was with get out of the car. She can't see the
22 store. She can't see the parking lot of the store. All she
23 knows is that four men get out of her vehicle and she's left
24 there. They run in the direction of the store. Angie
25 Gilchrist, she was working the convenience store that night,

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OPENING STATEMENT BY TERRELL

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1 she'll tell you that she was held at gunpoint by two
2 individuals. What did they get? A ten, two fives and eight
3 ones. They get a couple of other things that the store had.
4 They had a box of cigarillos. They took Angie's phone, her
5 cell phone and its purple case. With that and the meager
6 amount of money, they ran out of the store. A few minutes
7 after they got out of Rasheed's car and left Asia, they come
8 back, all four of them come back. She hears them running, she
9 can tell they're out of breath. They get in her car, she
10 drives a little farther down Four Mile Road. There's a
11 subdivision just past the Adult Education Center called
12 Country Estates or Country Manor, I'm sorry, County Manor.
13 They pull in there. Asia calls them a cab. She doesn't want
14 them in her car anymore. She says, I'm gonna get y'all a cab.
15 She calls the cab, they wait for him, wait in the parking lot.
16 The cab driver comes. When the cab driver gets there, Asia
17 sees the four males that were in her car get into the cab.
18 When she sees this happening, she gets in her car or Rasheed's
19 car, Rasheed's brother's car and she pulls out of Country
20 Manor to the left taking her farther away from the convenience
21 store. The taxi cab, unknown to her, apparently leaves right
22 after her and turns right. Now, a BOLO, a be-on-the-look-out
23 had been issued for the suspects in this case. One of things
24 the officer remembers hearing about that is one of the
25 suspects was wearing a red-in-color sweatshirt. What the taxi

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OPENING STATEMENT BY TERRELL

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1 driver doesn't know is, and presumably none of these other
2 four guys do too, there are officers all around the area.
3 There are two sitting on a small secondary road off, just
4 waiting, waiting, looking, they'd been looking in the area for
5 suspects that fit this description. The taxi cab drives by
6 and the officers headlights shine in the front passenger
7 window. And what does he see? He sees a male matching the
8 description, wearing a red sweatshirt. He pulls in behind
9 them, behind them and pulls them over thinking that, hey, he
10 matches the description. Where do they pull over? As fate
11 may have it, they're pulled over in the Scotchman convenience
12 store parking lot and this has been approximately an hour
13 since the call came out, probably a little less than an hour
14 since the panic alarm button in the Scotchman had gone off.
15 They're pulled over there. The place is swarming with police
16 officers. They get out the man wearing the red sweatshirt.
17 The store clerk, Angie, comes out while the suspect is talking
18 to one of the officers and says, points at him and says that's
19 one of the guys who just robbed me. You'll hear her say she
20 comes out, she takes about three or four steps out, sees him,
21 stops, says that's one of the men who just robbed me. Based
22 on that, everybody is brought out of the taxicab. It's a van,
23 all four of them are brought out and what do they find, what
24 do they find in the van? They find a box of cigarillos, they
25 find two guns, they find the clerk's cell phone, the clerk's

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OPENING STATEMENT BY TERRELL

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1 cell phone cover, the purple case.

2 One thing I like to be able to tell you at the beginning
3 is why. I can't do that here. A ten, two fives and eight
4 ones; that's what this was over. Now, remember, five people
5 are charged with this crime. You'll hear from one of them.
6 The others will have their day in court. Don't worry about
7 them right now. This is Rasheed Glover's day in trial. It's
8 his day in court and we're gonna give it to him.

9 When you've heard all the evidence presented at the
10 witness stand, you've heard the Codefendant talk about what
11 was going on earlier that day, we believe that you'll have
12 enough when the time comes and we ask you to find this
13 Defendant guilty of what he did as armed robbery. Five people
14 are charged with it, five people are guilty of it. Two
15 might've gone in but all five are guilty of it. Rasheed
16 Glover is one of those individuals. Probably by this time
17 tomorrow we'll be asking that you find them so. Thank you
18 very much.

19 THE COURT: Mr. Gardner?

20 MR. GARDNER: If Your Honor please.

21 OPENING STATEMENT BY GARDNER:

22 MR. GARDNER: Ladies and gentlemen of the Jury, I'm
23 Johnny Gardner and I represent Rasheed Glover. I won't
24 belabor this thing and I'll get right to it. There's three
25 constitutional principles I want to briefly discuss with you.

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OPENING STATEMENT BY GARDNER

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1 The Judge has talked about two of them, maybe all three of
2 them but I just want to talk a little more about them. What
3 is presumption of innocence? Any Defendant that comes to
4 court is presumed to be innocent. A good way that I've found
5 to explain that to people is that if I asked you today to go
6 back right now and deliberate on this case and come back with
7 a verdict, the only verdict you could come back with would be
8 not guilty because there's no record for you to deliberate on,
9 there's been no evidence and my client is presumed to be
10 innocent. I think that's a good way to explain that.

11 That rolls right into the burden of proof, the burden of
12 proof the Judge said earlier is always on the State. The
13 State has the burden of proof in this case. The level of
14 burden of proof is beyond a reasonable doubt. You've probably
15 heard that before on TV, you're gonna hear it all week long
16 probably. The best way to explain that I've found is by
17 explaining what it's not. Most people that come to court,
18 they come to court for civil stuff, car wreck, a breach of
19 contract, maybe an uncontested divorce. The burden of proof
20 in those cases are civil. If you've seen those scales on the
21 court where they fill them, it's one side in one and all the
22 evidence on the other. Whichever one is tilting so slightly,
23 that side would win the case. That doesn't work in criminal
24 court because in criminal court, the level is beyond a
25 reasonable doubt. I don't know what the number is for that

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OPENING STATEMENT BY GARDNER

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1 but it's a great deal of evidence, it's a big burden and it's
2 always on the State and the State has to do that. Another
3 reason the scales don't work for criminal court is, in the
4 civil court you put the evidence from each side on either side
5 of the scale. In a criminal court case, the majority of the
6 time there will be no evidence from the Defense, that's the
7 way the system is set up, the Defense doesn't have to call
8 witnesses. I try to explain that to people by, if you thought
9 about it, you might be able to come up with some scenarios
10 where a completely innocent person was not able to prove his
11 innocence is because of the circumstances beyond his control.
12 So, when the framers were coming up with how we can do things
13 in America, we decided our citizens were never, ever gonna
14 have to prove their innocence. If the State, with all its
15 resources, wanted to bring these charges, then the State would
16 have to prove that. Okay? The elements of the crime, the
17 Judge will tell you about that at the end of the case, what to
18 expect, whenever you have more than one element, the Judge
19 will tell you that the State has to prove beyond a reasonable
20 doubt, each and every one of those. The Defendant doesn't --
21 not only does he not have to prove any of that stuff, he
22 doesn't have to call witnesses. He himself doesn't even have
23 to testify if he doesn't want to. Okay? He doesn't even have
24 to come to court and he's not here. He may join us later
25 today, he may join us tomorrow, but the Judge will tell you

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1 that that is not anything that you can concern yourselves,
2 that is not anything that you could consider in your
3 deliberations. The Solicitor told you that three of these
4 other people would have their day in court; they've already
5 had their days in court. Three of these other people have
6 already pled guilty to this charge. So, their day in court is
7 gone. This is Rasheed Glover's day in court. At the end of
8 this case, we're gonna get right back up here. I don't go
9 into the facts of the case because I don't know what the facts
10 are. I'm not gonna be call -- I have an idea of what this
11 case is about, don't let me -- I'm not trying to fool you or
12 anything, but I'm not gonna be calling police officers to
13 testify. I'm sorry this lady got robbed. My client says that
14 he didn't do it. He has pled not guilty to this. So, I'm not
15 going to be calling her as a witness. I will tell you that I
16 believe that she has identified two people that came in the
17 store, one wearing a red hoodie, one wearing a dark blue or
18 black hoodie, both wearing jeans. It's my understanding that
19 Rasheed Glover was not wearing jeans or hoodies that match
20 that. So, I'll leave the facts for the Solicitor to get into.
21 But, at the end of the case, match up the facts with what's
22 presented today to what you see and what you hear here and
23 listen to the Judge's description of the law and I'll be back
24 here again and there will only be one verdict for Mr. Glover
25 and that will be not guilty.

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1 Thank you very much.

2 THE COURT: Solicitor?

3 MS. RICHARDSON: Thank you, Your Honor. The State would
4 call Ms. Angie Gilchrist.

5 THE COURT: Okay. If you come around please, ma'am, and
6 place your left hand on the Bible and raise your right.

7 CLERK: Raise your right hand and place your left hand on
8 the Bible.

9 ANGIE GILCHRIST, HAVING BEEN
10 DULY SWORN, TESTIFIES AS FOLLOWS:

11 CLERK: If you would state your full name and spell your
12 last name.

13 MS. GILCHRIST: Angie Gilchrist, G-I-L-C-H-R-I-S-T.

14 DIRECT EXAMINATION OF ANGIE GILCHRIST BY MS. RICHARDSON:

15 Q: Angie, I'm gonna hand you some water. I know you're
16 nervous. And I'm gonna stand back here and I need you to talk
17 loudly. Okay? I can already tell you're gonna be a little
18 soft-spoken. So, speak up for me loudly, okay, I'll do my
19 best to not pace and stand back here to force you to talk to
20 me.

21 Where are you employed?

22 A: Scotchman.

23 Q: How long have you been employed there?

24 A: Two years.

25 Q: Okay. And what do your duties consist of at the

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1 Scotchman?

2 A: I'm a cashier, customer service, I stock, I make
3 doughnuts, ring up customers.

4 Q: What shift do you work?

5 A: I worked a variety of shifts, third shift, first shift,
6 second shift.

7 Q: So, whenever you're needed?

8 A: Yeah.

9 Q: Were you working on the night of January 1st, 2015?

10 A: Yes, I was.

11 Q: Okay. And who else was working with you?

12 A: I was working by myself.

13 Q: What was the crowd like on that night? Was it busy?

14 A: No. It was rather slow.

15 Q: What shift were you working; do you remember?

16 A: Third shift, 11:00 P.M. to 7:00 A.M.

17 Q: Why do you recall this evening so well?

18 A: I was robbed at gunpoint.

19 Q: Okay. I'm just gonna kind of walk you through that.

20 Okay? How many people came in the store?

21 A: Not that many. I hadn't had a customer in a while. I had
22 just got done making doughnuts in the bakery goods and had a
23 pan -- plated them and was getting ready to put them out in
24 the doughnut case.

25 Q: What did you hear?

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1 A: I was walking up with the muffins and I heard scuffling of
2 the feet. Our door alarm didn't work. And I couldn't see the
3 front door because of where the cigarette display is and the
4 tobacco items sits, it blocks the doorway but I could hear
5 feet scuffling on the floor. And two gentlemen appeared in
6 front of me. One aimed a silver handgun at my head while the
7 other gentleman ran behind me and I saw him, he was wearing
8 red, but he ran so fast. Then, at that point, I thought they
9 were having a shootout with each other, confrontation with
10 each other, I didn't realize it was me. So, I threw the
11 muffins in the air and I threw myself on the floor to get out
12 of the way. It was then that one of them ordered me to get up
13 off the floor and pulled the back of my work shirt. I managed
14 to pull myself together and get up. I felt the gentleman who
15 had ran behind me shove something into my back and I knew the
16 gentleman who was standing in front of me was still there
17 because I could see his shoes in front of me. So, I stood up,
18 I put my hands up and I put my head down then he pushed
19 whatever into my back and told me to walk. And so I turned
20 and I started walking behind the kid who put the gun in my
21 face and we walked single file behind the register.
22 Q: Okay. Can I stop you there for just a minute? We'll get
23 back up with that. I want to clarify some things, okay? You
24 said kid why are you calling them kids?
25 A: They looked young, sounded young.

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1 Q: Do you recall whether or not they had on masks?

2 A: I don't remember that.

3 Q: Okay. Do you recall whether or not they had on gloves?

4 A: The gentleman who pointed the silver gun at me had black
5 gloves on.

6 Q: Okay. Let's -- okay, so we're talking about the guy who
7 points the silver gun at you. Is there any other identifying
8 traits or clothing that you remember from him?

9 A: He had on these studded round fake diamond earrings. He
10 had on skinny blue jeans.

11 Q: Do you recall his shoes?

12 A: He had white sneakers that went past his ankles and they
13 had the Nike emblem on them.

14 Q: Okay. All right. Do you recall what color Nike emblem?

15 A: Black.

16 Q: Black. So, white shoes with a black emblem and he had a
17 silver handgun holding it at your face?

18 A: Yes.

19 Q: The other gentleman that ran past you initially, do you
20 recall what he was wearing?

21 A: He had on red sneakers going past his ankles with a white
22 emblem on them. I don't remember what the emblem was. And he
23 had on a red sweatshirt.

24 Q: Did you notice anything else about their shoes?

25 A: They were muddy.

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1 Q: And why is it that their shoes stick out in your mind so
2 much?

3 A: Because I spent a great deal of time looking down at the
4 floor.

5 Q: I know this seems like a silly question but, what was
6 going through your mind at that time?

7 A: I just wanted to live and I thought that if I looked down
8 I had a great chance to live through it.

9 Q: All right. When you were telling us your story, I
10 interrupted you on the part where you said that y'all were
11 walking single file back behind the cash register. What
12 happens after that?

13 A: They told me not to do anything stupid and they said, open
14 it. I presume they were talking about the cash register so I
15 stepped forward and I hit the no-sale button and the till
16 popped open. I stepped back. The boy/gentlemen took out the
17 money, which was a ten, two fives and eight ones. They then
18 turned to the safe and the kid behind me said open it. I
19 said, I can't, I don't have a key. And they said, yes, you
20 can. And I said, no, it's a time safe, I don't have a key to
21 that. And the gentleman in the red sweatshirt opened the
22 cabinet, I presumed looking for a key. Then, the other boy
23 was playing with the safe like moving the levers and just
24 examining the safe and he picked up the box of pennies and he
25 threw it on the floor. And it was about that time when the

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- 1 kid behind me said, let's get out of here. And so they ran
2 out from behind the counter and the boy in the red sweatshirt
3 turned around and aimed a black gun at me, while they were
4 running out the door, and when the kid in the red sweatshirt
5 reached the door, I reached over and hit the panic button.
6 Q: So, both of them were armed?
7 A: Yeah. Yes.
8 Q: Did you see what direction they left in?
9 A: When they exited the door, they went to my left of the
10 store.
11 Q: So, when they came out of the door, they went to the left?
12 A: Yes.
13 Q: And what's on that side of the store?
14 A: That side of the store would be our doughnut freezer, our
15 dumpster and just the back of the store.
16 Q: Because on one side of the store, correct me if I'm wrong,
17 what road is that?
18 A: That's Four Mile.
19 Q: And what road runs in front of it?
20 A: Runs in front of my store?
21 Q: Yeah.
22 A: 501.
23 Q: Again, silly question, what county is it located in?
24 A: Horry County.
25 Q: Okay. So, they run around the side to the dumpster?

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1 A: Yes.

2 Q: Did you ever see anybody else that was involved in the
3 robbery?

4 A: No.

5 Q: You only saw two people?

6 A: Yes, ma'am.

7 Q: What all was taken from the store?

8 A: A ten, two fives, eight ones, a box of blunts and my cell
9 phone.

10 Q: When you say a box of blunts, what is that?

11 A: Dutch Palma green cigarillos.

12 Q: Is that something -- I guess, you smoke it?

13 A: I guess, yes.

14 Q: And was just a pack taken or was that a whole box?

15 A: A whole box.

16 MS. RICHARDSON: Court's indulgence just a moment.

17 THE COURT: Okay.

18 BY MS. RICHARDSON:

19 Q: Ms. Gilchrist, does your store have a surveillance system?

20 A: It is supposed to but it was not working during that time.

21 Q: Did you attempt to you view that surveillance system?

22 A: I didn't personally but my Assistant Manager and the GM
23 and the law enforcement did.

24 Q: To your knowledge, were they ever able to see anything?

25 A: To my knowledge, they were not successful in seeing

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1 anything.

2 Q: Tell us a little bit about your cell phone, what kind of
3 cell phone did you have at the time?

4 A: It was an LG touch screen smart phone and it had a purple
5 case.

6 Q: Were you present when the taxi cab was pulled over in the
7 parking lot?

8 A: I was at the store but I was in the store and I was not
9 paying attention to what was going on outside the store.

10 Q: I apologize, I kinda jumped a little. So, they leave to
11 the left, you press the panic button. What happens after
12 that?

13 A: I squatted down real quick because I had hit the panic
14 button and I didn't know if they had seen me do that and I
15 didn't want him to come back in and shoot me, so I had
16 squatted down. And, after a couple of moments, I stood back
17 up and when I stood up I observed a white pickup truck, huge
18 pickup truck pull up to Pump 3 and a gentleman get out, and
19 when I saw him get out I started waving my arms to tell him
20 not to come towards the store because I didn't know where the
21 two gentlemen were that had just robbed me. I didn't want him
22 to get hurt. And that was when I started looking around for
23 my cell phone I wanted to call my Assistant Manager and let
24 her know that I had been robbed and I couldn't find my cell
25 phone. So, I grabbed the store phone and I tried to make a

1 phone call out and there was no dial tone, so I started
2 panicking and I went to the front door and I yelled to the
3 gentleman in the white truck to grab his phone and call 911
4 that I had been robbed. He ran to the trunk grabbed his phone
5 and called 911. At that point, I had a dial tone on the
6 landline to the store and I called my Assistant Manager and I
7 told her that I was robbed.

8 Q: At some point, were you asked to identify your cell phone?
9 A: I was.

10 Q: Who asked you to do that?
11 A: An officer.

12 Q: And was that your phone?
13 A: Yes, it was my phone.

14 Q: What happened to the purple case?
15 A: I don't know what happened to the purple case but it was
16 not on the phone, it was beside my phone.

17 Q: Did you get the case back?
18 A: I did, yes.

19 Q: And what else was returned to you that afternoon or that
20 morning?
21 A: My phone.

22 Q: What about the cigarillos?
23 A: That was returned to the store.

24 Q: What about the money?
25 A: To my knowledge, we never received the money.

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- 1 Q: So, you don't know what happened with money?
- 2 A: No.
- 3 Q: Okay. You said you were inside when the taxi cab was
- 4 pulled over?
- 5 A: Yes.
- 6 Q: At some point, were you asked by the police to step
- 7 outside?
- 8 A: Yes.
- 9 Q: And what was that for?
- 10 A: The officer came in and he said, we pulled over a taxi
- 11 with some gentleman in it who fit the description of the men
- 12 who robbed the store and we would like you to come out and see
- 13 if anything looked -- if they look familiar.
- 14 Q: And did they look familiar?
- 15 A: When I walked out, I noticed a man or a gentleman with a
- 16 red sweatshirt on and the red sneakers and I noticed the
- 17 gentleman with the blue skinny jeans and his earrings and his
- 18 white sneakers with the Nike emblem.
- 19 Q: And what did you tell the officers?
- 20 A: I said those with them.
- 21 Q: At that moment you saw -- did you see all four of them?
- 22 A: No.
- 23 Q: So, you only saw two individuals?
- 24 A: Yes.
- 25 Q: And let's -- just to be fair, why did you ID those two

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1 individuals as being the individuals who robbed you?

2 A: Because they were wearing what I saw in the store when I
3 was being robbed.

4 Q: That's all from the State.

5 CROSS EXAMINATION OF ANGIE GILCHRIST BY MR. GARDNER:

6 Q: Good afternoon, ma'am. I'm sorry you went through that
7 and I'm sorry you're back here today. I'll try to be brief;
8 I've only got a couple of questions. Stuff that I mainly want
9 to clear up for me.

10 Did both of the boys in the store have muddy shoes?

11 A: Yes.

12 Q: Okay. And when I was talking earlier, it was my
13 understanding one of the guys had a red sweatshirt or a red
14 hoodie, is that right?

15 A: Yes.

16 Q: Is there a difference -- was it a hoodie or was it a
17 sweatshirt or is that the same thing?

18 A: To me, it's the same thing.

19 Q: Fair enough. And the other one had on skinny jeans; is
20 that right?

21 A: Blue jeans, skinny blue jeans, yes.

22 Q: Skinny blue jeans, okay. And you said something about his
23 earring. It was a big hearing not a hoop; is that right?

24 A: Correct.

25 Q: And, the fellow not wearing the red, the other fellow, was

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1 he wearing black or dark blue?

2 A: I don't remember that.

3 Q: Okay. You don't remember what sweatshirt or hoodie he was
4 wearing?

5 A: No.

6 Q: And do you remember talking to the police about what they
7 were wearing?

8 A: I do.

9 Q: Okay. So, you think you probably gave them a statement of
10 what you remembered that night?

11 A: Yes.

12 Q: Okay. Do you think that night it was probably closer in
13 your mind what they were wearing than it is today?

14 A: Yes.

15 Q: That makes sense. The two people that you pointed out
16 when the police brought you over to the taxi cab, neither of
17 those was Rasheem Glover, right?

18 A: I have no idea.

19 Q: Okay. All right. Did both of them have on blue jeans,
20 the ones that you pointed out?

21 A: I don't remember the other kid. I just remember the blue
22 jeans on the one and the red sweatshirt and the red shoes on
23 the other.

24 Q: And the one that you don't remember the color of the
25 shirt, he is the one that had the big earring?

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1 A: Yes.

2 Q: But not a hoop, a big ---

3 A: It was like a stud, like a diamond studded, bling, bling,
4 big.

5 Q: Thank you very much. Is there anything I left out,
6 anything -- we're just trying to find out which two boys came
7 in.

8 A: I don't think so.

9 Q: Okay. Thank you.

10 THE COURT: Anything further?

11 MS. RICHARDSON: No, sir, Your Honor, not on those
12 questions.

13 THE COURT: Okay. Thank you, ma'am, you can step down.

14 MS. RICHARDSON: Your Honor, may I ask that she be
15 excused from her subpoena if she so desires.

16 THE COURT: Okay. She may be excused.

17 MR. TERRELL: The State calls Steven Dailey, Your Honor.

18 CLERK: Sir, please raise your right hand and place your
19 left hand on the Bible.

20 STEVEN DAILEY, HAVING BEEN DULY
21 SWORN, TESTIFIES AS FOLLOWS:

22 CLERK: If you will state your full name and spell your
23 last name.

24 MR. DAILEY: Officer Steven Dailey, D-A-I-L-E-Y.

25 DIRECT EXAMINATION OF STEVEN DAILEY BY MR. TERRELL:

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1 Q: Good afternoon, Officer Dailey. Could you please tell the
2 Court where you work?

3 A: For the past eight years I have worked with Horry County
4 Police Department.

5 Q: And before then?

6 A: I was in the US Army.

7 Q: Do you currently work for Horry County Police Department?

8 A: I do, 'sir. I am a member of the Street Crimes Unit, which
9 is an active investigation unit within the Horry County
10 Narcotics Division.

11 Q: Do you recall if you were working that night of January
12 1st, in the morning of January 2nd of this year?

13 A: I was; I do recall.

14 Q: Were you employed in the same position that day?

15 A: Yes, I was, sir.

16 Q: What were you doing that day?

17 A: That evening, we -- earlier that evening, we had
18 operations as usual conducting interdiction stops in the
19 traffic in the Myrtle Beach area. Later that evening, we
20 responded to assist, Conway City in a armed robbery that
21 happened in their jurisdiction.

22 Q: Do you remember about what time you got that call?

23 A: Around 1 o'clock.

24 Q: Where in Myrtle Beach were you when that call came out?

25 A: We were in the area of Robert Grissom and Highway 31.

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- 1 Q: So, about how long, if you had to guess, about how long
2 would it take you to respond up to Conway?
- 3 A: Roughly speaking, ten to fifteen minutes.
- 4 Q: What route of traffic did you take?
- 5 A: Myself and Officer Stephenson rode International to
6 Carolina Forest and Carolina Forest straight out 501 towards
7 501 Business. And I believe I took 501 Business and 701 North
8 to 319. Officer Stephenson took 501 to Oak Street to Oak
9 Street Extension. Therefore, I diverted and went to him.
- 10 Q: What were you tasked with doing when you got into Conway?
- 11 A: We were tasked with saturating the area and assisting the
12 dog team -- well, let me rephrase that. We operate as a team
13 and one of the members of the team is a canine handler.
- 14 Q: You said saturate the area. Can you describe what that
15 entails?
- 16 A: With the, once the track or the dog team gets on scene, we
17 like to keep a somewhat of a perimeter, circle the area, make
18 sure the individuals they are tracking don't leave the area by
19 a way of going down the road or getting in a vehicle.
- 20 Q: And, so that's what you were doing that night. How long
21 were you doing that?
- 22 A: I believe the dog was tracking for approximately 30 to 35
23 minutes.
- 24 Q: And you weren't part of that at dog tracking?
- 25 A: No, I was not.

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1 Q: What area were you in?

2 A: Via radio I was told that the dog was tracking due north
3 from the incident location, so I was concentrating on the
4 highest avenue of approach which was For Mile Road, just north
5 of that.

6 MR. TERRELL: May I approach, Your Honor?

7 THE COURT: Yes, sir.

8 BY MR. TERRELL:

9 Q: I'm handing you what's been marked as State's Exhibit One
10 for identification purposes only. Do you generally know what
11 that is?

12 A: Yes, sir, it's an aerial or a satellite image of the
13 incident location which is down here and the cross streets of
14 Highway 501 and Four Mile Road.

15 Q: How familiar are you with this are?

16 A: Very familiar.

17 Q: Does this appear to be an accurate representation of the
18 way it was on that evening, other than the lighting?

19 A: It does.

20 MR. TERRELL: The State move State's Exhibit One into
21 evidence.

22 MR. GARDNER: No objection, Your Honor.

23 THE COURT: All right. One is in without objection.

24 STATE'S EXHIBIT NUMBER ONE

25 ADMITTED INTO EVIDENCE

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1 MR. TERRELL: Thank you, Your Honor.

2 BY MR. TERRELL:

3 Q: All right. So, on that map, if you could point it toward
4 the Jury just a little so that they understand what you're
5 talking about. Could you point out where the alarm came out,
6 the incident location?

7 A: The store, the BP station is right here at the corner of
8 Highway 501 and Four Mile Road.

9 Q: Could you, just for demonstrative purposes, could you run
10 your finger along 501.

11 A: This way, towards the beach.

12 Q: And Four Mile?

13 A: Four Mile Road is this way.

14 Q: Thank you. And you said the Scotchman is right there on
15 that corner?

16 A: That's correct.

17 Q: So, when you say the dog was tracking in that area, I
18 believe you said in the northerly direction, where would that
19 have been going, where would that be?

20 A: The -- when the -- again, I wasn't on scene when they put
21 the dog in tracking mode, but from what my Corporal was
22 advising, he was running north paralleling Highway --
23 paralleling Four Mile Road.

24 Q: Thank you. I'll take that from you so you don't have to
25 keep holding it. We'll come back to it in just a minute.

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1 I know you answered this and I forgot the answer, I
2 apologize. How long were you saturating the area?

3 A: I would say thirty to thirty-five minutes.

4 Q: What, if anything, were you told to be aware and be
5 looking for?

6 A: The -- according to Horry County dispatch, information
7 came out that the individuals that supposedly were involved in
8 the armed robbery was wearing a red shirt, a black male,
9 wearing a red shirt, younger. And the items that were taken
10 were a cell phone from the victim. I can't remember the color
11 of the cell phone but the -- and there was two firearms
12 involved. One was I believe silver and black and the other
13 one was all black, handguns.

14 Q: So, you're saturating the area of those roads that are on
15 that map generally?

16 A: Yes, sir.

17 Q: What was traffic like on those roads that night?

18 A: Minimal. The -- I believe we only saw two cars other than
19 the -- other police cars on that road.

20 Q: And so, at that time of night, at one point did you see a
21 van coming down Four Mile?

22 A: Yes, I saw a van enter the roadway.

23 Q: Where were you located when that happened, if you could
24 pick up with that -- I'm sorry, here, let me hold it for you.

25 A: Once the Corporal called off the track, they were -- they

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1 were in the vicinity of this wood line, just north of the
2 store but on the south side of Four Mile Road. Myself and
3 Officer Stephenson were positioned at this intersection at Old
4 Dunn Lane. I was facing Four Mile Road and he was pulled in
5 window-to-window with me facing Highway 501.

6 Q: And at one point you see a van enter Four Mile Road; is
7 that correct?

8 A: I do. Out in the distance, the -- there's two or three
9 entrances that enter Four Mile Road right here. Out in this
10 area, I saw a van enter Four Mile Road and start proceeding
11 towards Highway 501.

12 Q: And why did that attract your attention that evening?

13 A: Well, the -- that's the Horry County Schools Education
14 building. Obviously, it being in the ballpark of 2 o'clock in
15 the morning, I didn't think anyone was obviously working there
16 at that time, so...

17 Q: And the van pulls out. Which direction is it going? Is
18 it towards you or away from you?

19 A: It's coming towards me, going -- heading towards Highway
20 501.

21 Q: As it approaches, tell me what's going through your head.

22 A: As it approaches, I recognize that it's a taxi by the
23 markings and coloring. Sitting in the front passenger seat is
24 a black male wearing a red shirt.

25 Q: So, what do you do when you realize ---

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1 A: I advise my partner that that was a black male wearing a
2 red shirt in a taxi, I'm gonna stop it and identify the
3 individuals in it.

4 Q: By partner, who are you referring to?

5 A: Officer Stephenson, I apologize.

6 Q: And he's sitting next to you?

7 A: That's correct, sir.

8 Q: So, what do you do?

9 A: I pull out onto the roadway and I conduct a traffic stop
10 on that vehicle actually at the incident location at the
11 corner of Highway 501 and Four Mile Road.

12 Q: What do you notice as you're behind the vehicle and
13 approaching it?

14 A: The -- there were several people inside the vehicle and
15 there's a lot of movement, movement with the individuals'
16 hands shuffling some items around.

17 Q: Could you tell what they were moving?

18 A: No, sir.

19 Q: Could you tell how many there were?

20 A: Including the driver, I believe there were six.

21 Q: Where -- as you approached, which side of the taxi ---

22 A: Initially, I did a driver-side approach to talk with the
23 driver. The -- while I did the driver-side approach, I asked
24 the driver where he was coming from, you know, and where did
25 he pick the individuals up from the vehicle. He said he

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1 picked them up from Country Manor and at that time I asked the
2 driver to put the car in park and shut the car off and to have
3 everyone in the vehicle to place their hands on the ceiling
4 because of the shuffling and moving around still inside the
5 vehicle. For officer safety reasons, I asked them just place
6 their hands on the ceiling.

7 Q: And you could see where each of the individuals inside the
8 van was located, correct?

9 A: The windows were tinted but I could see the images of the
10 individuals, yes, sir.

11 Q: Let's talk about that. Could you describe the van for the
12 Jury?

13 A: Yellow and white van, I believe it was a Dodge, if I'm not
14 mistaken, Dodge or Chrysler style van.

15 Q: How many doors were there?

16 A: Four doors and a hatchback in the back.

17 Q: So, in this particular van, both the passenger side had a
18 sliding door and the driver side had a sliding door?

19 A: That's correct.

20 Q: And at what point were you able to see inside everybody
21 who was in there?

22 A: Very briefly through the front passenger side.

23 Q: The -- what's the seat layout inside? The middle seat, is
24 it a bench seat or are there two individual seats?

25 A: They were what they call the captain's seats. There was

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1 two front seats and then two back seats and then a bench seat
2 in the back.

3 Q: The driver seat, I'm assuming, was occupied when you
4 pulled it over; is that correct?

5 A: That's correct.

6 Q: The -- you already testified that the front passenger was
7 the one you identified as wearing the red sweatshirt?

8 A: That's correct.

9 Q: That seat was occupied. What about the two middle seats,
10 were they occupied?

11 A: Yes, sir.

12 Q: One person in each seat?

13 A: Yes, sir.

14 Q: Could you tell who was in the backseat?

15 A: I knew there was an individual in the backseat but I
16 couldn't tell them exactly who it was.

17 Q: Do you remember one or two people in that backseat?

18 A: I don't recall.

19 Q: At one point, do you pull anybody out of the van?

20 A: Yes, sir. I started with the front passenger, the
21 individual wearing the red shirt. I asked him to step out of
22 the vehicle and I walked him over to another patrol car to get
23 his driver -- his date of birth and name and information along
24 those lines.

25 Q: Why did you ask him to step out in the first place?

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1 A: From past training, past knowledge, it's a lot easier to
2 talk to one individual at a time. I wanted him away from
3 everyone else in the vehicle because stories may change doing
4 a interview with individuals.

5 Q: So, you pull him out, what do you do -- what are y'all
6 talking about?

7 A: Just the -- where they're coming from, where they're going
8 and the -- his name and date of birth.

9 Q: So, you're getting his identifying information. Why are
10 you doing that?

11 A: Well, I wanted to identify exactly who he was and I also
12 noticed that his shoes and the bottom of his pants legs were
13 muddy and wet signifying that the, you know, anyone that was
14 possibly running through the woods might have the same type of
15 wetness or mud on their shoes.

16 Q: At some point, do you go and talk to the victim in this
17 case?

18 A: I do.

19 Q: Where is she?

20 A: She is inside the store, which is within ten yards, maybe
21 fifteen yards of where this individual was. By this time, I
22 believe that a Conway City officer had pulled out another
23 individual to do the same thing, just identify who they were.

24 Q: And do you remember which individual you were speaking
25 with?

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1 A: The -- I remember his first name started with a T and I
2 couldn't remember his last name. Maybe Tyreke or ---

3 Q: Okay. And why do you -- you said you did go in at one
4 point and speak with the clerk?

5 A: I went into -- inside the store and asked the clerk to
6 step out just to see if -- because the individual that I was
7 speaking with met all the descriptors of the possible suspect
8 and I asked the store clerk to step out to see if she would
9 recognize any of the people in the van.

10 Q: And did she do that?

11 A: Yes, she did.

12 Q: What happened next?

13 A: I walked out with her. She advised that the individual in
14 the red shirt that I was speaking to was the person that
15 committed the armed robbery. At that time, I detained that
16 individual in handcuffs.

17 Q: What did you -- after you did that, did you place him in
18 your car?

19 A: No, I -- at that time, he was still outside of the car.
20 He was just detained.

21 Q: Were you in charge of transporting him?

22 A: No, sir. The -- it being in Conway City's jurisdiction,
23 Conway City detectives were already on scene. I handed all
24 the information and all the information and the individuals
25 over to Conway City.

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STEVEN DAILEY - DIRECT BY TERRELL

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1 Q: Do you know if at some point the van was searched?

2 A: Yes, sir. I know that the van was searched.

3 Q: Were you a part of that search?

4 A: No, I was not.

5 Q: Okay. If you had to place a time on it, I guess, if you
6 will, from the time the initial call came out when you said
7 you were down in Myrtle Beach and the time you conducted the
8 traffic stop on the taxi cab, about how long would you say
9 that was?

10 A: I would say in the ballpark about an hour and thirty
11 minutes.

12 Q: I have no further questions for you. Please answer any
13 questions Mr. Gardner has for you.

14 A: Absolutely.

15 CROSS EXAMINATION OF STEVEN DAILEY BY MR. GARDNER:

16 Q: Officer Dailey, you were in the Army? What branch?

17 A: I was in the Army, sir.

18 Q: What branch of the Army, what was your ---

19 A: 11 Bravo.

20 Q: Infantry?

21 A: Yes, sir.

22 Q: Excellent. When dispatch said that one of the men was
23 wearing a red shirt, did they say the other one was wearing a
24 blue or dark blue shirt?

25 A: They -- I don't recall, sir.

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1 Q: You don't recall?

2 A: Huh-uh (negative response).

3 Q: Is there anything that we can get to help you recall what
4 they said about it being a redshirt or a blue shirt?

5 A: I only recall the -- one of the individuals wearing a red
6 shirt, sir.

7 Q: Okay. I thought your testimony earlier was that dispatch
8 said that one man was wearing a red shirt and that's why you
9 pulled the cab over?

10 A: That's correct, sir.

11 Q: So, do you recall if dispatch said there was two men? I
12 mean, dispatch is pretty good, two men just robbed the place,
13 they're generally gonna say two men just robbed the place and
14 if they can describe those men, they're gonna do that; isn't
15 that right?

16 A: Absolutely.

17 Q: So, two men robbed this place and one is wearing a red
18 shirt and the other one is wearing a -- you don't remember?

19 A: I don't remember, sir.

20 Q: Is there anything that you've got that could refresh your
21 memory about that? Did you take some notes or ---

22 A: I wrote an informational report, sir.

23 Q: Okay.

24 A: But I don't believe I put the second suspect information
25 in the informational report.

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STEVEN DAILEY - CROSS BY GARDNER

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1 Q: All right. Well, I'm gonna come back in a little bit but
2 I want to skip right to that guy. That guy that you arrested,
3 that was Tyreke Phillips, right?
4 A: Okay.
5 Q: Is that right?
6 A: Say that again, sir.
7 Q: You ultimately arrested a fellow on location; is that
8 right?
9 A: I did not place any charges on the individual.
10 Q: Did you put handcuffs on somebody?
11 A: Yes, sir.
12 Q: Okay. He thought he was under arrest, I bet you. Don't
13 you think?
14 A: I advised him that he was being detained, sir.
15 Q: I'm not trying to trick you when I say you arrested a guy
16 there, you put handcuffs on a guy, right?
17 A: Yes, sir.
18 Q: Because you thought he robbed the place, right?
19 A: Yes, sir.
20 Q: And his name was Tyreke Phillips, right?
21 A: Yes, sir.
22 Q: Not Glover, right?
23 A: No, sir.
24 Q: Okay. And Tyreke Phillips had muddy shoes and wet jeans,
25 right?

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STEVEN DAILEY - CROSS BY GARDNER

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1 A: That's correct, sir.

2 Q: Okay. You said six people were in the van including the
3 driver; is that right?

4 A: Yes, sir.

5 Q: Do you remember who the other people were?

6 A: No, sir.

7 Q: Okay. Do you remember which fellow had the stud earring?

8 A: No, I don't, sir.

9 Q: Did you see Glover?

10 A: I -- if he was here today, I wouldn't be able to recognize
11 him, sir.

12 Q: You never had any contact with Glover?

13 A: No, sir.

14 Q: Okay. Thank you, sir.

15 REDIRECT EXAMINATION OF STEVEN DAILEY BY MR. TERRELL:

16 Q: Were you the primary responding officer in this case?

17 A: No, sir.

18 Q: Do you know who was?

19 MR. GARDNER: Your Honor, this is improper redirect. I
20 didn't ask him anything about who the primary was.

21 MR. TERRELL: It goes to his role that night which was

22 ---

23 THE COURT: All right. Ask him about his role then.

24 BY MR. TERRELL:

25 Q: All right. Were you the arresting officer?

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STEVEN DAILEY - REDIRECT BY TERRELL

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1 A: No, sir.

2 Q: All right. Why were you not the arresting officer?

3 A: It was Conway City's jurisdiction and Conway City's case.
4 I was merely there to assist them.

5 Q: Thank you. No further questions.

6 THE COURT: You may step down.

7 A: Thank you.

8 MS. RICHARDSON: We would ask that he be released from
9 his subpoena, Your Honor.

10 MR. GARDNER: I may call him in our case since he doesn't
11 have his notes.

12 MS. RICHARDSON: Your Honor, may we approach?

13 THE COURT: Sure.

14 (REPORTER'S NOTE: A bench conference was held off the record
15 in the presence of but out of hearing of the Jury.)

16 MS. RICHARDSON: Your Honor, this is moving along a lot
17 quicker than I anticipated. We had two witnesses today. We
18 will everybody else here tomorrow morning at 8:30.

19 THE COURT: Okay. We'll stop for the day then.

20 BY THE COURT:

21 THE COURT: Ladies and gentlemen, we'll start back at
22 9:30 in the morning. Okay? So, I don't mind you -- you can't
23 discuss this case, allow anyone to discuss it with you. You
24 can't read anything in the newspaper or on TV, you can't
25 Google anybody, don't do any research. I'll see you at 9:30

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BY THE COURT

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1 in the morning. And if you have an emergency, call us.

2 (REPORTER'S NOTE: Jury exits courtroom. 3:10 P.M.)

3 THE COURT: How you doing? The Bailiff instructed me
4 that you have some conflict for the rest of the week?

5 JUROR 265: I was unaware that vacation would be
6 considered dismissal but actually was supposed to leave this
7 morning for Daytona. Actually, it's not just personal, it's
8 business as well. I'm looking at purchasing another business
9 down in Florida.

10 THE COURT: Okay. I wish you had ---

11 JUROR 265: I can be here tomorrow.

12 THE COURT: Okay.

13 JUROR 265: It won't interfere that badly. So, I ---

14 THE COURT: If you could be here tomorrow, maybe we'll be
15 able to finish this case, but if I'd have known earlier, I
16 could've dealt with it but ---

17 JUROR 265: If I would've thought about it sooner, I
18 apologize about that but, yeah, I'll be here tomorrow.

19 THE COURT: Okay. That's good.

20 COURT REPORTER: Judge, I need his number.

21 THE COURT: Tell me your number. Or just tell me your
22 name.

23 JUROR 265: Jamie Orner, 265.

24 THE COURT: Thank you, sir.

25 JUROR 265: Thank you.

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BY THE COURT

1 MS. RICHARDSON: Thank you, Your Honor.

2 THE COURT: Okay. And I'll see -- anything else y'all
3 need me to do before in the morning?

4 MS. RICHARDSON: No, sir. I apologize.

5 THE COURT: That's okay.

6 (RECESS - 3:12 P.M.)

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF HORRY) 2015-GS-26-01237

STATE OF SOUTH CAROLINA,)

Plaintiff,)

Transcript of Record
(Volume II of II)

vs.)

October 13, 2015

RASHEED TAMIR GLOVER,)

Defendant.)

B E F O R E:

Honorable R. Ferrell Cothran
Horry County Courthouse
Conway, South Carolina

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

Lauree Richardson, Esquire
Thomas G. Terrell, III, Esquire
Attorney for Plaintiff

Jonny Gardner, Esquire
Attorney for Defendant

Kay H. Richardson
Circuit Court Reporter

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1 (OCTOBER 13, 2015 - 9:48 A.M.)

2 BY THE COURT:

3 THE COURT: Are you ready?

4 MS. RICHARDSON: Yes, sir.

5 THE COURT: Okay. Bring me the Jury.

6 (REPORTER'S NOTE: Jury enters courtroom. 9:49 A.M.)

7 THE COURT: Okay. You may call your next witness.

8 MS. RICHARDSON: Thank you, Your Honor. The State calls
9 Brooks Todd.

10 THE COURT: If you'd come around, please, sir, and place
11 your left hand on that Bible and raise your right.

12 DANIEL BROOKS TODD, HAVING BEEN DULY
13 SWORN, TESTIFIES AS FOLLOWS:

14 CLERK: If you'll speak into the microphone. State your
15 full name and spell your last name.

16 MR. TODD: My name is Daniel Brooks Todd, T-O-D-D.

17 DIRECT EXAMINATION OF DANIEL BROOKS TODD BY MS. RICHARDSON:

18 Q: Okay. You're a little soft-spoken, so speak up for me,
19 okay? I'm gonna try to stay back here so it'll force you to
20 speak louder.

21 A: Daniel Brooks Todd.

22 Q: Okay. Mr. Todd, are you from around here?

23 A: Yes, ma'am.

24 Q: Where are you from?

25 A: Born and raised in Conway.

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DANIEL BROOKS TODD - DIRECT BY RICHARDSON

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1 Q: Okay. Were you in Conway on New Years of this year, 2015?

2 A: Yes, ma'am.

3 Q: Okay. What were you doing that night?

4 A: I was out with some friends. We'd got together. I ain't
5 seen them in a while, since we graduated from high school.

6 Q: Speak up for me a little bit. You can come closer to that
7 mic if you need to. Okay? I just want to make sure everybody
8 hears you.

9 A: I was out with some friends, just riding around.

10 Q: At approximately -- well, did you make a stop at the
11 Scotchman on 501?

12 A: Yes, ma'am.

13 Q: Okay. What time of day was that?

14 A: I'm not so sure. It was late at night.

15 Q: It was late at night?

16 A: Yes, ma'am.

17 Q: Okay. What happened when you arrived at that Scotchman?

18 A: I pulled into the gas station and I was getting ready to
19 pump gas and I seen two males running out of the gas station.
20 And I looked over and I seen the gas station clerk, looked
21 like she was trying to scream and she was waiving her hands
22 around. So, I walked to the gas station and she asked me to
23 call 911. And so I walked back to my truck because I forgot
24 my phone in there and I went back and called 911 and handed
25 the phone off to her.

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DANIEL BROOKS TODD - DIRECT BY RICHARDSON

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1 MS. RICHARDSON: Your Honor, may I approach the witness?

2 THE COURT: Yes.

3 BY MS. RICHARDSON:

4 Q: I'm just gonna move this a little closer to you. I'm
5 sorry. This courtroom, it just doesn't pick up well. Okay.
6 I know you feel like you're right up on it but it's okay.

7 All right. What kind of vehicle do you drive?

8 A: At that time I was driving a 2009 white GMC Sierra.

9 Q: Okay. Now, you pull up to the Scotchman, what direction
10 were you coming from?

11 A: Walmart, if I'm not mistaken.

12 Q: All right. So, and I'm sorry, I'm not good with north,
13 east, south or west. So, you're headed towards Aynor?

14 A: Yes, ma'am.

15 Q: Okay. Leaving Conway from Walmart?

16 A: Yes, ma'am.

17 Q: So you -- that would mean you turned right into the gas
18 station?

19 A: Yes, ma'am.

20 Q: Okay. When you pull up, what direction is your vehicle
21 facing?

22 A: I was facing towards the gas station.

23 Q: You said you saw two gentlemen run out of the store?

24 A: Yes, ma'am.

25 Q: What did they look like?

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DANIEL BROOKS TODD - DIRECT BY RICHARDSON

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- 1 A: Kind of tall, a little bit taller than I am. One had --
2 the one that was closest to me had a hood on, if I'm not
3 mistaken at the time it seemed like. And I couldn't really
4 see the other one.
- 5 Q: Do you recall what they were wearing?
- 6 A: Blue jeans, black jackets, it looked like.
- 7 Q: Okay. What direction did they head?
- 8 A: They went right around the gas station.
- 9 Q: Okay. So, if you're looking at the gas station, they went
10 to your right?
- 11 A: Yes, ma'am.
- 12 Q: Okay. And what did you do after you saw them leave?
- 13 A: That's when I looked in the gas station and I seen the
14 clerk.
- 15 Q: And what did you think had happened?
- 16 A: I wasn't too sure at the time, I didn't know. Honestly, I
17 didn't know what to think.
- 18 Q: Were they carrying anything?
- 19 A: The one that was closest to me did look like he had
20 something in his hands.
- 21 Q: Could you tell what that was?
- 22 A: No, ma'am.
- 23 Q: So, you said you actually went inside the store?
- 24 A: Yes, ma'am.
- 25 Q: And what did you do at that point?

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DANIEL BROOKS TODD - DIRECT BY RICHARDSON

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1 A: I didn't stay in there long. That's when she asked me to
2 call 911.
3 Q: Did you do that?
4 A: Yes, ma'am.
5 Q: Did you secure the store in any kind of way?
6 A: Whenever I went back to hand her the phone, she'd done
7 walked back outside. When I first walked in, if I'm not
8 mistaken, I think she locked the door and then that's whenever
9 we walked back outside. And by that time, another boy came up
10 to the store and he rode around back and after that, that's
11 when the officers pulled up there within a few seconds.
12 Q: How long do you think it was that you were there before
13 law enforcement arrived?
14 A: Maybe ten, twenty seconds at the most.
15 Q: So, within a minute, law enforcement was there?
16 A: Yes, ma'am.
17 Q: Okay. And just -- did you walk around back or try to do
18 your own investigation or anything?
19 A: I just walked right there to the corner of the store.
20 Q: And were you able to see anybody?
21 A: No, ma'am.
22 Q: So, I just want to be clear, all you saw were two people?
23 A: Two people.
24 Q: You never saw two other individuals?
25 A: No, ma'am.

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DANIEL BROOKS TODD - CROSS BY GARDNER

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1 Q: Could you tell what race they were?

2 A: No, ma'am.

3 Q: Okay. Were your shoes muddy that night?

4 A: I don't remember them being muddy.

5 Q: Okay.

6 A: I'm pretty sure they were, though.

7 Q: Okay. That's cemented right there, right?

8 A: Yes, ma'am.

9 MS. RICHARDSON: That's all from the State, Your Honor.

10 THE COURT: Okay.

11 CROSS EXAMINATION OF DANIEL BROOKS TODD BY MR. GARDNER:

12 Q: Mr. Todd, could you tell if the two boys, one had a red
13 shirt, sweatshirt or hoodie?

14 A: I looked like the one that was closest to the store
15 might've had a red shirt on.

16 Q: And the other one had a dark blue or black sweatshirt or
17 hoodie?

18 A: Yes, sir. It looked like maybe a navy blue -- like a dark
19 navy blue or maybe black.

20 Q: All right. Thank you, sir.

21 MS. RICHARDSON: Nothing on those questions, Your Honor.
22 We would ask that he be excused.

23 MR. GARDNER: No objection, Your Honor.

24 THE COURT: Okay. Thank you.

25 MR. TERRELL: The State calls Richard Edwards.

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JAMES RICHARD EDWARDS - DIRECT BY TERRELL

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1 CLERK: Sir, please raise your right hand and place your
2 left hand on the Bible.

3 JAMES RICHARD EDWARDS, HAVING BEEN
4 DULY SWORN, TESTIFIES AS FOLLOWS:

5 CLERK: Please be seated. State your full name and spell
6 your last name.

7 MR. EDWARDS: Officer James Richard Edwards, last name is
8 E-D-W-A-R-D-S.

9 DIRECT EXAMINATION OF JAMES RICHARD EDWARDS BY MR. TERRELL:

10 Q: Could I have you scoot a little closer to the microphone.

11 A: Sure.

12 Q: Officer Edwards, where are you employed?

13 A: Conway City Police Department.

14 Q: What's your job title there?

15 A: Patrol officer.

16 Q: How long have you been employed in that position?

17 A: Two years.

18 Q: Two years. What about before then, what did you do?

19 A: DOT.

20 Q: Were you employed in your present capacity on January the
21 2nd of this year?

22 A: Yes.

23 Q: Do you remember if you were working that morning?

24 A: Yes.

25 Q: What are your job duties with patrol?

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JAMES RICHARD EDWARDS - DIRECT BY TERRELL

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1 A: Just any patrol duty, anything in the City of Conway as
2 far as, you know, calls for service.

3 Q: Do you remember a call that came out that night for an
4 armed robbery to the Scotchman on 501 and Four Mile?

5 A: Yes, sir.

6 Q: Do you remember about what time that came out?

7 A: I'm thinking around 1:30, maybe, around in that area.

8 Q: What did -- where were you when you got that call?

9 A: Right at 16th and Church, around by Coastal Mall.

10 Q: Did you respond immediately to the gas station?

11 A: Oh, yes, sir.

12 Q: How long about did it take you to get there?

13 A: Just a few minutes, I mean, couple of minutes.

14 Q: When you arrived on scene were any other officers there?

15 A: Everybody was kinda, you know, merging in together because
16 there was a couple of officers with me responding.

17 Q: Who was with you?

18 A: Detective Rhodes was right there in the same area with me.

19 So, I mean, I could see different cars on the way.

20 Q: When you pull up, not in law enforcement, do you see?

21 A: I got the two gentlemen standing by the door and the
22 female at the door.

23 Q: What do you do when you arrive?

24 A: I get out, walk up and start talking with the three that
25 was standing there.

1 Q: They were all standing there together?

2 A: Well, yeah, two was to my right and the female was up and
3 to my left towards the door.

4 Q: Do you remember who the female was?

5 A: She was an employee there. I couldn't tell you her name.

6 Q: Did you start having a conversation with them?

7 A: Yes.

8 Q: What was that conversation about?

9 A: About what had happened. It was about the descriptions of
10 -- they had said they had been robbed and they starting giving
11 me descriptions.

12 Q: Who informed you they had been robbed?

13 A: Well, when the witness came out -- the witness, the male
14 subject was to my right. The Complainant come out and said
15 that they -- she had just been robbed. At that time, both of
16 them were trying to describe where they had went and what they
17 were wearing.

18 Q: So, they were both trying to describe it to you kind of at
19 the same time?

20 A: Yeah, you kinda getting it from both sides, but I mean,
21 you're trying to make it out cause you could tell it was kind
22 of a shaky situation.

23 Q: What was the result of that description? What description
24 did you wind up with?

25 A: From the two I got a description of two black males. One

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JAMES RICHARD EDWARDS - DIRECT BY TERRELL

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1 wearing a red hoodie, one wearing a black hoodie or a darker
2 blue hoodie.

3 Q: Were you ever told what had transpired inside the store?

4 A: Not at the time. At that time, I was given the
5 description. They had stated that they had made their way
6 around the side of the store.

7 Q: Which side of the store?

8 A: It would be the side towards Conway, like if you came --
9 if you were walking out of the door, it would be to your left.
10 Where I was facing, it would've been to your right.

11 Q: And so if you're facing the store, it's around to the
12 right?

13 A: Yes, sir. It would've been to the right.

14 Q: And so when they were running out, they would've turned to
15 the left?

16 A: Yes, sir.

17 Q: Same way? Okay. What did you do with the description you
18 were given?

19 A: When I was told they went around the store, I kinda went
20 to that area because I weren't sure how long my timeframe was
21 and at that time I relayed that over dispatch radio for the
22 other units that were arriving that that was the description
23 we had.

24 Q: So, you did walk around the side?

25 A: I kinda walked to that area but then I actually made my

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1 way back.

2 Q: Did you see anything when you walked over there?

3 A: As I was walking off, there was a item laying on the
4 ground. I weren't sure what it was but I made my way and then
5 I came -- when I came back you could see some footprints
6 around back but I couldn't tell, you know, who the footprints
7 were.

8 Q: Describe the item you remember seeing laying on the
9 ground.

10 A: It was a like a black clothing item or cloth item just
11 laying there.

12 Q: Did you pick it up?

13 A: No, sir.

14 Q: What did you do with it?

15 A: I just left it.

16 Q: Once you come around back to the front, what do you start
17 doing?

18 A: I make contact with my witness and start getting
19 statements and get them to write down what they had seen.

20 Q: When you get there, how was -- you called her the
21 Complainant, the lady, how was she acting?

22 A: She was nervous.

23 Q: How so? What was she doing?

24 A: Just -- you could tell she was -- her nervous reaction,
25 emotional. To be honest with you, I was thinking she wanted a

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1 cigarette real bad.

2 Q: What about the two males that you were speaking with. Did
3 they have any kind of demeanor that stuck out to you?

4 A: Nah, they were, I mean, calm. One was giving -- I mean,
5 he was actually giving real good accounts of what he had seen
6 when we was pulling up.

7 Q: Did you ask him to give a witness statement?

8 A: Yes, sir.

9 Q: What about the lady, did you ask her to give a witness
10 statement?

11 A: Yes, sir.

12 Q: And those were both written statements?

13 A: Yes, sir.

14 Q: All right. Were they filling them out in front of you?

15 A: They started to fill them out and as they were filling
16 them out, you know, I was doing other things, trying to help
17 assist with anything. They were in the process of filling
18 them out. I mean, I weren't standing right there.

19 Q: What were your duties while you there?

20 A: At that time, as, you know, all the other units responded,
21 my duty was to make sure that nothing -- nobody went in or out
22 of the store. I stayed there with the witness, got his
23 statement and just kinda made sure everybody stayed back from
24 the area.

25 Q: Did anybody else show up? Non law enforcement?

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1 A: A couple of people pulled up trying to get gas but, you
2 know, we just advised them that, you know, the store was
3 closed.

4 Q: Law enforcement pulled up, about how many law enforcement
5 officers?

6 A: A lot.

7 Q: What agencies were there?

8 A: There was our agency and Horry County.

9 Q: If you had to take a ballpark guess at how many officers
10 were there that night?

11 A: I would say I knew at least ten to twelve cars and usually
12 one person in a car, so...

13 Q: Were you on scene when the traffic stop was initiated?

14 A: Yes, sir.

15 Q: Were you involved in that at all?

16 A: I was backup for the contact officers.

17 Q: So, kind of walk me through when you see the taxi get
18 pulled over. What happens?

19 A: I'm standing over to the side. The traffic stop comes
20 over the radio. It's actually coming up from the location
21 from behind the store. You can see up Four Mile Road and you
22 can see the blue lights coming. The cab actually pulls into
23 where we are and that puts the cab and me at the back driver's
24 side.

25 Q: About how long had you been on scene when that stop was

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1 occurring?

2 A: Maybe thirty, thirty, forty-five -- I'm not really aware
3 of the actual time of it.

4 Q: But you'd guess about thirty or forty-five minutes?

5 A: Could be, yes.

6 Q: And what was your job in relation to that traffic stop?

7 A: Just cover while the contact officer made contact from the
8 passenger side.

9 Q: And when you say cover, what do you mean?

10 A: Just keeping everybody inside the cab, making sure that
11 nobody is moving around or anything is, you know, just keeping
12 everybody around the area safe, making sure that they're --
13 where their hands are and just making -- just covering for
14 them to make contact.

15 Q: So, you were able to see inside the taxi from where you
16 were?

17 A: I could see inside the -- like I said it's a van, so I
18 could see inside the back, where the backseat was and the back
19 of the passengers in the front.

20 Q: Okay. So, could you see the occupants of the vehicle?

21 A: Pretty much.

22 Q: Do you recall how many people were inside the vehicle?

23 A: There was the driver of the taxi and four other
24 passengers.

25 Q: You're sure about that, there were four others?

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- 1 A: Yes, sir.
- 2 Q: Do you remember where they were sitting?
- 3 A: Not by name.
- 4 Q: I'm not asking you by name. What seats they were in.
- 5 A: One was in the passenger seat beside the driver, there was
- 6 two directly behind the passenger and the driver and then one
- 7 in the back on the bench seat in the back.
- 8 Q: Do you remember -- did you ever have contact with any of
- 9 the -- with any of those four occupants?
- 10 A: Once everybody was being removed from the cab, yes, sir.
- 11 Q: Do you remember who?
- 12 A: At first, I made contact with the one that was directly
- 13 behind the driver.
- 14 Q: Okay.
- 15 A: He was asked to step out and then the rest exited and at
- 16 that time I just pulled one over -- got him over to one of the
- 17 patrol cars and just had him to standby.
- 18 Q: Do you remember anything about what any of the people in
- 19 the van were wearing other than the driver?
- 20 A: The one in the back had just -- the one in the rear seat,
- 21 I could tell he just had a like a white t-shirt.
- 22 Q: Do you recall anything about any of the others, what they
- 23 were wearing?
- 24 A: Not, you know, nothing -- nothing that stood out except,
- 25 you know, like I said, the front passenger was wearing a red

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1 hoodie.

2 Q: Did you ever search the van ---

3 A: No, sir.

4 Q: --- inside the van and any of the belongings? You don't
5 know what was in there?

6 A: I never made contact inside the van.

7 Q: Okay. All right. Were you responsible for transporting
8 any of the people who were eventually arrested -- let me ask
9 you this, did you arrest any of the individuals?

10 A: I never placed anyone under arrest. I was just a
11 transporter.

12 Q: So, you did transport one of them?

13 A: Yes, sir.

14 Q: Do you remember which one you transported?

15 A: Mr. Glover.

16 Q: Do you remember where -- about how long after he was
17 pulled over was he arrested; do you remember?

18 A: Not actual minute time, I'm not sure, but when he was
19 advised -- I know once we took photos, some photos, we -- I
20 transported him -- escorted him to my car, put him in the
21 back. One of the detectives came over and talked with him,
22 read him his rights and talked with him again and advised him
23 he was under arrest. I didn't -- I don't know if he was
24 advised prior.

25 Q: All right. Did you -- you said pictures, did you

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1 personally take any pictures?

2 A: No, sir. That was our crime scene.

3 Q: So, correct me if I'm wrong, in essence, your job once you
4 got there was just to lock -- basically lock down the store,
5 keep people from going in and out?

6 A: Yes, sir, just to pretty much secure the scene.

7 Q: And -- just a second. Did you remember by any chance
8 about what time you got to J. Reuben Long with the individual
9 you were transporting?

10 A: I think it was around two hours after arriving. It took a
11 while to get everything organized.

12 Q: All right. So, that would put you at about maybe 3:00 ---

13 A: 3:00, 3:30 or so.

14 Q: I don't have any other questions at this time. Please
15 answer any questions Mr. Gardner has.

16 CROSS EXAMINATION OF JAMES RICHARD EDWARDS BY MR. GARDNER:

17 Q: Thank you. Officer Edwards, you say the front passenger
18 is the fellow wearing the red -- excuse me, red hoodie; is
19 that right?

20 A: Beside the driver, yes, sir.

21 Q: Beside the driver.

22 A: Yes, sir.

23 Q: Driver, red hoodie. Do you recall that fellow's name?

24 A: No, sir.

25 Q: It wasn't Glover?

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- 1 A: No, sir.
- 2 Q: What was Glover wearing?
- 3 A: A white t-shirt.
- 4 Q: A white t-shirt, okay. And he was in the back?
- 5 A: Yes, sir.
- 6 Q: All right. And when you talked to the witnesses, the two
- 7 boys that went into the store and robbed, one was wearing a
- 8 red hoodie, that would be probably the guy that's in the front
- 9 of the ---
- 10 A: That was the -- that was the description given to me.
- 11 Q: Okay. And the other one was wearing a navy blue or dark
- 12 blue or black hoodie?
- 13 A: That's what I was given.
- 14 Q: Okay. And did you happen to take a look at Glover's feet?
- 15 They weren't muddy, were they?
- 16 A: Glover's feet, I -- whether they were muddy, I -- right
- 17 now, I'm unsure because, I mean, I escorted him to the car.
- 18 Like I say, I know he was wearing a white t-shirt. I know,
- 19 when one of the doors -- the passenger behind the driver, he
- 20 had mud on his shoes but Glover, I'm kinda vague on whether he
- 21 had mud on his shoes.
- 22 Q: All right. Did you see one of the officers take the
- 23 fellow in the red shirt over to the lady, the clerk of the
- 24 store and ask her if this was the guy?
- 25 A: No, sir.

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1 Q: Did you see anybody take any of the other fellows over to
2 the witness?

3 A: No, sir.

4 Q: All right. Did you hear about that happening?

5 A: No, sir.

6 Q: Okay. All right. So, you weren't involved in that part?

7 A: I was -- I was in -- they were making contact from the
8 passenger side, I was at the back of the other side. What
9 they were doing with the occupants, I'm unaware.

10 Q: Steven Dailey -- you know who that is? That's a ---

11 A: That was the officer that initiated the traffic stop, from
12 my understanding.

13 Q: And so you didn't get to see him take one of the boys over
14 to the witness?

15 A: No, sir.

16 Q: Okay. All right. And Glover did not have a stud earring,
17 did he?

18 A: When he was in my car, he did have an earring in his left
19 ear.

20 Q: It was a hoop, though, not a stud?

21 A: I -- it was a earring. I'm aware of the earring.

22 Q: But you couldn't say it was a stud?

23 A: I'm not gonna say.

24 Q: Okay. Good. Thank you, sir.

25 MR. TERRELL: No further questions, Your Honor.

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1 THE COURT: Okay.

2 MR. TERRELL: We'd ask that he be excused from his
3 subpoena.

4 MR. GARDNER: No objection.

5 THE COURT: Okay. Thank you.

6 A: Thank you.

7 MS. RICHARDSON: The State would call Matt Stephenson

8 CLERK: Sir, please raise your right hand and place your
9 left hand on the Bible.

10 MATTHEW STEPHENSON, HAVING BEEN DULY
11 SWORN, TESTIFIES AS FOLLOWS:

12 CLERK: Please be seated. Speak into the microphone.
13 State your full name and spell your last name.

14 MR. STEPHENSON: Matthew Stephenson, S-T-E-P-H-E-N-S-O-N.

15 DIRECT EXAMINATION OF MATTHEW STEPHENSON BY MS. RICHARDSON:

16 Q: Officer Stephenson, how are you?

17 A: Good.

18 Q: Where are you employed?

19 A: Horry County Police Department.

20 Q: How long have you been employed there?

21 A: Approximately nine years.

22 Q: What are your duties with Horry County?

23 A: I'm assigned to our Street Crimes Unit that assists
24 Narcotics.

25 Q: And is that what you were doing in January of this year?

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1 A: Yes, ma'am.

2 Q: Did you have occasion to respond to the Scotchman as it
3 related to an armed robbery on 501?

4 A: I did.

5 Q: Do you remember what day that was?

6 A: I don't remember exactly what the day was, I think it was
7 the 3rd of January.

8 Q: Was it the beginning of the year?

9 A: Yes, ma'am.

10 Q: Okay. And I just want to make sure we're talking about
11 the same incident. Where -- what Scotchman are you referring
12 to?

13 A: The one at 501 and Four Mile Road.

14 Q: Okay. What were your duties as it relates to that armed
15 robbery?

16 A: I was there to -- we were called upon to assist Conway
17 City in trying to locate the suspects that had just recently
18 robbed a convenience store.

19 Q: Is that something that commonly happens?

20 A: Yes, ma'am. We're requested quite a bit to assist other
21 agencies.

22 Q: Okay. So, what were your duties as assisting?

23 A: Just to saturate the area and just try to find anything
24 that looks suspicious in the area that might've matched a
25 description that we were given while we were responding to the

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1 scene.

2 Q: And I'm sorry, what does it mean to saturate the area?

3 A: Just ride the roads, look for anything that stands out,
4 looks out of place. Anybody that's walking up and down the
5 roads in an area, just stop and identify them, things like
6 that.

7 Q: Were you notified as soon as the call came out? How do
8 you get notified when something that happens in Conway City?

9 A: We were actually working another incident that happened at
10 62nd Avenue, which was an armed robbery and we were notified
11 of the armed robbery at Four Mile Road over our dispatch
12 channel and at that point we responded to assist Conway City.

13 Q: Okay. I'm gonna show you -- well, do you work with
14 Officer Dailey?

15 A: I do.

16 Q: Are you guys assigned to the same task force?

17 A: Yes, ma'am.

18 Q: Do you recall seeing a taxi cab on Four Mile Road that
19 night?

20 A: I do.

21 Q: Okay. Did you see which way it was coming from?

22 A: It was coming from the area of near the Horry County
23 School building.

24 Q: Okay. I'm gonna show you what's been marked as State's
25 Exhibit One. All right. This being Four Mile Road and that

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1 being 501 and here's the gas station, just to kind of orient
2 you with it.
3 A: Yes, ma'am.
4 Q: Where were you when you saw the taxi cab?
5 A: Myself and Officer Dailey were actually at the
6 intersection of Old Dunn Lane and Four Mile Road.
7 Q: And where did you first see that taxi cab?
8 A: When it passed by us going towards 501.
9 Q: Okay. So, you didn't see it when it was back here?
10 A: No, ma'am.
11 Q: Did you see it turn onto the road?
12 A: I did not.
13 Q: Okay. And what stood out about that taxi cab?
14 A: When the taxi cab passed us, I was -- we were sitting
15 window to window, I was actually facing down Old Dunn Road and
16 Officer Dailey was facing Four Mile Road right there at the
17 intersection. When the taxi cab actually passed us, I
18 observed the cab, but Officer Dailey said that -- he
19 immediately said, there's a black male in the front passenger
20 seat wearing a red sweatshirt which was a description we were
21 given of one of the suspects.
22 Q: Do you recall the other description that was given out?
23 Was one description given out on dispatch or two?
24 A: We had two given out. We had two black males, one was
25 wearing a red hoodie sweatshirt and the other was wearing a

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1 dark color, possibly black or blue.

2 Q: Okay. Did you initiate a traffic stop on that vehicle?

3 A: I did not. I assisted Officer Dailey. He was the primary
4 officer that stopped the vehicle.

5 Q: Okay. So, what did you do?

6 A: I was more or less the support, backup officer. I
7 approached the passenger side, once we got the vehicle stopped
8 in the parking lot. And I was standing there just watching
9 the subjects inside the vehicle to make sure that while
10 Officer Dailey was speaking with the driver that they weren't
11 trying to do anything to harm us or anything like that.

12 Q: And what were the subjects doing?

13 A: They were -- from what I could observe, they were
14 extremely nervous, they kept asking what they were being
15 stopped for. They just kept repetitively asking questions of
16 what did they do, that they didn't do anything, why are we
17 being stopped, things of that nature.

18 Q: And were you responding to those questions?

19 A: I was. I just -- I advised them that we were working an
20 active investigation and we would let them know as soon as we
21 sorted things out.

22 Q: Now, were you involved in removing any of the subjects
23 from the vehicle?

24 A: Not that I recall.

25 Q: What were you able to observe inside the vehicle?

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1 A: I -- when Officer Dailey asked the front passenger, which
2 had on the red sweatshirt, to step out of the vehicle, when he
3 stepped out of the vehicle, I actually observed the -- the
4 description of the cell phone that we were given that was
5 taken from the victim, I observed a phone matching that
6 description laying in the front floorboard of the vehicle.

7 Q: And what was that description?

8 A: It was a black color cell phone with a purple case.

9 Q: Okay. And you observed that cell phone?

10 A: Yes, ma'am.

11 Q: The taxi cab driver, what was his demeanor?

12 A: He was a little nervous. He didn't really know what was
13 going on. I think he -- he let us know that he kind of knew
14 what was going on just based on all the commotion at the store
15 and the fact that they were being stopped right there. I
16 think he kind of knew what was going on but ---

17 MR. GARDNER: I have to object to that, Judge, I don't
18 know if he can know what somebody -- what's going on in
19 somebody's mind.

20 THE COURT: I'll sustain the objection.

21 BY MS. RICHARDSON:

22 Q: Was he helpful in your investigation?

23 A: Yes, ma'am. He was cooperative.

24 Q: He was cooperative?

25 A: Yes.

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1 Q: Were you ever -- were you a part of the search of that
2 vehicle?

3 A: I was.

4 Q: Okay. Tell me what you found inside that vehicle.

5 A: I searched the front passenger area. And as soon as I --
6 the first place I looked was under the passenger side seat and
7 there I observed a black-in-color handgun up under the seat in
8 close proximity to the victim's cell phone.

9 Q: Were the subjects inside the vehicle or outside of the
10 vehicle when you observed them?

11 A: At that point, the three rear passengers were still in the
12 vehicle.

13 Q: Okay. So, what happens next?

14 A: At that point, I advised the other officers that there was
15 a gun in the vehicle. And at that time, one of the -- the
16 passenger that was sitting on the driver side, it was -- the
17 cab actually both side doors opened, he was -- they were all
18 -- all three were removed out of the driver-side door of the
19 cab. I can't -- I don't recall which officer detained who but
20 at that point, after the gun was found, all of the subjects
21 were asked -- removed from the vehicle and detained.

22 Q: Did you continue with the search of that vehicle?

23 A: I did.

24 Q: What else was found in the vehicle?

25 A: A black-in-color hoodie sweatshirt was observed between

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1 the -- the two center passenger seats were captain's chairs
2 and there was a dark-colored hoodie sweatshirt laying between
3 those and also in the very back passenger seat, which was a
4 bench seat, there was a white plastic bag that contained
5 cigars and another handgun.

6 Q: I'm gonna show you some pictures and see if you can
7 identify them, please. I'm gonna show you what's been marked
8 as State's Exhibit Eleven. Can you identify that for me?

9 A: Yes, ma'am. That's the handgun that was found under the
10 front passenger seat.

11 Q: Okay. And that's what you observed on that night?

12 A: Yes, ma'am.

13 Q: Okay. Changed or altered in any kind of way?

14 A: No, ma'am.

15 MS. RICHARDSON: State would request to admit State's
16 Exhibit Eleven into evidence.

17 MR. GARDNER: No objection.

18 THE COURT: So, Eleven is in without objection.

19 STATE'S EXHIBIT NUMBER ELEVEN

20 ADMITTED INTO EVIDENCE

21 BY MS. RICHARDSON:

22 Q: I'm going to show you what's been marked as State's
23 Exhibit Ten. Can you identify that for me?

24 A: Yes, ma'am. The purple phone case in the passenger seat
25 was what I observed in the vehicle and was given as the

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1 description of the victim's phone.

2 Q: And is that where you observed it?

3 A: No, ma'am. It was in the floorboard when I observed it.

4 Q: When you initially -- so, it had been moved?

5 A: Yes, ma'am.

6 Q: But that is the taxi?

7 A: Yes, ma'am, that is the taxi.

8 Q: Okay. All right.

9 MS. RICHARDSON: State would request to admit State's
10 Exhibit Ten?

11 THE COURT: Any objection?

12 MR. GARDNER: No, sir.

13 THE COURT: It's in without objection.

14 STATE'S EXHIBIT NUMBER TEN

15 ADMITTED INTO EVIDENCE

16 BY MS. RICHARDSON:

17 Q: I'm going to show you what's been marked as State's
18 Exhibit Thirteen. Can you identify that for me?

19 A: Yes, ma'am. That's the cell phone I observed in the
20 floorboard.

21 Q: Okay. And is that how it appeared that night?

22 A: Yes, ma'am. From what I can recall.

23 Q: Okay. Now, do you know whose cell phone that is?

24 A: I do not.

25 Q: Okay. But that's what you observed on that night?

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1 A: Yes, ma'am.

2 Q: And that's where it was located from what you can recall?

3 A: Yes, ma'am.

4 MS. RICHARDSON: The State would request to admit State's
5 Exhibit Thirteen into evidence.

6 MR. GARDNER: No objection.

7 THE COURT: Without objection.

8 STATE'S EXHIBIT NUMBER THIRTEEN

9 ADMITTED INTO EVIDENCE

10 BY MS. RICHARDSON:

11 Q: I'm going to show you what's been marked as State's
12 Exhibit Twelve. What is that?

13 A: Black glove and two separate cell phones.

14 Q: Was that located inside the vehicle to your memory?

15 A: I don't recall whether it was in the vehicle or not.

16 Q: Okay. I guess before I ask you what it is, tell me if you
17 can identify it, yes or no.

18 A: Yes, ma'am.

19 Q: Okay. What is that?

20 A: That is a black ski mask and a purple cell phone case.

21 Q: Okay. And was that located inside that vehicle?

22 A: Yes, ma'am.

23 Q: Do you recall seeing those items inside the vehicle?

24 A: I do recall seeing those items.

25 Q: And where were they inside the vehicle?

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1 A: Again, the, the mask was, I believe was -- I'm gonna say
2 it was under the seat but I can't say for sure

3 Q: Okay. What about the purple cell phone case?

4 A: The purple cell phone case, from what I remember was in
5 the floorboard.

6 Q: Okay. So, those items had been moved at that point in
7 time?

8 A: Yes, ma'am. As far as I can tell, yes, ma'am.

9 Q: But is that the items that were found inside that vehicle?

10 A: Yes, ma'am.

11 Q: Okay.

12 MS. RICHARDSON: State would request to admit State's
13 Exhibit Fourteen.

14 MR. GARDNER: I think I have an objection. If it's been
15 moved, I don't think it's a fair and accurate depiction of the
16 item as it was ---

17 THE COURT: My understanding from his testimony, that is
18 the same phone and ski mask he saw in the floor, but at the
19 time the photo was taken, those items had been moved to the
20 seat. So, the authenticity of the phone and the ski mask, I
21 think he's testified to. The fact that when he saw it it was
22 on the floor and it's now in the seat ---

23 MR. GARDNER: Can I add ---

24 THE COURT: Go ahead.

25 MR. GARDNER: Can I ask if it's yes, then who moved it?

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1 That might clear it up for us.

2 THE COURT: Okay. I don't know that he knows that but
3 you can ask him that.

4 MS. RICHARDSON: I don't know if he knows that either.

5 BY MS. RICHARDSON:

6 Q: Do you know who moved it?

7 A: I don't know.

8 Q: Did you move it?

9 A: Not that I recall.

10 Q: Were there other officers that there?

11 A: There were.

12 Q: Who was searching the vehicle with you?

13 A: As far as I can remember, there were possibly three other
14 officers. I know the County Patrol Sergeant, Sergeant Ashley
15 Hardee was assisting with the search. And I believe there was
16 a couple of Conway City officers but I don't recall who they
17 were.

18 Q: Okay.

19 THE COURT: I find that he's authenticated the items.

20 And the fact that they were moved prior to the photo,
21 obviously the Jury can determine what weight they want to give
22 that but he's identified those items as the one that he saw at
23 the scene that night. So, he's authenticated those. And then
24 the photographs of those are fair and accurate. It's just the
25 location may be different and the Jury is apprised of that, so

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1 I'll allow it.

2 MS. RICHARDSON: Thank you, Your Honor.

3 MR. GARDNER: Thank you, Judge.

4 STATE'S EXHIBIT FOURTEEN

5 ADMITTED INTO EVIDENCE

6 BY MS. RICHARDSON:

7 Q: I'm going to show you -- tell me if you can identify it
8 first, yes or no?

9 A: Yes, ma'am.

10 Q: Okay. What is that?

11 A: That is the black-in-color hoodie that was found and also
12 the white bag that was found in the rear passenger seat and
13 that's inside the cab also.

14 Q: And I'm sorry, I'm referring to what's been marked as
15 State's Exhibit Sixteen. And is that the way you recall it
16 from that night?

17 A: Yes, ma'am.

18 MS. RICHARDSON: State would request to admit State's
19 Exhibit Sixteen into evidence.

20 THE COURT: Any objection?

21 MR. GARDNER: No objection, Your Honor.

22 THE COURT: Okay. It's in without objection.

23 STATE'S EXHIBIT NUMBER SIXTEEN

24 ADMITTED INTO EVIDENCE.

25 BY MS. RICHARDSON:

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1 Q: And in that picture, can you tell me what's in that bag?

2 A: Yes, ma'am, that is actually a box of Dutch Master cigars
3 that also were given as a description of items that were taken
4 from the store.

5 Q: Okay. I'm gonna show you what we've already entered into
6 evidence, State's Exhibit Number Eleven. You said that's the
7 gun. What else do you see in that picture?

8 A: A red hoodie, what appears to be a red sweatshirt.

9 Q: And do you recall finding a red sweatshirt inside of that
10 taxi cab?

11 A: Yes. There was a -- the red sweatshirt was actually
12 behind the front seat, the front passenger seats.

13 Q: Do you recall on the driver side or passenger side?

14 A: It was kind of in the middle between the back seats -- it
15 was -- it was kind of in the floorboard behind the front seats
16 but it was kinda in the middle of the two captain's chairs in
17 the middle.

18 Q: So, from your recollection, you found a gun under the
19 passenger seat?

20 A: Yes, ma'am.

21 Q: A red sweatshirt in between the two captain's chairs.

22 A: Yes, ma'am.

23 Q: In the middle section?

24 A: Yes, ma'am.

25 Q: And then the bag with the cigarillos in the back?

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MATTHEW STEPHENSON - DIRECT BY RICHARDSON

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- 1 A: Yes, ma'am.
- 2 Q: Okay. And then you had the purple cell phone cover?
- 3 A: Yes, ma'am.
- 4 Q: In the floorboard where?
- 5 A: In front of the front passenger seat.
- 6 Q: Okay. Anything else that you can remember that was found
- 7 inside that vehicle?
- 8 A: No, ma'am. Other than the fact that there was another
- 9 handgun in the back, in the very back seat.
- 10 Q: In the very back?
- 11 A: Yes, ma'am. It was actually inside of the bag with the
- 12 cigarillos.
- 13 Q: Okay. Do you recall -- did you look at that handgun?
- 14 A: I do -- I remember it was a silver handgun, semiautomatic
- 15 handgun, I don't remember which -- what brand or anything.
- 16 Q: Okay. What was your responsibilities after searching the
- 17 taxi cab?
- 18 A: At that point I just kind of assisted in securing the
- 19 scene and then that was about it. Didn't really have any
- 20 other say-so in what went on the investigation.
- 21 Q: Did you formerly charge anybody?
- 22 A: No, ma'am.
- 23 Q: Why is that?
- 24 A: Because it was -- the robbery occurred in the City
- 25 jurisdiction of Conway City and it was their case.

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MATTHEW STEPHENSON - CROSS BY GARDNER

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1 Q: Did you transport anybody?

2 A: I did not.

3 MS. RICHARDSON: That's all for right now, Judge.

4 MR. GARDNER: Thank you, Judge.

5 CROSS EXAMINATION OF MATTHEW STEPHENSON BY MR. GARDNER:

6 Q: Officer Stephenson, if I understood it right, you were
7 helping Officer Dailey and when y'all got to the gas station,
8 some of these individuals out of the taxi cab were taken to
9 different spots; is that right?

10 A: Yes, sir.

11 Q: And I believe Officer Dailey took Tyreke Phillips out of
12 the front passenger side.

13 A: Yes, sir.

14 Q: He had a red hoodie on and he was taken to the clerk of
15 the store and she said words to the effect of that's one of
16 the boys that came in and robbed me.

17 A: From what I remember, yes, sir.

18 Q: Okay. All right. Now, Glover, he was taken to the clerk
19 and she said words to the effect that he was not one of them;
20 is that right?

21 A: I don't recall. I don't know

22 Q: Are you familiar with that?

23 A: I was not.

24 Q: Okay. Did you get to see Glover's shoes, they were not
25 muddy?

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MATTHEW STEPHENSON - CROSS BY GARDNER

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1 A: I don't remember whether his shoes were muddy; I didn't
2 pay any attention to his shoes.

3 Q: Well, did you pay any attention to Tyreke Phillips? His
4 shoes were muddy?

5 A: I do remember that his shoes were muddy.

6 Q: And do you ever -- do you have any idea why those shoes
7 were muddy?

8 A: I do not.

9 Q: Did you go behind the store?

10 A: No, sir.

11 Q: Okay. All right. So, you stayed in the parking lot up
12 front?

13 A: Yes, sir.

14 Q: So, the parking lot up front where people get gas, that's
15 a paved surface; is that right?

16 A: Yes, sir.

17 Q: And you don't know whether or not the back of the store is
18 paved or not?

19 A: I didn't -- from prior knowledge, I know that the back
20 parking lot is not paved.

21 Q: Is not paved? And it had been raining, so it was muddy
22 back there?

23 A: Right.

24 Q: All right. Thank you, sir.

25 THE COURT: Anything further?

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DON F. WOOTEN - DIRECT BY TERRELL

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1 MS. RICHARDSON: No, sir, Your Honor. We would request
2 that he be excused.

3 MR. GARDNER: No objection, Your Honor.

4 THE COURT: Okay. Thank you, sir. You can be excused.

5 A: Thank you.

6 MR. TERRELL: The State calls Don Wooten.

7 CLERK: Please raise your right hand and place your left
8 hand on the Bible.

9 DON F. WOOTEN, HAVING BEEN DULY
10 SWORN, TESTIFIES AS FOLLOWS:

11 CLERK: Please state your full name and spell your last
12 name.

13 MR. WOOTEN: It's Don F. Wooten, W-O-O-T-E-N.

14 MR. TERRELL: Thank you, sir. Court's indulgence for
15 just a second.

16 DIRECT EXAMINATION OF DON F. WOOTEN BY MR. TERRELL:

17 Q: Good morning, sir.

18 A: Good morning.

19 Q: I apologize for that. Where do you work?

20 A: Right now, I'm working for a local sign company.

21 Q: How long have you been there?

22 A: Since April of this year.

23 Q: What were you doing before then?

24 A: Working as a Crime Scene Investigator with the City of
25 Conway.

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- 1 Q: How long were you employed there?
- 2 A: Approximately five years.
- 3 Q: Were you employed there on January 2nd of this year?
- 4 A: Yes, I was.
- 5 Q: Do you recall working that morning?
- 6 A: I was called out that morning.
- 7 Q: Where were you called out to?
- 8 A: Four Mile and 501.
- 9 Q: And did you say what you did with the City of Conway?
- 10 A: Yes, a Crime Scene Investigator.
- 11 Q: What are your duties as a Crime Scene Investigator when
- 12 you get called to a scene?
- 13 A: Basically, it depends on the scene but it's all the same.
- 14 It's basically find, collect and preserve any kind of physical
- 15 evidence.
- 16 Q: Do you have a standard operation you do when you arrive at
- 17 a scene?
- 18 A: I do but basically it also depends on what the crime scene
- 19 is as to which way I start.
- 20 Q: Okay. What -- why were you called out to the Scotchman?
- 21 A: I was called out for an armed robbery.
- 22 Q: Do you remember about what time it was?
- 23 A: I believe the call came in about 1:30. It usually takes
- 24 me about fifteen or twenty minutes to get to the scene.
- 25 Q: When you responded to the scene, who else was on scene?

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1 A: It was two of our detectives and some of our road patrol
2 officers were there.

3 Q: What's the first thing you do when you arrive on scene?

4 A: Whenever I arrive on scene, I try to find out exactly
5 either from the person that was involved, which is actually
6 either the victim or a witness and my detectives to find out
7 exactly what had transpired during that time.

8 Q: What were you told had transpired that night?

9 A: Basically just four suspects entered the store, armed
10 robbery, took the cash and then left the scene.

11 Q: Are you sure on the number of suspects?

12 MR. GARDNER: Objection to the question.

13 THE COURT: How about rephrase the question.

14 BY MR. TERRELL:

15 Q: To your recollection, are you sure that that was the
16 number you were given of the suspects?

17 A: Yes, it was.

18 Q: When -- so, once you're given that idea of what happened,
19 what did you do next?

20 A: Usually what I try to do is first observe any video
21 surveillance that may be there.

22 Q: Was there any in this case?

23 A: No. The system was malfunctioning so we weren't able to
24 review the video. Then what I do is I back back out and then
25 I start taking my photographs of the outside and the inside of

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1 the business.

2 Q: You attempted to get the surveillance video; is that
3 correct?

4 A: That's correct.

5 Q: Who was it that told you that it was malfunctioning?

6 A: I believe it was the Assistant Manager or one of -- the
7 person that was there. We tried to work on it and it didn't
8 work.

9 Q: How many people were trying to get it to work?

10 A: I think there was three of us trying to get it to work.

11 Q: And that was unsuccessful?

12 A: That was unsuccessful, yes.

13 Q: So, you backed out and started taking pictures?

14 A: Yes.

15 MR. GARDNER: No objection to these exhibits, Your Honor.

16 THE COURT: Okay. And how many are they?

17 MR. TERRELL: Your Honor, this is State's Exhibits Two,
18 Three, Four, Five, Six, Seven, Eight, Nine. If I could
19 approach the witness?

20 THE COURT: Hang on just a minute. Any objection at all?

21 MR. GARDNER: No.

22 THE COURT: So, they're all in without objection. So,
23 you don't need -- you just proceed as if they're all in.

24 MR. TERRELL: Thank you very much.

25 THE COURT: It'll save some time.

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1 STATE'S EXHIBITS NUMBER TWO THROUGH NINE

2 ADMITTED INTO EVIDENCE

3 BY MR. TERRELL:

4 Q: Could you go through each of those -- I believe the
5 numbers are on the back, what exhibit it is -- could you say
6 what exhibit it is and explain what that picture is of?

7 A: Okay. State's Exhibit Number Two is a picture of a floor
8 with currency and two dollar bills and some change.

9 Q: And where was that located?

10 A: Just around the cash register area. Exhibit Number Three
11 is actually behind, next to the drink machines and stuff, it's
12 actually the muffins and stuff that were knocked over onto the
13 floor. State's Exhibit Number Four is actually of some of the
14 mud prints that were going around the cash register area.

15 Q: Did you notice multiple prints when you were inside the
16 store?

17 A: I noticed a couple of them, a lot of them were really
18 smudged. State's Exhibit Five was actually behind the cash
19 register with the box of coins and stuff that was knocked
20 over.

21 Q: So, this is behind the cash register?

22 A: Yes. State's Exhibit Six is same picture just a little
23 bit further back showing more of the coins and the cabinets
24 that were opened behind the cash register. State's Exhibit
25 Seven was actually from standing just inside the doorway

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1 showing the muffin rack and you can see the tray on the floor
2 and also where the shoe prints were going around.

3 Q: So, this is just inside the door?

4 A: That was me standing just beside the door shooting in.

5 State's Exhibit Eight is actually just a shot of the cash
6 register area. And State's Exhibit Nine is just a shot to the
7 left showing the area behind going toward the offices, the
8 manager's office..

9 Q: So, when you went inside the store that night for the
10 first time, what showing in Exhibits Two through Nine is what
11 you remembered seeing?

12 A: That's correct.

13 Q: What stuck out to your mind in words when you were inside?

14 A: Basically, the path that the shoe, the muddy prints went
15 around the back with the muffins on the floor and then as you
16 walked around to the cash register, what you couldn't see
17 behind because there was a high raised cash area, that's
18 whenever you seen all the coins and the cabinets open.

19 Q: Once you take those pictures, do you do anything else
20 inside the store?

21 A: Yeah, then what I do is I -- with the help of the video
22 but at this time we didn't have, I then go around and try to
23 process whatever I can that I thought they had touched or
24 disturbed in order to get any kind of fingerprints.

25 Q: How do you do that?

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1 A: Usually with black powder. It's kind of like toner. You
2 just basically brush it on and if there's any kind of good
3 print, it'll bring it up to where you can transfer it onto a
4 latent card.

5 Q: And you did that in this case?

6 A: Yes.

7 Q: What all did you sprinkle with the dust?

8 A: What did I sprinkle with the dust? The cabinet that was
9 opened, the box that was -- fell on the floor, the little
10 coin, the plastic coin holders, the top of the cabinet, the
11 inside and outside and the entrance door was all processed.

12 Q: Why did you decide to process those places?

13 A: Just by trying to figure out where exactly everything had
14 happened and what they had touched. We know they had to come
15 in and out of the door. We know they went around the corner
16 and went right back behind the cash register. So, any kind of
17 open doors, the coins on the floor, basically anything we
18 thought they maybe picked up and touched.

19 Q: From all that, were you able to find any fingerprints?

20 A: No, I wasn't.

21 Q: How long have you been in crime scene?

22 A: A total of twelve years.

23 Q: You said five of those were in Conway?

24 A: Correct.

25 Q: Where else were you?

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1 A: Seven years in Palm Beach County, Florida.

2 Q: And that immediately proceeded the five years in Conway?

3 A: Yes.

4 Q: Has it happened before that you've gone to a scene where
5 clearly things have been moved and turned around and you
6 weren't able to find fingerprints?

7 A: That's correct.

8 Q: Were you still on scene when a traffic stop was initiated
9 in the parking lot?

10 A: Yes, I was still inside the store.

11 Q: Did you ever go out to the taxi cab?

12 A: Yes, I was finally advised that the taxi cab was outside.

13 Q: Kind of walk me through that process. What were you
14 doing, who told you where to go?

15 A: It was one of the detectives, I believe, told me they had
16 pulled, the County had pulled over a taxi cab and it had
17 possible four male subjects in it. I waited until I was
18 advised what was going on and whenever they said that they
19 found some stuff inside of it, that's whenever I went ahead
20 and took my photographs of the van.

21 Q: When you say some stuff inside of it, can you be more
22 specific? Do you remember?

23 A: I believe one of the County officers had located a weapon
24 underneath the front passenger seat.

25 Q: So, were you outside when that was located?

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1 A: No, I was still inside the store.

2 Q: Still inside. So, when you're coming outside, what's
3 happening with the occupants of the vehicle?

4 A: I believe they were conversing with them. That's all I
5 can recall.

6 Q: All right. And at some point, did you search that taxi
7 cab?

8 A: Yes, I did.

9 Q: When you were conducting your search, were the occupants
10 still in the vehicle?

11 A: No.

12 Q: They had been removed?

13 A: Yes.

14 Q: What do you remember seeing inside the vehicle?

15 A: Cell phones, some -- a black toboggan style knit cap,
16 gloves, and there was a like a Gap bag in the backseat and I
17 believe a hooded shirt.

18 Q: What -- what if anything did you do with that -- with
19 those items?

20 A: Basically, I put them on the hood of my car and
21 photographed them individually and then bagged them and tagged
22 them.

23 Q: Why did you do that?

24 A: Basically, to secure the evidence.

25 Q: Okay. Did you take photographs of this?

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1 A: Yes.

2 Q: Inside the van?

3 A: Yes.

4 Q: Did you also photograph it on your hood?

5 A: Yes.

6 MR. GARDNER: We don't object to any of these, Your
7 Honor.

8 THE COURT: Okay. Give me those numbers.

9 MR. TERRELL: Yes, sir, Your Honor. State's Exhibits
10 Number Twelve, Fifteen, Seventeen, Eighteen and Nineteen.

11 THE COURT: Okay. Twelve, Fifteen, Seventeen, Eighteen
12 and Nineteen.

13 MR. TERRELL: That's correct, Your Honor.

14 THE COURT: Okay. They're in without objection.

15 STATE'S EXHIBITS TWELVE, FIFTEEN, SEVENTEEN, EIGHTEEN

16 AND NINETEEN ADMITTED INTO EVIDENCE

17 MR. TERRELL: May I approach the witness?

18 THE COURT: Yes, sir.

19 BY MR. TERRELL:

20 Q: This is State's Exhibit Twelve. What's, what's in that
21 picture?

22 A: A black knit cap, two cell phones and a black glove.

23 Q: Can you tell where these were photographed?

24 A: They were in one of the pass -- one of the seats.

25 Q: Is that where you found them?

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- 1 A: Yes.
- 2 Q: And you photographed them as you found them?
- 3 A: Yes.
- 4 Q: Can you tell if that's a front seat, back seat, middle
5 seat?
- 6 A: I don't recall which one it was, yeah.
- 7 Q: This is State's Fifteen. Do you recognize that?
- 8 A: Yes. That's another knit cap that was found.
- 9 Q: Can you -- let me hold it right way, that might help.
- 10 A: Yeah, that was in the front passenger seat.
- 11 Q: This is State's Seventeen. Do you recognize that?
- 12 A: Yes.
- 13 Q: Where is that photograph taken?
- 14 A: That's taken on the hood of my car.
- 15 Q: Okay. What's it a photograph of?
- 16 A: Clothing that was found in the back area and inside the
17 Gap bag.
- 18 Q: Do you remember specifically if this was inside the Gap
19 bag or if it was just in the back area?
- 20 A: It was -- I believe the hooded sweatshirt was in the back
21 area. Everything else came out of that Gap bag.
- 22 Q: This is a picture, it's State's Eighteen.
- 23 A: Yeah, that's two pictures of the weapons that were
24 located.
- 25 Q: Where is that photograph taken?

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1 A: On the hood of my vehicle.

2 Q: And these weapons were found inside the van; is that
3 correct?

4 A: Yes.

5 Q: Do you recall where?

6 A: The small black handgun was found underneath the front
7 seat of -- passenger seat. The bigger, larger gun was found
8 inside the Gap back in the rear seat.

9 Q: And this is State's Nineteen. Do you recognize that?

10 A: Yes, that's the red hooded sweatshirt that's photographed
11 on the hood of my truck.

12 Q: What else is in that picture?

13 A: A pair of gloves.

14 Q: Do you remember -- so you said that was on the hood of
15 your car?

16 A: Yeah, it's on the hood of my car.

17 Q: Do you remember where you found it?

18 A: I believe it was in the Gap bag or in the backseat area.

19 Q: What did you do with all those items you photographed?

20 A: They were individually bagged for preservation.

21 Q: Let me show you what's already in evidence -- this is
22 State's Exhibit Thirteen. Do you recognize that?

23 A: Yeah, that's the cell phone that was found in the front
24 passenger floorboard.

25 Q: All right. Now, look very closely at that. Can you tell

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- 1 what make of phone that is?
- 2 A: It looks like an LG.
- 3 Q: All right. How are you able to tell that?
- 4 A: There is little LG right down at the bottom area of the
- 5 phone.
- 6 Q: All right.
- 7 A: It's not clear but you can somewhat make it out.
- 8 Q: And you said that was where?
- 9 A: The front passenger floorboard.
- 10 Q: I'm gonna show you both of these together. These are
- 11 already in evidence as State's Ten and Fourteen. What do you
- 12 recognize?
- 13 A: The mask with the cell phone cover that was in the front
- 14 passenger seat.
- 15 Q: So, once -- I'm sorry -- once you get everything into
- 16 evidence from the van, was there anywhere else that you
- 17 searched?
- 18 A: No, not -- that was it for the inside of the van.
- 19 Q: Was there anything else on the scene that you wound up
- 20 searching?
- 21 A: The only thing else that we collected on scene that was
- 22 outside was another mask that was found in the parking lot.
- 23 Q: Did you collect that?
- 24 A: Yes, I did.
- 25 Q: Where was it located?

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DON F. WOOTEN - DIRECT BY TERRELL

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1 A: Just as you exit the doors off to the left-hand side just
2 past the parking curb.

3 Q: Can you describe it?

4 A: It was just a black knit cap.

5 Q: Why did you collect that as evidence?

6 A: It was inside the crime scene and most likely if anybody
7 had run out, tripped or anything like that and had dropped it,
8 it could've been of evidentiary value.

9 Q: Now, are there tests that can be done on, say, articles of
10 clothing such as what you found in the van ---

11 A: Yes.

12 Q: --- or found in the parking lot that can determine maybe
13 at some point who might've had control or custody over those
14 items?

15 A: Yes.

16 Q: What tests are those?

17 A: Basically it's a DNA test. We don't do it. It's
18 basically sent to SLED for analysis and they will do their
19 testing on it to see if it's -- in order to get DNA off of it.

20 Q: So, from the City Police, Conway Police's side of things,
21 what's involved in that process?

22 A: Basically just collection, make sure it's put in a
23 separate bag by itself, because you're worried about cross
24 contamination. You can send it up but you have to send it up
25 with a DNA swab if you have suspects in custody, that way they

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1 can compare. If they don't, then they can send it up for --
2 we can send it up for a no-suspect DNA and that's whenever it
3 gets entered into CODIS.

4 Q: Are you responsible for that?

5 A: I am responsible for it but we did not -- if any suspects
6 on scene do not want to give a DNA standard, I can't force
7 them to get one, so the detectives would have to do -- get it
8 through the court order.

9 Q: Are you involved in that process at all?

10 A: No, I'm not.

11 Q: Are you aware of that being done at the scene?

12 A: Not that I'm aware of.

13 Q: So, once everything is taken into custody, as you said
14 that was bagged and tagged, where is it stored?

15 A: It's stored in our evidence room.

16 Q: Have you done anything with it since then?

17 A: No.

18 Q: The two handguns that you found, did you do anything with
19 that after the fact?

20 A: We -- I did process them for fingerprints and got no
21 results. They were then ran -- on scene, they were run
22 through NCIC, through the Horry County Dispatch, they were
23 reported stolen out of Conway.

24 Q: Why did you do that?

25 A: It's normal that we run weapons that we find on anybody to

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1 see if they actually are stolen. It's protocol for there and
2 then once they were, then we try to get the reports to find
3 out what case numbers, which they're listed in my report, and
4 then I run them through the NTC trace, which is National
5 Tracing Center with the ATF to find out who they may belong to
6 or if they were reported stolen through the ATF.

7 Q: And what was the result of that?

8 A: That I don't know. I don't have that.

9 Q: But you did run them through NCIC?

10 A: Yes, I did.

11 Q: And what was the result of that?

12 A: Both were reported stolen.

13 Q: Do you remember where they were stolen out of?

14 A: Both of them, I believe, they were both stolen out of
15 Conway. One of them back in 2014 and one back in 2012.

16 Q: To your recollection, did you do anything else in this
17 case? Did you talk to any of the witnesses?

18 A: No.

19 Q: Did you talk to any of the suspects?

20 A: No.

21 Q: Was there any other crime scene related thing that you did
22 while you were on scene?

23 A: The only other thing that we did was I photographed all
24 four suspects that were in the cab and to include all the
25 clothing that they were wearing at the time including any shoe

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1 prints or their shoes, the bottom of their shoes.

2 MR. TERRELL: Court's indulgence for just a minute.

3 MR. GARDNER: No objection to any of these, Your Honor.

4 THE COURT: Okay. Give me those numbers.

5 MR. TERRELL: Your Honor, this is State's Exhibits Twenty
6 through Thirty-three.

7 THE COURT: Okay. They're in without objection.

8 MR. TERRELL: Thank you, Your Honor.

9 STATE'S EXHIBIT NUMBERS TWENTY THROUGH THIRTY-THREE

10 ADMITTED INTO EVIDENCE

11 BY MR. TERRELL:

12 Q: So, you said you took photos of the individuals that day?

13 A: That's correct.

14 Q: Which individuals did you take photographs of?

15 A: Name-wise I can't remember unless I look at my report.

16 Q: Okay. The -- how many people were in the van, to your
17 knowledge?

18 A: Four.

19 Q: Other than the driver?

20 A: Other than the driver.

21 Q: And are those the four you photographed?

22 A: That's correct.

23 Q: And if I were to show you one, you might not be able to
24 tell me that person's name, would you?

25 A: No.

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1 Q: But, you're comfortable saying this was an individual that
2 was inside the van?

3 A: Yes.

4 Q: And when you had contact with them, this is what they were
5 wearing?

6 A: Correct.

7 Q: Could you look through those for just a second and give me
8 a rundown of, if you could, the shots that you took and why
9 you decided to take those shots? For example, the fuller body
10 pictures, the ---

11 A: I usually, whenever I take photographs of anybody, I
12 always try to take a full body photograph showing exactly what
13 they're wearing from head to toe but, due to the darkness, I
14 had to actually split it up a little bit. But the reason why
15 is because there was a shoe impression that was left on the
16 inside of the store that was actually giving a little bit of a
17 pattern and when the officers noticed the mud on these guys
18 shoes, I went ahead and took the photograph of them, what they
19 were wearing and their shoes in order to see if any of their
20 shoeprints matched what was found on the inside of the store.

21 Q: And after comparison, did they match?

22 A: No, they did not.

23 Q: All right. I have no further questions for you. Please
24 answer any questions Mr. Gardner has.

25 CROSS EXAMINATION OF DON E. WOOTEN BY MR. GARDNER:

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- 1 Q: Good morning, Mr. Wooten.
- 2 A: Good morning, Mr. Gardner.
- 3 Q: Looks like they may've saved the best for last. I want to
4 take a look at these, these last pictures. Is that these
5 here? All right. If you don't know, just tell me. Do you
6 know who that is?
- 7 A: No, not right off-hand, I don't.
- 8 Q: All right. But is it fair to say that that picture
9 matches up with that shoe?
- 10 A: Most likely, yes. I'd have to see the bottom part of his
11 shot.
- 12 Q: Okay. Well, I'm gonna -- I'll lay it whatever -- you
13 think that's him? I'm trying to figure out how to connect all
14 these together so we make sure we know which -- who is who.
15 We don't need to know -- if we don't know their names, that's
16 fine, but we want to know who matches up with what shoe.
- 17 A: I'll do this the best I can. That's about the best I can
18 do.
- 19 Q: That's fine. All right. Okay. So, this fellow, you
20 don't know his name, or do you?
- 21 A: No.
- 22 Q: Okay. But that is him, we think?
- 23 A: To the best of my knowledge, yes.
- 24 Q: And that's probably the bottom of his shoes?
- 25 A: Correct.

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1 Q: All right. And what we -- for the record, what we're
2 talking about is State's Exhibit Number Thirty-one, State's
3 Exhibit Thirty-two. Do you see any mud on those shoes?

4 A: No, sir, I don't.

5 Q: And that goes together with that fellow. And State's
6 Exhibit Thirty-three is -- goes with those other two?

7 A: As far as I know, yes.

8 Q: And is there any mud on those shoes?

9 A: No, sir.

10 Q: So, just to be fair, we're talking State's Exhibit Thirty-
11 one, Thirty-two and Thirty-three, this fellow and his shoes do
12 not have any mud on them; is that right?

13 A: That's correct.

14 Q: Okay. Now, the rest of these fellows, they -- that fellow
15 has mud on his shoes; is that right?

16 A: Correct.

17 Q: And that is State's Twenty, Twenty-one and Twenty-three,
18 mud on the shoes. Okay.

19 And mud on the shoes?

20 A: Correct.

21 Q: I'm showing you State's Exhibit Twenty-nine, and I'm
22 guessing that goes with this fellow.

23 A: To the best of my knowledge, yes.

24 Q: And that's State's Twenty-eight. So, Twenty-eight and
25 Twenty-nine, mud on the shoes, that fellow.

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1 This is the guy with the red hoodie. He's got all kinds
2 of mud on his shoes; is that right?

3 A: That's correct.

4 Q: And the fellow with the red hoodie is Number Twenty-four
5 and Twenty-five.

6 You weren't in here earlier to hear testimony, I believe
7 it's been established who the red hoodie was but do you know
8 who this fellow is?

9 A: No, sir.

10 Q: Okay. All right. Would it surprise you to know that the
11 fellow with no shoes is the fellow on trial today, Glover,
12 Exhibit Thirty-one -- oh, I just read it wrong -- Thirty-one,
13 Thirty-two and Thirty-three. It wouldn't surprise you, would
14 it?

15 A: No, sir.

16 Q: Thank you, sir. That's all I've got.

17 MR. TERRELL: No more questions, Your Honor.

18 THE COURT: Okay.

19 MR. TERRELL: The State ask that he be excused from his
20 subpoena.

21 MR. GARDNER: No objection, Your Honor.

22 THE COURT: Okay. He can be excused.

23 MS. RICHARDSON: Your Honor, may we approach?

24 THE COURT: Yes.

25 (REPORTER'S NOTE: A bench conference was held off the record

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1 in the presence of but out of hearing of the Jury.)

2 THE COURT: All right. Ladies and gentlemen, we'll take
3 our morning break. We'll break for about fifteen minutes and
4 I'll get you back out and we'll have the next witness.

5 I'll remind you, don't discussing the case yet. Thank
6 you.

7 (REPORTER'S NOTE: Jury exits courtroom. 11:05 A.M.)

8 THE COURT: Okay. We'll be in recess fifteen minutes.

9 MS. RICHARDSON: Thank you, Your Honor.

10 MR. GARDNER: Thank you, Judge.

11 (RECESS - 11:05 A.M.)

12 *****OFF THE RECORD*****

13 (On the Record - 11:22 A.M.)

14 THE COURT: Bring me the Jury.

15 (REPORTER'S NOTE: Jury enters courtroom. 11:23 A.M.)

16 THE COURT: Okay. Go ahead.

17 MS. RICHARDSON: Thank you, Your Honor. The State would
18 now call Asia Collier.

19 THE COURT: Okay.

20 CLERK: Please raise your right hand, place your left
21 hand on the Bible.

22 ASIA COLLIER, HAVING BEEN DULY SWORN,
23 TESTIFIES AS FOLLOWS:

24 CLERK: Speak into the microphone and state your full
25 name and spell your last name.

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1 MS. COLLIER: My name is Asia Tashay Collier, C-O-L-L-I-
2 E-R.

3 DIRECT EXAMINATION OF ASIA TASHAY COLLIER BY MS. RICHARDSON:

4 Q: Good morning, Asia. I'm gonna be the one talking to you,
5 okay? I know you're nervous, so I'm gonna give you some water
6 just to start off.

7 Asia, let's just start right off with it. You were
8 arrested in this incident, were you not?

9 A: Yes, ma'am.

10 Q: What were you charged with?

11 A: Armed robbery.

12 Q: And what role did you play in this armed robbery?

13 A: Assisting.

14 Q: What did you do?

15 A: Drove.

16 Q: Okay. Who did you drive?

17 A: Rasheed Glover, Amontre Ellerbe, Tyreke Phillips and
18 Aikeem Coles.

19 Q: Okay. Where did you take them?

20 A: To the Four Mile Road Scotchman.

21 Q: Okay. And you also drove them away from that scene; is
22 that correct?

23 A: Yes, ma'am.

24 Q: I'm gonna back up a little bit, okay, to earlier in that
25 day. Do you recall what day this was?

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1 A: The same -- well, yes, January the 2nd, 2015.

2 Q: Okay. That was the day you were actually -- were you
3 arrested that day?

4 A: No, ma'am.

5 Q: When were you arrested?

6 A: February the 17th, 2015.

7 Q: Okay. We'll get into that in a few minutes, okay? I'm
8 gonna back you up to earlier in the day. What were you doing
9 that day?

10 A: The day like ---

11 Q: The day of the robbery.

12 A: Well, the day of the robbery was around -- it was January
13 the 2nd but like the day was January the 1st because it went
14 into late that night which turned into the morning.

15 Q: Okay. Do you remember what time the robbery occurred,
16 about what time?

17 A: Maybe around 12:30 or 1:00 o'clock morning.

18 Q: In the morning?

19 A: Yeah.

20 Q: We're talking about the night of the 1st and the morning
21 of the 2nd?

22 A: Yes, ma'am.

23 Q: Okay. So, when I say what happened earlier in the day,
24 what were you doing on January the 1st?

25 A: We were sitting in EME Apartments, which is Cherry Hill

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- 1 and we were at his mom's house in the living room, smoking
2 hookah and just talking. His mom was in the kitchen.
3 Q: I'm gonna have to stop you, okay?
4 A: That's all right.
5 Q: You're giving us a lot of information and that's okay, I'm
6 just gonna slow you down. Whose house were you at?
7 A: Roselyn, Roselyn Glover which is the mom of Rasheed
8 Glover.
9 Q: Okay. What is your relationship with Rasheed Glover?
10 A: He's my ex-boyfriend.
11 Q: Okay. What is your relationship with the other
12 Codefendants?
13 A: Just I was the girlfriend of his friends or the girlfriend
14 of Rasheed, which I was just around like a friend, I guess, or
15 an associate.
16 Q: So, you were friends through Rasheed?
17 A: Yes, ma'am.
18 Q: Rasheed is the common denominator?
19 A: Yes, ma'am.
20 Q: Okay. So, you're at Rasheed's momma's house. How long
21 have you been there?
22 A: About all day.
23 Q: Okay. So, all day on the 1st?
24 A: Yes, ma'am, back and forth.
25 Q: Who else was present at the house?

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- 1 A: William Glover, which was in the room asleep, that's
2 Rasheed Glover's brother; Aikeem Coles; Tyreke Phillips;
3 Amontre Ellerbe; and myself; and Roselyn Glover, which is the
4 mother of Rasheed Glover.
- 5 Q: Okay. Now, William Glover, that's Rasheed's brother?
- 6 A: Yes, ma'am.
- 7 Q: Did he have anything to do with this armed robbery?
- 8 A: No, ma'am.
- 9 Q: Did he know about it in any kind of way?
- 10 A: No, ma'am.
- 11 Q: What about -- and I apologize, I don't remember what you
12 said her name was, what about Rasheed's mom?
- 13 A: Roselyn Glover; no, ma'am.
- 14 Q: Did she have any part of it?
- 15 A: No, ma'am.
- 16 Q: Did she know anything about it?
- 17 A: No, ma'am.
- 18 Q: What was being discussed at Rasheed's house?
- 19 MR. GARDNER: Your Honor, I'm gonna object to hearsay.
- 20 Q: What were you talking about, what did you hear at
21 Rasheed's house?
- 22 A: What was I talking about or what did I hear?
- 23 Q: What conversation was being talked about in regards to the
24 armed robbery?
- 25 MR. GARDNER: I'm still gonna object; the conversation is

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1 hearsay.

2 THE COURT: You can't go ---

3 MS. RICHARDSON: Your Honor, she can talk about a
4 Codefendant's statement as far as a plan and what she observed
5 in that.

6 THE COURT: Now, is she testifying about what the
7 Defendant said or somebody else?

8 MS. RICHARDSON: Okay. I can be more specific, Your
9 Honor.

10 THE COURT: Okay.

11 BY MS. RICHARDSON:

12 Q: What did you hear Rasheed Glover talking about that day?

13 A: That they were gonna rob a store.

14 Q: Okay. And who is they?

15 A: All of my Codefendants, Amontre Ellerbe, Rasheed Glover,
16 Aikeem Coles and Tyreke Phillips.

17 Q: And what part, again, were you to play in that robbery?

18 A: Assisting, driving.

19 Q: Whose vehicle did you drive?

20 A: Well, William Glover, Rasheed brother -- Rasheed Glover's
21 brother drive the truck but the truck is Roselyn Glover's,
22 which his their mom.

23 Q: Okay. So, it's registered in her name but William, is
24 that what ---

25 A: He's the driver of it.

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1 Q: Is that what he goes by?

2 A: Yes, ma'am, William.

3 Q: Okay. But he drives it?

4 A: Yes, ma'am.

5 Q: Okay. So, you drove his car or their mom's car?

6 A: Yes, ma'am.

7 Q: Okay. What does that vehicle look like?

8 A: It's black and it's a Trailblazer and it has like mud
9 tires on it and it has rails on the front and the back.

10 Q: Okay. What about the windows, what do they look like?

11 A: They're tinted.

12 Q: Why were y'all robbing the store?

13 A: They wanted money, I guess, and product.

14 Q: Do you know what the money was for?

15 A: No, ma'am.

16 Q: What did you hear Rasheed say his role was going to be?

17 A: Going into the store.

18 Q: Who else was supposed to go in that store with Rasheed?

19 A: Amontre Ellerbe.

20 Q: So, that was the plan from the beginning?

21 A: Yes, ma'am.

22 Q: What about Tyreke and Aikeem, what were their roles?

23 A: They also went into the store, but they were supposed to
24 stand behind the store.

25 Q: Okay. So, did you actually take them to the Scotchman?

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1 A: No, ma'am. I didn't take them exactly to it. They got
2 out the truck and walked down on the side and like ran to the
3 store.

4 Q: Let me back you up a little bit. Where did you go before
5 the Scotchman?

6 A: Nowhere. From, straight from EME -- oh, Walmart, sorry.

7 Q: It's okay. Just take your time. I know you're nervous
8 and it's okay. I'm not trying to trick you or anything. I'm
9 just trying to walk you through what happened.

10 A: Yes, ma'am. Before, before Scotchman, they went to -- I
11 drove them to Walmart and they brung out in a bag, black
12 gloves, and I didn't see anything but black gloves and it was
13 in a Walmart bag.

14 Q: So, from Walmart, you go to the Scotchman; is that
15 correct?

16 A: Well, not exactly to that vicinity but on the like the
17 roadside, I guess, that you would take.

18 Q: Are you familiar with those roads right there?

19 A: That's Four Mile Road, yes, ma'am, to the left.

20 Q: The road that runs beside it?

21 A: Yes, ma'am, and turn right and then you get on Four Mile
22 Road, to your right is the Scotchman, basically, well, when
23 you turn to the right and then that's -- the same right is
24 where I was pulled over to probably not even a quarter of a
25 mile down from the store, if that's the right distance.

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- 1 Q: I'm going to show you on the map and see if you can
2 identify to me where you were. Okay. This is 501 and this is
3 Four Mile Road and this is the store. Where were you?
4 A: The store is right -- do I talk in the mic?
5 Q: Yeah, talk in the mic, sorry.
6 A: The store is like right there (indicating), so driving --
7 where I was exactly at like right there.
8 Q: So, about where that wood line started?
9 A: Yes, ma'am.
10 Q: Okay. And were you parked in the woods?
11 A: No, ma'am. On the side of the road, like it -- where the
12 -- where the grass is and the woods, it was like a wide range
13 from -- it was wide, you know what I mean, like -- I don't
14 know how to explain it but I was like close to the -- like
15 close to the woods but like facing that way.
16 Q: So, facing away from the store?
17 A: Yes, ma'am.
18 Q: Okay.
19 A: So, anything that came behind me, I didn't see until it
20 was passing in front of me.
21 Q: I want to make sure we're clear, so please tell me if I'm
22 wrong. It was a wide like grassy area that you were parked
23 on?
24 A: Yes, ma'am.
25 Q: So, you're on the side of the road but you're on the

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1 grass?
2 A: Yes, ma'am.
3 Q: Okay. Close to that wood line?
4 A: Yes, ma'am.
5 Q: When you get -- when you get to Four Mile Road, how far
6 are you from the gas station?
7 A: You mean after I'm parked?
8 Q: Yeah, after you're parked.
9 A: Running distance. Walking distance as well but like not
10 close enough where I can see what's going on.
11 Q: Okay. So, further than the distance of this courtroom?
12 A: Yeah.
13 Q: Okay.
14 A: Just a little -- by a little bit.
15 Q: Okay. But again, you're turned away from the store?
16 A: Yes, ma'am.
17 Q: Who gets out of the vehicle when you park?
18 A: Rasheed Glover, Tyreke Phillips, Amontre Ellerbe and
19 Aikeem Coles.
20 Q: Who gets back into the vehicle?
21 A: All four of them.
22 Q: How long were they gone for?
23 A: Well, honestly, I was freaking out. It seemed like a
24 really, really long time but I'm pretty sure it was probably
25 five, six minutes maybe but it seemed like forever.

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1 Q: Okay. In any of that time when they left the vehicle,
2 they were out of the vehicle, did anybody stay back?

3 A: No, ma'am.

4 Q: So, all four, to your knowledge, approached the store?

5 A: Yes, ma'am.

6 Q: When they get back in the car, what is their demeanor?

7 A: Drive, drive, drive, panicking, I'm already panicking.
8 Just craziness, telling me where to go.

9 Q: Okay. And where did you go?

10 A: Country Manor to the left of Four Mile Road.

11 Q: I'm sorry, we need to back up a little bit more. Who had
12 a weapon if anybody that you saw?

13 A: Amontre Ellerbe and Tyreke Phillips.

14 Q: Both of them had weapons?

15 A: Yes, ma'am.

16 Q: Do you recall what color they were?

17 A: No, ma'am.

18 Q: How do you know they had weapons?

19 A: Because I seen it in their hand. Like I seen it, it was
20 like a glance.

21 Q: Okay. And they were both in their hands when you saw
22 them?

23 A: Yes, ma'am.

24 Q: And when did you see those handguns?

25 A: Whenever they got back in the car.

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1 Q: Okay.

2 A: When they were running back to the car and I looked back
3 to just be aware of my surroundings.

4 Q: So, and you said it's like an SUV; is that right?

5 A: Trailblazer truck.

6 Q: Okay. So, can you tell me where everybody is sitting that
7 you remember?

8 A: Uh-huh (affirmative response). Rasheed Glover was to the
9 right of me; behind me to the left of me was Tyreke Phillips;
10 Aikeem Coles; and then Amontre Ellerbe right behind Rasheed
11 Glover to the right on the passenger side.

12 Q: Okay. And that's the way they were sitting when they get
13 back in the car?

14 A: Yes, ma'am.

15 Q: Okay. Do you notice anything about their clothing?

16 A: Well, Amontre was taking off a black North Face jacket and
17 I didn't -- like they're feeling on their feet and stuff and
18 there was like a bunch of sand and stuff in the car like mud
19 but that's the only thing I seen was Amontre Ellerbe take off
20 the -- and he had on some type of like hat thing and he was
21 just stripping from that.

22 Q: And I'm sorry, I'm kind of jumping all over.

23 A: You're fine.

24 Q: But when you left Rasheed's mom's house, did you notice
25 anything in Rasheed's hands?

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1 A: Yes. He had black shoes.

2 Q: So, Rasheed had another pair of shoes ---

3 A: Yes, ma'am.

4 Q: --- when you left the house?

5 A: Yes, ma'am.

6 Q: Do you know what shoes he had on when he went into the
7 store or when he got out of your vehicle?

8 A: When he got out the vehicle, he had on the same shoes that
9 Amontre Ellerbe had on, red, black and gold Nike Flights but
10 they were the low-tops.

11 Q: Is that what you recall seeing him in when he got back in?

12 A: I wasn't paying attention because I was more worried about
13 what's behind me and my surroundings than as to whenever he
14 got in the front seat to the right of me.

15 Q: You said you went to Country Manor?

16 A: Yes, ma'am.

17 Q: What did you do at Country Manor?

18 A: Pulled into a parking space and sat there and I got out
19 the car and that's whenever I just started pacing because at
20 that point I'm freaking out, I'm not, all right, like y'all
21 got to get out of here. Like, I can't do this, y'all got to
22 get out. And I, I was like, I came up with the idea to call a
23 cab. Called the cab, and then I had -- I asked for Mr. Aaron
24 because I used to catch a cab -- catch the cab, because like I
25 told you before, David Wellon and my grandpa, they're like

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- 1 friends and he's the owner of it and I could always catch
2 rides with them. And so, I always had Mr. Aaron to pick me up
3 because me and him made a bond or whatever. And so I called
4 him to come get them and that's whenever the cab came -- am I
5 supposed to be like ---
- 6 Q: It's okay. You're all right.
- 7 A: And when the cab came, they got out the car, got in the
8 cab and I went -- like I left.
- 9 Q: Why did you call a cab?
- 10 A: Because I was freaking out at that point, I didn't want
11 them in the car with me, I was scared.
- 12 Q: What -- when they got back in the car, what if anything
13 did you notice them having in their hands?
- 14 A: When they got back in the car?
- 15 Q: Yeah, from the store.
- 16 A: Oh, Amontre had these like cigar packs and guns.
- 17 Q: Do you know what they took from the store, from your
18 knowledge do you know?
- 19 A: From my knowledge -- well, from what I seen was the cigar
20 packs and like a little bit of money.
- 21 Q: Do you know how much money?
- 22 A: No, ma'am. It wasn't a lot, it was like a little amount.
- 23 Q: What were you supposed to get for driving that night?
- 24 A: They were gonna like give me money but they didn't.
- 25 Q: Was this your first time in trouble with the law?

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1 A: Oh, yeah, this kind of trouble; yes, ma'am. I have two
2 minor charges, assault and battery, third degree and breach of
3 trust.

4 Q: Magistrate level offenses?

5 A: Yes, ma'am.

6 Q: Why did you do this?

7 A: Honestly, I -- but like, around the time but I was still
8 with Rasheed, he was very manipulative. Like he could get me
9 to do anything. It's embarrassing to say but it's true. And
10 I just, I felt like I wasn't -- like I just wanted to be
11 accepted by him a little bit better than I have been, you know
12 what I mean, and I felt like maybe this was my way to prove it
13 to him.

14 Q: When you were at Country Manor and they get out -- are you
15 there when the taxi arrived?

16 A: Yes, ma'am.

17 Q: Okay. And was it your friend that came, do you know, to
18 pick them up?

19 A: Mr. Aaron, yes, ma'am.

20 Q: And he works for that taxi cab company?

21 A: I'm not sure if he's still there but at that time, yes,
22 ma'am.

23 Q: All right. Did he have any involvement in this armed
24 robbery?

25 A: The taxi driver?

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- 1 Q: Yes.
- 2 A: No, ma'am.
- 3 Q: Who got out of your vehicle, I say your vehicle knowing
4 that it's not really your vehicle.
- 5 A: Yes, ma'am, but yeah.
- 6 Q: Who got out of the vehicle when the taxi cab arrived?
- 7 A: All four of them.
- 8 Q: You say all four of them?
- 9 A: Yes, ma'am. Rasheed Glover, Tyreke Philips, Amontre
10 Ellerbe and Aikeem Coles.
- 11 Q: Did they take anything with them?
- 12 A: Yes, ma'am. All the stuff that they had except for the ID
13 that was left in there, the black shoes and gloves.
- 14 Q: What did you do after you left Country Manor?
- 15 A: I was supposed to meet them at Crabtree Commons.
- 16 Q: Who lives there?
- 17 A: Well, Tyreke's mom was up there but that's just where they
18 told me to go.
- 19 Q: Okay. Were y'all going to Tyreke's house or were y'all
20 just meeting there?
- 21 A: Meeting.
- 22 Q: Okay.
- 23 A: And like I was just sitting there for about five to ten
24 minutes and I'm like, something is not right. And just taking
25 them forever, I mean.

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1 Q: What were you doing during that time period?
2 A: Ma'am?
3 Q: What were you doing during that time period?
4 A: Throwing away the stuff that they told me to throw away
5 before they got out to get in the cab.
6 Q: Okay. Who told you to throw away something?
7 A: Rasheed.
8 Q: What did he tell you to throw away?
9 A: Well, he just told me to throw away the shoes and the
10 gloves but then when I was doing that, I came across Amontre's
11 ID, so I threw that away as well.
12 Q: Where was Amontre's ID?
13 A: In the back like seat pocket.
14 Q: So, on the ---
15 A: Behind the chair in the pocket to it.
16 Q: Did you find anything else left over in that vehicle?
17 A: No, ma'am.
18 Q: But everything you found, you threw away?
19 A: Yes, ma'am.
20 Q: Okay. I'm sorry. So, you say you're there and you're
21 waiting, something's not right.
22 A: And ---
23 Q: What happens next?
24 A: And then so, I don't know, something told me to just go to
25 the Waffle House right there at the top of 378 across from

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1 Ryan's and so as I was sitting there, like a bunch of Counties
2 are flying down east or -- yeah, well, flying down 378 going
3 to -- I'm sitting like and when I see all these Counties fly
4 by, I'm like, yeah, well, they got caught. And then that's
5 whenever I just left from there and I drove home, well, I
6 drove the car back to EME Apartments, which is Rasheed's mom's
7 house and I parked it there and then I walked home to my
8 grandparents' house.

9 Q: Do you live close by Rasheed's at that time?

10 A: Well, yeah, I still actually do live close by. My mom's
11 house is right, right behind EME Apartments condo and then my
12 grandma lives right there on 4th Avenue, so I live -- it's
13 just a skip and a hop to either/or both houses.

14 Q: Do you recall what time you got home that night?

15 A: Probably about 3:00 maybe, 2:00, 3:00, 3 o'clock because
16 then that's whenever I got the call from Rasheed Glover.

17 Q: What did he say?

18 A: I already knew like he was in jail and stuff because of
19 the call and he was just telling like, you know, how he was in
20 jail for -- I don't remember exactly what the conversation was
21 but I knew he was in jail and he didn't really say much on
22 that inside call but, yeah, I already knew.

23 Q: At some point you were arrested?

24 A: Yes, ma'am.

25 Q: How did that come about?

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1 A: Well, what do you mean? Like how?

2 Q: How is it that you were -- when were you arrested?

3 A: February the 17th. Well, my mom took me down to the
4 police department because Mr. -- the Detective Tyrone
5 Williams, he contacted my mom and he -- I guess, he told her
6 that I had a warrant for my arrest and so my mom was like, all
7 right -- I think that was a Friday actually and it was -- it
8 was a Friday that my mom called me because I was at my
9 grandma's house and my momma called me and she was like you
10 have a warrant for your arrest. And then I was like, for
11 what? Honestly, I was like, for what, like, you know what I
12 mean. And then I -- I got in and then that's whenever, a
13 couple of days later, well, we waited till about Monday but --
14 it was Tuesday. He told my mom to just bring me on down there
15 and we get everything in place or whatever and then that's
16 whenever my mom took me by Tuesday, February 17th, 2015, we
17 went to the police department in Conway like past Laurel
18 Street, I'm not really sure but we went there and he basically
19 arrested me.

20 Q: Were you given an opportunity to give a statement at that
21 time?

22 A: Yes, ma'am.

23 Q: And did you give a statement at that time?

24 A: Yes, ma'am.

25 Q: And is that statement consistent with what you're saying

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1 here today?

2 A: No, ma'am.

3 Q: Why?

4 A: Because I was afraid.

5 Q: Okay. What did you originally tell the police happened?

6 A: I can't even remember. It's all a blur.

7 Q: Who told you what to tell the police?

8 A: Rasheed Glover.

9 Q: He was still contacting you from jail?

10 A: Yes, ma'am.

11 MS. RICHARDSON: Court's indulgence just a moment. May I
12 approach, Your Honor?

13 THE COURT: Yes.

14 BY MS. RICHARDSON:

15 Q: I'm going to show you some pictures. These pictures are
16 already in evidence but we don't have names for them. Okay?

17 A: Yes, ma'am. Since they're your Codefendants, I want to
18 let you put some names to them.

19 Q: I'm referring to State's Exhibit Thirty-one; who is that?

20 A: Rasheed Glover.

21 Q: Okay. And this is the person who is on trial today?

22 A: Yes, ma'am.

23 Q: Okay. And I'm referring now to State's Exhibit Thirty-
24 two. Do you know who that is?

25 A: That's Rasheed Glover's because the jogger pants because

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1 of the, the tightness at the bottom of them.

2 Q: Okay. Is that what you recall him having on that night?

3 A: Yes, ma'am.

4 Q: Okay. I'm sorry. I'm trying to put them together. I'm
5 referring to State's Exhibit Twenty-four; who is that?

6 A: Tyreke Phillips.

7 Q: Okay. Was he also charged in this incident?

8 A: Yes, ma'am.

9 Q: Okay.

10 A: Tyreke Phillips.

11 Q: Okay. That is State's Exhibit Twenty-five. And I don't
12 know if you can identify the bottom of a shoe, so I'm not
13 gonna ask -- well, can you identify the bottom of shoes?

14 A: No. I mean, I mean, that's a basketball shoe.

15 Q: Do you know whose shoe that is?

16 A: Tyreke Phillips.

17 Q: Okay. How do you know that? This is State's Exhibit
18 Twenty-seven.

19 A: Because the bottom of the shoe just matches what the top
20 of the shoe in that picture looked like.

21 Q: Okay. So, you're using ---

22 A: Yes, ma'am; yes, ma'am.

23 Q: The pants -- He's the one with khaki pants on. Okay. And
24 who is that?

25 A: Tyreke Phillips.

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- 1 Q: And this is State's Exhibit Twenty-six. Is this what you
2 recall him having on that night?
- 3 A: Yes, ma'am.
- 4 Q: Now, which one of these, who all wears earrings in this
5 group?
- 6 A: Amontre had on earrings and I'm not sure -- I know Rasheed
7 Glover, he wears earrings but I'm not sure if he had on a pair
8 of earrings that night. And Aikeem Coles also wears earrings
9 but I'm not sure if -- I didn't recall those earrings in his
10 ear that night.
- 11 Q: Okay. You said Amontre wears earrings, do you know what
12 kind of earrings he wears?
- 13 A: Like some like goldish diamondish earrings.
- 14 Q: Like a loop or a stud?
- 15 A: A stud.
- 16 Q: Okay. And while we're talking about him, who is that?
- 17 A: Amontre Ellerbe.
- 18 Q: This is State's Exhibit Number Twenty. Is this what you
19 recall him having on that night?
- 20 A: He had on a black jacket.
- 21 Q: On top of this?
- 22 A: Yes, ma'am. And a black hat.
- 23 Q: Okay. Let's go with State's Exhibit Twenty-three, do you
24 know who that is?
- 25 A: Amontre Ellerbe.

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1 Q: And is that what you recall him looking like that night?

2 A: Yes, ma'am.

3 Q: Okay. Do you know whose shoes those are, State's Exhibit
4 Twenty-one?

5 A: Amontre Ellerbe, even though him and Rasheed Glover had
6 the same shoes on.

7 Q: Okay. How do you know that that's Amontre and not
8 Rasheed?

9 A: The foot is bigger.

10 Q: Okay. Now I'm confusing myself. Who is this? I'm
11 referring to State's Exhibit Twenty-eight. Who is this?

12 A: Aikeem Coles.

13 Q: Okay. Is that what you recall him wearing that night?

14 A: He had on like some type of hood jacket. I can't remember
15 exactly what kind of jacket it was but he had on something
16 over that.

17 Q: Do you remember him having on something over that?

18 A: Yes, ma'am.

19 Q: Do you remember what color it was?

20 A: No, ma'am.

21 Q: And State's Exhibit Twenty-nine, do you know whose shoes
22 those are?

23 A: Aikeem Coles.

24 Q: Is that what you recall him having on?

25 A: Those shoes and those jeans, yes, ma'am.

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- 1 Q: Okay. So, you say Amontre wears earrings -- I'm sorry,
2 did you say whether he had them in that night or not?
- 3 A: I think he actually did have them in that night. He
4 actually did have them in that night. He had on like some
5 small like stud, it's like goldish and diamondish, cubic
6 zirconia, I guess you would call it.
- 7 Q: And what about Rasheed? Does Rasheed wear earrings?
- 8 A: Yes, ma'am.
- 9 Q: What ---
- 10 A: He usually wears like one like little gold hoop in his
11 right ear.
- 12 Q: And Tyreke Phillips, does he wear earrings?
- 13 A: He never wears, no, ma'am.
- 14 Q: And ---
- 15 A: Aikeem.
- 16 Q: Aikeem Coles?
- 17 A: Yes, he wears earrings but I really don't remember those
18 earrings being in his ear that night.
- 19 Q: And when you say those earrings being ---
- 20 A: The ones that are on the pictures.
- 21 Q: Okay, I'm looking at -- so we know what we're referring
22 to. State's Exhibit Twenty-eight, is that the earrings you're
23 referring to?
- 24 A: Yes, ma'am.
- 25 Q: And you don't recall him wearing those that night?

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1 A: No, ma'am.

2 Q: Was it common for these boys to change -- to share
3 clothes?

4 A: Yes, ma'am.

5 Q: Was it common for them to dress alike?

6 A: Yes, ma'am.

7 Q: Who was the mastermind behind this robbery?

8 A: Rasheed Glover.

9 Q: It was Rasheed's plan all along?

10 A: Not alone. You mean -- do you mean by himself was it his
11 plan by himself?

12 Q: I guess I'll just ask from the beginning, was it Rasheed's
13 plan to rob the store?

14 A: Rasheed and Amontre both.

15 Q: So, those are the two ringleaders?

16 A: Yes, ma'am.

17 Q: And just to be perfectly honest with this Jury, from where
18 you were positioned, you couldn't see who actually went in
19 that store?

20 A: Yes, ma'am; that's correct. I could not see exactly from
21 where I was positioned who went in that store.

22 Q: But four got out and four get back in?

23 A: Yes, ma'am.

24 Q: That's all from the State, Your Honor.

25 THE COURT: Okay. Mr. Gardner.

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1 MR. GARDNER: Thank you, Your Honor.

2 CROSS EXAMINATION OF ASIA TASHAY COLLIER BY MR. GARDNER:

3 Q: Ms. Collier, could -- I can't see whether it's morning or
4 afternoon, but greetings. How about that?

5 A: How are you?

6 Q: I want to -- before we get too far, I want to establish a
7 few things, you're Glover's ex-girlfriend?

8 A: Yes, sir.

9 Q: And you're charged with armed robbery?

10 A: Yes, sir.

11 Q: And you're testifying for the State today to get a deal,
12 right?

13 A: No, sir.

14 Q: Well, you're looking at thirty years in prison and you're
15 hoping by testifying you're gonna get less than that, right?

16 A: Yes, sir.

17 Q: You hesitated, are you hoping for thirty?

18 A: No, I'm not hoping for thirty.

19 Q: You're hoping for probation, aren't you?

20 A: Yes, sir, hopefully.

21 Q: Ma'am?

22 A: Hopefully.

23 Q: Hopefully because by your testifying you're hoping that
24 the Jury will convict Glover, your ex, right?

25 A: Yes, sir.

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1 Q: And you'd kill two birds with one stone because you'll be
2 rewarded by getting probation instead of thirty years, right?

3 A: No, not necessarily probation, I mean ---

4 Q: Well, you're gonna get a deal. You don't -- are you
5 looking from an answer for them?

6 A: No, sir.

7 Q: Well, that's your lawyer over there in the blue coat,
8 right, in the courtroom?

9 A: Uh-huh (affirmative response).

10 Q: Sitting with the Solicitors? Is he sitting with the
11 Solicitors, the prosecutor.

12 A: He's behind them.

13 Q: Ma'am?

14 A: He's behind them, he's not sitting with them.

15 Q: Was that a yes or no; I'm sorry.

16 THE COURT: She said he's behind them.

17 Q: Behind them, okay. Thank you. All right. And while I'm
18 up here, I couldn't see the pictures that you were sharing,
19 that the Solicitor was asking you about and I want to make
20 sure that I've got it right. So, not to belabor the point but
21 just to make sure that I understand. State's Exhibit Thirty-
22 one, State's Exhibit Thirty-two, State's Exhibit Thirty-three;
23 that's Glover; is that right?

24 A: Yes, sir.

25 MR. GARDNER: May I publish this to the Jury, Your Honor?

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1 THE COURT: Yes.

2 BY MR. GARDNER:

3 Q: That's your ex-boyfriend, right?

4 A: Yes, sir.

5 Q: Now, you told the Solicitor that you have a prior
6 conviction for breach of trust, that's lying, right, breach of
7 trust?

8 A: Well, no, it's -- well, what I ---

9 Q: It's violating somebody's trust; is that right?

10 A: Yeah.

11 Q: Okay. And I -- are you familiar with the term motion of
12 discovery?

13 A: Yes, sir.

14 Q: What does that mean?

15 A: All the evidence you have right there.

16 Q: Okay. And you reviewed that prior to giving your last
17 statement, the most recent statement to the cops, you reviewed
18 all the discovery in this case prior to that, didn't you?

19 A: I reviewed, yes, I reviewed all the ---

20 Q: To prepare for making your statement, right?

21 A: What do you mean?

22 Q: Well, you were gonna be asked questions by the cops about
23 what happened.

24 A: Exactly.

25 Q: So, you reviewed all the evidence so you'd be ready to

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1 answer those questions; is that right?

2 A: No. That's not right. I -- whenever I answered those
3 questions and I was already told by Rasheed Glover what to say
4 to the cops, to cover him basically.

5 Q: Yeah, we can get into that in a little bit if we need to
6 but right now I'm talking about the motion of discovery, the
7 evidence, okay? The motion is actually two pages that the
8 lawyers sent the prosecutor but the discovery is what they
9 send back. And that's about one and half to two inches thick
10 of pieces of paper; is that right?

11 A: Yes, sir.

12 Q: And you met with the cops last week or week before last;
13 is that right? The Solicitor ---

14 A: No, I didn't meet with the cops.

15 Q: Okay. Did you meet with somebody about this case last
16 week?

17 A: Solicitor Lauree Richardson and Solicitor Tom, and my
18 lawyer, yes, sir.

19 Q: Okay. And you made a statement, right?

20 A: Yes, sir.

21 Q: And they recorded that statement?

22 A: Yes, sir.

23 Q: And prior to you making that statement, you reviewed all
24 the State's Evidence, right?

25 A: A couple of months ago.

1 Q: It wasn't a surprise to you, you knew what the evidence
2 was, right?

3 A: Yes, sir, a little bit of it.

4 Q: Which part did you not know?

5 A: What do you mean, I -- like the evidence in the packet, I
6 knew like once I read it, I didn't even know the evidence -- I
7 didn't know the evidence until I received a motion for
8 discovery.

9 Q: And that got you ready to make this statement, right?

10 A: No. Rasheed got me to make the statement.

11 Q: Okay. All right. Your first statement that you made to
12 the police, that was also a lie; is that right?

13 A: The very first one?

14 Q: Yeah.

15 A: Yes, sir.

16 Q: And that was you lied to them because you were trying to
17 protect yourself, right?

18 A: I lied because I was scared, didn't know what to do, never
19 been in that kind of trouble, trying to cover for somebody
20 else and not looking after myself.

21 Q: Well, it's not covering for other people, you were --
22 according of the testimony, you're the driver in an armed
23 robbery, right?

24 A: Yes, sir.

25 Q: You're the one that organized the people that day, drove

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1 them to the place, picked them up, if we believe your
2 testimony. The question from the Solicitor was who was the
3 mastermind, it looks like you're the mastermind, isn't it?

4 A: Definitely not, sir.

5 Q: I'm just going by your testimony. Glover wore a hoop
6 earring, right?

7 A: Uh-huh (affirmative response).

8 Q: And Amontre wore the stud?

9 A: Glover didn't have any earrings in. I was answering
10 Lauree Richardson's question from being around him at that
11 time, being his girlfriend.

12 Q: Okay. All right.

13 A: But that night, Amontre had earrings in.

14 Q: Stud?

15 A: Yes, sir.

16 Q: All right; that's it. Thank you.

17 REDIRECT EXAMINATION OF ASIA TASHAY COLLIER BY MS. RICHARDSON:

18 Q: Asia, what have I promised you?

19 A: You haven't promised me anything.

20 Q: And I just want to be clear for myself because I did get a
21 little confused with that. You recall Amontre having earrings
22 in that night?

23 A: Yes.

24 Q: Okay. Then to your recollection or do you know did Glover
25 have earrings in that night?

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1 A: No, ma'am. He didn't have earrings in.

2 Q: He did not have any earrings?

3 A: No, ma'am. Glover did not have any earrings then; Ellerbe
4 did.

5 Q: Okay. That's all, Your Honor.

6 THE COURT: Okay. You can step down. Thank you.

7 MS. RICHARDSON: Your Honor, we would ask that she be
8 excused from her subpoena.

9 THE COURT: Any objection?

10 MR. GARDNER: No, Your Honor.

11 THE COURT: Okay.

12 MS. RICHARDSON: Your Honor, can we approach briefly?

13 THE COURT: Okay.

14 (REPORTER'S NOTE: A bench conference was held off the record
15 in the presence of but out of hearing of the Jury.)

16 MS. RICHARDSON: The State would now call Amontre
17 Ellerbe.

18 THE COURT: Okay.

19 CLERK: Please raise your right hand and place your left
20 hand on the Bible.

21 AMONTRE ELLERBE, HAVING BEEN DULY
22 SWORN, TESTIFIES AS FOLLOWS:

23 CLERK: If you would, state your full name and spell your
24 last name.

25 MR. ELLERBE: Amontre Hakeem Ellerbe, E-L-L-E-R-B-E.

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AMONTRE ELLERBE - DIRECT BY RICHARDSON

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1 DIRECT EXAMINATION OF AMONTRE HAKEEM ELLERBE BY MS.

2 RICHARDSON:

3 Q: Mr. Ellerbe, hey. I'm Lauree Richardson on behalf of the
4 State. I'm gonna ask you the obvious question, okay. Why are
5 you wearing orange or in a jumpsuit today?

6 A: Because I'm currently incarcerated.

7 Q: What are you incarcerated for?

8 A: Armed robbery.

9 Q: The armed robbery of what location?

10 A: It's a gas station, I'm not sure which one.

11 Q: Okay. Okay. Who are your Codefendants in this case?

12 A: Tyreke Phillips, Aikeem Coles, Rasheed Glover and Asia
13 Collier.

14 Q: And you pled guilty to those charges; is that correct?

15 A: Yes, ma'am.

16 Q: How do you know Rasheed Glover?

17 A: Well, we grew up together.

18 Q: Are you from Conway?

19 A: Yes, ma'am.

20 Q: Did you go to school together?

21 A: Yes, ma'am.

22 Q: Okay. What school did you go to?

23 A: Conway High and we went to Conway Elementary together.

24 Q: Mr. Ellerbe, I'm just gonna jump right in. What role did
25 you play in this armed robbery?

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1 A: I was one of the two that went in the store.
2 Q: Did you have a weapon on you?
3 A: Yes, ma'am.
4 Q: Who else went in that store with you?
5 A: Rasheed Glover.
6 Q: To your knowledge, did he have a weapon on him?
7 A: No, ma'am.
8 Q: No, he did not or you don't know?
9 A: Can you repeat the question?
10 Q: Did Rasheed Glover have a weapon?
11 A: Yes, ma'am.
12 Q: He did?
13 A: Yes, ma'am.
14 Q: What color was your weapon?
15 A: Silver.
16 Q: Do you know what color his was?
17 A: I want to say it was like -- it wasn't black but it was
18 like -- it was dark, I'm not sure if it was brown or bronze.
19 Q: Okay. If I show you a picture, see if you can tell me
20 maybe. I'm referring to State's Exhibit Eighteen. What is
21 that? Do you recognize those?
22 A: Yes, ma'am.
23 Q: I know I'm close to you but you're gonna have to speak up,
24 okay, because they still have to hear you. Okay?
25 A: Yes, ma'am.

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1 Q: Were these the weapons that were used in the armed
2 robbery?

3 A: Yes, ma'am.

4 Q: Which weapon did you have?

5 A: The top one or this one (indicating).

6 Q: I'm sorry. Okay. And whose gun is that?

7 A: It was neither one of ours. We got it from somewhere.

8 Q: Who did you get it from?

9 A: I got it from Tyreke Phillips.

10 Q: Okay. And whose weapon is that? Who had that weapon that
11 night?

12 A: At first, Aikeem had the weapon but during the robbery,
13 Rasheed had the weapon.

14 Q: Okay. What did you take from the store, what did you get
15 from the store?

16 A: I took approximately \$15.

17 Q: Okay. Did you get anything else?

18 A: No, ma'am.

19 Q: What about the clerk's cell phone?

20 A: No, ma'am. I grabbed cigars, I did grab cigars, Dutch
21 Masters.

22 Q: Okay. Who took the cell phone?

23 A: I guess Rasheed. I didn't know about the cell phone until
24 we got arrested that night.

25 Q: Okay. When -- what role did Tyreke and Aikeem play?

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- 1 A: Well, at first, all four of us were going to do it but
2 those two backed out, so they really just stood behind the
3 store not doing nothing.
- 4 Q: So, the original plan was all four were going to enter?
- 5 A: Yes, ma'am.
- 6 Q: But for some reason, they didn't?
- 7 A: Yes, ma'am.
- 8 Q: Are you sure they didn't go in the store?
- 9 A: A hundred percent positive.
- 10 Q: And are you sure who went in the store with you?
- 11 A: Rasheed Glover.
- 12 Q: When you got -- whose vehicle were y'all in? When you got
13 to the drove up the store, whose car were you in?
- 14 A: Oh, we was in Rasheed's brother's car then.
- 15 Q: Okay. Do you recall what kind of vehicle that is?
- 16 A: I want to say a Ta or was it a Trailblazer, I think.
- 17 Q: Do you know what color it is?
- 18 A: Black.
- 19 Q: Where were you when you got -- so after the robbery had
20 taken place and you got back in the vehicle, where were you
21 sitting?
- 22 A: I was sitting -- well, me, Tyreke and Aikeem was in the
23 backseat or the middle seat. And then Rasheed's girlfriend
24 was driving and he was on the passenger seat.
- 25 Q: What did you notice Rasheed doing?

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1 A: Changing his clothes.

2 Q: Okay. And what was he changing -- what was he wearing
3 that night?

4 A: During ---

5 Q: During the robbery, what was he wearing?

6 A: I reddish burgundy hoodie, black pants, I want to say, and
7 during the robbery the shoes, I think were black Vanns.

8 Q: What were you wearing during the robbery?

9 A: I was wearing the same Jordans that Rasheed had on when he
10 got arrested. We both had on the same shoes when we were
11 arrested.

12 Q: Why did he change shoes?

13 A: I guess he was smart.

14 Q: Or at least thought he was.

15 A: Yes, ma'am.

16 Q: Let me show you what's been identified or in evidence as
17 State's Exhibit Thirty-one. Who is that?

18 A: Rasheed.

19 Q: And is that what Rasheed was wearing when he went in the
20 store with you?

21 A: No, ma'am.

22 Q: I'm gonna show you what's been marked as State's Exhibit
23 Thirty-two. Who is that?

24 A: Rasheed.

25 Q: Okay. How do you know that?

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1 A: Because my shoes had mud on them and I know what pants he
2 had on.
3 Q: Okay. Are those the shoes you recall Rasheed wearing
4 during the robbery?
5 A: No, ma'am.
6 Q: Okay. It seems like a silly question. Who is that?
7 A: Me, Amontre Ellerbe.
8 Q: And that's State's Exhibit Twenty. Is that what you were
9 wearing the robbery?
10 A: Except the hoodie.
11 Q: Except the hoodie, so you had on a hoodie?
12 A: Yes, ma'am.
13 Q: What color was your hoodie?
14 A: Black.
15 Q: Okay. I'm referring to State's Exhibit Twenty-three.
16 A: That's me again.
17 Q: Okay. And is that what you were wearing, your pants?
18 A: Yes, ma'am.
19 Q: And are those the shoes you were wearing?
20 A: Yes, ma'am.
21 Q: Now, to your knowledge, do you know what happened to
22 Rasheed's black shoes?
23 A: They was in the truck still, his brother's truck.
24 Q: Okay. When you got into the taxi, do you recall if
25 Rasheed had those shoes with him?

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AMONTRE ELLERBE - CROSS BY GARDNER

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1 A: No, ma'am.

2 Q: I'm sorry. I asked it confusingly. Did he have those
3 shoes with him?

4 A: In the cab?

5 Q: Yes.

6 A: No, ma'am.

7 Q: Okay. Whose plan was it to rob this store?

8 A: Rasheed's.

9 Q: But no doubt that you took part in that as well?

10 A: Yes, ma'am.

11 MS. RICHARDSON: Nothing else from the State, Your Honor.

12 THE COURT: Okay.

13 CROSS EXAMINATION OF AMONTRE ELLERBE BY MR. GARDNER:

14 Q: Mr. Ellerbe, you pled guilty yesterday to armed robbery;
15 is that right?

16 A: Correct.

17 Q: But prior to that, you had already, you were already a
18 convicted felon because you had already pled guilty to some
19 other charge back in 2014, breaking into automobile tanks
20 where fuel was store; does that ring a bell?

21 A: Yes, sir.

22 Q: All right. What did you get for that?

23 A: Probation.

24 Q: Probation, okay. And Asia Collier, do you know who that
25 is?

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- 1 A: Yes, sir.
- 2 Q: Okay. She has not pled guilty or do you know whether or
3 not she's pled guilty?
- 4 A: No, sir, I do not know.
- 5 Q: Okay. The other two boys you mentioned, do you know
6 whether or not they have pled guilty?
- 7 A: Yes, sir.
- 8 Q: Okay. So, they've pled guilty and you've pled guilty.
- 9 A: Yes, sir.
- 10 Q: And you're hoping to get your sentence reduced as a result
11 of testifying today; is that right?
- 12 A: No, sir.
- 13 Q: You don't care if your sentence gets reduced?
- 14 A: No, sir.
- 15 Q: When you pled guilty, was it part of your guilty plea to
16 testify?
- 17 A: No, sir.
- 18 Q: So, you're just testifying on your own?
- 19 A: Yes, sir, because Rasheed tried to blame everything on me.
- 20 Q: On you?
- 21 A: Yes, sir.
- 22 Q: Okay. You're getting back at him, aren't you?
- 23 A: Not getting back, I'm just telling the truth.
- 24 Q: Okay. Did you talk to Officer Dailey?
- 25 A: I don't recall that officer.

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AMONTRE ELLERBE - CROSS BY GARDNER

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- 1 Q: He was the one that at the -- when the van got pulled over
2 at the gas station, do you remember that?
3 A: Yes, sir.
4 Q: You were in it, right?
5 A: Yes, sir.
6 Q: Okay. Who was sitting -- if I'm the driver, who was
7 sitting in the passenger seat?
8 A: Beside the driver?
9 Q: Yes, sir.
10 A: Tyreke Phillips.
11 Q: Tyreke Phillips?
12 A: Yes, sir.
13 Q: And a County officer took Tyreke over by himself and
14 talked to him a little bit and Tyreke had a red ---
15 A: Yes, sir.
16 Q: --- sweatshirt or a hoodie on, right?
17 A: Yes, sir.
18 Q: Okay. And you definitely went in the store, right?
19 A: Yes, sir.
20 Q: Are you aware that the store clerk and the officer that
21 took Tyreke Phillips said that he was the one, the other, the
22 second one that went in the store?
23 A: No, sir, I'm not aware of that.
24 Q: Okay. All right. Did anybody talk to you earlier about
25 the shoes before you testified or when you pled guilty?

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AMONTRE ELLERBE - REDIRECT BY RICHARDSON

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1 A: Oh, no, sir. No, sir.

2 Q: Okay. How did you know about the shoes?

3 A: What do you mean how did I know about the shoes?

4 Q: Well, today, I'm hearing for the first time that there is
5 a second pair of shoes. Has anybody talked to you about that?

6 A: Oh, no, sir.

7 Q: Okay. You didn't talk to Asia about it?

8 A: No, sir. I haven't spoken to Asia except one time since
9 whole thing happened. I seen her -- actually, when I first
10 got out of jail in July, I seen her at McDonald's.

11 Q: Okay. All right. Is she the ringleader in this thing or
12 the, that's what the Solicitor said, or mastermind?

13 A: No, sir.

14 Q: Okay. Was it you?

15 A: No, sir.

16 Q: All right. But you went in the store?

17 A: Yes, sir.

18 Q: That's all I've got. Thank you.

19 REDIRECT EXAMINATION OF AMONTRE ELLERBE BY MS. RICHARDSON:

20 Q: Just one question. Who was the mastermind?

21 A: Rasheed Glover.

22 MS. RICHARDSON: That's all from the State, Your Honor.

23 THE COURT: Okay. Thank you. You can step down.

24 MS. RICHARDSON: The State rests, Your Honor.

25 THE COURT: Okay. How about y'all approach just a

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MOTIONS

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1 second.

2 (REPORTER'S NOTE: A bench conference was held off the record
3 in the presence of but out of hearing of the Jury.)

4 THE COURT: Ladies and gentlemen, it seems to be a good
5 time to stop for lunch and I'll need you back in the jury room
6 by quarter till 2:00, 1:45, if you can. I'll remind you don't
7 discuss this case or allow anyone to discuss it with you.
8 I'll see you at 1:45 and will continue with this case. Thank
9 you.

10 (REPORTER'S NOTE: Jury exits courtroom. 12:20 P.M.)

11 THE COURT: Okay. Do we need to deal with any matters of
12 law or anything?

13 MR. GARDNER: Do you want me to do my motion now or when
14 we come back?

15 THE COURT: What -- we're probably now, or you know, if
16 we do it when we come back, we need to be a little bit earlier
17 where I can bring the Jury out ---

18 MOTIONS:

19 MR. GARDNER: I'd just move for a directed verdict.

20 THE COURT: Okay. And I'll respectfully deny your
21 motion. I think there's sufficient evidence in the record to
22 let this thing go to the Jury.

23 BY THE COURT:

24 And as far as charges are concerned, when we come back,
25 you'll get last argument since you didn't put up any evidence,

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BY THE COURT

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1 so the State will and then you'll go and I'll charge. Now, I
2 was gonna do the standard charge of reasonable doubt, armed
3 robbery, the hand of one is the hand of all.

4 MR. GARDNER: Mere presence, Your Honor?

5 THE COURT: I'll have to think about that. I don't know
6 if there's any evidence that he -- mere presence, I'm gonna
7 instruct them don't -- I'll certainly tell the Jury that, you
8 know, I'll instruct them to the fact that he was not present,
9 they cannot consider that in anyway and the fact that he
10 didn't testify that they can't consider that in any way. And
11 I'll think about mere presence. There's absolutely no
12 evidence in the record in this case that he was merely
13 present, I don't think. All right. But I'll let you know
14 when we get back at a quarter till 2:00.

15 MR. GARDNER: Thank you, Judge.

16 MS. RICHARDSON: Thank you, Your Honor.

17 MR. TERRELL: Thank you, Your Honor.

18 (RECESS - 12:22 P.M.)

19 *****OFF THE RECORD*****

20 (On the Record - 1:53 P.M.)

21 THE COURT: I asked the Jury to select a foreperson. I
22 asked the Bailiff to go in and ask them because I found out
23 they usually do better when they select the person than when I
24 appoint somebody. So, Jamie Orner, Number 265, has been
25 selected as the foreperson.

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CHARGE CONFERENCE

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1 CHARGE CONFERENCE:

2 THE COURT: Anyway, and when a mere presence charge, even
3 though I'm not really sure there's any evidence of it, out of
4 an abundance of caution, I'll probably charge it, simply --
5 especially on a TIA, you know, you ---

6 MR. GARDNER: I appreciate that and I have a theory that
7 may ---

8 THE COURT: I mean, I understand that. It may be a
9 scintilla of the issues that he were mere present but I don't
10 know. I guess the -- it seems from all the evidence that he
11 participated and he just wasn't standing there watching but I
12 think that ---

13 MR. GARDNER: Well, we have competing versions of what
14 happened, one from the witness clerk saying it was the other
15 fellow, not Campbell [sic] and then the other witness himself
16 said it was him and Campbell -- so one of this, two of those
17 three and the other two according to the State's last witness
18 said the remaining two weren't doing anything. So, if
19 Campbell was one of the ones not doing anything, then mere
20 presence would be appropriate to find in my opinion.

21 THE COURT: And you -- certainly, if you want to argue
22 this issue, I -- I'm not always sure the Court of Appeals is
23 gonna tell me. You know, I figure because there's a --
24 sometime the Appellate level looks down on TIAs to some
25 degree. So, under precaution, I was trying to cover at least

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CHARGE CONFERENCE

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1 every basis. It would be really tough to get reversed because
2 I didn't charge mere presence, when I really don't think
3 that's what your evidence -- but having said that, I don't
4 think based on the evidence in this case that the charge is
5 gonna hurt the State either.

6 MR. TERRELL: If Your Honor is inclined to charge then
7 the State is find with it but I don't think it's necessary but
8 I agree with your abundance of caution, Your Honor.

9 THE COURT: Okay. All right. I can't figure out what
10 the Court of Appeals thinks sometimes. Supreme Court I can
11 pretty well understand their rationale but sometimes I don't
12 understand the Court of Appeals rationale, but having said
13 that, it doesn't seem like the Supreme Court agrees with them
14 most of the time either. I think they get reversed more than
15 all of us put together. So, we'll see.

16 Okay. Anything else?

17 MR. GARDNER: You want -- I'll rest when they come out
18 and then we'll go straight into it?

19 THE COURT: Okay. That'll be fine and y'all ready to do
20 closing? How long do you think your closing will be?

21 MS. RICHARDSON: Fifteen minutes for both, Your Honor.

22 MR. GARDNER: Sure.

23 *****OFF THE RECORD*****

24 (On the Record.)

25 THE COURT: If y'all are ready, we'll bring the Jury in.

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CLOSING STATEMENT BY RICHARDSON

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1 (REPORTER'S NOTE: Jury enters courtroom. 1:59 P.M.)

2 THE COURT: Okay.

3 MR. GARDNER: Your Honor, the Defense rests.

4 THE COURT: Okay. Ladies and gentlemen, you have heard
5 all of the evidence that you're going to hear in this case.
6 Now, you're gonna hear the closing arguments of the attorneys.
7 I will charge you on the law that applies to this case and
8 give you this case to decide. So, if you'd pay close
9 attention to the attorneys, they will give you their closing
10 argument.

11 Madame Solicitor?

12 MS. RICHARDSON: Thank you, Your Honor.

13 CLOSING ARGUMENT BY MR. RICHARDSON:

14 MS. RICHARDSON: Good afternoon, ladies and gentlemen.
15 We've talked to you a lot about armed robbery. It seems like
16 a no-brainer what it actually is but I'm gonna talk to you
17 specifically on how the law defines what an armed robbery is
18 and again it's kind of what it seems to be. But it's the
19 taking away of personal property of another person which you
20 don't have a right to take and your intent is to permanently
21 deprive that person of that property. And you do that while
22 you are armed with deadly weapon.

23 So, these are the questions we're asking you to determine
24 whenever you get in the back. Now, the State's burden of
25 proof is beyond a reasonable doubt. What is that? What is

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CLOSING STATEMENT BY RICHARDSON

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1 reasonable doubt? It still amazes me that what is a semester
2 long in law school we expect jurors to get in a three-minute
3 rendition of that. What is reasonable doubt? All I can tell
4 you is that you folks are reasonable people. That's why we
5 picked you. Okay? My burden is not all doubt. There are
6 very few things in life that I can prove to you beyond all
7 doubt, beyond a shadow of any doubt. That's not my burden.
8 My burden is reasonable doubt. What is reasonable in this
9 case. And that's what I ask you to ask yourself. Ask
10 yourself these questions: Was Angie Gilchrist robbed at
11 gunpoint. Was her personal property or the property of the
12 Scotchman taken? I submit to you that we have proved that to
13 you beyond a reasonable doubt. I submit to you that you'll
14 get to see the pictures in the back. There's no doubt
15 something happened in that store. There's no doubt that
16 police responded that night. There's no doubt that cigarillos
17 were taken. How do we know that? Because the Defendant is
18 arrested in the vehicle with the cigarillos. There's no doubt
19 her cell phone was taken. How do we know that? Because the
20 Defendant was found in the vehicle that has the stolen cell
21 phone with the purple cell phone case. You'll get to see
22 those pictures. There's no doubt that they were armed with
23 deadly weapons. How do you know that? Because the Defendant
24 was found in the vehicle with the stolen weapons, with the
25 weapons, I'm sorry, they happened to be stolen. Ms. Gilchrist

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1 testified that both of the gentlemen who came in were armed.
2 Two had guns, two guns were found. Now, the next logical
3 question is was it Rasheed Glover. You've got to ask yourself
4 that question because he's the one on trial here today.
5 There's two ways you can get to Rasheed Glover in the State of
6 South Carolina. One, you can find that he is guilty because
7 he entered that store. We submit to you that that's what
8 happened and I'll go into that in just a minute. There's
9 another way in South Carolina that you can find him guilty of
10 this armed robbery. And that is under the theory, the hand of
11 one is the hand of all. And what that law says is basically,
12 again, if you have a group of people who are conspiring to do
13 something, whether that be murder, whether that be a robbery
14 or whatever it may be. When there's a plan to do something
15 and you are involved in carrying that plan through, no matter
16 what part you played, you played a part in that plan. You're
17 not just planning it, you're actually playing a part in it,
18 then you're guilty of that underlying offense, in this case,
19 the armed robbery. We know there was a plan. Asia told you
20 there was a plan. They had been planning it. Why? Why,
21 Asia, why do you do this? You've got a simple assault and a
22 battery and a breach of trust on your record, Magistrate level
23 offenses. That's not gonna prevent you from doing anything in
24 life. Why in the world do you get involved in an armed
25 robbery? And I still for the life of me don't understand it.

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CLOSING STATEMENT BY RICHARDSON

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1 When we started, we sit here in the beginning and we said, we
2 can't tell you why. Why is it that people think that they can
3 take other people's property? Why is it that a ten, two fives
4 and eight ones were worth getting a gun held to you? It still
5 just baffles me, and I'm sorry because I'm off on a tangent
6 because I don't understand it, I don't.

7 But you judge whether or not she was telling you the
8 truth. What was her demeanor? What was her emotion? Do you
9 think she was lying to you? All of those things are valid
10 questions. I encourage you to ask yourself those questions.
11 What does Asia have to gain? She's charged with armed
12 robbery, too. She told you and I submit to you she'd be lying
13 if she told you anything different. She hopes she gets
14 something out of it, she does. She wants to because she wants
15 to change her life around, she doesn't want this fall on her.
16 But she also told you, I haven't promised her anything. I
17 haven't promised her one thing. She sat there and admitted
18 her involvement in this. She told you. I submit to you, I
19 won't be trying Asia because she admitted everything under
20 oath of what she did that night. There was a plan. I was
21 supposed to drive them. I did drive them. I dropped them
22 off. All four got out, I can't tell you who went in. Don't
23 you think that that testimony would have been more valuable to
24 me if she could tell me who went in that store? She didn't
25 try to lie with that. I can't tell you who went in, my back

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1 was turned to them. All I can tell is all four get out, it
2 seems like an eternity, realistically I think she said it was
3 five to six minutes. I don't even know if it was that long
4 based upon the testimony of the police and stuff. They come
5 back, all four get in. What did they have? Two have guns.
6 She says she starts freaking out. She's panicking at this
7 point. What have I got myself into? At first, I was trying
8 to prove myself to my boyfriend who is Rasheed Glover. But
9 now what have I got myself into? They go to Country Manor,
10 ask yourself, who was telling her where to go? Who was
11 controlling her? Who had the power over her to control her?
12 It wasn't Ellerbe; it wasn't Aikeem Coles; and it wasn't
13 Tyreke Phillips; it was Rasheed Glover. He's the one that had
14 the power over her. That's why she submitted to his plan.
15 They go to Country Manor, you can see it on the map, you'll
16 have all that stuff back there with you. I'm not good at
17 distances, I would say a mile or less than a mile down the
18 road from where the actual Scotchman is. They see some police
19 cars, she really is freaking out. So, it's her idea to call
20 the cab because she wants to separate herself at this point in
21 time from what they were doing. They were supposed to meet --
22 I don't remember the name of the development and I apologize
23 for that -- back behind the Walmart. They never show up so
24 she goes to Huddle House and waits. She sees cars and police
25 cars and knows that they've been caught.

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1 Rasheed Glover asked her to throw away the shoes, get rid
2 of the shoes, get rid of the gloves. Why? Why? Ladies and
3 gentlemen, he didn't want the police finding those pair of
4 shoes. Why? Remember crime scene guy, Wooten, Don Wooten, he
5 told you -- he took the picture of the bottom of their shoes
6 because none of the shoes matched the print that was inside.
7 Hmm, strange. Why? Because the shoe with the print is now in
8 the garbage back behind Walmart at the instruction of Rasheed
9 Glover.

10 I've done my best to separate these for you as to what
11 belongs to who. You can pretty much tell by the pants of
12 whose shoes belong to who. This is Amontre, this is who you
13 heard from. Okay? We'll get into his testimony in just a
14 minute.

15 Mud on the shoes. It had been raining that night. I
16 believe somebody testified that the back parking lot was all
17 dirt, it's muddy back there, especially when it rains. It had
18 been raining that night.

19 Excuse me, this is Tyreke Phillips. This is who the
20 clerk IDs, this is who is in that passenger seat. Let me talk
21 to you about that for a minute. There is a reason why in the
22 South Carolina Courts, we don't allow show up lineups.
23 There's a reason for that because they're unduly suggestive.
24 When I have -- when there are three, four individuals that
25 have committed a crime and I pull one out of a vehicle and ask

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CLOSING STATEMENT BY RICHARDSON

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1 you if this is the one who did it while two other ones are
2 inside that vehicle, it's not fair. And if we were trying
3 this guy, that would never be allowed in, it just wouldn't,
4 because it's unduly suggestive and there's a reason for that.
5 Think about what she testified to, I remember a red shirt and
6 blue jeans, red hoodie and blue jeans, a dark hoodie and blue
7 jeans. It was dark, don't know if it was dark blue or black
8 but it was a dark hoodie. That was the ID that went out.
9 That was the BOLO, the be-on-the-lookout that went out, red
10 hoodie, jeans, dark hoodie, jeans; no khaki pants, no khaki
11 pants. Does he have mud on his shoes? Absolutely. Was he
12 involved? Absolutely. He's still wearing the same shoes.
13 His shoe print don't match the shoe on the inside.

14 Let's talk about Mr. Coles. Mr. Coles has the mud on his
15 shoes, he does. He has the diamond-studded earrings, he does.
16 Nobody else has on earrings. He's got the diamond-studded
17 earrings. Asia says, I don't know those earrings. I don't
18 remember him having any earrings in. Rasheed, I know wears
19 earrings, but I asked her specifically, did Rasheed have his
20 earrings in, no. I don't remember him wearing his earrings
21 that night either. What about Amontre? Amontre wears
22 earrings? Yeah, he wears earrings. Mr. Coles has on purple
23 shoes and they have mud on them. Was he involved?
24 Absolutely, he was involved. You've heard him, they've all
25 pled guilty. He's admitted his involvement and he was

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CLOSING STATEMENT BY RICHARDSON

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1 involved.

2 Now, let's talk about Rasheed Glover, he's the one on
3 trial here today. This is his day. It is January 2nd at 1:30
4 in the morning. He has on a t-shirt. He has on a t-shirt.
5 There's two more that have on t-shirts, too. Who is the one
6 that's not wearing a t-shirt? Tyreke. Now, you tell me, does
7 it make sense that if you were the one who went inside, if
8 Tyreke is the one who went inside, does it make sense that all
9 these others are changing clothes but yet the one inside keeps
10 a sweatshirt on? That don't make sense. He kept his clothes
11 on because he didn't think he had anything to hide, that's why
12 he kept his clothes on. He had something to hide. 1:30 in
13 the morning, no sweatshirt.

14 Now, sometimes it's in cases that what you don't see or
15 what you don't hear, speaks a little bit louder than
16 everything else. Want to know how we know Rasheed changes his
17 shoes besides the fact that Amontre told you he did and Asia
18 told you he did and they hadn't seen each other except one
19 time, I believe at McDonald's but didn't talk about the case
20 and you heard it ain't in the discovery, how do they know
21 about the shoes? Because that's what happened. How do we
22 know about the shoes? Take a look at Mr. Glover. What do you
23 see on his pants? He's got mud on the bottom of his pants.
24 Now, you tell me how do you get mud on the bottom of your
25 pants but your shoes are clean as a whistle. How does that

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CLOSING STATEMENT BY GARDNER

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1 happen? Because you changed your shoes. He thought he was
2 outsmarting us. He thought he was being clever. What he
3 didn't expect is that Asia would turn on him. What he didn't
4 expect is that Amontre would turn on him. But, ladies and
5 gentlemen, they told you what happened. Amontre told you, I
6 did it, I went inside, I was armed, I was. I've pled guilty
7 to that. But guess who went in with me because if I'm going
8 down, we all going down and you went in with me. Rasheed
9 Glover was the mastermind. Rasheed Glover was the mastermind.
10 I'm not trying to get even, I'm just telling you the truth;
11 that's what he said.

12 Ladies and gentlemen, five were charged, three have pled
13 guilty, four have admitted their guilt. Today is the day that
14 we tell Rasheed Glover that he is just as guilty.

15 Thank you for your time and attention.

16 CLOSING STATEMENT BY MR. GARDNER:

17 MR. GARDNER: If Your Honor please, Madame Solicitor, Mr.
18 Foreman, ladies and gentlemen of the Jury thank you for your
19 attention for the last two days. It's been a -- I thought it
20 would be a simple trial and I think it has been. You know,
21 basically this case -- I could sum this case up with two
22 questions. One, would you go into business with Asia Collier?
23 Would you have relied on her information and make a decision
24 affecting your financial welfare or your children's or your
25 own self; would you rely on her to do that? I submit that

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1 y'all are reasonable people and you wouldn't and I'd also
2 submit to you you shouldn't rely on her today. She is a
3 convicted, a person who breaches people's trust. She has a
4 pending armed robbery, looking at thirty years. She is
5 already lied to the police one time. She prepared herself by
6 looking through the State's evidence. She met with the
7 solicitors to get ready to sell y'all a bill of goods today.
8 If there is anybody that's been a ringleader or mastermind, I
9 would submit it would be her. The shoes -- for the last two
10 days I told you I didn't have to -- the way the system works,
11 we are not usually not able to but we certainly don't have to
12 put up evidence and things like that. The last two days I've
13 told you the facts as I understood them to what they would
14 come out would be the two boys went in the store. One was
15 wearing a red hoodie or sweatshirt, whatever it was, and the
16 other one was wearing black or dark blue. I don't know if it
17 was black or if it was dark blue. But, I don't think that
18 that is an issue anymore. I think everybody has decided
19 that's what happened. And I also -- I spent two days talking
20 about the shoes, that Glover's shoes were not -- did not have
21 mud on them like the other guys that went into the store.
22 And, in the ninth hour how does the State solve the problem,
23 they put on Asia to talk about a different pair shoes that we
24 don't know anything about. They'll have that shoes. The last
25 guy that testified, that was sad, you know, you can dress it

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CLOSING STATEMENT BY GARDNER

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1 up anyway you want to but he is here to retaliate and that is
2 all there is to it. He wants you to believe that he is not
3 trying to get his sentence cut and you can believe that if you
4 want to. I don't think anybody that's reasonable is going to
5 believe that. I think he wants his sentence cut. But, I
6 think we all know that he is here to retaliate and he said as
7 much on the stand. But, what troubled me, he said that Glover
8 is trying to blame it on -- Glover is not blaming anybody for
9 anything. You know, you heard one of the police officers say
10 that a police officer read him his rights, took a statement
11 from him. We don't know what that statement is, they haven't
12 played any statement, Glover hasn't got on the stand and
13 blamed anybody for any of this stuff. I've been trying case
14 is a long time and this is one of the first times, if not the
15 first time, where I've seen witnesses get on the stand to say
16 one thing and say that one thing in then at the closing
17 argument to have the Solicitor say, well, that's not what they
18 meant, they didn't mean that part. That was my witness but
19 she didn't mean that or talk about stuff that wouldn't be
20 admissible if that person was on trial. None of that makes
21 any sense to me. I talked to yell at the beginning about
22 reasonable doubt. If you wanted to look at an example of
23 reasonable doubt, I can come up with a better one than that.
24 Let me talk about, which goes along with that, is the
25 burden of proof. The Solicitor talked about she thought that

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1 she had proved the robbery had occurred. There's no doubt
2 about that; I told y'all that in the beginning. Two boys went
3 in and Rob to this place and I'm sorry, I told the lady I'm
4 sorry about that, sorry you're testifying about this but
5 Glover -- I haven't seen any evidence that Glover went in
6 there except for the last fellow. He is the only one that
7 said it that he said he was retaliating about it. You know,
8 the best evidence about who went in that store, if you believe
9 Ellerbe, whatever the guy, the last fellow testified, you
10 believe him, the guy in the prison suit is that he went in the
11 store. Okay? And the police officer that took the other
12 fellow, not Glover, to the witness, the witness right after it
13 happened when she said, on the stand, that her memory would be
14 better right after it happened than it would yesterday, that
15 it was another guy. Those are your two guys that went in the
16 store, not Glover. So, the State has proved a robbery, we
17 know that, that's not a surprise, but they haven't proved that
18 Glover was a part of the robbery and certainly hadn't proved
19 that he went in the store.

20 Let's talk about the burdens of proof for a minute. I
21 talked to you yesterday about the classic definition of what
22 is not in the civil case, the civil case and a criminal case.
23 Now that we are -- this thing is about to be over, you're
24 gonna -- the Judge is gonna talk to you, give me some law and
25 you're gonna go to deliberate. I think it's real important to

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1 talk about the different levels so we can have some
2 comparison. I think it's -- I submit to you it would be
3 helpful. The different levels of burden of proof, there's a
4 thing called a scintilla of evidence. The only reason I have
5 ever heard of that is because the United States Supreme Court
6 has used it to say that that's nothing, not a scintilla of
7 evidence. If you were going up the chain, that would be on
8 the bottom because it's nothing. The next step of proof would
9 be a reasonable suspicion. That would allow a cop to pull
10 somebody over if he had a reasonable suspicion to pull
11 somebody over. I've been pulled over for speeding before,
12 stuff like that. The next level would be probable cause.
13 From TV shows and everything, probably everybody has heard of
14 that. That's just slightly higher than a reasonable
15 suspicion. You may have heard of Grand Juries, that's what,
16 if you were to go to them Magistrate, he would be looking for
17 probable cause, that's just to get warrant or to submit
18 something to the Grand Jury, it's a very low level. The next
19 level of proof we talked about yesterday is the preponderance
20 of evidence. That's 50.001 percent. You know, that's getting
21 there but that's still a pretty low level of proof. The next
22 level of proof is clear and convincing evidence. That's what
23 the government uses to take people's children away from them,
24 terminate parental rights. The next level of proof is
25 reasonable doubt and that's the highest level of proof that we

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1 have and that's pretty high. But to convict somebody in the
2 United States, the government has to prove beyond that
3 reasonable doubt. Okay? You have to go beyond that. So,
4 that is a high standard. I have always found that helpful and
5 I submit that to you if you are looking at something to gauge
6 what level of proof somebody has got to do. There's no
7 mathematical figure but that is a backdrop that you can look
8 at. Speaking of that, you know, it fits like a glove with the
9 preponderance of evidence we talked about yesterday. I submit
10 to you the Judge is gonna tell you a little bit about it when
11 he starts charging you on this stuff. I would just add to you
12 that that was not only yesterday, is today and he goes into
13 the jury room with you. So, when you start deliberating, your
14 deliberations are still on the default of the not guilty. If
15 you think the State has proved beyond a reasonable doubt each
16 and every element -- the Solicitor talked to you about the
17 elements, I don't disagree with the elements, robbery is
18 robbery and I don't disagree that it was a robbery. Our
19 contention is that Glover was not the person that did the
20 robbery. Okay?

21 At the beginning of this I said two questions. Go back
22 to my questions. The second question, Would it help me
23 resolve this case? I submit it would be helpful for you is if
24 Asia Collier hat and said what she said, would you be
25 surprised? And, of course, the answer to that is, yes, you

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1 would be surprised. She's bargaining for her life. She's got
2 to sell it and she's got to sell it to the twelve of you. She
3 is trying to get probation or minimum time on a thirty-year
4 deal. She laughed, I submit there is nothing funny about
5 this. She cried, if I was looking at thirty years I would cry
6 to, I would try to sell it, too, I don't blame her for that.
7 But, what I didn't tell you is, we can't let that send him to
8 prison. Okay? And I just wanted over to my desk over there,
9 he's not there and we talked about that yesterday. I told you
10 he might come yesterday you might come today, he might not
11 come at all. The Judge will tell you that that can't even
12 enter into your discussions. Okay? And, it should. The
13 State either proved it or they did it. You don't need him
14 here, he's not -- he doesn't have to testify, there's nothing
15 he can add to this just whether or not the State proved that
16 Glover went in the store; he didn't. Did he have any planning
17 to do with it? He didn't. The last guy, I know it was sad,
18 but a couple of things he said took some glimmer from, I
19 learned a little bit about this case. He said that two of the
20 boys didn't do anything. Okay? So, if that's the truth, they
21 have pled guilty -- people plead guilty for all kinds of
22 reasons. There's no doubt, it's undisputed, that the two boys
23 he was talking about pled guilty to the armed robbery. But if
24 they didn't do anything, that's fine. But, two boys out of
25 the four didn't do anything. I submit to the more accurate

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1 picture would be that Campbell was one of the two boys they
2 didn't do anything and merely being present at the scene of
3 the crime is not enough to be guilty of. Okay? A good
4 example, in this case along, the cab driver, he might've been
5 present, he certainly was there when the cops came but he
6 wasn't arrested. They're not saying he was a part of it. You
7 know, there are all kinds of scenarios out there we could play
8 out that would show you that Glover is not guilty of this. I
9 mean, he could have -- cabs pick people up, you know, we
10 didn't hear from the cab driver. That would've -- I would've
11 liked for you to have heard from the cab driver. Did he pick
12 up all of them at the same time? Did he pick up three of them
13 and then pick up Glover? What were they doing at the Estates
14 Manner or Conway Manner, whatever that housing development is.
15 Does somebody have a house there? I mean, how was that
16 chosen? I just don't think we've got enough there to send
17 somebody to prison for that long on this kind of charged in
18 this kind of flimsy evidence. I was told a long time ago,
19 when I went to the Solicitor's office that if you're looking
20 for what direction the wind is blowing in, don't look at the
21 trunk of the tree, you look at the leaves, you look at the
22 little things. What are the little things in this case?
23 Everybody's story -- and we really didn't hear anything
24 concrete. If you're gonna make a business decision that
25 affects you or your loved ones, did we hear anything from

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1 anybody from this witness stand that will be sound advice. If
2 you're getting ready to buy stock, by boat, by a car, go on a
3 trip somewhere, I mean, is this the kind of advice that you
4 want to hear? No, you want to hear something more solid.
5 Witnesses don't remember what happened, police officers don't
6 bring their notes, they don't bring the recordings, we didn't
7 hear from a detective, we didn't hear statement. You know,
8 one of the things that the Judge will tell you that will help
9 the Jury is that -- it was one of the hardest things I had to
10 learn as a lawyer that Judges will tell you that you can
11 believe a witness, you can believe part of what a witness
12 said, you can believe all of what a witness said, you can
13 believe none of what a witness says. That's important for
14 people like Asia, there's no doubt that she, in my mind, that
15 she planned this thing. She was the driver, she did pick up,
16 she did the, you know, the stuff that got done. You can
17 believe whatever you want to about that but you can also
18 disbelieve the part about her having -- to saying that Glover
19 was involved. Because it she doesn't say Glover is involved,
20 she's not getting a deal and she's going to the penitentiary.
21 You've heard enough from me. Unfortunately, you haven't
22 heard enough from the stand, you haven't seen enough evidence
23 to do a conviction. I told you yesterday when I got up here
24 today, there would be only one verdict that would be
25 reasonable and that's not guilty. Thank you for being

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CHARGE TO JURY

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1 attentive.

2 CHARGE TO JURY:

3 THE COURT: now, ladies and gentlemen, that you've heard
4 all the evidence in this case as well as the closing arguments
5 of the attorneys, I'm going to charge you on the law that you
6 are to apply in this case. And under our Constitution and
7 code of laws, only the Jury can make a finding of fact in a
8 case. So, if I've said anything or done anything in this
9 trial that you think I have an opinion about the facts, you
10 are to disregard that because you and only you can decide this
11 case based on the facts. And under the same Constitution and
12 code of law that makes me or makes you the exclusive judges of
13 the facts, it makes me the exclusive judge of law. So, if you
14 have an idea as to what you think the law is or what the law
15 ought to be in it differs from what I tell you the law is now,
16 you are to disregard your ideas and apply the law exactly as I
17 give it to you. And the fact that this Defendant was arrested
18 and charged and indicted in this case is not evidence in this
19 case, it should not be considered by you as evidence of guilt
20 in this case. The indictment is simply a formal written
21 document that brings these cases to court. To that
22 indictment, this Defendant has entered a plea of not guilty,
23 therefore, it placed the burden on the State of South Carolina
24 to prove each and every element of that indictments beyond a
25 reasonable doubt. A person charged with committing a criminal

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1 offense in South Carolina is never required to prove himself
2 or herself innocent and I instruct you and emphasize to you
3 the fact that the Defendant was not present and did not
4 testify in this case is not a factor to be considered by you
5 in any way in your deliberations or in your consideration of
6 the question of guilt or innocence. It must not be considered
7 by you in any manner whatsoever. The Defendant has a
8 constitutional right to remain silent and an assertion of that
9 right cannot be considered in your deliberations. And I
10 repeat, under your oath, you are to draw no conclusions
11 whatsoever by the fact that the Defendant is not present and
12 did not testify. You can't even discuss that in the jury room
13 because it is an important rule of law in this country that a
14 defendant in a criminal trial will always be presumed innocent
15 of the crime for which he or she is indicted unless and until
16 his guilt has been proven by evidence that satisfies you of
17 that guilt beyond a reasonable doubt. The presumption of
18 innocence is not a mere legal theory, it is not just a legal
19 phrase, it is a substantial constitutional right to which
20 every defendant is entitled. This presumption of innocence
21 accompanies the Defendant from the time he is arrested and
22 charged in throughout the trial until you reach a verdict of
23 guilt based on evidence that satisfies you of that guilt
24 beyond a reasonable doubt. Now reasonable doubt is a doubt
25 which makes an honest, sincere, conscientious juror in search

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1 of the truth to hesitate to act. Proof beyond a reasonable
2 doubt must be therefore, must be proved of such a convincing
3 character that a reasonable person would not hesitate to rely
4 on and act upon it and most important of his or her own
5 affairs. Proof beyond a reasonable doubt can also be
6 described as proof that leaves you firmly convinced of the
7 Defendant's guilt. There are very few things in this world
8 that we know with absolute certainty. In a criminal case, the
9 law does not require proof that overcomes every possible
10 doubt. If based on your consideration of the evidence, you
11 are firmly convinced that the Defendant is guilty of the crime
12 charged, you must find him guilty. If, on the other hand, you
13 think there's a real possibility that he is not guilty, you
14 must give him the benefit of that doubt and find him not
15 guilty.

16 Now, in determining what the facts are in the case, you
17 must necessarily pass upon the credibility which simply means
18 the believability of the witnesses and there's a valuable
19 weight and the weight to be given to their testimony. You
20 alone must decide the force and effect of the truth of their
21 testimony. Making these decisions there are many things that
22 you should take into consideration such as the manner and the
23 appearance of the witness on the witness stand sometimes
24 referred to as the demeanor of the witness. Was the witness
25 forthright or hesitant? Was the witness' testimony consistent

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1 or did it contain discrepancies? What was the ability of the
2 witness to know about the facts of which he or she testified?
3 Did the witness have any calls or reason to be bias or
4 prejudice in favor of the testimony he or she gave? Was the
5 testimony of a witness corroborated or made stronger by the
6 testimony and evidence or was it made weaker or impeached by
7 such other testimony or evidence? As a juror you have a right
8 to believe a small portion of witness' testimony and disregard
9 the larger or, vice versa, you may believe all a witness
10 testimony or none. You may believe the testimony of a single
11 witness against that of meaning or the other way around.

12 Now, in a criminal trial, one of the necessary elements
13 that must be proved by the State beyond a reasonable doubt is
14 criminal intent. Criminal intent is always a matter that must
15 be determined by the jury from the circumstances surrounding
16 the situation. There is no way to prove intent to a
17 mathematical certainty. There is no way medical science can
18 dissect a person's brain and determine what he or she had in
19 mind so the law states that criminal intent may be inferred
20 from the circumstances shown to have existed both before and
21 after the fact and this is how you, the Jury, make a
22 determination as to whether or not the elements implying
23 intent was present. Criminal intent is the state of mind that
24 operates jointly with an act or omission in the commission of
25 crime. Criminal intent is the mental state of conscious

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1 wrongdoing so it is up to you, the Jury, to determine what the
2 Defendant intended based on the circumstances shown to have
3 existed at the time. And I tell you that the state must prove
4 criminal intent just as the state must prove each of beyond a
5 reasonable doubt.

6 There are two types of evidence which are generally
7 presented during the trial, direct evidence and circumstantial
8 evidence. Direct evidence directly proves the existence of a
9 fact and does not require a deduction. Circumstantial
10 evidence is proof of a chain of facts and circumstances
11 indicating the existence of a fact. Crimes may be proven by
12 circumstantial evidence and the law makes no distinction
13 between the weight or value to be given to either direct or
14 circumstantial evidence. However, to the extent that the
15 State relies on circumstantial evidence, all the circumstances
16 must be consistent with each other and when taken together
17 point conclusively to the guilt of the accused beyond a
18 reasonable doubt. If these circumstances merely portray the
19 Defendant's behavior as suspicious, the proof has failed. The
20 State has the burden of proving the Defendant guilty beyond a
21 reasonable doubt and this burden rests with the State
22 regardless of whether the State relies on direct evidence,
23 circumstantial evidence or the combination of the two. Now,
24 mere presence at the scene is not sufficient to prove someone
25 guilty of a crime. A Defendant is present where a crime is

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1 being committed or merely associated with persons who have
2 committed a crime does not make the Defendant and accomplice
3 or an aider or abettor of the person committing the crime.
4 The burden is upon the State to prove every element of the
5 crime charged. If you find, after reviewing all of the
6 evidence, that the State has proved the Defendant was only
7 present at this crime scene and that they have not proven
8 beyond a reasonable doubt any other participation in the crime
9 then you must find the Defendant not guilty. The law is that
10 the proof, proof that the Defendant was at the scene is not
11 sufficient to find him guilty unless there was some
12 participation by the Defendant.

13 Now, the Defendant is charged with the crime of armed
14 robbery. In order to prove this offense, the State must first
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 control.
19 So, that the person could, if not overcome with violence or
20 prevented by fear keep possession of the property. The State
21 must also prove beyond a reasonable doubt the Defendant
22 carried the property away intending to permanently deprive the
23 owner of the property and to keep the property for the
24 Defendant's on use. The slightest removal of the property or
25 the complete possession of the property even for instance by

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1 the Defendant is sufficient to show a taking and carrying away
2 of the property. Taking and carrying away of the property
3 must have been done with violence or by putting the owner of
4 the property in fear of violence. And, finally, the State
5 must prove beyond a reasonable doubt that the Defendant was
6 armed with a deadly weapon during the robbery. A deadly
7 weapon is any article, instrument or substance which is likely
8 to cause death or great bodily harm. Whether an instrument
9 has been used as a deadly weapon depends on the facts and
10 circumstances shown to have existed in each case. The
11 following are examples of instruments which may be deadly
12 weapons; a pistol, a shotgun, a rifle, a dire, a dagger, a
13 knife, a slingshot, middle knuckles, a racer, gasoline, a
14 firebomb, a Molotov cocktail, lighter fluid. A gun maybe a
15 deadly weapon even if it does not operate.

16 Now, if a crime has been committed by two or more people
17 who are acting together in committing the crime, the act of
18 one is the act of all. A person who joins with another to
19 commit a crime or an unlawful act is criminally responsible
20 for everything done by the other person which happens as the
21 probable and natural consequences of the acts done in carrying
22 out the common plan or purpose. For example, two people can
23 be guilty of killing another person when only one of the two
24 had a gun, there was only one bullet fired and only one of the
25 two fired the gun or the shot that caused that death. If two

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1 or more people are together acting together, assisting each
2 other in committing the crime or the offense the act of one is
3 the act of all. It is sometimes referred to as the hand of
4 one is the hand of all. Prior knowledge that a crime is going
5 to be committed without more is not sufficient to make a
6 person guilty of the crime. Mere knowledge that another
7 person is going to commit a crime, even if the Defendant is
8 present when a crime is committed is not sufficient to convict
9 the Defendant as a principal. Guilt as a principal is shown
10 by actual or constructive presence of the crime scene as a
11 result of a prior arrangement. Therefore, finding a prior
12 arrangement, a plan or the common scheme is necessary for a
13 finding guilt as a principal. The State must prove beyond a
14 reasonable doubt by competent evidence that the theory of the
15 hand of one is the hand of all. A principal in a crime is one
16 who either actually commits the crime or who is present,
17 aiding, abetting or assisting in the committing of the crime.
18 When a person does an act in the presence of and with the
19 assistance of another the act is done by both. Where two or
20 more are acting with a common plan or intent are present at
21 the commission of crime, it does not matter who actually
22 commits the crime, all are guilty, the hand of one is the hand
23 of all. The presence at the commission of a crime means to be
24 sufficiently near to aid, abet and assist in the commission of
25 a crime. However, mere presence at a crime scene is not

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1 sufficient to convict one as a principal on the theory of
2 aiding and abetting.

3 Intent is also a necessary element but there must have
4 been a common design or intent to commit the crime and the
5 crime must have been committed pursuant to these, pursuant
6 thereto where the person is aiding, abetting by some overt
7 act. Intent means the result which actually occurs, not
8 accidentally or involuntarily. Intent may be shown by acts
9 and conduct of the Defendant and other circumstances from
10 which you may naturally and reasonably infer intent and the
11 State must prove these elements beyond a reasonable doubt.

12 Ladies and gentlemen, you are not partisans for the State
13 of South Carolina or this Defendant. You don't serve as
14 jurors to punish your enemies or reward your friends. That
15 system of justice simply would not be tolerated. You have
16 been selected by both the State and the Defense to be fair and
17 impartial jurors and through your joint deliberation determine
18 the truth in this case giving to this Defendant the benefit of
19 every reasonable doubt to each and every issue and then to the
20 facts that you determined to be true to apply the law that I
21 have given you and arrive at a verdict that speaks to the
22 truth. And when you have accomplished is, you would have
23 satisfied your duties to this Court.

24 Now, Mr. Foreman, I have had my law clerk type up a
25 verdict form in this case and it's simply the caption of the

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1 case and the case number and it says, We, the Jury, find the
2 Defendant, (1) guilty of armed robbery or (2) We, the Jury,
3 find the Defendant not guilty of armed robbery. Your decision
4 must be unanimous, which means all twelve of you must agree.
5 And, when you have made that decision, Mr. Foreman, you are to
6 check whatever block y'all have decided, sign your name to it
7 and knock on the door. And the order that he put these in is
8 no consequences, we just had to put them in some order, so you
9 are not to read anything from the order that my clerk has put
10 these in.

11 Now, I am going to have to consult with the attorneys to
12 be sure I haven't left anything out in my charge. If I have,
13 if they think there is some other law that I need to charge
14 you on, then I'll bring you back out and charge you on that
15 additional law. If they think I've covered everything, than
16 what I will do is send this verdict form along with the
17 exhibits back to the jury room. And when you have received
18 this verdict form, that will be your indicator to start your
19 deliberation.

20 When you talk about this case and deliberate this case,
21 all twelve of you must be present in the room. If one of you
22 need to be excused and need to go to the restroom, you've got
23 to stop talking about the case and you can only talk about it
24 when all twelve of you are there and it must be a unanimous
25 verdict, all twelve of you must decide on this verdict.

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BY THE COURT

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1 Now, Mr. Alternate, I don't need you to go back because I
2 only needed to you if I lost a juror to sickness or something
3 in the trial. Look like everybody's gonna make it, so if
4 you'll just hang with me.

5 I send you back to the jury room. Either I'll bring you
6 back out in a few minutes or I send this in with the evidence
7 and when you get that you can start your deliberations. And,
8 when you've reached a verdict, if you'll just simply knock on
9 the door and will bring you out and receive that verdict.
10 Okay?

11 (REPORTER'S NOTE: Jury exits courtroom. 2:49 P.M. The
12 following takes place outside the presence of the Jury.)

13 THE COURT: Mr. Alternate, you stay with me. I'm sorry.

14 Any exceptions or deletions on behalf of the State?

15 MS. RICHARDSON: No, sir, Your Honor.

16 MR. GARDNER: No, Your Honor.

17 BY THE COURT:

18 THE COURT: Okay. If y'all would get the evidence
19 together with the Court Reporter agree, because if something
20 don't go back, it's gonna be y'all's fault, not my Court
21 Reporter's fault.

22 Mr. Alternate, I appreciate you serving and you got to
23 listen to the whole case and then not participate in the
24 decision but I only needed you if somebody got sick. So, I'm
25 going to excuse you for this case. I've been telling you you

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BY THE COURT

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1 couldn't talk about it and now you can talk about it to
2 anybody you want to.

3 The -- now, Madame Solicitor, what -- does he need to
4 call back? What's the plan for tomorrow?

5 MS. RICHARDSON: I believe that they do have matter for
6 tomorrow.

7 CLERK: They are to report in the morning, Judge, at
8 9:30.

9 THE COURT: All right. Well, you got to be back at 9:30
10 in the morning.

11 JUROR 224: Report here in the morning.

12 THE COURT: Yes, sir. They claim they may start another
13 case. Thank you so much.

14 JUROR 224: Thank you.

15 (REPORTER'S NOTE: Counsel confers and agrees on exhibits to
16 be submitted to Jury. Exhibits and Verdict form submitted to
17 Jury and deliberations begin. 2:53 P.M.)

18 (RECESS - 2:53 P.M.)

19 *****OFF THE RECORD*****

20 (On the Record - 3:20 P.M.)

21 (REPORTER'S NOTE: Jury enters courtroom. 3:20 P.M.)

22 THE COURT: Mr. Foreman, I understand you have a verdict?

23 JUROR 265: Yes, sir, we do.

24 THE COURT: It is unanimous?

25 JUROR 265: Yes.

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VERDICT OF JURY

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1 THE COURT: If you will pass it up, please, sir.

2 (REPORTER'S NOTE: Court reviews verdict form.)

3 VERDICT OF THE JURY:

4 CLERK: Indictment Number 2015-GS-26-1237, State of South
5 Carolina, County of Horry versus Rasheed Tamir Glover, we, the
6 Jury, find the Defendant guilty of armed robbery. Signed by
7 Foreperson Jamie Orner, Juror Number 265.

8 Ladies and gentlemen of the Jury, if this is your
9 verdict, so signify by raising your right hand.

10 (REPORTER'S NOTE: Jury unanimous confirms.)

11 THE COURT: Anything for me to decide before I dismiss
12 the Jury?

13 MS. RICHARDSON: Not from the State, Your Honor.

14 MR. GARDNER: No, Your Honor.

15 BY THE COURT:

16 THE COURT: Okay. Ladies and gentlemen, I want to thank
17 you for your service. I've been telling you all week you
18 couldn't talk about this case and now you can talk about it
19 anybody you want to. If you don't want to, you don't have to.
20 And my understanding is they won't need you back tomorrow, so
21 you won't have to do this again for three years, but I
22 appreciate your service to the citizens of Horry County. I've
23 enjoyed being here this week. Y'all have a great rest of the
24 week. And if you need work stuff, I guess, the Clerk can
25 provide it for you and they're gonna send you a huge check in

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BY THE COURT

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1 the mail. You won't be able to get far with it but if they
2 paid you for what you're worth, you couldn't pay your property
3 taxes, so thank you so much. You have a nice week.

4 (REPORTER'S NOTE: Jury exits courtroom. 3:23 P.M.)

5 THE COURT: Okay. If you'll give me a sentencing sheet
6 and if you'll give me a envelope. Does he have a prior
7 record?

8 MS. RICHARDSON: Your Honor, let me look. Your Honor, it
9 looks like -- no, sir. He has a 2014 assault and battery,
10 third degree.

11 THE COURT: Okay. And I assume there's a bench warrant
12 out there for his arrest?

13 MS. RICHARDSON: He has a 2014 public disorderly, a
14 couple of charges with no disposition. Your Honor, we had
15 issued a bench warrant for him -- we have, we've -- our Deputy
16 has to sign it so that it can go multistate but there is a
17 bench warrant out.

18 THE COURT: Okay. Well, when he's arrested, I don't know
19 if I'll still be here or not but you can bring him before some
20 judge and he'll open this sentence and read it to him and see
21 what happens.

22 (ADJOURNED - 3:26 P.M.)

23

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State v. Glover - 2015-GS-26-01237
CERTIFICATE OF COURT REPORTER

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1 C E R T I F I C A T E

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3 I, the undersigned, Kay H. Richardson, Official Court
4 Reporter for the State of South Carolina, do hereby certify
5 that the foregoing is a true, accurate and complete Transcript
6 of Record of the hearing held in the case of State of South
7 Carolina versus Rasheed T. Glover, held in the Court of
8 General Sessions for Horry County, Horry County Courthouse,
9 Conway, South Carolina, on October 12-13, 2015.

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

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Kay H. Richardson

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Official Court Reporter

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21 April 25, 2016.

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF HORRY) 2015-GS-26-01237

STATE OF SOUTH CAROLINA,)

Plaintiff,)

vs.)

RASHEED TAMIR GLOVER,)

Defendant.)

Transcript of Record

) Sentencing and Motion to Reconsider

) March 15 and 17, 2016

B E F O R E:

Honorable Steven H. John
Horry County Courthouse
Conway, South Carolina

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

Lauree Richardson, Esquire
Attorney for Plaintiff

Jarrett Bouchette, Esquire
Johnny Gardner, Esquire

Attorney for Defendant

TAKEN BY:

Dixie C. Eubank
Circuit Court Reporter

PREPARED BY:

Kay H. Richardson
Circuit Court Reporter

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E X H I B I T SNo.ID EV

(No Exhibits were marked during hearing.)

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BY THE COURT

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1 **(MARCH 15, 2016)**

2 MS. RICHARDSON: Your Honor, this is the State of South
3 Carolina versus Rasheed Glover. It is true-billed indictment
4 2015-GS-26-1237, Your Honor. He was tried in his absence on
5 October 12th and 13th. A jury came back with a guilty
6 sentence on October 13th for the armed robbery charge. Judge
7 Cothran at that time did sentence him, sealed his sentence and
8 that is what we are before you today to reveal that sealed
9 sentence.

10 THE COURT: The attorney representing him at the time was
11 Mr. Gardner?

12 MS. RICHARDSON: It is, Your Honor. It was. Mr. Gardner
13 is in trial right now with our office. However, a
14 representative from his office is present.

15 THE COURT: All right. So, we're going to -- All right.
16 2015-GS-26-1237, State of South Carolina, Count of Horry
17 versus Rasheed Tamir Glover regarding armed robbery. The jury
18 having found the Defendant guilty on this charge on October
19 13th, 2015. Judge Cothran entered a sentence. The sentence
20 of the Court is Defendant is committed to the State Department
21 of Corrections for a determinate term of twenty-five years.

22 All right.

23 MS. RICHARDSON: Thank you, Your Honor.

24 THE COURT: Any matter -- I'm sorry. First, any matters
25 from the Defense at this point in time, sir?

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BY THE COURT

1 MR. BOUCHETTE: No motions from the Defense, Judge.

2 THE COURT: All right, sir. Well, I appreciate it but
3 and that's probably one of the reasons I was asking if Mr.
4 Gardner was to be present. If you want to -- want me to hold
5 this in abeyance for a -- until Mr. Gardner is available this
6 particular week, you understand should you have any objections
7 to the sentence, you want the sentence modified in any way, if
8 you want to ask the Court to change it in any way, you need to
9 do that while this matter is now open. You have the ability
10 to do so. The Supreme Court has said so in more than one
11 case. But now is the time to do that.

12 MR. BOUCHETTE: Your Honor, we would like to hold it in
13 abeyance. I believe Mr. Gardner is expected to be in trial
14 all week. We weren't aware about this until this afternoon
15 but just to preserve any and all arguments, since I was not
16 there at the actual trial, we would like to go ahead and just
17 request that.

18 THE COURT: All right. Solicitor, what's your
19 understanding regarding that particular case that Mr. Gardner
20 is involved in?

21 MS. RICHARDSON: Your Honor, my understanding is that it
22 was supposed to be over as far as Wednesday.

23 THE COURT: All right. And I appreciate it, I'm sorry.
24 I did not mean to interrupt and I'm sorry about that.

25 Thursday morning, 9:30, we'll reconvene, hold it open

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1 until that time and you can have Mr. Gardner here. Do not
2 send Mr. Glover to the Department of Corrections. Keep him at
3 the Detention Center until Thursday morning at 9:30. Thank
4 you very much.

5 MS. RICHARDSON: Thank you, Your Honor.

6 (RECESS.)

7 *****OFF THE RECORD*****

8 (On the Record.)

9 (MARCH 17, 2016)

10 THE COURT: All right. This is 2015-GS-26-1237, State of
11 South Carolina versus Rasheed Tamir Glover regarding the
12 matter -- the Court opened a sealed sentence on Mr. Glover.
13 He was tried in his absence and was thereafter located and
14 secured by the law enforcement officers and brought before the
15 Court for the opening of the sentence. Mr. Gardner, you were
16 involved in the trial in another matter and unavailable to
17 make any motions. You understand that once that Court opens
18 the sealed sentence, that is the time for the Defense if they
19 have any issues as to the prior matter to bring those to the
20 Court's attention. So, I continued it until now so that you
21 would be available.

22 MR. GARDNER: I appreciate that, Judge. We would make
23 our standard post-trial motions, which I know it's different
24 in criminal than they are civil. I believe the remedy we
25 would ask for would be a new trial and in the alternative and

MOTIONS

1 I don't know -- I've done a little bit research but like you
2 said I was in the middle of that other trial. I don't know if
3 this Court has the power -- I think it does -- in the
4 alternative to reconsider the sentence.

5 THE COURT: I do and that's part of what the Supreme
6 Court, it may not seem -- there may be some logical
7 inconsistencies with it, whoever opens the sealed sentence by
8 that Supreme Court decision does have the authority to change
9 the prior sentence issued in this matter. So, if you'd like
10 to argue against the prior sentence given by Judge Cothran of
11 twenty-five years, I'll be glad to hear from you.

12 MR. GARDNER: Thank you, Judge, I appreciate that. And
13 we most certainly would. I -- to the best of my information,
14 Rasheed Glover has no prior record. This is his first
15 conviction. I understand it was a big one but by comparison,
16 I would point out to the -- I believe the Solicitor can tell
17 me if I'm wrong, I believe that the Codefendants all got ten
18 years and there's one waiting to be sentenced that testified.
19 And I think that the ten-year mark is probably fair and I'd
20 ask the Court to consider that based on he's twenty -- I'm
21 sorry, Judge -- he's twenty years old, he lives here in Horry
22 County and no children and not married.

23 THE COURT: All right. Thank you very much.

24 All right, Solicitor. Be glad to hear your arguments.

25 MS. RICHARDSON: Thank you, Your Honor. This case was

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1 tried before the Honorable Judge Cothran. Your Honor, Mr.
2 Gardner is correct in what the Codefendants received. If I
3 could just explain a little bit of that?

4 THE COURT: Yes, ma'am, please.

5 MS. RICHARDSON: There were four gentlemen who were
6 involved in an armed robbery and one female who acted as the
7 driver. Two of the guys went in, as we discovered through
8 testimony, two boys go in, two stay outside. The two who
9 stayed outside pled guilty the morning of trial, that first
10 Monday morning. They received ten years as part of their role
11 in the planning and the carrying out of armed robbery. The
12 two guys who went in was this Defendant as well as Amontre
13 Ellerbe. Amontre Ellerbe received a fifteen-year sentence.
14 After he received his fifteen years, he did voice to the State
15 that he wished to testify against this Codefendant and he did
16 do just that. After Mr. Glover was found guilty, we brought
17 Mr. Ellerbe back in front of Judge Cothran. I recommended a
18 thirteen-year -- it was either a twelve or a thirteen-year
19 sentence at that point in time and Judge Cothran, after
20 hearing the trial said that his testimony was essential. He
21 gave him ten years for that. So, he is correct in saying that
22 they did all get ten years. Again, Mr. Ellerbe got ten
23 because of his cooperation with the State in the trial of Mr.
24 Glover.

25 Your Honor, during the trial, we heard that both guys

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1 were armed. One kept repeatedly putting the gun in her face,
2 this was planned from the beginning. It was a -- and I
3 apologize, it was a convenience store on Highway 501, the
4 Scotchman. It was during the time where a lot of clerks were
5 getting killed. Your Honor, it was a very, very serious
6 crime. She -- the victim in the case did testify. She's
7 obviously very fearful. She was at the time. The State would
8 oppose any reduction in sentence just based upon the fact that
9 Judge Cothran was the sentencing judge. He's the trial judge,
10 he's the one who heard the facts in the case. If Your Honor
11 is inclined it reduce the sentence, the State would ask that
12 you not reduce it below twenty years.

13 THE COURT: Thank you, ma'am.

14 Anything else, Mr. Gardner?

15 MR. GARDNER: May I have one moment, Your Honor?

16 THE COURT: Yes, sir.

17 MR. GARDNER: I just want to make sure that Mr. Glover
18 was able to tell me a couple of things, Your Honor.

19 THE COURT: Yes, sir.

20 MR. GARDNER: We appreciate that Your Honor, and I
21 believe that the -- obviously, that sentence was much higher
22 than the other people because the fact that he wasn't there
23 and I would ask the Court again just to consider somewhere
24 around a ten or fifteen-year sentence.

25 THE COURT: All right. Thank you very much.

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RULING OF THE COURT

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1 RULING OF THE COURT:

2 THE COURT: Based upon the matters in front of me,
3 obviously, I do not have the transcript of the proceedings,
4 there is no transcript of the proceedings at this point in
5 time, so I do not have that available to review and,
6 obviously, I was not the trial Judge who listened to all of
7 the testimony in this matter. I'm basing my decision based
8 upon the obvious thing, the sentence for armed robbery for a
9 minimum of ten up to thirty years. It's a -- classified as a
10 violent and most serious offense by the State of South
11 Carolina. It -- I'm taking into consideration what the State
12 has said as far as the facts and circumstances relayed to the
13 Court of the fact that this Defendant was an actual
14 participant in the crime in which was armed, there was -- and,
15 as indicated, an armed robbery and he was one of the
16 participants in that particular matter in the Scotchman store.
17 Based upon that, I respectfully decline to grant the request
18 of the Defense to change the sentence of Judge Cothran.

19 As to any other matters as far as the granting of a new
20 trial in this matter, the Court has not been presented with
21 any matters that the Court believes would be sufficient to
22 grant such a request and therefore, based upon that, there
23 being nothing from the Court that the Court believes is of a
24 nature that would cause the Court to grant a new trial, I
25 respectfully decline to grant Defense's request for a new

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RULING OF THE COURT

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1 trial.

2 Thank you very much.

3 MR. GARDNER: Thank you, Your Honor.

4 MS. RICHARDSON: Thank you, Your Honor.

5 (ADJOURNED.)

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CERTIFICATE OF COURT REPORTER

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C E R T I F I C A T E

I, the undersigned, Kay H. Richardson, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the hearing held in the case of State of South Carolina versus Rasheed Tamir Glover, held in the Court of General Sessions for Horry County, Horry County Courthouse, Conway, South Carolina, on March 15 and 17, 2016, taken by Dixie C. Eubank.

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

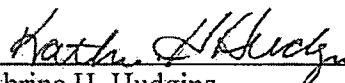
Kay H. Richardson
Official Court Reporter

May 4, 2016.

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."

Respectfully Submitted,



Kathrine H. Hudgins
Appellate Defender

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

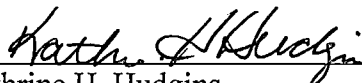
ATTORNEY FOR APPELLANT

This 10th day of October, 2016.

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."

Respectfully Submitted,


Kathrine H. Hudgins
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 10th day of October, 2016.

RECEIVED
OCT 10 2016
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL
RECEIVED

Appeal from Horry County

OCT 10 2016

Honorable Steven H. John, Circuit Court Judge SC Court of Appeals

THE STATE,

RESPONDENT,

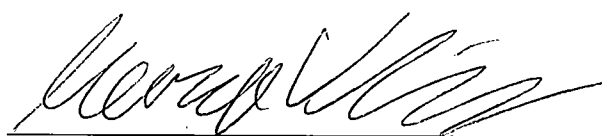
V.

RASHEED T. GLOVER,

APPELLANT

CERTIFICATE OF SERVICE

I certify that a copy of the Record on Appeal in the above-referenced case has been served upon J. Benjamin Aplin, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, and Rasheed T. Glover #367438 at Lee Correctional Institution 990 Wisacky Highway, Bishopville, SC 29010, this 10th day of October, 2016.



George Vlasis
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 10th day of October, 2016.

Christian Ford (L.S.)
Notary Public for South Carolina
My Commission Expires March 1, 2026