

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Chesterfield County

Honorable Roger E. Henderson, Circuit Court Judge

RECEIVED
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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

SAMUEL E. ALEXANDER, JR.,

APPELLANT

APPELLATE CASE NO 2016-000421

RECORD ON APPEAL

TAYLOR D GILLIAM
Appellate Defender

ALAN WILSON
Attorney General

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

J. BENJAMIN APLIN
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

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In Circuit Court of the
Fourth Judicial Circuit
2015-GS-13-0837

The State,
Plaintiff,
vs.
Samuel E. Alexander, Jr.,
Defendant.

Transcript of Record

Chesterfield, South Carolina
February 18, 2016

B E F O R E:

The Honorable Roger E. Henderson

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

Mrs. Mary Johnson-Lee, Esquire
Attorney for Plaintiff

Ms. Tonya Copeland-Little, Esquire
Attorney for Defendant

Lisa Carter
Circuit Court Reporter

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EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>EV.</u>
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1 FEBRUARY 18, 2016

2 _____ (WHEREAS, this matter was scheduled for a trial, the
3 defendant appeared along with his attorney of record. The
4 proceedings began at 10:54 a.m.)

5 THE COURT: We're now ready to strike a jury in the
6 case of the State versus Samuel Alexander. He is indicted
7 for grand larceny. The indictment reads that Samuel Edward
8 Alexander, Jr., along with co-defendants did in
9 Chesterfield County on or about October 29, 2014, take and
10 carried away the personal goods of Amanda Stephens valued
11 at more than ten thousand dollars described as follows:
12 bedroom suit, washer and dryer, four televisions, couch,
13 stereo system, Nintendo entertainment system, Super
14 Nintendo and Wii, assorted clothing and personal items and
15 all other personal property belonging to the victim and a
16 Pace double axle trailer, with the intent to deprive the
17 owner permanently of such property and to convert the goods
18 to his or her own use. In violation of Section 16-13-
19 0030(b)(1) of the South Carolina Code of Laws.

20 VOIR DIRE

21 Now, before we begin the striking of the jury I'm
22 going to ask you to stand and be sworn because I want
23 truthful responses to these questions that I'm going to ask
24 you and after we have gone through what we call voir dire
25 and asked these questions then will be in a position to

1 take any seat as we come in and out but I want the foreman
2 here and the alternate there, if you would, okay. Madam,
3 Clerk will you swear the jury?

4 CLERK: Ladies and gentlemen, please stand a raise
5 your right hand. Do you solemnly swear or affirm that you
6 shall well and truly try, and true deliverance make,
7 between the State of South Carolina, and the defendant at
8 the bar, whom you shall have in charge, and a true verdict
9 render, according to the law and evidence so help you God.
10 (Whereupon, the selection jury was sworn)

11 CLERK: Thank you. You may be seated.

12 **INSTRUCTIONS BY THE COURT**

13 THE COURT: All right. Ladies and gentlemen, I want
14 to thank you for presuming the responsibility of jury
15 service this week. At this time I'm required by law to
16 read to you what we call a general charge before we begin
17 the trial of this case. I'd ask that you pay close
18 attention. Sometimes it can become rather tedious and
19 rather boring to listen to the judge read this information
20 so please pay attention.

21 What I'm about to say is intended to serve as an
22 introduction to the trial of this case. These remarks are
23 not a charge on the law in this case. I will instruct you
24 on the law applicable to this case at the end of the trial
25 before you retire to consider your verdict. This is merely

1 an explanation of the procedure that we will follow in the
2 trial of this case so that you may better understand what
3 may be happening. Some judges prohibit note taking and
4 some judges allow note taking during the course of the
5 trial. I will allow you to take notes, if you so desire,
6 during the course of this trial but I asked that you
7 remember that the notes that you take are for your purposes
8 only and should not be discussed with anyone. I also warn
9 you that you must not allow the taking of notes to keep you
10 from listening to and observing the witnesses as they
11 testify. Sometimes when you're busy taking a note, you
12 might miss something that the witness testifies to but I
13 will allow you to take notes in the course of the trial.

14 Now, the defendant in this case, Samuel Edward
15 Alexander, Jr., is charged by an indictment filed from this
16 court with the crime of grand larceny. I read to you
17 earlier the wording in the indictment. The elements of the
18 crime of grand larceny will be explained to you later on in
19 the trial of this case. This indictment is simply the
20 charge by which the defendant is brought into court and is
21 not in any sense evidence of the allegations that it
22 contain. The defendant has pled not guilty to this
23 indictment which is his constitutional right. The State,
24 therefore, has the burden of proving each of the elements
25 of the indictment beyond a reasonable doubt and it would be

1 your duty, ladies and gentlemen, to decide whether the
2 State has met that burden. Your purpose as jurors is to
3 find and determine the facts. You are the sole judge of
4 the facts. If at any time, I make any comment regarding
5 the facts you must disregard it. You are to determine the
6 facts from the testimony you hear and any other evidence
7 introduced in court. It is up to you to determine the
8 emphasis which you feel may properly be drawn from the
9 evidence. It's especially important that you perform your
10 duty in determining the facts diligently and
11 conscientiously because ordinarily there's no way to correct
12 an erroneous determination of the facts by a jury. On the
13 other hand, with equal emphasis, the same law that makes
14 you the judges of the facts makes me the judge of the law.
15 The law is given by the Court and it's the only law you may
16 consider. You must accept and follow it even though you
17 may disagree with it. I cannot tell you what the facts are
18 and you cannot disagree with me about what the law is or
19 what the law should be. Your job is to take the law as I
20 give it to you and apply it to the facts as you find them
21 from the testimony of the witnesses and any other evidence
22 that is introduced, after doing that you will render your
23 verdict. A true and just verdict under the solemn oath
24 that you just took as jurors.

25 Until such time as I advise you to begin your

1 deliberations during the course of this trial, you must not
2 discuss this case with anyone. Not with each other, not
3 with friends, family members, or anybody involved in the
4 case. This includes discussions by way of face to face
5 conversation, by telephone, email, text, blogs or any other
6 method of communication. You may not use a computer,
7 cellular phone, or other electronic device with
8 communication capabilities at any time while in the
9 courtroom or during your deliberations. During your
10 breaks, or meals, or overnight if necessary you may use
11 these devices. However, you may not, at any time, use
12 these devices to get or send information about the case,
13 that would include information about either of the parties
14 in this matter, a witness, an attorney, or a court officer
15 or any news accounts of the case. You cannot do any
16 research on any topics that's raised that you think might
17 be helpful to you in deciding the case. You make your
18 decision based purely and simply from the evidence that's
19 presented from this witness stand or any documents that are
20 introduced into evidence, no other outside source.

21 Now, I don't know that they'll be any press of this
22 case that you will see, but I have to instruct you that
23 during the trial, you're not to read, listen to, or watch
24 any news reports about this case. This includes anything
25 that may be in the news papers, on the Internet, radio or

1 television. Stay off Facebook. In case somebody wants to
2 get on Facebook and talk about it. That's a very popular
3 source of people conveying information these days, so stay
4 off Facebook while this trial is going on. You must not
5 consider anything that you have read or heard about this
6 case outside of this courtroom whether it's before this
7 time which you've indicated to me you don't know anything
8 about it or after the trial gets started. After the case
9 is actually submitted to you, you must discuss it only in
10 the jury room with your fellow jurors. The attorneys and
11 parties in this case have been advised that they are not to
12 talk to you at all. So if you see anyone involved in the
13 case and they do not even say hello, they're following my
14 instructions. They're not being rude or unfriendly, it's
15 because I've told them they can't communicate with you
16 because we don't want there to be any appearance of any
17 type of impropriety or anything else so they're going to be
18 hands-off with you and don't be offended, please.

19 It's important that you keep an open mind and not
20 decide any issue in the case until all of the evidence has
21 been presented, the parties have made their closing
22 arguments and I have instructed you on the law in this
23 case. It is your solemnly responsibility to determine the
24 guilt or innocence of the defendant and your verdict must
25 be based solely on the evidence as it is presented to you

1 in this trial and on the law as I instruct you during and
2 at the close of the trial.

3 In just a moment the solicitor will make what is
4 called a opening statement in which the solicitor will
5 explain to you the issues in this case or at least what the
6 solicitor thinks the issues are in this case. The attorney
7 for the defendant may also make an opening statement,
8 although, she is not required to do so. What the attorneys
9 tell you during their opening statements is not evidence in
10 this case. It is only their contention as to what the
11 issues are. The evidence in this case will be presented to
12 you by the testimony of sworn witnesses from this witness
13 stand, as I said earlier, or any exhibits that may be
14 introduced into evidence.

15 Now, from time to time during the trial you may hear
16 one of the lawyers say something like, "Your Honor, I
17 believe we have a question of law or a matter of law we
18 need to take up that they need to discuss with me." They
19 may want to approach the bench and we may be able to
20 dispose of that issue right here at the bench outside of
21 your earshot. However, there may be times when it's
22 necessary for you to be excused from the courtroom so you
23 will not be listening to anything concerning the law in
24 this case. And we try not to inconvenience you anymore
25 that we have to but there are certain times when these

1 matters have to be discussed on the record with the
2 attorneys and you don't need to hear that conversation.

3 Now, again I told you I'm not supposed to tell you
4 what the facts are so I'll excuse you from the courtroom
5 while these discussions do take place because I don't want
6 you to be tainted in any way by anything discussed
7 concerning the law.

8 Now, in determining what the true facts are in this
9 case, you must decide whether or not the testimony of the
10 witness is believable. It would be my responsibility to
11 rule as a matter of law as to whether certain testimony is
12 admissible. Once the testimony is admitted and whether or
13 not you believe it, is solely for you to determine. In
14 deciding whether to believe a witness, you have the right
15 to consider the interest of any witness, the bias of any
16 witness, the prejudiced of any witness, the opportunity for
17 the witness to have seen the matter and things about which
18 the witness is testifying, and the way the witness acts on
19 the witness stand. You have a right to consider anything
20 that is in the record that will help you evaluate the
21 testimony of the witnesses. That means, it is your duty to
22 pay close attention to these witnesses, to observe the
23 witnesses, to listen to the witnesses, and to pay close
24 attention to the attorneys and to the Court. Don't let
25 your thoughts wonder but give strict attention to the

1 testimony in this case so that at the end of all of the
2 testimony, after the arguments of counsel and the charge of
3 the law by the Court, you would then be in a position to
4 determine what the true facts are and to apply the law to
5 those facts and; thus, render a true and just verdict.

6 It is your added duty, Mr. Foreperson, to preside in
7 the jury room and you are the jury's spokesperson here in
8 court. It will be your duty to write the verdict at the
9 conclusion of the trial and I'll give you further
10 instructions about that as we conclude the case. But as I
11 said you're the spokesperson for the jury with regards to
12 any issues that might arise in the jury room or during your
13 deliberations. All right, in order to preserve everyone's
14 rights, I'll give the parties an opportunity to object to
15 anything I have said. Any exceptions to what I've said
16 from the State?

17 MRS. JOHNSON-LEE: No, Your Honor.

18 THE COURT: Any exceptions from the defendant?

19 MS. COPELAND-LITTLE: No, Your Honor.

20 THE COURT: All right. Now, you have been here for a
21 while, ladies and gentlemen, before we begin the trial of
22 the case, do y'all need a short break?

23 (Whereupon, the jury all agrees they need a break)

24 THE COURT: We'll take a short break. If you knock on
25 the jury room door, Mr. Foreman, when everybody's ready to

1 come back out, we'll begin the trial of the case.

2 (Whereupon, the jury exits the courtroom at 11:36 a.m.)

3 THE COURT: All right. Anybody else have a matter
4 that they want to take up or if you want to take a break,
5 we'll take a short five minute break while the jury gets
6 comfortable.

7 (Whereupon, the Court took a short break)

8 THE COURT: Are we ready?

9 MRS. JOHNSON-LEE: Yes, Your Honor.

10 MS. COPELAND-LITTLE: Yes, Your Honor.

11 THE COURT: Bring the jury in.

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

13 **OPENING STATEMENT- MRS. JOHNSON-LEE**

14 THE COURT: All right. Solicitor, you may make your
15 opening statement.

16 MRS. JOHNSON-LEE: May it please the Court? Counsel?

17 THE COURT: Let's be quiet in here so counsel can make
18 their statement.

19 MRS. JOHNSON-LEE: You're here today because Samuel
20 Alexander who is seated at the defense table in the orange
21 shirt is charged with grand larceny of a trailer that
22 contained all of the worldly belongings of Amanda Stephens.
23 Amanda, can you stand up?

24 (Whereupon, Amanda complies)

25 MRS. JOHNSON-LEE: Thank you. You can sit down.

1 Amanda is in the US military serving our country. She was
2 being activated to go to another state in the United States
3 and had all of her belongings, her furniture, her army
4 uniforms, everything she owned in that trailer so that she
5 could report to her duty station in the city. She gets up
6 the next morning, the trailer is gone. They had stole
7 everything she owns that was in that trailer. Samuel
8 Alexander is charged as one of the individuals who stole
9 that trailer containing all of her belongings. Some of the
10 property was recovered. You're going to hear from her as
11 well as some law enforcement that it was just a horrendous
12 mess, feces and urine on it. Not even usable anymore. But
13 we're going to ask that you listen to all the testimony
14 that we're going to present and at the end of the trial
15 that you find the defendant guilty of grand larceny. You
16 heard the judge say that is the judge of the law. He tells
17 us all what the law is. He tells me, he tells Ms. Little,
18 he tells you, he tells all of us what the law is, but it is
19 you, you decide what the true facts are and by deciding
20 that you listen to whatever the person on the stand says
21 and if there is any physical evidence you can look at that
22 but you decide who's telling the truth, you decide how much
23 what somebody says is the truth and then you decide how
24 much weight to attach to any persons testimony because
25 their testimony is evidence just like physical things like,

1 a piece of paper might be evidence. But I ask that you
2 just listen closely as I know you will and I think you for
3 being here today. I thank you on behalf of the State and I
4 thank you on behalf of Ms. Stephens and we just asked you
5 please find the defendant guilty at the conclusion of this
6 trial. Thank you.

7 THE COURT: Ms. Little?

8 MS. COPELAND-LITTLE: The defense waives.

9 THE COURT: All right. Solicitor, you may call your
10 first witness.

11 MRS. JOHNSON-LEE: Your Honor, we would call Amanda
12 Stephens.

13 THE COURT: Come forward and be sworn please.

14 CLERK: Place your hand on the Bible and raise your
15 right hand please. Do you swear your testimony be the
16 truth, the whole truth, and nothing but the truth so help
17 you God?

18 MS. STEPHENS: I do.

19 CLERK: Thank you. You may be seated.

20 AMANDA STEPEHNS, first being
21 duly sworn, testified as follows:

22 **DIRECT EXAMINATION BY MRS. JOHNSON-LEE:**

23 Q. Please state your name for the record?

24 A. Amanda Stephens.

25 THE COURT: If you would speak -- don't get right on

1 the microphone, maybe a couple of inches away from it, so
2 we can be able to hear you. The acoustics is terrible in
3 this room, it's hard to hear.

4 A. Amanda Stephens.

5 Q. Ms. Stephens, how old are you now?

6 A. Forty.

7 Q. And are you in the military?

8 A. I am.

9 Q. What branch?

10 A. Army.

11 Q. How long have you been in the US Army?

12 A. Fifteen.

13 Q. Fifteen years?

14 A. Fifteen years. Are you in the reserves?

15 A. I am now.

16 Q. Where were you residing at on October 29, 2014?

17 A. At my home of record in Bethune, 31190.

18 Q. Is that actually an address in Chesterfield County?

19 A. It is Chesterfield County.

20 Q. Describe to the jury - - -

21 THE COURT: Come a little bit closer to the microphone
22 please.

23 A. Could you repeat that please?

24 Q. Describe to the jury exactly where your home is
25 located?

1 A. It's between McBee and Bethune before you get to
2 Little Lynches headed to Bethune on Highway 1.

3 Q. Is it right before the Lynches River Bridge?

4 A. Right.

5 Q. So it's literally right on the edge of Chesterfield
6 County?

7 A. It is.

8 Q. Now, were you scheduled to report somewhere for the
9 military in October, 2014?

10 A. Actually, the day after he stole my stuff, I was to
11 leave.

12 Q. Where were you scheduled to leave for?

13 A. Vicksburg, Mississippi.

14 Q. And were you being activated by the U.S. Army to
15 report to Vicksburg?

16 A. Right.

17 Q. What did you do to prepare to report to Vicksburg for
18 the Army?

19 A. I got my brother's 7 x 16 enclosed trailer, loaded it
20 up with all my stuff so I can have all of my household
21 goods when I reported.

22 Q. What kind of - - describe to the jury what kind of
23 items did you have in that trailer?

24 A. Bedroom suit, a sectional couch, several TV's, pretty
25 much all of my gaming systems, which is my thing so I had a

AMANDA STEPHENS- DIRECT EXAMINATION BY MRS. LEE

36

1 lot, pretty much all of my clothes, some military stuff, my
2 PI. A lot of collectibles that I've had. A lot of things
3 from my childhood that I have been saving. Some things
4 from my grandfather who passed away, things I won't get
5 back. All of my stuff, my kitchen stuff, dishes, pots and
6 pans. My George Foreman grill, things like that.

7 Q. How did you find out the trailer was gone?

8 A. I went into my grandmother's room to wake her up and I
9 just looked out the window.

10 Q. And it was missing?

11 A. Right.

12 Q. What did you do?

13 A. I call the police.

14 Q. Did you call 9-1-1?

15 A. I believe I got the number for the Chesterfield County
16 Sheriff.

17 Q. And did a deputy respond?

18 A. Yes, ma'am.

19 Q. And did you tell them what happened?

20 A. I did.

21 Q. And as far as you know, did the investigation take
22 place at that point?

23 A. Right.

24 Q. Now, at some point time, did someone at the sheriff's
25 office contact you about having recovered, possibly

1 recovered, some of your belongings?

2 A. When I was contacted I'm not sure the time period at
3 this point, they, basically, told me on the phone that they
4 did recover some stuff and that what they did recover I
5 probably just wanted to burn it because the condition of it
6 and the stuff that was, the other stuff that they found
7 they just - - they didn't even bother recovering it because
8 it was in such bad condition.

9 Q. Now, I have a document here from the Sheriff's office
10 that has a list of twenty-three items on it. I'm going to
11 - - first, I'm going to show it to you and ask if you
12 recognize this document. Do you recognize that?

13 A. I do.

14 MRS. JOHNSON-LEE: We'd asked that this be marked for
15 identification, State's Exhibit One.

16 THE COURT: Have you seen that document?
17 (Whereupon, the defense lawyer takes a look at the
18 document)

19 THE COURT: This is for ID only at this time, right?

20 MRS. JOHNSON-LEE: That's correct.

21 Q. I'm going to hand you back what's marked again for
22 identification State's Exhibit One and again what does that
23 document appear to be?

24 A. It's a document they had that were in the trailer with
25 a recovered it.

1 Q. So, the items recovered from the trailer?

2 A. Right.

3 Q. And did you sign that document?

4 A. I did.

5 Q. And was that - - were the items returned to you from
6 the Sheriff's office?

7 A. The majority, I know number nine did not belong to me
8 so I didn't take it.

9 Q. And is a picture of your drivers license on there?

10 A. It is.

11 MRS. JOHNSON-LEE: At this time, I'd moved to have
12 this document put into evidence as State's Exhibit One.

13 MS. COPELAND-LITTLE: No objection.

14 THE COURT: All right. Received into evidence without
15 objection.

16 (Whereupon, the List of Items on Sheriff's Form has been
17 marked and entered into evidence as State's Exhibit No. 1)

18 Q. Now, did you receive all of your stolen property when
19 you got these items back?

20 A. Not even a fraction.

21 Q. What kind of items were not recovered when these items
22 were turned over to you?

23 A. It's kinda hard to be specific without my list. I
24 actually turned in a list to the Sheriff's office.

25 Q. To the best of your recollection. Were your Army

1 clothing recovered?

2 A. I don't believe I had too much of my military gear on
3 because I had it with me.

4 Q. You said earlier some of your military items were in
5 the trailer.

6 A. I had documentation with PI on it.

7 Q. Were any of those items recovered?

8 A. No.

9 Q. Were all of your televisions recovered?

10 A. I believe so.

11 Q. What about your bedroom suit?

12 A. Bedroom suit was recovered.

13 Q. And what other items were recovered?

14 A. The couch, the washer and dryer, most pieces of the
15 clip sound system I just purchased. I had never seen it
16 until I got it back so I'm still paying for it actually.
17 It was new in the box. That was the first thing they saw
18 when they opened the trailer. It had roaches crawling on
19 it.

20 Q. And that's gonna move us to the next question, the
21 items that were recovered, your bedroom suit, the other
22 items, what kind of condition were they in?

23 A. A lot of the bins that I had, that I had full of my
24 stuff, they were not full anymore. When we dump them out
25 they had like rat poop and shredded paper where they had

1 nest in them. There were roaches, live roaches still
2 crawling all over my stuff and there were what appeared to
3 be dog feces on the outside of the boxes and things. And
4 there's not one thing that was recovered that I use, have
5 taken possession of, everything is still on the trailer
6 that was parked on somebody else's property.

7 Q. So what did you do with the items when they were
8 returned back over to you?

9 A. They were taken somewhere and parked. They are still
10 on the trailer.

11 MRS. JOHNSON-LEE: Permission to publish the list of
12 items that were recovered.

13 Q. What do you estimate being the value of all of these
14 items, all your personal belongings, worldly belongings on
15 that trailer?

16 A. I went by the amounts that I paid and what I figured
17 it would cost to replace the stuff and it was close to
18 \$35,000. It wasn't quite there but close.

19 Q. Do you know the defendant, Samuel Alexander?

20 A. I do not.

21 Q. Have you seen him before today?

22 A. No.

23 Q. Would he have had any reason to come to your home?

24 A. No.

25 Q. Would you have given him or anybody else permission to

1 come take your trailer with all of your belongings on it?

2 A. No.

3 MRS. JOHNSON-LEE: Thank you, ma'am. At this time
4 answer any questions that Ms. Little has for you.

5 A. Okay.

6 MS. COPELAND-LITTLE: No questions.

7 THE COURT: All right. You can step down.

8 MRS. JOHNSON-LEE: Next I would call, Angel Tubbs.

9 CLERK: Do you swear your testimony be the truth, the
10 whole truth, nothing but the truth, so help you God?

11 MS. TUBBS: Yes, ma'am.

12 ANGEL TUBBS, first being
13 duly sworn, testified as follows:

14 **DIRECT EXAMINATION BY MRS. JOHNSON-LEE:**

15 Q. Please state your name for the record.

16 A. Angel Tubbs.

17 Q. And whom are you employed?

18 A. Chesterfield County Sheriff's office.

19 Q. And how long of you been at the Chesterfield County
20 Sheriff's office?

21 A. Since July of 2013.

22 Q. What is your job there currently?

23 A. An investigator.

24 Q. How long have you been an investigator there?

25 A. Two and half years.

ANGEL TUBBS- DIRECT EXAMINATION BY MRS. LEE

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1 Q. And what did you do at the Chesterfield County
2 Sheriff's office prior to being an investigator?

3 A. I wrote all the policies and procedures for the
4 department and I cleaned up evidence.

5 Q. Where were you employed prior to the Chesterfield
6 County Sheriff's office?

7 A. I was the Chief of Police in Bluffton, South Carolina.

8 Q. And that's the town right before you cross over Hilton
9 Head?

10 A. Yes, ma'am.

11 Q. And how long were you in Bluffton, South Carolina?

12 A. Fourteen years.

13 Q. Fourteen years. And where were you prior to that?

14 A. Beaufort County Sheriff's office briefly but prior to
15 that Hartsville Police department in Darlington County for
16 fifteen years.

17 Q. What is your total years of experience in law
18 enforcement in South Carolina?

19 A. Thirty-three years.

20 Q. Are you a Class I certified officer?

21 A. I am.

22 Q. And you're, obviously, a graduate of the Criminal
23 Justice Academy?

24 A. Yes, ma'am.

25 Q. What kind of training do you have in investigations?

1 A. I've been through numerous, numerous courses for
2 murder investigations, criminal sexual conduct with
3 children investigations, processing blood scene splatters,
4 processing fingerprints, evidence collection, went through
5 the FBI National Academy in Quantico under the command
6 course to be able to supervise and deploy different
7 personnel to different types of investigations.

8 Q. Now, were you involved in the investigation regarding
9 the theft on October 29, 2014 of the trailer containing all
10 of Amanda Stephens belongings?

11 A. Yes, ma'am.

12 Q. How did you become involved in that investigation?

13 A. We were currently working numerous reports of stolen
14 ATV's, all-terrain vehicles, motorcycles, trailers,
15 enclosed and opened trailers. We came across the larceny -
16 - a report, came across a recovery of an ATV that had been
17 reported stolen. During that time frame of multiple
18 interviews with other people it was found that the trailer
19 belonging to Ms. Stephens was located at a location and the
20 two people involved in that which then turned us to the
21 defendant's residence were in clear view, were part of
22 boxes that some of her stuff had been, that she had
23 reported stolen. We had seen empty boxes on the back
24 porch. From that, we obtained a search warrant and
25 searched the defendant's residence.

ANGEL TUBBS- DIRECT EXAMINATION BY MRS. LEE

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1 Q. When you are referring to the defendant, which
2 defendant are you referring to?

3 A. Sammy Alexander.

4 Q. Where did he live at?

5 A. He lived in Darlington County on the Oates Highway.

6 Q. And so you, just to be clear, you physically went to
7 his residence and you actually saw items that match the
8 description of the items belonging to Amanda Stephens?

9 A. Found the boxes, the empty boxes.

10 Q. That contained her items?

11 A. Correct.

12 Q. And how did you know that those were her empty boxes?

13 A. Because that's what she reported stolen.

14 Q. And what did you do after - - just to go back in time
15 a few minutes, you saw the empty boxes, they matched the
16 description of items belonging to Amanda Stephens, what did
17 you do?

18 A. We contacted the Darlington County Sheriff's office
19 because that's out of our jurisdiction. April Tyner, which
20 is an investigator with the Sheriff's office in Darlington
21 County, met us on scene. Then myself and her went to the
22 magistrate's office and obtained a search warrant for the
23 resident's of Sammy Alexander.

24 Q. And was anything recovered from the residence of Sammy
25 Alexander pursuant to the search warrant?

1 A. Yes, ma'am.

2 Q. What items were recovered from the search warrant?

3 A. If I can refer to my report?

4 Q. Certainly.

5 A. At the residence of Samuel Alexander which is a double
6 wide mobile home and it's located on the Oates highway, we
7 recovered a black sectional couch, a washer and dryer, a
8 stereo system, a book bag with an Xbox 360 game and
9 toolset, a Wii bag but the Wii was not included in it.
10 There was a bin of clothing, female clothing. Two bins
11 that contained comic books. One bin that contain toys and
12 clothes. Two bins that contain clothes and household
13 accessories. One bin, and I'm speaking of a Tupperware,
14 large storage bin, of a Game Cube, a Nintendo-64 gaming
15 system with accessories, an all-in-one printer, a 32 inch
16 television with DVD combination. One bin with DVD's and
17 household items, a Pioneer stereo receiver, a Samsung sound
18 bar and speaker system, a 65 inch television. Two bags
19 sealed, it's like the vaccum seal, of clothing. An Xbox
20 360, two HP laptops, one Sony laptop, a Honda-CR two stroke
21 dirt bike, a Delta pressure washer, a shovel, a set of golf
22 clubs, a pole saw, a skill saw, Black & Decker weed eater,
23 a four wheeler seat, miscellaneous tools, a gray plastic
24 pan with motorcycle parts, and a red dolly.
25 Q. Now, all of those items, the ones that belong to Ms.

CAROLINE TYLER- DIRECT EXAMINATION MRS. LEE

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1 Stephens, what did you do with them?

2 A. We returned - - we contacted Ms. Stephens, had her
3 come down, and we returned the property that she had
4 reported stolen but all of the property was not there.

5 Q. Now, what other things did you do as part of your
6 investigation into this case? And I'm referring
7 specifically to the theft of the trailer and property
8 belonging Ms. Stephens. You executed the search warrant to
9 recover these items, did you, yourself, do anything
10 additional in regards to this particular case?

11 A. Other than return the property back to Ms. Stephens,
12 no, ma'am.

13 MRS. JOHNSON-LEE: Thank you. At this time please
14 answer any questions that Ms. Little has for you?

15 MS. COPELAND-LITTLE: No questions, Your Honor.

16 THE COURT: Okay. You can step down, Ms. Tubbs.

17 MS. TUBBS: Thank you, sir.

18 MRS. JOHNSON-LEE: We'd call Caroline Tyler.

19 CLERK: Do you swear to tell the truth, the whole
20 truth, and nothing but the truth so help you God?

21 MS. TYLER: Yes, ma'am.

22 CAROLINE TYLER, first being
23 duly sworn, testified as follows:

24 **DIRECT EXAMINATION BY MRS. JOHNSON-LEE:**

25 Q. Please state your name for the record.

1 A. Caroline Tyler.

2 Q. Where are you employed?

3 A. The Chesterfield County Sheriff's office.

4 Q. And what you do with the Chester County Sheriff's
5 office?

6 A. I am the evidence tech.

7 Q. What is the evidence tech?

8 A. I, once all of the evidence is turned in from the
9 officers, then I'll process it and store it in our evidence
10 locker.

11 Q. Now, did you have to go to the Criminal Justice
12 Academy?

13 A. I did go to the academy.

14 Q. And what type of certification do you have from the
15 academy?

16 A. I'm a Class III officer.

17 Q. And how long have you been a Class III officer with
18 the Sheriff's office?

19 A. Since October 30, 2014.

20 Q. Now, did you have on occasion to come into possession
21 of property belonging to Amanda Stephens?

22 A. I did.

23 Q. And what did you do with the property that came to
24 your possession?

25 A. I, actually, when we were at the home in Darlington

1 County and assisted loading it onto the vehicles to bring
2 back into Chesterfield County.

3 Q. And was the residence in Darlington County the
4 residence of the defendant, Samuel Alexander?

5 A. Yes, ma'am.

6 Q. And you physically helped load the items that belong
7 to Ms. Stephens - - -

8 A. Yes, ma'am.

9 Q. - - - and trailer to come back? Did you later assist
10 in returning the property over to or attempted to turn
11 property over to Ms. Stephens?

12 A. Yes, ma'am.

13 Q. How did you do that?

14 A. We went through each item, analyzed it, labeled it,
15 and then helped her to load the trailer back with the items
16 that we recovered that were hers.

17 Q. And so was the trailer also recovered from somewhere?

18 A. Yes, ma'am.

19 Q. And do you know where the trailer was recovered from?

20 A. I don't at this time. I think it was in Chesterfield
21 County.

22 Q. And so the items were put back on to that trailer?

23 A. Yes, ma'am.

24 Q. And did you also have Ms. Stephens sign a form
25 acknowledging receipt of the items that were recovered from

SCAROLANASTULERCAROSSA EXAMINATION BY MS. COPELAND-LITTLE of the
) Fourth Judicial Circuit
 County of Chesterfield) 2015-GS-13-0837
 Samuel Alexander's home?

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A. Yes, ma'am.

Q. As well as the trailer that was recovered from here?

A. Yes, ma'am.

Q. Other than that, have you had any involvement with this

Samuel E. Alexander, Jr.,

A. No, ma'am.

MRS. JOHNSON-LEE: Thank you. Please answer any

questions that Ms. Little has for you?

Chesterfield, South Carolina
 MS. COPELAND-LITTLE: Just briefly, 18, 2016

CROSS EXAMINATION BY MS. COPELAND-LITTLE:

Q. Deputy Tyler, was anyone -- were you there when the
 B E F O R E:

search warrant was executed? Were you there when they
 The Honorable Roger E. Henderson
 executed the search warrant?

A. P A E A N I S T E A S E ' s office?

Q. Mr. Mary Johnson-Lee, Esquire, defendant's residence?
 Attorney for Plaintiff

A. Oh, yes, ma'am.
 Ms. Tonya Copeland-Little, Esquire

Q. Attorney for Defendant the time?

A. At the home, no, ma'am.

Q. Okay.

Lisa Carter

A. No homeowners.

Circuit Court Reporter

Q. Do you know who lived in the home?

A. Based on the search warrant it stated the homeowner
 was Samuel Alexander.

Q. But do you know who actually own that or did you just

APRIL TYNER- DIRECT EXAMINATION BY MRS. LEE

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1 have information that he lived there?

2 A. Right.

3 Q. Do you know if the power was on at that residence?

4 A. I don't remember.

5 MS. COPELAND-LITTLE: No further questions.

6 THE COURT: Anything else, Mrs. Johnson-Lee?

7 MRS. JOHNSON-LEE: No, Your Honor.

8 _____THE COURT: All right. You can step down. Thank you.

9 MRS. JOHNSON-LEE: April Tyner.

10 CLERK: You swear that your testimony be the truth,
11 the whole truth, and nothing but the truth so help you God?

12 MS. TYNER: I do.

13 APRIL TYNER, first being
14 duly sworn, testified as follows:

15 **DIRECT EXAMINATION BY MRS. JOHNSON-LEE:**

16 Q. Please state your name for the record.

17 A. April Tyner.

18 Q. Where are you employed?

19 A. Darlington County Sheriff's office.

20 Q. And what is your job at the Darlington County
21 Sheriff's office?

22 A. I'm a first sergeant in criminal investigations.

23 Q. How long have you been in criminal investigations at
24 the sheriff's office there?

25 A. Seven years.

1 Q. Do you have prior law enforcement experience?

2 A. I do.

3 Q. Where is that at?

4 A. Hartsville City Police Department.

5 Q. And how long were you there?

6 A. A little over eight years.

7 Q. So are you a graduate of the Criminal Justice Academy?

8 A. I am.

9 Q. You are a Class I certified officer?

10 A. I am.

11 Q. And what kind of training do you have in the field of
12 investigations?

13 A. I've been through several training courses through the
14 Criminal Justice Academy including basic detective, a bunch
15 of crime scene courses, evidence collection. I'm actually
16 on a task force for the Attorney General's office for
17 internet crime against children. I have multiple classes
18 in internet crimes. I've had background in child abuse,
19 elder abuse, sex crime against children.

20 Q. A big background?

21 A. Yeah, I do.

22 Q. Now, did you assist in the recovery of some stolen
23 property from the residence of Samuel Alexander that
24 involve the victim, Amanda Stephens?

25 A. I did.

1 Q. And can you please tell the jury about your
2 involvement in the case?

3 A. I went with Chesterfield County Sheriff's office
4 investigator, Angel Tubbs, to the magistrate's office in
5 Hartsville and spoke with Judge Thomas where a search
6 warrant was signed by the judge. Then we went to the
7 residence of Mr. Samuel Alexander where an execution of the
8 search warrant was made. One of the other investigators
9 remained on the scene because I had to leave to go
10 somewhere else but I did return back to the scene but
11 another Darlington County investigator stayed there.

12 Q. Was - - do you recall if Mr. Alexander was there at
13 the time that you were there?

14 A. Not that I would recall.

15 Q. Now, did you assist in the recovery of any of the
16 property?

17 A. I did not.

18 Q. Your involvement was to obtain the search warrant to
19 go to the house to get the property, is that correct?

20 A. That would be correct.

21 MRS. JOHNSON-LEE: Thank you. I beg the Court's
22 indulgence. No further questions. Answer any questions
23 that Mr. Little has for you.

24 MS. COPELAND-LITTLE: No questions.

25 THE COURT: All right. You can step down.

1 MRS. JOHNSON-LEE: Can this witness be excused to go
2 back to Darlington?

3 THE COURT: Any objection?

4 MS. COPELAND-LITTLE: No objection.

5 THE COURT: All right. You may be excused, Mr. Tyner.

6 MRS. JOHNSON-LEE: I beg the Court's indulgence.
7 Lieutenant Wayne Jordan.

8 CLERK: You swear your testimony be the truth, the
9 whole truth, and nothing but the truth so help you God?

10 MR. JORDAN: I do.

11 WAYNE JORDAN, first being
12 duly sworn, testified as follows:

13 **DIRECT EXAMINATION BY MRS. JOHNSON-LEE:**

14 Q. Please state your name for the record.

15 A. Anthony Wayne Jordan.

16 Q. And where are you employed?

17 A. I'm employed with the Chesterfield County Sheriff's
18 office.

19 Q. And what is your job there?

20 A. I am the lieutenant over the criminal detective
21 division.

22 Q. How long have you been over that division?

23 A. I've been in that division since 2003 but I've been
24 over that division since probably 2010.

25 Q. Did you have a prior law enforcement experience?

WAYNE JORDAN- DIRECT EXAMINATION BY MRS. LEE

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1 A. I do. I am working on my twenty-fifth year, police,
2 law enforcement. I started at the Cheraw PD in 1991 as a
3 dispatcher. I went to the Criminal Justice Academy in '94,
4 I was a Class I officer. I graduated in '94. I stay there
5 until 1998. Went to Rock Hill, South Carolina as a police
6 officer. I stay there until 2003. I started my detective
7 division or detective work in Rock Hill - - Rock Hill,
8 South Carolina at the Police Department. When I came back
9 home in 2003, I went straight into the detective division
10 for the Sheriff's office and that's where I'm at today.

11 Q. Now, what is your involvement with this particular,
12 this case, where Samuel Alexander is accused of stealing a
13 trailer belonging, all personal belongings, to Amanda
14 Stephens?

15 A. I've been over the detective division, updated all
16 cases daily. I was updated on this case to where we were
17 working several larcenies of trailers, ATV's, dirt bikes.
18 The information that was given to my detectives led us to
19 Samuel Alexander. We obtained an address over in
20 Darlington, South Carolina or over in the Hartsville area,
21 South Carolina which is in Darlington County. I gathered
22 up all of my detectives and we went to Darlington County
23 who we hooked up with Darlington County Sheriff's office,
24 met us at his residence on Oates Highway. We knocked on
25 the door and nobody answered. We did a quick scan around

1 the property. Walked around to the back door. I, myself,
2 I actually walked on the back door myself, knocked on the
3 back door, and nobody answered. And at that time I noticed
4 on the back porch some boxes, one box being a surround
5 sound - - sound equipment box and I cannot recall who I
6 asked but I ask one of my detectives weren't we looking for
7 a sound equipment and they said, yes. We identified it as
8 it being Ms. Stephens. And then I asked my first sergeant,
9 Angel Tubbs, to hook up with first sergeant, April Cook,
10 and obtained us a search warrant. They left the scene
11 while we stayed on the scene with Chase McDaniels with
12 Darlington County Sheriff's office and we awaited for the
13 search warrant to get back.

14 Q. Now, were you there also during the execution of the
15 search warrant?

16 A. I was there during the execution of the search
17 warrant.

18 Q. And you heard the list of items that were recovered
19 from the search warrant, were you there when all of those
20 items were recovered?

21 A. Yeah, I helped - - I helped take the sectional out and
22 I helped take the TV out. I assisted, I mean, just because
23 I'm the supervisor I do my work. I helped labored in it.

24 Q. Can you describe to the jury what kind of condition
25 Ms. Stephens's property was in?

1 A. Upon finding it?

2 Q. Yes.

3 A. Upon finding it, it was in a pretty bad situation. We
4 did tiptoe through the house, when I say tiptoed, we just
5 walked lightly because there was dog feces all over the
6 house. There were rats in the house. They were roaches in
7 the house. I do not recall power being on at the house
8 because I remember it being cold in that house. It was
9 dark in the house. I think we actually had to use
10 flashlights going through the house. It was a cold dark
11 day, I remember that day, it was real cold outside.

12 Q. Was that on or about November 18, 2014?

13 A. That was.

14 Q. And that address, is that [REDACTED] Oates Highway, Lamar,
15 South Carolina?

16 A. I know it was on Oates Highway. I know it was in
17 Lamar so as far as the numerics, I'm pretty sure if that's
18 on the report, I'm sure that's correct.

19 Q. It was at the same place that Ms. Tubbs was at?

20 A. Oh, sure. Yes. Exactly.

21 Q. Now, did you assist in any other area of the
22 investigation involving this particular case?

23 A. No, ma'am, I did not.

24 Q. Did you assist in the recovery of any of Ms.
25 Stephens's property or any other individual in this

1 particular case?

2 A. No. No, I do not.

3 Q. Did any of your investigators?

4 A. Yes, they did. I sent two detectives to an address on
5 Sam Jones Church Road or Sam Jones Road which is in the
6 Teals Mill area of Chesterfield County right outside of
7 Cheraw where they recovered bed, the bed stuff, the bedroom
8 furniture, and I think they recovered a washer and dryer as
9 well.

10 Q. And who were the investigators that you sent to do
11 that?

12 A. That would've been Detective Burns and that would've
13 been Richard Carnes. He would've been a sergeant at the
14 time.

15 Q. And he no longer works for the Sheriff, is that
16 correct?

17 A. Unfortunately, he's not.

18 Q. Do you know where he is now?

19 A. He took a job with the Chesterfield County High
20 School, as a law enforcement consultant. He teaches a
21 class to the kids over there, law enforcement.

22 Q. Now, did you ever see Samuel Alexander on or about
23 November 18th during the execution of the search warrant or
24 any time thereafter?

25 A. He was never at the search warrant. He never came to

WAYNE JORDAN- DIRECT EXAMINATION BY MRS. LEE

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1 the residence. But I did see him later on that night.

2 Q. Did you have occasion to speak with him yourself?

3 A. I was standing around. I don't think I'm a direct
4 talk with him. I don't think I directly spoke with him. I
5 was standing there when my detectives were talking to him.
6 I think we made a phone call to him. He met us in a
7 parking lot in Hartsville. We ask him to ride back over to
8 Chesterfield with us because we wanted to speak with him.
9 He said he would. And as a matter of fact, he got in the
10 car with Richard Carnes. My detective, Greg Burns, got in
11 his truck which is a Blue Z-71 pickup truck and drove it
12 back to Chesterfield because I put \$10.00 worth of gas in
13 his truck to get it back to Chesterfield instead of towing
14 it. So, he asked to come and first sergeant Tubbs went and
15 picked his girlfriend up as well and she - - we ask her to
16 come back and they consented and came back to Chesterfield
17 County and spoke with us.

18 Q. And you didn't Mirandized him yourself, that would've
19 been - - -

20 A. I did no interviews with Mr. Alexander, no, I did not.

21 MRS. JOHNSON-LEE: Thank you. Answer any questions
22 that Ms. Little has for you?

23 A. All right.

24 MS. COPELAND-LITTLE: No questions.

25 THE COURT: You can step down.

1 MR. JORDAN: Thank you.

2 THE COURT: Thank you, sir.

3 MRS. JOHNSON-LEE: Beg the Court's indulgence. Amos
4 Nivens.

5 CLERK: You swear the testimony you're about to set
6 forth in this case be the truth, the whole truth, and
7 nothing but the truth?

8 MR. NIVENS: I do.

9 AMOS NIVENS, first being
10 duly sworn, testified as follows:

11 **DIRECT EXAMINATION BY MRS. JOHNSON-LEE:**

12 Q. Please state your name for the record.

13 A. Amos Nivens, Jr.

14 Q. And Mr. Nivens where do you live?

15 A. [REDACTED] Hunts Mill Road, Chesterfield.

16 Q. And were you residing there in October and November of
17 2014?

18 A. Yes, ma'am.

19 Q. Now, did you come into possession of a 60-foot Pace
20 trailer?

21 A. Yes, ma'am.

22 Q. Who did you come in possession of that trailer from?

23 A. Julius Butler.

24 Q. Is that Julius Teddy Butler?

25 A. Yes, ma'am.

1 Q. And did you pay him for the trailer?

2 A. No, ma'am.

3 Q. Were you still in possession of the trailer when law
4 enforcement - - will let me back up - - did law enforcement
5 come to you at some point in time to get that trailer?

6 A. Yes, ma'am.

7 Q. And do you recall who came to get that trailer?

8 A. No, ma'am I wasn't home. They called.

9 Q. They called you.

10 A. Somebody call.

11 Q. And did you tell them how you became in possession of
12 the trailer?

13 A. Yes, ma'am.

14 Q. And what did you tell them?

15 A. I told them that Julius had a trailer for sale and I
16 went to buy it and he didn't have the title for it and he
17 told me that he'd get it in a couple of weeks and he told
18 me I could take the trailer and use it until he got the
19 title which was less than two weeks before they picked it
20 up.

21 Q. And was it later determined that is the trailer that
22 belonged to Ms. Stephens to the best of your knowledge?

23 A. I'm not sure about that. They called and said the
24 trailer that they were looking for that wasn't it but that,
25 that one was stolen.

1 Q. That one was stolen?

2 A. Yeah.

3 Q. And did you have any other property - - -

4 A. No, ma'am.

5 Q. - - - that was stolen from anyone - - -

6 A. No, ma'am.

7 Q. - - - according to the Sheriff's office?

8 A. No, ma'am.

9 MRS. JOHNSON-LEE: That's all the questions I have,
10 Mr. Nivens - - oh, let me back up just one time. And you
11 don't know Samuel Alexander, do you?

12 A. No. This is the first time I saw him today.

13 MRS. JOHNSON-LEE: Thank you, sir. That's all the
14 questions I have of Mr. Nivens.

15 THE COURT: Okay. Ms. Little?

16 **CROSS EXAMINATION BY MS. COPELAND-LITTLE:**

17 Q. You said you got the trailer from a Julius Butler?

18 A. Yes, ma'am.

19 Q. And was he a friend of yours? Neighbor?

20 A. My neighbor.

21 Q. Did you know where he got the trailer from?

22 A. No, ma'am.

23 Q. He told you he can produce the title?

24 A. He told me it belonged to his friend named Sammy.

25 Q. Okay.

1 A. He said it would take them about two weeks to get up
2 with Sammy and he would come back with the title.

3 Q. He said that he was going to produce the title for you
4 at some point in the future?

5 A. Yes.

6 MS. COPELAND-LITTLE: All right. No other questions,
7 Your Honor.

8 **REDIRECT EXAMINATION BY MRS. JOHNSON-LEE:**

9 Q. And just to clarify, did you just say he told you that
10 the trailer belonged to his friend, Sammy?

11 A. Yes. He said that he would get with Sammy and get the
12 title.

13 MRS. JOHNSON-LEE: Thank you, sir. No further
14 questions.

15 THE COURT: Anything else, Ms. Little?

16 MS. COPELAND-LITTLE: No, Your Honor.

17 THE COURT: All right. You can step down. Thank you.

18 MRS. JOHNSON-LEE: We'd call Jason Garris.

19 CLERK: Right here, sir. Left hand on the Bible and
20 raise your right hand. You swear that your testimony we'll
21 be the truth, the whole truth, and nothing but the truth so
22 help you God?

23 MR. GARRIS: Yes.

24 JASON GARRIS, first being
25 duly sworn, testified as follows:

DIRECT EXAMINATION BY MRS. JOHNSON-LEE:

Q. Please state your name for the record.

A. Jason Garris.

Q. Where do you reside, Mr. Garris?

A. [REDACTED] Hunts Mill Road, Chesterfield.

Q. Is that where you resided in October and November of 2014?

A. Yes, ma'am.

Q. Do you know the defendant, Sammy Alexander?

A. Yeah, I met him.

Q. How - - how do you know him?

A. Well, Julius or we call him, Buddy, Butler, brought Sammy to my house to sell me some stuff or to attempt to sell me some stuff.

Q. And was that in early November of 2014?

A. To the best of my knowledge, that would've been about right.

Q. What items did you buy from Sammy Alexander and Julius Butler?

A. I bought a gasoline golf cart. I bought a bedroom suit and a washer and dryer.

Q. And as part of the bedroom suit, was there also a mattress and box springs?

A. I think there was.

Q. And do you recall how much you pay Sammy Alexander and

1 Julius Butler for those items?

2 A. I think it was somewhere around \$1,400 or \$1,500.

3 Q. And did Sammy Alexander tell you where he got the
4 property from?

5 A. No.

6 Q. You didn't ask him either, did you?

7 A. No.

8 MRS. JOHNSON-LEE: I beg the Court's indulgence.

9 Answer any question that Ms. Little has. Thank you.

10 MS. COPELAND-LITTLE: Just one moment. No question,
11 Your Honor.

12 THE COURT: All right. You can step down, sir. Thank
13 you. Watch your step.

14 MRS. JOHNSON-LEE: We'd call Julius Teddy Butler. And
15 can this witness be excused, Your Honor, Mr. Garriss?

16 MS. COPELAND-LITTLE: I have no problem with that.

17 THE COURT: All right. You may - - -

18 MRS. JOHNSON-LEE: Also Mr. Nivens?

19 THE COURT: Any objection to Mr. Nivens being excused?

20 MS. COPELAND-LITTLE: No, Your Honor.

21 THE COURT: All right. Those two gentlemen may be
22 excused, Mr. Garriss and Mr. Nivens.

23 MRS. JOHNSON-LEE: Thank you.

24 CLERK: You swear your testimony be the truth, the
25 whole truth, and nothing but the truth so help you God?

1 MR. BUTLER: Yes, ma'am.

2 JULIUS BUTLER, first being
3 duly sworn, testified as follows:

4 **DIRECT EXAMINATION BY MRS. JOHNSON-LEE:**

5 Q. Please state your name for the record.

6 A. Julius Teddy Butler, Jr.

7 Q. Where do you reside at, Mr. Butler?

8 A. At [REDACTED] Hunts Mill Road.

9 Q. And you live near Mr. Garris or Mr. Nivens?

10 A. I do.

11 Q. Are they neighbors of yours?

12 A. Yes, ma'am.

13 Q. Do you know Sammy Alexander, the defendant?

14 A. Yes, ma'am.

15 Q. And how do you know him?

16 A. We work together.

17 Q. Okay.

18 A. He use to - - -

19 Q. How did you work together?

20 A. Well, we both worked at Johnson Control in Florence.

21 Q. When was that?

22 A. This was, I think, like in 2014. Maybe the latter
23 part of '13 into the '14.

24 Q. Now, specific to this case only, did you come in
25 possession of a trailer containing personal belongings

1 later determined that belonged to Ms. Amanda Stephens?

2 A. Yes, I did.

3 Q. And how did you come in possession of that trailer
4 with all of those belongings on it?

5 A. Well, one morning me and my dad we were asleep and we
6 heard a knock at the door and went to the door and it was
7 Sammy and he said that he had bought a trailer and had
8 stuff in it and they had a flat tire and wanted to know if
9 they could leave it there until they could get a tire and
10 which me and my dad both said, yeah, it would be fine. And
11 then as I got dressed and stuff and went out, they were
12 loading certain items because he said, stuff that when he
13 got the trailer, bought the trailer that he was going to go
14 ahead take with him. And then he said he had a few things
15 on there that he wanted to sell and wanted to know if I
16 knew anybody that might be interested in. So I thought for
17 a few minutes and happened to think of Jason and, you know,
18 so we rode down there and that's when Jason bought the,
19 whatever he bought.

20 Q. Now, the trailer itself was it sold also?

21 A. Sold?

22 Q. Or in the process of being sold?

23 A. Well, at that time, no. It was later on, me and Sammy
24 talked and I had asked him what he was going to do with the
25 trailer and he said that he was waiting to get paperwork,

1 you know, on it that he hadn't received the proper
2 paperwork. And, anyway, he told me he was thinking - - he
3 thought he was going to sell the trailer as well. So
4 that's when Amos had saw the trailer sitting at my house
5 and had asked about it and that's how I told him about it
6 and he said that if he got the paperwork to the trailer
7 that he'd like to purchase it. So I told Sammy that and he
8 said as soon as, you know, everything went through and
9 which Sammy told me too, he said I could just let him go
10 ahead and take the trailer until he got the paperwork and
11 then they would, you know, do the transaction or whatever
12 once he got the paperwork.

13 Q. Now, was there some period of time between them given
14 the trailer to Mr. Nivens and law enforcement coming and
15 getting the trailer?

16 A. Was there a time?

17 Q. Yeah, a period of time.

18 A. Yeah, a long time. I mean, it's sat there probably a
19 month and a half, two months, maybe.

20 Q. So you never got the paperwork from Samuel Alexander?

21 A. No. He said he never got it. Never could get it.

22 Q. Now, you said something was sold to Jason Garris by
23 Samuel Alexander, did you help set that up?

24 A. Well, the only thing I done was rode down with him to
25 show him where he lived, where Jason lived, because Samuel

JULIUS BUTLER- DIRECT EXAMINATION BY MRS. LEE

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1 didn't know Jason prior to this and then I had something to
2 do that day so I left and so I don't - - I mean, that's the
3 end of what Jason bought or whatever - - which I know it
4 was a washer and dryer and a bedroom suit but like I said I
5 wasn't down there so I don't know exactly from that point.

6 Q. Did you ever go to Samuel Alexander's house?

7 A. I have been there before, yes.

8 Q. Did you go there after this trailer was - - -

9 A. No. No.

10 Q. - - - showed up at your house?

11 A. No. No. I had only been there like when I get off
12 from work, stop by one day, you know, spoke briefly but no,
13 I mean - - no I did not go back down there.

14 Q. And just to be honest, you're also charged in this
15 case, are you not?

16 A. Well, yes, ma'am.

17 Q. Are you charged with grand larceny?

18 A. Yes, ma'am.

19 Q. In relation to Amanda Stephens property?

20 A. Yes, ma'am.

21 MRS. JOHNSON-LEE: Thank you. Answer any questions
22 Ms. Little has for you.

23 MS. COPELAND-LITTLE: I beg the Court's indulgence for
24 a moment.

25 THE COURT: Yes, ma'am.

1 MS. COPELAND-LITTLE: Your Honor, may we approach?

2 (Whereupon, a bench conference was held)

3 THE COURT: All right. Ladies and gentlemen, the
4 defendant is entitled to review some information at this
5 time which will take some time for the defense counsel to
6 look at, with that being said we would just go ahead and
7 break for lunch right now and plan to be back at 2 o'clock
8 and then the defense attorney, Ms. Little can begin her
9 cross examination of Mr. Butler. Mr. Butler, I want to
10 caution you that you are in the middle of your testimony.

11 MR. BUTLER: Yes, sir.

12 THE COURT: You cannot talk to anyone about anything
13 during this lunch break, do you understand?

14 MR. BUTLER: Yes, sir.

15 THE COURT: You are subject to cross examination. You
16 can talk about the weather or anything else you want to,
17 but you can't talk about this case to anybody. The best
18 thing for you to do is to go somewhere by yourself and eat
19 lunch and be - - -

20 MR. BUTLER: Right.

21 THE COURT: - - - by yourself.

22 MR. BUTLER: Yes, sir.

23 THE COURT: So there won't be any opportunity for any
24 danger of temptation for you to talk to anybody, do you
25 understand?

1 MR. BUTLER: Exactly. Yes, sir.

2 THE COURT: All right. You can step down and sit back
3 over there.

4 (Whereupon, the witness complies)

5 THE COURT: Mr. Foreman, ladies and gentlemen, of the
6 jury, I caution you at this time as I did earlier, you're
7 not to talk about this case at all while you're on your
8 lunch break. If somebody goes to lunch together just talk
9 about anything and everything but this. If you go
10 somewhere don't talk to anybody else, say I'm on jury duty
11 we got this case, doing such and such, don't do that. You
12 can tell them you're on jury duty and that's the extent of
13 it. You don't talk about the case at all because until we
14 have all the evidence into this record you're not allowed
15 to begin your deliberations until that takes place until I
16 tell you to begin your deliberations. Okay. I assume that
17 you have some personal items you might need to collect to
18 go to lunch, if not you are excused to go to lunch at this
19 time. Be back at 2 o'clock please. Everybody remain
20 seated while the jury goes out.

21 (Whereupon, the jury exits the courtroom at 12:42 p.m.)

22 THE COURT: Anything for the record before we break
23 for lunch?

24 MRS. JOHNSON-LEE: No, Your Honor. I am about to
25 print his rap sheet off of this.

1 MS. COPELAND-LITTLE: No, sir.

2 THE COURT: Okay. All right. We'll stand at ease
3 until 2 o'clock.

4 (Whereupon, the Court broke for lunch at 12:43 p.m.)

5 (Whereupon, the Court goes back on the record at 2:00 p.m.)

6 MRS. JOHNSON-LEE: Your Honor, may we approach on the
7 Moore case?

8 THE COURT: Sure.

9 MRS. JOHNSON-LEE: Excuse me, Mr. Alexander's case?

10 THE COURT: Certainly. Does she know you want to have
11 a bench conference?

12 MRS. JOHNSON-LEE: I think she is trying to resolve
13 it.

14 THE COURT: All right. Counsel, is there anything
15 before we bring the jury back in? Do you need to approach
16 the bench now or it's okay?

17 MRS. JOHNSON-LEE: No, Your Honor.

18 THE COURT: Are you ready for the jury?

19 MRS. JOHNSON-LEE: We're ready.

20 MS. COPELAND-LITTLE: Yes. Yes.

21 THE COURT: All right. Bring the jury in.

22 (Whereupon, the jury enters the courtroom at 2:10 p.m.)

23 THE COURT: All right. Ladies and gentlemen, hope you
24 had a decent lunch. All right. Ms. Little, are you - -
25 where is my witness, Mr. - - come on back up here, sir.

JULIUS BUTLER- CROSS EXAMINATION BY MRS. LITTLE

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1 All right. Mr. Butler, I want to caution you, you're still
2 under oath, do you understand?

3 MR. BUTLER: Yes, sir.

4 THE COURT: Okay. Ms. Little?

5 **CROSS EXAMINATION BY MS. COPELAND-LITTLE:**

6 Q. Good afternoon, Mr. Butler.

7 A. Good afternoon.

8 Q. Mr. Butler, you were in the process of testifying
9 before lunch, correct?

10 A. Yes, ma'am.

11 Q. And you testified that Sammy Alexander brought a
12 trailer to your house?

13 A. Yes, ma'am.

14 Q. He said he bought the trailer?

15 A. Yes, ma'am.

16 Q. Do you have any - - did he ever say he stole the
17 trailer?

18 A. No. He told me and my dad that Godley Moody Auction
19 or something, they had went to and picked it up.

20 Q. Now, you have been in trouble with the law before
21 haven't you, Mr. Butler?

22 A. Yes.

23 Q. Okay. What kind of trouble with the law?

24 A. Well, I've had - - I've had DUI '95. I've had check
25 fraud one time, just simple things like that.

1 Q. Any forgeries?

2 A. Well, that that's the checks - - check fraud.

3 Q. Oh, so are you're saying you forged somebody's check?

4 A. Yeah, my dad. Yes.

5 Q. You stole money from your own father?

6 A. No, I didn't steal it from him. He was going to loan
7 me the money and he wasn't home at the time which he had
8 given me checks before to write to pay stuff before with -
9 - -

10 Q. Did you plead guilty to it?

11 A. Pardon me?

12 Q. You pled guilty to forgery?

13 A. Yeah.

14 Q. So your father pressed charges against you?

15 A. Well, no, the bank did.

16 Q. Oh, the bank did?

17 A. Yeah.

18 Q. Your father didn't have anything to do with that?

19 A. No.

20 Q. So you admit - - you admit that you wrote checks on
21 your father's account?

22 A. Yeah. Yeah.

23 Q. Without his permission?

24 A. Well, yeah, I mean, I guess in the eye of the law,
25 yeah.

CHUCK MIXON- DIRECT EXAMINATION BY MRS. LEE

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1 Q. Okay. So you did time for that?

2 A. No.. I had probation.

3 Q. Probation.

4 MS. COPELAND-LITTLE: No further questions, Your
5 Honor.

6 THE COURT: Anything else, Mrs. Thompson-Lee?

7 MRS. JOHNSON-LEE: No, Your Honor.

8 THE COURT: You can step down.

9 MRS. JOHNSON-LEE: Chuck Mixon.

10 CLERK: You swear your testimony to be the truth,
11 whole truth and nothing but the truth so help you God?

12 MR. MIXON: I do.

13 CHUCK MIXON, first being
14 duly sworn, testified as follows:

15 **DIRECT EXAMINATION BY MRS. JOHNSON-LEE:**

16 Q. State your name for the record?

17 A. Charles Mixon, Jr.

18 Q. And where you employed?

19 A. Chesterfield County Sheriff's office.

20 Q. And what is your job there?

21 A. First sergeant over shift patrol.

22 Q. Okay. And how long have you been with the Sheriff's
23 office?

24 A. Twelve and half years.

25 Q. And do you have prior law enforcement experience?

1 A. I worked at the jail a year before getting on the
2 road.

3 Q. And are you a graduate of the Criminal Justice
4 Academy?

5 A. Yes, ma'am.

6 Q. So you're a Class I certified officer?

7 A. Yes.

8 Q. Were you working on October 29, 2014 on your D shift?

9 A. Yes, ma'am.

10 Q. Explain what D shift is?

11 A. Well, we got four road shifts. Mine at the time, was
12 D shift and it's just I patrol number of guys and girls
13 that worked the road.

14 Q. Did you receive a call during that shift to respond to
15 Highway 1 - - -

16 A. Yes, ma'am.

17 Q. - - - of the county area?

18 A. Yes, ma'am.

19 Q. And where did you respond to?

20 A. It's almost at the Kershaw County line. It's actually
21 a Bethune address, it might be, but it's on Number 1.

22 Q. And what was the nature of that call?

23 A. It was a larceny of a trailer, enclosed trailer.

24 Q. Was that call from Amanda Stephens?

25 A. Yes, ma'am.

CHUCK MIXON- DIRECT EXAMINATION BY MRS. LEE

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1 Q. And what did Ms. Stephen tell you about larceny of her
2 trailer?

3 A. She said when she went to bed I can't remember exactly
4 what time, ten or eleven, she knows the trailer was there
5 and when she got up that morning it was gone.

6 Q. And did she tell you all what was in the trailer?

7 A. She did give me a list, I think. It took a while.
8 There were so much stuff in the trailer but she did give me
9 a list.

10 Q. And did she tell you why she had so many of her
11 personal belongings in that trailer?

12 A. I think she was moving to another state or something.
13 She's in the Army maybe and she was moving.

14 Q. And so you made a report as a result of that call?

15 A. Yes, ma'am.

16 Q. And did you notify any investigators?

17 A. We did.

18 Q. And is that the standard operating procedure when
19 patrol response to a call involving something of this
20 nature?

21 A. When it's a grand larceny, we try to get them as many
22 as we can on it quick.

23 Q. And do you have any reason to doubt that -- well,
24 I'll take that question back. Did you respond immediately
25 upon receiving the call to go to that location?

1 A. Yes, I did.

2 Q. And did she report that the trailer was stolen
3 immediately prior to or the night prior to your arrival?

4 A. Yes.

5 Q. And did it appear to you that she had waited any
6 length of time prior calling law enforcement?

7 A. No, ma'am.

8 MRS. JOHNSON-LEE: Thank you. Answer any questions
9 that Mr. Little has for you. Thank you.

10 MS. COPELAND-LITTLE: No questions.

11 THE COURT: Okay. Thank you. You can step down, sir.

12 MRS. JOHNSON-LEE: Can he be released from his
13 subpoena, Your Honor?

14 MS. COPELAND-LITTLE: No objection.

15 THE COURT: Any objection? All right. You may be
16 excused, sir.

17 MRS. JOHNSON-LEE: We'd call Richard Carnes.

18 CLERK: You swear your testimony will be the truth,
19 the whole truth, and nothing but the truth so help you God?

20 MR. CARNES: I do.

21 RICHARD CARNES, first being
22 duly sworn, testified as follows:

23 **DIRECT EXAMINATION BY MRS. JOHNSON-LEE:**

24 Q. Please state your name for the record?

25 A. Joel Richard Carnes.

1 Q. And where are you currently employed?

2 A. I'm currently employed with the Chesterfield County
3 School District as a Career and Technology in Education
4 Instructor in law enforcement.

5 Q. And how long have you been working at the school?

6 A. About five or six months now.

7 Q. And prior to that, where were you employed?

8 A. Chesterfield County Sheriff's office. I was a
9 sergeant in investigation and over narcotics unit for the
10 Sheriff's office.

11 Q. And how long had you been in investigations with the
12 Sheriff's office?

13 A. A little over year.

14 Q. How long have you been with the Sheriff's office in
15 Chesterfield?

16 A. I have over thirty years in public service.

17 Q. Are you a Class I certified officer?

18 A. I am.

19 Q. And were you working investigations on or about
20 October 29, 2014?

21 A. Yes, ma'am.

22 Q. And how did you come involved in the case that we're
23 here for today involving Mr. Alexander being accused of
24 stealing the trailer with all the worldly belongings of Ms.
25 Amanda Stephens?

1 A. We had received several incidents about trailers and
2 four wheelers, dirtbike some things like that, being stolen
3 in Chesterfield County and Lieutenant Jordan and First
4 Sergeant Tubbs wanted us to start really working and trying
5 to find up some leads on some of this equipment and then
6 some of these items being stolen from folks. And through
7 talking with some informants, came up with some names of
8 where some of this property was located.

9 Q. Did it lead you to finding some property that had been
10 stolen from Ms. Stephens?

11 A. Yes, it did.

12 Q. And who did you determine was involved in the theft of
13 Ms. Stephens property?

14 A. Julius Butler, Samuel Alexander and Macy. I think
15 Macy's last name is Johnson. I think, not sure.

16 Q. There's also another individual named Christopher
17 Holden?

18 A. Yes.

19 Q. Now, what all did you do after you received
20 information that they had been involved in Ms. Stephens
21 property?

22 A. Through investigation we kept trying to run down leads
23 on different property because once we, initial, had a break
24 in the case, we started locating trailers, motorcycle, dirt
25 bike parts, four wheelers, bedroom suits, and then we

1 started locating those items we found out then after
2 getting the list that we had received from First Sergeant
3 Mixon about some of the items, started comparing the items
4 that had been stolen in other incident reports, found out
5 the items that were matching the items that were stolen out
6 of an enclosed trailer in the McBee area.

7 Q. And that enclosed trailer, it was recovered?

8 A. Yes, ma'am, it was.

9 Q. And other items were also recovered?

10 A. Yes, ma'am.

11 Q. Where were they recovered from?

12 A. Different locations. In Darlington County and some in
13 Chesterfield County as well.

14 Q. And that would be from Mr. Jason Garris - - -

15 A. Garris.

16 Q. - - - and some from Samuel Alexander's house itself?

17 A. That's correct.

18 Q. Now, did you participate in the execution of the
19 search warrant over at Samuel Alexander's home in
20 Darlington?

21 A. Yes, ma'am, I did.

22 Q. And did you also find property there that also belong
23 to Amanda Stephens?

24 A. Yes, ma'am. Yes, ma'am, I did.

25 Q. Now, Mr. Butler has also been charged in this case and

1 he's testified earlier. During your investigation did you
2 determine or given - - obtained what type of vehicle Mr.
3 Butler drives?

4 A. Mr. Butler drives a small, like, an S-10, Chevrolet S-
5 10. To the best of my knowledge, I believe it's green in
6 color and at the time I was looking for it, the back glass
7 was knocked out of it.

8 Q. And what type of vehicle was Mr. Samuel Alexander
9 driving at the - - -

10 A. A full-size blue in color pickup.

11 Q. And what size trailer was this that belonged to Ms.
12 Stephens?

13 A. I'm not sure if it was either a sixteen or eighteen
14 foot. I'm not exactly sure. It was a good size trailer.
15 It was a good size enclosed trailer.

16 Q. Okay. Now, was Mr. Alexander's vehicle brought to the
17 Sheriff's office?

18 A. Yes, it was.

19 Q. And were you present at the sheriff's office when Ms.
20 Stephens was there to sign or retrieve her trailer and some
21 of her property?

22 A. Yes, ma'am, I was.

23 Q. And did you hear anything about there being some
24 additional property in Mr. Alexander's truck - - -

25 A. Truck.

1 Q. - - - at the sheriff's office?

2 A. It was in the truck, on the back of the truck as well.
3 She talked about some of the items belonging to her. That
4 was the first time I had actually met Ms. Stephens and I
5 was, you know, for the contribution she'd done for our
6 country, I was tickled to death to be able to help someone
7 like that, get their property back for them as well as
8 their children and the things they were doing for our
9 country, I was tickled to death to be able to be there and
10 to help her get some of that stuff back. She talked about
11 some of the items that were - - as she came in that day to
12 sign with our evidence custodian, the paperwork to get some
13 of the property back, noticed some items in the truck as
14 well as on the back of the truck that belonged to her and
15 her children.

16 Q. So just to be clear, the defendant's truck was at the
17 sheriff's office and the victim actually looks over and see
18 some of her belongings still inside his truck and on the
19 back of his truck?

20 A. Because we had backed up Ms. Stephens trailer in our
21 bay at the sheriff's office, we had backed it in there,
22 there is room for several vehicles to be in there, but it's
23 very close quarters for the vehicles to be there and she
24 was walking around looking at some of the property we
25 recovered. And the vehicle, she kept asking about all the

1 vehicles and stuff there and I told her this vehicle and
2 she was like that some of my stuff right here. I remember
3 her talking, I'm not sure if she was talking to First
4 Sergeant Tubbs or who, but this is some of my stuff on the
5 truck. I did hear her talking about that.

6 Q. Now, can you I.D. Mr. Alexander in the courtroom?

7 A. Yes, ma'am.

8 Q. Where is he at?

9 A. Sitting right here in the orange colored shirt.

10 MRS. JOHNSON-LEE: Let the record reflect he is
11 pointing to the defendant.

12 Q. Now, you interviewed him, did you not?

13 A. I did.

14 Q. And he did not confess to stealing this trailer, did
15 he?

16 A. He never did.

17 Q. Did he admit to possessing the items from the trailer?

18 A. He did.

19 Q. But again the vehicle that Mr. Butler drives - - -

20 A. Mmm, hmm.

21 Q. - - - a very small vehicle - - -

22 A. Yes, ma'am.

23 Q. - - - is it something that would be capable of pulling
24 a large size trailer loaded down with her belongings?

25 A. No. He'd have to push the truck.

1 MRS. JOHNSON-LEE: Thank you. Please answer any
2 questions that Ms. Little has.

3 A. Sure.

4 MS. COPELAND-LITTLE: No questions.

5 A. Thank you.

6 THE COURT: Okay. You can step down, Mr. Carnes.
7 Thank you.

8 MRS. JOHNSON-LEE: The State rest.

9 THE COURT: All right. This is one of those moments
10 where I'm going to asked the jury to retire to the jury
11 room. We're going to take up an issue of law at this point
12 in time and we'll bring you back in it as soon as that
13 matter has been resolved.

14 (Whereupon, the jury exits the courtroom at 2:25 p.m.)

15 THE COURT: All right. The State has rested.
16 Anything from the defendant?

17 **MOTION FROM THE DEFENDANT**

18 MS. COPELAND-LITTLE: Your Honor, at this time, I
19 would move for a directed verdict set forth on the charge
20 of grand larceny. The State has failed to offer any
21 competent evidence standing true to that charge. They
22 certainly offerred evidence of possession of stolen goods.
23 There's been no evidence that establishes my client's
24 presence at the scene of the crime at the time alleged.

25 THE COURT: Any reponse?

1 MRS. JOHNSON-LEE: Your Honor, per the testimony of
2 Mr. Butler, the defendant is the one who drove the trailer
3 to his home even though he gave a story about where he got
4 it from that's a jury question. Obviously, we've presented
5 more than enough evidence to show that he was in possession
6 of it, evidence that he actually pulled that trailer to Mr.
7 Butler's home so we think that, that's clearly a jury
8 question for them to decide whether or not we met the
9 burden of proof for them to him find guilty.

10 THE COURT: All right. Ms. Little, I respectfully
11 deny your motion for directed verdict. There is certainly
12 substantial circumstantial evidence in this case if there's
13 not any direct evidence but there are some question as far
14 as direct evidence as well but it's certainly a jury
15 question at this point in time so I deny your motion.

16 MS. COPELAND-LITTLE: Thank you.

17 THE COURT: Now, at this point, does your client
18 intend to testify?

19 MS. COPELAND-LITTLE: No, Your Honor.

20 THE COURT: Okay. Mr. Alexander, would you stand
21 please. Raise your right hand. Do you swear or affirm the
22 testimony about to give will be the truth so help you God?

23 MR. SAMUEL: Yes, sir.

24 THE COURT: Now, Mr. Alexander, I have to explain to
25 you at this point in time you have certain rights. You

1 THE COURT: Okay. Do you have any questions about my
2 questions to you, sir?

3 MR. SAMUEL: No, sir.

4 THE COURT: You clearly understand that you have the
5 right to testify if you want to?

6 MR. SAMUEL: Yes, sir.

7 THE COURT: You clearly understand you have the right
8 to remain silent, which is what right you've exercised,
9 correct?

10 MR. SAMUEL: Yes, sir.

11 THE COURT: You're not under the influence of any
12 alcohol or drugs today?

13 MR. SAMUEL: No, sir.

14 THE COURT: Is there anything at all that's
15 interfering with your ability to think, reason, and
16 understand today?

17 MR. SAMUEL: No, sir.

18 THE COURT: All right. For the record I find that Mr.
19 Alexander has freely, voluntarily, and intelligently
20 exercised his right to remain silent during this trial and
21 that he does not intend to testify which is his right and
22 that he is also opted not to put forth any defense with
23 regard to this matter. You may be seated, sir.

24 Counsel, what we will do is just let the jury stay
25 back in the jury room long enough for me to print out my

1 jury charge and that way, we can go back here and look over
2 the jury charge and that way, we can do your arguments,
3 then I can charge the jury without starting and stopping so
4 if you'll bear with us a few minutes.

5 (Whereupon, the Court had to take a moment to do some
6 administrative work)

7 THE COURT: All right. Counsel, if you'll come to
8 chambers and let's look over this jury charge.

9 (Whereupon, the Court and the lawyers take a moment to go
10 over charge the jury charge)

11 THE COURT: All right. Counsel, are you ready for
12 closing arguments?

13 MRS. JOHNSON-LEE: The State's ready?

14 MS. COPELAND-LITTLE: Yes, Your Honor.

15 THE COURT: Bring the jury in.

16 (Whereupon, the jury enters the courtroom at 2:46 p.m.)

17 THE COURT: All right. Ladies and gentlemen, both the
18 State and the defendant have rested in this case so we have
19 reached the point in the trial where the attorneys will
20 make their closing arguments to you or closing statements.
21 Upon the conclusion of the closing arguments, I will then
22 in instruct you on the law or charge you, as we call it,
23 with the law that should be applied to the facts that you
24 have heard here today. I will explain in more detail the
25 right of the defendant to remain silent in my instructions

1 but I do caution you now that he has the constitutional
2 right to remain silent and not say anything during this
3 trial. He's exercised that right and that's not to be held
4 against him in any way whatsoever and I will instruct you
5 further on that at the conclusion of the closing arguments.
6 Counsel ready?

7 MRS. JOHNSON-LEE: May it please the Court?

8 THE COURT: Hang on a minute.
9 (Whereupon, a juror was having trouble with the seat she
10 was sitting in)

11 THE COURT: Is that chair wiggling and wobbling too
12 much to you, you can move if you want to. I want you to be
13 comfortable, you're going to be sitting here for a little
14 while. We need to take that up county as well as a new
15 jury room which we're working on by the way.

16 **CLOSING ARGUMENTS BY MRS. JOHNSON-LEE:**

17 MRS. JOHNSON-LEE: May it please the Court?

18 THE COURT: Yes, ma'am.

19 _____MRS. JOHNSON-LEE: Counsel? Ladies and gentlemen of
20 the jury, this has been a short trial which is good for you
21 but we've come to the conclusion and now, obviously, it's
22 time for closing arguments which is both my time and Ms.
23 Little's time to talk to you and tell you why we think the
24 defendant should be found guilty or not guilty. So I would
25 like to go through first of all and just to address the

1 grand larceny, that's what the defendant is charged with.
2 Obviously, larceny means stealing something, taking away
3 something that doesn't belong to you. Grand larceny means
4 the taking and carrying away property that belongs to
5 somebody else with the intent to deprive the actual owner
6 of their possessions. And, in this case, the value of it
7 is \$10,000. Now, you've heard Ms. Stephens testify to the
8 value of the property and, of course, you heard the
9 officers talk about how all of her worldly belongings were
10 in that trailer. It's was a very large trailer.
11 Everything she owns was in there, washer, dryer, bedroom
12 suit, clothes, gaming systems, obviously, once you put the
13 trailer and all that together you're looking at in excess
14 of \$10,000.

15 I want to talk to you a little about direct evidence
16 and circumstantial evidence. This case, obviously, is more
17 of a circumstantial evidence case than it is a direct
18 evidence case. And the difference is direct evidence would
19 be say, (Whereupon, counsel, slams her hand on the bar in
20 courtroom), you can say that I walked up and hit that bar
21 because you witnessed me do it. You saw it. That's direct
22 evidence. You saw it happen. Now circumstantial evidence
23 would be, say, you go to bed tonight and it's clear outside
24 and there's no snow, no rain, no wind, no nothing. But you
25 wake up tomorrow morning at daylight and you look outside

1 and the ground is covered with snow. You didn't see the
2 snow come down but you can say it snowed last night while I
3 was asleep. You have no direct evidence because you didn't
4 see it happen but you know what happen because there's the
5 evidence. That's what this case is. Let's look at what
6 each witness testified to.

7 Now, Chuck Mixon was the first responding officer.
8 He's the one that got the call on his shift that this
9 trailer was missing. He immediately responds to Amanda
10 Stephens residence on Number 1. Right when you're going
11 from McBee to Bethune, right before you get to that Lynches
12 River Bridge, she lives right there on the county line.
13 She's in the United States military serving our country and
14 she's getting activated to go the very next day to the
15 State of Mississippi to Vicksburg. Everything she owns is
16 in that trailer. Everything that belong to her children
17 because she's got to report to serve because that's her
18 duty. She gets up the next morning and her trailer is
19 gone. All of her worldly possessions are missing. She
20 immediately calls 9-1-1. She calls and gets the number for
21 the Sheriff's office. She doesn't wait around. She
22 doesn't wait a day or two. She calls for help and Chuck
23 Mixon responds and he takes the report and, of course, he
24 turned it over to the investigators because like he said
25 that's their job. It's a grand larceny it's got to be

1 investigated. Well, you heard the investigators say
2 they're actually already out investigating some other
3 things that are going on in the county, unrelated to this.
4 They happen to stumble across the fact that this defendant
5 had stolen some of her items. His name comes up. Jason
6 Garris told you that he actually bought from Sammy
7 Alexander, the defendant, her bedroom suit, her mattresses,
8 her washer and dryer. You heard Julius Butler and Julius's
9 got a record, he admits it. He didn't try to hide it. But
10 Julius tells you the defendant drove up pulling that
11 trailer claiming the tire was flat and, of course, he said,
12 I just bought this from an auction in North Carolina. But
13 he never showed any auction papers, never showed any
14 paperwork and then he was going to let Julius try to sell
15 it to a Amos Nivens and Amos never met Sammy. But Sammy
16 tells Julius, yeah, I'm working on getting the papers. I'm
17 working on getting the title. And by the time the
18 Sheriff's office recovered that trailer from Amos Nivens
19 ain't nobody never saw that title or nothing from the
20 auction company because it didn't exist. It was a lie.
21 Angel Tubbs, Richard Carnes, Caroline Tyler, Wayne Jordan,
22 they all were at Sammy Alexander's house over in Darlington
23 County on the Oates Road area, the Lamar area in Darlington
24 County. They go to his house and they actually see boxes
25 that property belonging to Amanda Stephens coming out of at

1 his house. So they can get a search warrant. Investigator
2 Tyner with the Darlington County and investigator Tubbs go
3 to the magistrate in Darlington, do what they're supposed
4 to do, and get a search warrant and they go back and the
5 house is full of property that belongs to Ms. Stephens and
6 grant it, it's in crappy shape. I mean, obviously, he
7 didn't take care of it but it's in crappy shape and it's
8 nowhere near all of her property, it's just a portion. But
9 it's found in Sammy Alexander's house.

10 Ladies and gentlemen, that's like waking up and it's
11 snowing outside, it's on the ground, you see it, you know
12 it happened. The defendant never did admit to law
13 enforcement that he took it. You heard what the officer
14 told you but I think when you look at what each person
15 testified to and the fact that all roads lead to Sammy
16 Alexander, I think you've got enough evidence to find him
17 guilty beyond a reasonable doubt and that's what I'm asking
18 you to do and that's what Amanda Stephens is asking you to
19 do is find him guilty. Thank you.

20 **CLOSING ARGUMENTS BY MS. COPELAND-LITTLE:**

21 MS. COPELAND-LITTLE: Ladies and gentlemen, first I
22 want to thank you for your attention. This was a short
23 trial but it's very important - - is very important to my
24 client who stands before you today and like the judge is
25 going to tell you, he is presumed innocent unless and until

1 each and every one of you find beyond a reasonable doubt
2 that he is the actual person that stole that trailer from
3 Ms. Stephens.

4 Now, you heard the prosecutor say all roads leads to
5 Samuel Alexander but I would beg to differ on that. I'd
6 say all roads lead to Mr. Julius Butler. Some of these
7 people have never even met my client. Julius Butler is the
8 one who had the trailer at his house. That's where the
9 trailer was found. He's the one that found the buyers for
10 this property.

11 Ladies and gentlemen, I want you to think carefully
12 and go back and consider all of the testimony. There is
13 not one bit of evidence that says that my client stole that
14 trailer. Yes, he was in possession of some property that
15 was on that trailer and he freely, you know, I freely admit
16 that on his behalf and I think the State has proven that he
17 was in possession of some of that property. But that's not
18 the same thing as stealing the property itself. That's two
19 different crimes. The State has to prove that he was at
20 this ladies house and that he physically took that trailer
21 and I submit to you there has been no proof whatsoever of
22 an actual - - that he the person that actually stole this
23 ladies property. Yes, he was in possession of it but they
24 have the duty to prove his involvement and actually
25 stealing it and they have not done that. All the evidence

1 says is that at some time he was possession of some of this
2 property.

3 Now, the State they can charge him for whatever crime
4 they want. They could've charged him with receiving stolen
5 goods, being in possession of stolen goods, and we wouldn't
6 be here today. But that's not what he's charged with.
7 He's charged with taking and carrying away the property
8 from this ladies house. And ladies and gentlemen, there is
9 no evidence of that and I'd ask that you consider and look
10 back over what everybody said, nobody puts him at the scene
11 of that crime when that trailer was stolen. There's no
12 evidence whatsoever of grand larceny. And I ask that you
13 consider all of this and I believe that you will find him
14 not guilty and there will be a reasonable doubt in your
15 mind as to who actually stole the property. Again two
16 different crimes. One crime of stealing. One crime of
17 being in possession of property. He's not on trial for
18 being in possession of that property. He's on trial for
19 stealing it and I think there's absolute lack of proof and
20 I hope that you would consider all of this and find him not
21 guilty. Thank you.

22 **THE JURY CHARGE**

23 THE COURT: All right. Ladies and gentlemen, we have
24 reached the point in the trial where I have to charge you
25 with the law that you are to apply to the facts in this

1 case. I ask you to please bear with me. I have to read
2 the various things under the law that applies to this case.
3 It can become rather tedious. Sometimes people's mind
4 start to wander but I ask that you try to remain focused as
5 I go through these instructions for you.

6 Now that you have heard all of the evidence and
7 arguments of the lawyers it is my duty to instruct you on
8 the law which applies to this case. These instructions
9 will be in three parts. First instructions on general
10 rules that define and control the jury duties. Second, the
11 instructions that state the rules of law you must apply.
12 And in other words, what the plaintiff must prove to make
13 his or her case. And third, some rules for your
14 deliberations.

15 It is your duty to find the facts from all of the
16 evidence in this case. To those facts you must apply the
17 law as I give it to you. You must follow the law as I give
18 it to you. You should not be concerned with what the law
19 should be but what the law is and you must not be
20 influenced by any personal likes or dislikes, opinions,
21 prejudices or undue sympathy. That means that you must
22 decide the case solely on the evidence before you in
23 according to the law. You will recall that you took an
24 oath promising to do that at the beginning of this trial.
25 In following my instructions, you must follow all of them

1 and not single out some and ignore others. They're all
2 equally important. And you must not read into these
3 instructions or into anything I may have said or done, any
4 suggestions as to what verdict you should return. That is
5 a matter entirely for you to decide because under our
6 Constitution I'm not allowed to have an opinion as to the
7 facts in this case. You and you alone are the judges for
8 what the facts are. You decide what the facts are by
9 evaluating or weighing the evidence you have heard during
10 this trial. And there's no way for you to weigh evidence
11 in a literal defense. I can't give you a set of scales.
12 It's entirely mental process and you weigh and evaluate the
13 evidence by simply using your good sense and sound
14 judgment.

15 The indictment that we read to you earlier, charges
16 the defendant with grand larceny. I remind you that the
17 fact that the defendant was arrested, charged and indicted
18 in this case it's not evidence in this case and cannot be
19 considered by you as evidence of guilt in this case nor
20 does it create any presumption or inference of guilt. This
21 document is simply the formal written instrument which
22 contains the charge made against the defendant. It is the
23 formal documents by which this case is brought into court.

24 The defendant has pled not guilty and that plea puts
25 the burden on the State to prove the defendant guilty. A

1 person charged with committing a criminal offense in South
2 Carolina is never required to prove himself innocent I
3 charge you that it is an important rule of the law that the
4 defendant in a criminal trial no matter what the
5 seriousness of the charges may be, will always presumed to
6 be innocent of a crime for which the indictment was issued
7 unless guilt has been proven by evidence satisfying you of
8 that guilt beyond a reasonable doubt. This presumption of
9 innocence does not end when you begin your deliberations
10 but it accompanies the defendant throughout the trial until
11 you reach a verdict of guilt based on the evidence
12 satisfying you of that guilt beyond a reasonable doubt.
13 The presumption of innocence is like a robe of
14 righteousness placed about the shoulders of the defendant
15 which remains with the defendant until it has been stripped
16 from the defendant by evidence satisfying you of the
17 defendant's guilt beyond a reasonable doubt. The
18 presumption of innocence is not mere legal theory. It's
19 not just a legal phrase. It is a substantial right to
20 which every defendant is entitled unless you, the jury, are
21 satisfied from the evidence of the defendant's guilt beyond
22 a reasonable doubt. Necessarily you must determine the
23 credibility of witnesses who have testified in this case.
24 Credibility simply means believability. It becomes your
25 duty as jurors to analyze and to evaluate the evidence and

1 determine which evidence convinces you of its truth. In
2 determining the believability of witnesses who have
3 testified in this case you may believe one witness over
4 several witnesses or several witnesses over one witness,
5 you may believe a part of a testimony of a witness, and
6 reject the remaining part of the testimony of that same
7 witness. You may believe the testimony of a witness and
8 its entirety or reject the testimony of a witness and its
9 entirety. You may consider whether any witness has exhibit
10 to you any interest, bias, prejudice, or other motive in
11 this case. You may also consider the appearance and manner
12 of a witness while on the witness stand. An issue is in
13 this case is the identification of the defendant as the
14 person who committed the crime charged. The State has the
15 burden of proving identity beyond a reasonable doubt. You
16 must be satisfied beyond a reasonable doubt of the accuracy
17 of the identification of the defendant before you may
18 convict the defendant. Identification testimony is an
19 expression or belief or impression by a witness. You must
20 determine the accuracy of the identification of the
21 defendant. You must consider the believability of each
22 identification witness in the same way as any other
23 witness. You may consider whether the witness had an
24 adequate opportunity to observed the offender at the time
25 of the offense. This will be affected by things like how

1 long or short of time was available; how far or how close
2 they witness was; the lighting conditions; and whether the
3 witness had the chance to see or know the person in the
4 past. Once again, I instruct you, the burden of proof on
5 the State extends to every element of the crimes charged
6 and this specifically includes burden of proof beyond a
7 reasonable doubt the identity of the defendant as the
8 person who committed this crime. If after examining the
9 testimony you have a reasonable doubt as to the accuracy of
10 identification, you must find the defendant not guilty.

11 I remind you that during this trial you and I have
12 certain duties to perform. As the trial judge it is my
13 responsibility to preside over the trial of the case and I
14 also have the duty to rule on the admissibility of the
15 evidence offered during this trial. You are to consider
16 only the competent evidence before you. If there was any
17 testimony ordered stricken from the record in this case
18 during the trial, which there wasn't, you would have to
19 disregard that testimony. You're to consider only the
20 testimony which has been presented from this witness stand.
21 Any exhibits which have been made a part of the record in
22 this case and any stipulations of counsel.

23 I have the additional duty to charge you the law
24 applicable to this case. As presiding judge, I am the sole
25 judge of the law of this case and it is your duty as jurors

1 to accept and apply the law as I now state it to you. If
2 you already have any ideals as to what the law is or what
3 the law ought to be and it does not agree with what I now
4 tell you the law is, you must abandon this idea because you
5 were sworn to accept the law and apply the law exactly as I
6 state it to you. In every case tried in this court before
7 a jury, the jury becomes the sole and exclusive judge of
8 the facts in the case. A trial judge cannot animate,
9 state, comment on or make any statement to a trial jury
10 about the facts in a case. Since you the jury are the sole
11 judge of the facts in this case, you're not to infer from
12 what I have said during the progress of this trial and
13 ruling upon the admissibility of evidence or otherwise or
14 anything I say now during the course of this instruction to
15 you that I have an opinion about the facts in this case.
16 The law does not allow me to have an opinion about the
17 facts in this case. This is a matter solely for you, the
18 jury to determine. As jurors, it is your duty to determine
19 the effect, value, weight, and truth of the evidence
20 presented during this trial. As you can see it's been
21 repeated several times throughout preliminary instructions
22 and now, how important it is to for you to recognize and
23 realize that you are the sole judges of the facts, ladies
24 and gentlemen.

25 The State has the burden of proving the defendant

1 guilty beyond a reasonable doubt. Some of you may have
2 served as jurors in civil cases where you were told that it
3 is only necessary to prove that a fact is more likely true
4 than not such as the greater weight preponderance of the
5 evidence. In criminal cases the State's proof must more
6 powerful than that, it must be beyond a reasonable doubt.
7 Prove beyond a reasonable doubt is proof that leaves you
8 firmly convinced of the defendant's guilt. There are very
9 few things in this world that we know with absolute
10 certainty and in criminal cases the law does not require
11 proof that overcomes every possible doubt. If based on
12 your consideration of the evidence you are firmly convinced
13 that the defendant is guilty of the crime charged you must
14 find the defendant guilty. If on the other hand, you think
15 there's a real possibility that defendant is not guilty you
16 must give the defendant the benefit of the doubt and find
17 him not guilty. There are two types of evidence which are
18 generally presented during the trial, direct evidence and
19 circumstantial evidence. Direct evidence is the testimony
20 of a person who claims to have actual knowledge of the fact
21 such as an eyewitness. It's evidence which immediately
22 establishes the main fact to be proof. Circumstantial
23 evidence is proof of a chain of facts and circumstances
24 indicating the existence of a fact. It is evidence which
25 immediately establish collateral facts from which the main

1 facts may be inferred. Circumstantial evidence is based on
2 inference and not on personal knowledge or observation.
3 The law makes absolutely no distinction between the weight
4 or value to be given to either direct or circumstantial
5 evidence nor is a greater degree of certainty required of
6 circumstantial evidence than a direct evidence. You should
7 weigh all of the evidence in the case. After weighing all
8 of the evidence if you are not convinced of the guilt of
9 the defendant beyond a reasonable doubt, you must find the
10 defendant not guilty.

11 In order to establish criminal liability criminal
12 intent is required. For example, the mental state required
13 to be proven by the State for a particular crime might be
14 purpose, intent, knowledge, recklessness, or criminal
15 negligence. Criminal intent must be proven by the State
16 beyond a reasonable doubt. Criminal intent is always a
17 matter that must be determined by the jury from the
18 circumstances surrounding the situation. There is no way
19 to prove intent to a mathematical certainty. There is no
20 way medical science can dissect a person's brain and
21 determine what the person had in mind so the law says that
22 criminal intent may be inferred from the circumstances
23 shown to have existed. This is how you make a
24 determination of whether or not the element requiring
25 intent was present. It is not necessary to establish

1 intent by direct and positive evidence but intent may be
2 established by inference the same way as any other fact by
3 taking into consideration the acts of the parties and all
4 the facts and circumstances of the case. Criminal intent
5 is a mental state, a conscious wrongdoing. It is up to you
6 to determine what the defendant intended to do based on the
7 circumstances shown to have existed. Criminal intent can
8 arise from action or a failure to act. It may arise from
9 negligence, recklessness, or indifferent to duty or to
10 consequences that is considered by the law to be the
11 equivalent of criminal intent. In your presence at the
12 scene is not sufficient to prove someone guilty of a crime.
13 A defendant's presence where a crime is being committed or
14 a mere association with a person who commits a crime does
15 not make a defendant an accomplice or aider and abettor of
16 the person committing the crime. The burden is on the
17 State to prove every element of the crime charged. If you
18 find after hearing all of the evidence that the State has
19 proved that the defendant was only present at the scene of
20 a crime and that they have not proved beyond a reasonable
21 doubt any other participation of the crime then you must
22 find the defendant not guilty. The law is that proof of at
23 the scene of the crime is not sufficient to find someone
24 guilty.

25 Now, possession of recently stolen goods. If the

1 defendant is found possessing recently stolen goods this
2 may be used as evidence that the defendant stole the goods.
3 This would simply be an evidentiary fact to be taken into
4 consideration by you along with the other evidence in the
5 case and you may give it the weight you decide it should
6 have. Probable cause is a good faith belief that a person
7 has committed a crime and that belief rest on grounds that
8 would make an ordinary prudent and caution person under the
9 circumstances to have the same belief. Probable cause for
10 arrest in misdemeanor case without a warrant is something
11 more than a mere suspicion that the person committed the
12 crime. An arrest made on a hunch, a mere belief, or a
13 guess unsupported by facts circumstances or credible
14 information showing that the person has committed a crime
15 is not made on probable cause. Probable cause is somewhere
16 between suspicion and sufficient evidence to convict and
17 deciding whether they were probable cause to arrest the
18 probability cannot be technical but must be based on
19 factual and practical considerations of everyday life in
20 which reasonable prudent cautious people act.

21 A person who has a past criminal record is competent
22 to testify during a trial. A past record does not affect
23 the ability of that witness to testify. The past record
24 may only be considered by you, if at all, in determining
25 the witnesses believability. Remember you are the sole

1 judges of the facts in the case and of the believability of
2 any and all of the witnesses.

3 Now, the defendant is charged with grand larceny. The
4 State must prove beyond a reasonable doubt that the
5 defendant took and carried away the property of another
6 against the will or without the consent of the other
7 person. The slightest removal of the property or the
8 complete possession of the property even for an instant by
9 the defendant is enough to show a taking and carrying away
10 of the property. The State must also prove beyond a
11 reasonable doubt that a defendant intended to permanently
12 deprive the owner of the property. The State must also
13 prove beyond a reasonable doubt that the defendant intended
14 to permanently deprive the owner of the property. Finally,
15 the State must prove that the value of the thing taken was
16 \$10,000 or more.

17 I instructed you and emphasize that the fact that the
18 defendant did not testify is not a factor to be considered
19 by you in any way in your deliberation and in your
20 consideration on the question of the guilt or the innocence
21 of the defendant. It must not be considered by you in any
22 manner whatsoever. A defendant has the constitutional
23 right to remain silent and the insertion of this right must
24 not be considered by you in your deliberations. I repeat,
25 under your oath, you're to draw no conclusion whatsoever

1 from the fact that the defendant in this case did not
2 testify. The fact that this defendant did not testify
3 should not even be discussed in the jury room. The burden
4 of proof, as I have stated to you, is on the State. The
5 defendant is not required to prove his innocence. The
6 burden of proof remains on the State to prove guilt beyond
7 a reasonable doubt.

8 Now, Mr. Foreman, ladies and gentlemen, there are two
9 possible verdicts which you may find in this case. Guilty
10 of grand larceny or not guilty of grand larceny. There is
11 no significance whatsoever in the order in which I've
12 stated these possible verdicts, simply that one must be
13 stated first. Ladies and gentlemen, your verdict must be a
14 unanimous one. Mr. Foreman, when the jury agrees on the
15 verdict, you are to write the verdict on this verdict form
16 I have for you and I'll submit it to you in just a few
17 minutes. You'll knock on the jury room door and informed
18 the bailiff that you have reached a verdict. Then will
19 receive you back in the courtroom at that time to accept
20 that verdict.

21 All right, at this time I'm going to ask you to retire
22 to the jury room but do not begin your deliberations yet.
23 Do not start. I will send word in for you in just a few
24 moments when you can begin your deliberations but we have
25 to take up any other legal issues that the lawyers might

1 want to raise before you can begin your deliberations.

2 Okay. Thank you.

3 (Whereupon, the jury exits the courtroom at 3:12 p.m.)

4 THE COURT: All right. Counsel, any exceptions to the
5 jury charge?

6 MRS. JOHNSON-LEE: None from the State.

7 MS. COPELAND-LITTLE: Your Honor, defense takes
8 exception to the second part of the grand larceny charge
9 that Your Honor gave. Your Honor, it sounds confusing. It
10 makes it sound as if merely being in possession of the
11 property is proof that the property, that he stole the
12 property.

13 THE COURT: Okay. I will know your objection for the
14 record. I respectfully disagree. I find that this
15 language is appropriate based on the language in the statute
16 for grand larceny but your objection is noted for the
17 record. Any other exceptions or issues?

18 MRS. JOHNSON-LEE: No, Your Honor.

19 THE COURT: How many exhibits did we have?

20 COURT REPORTER: One.

21 THE COURT: I'm sorry. Did you have something else,
22 Ms. Little?

23 MS. COPELAND-LITTLE: I just want to renew my motion
24 for a directed verdict prior?

25 THE COURT: Okay.

1 MS. COPELAND-LITTLE: At this time, I renew my motion
2 for a directed verdict?

3 THE COURT: Okay. All right. And I again
4 respectfully deny that motion. I find that there is
5 certainly a question of fact for the jury to determine in
6 this case.

7 MRS. JOHNSON-LEE: Judge, somebody just drop something
8 off. I think it may be for you and the bailiff handed it
9 to me.

10 THE COURT: Does it have anything to do with this
11 case?

12 MRS. JOHNSON-LEE: No, sir.

13 THE COURT: Well, just told it. We're in the middle
14 of a trial. If you would, bring the foreman back out so I
15 can instruct him. Any objection to just the foreman coming
16 out as I explained to him the jury verdict form or I can
17 bring all the jury back out?

18 MS. COPELAND-LITTLE: No, Your Honor.

19 THE COURT: I don't see any excess of doing that.

20 MRS. JOHNSON-LEE: No, Your Honor. The alternate is
21 in the jury room.

22 THE COURT: I'm going to have her removed. And the
23 alternate needs to be brought back out, her duties are
24 completed.

25 (Whereupon, the foreman and the alternate entered the

1 courtroom)

2 THE COURT: Ms. Soden, your services have now been
3 concluded. You were an alternate. We had you there as a
4 substitute in case somebody got sick during the middle of
5 the trial or something happened and they had to leave but
6 you are, you know, you may be excused if you so desire. If
7 you want to stick around and see what happens, you can do
8 that. This is your courthouse. But if you want to go, you
9 can go. But if you want to hang around, you certainly can
10 do that as well. But your service on this jury is
11 concluded and I appreciate your service, ma'am.

12 MS. SODEN: Thank you.

13 THE COURT: Now, Mr. Clark, I brought you back out in
14 order to explain to you the verdict form I have.

15 MR. CLARK: Yes, sir.

16 THE COURT: It's very simple. It says verdict, it
17 says we the jury find the defendant, Samuel Edward
18 Alexander, Jr., not guilty of grand larceny. There's a
19 place for you to sign if that's your decision. If your
20 decision is otherwise, there's a line that says, we the
21 jury find the defendant, Samuel Edward Alexander, Jr.,
22 guilty of grand larceny. There's a line for you to sign
23 under that. So you just sign under whichever line that
24 your decision is and if you want to circle guilty or not
25 guilty you can do that as well just to be on the safe side.

1

MR. CLARK: Okay.

2

3

THE COURT: Thank you, sir.

4

MR. CLARK: Thank you.

5

THE COURT: And you may go in and begin your deliberations. Give them that, that's the only exhibit we've got. All right, counsel, we'll stand at ease.

6

7

8

(Whereupon, the jury begins deliberations at 3:17 p.m.)

9

THE COURT: Counsel, are we ready for the verdict?

10

MRS. JOHNSON-LEE: The State's ready.

11

MS. COPELAND-LITTLE: Yes, Your Honor.

12

THE COURT: Bring the jury in.

13

(Whereupon, the jury enters the courtroom at 3:35 p.m.)

14

THE COURT: All right, Mr. Foreman, have you reached a verdict?

15

16

MR. CLARK: Yes, sir, we have.

17

THE COURT: Is the verdict unanimous?

18

MR. CLARK: Yes, sir, it is.

19

THE COURT: All right. If you would hand it up please. All right, Madame, Clerk, if you would publish the verdict please. Would the defendant stand?

20

21

22

CLERK: In the Court of General Sessions, County of Chesterfield, Case Number 2014-GS-13-0837, the State of

23

24

South Carolina versus Samuel Edward Alexander, Jr., we the jury find the defendant, Samuel Edward Alexander, Jr.,

25

1 guilty of grand larceny. Is this still your verdict, if
2 so, say you all?

3 (Whereupon, the jury all said, yes)

4 THE COURT: Thank you, ma'am.

5 THE CLERK: Thank you.

6 THE COURT: Does the defendant wish to poll the jury?

7 MS. COPELAND-LITTLE: No, Your Honor.

8 THE COURT: All right. Ladies and gentlemen, I want
9 to take this opportunity to thank all of you for your
10 service in this matter. It was rather a short trial but,
11 nonetheless, it was important to the State of South
12 Carolina and to the defendant and I do appreciate you being
13 willing to take time out of your lives to come here and do
14 this. As I explained to everybody the other day, our
15 judicial system would not work without jurors. You are a
16 key element in our justice system and in our justice system
17 period and it would not function without you. Our
18 forefathers were very smart in the way they determined
19 disputes between the State and individuals would be
20 decided, and the way the disputes between individuals would
21 be decided. There has been no better system provided
22 anywhere else in the world outside of our system so again I
23 thank you for your service.

24 Now, that your service has ended you have the right to
25 refuse to talk to somebody about your decision or you can

1 talk to somebody about your decision. If you decide to
2 talk to somebody, you can stop the conversation at any
3 point in time you want to. If you decide to talk to
4 somebody or somebody tries to harass you to get you to talk
5 to them or if you begin talking to them and you want to
6 stop and they try to harass you, you report that to the
7 Court since you'll be excused today, you report it to the
8 clerk of court's office and I'll deal with that situation
9 on your behalf for you but you have the right to feel free
10 to talk to anybody you want to about it or not to talk to
11 anybody about what you want.

12 Now, I understand we've got a big paycheck for you for
13 your service here this week so maybe you can buy supper
14 with it. I don't know. But again I do appreciate what
15 you've done.. Anybody have any questions about court, the
16 system, that I might can answer for you?

17 Okay. Thank y'all very much. If anybody wishes to
18 stay, they can stay right where they are or if they want to
19 leave, you are welcome to leave right now. Those who want
20 to leave, I want everybody to remain seated while those
21 jurors that want to leave, leave. Nobody wants to stay.
22 Okay.

23 (Whereupon, the jury is dismissed)

24 **SENTENCING**

25 THE COURT: All right. If you'll bring the defendant

1 around please. All right. Ms. Little, I'll be glad to
2 hear from on behalf of your client.

3 MS. COPELAND-LITTLE: Thank you, Your Honor. May it
4 please the Court? Sammy is thirty-four years old, Your
5 Honor. He works - - he's a construction worker. He's a
6 pipe welder. He has three daughters and one child on the
7 way, Your Honor. I would ask the Court to consider a split
8 sentence in this case to give the defendant an opportunity
9 to try to repay this lady for some of her losses.

10 THE COURT: Mr. Alexander, would you like to say
11 anything?

12 MR. ALEXANDER: No, sir.

13 THE COURT: Sir?

14 MR. ALEXANDER: No, sir.

15 THE COURT: Okay. What kind of record do we have on
16 this gentleman?

17 MRS. JOHNSON-LEE: Your Honor, I had it in hand
18 earlier and: - - -

19 MS. COPELAND-LITTLE: Did I hand you the wrong one?

20 MRS. JOHNSON-LEE: This is the incorrect one, I
21 apologize. Your Honor, in regards to Mr. Alexander, he was
22 convicted of financial transaction card fraud in 2003,
23 forgery in 2003. He received probation on both of those.
24 A burglary conviction in 2003. He was sentenced to seven
25 years suspended to three years and five years probation,

1 that and a grand larceny. Then it showing another grand
2 larceny and burglary. He said a number of dismissals.
3 Then in 2006 and I'm not sure if it's the same case or a
4 different case, but it's again showing convictions for
5 burglary and grand larceny but it shows the same sentence
6 so it may be the same underline cases. Since 2007, he says
7 a magistrate court offenses for assault battery third-
8 degree. Then in Darlington County he has multiple charges
9 pending over there right now that have not been disposed
10 yet. Receiving stolen goods in some other, some other
11 issues. Attempted conspiracy to drug law. It shows three
12 of those in Darlington. Neglect by legal custodian in
13 Darlington. And then nine receiving stolen goods and then
14 a grand larceny pending. But then it shows there were some
15 Chesterfield County once also I believe those, we actually
16 dismissed those because all of the stolen property that was
17 referred to during the trial that's why was very specific
18 to refer to just this case, he had multiple other items of
19 stolen property that he said were stolen for Chesterfield
20 County, they were covered in Darlington County. We don't
21 even know who all the victims are. So he was charged in
22 both Darlington County with the possession of the stolen
23 property and then charged in Chesterfield County under John
24 Doe victims for stealing the property. I dismissed the
25 Chesterfield charges so Darlington can pursue theirs. In

1 other words, so much was stolen they couldn't remember who
2 all it was taken from.

3 THE COURT: Do I give you back the indictment,
4 Christy?

5 CLERK: I do believe so, Judge. I'm sorry.

6 THE COURT: Ms. Stephens, would you like to say
7 anything?

8 MS. STEPHENS: Yes, sir. This guy came into my yard
9 where my grandma lives, where I was staying, he took my
10 trailer and to my understanding he just wanted a trailer,
11 you know, for drugs, whatever, but once he opened it up and
12 saw the magnitude he had taken from me, he still had the
13 opportunity to return it, you know, before I even got out
14 of bed that morning. He didn't. Instead he took it and
15 started selling my stuff off of the trailer. He has shown
16 no remorse. While I can forgive him, his actions against
17 me, I have no sympathy. He's a repeat offender. I have no
18 sympathy for this guy. As much as he can get it will
19 please me.

20 THE COURT: Anything else from the State?

21 MRS. JOHNSON-LEE: No, Your Honor.

22 THE COURT: Anything else from the defendant?

23 MS. COPELAND-LITTLE: No, Your Honor.

24 THE COURT: I'll give you another opportunity to speak
25 if you so desire, Mr. Alexander, before I sentence you.

1 You don't have to. I'm just giving you the opportunity if
2 you want to.

3 MR. ALEXANDER: I just got a lot on me right now.

4 THE COURT: You're getting ready to get more on you.
5 I was talking to somebody earlier today and there's two
6 things I despise are thieves and people who abuse children.

7 MR. ALEXANDER: Yes, sir.

8 THE COURT: Those are the worst two categories to me
9 of any offender, obviously, there's no abuse of children
10 here but there's thievery here. There's nothing worse
11 taken the property of somebody else who they work hard for
12 and done things for and then they're deprived of that by
13 somebody for their own personal gain. Nothing worse than
14 that, in my opinion. This lady is serving our country,
15 getting ready to go to another's duty station. Had all of
16 her belongings there and they were taken and half of them
17 or more were destroyed based on the testimony that I heard.
18 I can certainly understand you not have any sympathy for
19 him because I don't either. You say you've forgiven him
20 and that's very gracious on your part but, you haven't
21 learned. I mean you're a convicted felon. Charged with
22 burglary - - sentence for burglary in the past, financial
23 card fraud. Those are all stealing. Things of dishonesty.
24 And you're continuing to do it. The property was located
25 at your house. Fingers and roads did point to you,

1 obviously, the jury found that. The jury has spoken and
2 they found you guilty and I'm going to sentence you
3 accordingly based on your prior record. And I make it
4 clear, I don't punish you for exercising your right to a
5 trial. That's your constitutional right.

6 MR. ALEXANDER: Yes, sir.

7 THE COURT: But my sentence is based on your prior
8 record and your background. The most I can sentence him
9 to, Ms. Stephens, is ten years. That's what the statute
10 provides for. That being said, the decision of the State
11 is that Samuel Edward Alexander, Jr., be committed to the
12 State Department of Corrections for a term of ten years. I
13 gave you the maximum sentence. I have a son who is in the
14 military so I very much appreciate people who serve our
15 country so thank you for your service.

16 MRS. JOHNSON-LEE: Thank you, Your Honor.

17 (CONCLUSION OF THE TRIAL ON FEBRUARY 18, 2016)
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21
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24
25

WITNESSES

D E Lee

Chesterfield County Sheriff

Law Enforcement Case # 14-3682



347

WAIVER OF PRESENTMENT

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

Defendant

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

Defendant

ARREST WARRANT NUMBER
2014A1310400748

ARRESTED ON: 2014-11-18

ACTION OF GRAND JURY

True Bill

Michael J. Beebe

Grand Jury Foreperson

Date

4/24/15

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2014-GS-13-0837

The State of South Carolina

County of Chesterfield

COURT OF GENERAL SESSIONS

Term:
APRIL 2015

THE STATE

vs.

Samuel Edward Alexander, Jr.

INDICTMENT FOR

Larceny/Grand Larceny, value more than
\$2,000 but less than \$10,000; Penalty Statute 16-
13-0030(B)(1), Felony Class F

§16-13-0030(B)

CDR Code: 3420

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF CHESTERFIELD)

Larceny/Grand Larceny, value more than \$2,000 but
less than \$10,000; Penalty Statute 16-13-0030(B)(1),
Felony Class F

§16-13-0030(B)

At a Court of General Sessions, convened on April 21, 2015, the Grand Jurors of
Chesterfield County present upon their oath:

GRAND LARCENY
(VALUE OVER \$2,000 BUT LESS THAN \$10,000)

CDR: 3420 16-13-0030(B)(1)

That Samuel Edward Alexander Jr., along with co-defendants, did in Chesterfield County on or about October 29, 2014, take and carry away the personal goods of Amanda Stephens, valued at more than two thousand (\$2,000.00) dollars, but less than ten thousand (\$10,000.00) dollars, described as follows: bedroom suit, washer and dryer, four televisions, couch, stereo system, Nintendo Entertainment System, Super Nintendo and Wii, assorted clothing and personal items, and a Pace double axle trailer, with the intent to deprive the owner permanently of such property and to convert the goods to his/her own use, in violation of Section 16-13-0030(B)(1), S. C. Code of Laws, 1976, as amended.

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


WILLIAM B. ROGERS, JR.
SOLICITOR

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,



Taylor D Gilliam
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 27th day of January, 2017.

RECEIVED

JAN 27 2017

SC Court of Appeals