

VOLUME II OF II

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

RECEIVED

Appeal from Charleston County
Honorable Kristi Lea Harrington, Circuit Court Judge

NOV 28 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DARREN KEITH BELT,

APPELLANT

APPELLATE CASE NO. 2015-002350

RECORD ON APPEAL

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THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:

State’s Exhibit 1 (DVD of Traffic Stop)

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Proceedings
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1 PROCEEDINGS

2 THE COURT: Anything before we bring in the jury

3 Mr. DeTreville?

4 MR. DETREVILLE: Nothing, Your Honor.

5 THE COURT: Let's bring in the jury.

6 MR. DETREVILLE: Your Honor, I have those jury

7 instructions. Would you care for that now?

8 THE COURT: We did that at 9:15 so.

9 MR. DETREVILLE: I understand, Your Honor. My

10 apologies.

11 [Whereupon, the jury enters at 9:43 a.m.]

12 THE COURT: Thank you. Please be seated. Good

13 morning Mr. Foreperson and ladies and gentlemen of the

14 jury. If you complied with my instructions over the

15 evening hour please raise your right hand.

16 [Whereupon, the jury complies]

17 THE COURT: Thank you. All fourteen jurors have

18 indicated that they complied with the court's

19 instructions. Please give your attention. Mr. Ziegler

20 call your next witness.

21 MR. ZIEGLER: Thank you, Your Honor.

22

23

24

25

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September 17, 2015

1 MR. ZIEGLER: The State calls Detective Daniel
2 Eckert.

3 [Whereupon, Detective Eckert comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: Please state your full name and
7 spell your last name for the record.

8 THE WITNESS: My first name is Daniel, it's D-A-N-
9 I-E-L and last name is Eckert, E-C-K-E-R-T.

10 - - - - -

11 DANIEL ECKERT,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. ZIEGLER:

16 Q. Detective Eckert what law enforcement agency are you
17 a member of?

18 A. I work with the Mount Pleasant Police Department.

19 Q. And what is your current position and rank?

20 A. Currently I'm assigned to the Criminal
21 Investigations Bureau. I'm a supervisor in the unit. I
22 work with Sergeant Hembree and we supervise approximately
23 14 staff members, detectives, victim advocates, crime
24 prevention; a wide variety of people.

25 Q. And what is your employment history with Mount

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1 Pleasant?

2 A. I've been with the Mount Pleasant Police Department
3 since November 5th, 2001. I started as a 911 dispatcher.
4 From there I worked pretty much my way up through the
5 ranks. I did that for a couple of years.

6 Then they had a position called a community service
7 officer. The community service officer they would
8 respond to calls for service where there was no suspect
9 there, take reports and give patrol officers more time to
10 be proactive in the Town of Mount Pleasant.

11 From there I went to the Police Academy. I did
12 about a five year stint in the patrol division handling
13 calls for service that come in, suspect being there
14 obviously.

15 At that point they had a promotional assessment that
16 came available and I put in for the promotion and I was
17 picked to be a corporal at that time, a line level
18 supervisor, did about six months on patrol as a road
19 supervisor at which time the position in the detective's
20 bureau came open and I put in and was chosen for that.

21 Q. Are you -- as a detective are you the lead
22 investigator on the case we're ---

23 A. --- I'm the case agent. I'm the case agent that was
24 assigned to this case.

25 Q. So Detective Eckert I'd like to direct you to May

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1 7th, 2013 just after midnight so the early morning hours
2 of May 7th, 2013. Do you remember responding to
3 investigate an armed robbery incident that night?

4 A. I do. That night was a busy night. My unit had
5 gotten called out earlier in the night to investigate an
6 unrelated matter.

7 We were up in the north end of town in the Brickyard
8 subdivision when a fight call had gone out and we were
9 dealing with a fight call getting ready to execute a
10 search warrant on another place and then this robbery
11 call goes out.

12 Q. So where was that incident that you responded to,
13 the robbery?

14 A. The robbery was in the area of Coleman Boulevard
15 which obviously is in the Town of Mount Pleasant, county
16 of Charleston, state of South Carolina.

17 I heard on my police radio Officer Gillespie saying
18 that he was giving chase to three individuals and there
19 had just been an armed robbery that he witnessed on
20 Coleman Boulevard near Moultrie Middle.

21 Q: And so what did you do upon hearing that?

22 A. At that point I knew I had detectives out in the
23 street. We were getting ready to go handle another call.
24 I diverted them from that. You know I felt that that
25 could wait. We had an armed robbery that had just

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1 occurred and I directed Detective Decamp and myself we
2 were going to respond to the scene to assist the patrol
3 operations bureau with what they had.

4 Q. So where did you go when you first responded to the
5 scene?

6 A. My first response I knew from listening to the radio
7 because I was travelling to the scene I knew that they
8 had located two potential suspects in the area of Hamp
9 Fludd Street and King Street and Morrison Street. It's
10 kind of like a squared off area.

11 I know that they had located them down in that area
12 so I wanted to go where the suspects were. And at that
13 point I responded to that area and met with Sergeant
14 Horton about what had occurred and we spoke about what
15 was unfolding so to say.

16 Q. And was anyone -- were any suspects from the robbery
17 in custody at that point?

18 A. There were two people in custody at that point.
19 There was a Ricky Lamont Hayes and a Randi Parks were in
20 custody.

21 Q. So what all did you do at that scene at Hamp Fludd?

22 A. In the area of Hamp Fludd I spoke briefly with Mr.
23 Parks and told him we were going to have him transported
24 to the station. I wanted to speak with him. Then I
25 helped patrol officers in canvassing the area. All along

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1 Officer Gillespie had said that there were three people
2 that were responsible that he had given chase to in this
3 robbery. I knew we had two in custody. We were still
4 trying to locate the third outstanding one. So I helped
5 with the canvass of the area.

6 Once -- I didn't want to get too involved in the
7 canvass of the area. And when I say canvass I mean
8 checking houses, checking streets, looking for people
9 moving on foot. I didn't want to get too wrapped up in
10 that because I knew we had two in custody that needed to
11 be interviewed.

12 At that point I directed that those two get
13 transported back to the police department so we could
14 interview them. You wouldn't interview something like
15 that in the front seat of a police car out in the street.
16 You need to be a quiet environment where it is safe and
17 secure.

18 Q. And so did you go to the station after that?

19 A. I did. I responded to the station from the scene.

20 Q. What did you do when you got to the station?

21 A. When I got to the station I first tried to -- I
22 first started with interviewing Ricky Lamont Hayes and he
23 was advised of his rights. Nothing came out of that
24 interview; nothing productive came out of that interview.

25 Q. So what was your next step after speaking with

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1 Hayes?

2 A. My next step was to go to the next guy we had in
3 custody, Mr. Parks. Mr. Parks was in custody. At that
4 point I went and met with Mr. Parks in the data master
5 room that he was in. We're kind of a smaller department.
6 We don't have a bunch of interview rooms. We only have
7 two interview rooms.

8 We had a victim in one interview room. In these
9 type of cases you like to keep people separated. So we
10 had one guy -- we had Mr. Hayes in one interview room
11 then we used what is called a B-A room or a data master
12 room as to where Mr. Parks was. I went and met with him
13 in that room.

14 When I got into that room I introduced myself to him
15 and told him I wanted to talk to him and I advised him of
16 his Miranda warnings. We have a standard sheet, the
17 Mount Pleasant Police Department that spells out what
18 your rights are.

19 I read him his rights and asked him if he would
20 waive his rights and speak with me in reference to this
21 investigation. Mr. Parks said yes he would agree to
22 speak with me.

23 Q. Can you explain to the jury about what time period
24 all this was happening?

25 A. It was late. I had worked day shift that day and

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1 got called back out that night. The robbery was about
2 12:15 it was now close to 1:45, 1:50 in the morning on
3 the 7th when we had been out since the 6th.

4 Q. And so what -- how did the interview with Mr. Parks
5 begin to unfold after you advised him of his Miranda
6 rights?

7 A. I read him his rights. He agreed to talk to me. He
8 waived his rights. And during that process I got a knock
9 on the door. It was another patrol officer who was out
10 doing paperwork in an area that we call the squad room.
11 He said that Sergeant Horton the road supervisor who was
12 still out in the field was trying to get in contact with
13 me.

14 Like I said previously you know you want an
15 interview to be quiet and you want it in a controlled
16 area so I didn't have a police radio with me, I didn't
17 have a cell phone with me; nothing like that.

18 At that point I advised Mr. Parks I said hey, give
19 me a second. The supervisor out in the field needs to
20 speak with me. I'll be right back with you.

21 I then went and called Sergeant Horton from the
22 department phone, the office phone in the sergeant's
23 office and he told me that they had conducted a traffic
24 stop on what they believed was a third involved
25 individual in this armed robbery. Sergeant Horton asked

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1 if the suspects at the station were cooperating, if they
2 were being forthcoming with information related to the
3 robbery. I informed him that one guy wasn't cooperating
4 and the second guy I had just started the interview with.
5 He says that he was going to talk and that he was going
6 to cooperate.

7 At that point I told -- or Sergeant Horton asked me
8 to get a description of the third individual in this
9 armed robbery. I told Sergeant Horton I'd call him back
10 and that would be the first thing that I would work on.

11 Q. So what did you do then?

12 A. At that point I went back into the interview room
13 and informed Mr. Parks look we believe that we have a
14 third person on a traffic stop stopped down in the area
15 of the Old Village.

16 You say you want to cooperate, you say you want to
17 be helpful give me a description of this third person.
18 Tell me what was going on tonight, who was involved in
19 this. And he began painting a description of this third
20 suspect.

21 Q. Excuse me for interrupting. Did you know at that
22 time any description of who was at the -- who was pulled
23 over at the stop out there on the road that you...

24 A. Not at all. I had left. They were still actively
25 searching in the area. When I left Hamp Fludd Street in

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1 the Old Village we didn't have a third person at that
2 point. I didn't know anything about this guy. I didn't
3 discuss it with Horton. It was get me a description and
4 get back to me as soon as possible.

5 Q. And so back to when you asked Mr. Parks to provide a
6 description. What was that?

7 A. Mr. Parks began telling me that the individual in
8 question goes by the name of "L". He said that he was
9 driving -- he originally said he was driving a blue
10 truck. He then quickly changed the description of the
11 vehicle to a bluish green truck or jeep.

12 He then told me he had what he described as cornrows
13 in his hair. Also stated that he had some sort of eye
14 injury that was noticeable. I gathered that information
15 and I went back and contacted Sergeant Horton again on
16 the phone who was at the scene of this stop and relayed
17 that information to him.

18 Q. Had you provided any of that information to Mr.
19 Parks before he gave it to you?

20 A. No, I didn't know it. I had no knowledge of who
21 they had on this roadside stop. There was no description
22 that was ever provided to me. I had no knowledge of who
23 they had stopped on the traffic stop so no.

24 Q. Did Mr. Parks advise you of any items in the vehicle
25 that he knew of?

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1 A. That was more so after I relayed the first bit of
2 information to Sergeant Horton. He said see if you can
3 get anything else about it. I went back and asked Mr.
4 Parks was there anything that stood out in the vehicle
5 and he informed me that there was.

6 He informed me that he had been riding in the
7 backseat and he remembered a book bag, a backpack in t he
8 backseat -- on the backseat. I went back and called
9 Sergeant Horton again and continued relaying that
10 information to him.

11 And instead of continuing the back and forth get a
12 little bit of information, get a little bit of
13 information my thought was let's see if we can get this
14 guy to come to the station voluntarily and see if he will
15 talk to us. Sergeant Horton said he wasn't coming to the
16 station, you know he didn't want to come to the station.

17 And at that point I asked Sergeant Horton would it
18 be more beneficial for you guys out there since I've been
19 talking to Mr. Parks to ride out to the scene and meet
20 with the guy on the roadside stop and he said yes come on
21 out.

22 I then had to make arrangements to get someone to
23 watch Mr. Parks. Obviously we had an individual in
24 custody I couldn't just leave him to himself there in the
25 police department. And once I got all that squared away

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1 I drove out to the scene of the traffic stop.

2 Q. And when you arrived at the traffic stop what did
3 you observe?

4 A. I observed a green jeep that Officer Gillespie had
5 made a traffic stop on. I spoke briefly with Officer
6 Gillespie and Sergeant Horton before I went up and
7 approached the vehicle.

8 In approaching the vehicle I see that the vehicle is
9 occupied by a black male driver. He had some sort of
10 hair thing going on which to me looked similar to
11 cornrows. I don't know exactly at this point; I thought
12 it was cornrows.

13 But the one thing that stood out is that I noticed
14 the eye injury and at one point I even asked him about
15 the eye injury and he said he would rather not tell me
16 what it is.

17 Q. Did he indicate -- did the driver indicate what he
18 was doing in the area? Did you ask him that?

19 A. I asked him you know basic questions why are you in
20 the area, where are you going, where are you coming from?
21 He mentioned the name of a subdivision and mind you I've
22 been with the Mount Pleasant Police Department since
23 2001. I've lived in Mount Pleasant since 2000 I never
24 heard this subdivision name before. I can't recall
25 exactly what the name of the subdivision is but it was --

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1 when you're a police officer that's one thing you've got
2 to remember; where homes are, where subdivisions are and
3 I never heard of that subdivision name in the town of
4 Mount Pleasant.

5 Q. So from your observations were there things from
6 what you heard from Mr. Parks that were matching up to
7 what you observed at the traffic stop?

8 A. Very much so. The injury to the eye, that the
9 individual was a black male, the vehicle he said either a
10 blue truck or -- he said either a bluish green truck or a
11 jeep, they had stopped a jeep and that he had some sort
12 of cornrow type thing going on with his hair.

13 Q. And what was your decision next?

14 A. At that point I asked if he would just voluntarily
15 come to the station with me; I was looking to clear his
16 name. I explained to him that there was an armed robbery
17 that occurred that we were investigating, that we were
18 actively investigating and following up on. I asked him
19 if he would come to the station with me and he said no,
20 he wasn't coming to the station.

21 At that point I talked briefly to Sergeant Horton
22 who was the veteran officer on the scene a lot more
23 experienced than me and we conferred you know. We talked
24 about the probable cause of this that we have a guy who
25 is in custody that is painting a description of this

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1 individual and things are matching up. And at that point
2 I made a decision to place him under arrest.

3 Q. Was he transported to the station?

4 A. He was transported to the station. I drove him to
5 the station in my patrol vehicle.

6 Q. Was he interviewed at the station?

7 A. Yes. At that point since I had been speaking with
8 Parks I wanted to go back to talking with Parks. I
9 directed Detective Decamp to interview him.

10 Q. And what did you do then?

11 A. I then went in and finished interviewing Mr. Parks
12 about the event from that night and asked him questions
13 you know trying to elicit what happened, why this
14 terrible act happened.

15 At the conclusion of Parks interview we do obviously
16 a lot of paperwork, a lot of paperwork and didn't get
17 wrapped up until after 7:00 that morning by the time we
18 got warrant affidavits drafted, bond sheet -- I'm sorry
19 booking sheets, victim sheets; all kinds of paperwork
20 drafted, made notifications to my supervisors the command
21 staff at the police department and kind of formulated the
22 next plan. We knew that the gun hadn't been located and
23 my concern was getting that gun off the streets.

24 Q. And so at the end of your day there what time was it
25 now after you had done all these things?

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1 A. It was after 7 a.m. I was going home and going to
2 bed.

3 Q. On what date?

4 A. On May the 7th at that point.

5 Q. And so you were off duty -- went off duty at that
6 point?

7 A. I did, yes sir.

8 Q. Detective, I'd like to talk about your contact with
9 Mr. Parks over the course of this investigation.

10 A. Okay.

11 Q. You've just mentioned that you interviewed him May
12 7th that night shortly, hours after the robbery occurred.

13 Was that your first interview with him?

14 A. No. There were at least two other interviews that I
15 was privy to.

16 Q. But was that the first interview at the station the
17 night of May 7th?

18 A. Yes, the night of May 7th ---

19 Q. --- the morning of May 7th?

20 A. -- I'm sorry I cut you off. Could you say that one
21 more time; I apologize.

22 Q. The morning of May 7, 2013 before you were off duty
23 can you talk about that particular interview with Mr.
24 Parks?

25 A. Okay.

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1 Q. So did he tell you the complete truth at that first
2 interview with him at the station?

3 A. No, not at all.

4 Q. Is it common for people to tell you the truth, in
5 your experience tell the truth right away the first time?

6 A. In my experience from doing this job people look to
7 see what we're going to give up, what we're going to tell
8 them about it.

9 They try and minimize their involvement. They might
10 say that they were a little bit involved but no one ever
11 comes out and tells 100 percent truth. I call it half-
12 truth.

13 Q. Did Mr. Parks at that first interview with you
14 mention who was involved in the robbery with him, who
15 participated with him?

16 A. He did. He said Ricky Lamont Hayes and Darren Belt
17 were the people that were involved in this robbery with
18 him.

19 Q. Did he give a nickname for Mr. Belt?

20 A. He called him "L".

21 Q. But at that time he didn't call him Darren Belt did
22 he?

23 A. In the original interview he pretty much referred to
24 him as "L".

25 Q. Okay. So that was the first interview. Was there

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1 a written statement from that?

2 A. Yes. I did take a written statement that night.

3 Q. And when was the next time you came back on duty
4 after you went home on the morning of May 7, 2013?

5 A. May the 8th the next day. I got in about 8 o'clock
6 that morning.

7 Q. What did you learn at that time?

8 A. That morning I learned that detectives who had been
9 working on May the 7th had actually gone out and
10 canvassed the area in the daylight and recovered the gun.
11 They recovered the gun in close proximity to where Mr.
12 Parks had been hiding up under the truck.

13 Q. And so once you learned that information what did
14 you decide to do?

15 A. It kind of goes hand in hand that he wasn't being
16 honest with me when we specifically asked about the gun.
17 At that point my supervisor directed me and I knew that
18 we needed to go get him out of the jail and reinterview
19 him in reference to this investigation.

20 Q. And what happened when you went to get him?

21 A. At that point I checked him out of the jail. He
22 agreed to come to the Mount Pleasant Police Department
23 with me. He agreed to talk about this case to be
24 reinterviewed and to continue getting into the facts of
25 this case.

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1 Q. And in that second interview did he again tell you
2 who was involved in the robbery with him?

3 A. He did. One thing that stayed the same is the
4 players involved. He continued to implicate himself,
5 Ricky Lamont Hayes and Darren Keith Belt.

6 Q. And in that second interview what was the name he
7 used for Mr. Belt?

8 A. He called him "L" or Lizard.

9 Q. And at the conclusion of that second interview what
10 was happening? What happened after that?

11 A. At the conclusion of that interview we were getting
12 bits and pieces as to where they had been that night. I
13 asked him if he could -- if I could show him an area that
14 I believed he was in if he would agree that that was the
15 neighborhood that they had been in.

16 I then drove him by a house in the Hickory Shadows
17 subdivision which he pointed out a house that they had
18 been at prior to committing this armed robbery. From
19 there I transported him back to the Charleston County
20 Detention Center.

21 Q. Detective what was your idea of this Hickory
22 Shadows? What was your idea of whose house they were at
23 in context of the whole night whose house was that?

24 A. It was a friend of Mr. Hayes where they had been
25 hanging out at.

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1 Q. And when was that prior to the robbery?

2 A. Yes, prior to the robbery earlier in the evening
3 because in his original statement he says that they had
4 been hanging out at a girl's house earlier in the
5 evening.

6 Q. So he then pointed out that house to you?

7 A. Correct.

8 Q. Where was that?

9 A. That house is in the Hickory Shadows subdivision
10 which is off Chuck Dawley Boulevard. It was on North
11 Shadow Drive. I don't recall the exact address. If you
12 go in Shadow Drive you'd make a right on North Shadow.
13 It kind of arches around and it's going to be on that
14 first curve on the right hand side.

15 Q. Was that neighborhood in your knowledge of Mount
16 Pleasant is that neighborhood in the Old Village of Mount
17 Pleasant?

18 A. No, not at all. It's off Chuck Dawley Boulevard
19 which turns into 526 which takes you out of town.

20 Q. So is it on the same or the opposite side of Coleman
21 Boulevard from the Old Village?

22 A. It's on the opposite side of Coleman Boulevard.
23 It's more towards 526.

24 Q. And what occurred? You said after that you returned
25 Mr. Parks to the jail. What occurred next?

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1 A. I think Mr. Parks realized the significance of the
2 trouble that he was in. During the interview I learned
3 that he had a baby on the way. He did tell me that. I
4 know that when guys are in jail if they don't have money
5 on the phone they can't make calls.

6 So I told him I said while we're going back to the
7 jail I'll let you call your family member from my cell
8 phone which I allowed him to do; on speaker obviously.
9 His hands were handcuffed behind his back so it's not
10 like he can hold the phone up to his ear. It was a good
11 gesture I thought.

12 Q. And was that on the way to the jail or at the jail?

13 A. It was on the way to the jail.

14 Q. And at the jail what was the next thing that
15 happened?

16 A. At the jail we get out at the jail and in the jail
17 they have an area that is called a Sally port. Gates
18 open, gates close when the gate is open you drive in and
19 you park and you take your inmate in. Well it's a busy
20 Sally port in Charleston County.

21 I mean it's a big jail, a lot of different agencies
22 in and out of there; people coming and going. Let me
23 back up. Before you go into the jail we can't take any
24 weapons into the jail, any pepper spray, any tasers, any
25 guns or anything like that. So by the jail's rules and

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1 by policy you secure all your stuff in the trunk of your
2 car before you enter the jail. So I had just finished
3 securing all my gear in the trunk of my car. At that
4 point I got Mr. Parks out of my front seat.

5 For some reason that day and usually I don't I went
6 to grab my radio. And something kind of stood out about
7 him. He kind of tried to take a step back. I had him
8 leaning up against the passenger side of my car. He
9 tried to take a step back off it and it kind of caught my
10 attention. I didn't really say anything or do anything.

11 I then began walking him into the jail and I'll tell
12 you it was an eye opener and I clearly learned from it.
13 They teach you at the police academy you always hold onto
14 somebody when you're transporting them.

15 Well, I didn't hold onto him. I felt this guy was
16 being honest with me. He just told me about this armed
17 robbery, showed me where they had been out. I did some
18 good faith things with him. I let him call his family.
19 We gave him comfort breaks at the station so a lot of
20 good things were happening.

21 So at one point when I didn't have control of him
22 the Sally port had opened and it's controlled by somebody
23 in a control center within the jail. Next thing you know
24 he bee lines out the Sally port.

25 Q. And so what did you do at that point once he ran out

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1 the Sally port?

2 A. I picked up my pride and gave chase real quick.
3 Here we had a guy that had just been involved in two
4 armed robberies on the previous day and now he's running
5 out the Sally port on me.

6 Q. Where did he go and where did you pursue him?

7 A. He went out the main driveway of the jail and at the
8 jail there is like a drainage ditch down the left hand
9 side. Now I work Mount Pleasant I don't work North
10 Charleston I don't know the area. I never had been down
11 into that drainage ditch area.

12 More than anything I wanted to start getting me some
13 help coming because here we had a fleeing felon. So I'm
14 relaying information on the radio. I don't know what
15 kind of weapons are down in that drainage ditch. I
16 wasn't going in the drainage ditch bottom line. I
17 figured he was going down and he was going to come back
18 out.

19 So I paralleled around. I went out the driveway
20 around a big row of hedges down another driveway and I
21 heard rustling around. And I eventually found him hiding
22 up under a shrub. Several times I said come out. I've
23 got canines coming. I mean I was thinking of anything.
24 I didn't have any weapons on me or anything like that,
25 any pepper spray; anything like that. If he was going to

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1 fight this was going to be a fist fight. And I didn't
2 want that. I might look like this big giant that likes
3 to go out and hurt people but that's not who I am. At
4 that point once I found him in the shrubs he said I'm
5 coming out.

6 My biggest thing was to get him to the ground and
7 control him because he had managed to slip out of one of
8 his handcuffs; how I don't know. And my biggest thing
9 was to get him to the ground, control him and get him
10 back into custody and get him back to the jail. When I
11 took him to the ground it was like the fight was on. He
12 was ready to fight. I'm relaying information.

13 On handcuffs they have what is called a double
14 locking mechanism that way when your hands are behind
15 your back the handcuffs don't tighten up on you. We
16 double lock them so if you lean back the cuffs aren't
17 going to tighten up on you and wreck your wrists.

18 So he's got one handcuff on swinging it around.
19 He's laying on top of his arm trying to prevent me from
20 getting his arm and controlling him. It was a fight.

21 There were times that I thought he was going to pick
22 up my radio and use it on me. It could be used as a
23 weapon. It's got a battery on it. And I just remember
24 from the police academy the defensive tactic instructors
25 like people will use anything to hurt you. And it was

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1 all coming back to me real quick so I'm trying to protect
2 myself, get him in custody and we were fighting. I was
3 delivering some knee strikes to him; the fight was on.

4 A retired North Charleston Police officer who works
5 for Charleston County schools happened to be driving by
6 and saw this and he was like hey man, I'm here to help
7 you. At that point we were able to get him controlled.

8 And it's kind of like fine motor skills to it's not
9 just put in a key like you would your door to open that
10 handcuff. It's fine motor skills. You got to turn it
11 one way and turn it the other to get the double lock and
12 we were able to get it opened at which point I got him
13 back into custody.

14 Q. Did you return him to the jail at that point?

15 A. At that point a detention officer had come out of
16 the jail and we walked him back to the jail.

17 Q. So that was May 8th, 2013?

18 A. That's correct.

19 Q. And do you remember your next contact with Mr. Parks
20 in an interview at the Solicitor's office?

21 A. I want to say it was either November 13 or November
22 14 I received a call from the Solicitor that had been
23 assigned the case at that point and they told me that
24 they were interviewing Mr. Parks that day and asked if I
25 could come down and I said I would.

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1 Q. What did Mr. Parks say to you at that interview?

2 A. The first thing he said when I walked in was hey, I
3 apologize. I said some things that I shouldn't have said
4 to your bosses and I shouldn't have ran and I'm sorry. I
5 felt he was sincere.

6 Q. And would you say that was months after the incident
7 back in May ---

8 A. --- the incident occurred May 8th and this is
9 November so several months down the road he had some time
10 to think about his actions.

11 Q. A few items detective. As far as going back to the
12 initial investigation when you made contact with -- you
13 saw Mr. Hayes and Mr. Parks what was their hair style?
14 Did they have...

15 A. It was short hair. Not as short as mine but it was
16 definitely short, shaved off hair.

17 Q. Both of them?

18 A. To the best of my recollection, yes.

19 Q. And can you explain the investigation after the
20 robbery occurred can you explain why no lineup was shown
21 or no show up was conducted? Could you explain those
22 concepts?

23 A. Definitely. A lineup is where we take six photos.
24 And we don't prepare the lineup. We have to reach out to
25 outside sources i.e. the I.D. Unit at the Charleston

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1 County jail or the South Carolina Law Enforcement
2 Division. Now mind you it's one o'clock in the morning
3 and to get that it just can't happen at one o'clock in
4 the morning. Those areas shut down so that was something
5 that couldn't be done.

6 Then we're asked why didn't you show a show up --
7 I'm sorry why didn't you show a lineup the next morning?
8 Well you've heard that it got put out on the media. The
9 arrest of these three individuals got put out on the
10 media and that the victims saw those photos.

11 So by me showing six photos that is going to taint
12 their view. Of course they're going to be able to
13 identify one of the six guys. So that night we didn't do
14 it for time constraints and not having access, not being
15 able to get a lineup at that time as well as the next day
16 they had seen the news story, the media.

17 As far as a show up admonition form goes those are
18 very suggestive. There is a robbery that occurs. Three
19 guys robbed two guys; the police respond and flood the
20 area. We take two people into custody immediately pretty
21 much five, ten minutes, maybe fifteen after the fact;
22 that's very suggestive.

23 If I walk -- if I pick up the victim and bring him
24 to where the suspect is because we don't transport the
25 suspect to the victim we transport the victim to the

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1 suspect that's going to be very suggestive; black male
2 dressed all in black and you know we had black males that
3 were dressed all in black so it's very suggestive.

4 I even asked that night because I said I wasn't in
5 the position that long at that time. I had been in the
6 position maybe 18 months. And I even said to Sergeant
7 Horton I said let's do a show up on this and Sergeant
8 Horton felt that it wasn't beneficial.

9 This is the way he explained it to me because these
10 guys -- number one we had one guy that was hurt and was
11 going to the hospital. So we're not going to stop
12 medical treatment to do this show up. So there was a lot
13 of thought and a lot of information put in as to why we
14 didn't do a show up.

15 Q. And do you recall investigating any surveillance
16 that could have been in the area?

17 A. Yes, I do. At the Moultrie Middle School in today's
18 society they put cameras on every school everywhere in
19 between. One of the good things about schools here in
20 Charleston County specifically the middle schools and the
21 high schools is that there is a cop usually in each of
22 those schools.

23 I did reach out to the school resource officer over
24 at Moultrie and informed her of the robbery. From what
25 was described to me as to where the robbery occurred near

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1 those steps she said that there is no cameras that pick
2 up that area. So I got a certified law enforcement
3 officer telling me that. I just kind of moved on after
4 that.

5 Q. Did you look into the -- did you have any thoughts
6 about the gas station surveillance at all?

7 A. My thoughts about the gas station again I've been
8 working the streets of Mount Pleasant from 2003 to the
9 current date at that time I've looked at that video
10 numerous times over at the gas station.

11 The video cameras at the gas station are great for
12 the gas station but it's not going to shoot the angle to
13 hit where this robbery occurred and I know that from past
14 experience.

15 MR. ZIEGLER: Beg the court's indulgence.

16 THE COURT: Take your time.

17 [Whereupon, Mr. Ziegler reviews documents]

18 Q. Detective Eckert the interview at the Solicitor's
19 office that you mentioned in November of 2013 was Mr.
20 Parks still identifying these same individuals who were
21 involved with him in the robbery?

22 A. That's the one thing that has never changed; the
23 three players himself, Ricky Lamont Hayes and Darren
24 Keith Belt.

25 MR. ZIEGLER: No further questions of this witness,

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1 Your Honor.

2 THE COURT: Mr. DeTreville?

3 MR. DETREVILLE: Thank you, Your Honor. May it
4 please the court?

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1 CROSS-EXAMINATION

2 BY MR. DETREVILLE:

3 Q. Good morning detective.

4 A. Good morning, sir.

5 Q. I'd like to hit on the issue of the video

6 surveillance cameras first if you don't mind.

7 A. Yes, sir.

8 Q. You spoke with somebody at I believe your testimony

9 was that you spoke to the school resource officer at

10 Moultrie Middle School.

11 A. That's correct.

12 Q. And she informed you that there were no cameras that

13 hit that area is that correct?

14 A. That's correct.

15 Q. As part of your police training and I think you

16 testified to that fairly extensively at the outset of

17 your testimony. Are you trained to include as much

18 relevant detail in all of your reports that you issue as

19 part of an investigation?

20 A. As much and as most as I can, yes.

21 Q. Okay. And as a detective investigating a case you

22 would also prepare what's called a prosecutorial summary.

23 A. Correct.

24 Q. Is that a correct statement also?

25 A. Yes.

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1 Q. Okay. And as part of -- and the same general rule
2 would apply to a summary such as that correct that you
3 would include as much relevant detail as you could recall
4 in ---

5 A. --- correct ---

6 Q. --- in that summary. Did you reference reaching out
7 to anybody at Moultrie Middle School in either your
8 incident report or your summary?

9 A. No, as a matter of fact I didn't. The reason I
10 didn't number one, it was a very active case and I just
11 neglected to. Usually in cases like this I sent an email
12 -- usually I would print a copy of the email and note it
13 with the case number and I just neglected to.

14 Q. Okay. Neglect is the reason?

15 A. I you know I forgot to put it in the packet.

16 Q. Fair enough. And I believe you also testified that
17 based on your experience you had firsthand knowledge of
18 the fact that the gas station surveillance cameras did
19 not record that area. Is that accurate?

20 A. From the angle -- and I've looked at those cameras
21 in the gas station several times for several different
22 cases that it wouldn't pick up the angle as to where this
23 occurred where it would be beneficial.

24 Q. So you didn't bother to go back and check again just
25 in case hey, this is an armed robbery that happened right

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1 across the street from this gas station maybe there is
2 video of it at this gas station?

3 A. Sir, I wouldn't say it was directly across the
4 street, and we can look at the pictures, it was more at
5 an angle. I mean the cameras are for the gas station.
6 The cameras aren't for Moultrie Middle School.

7 And I've looked at the cameras several times for
8 other calls. Not as significant as an armed robbery no,
9 but I know what those -- I feel very confident on those
10 cameras.

11 Q. You've looked at those particular cameras in
12 relation to less significant investigations. Is that a
13 fair statement?

14 A. Yes, that's where I developed the knowledge that it
15 wouldn't cover that area, yes.

16 Q. So in these less significant cases it was important
17 enough to go check out those cameras but in what I guess
18 what you're saying is a more significant case let's not
19 go check out the cameras.

20 A. I mean if that's the way you want to look at it.
21 From training and experience and seeing those cameras and
22 having an idea as to what areas they cover I felt very
23 strongly that they wouldn't have picked it up so no, I
24 didn't go over there.

25 Q. How long had it been since you had looked at those

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1 cameras from that particular gas station in relation to
2 an investigation?

3 A. It was probably to the best of my recollection right
4 before I went into the detective's office. I remember a
5 call there where there were some underage minors buying
6 beer so that would have been in 2011 and I had looked at
7 them previously as well.

8 Q. So give or take about two years prior you had seen
9 video surveillance in relation to a minor in possession
10 of alcohol from that gas station.

11 A. Uh Huh..

12 Q. And based on having looked at those videos two years
13 prior you were satisfied that it wasn't worth your time
14 to review these video surveillance cameras in relation to
15 an armed robbery?

16 A. Not when we had people in custody and I felt
17 confident in the cooperation I was receiving, no. And
18 knowing what I had known about the cameras I didn't think
19 it was necessary, no.

20 Q. Okay. So because you have three suspects in
21 custody that's another reason why you didn't feel like
22 you needed to look at the video and because you were
23 confident in the cooperation you were receiving.

24 A. At the time yes, sir.

25 Q. Okay. At the time you were confident in the

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1 cooperation you were receiving?

2 A. Uh Huh, probably until that following day, yes.

3 Q. Was there some time when you became not confident in
4 the cooperation that you were receiving?

5 A. I think you know the answer to that.

6 Q. Well if ---

7 A. --- but ---

8 Q. --- I also know too but if you could tell the jury
9 the answer to that question.

10 A. Yes. When he took off out the Sally port I lost a
11 little bit of faith in what he was saying. But I go back
12 to the one thing that has never changed is the three
13 players involved in these armed robberies that occurred
14 on Coleman on the night of this incident.

15 Q. So the identification of the three players has never
16 changed would it be a fair statement to say that
17 literally every other detail has changed at some point?

18 A. I wouldn't say every other detail, no. No, I
19 wouldn't say that at all.

20 Q. The lion's share of the details?

21 A. And I testified to that that he did lie, yes. I'm
22 not trying to hide that from anyone. He didn't tell the
23 truth on everything. But where they were, the vehicle
24 they were in, and the people involved that's never
25 changed.

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1 Q. I'm curious. How long would it take you to go to
2 the gas station and look at these videos just in the --
3 let's say in the one percent chance that something gets
4 picked up these videos?

5 A. I don't know that it would take time but when you're
6 working an active case load when you're supervising a
7 unit and when you have -- I'm sorry when you're assisting
8 in supervising a unit and when you have experience and
9 knowledge as to what these cameras cover I made a
10 decision I didn't think it was necessary.

11 Q. So it would have taken a small amount of time and
12 it's possible -- you said two years previously you didn't
13 think from your recollection of a video that you looked
14 at two year's previously you didn't think covered that
15 area and that -- but that it wouldn't take a lot of time
16 to review.

17 Wouldn't -- if there had been something that showed
18 up on that video surveillance wouldn't that have been the
19 proof positive that you were looking for in this case
20 Detective Eckert?

21 MR. ZIEGLER: Objection, Your Honor. It's
22 speculation.

23 THE COURT: Overruled. You may answer.

24 A. Yes, my answer to that would be that we had an
25 officer on the ground that witnessed this armed robbery

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1 go down and relayed it to units in the street and they
2 flooded the area and we took two people into custody
3 pretty much ten to fifteen minutes after Gillespie had
4 given chase. I made a decision. I didn't think it was
5 imperative.

6 Q. [Mr. DeTreville] But you hadn't taken Darren Belt
7 into custody ten minutes later. True statement?

8 A. That's true.

9 Q. Okay. As a general summary of your testimony the
10 reason why you did take Darren Belt into custody was ---

11 MR. ZIEGLER: Objection, Your Honor. That's not a
12 question.

13 THE COURT: I'm sorry?

14 MR. ZIEGLER: That's not a question.

15 THE COURT: Well let him finish. Maybe there will
16 be a question once he finishes. Thank you.

17 Q. [Mr. DeTreville] As a general summary of your
18 testimony the fact that you did take Darren Belt into
19 custody was that based essentially entirely on the
20 statements of Randi Parks?

21 A. That was based on the totality of what Parks had
22 told us, yes.

23 Q. Totality of what he told you ---

24 A. --- things ---

25 Q. --- based on his statements ---

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1 A. --- yes, specific facts matching up. You know the
2 eye injury, the type of vehicle that he was a black male,
3 that the hair; yes the totality.

4 And then I felt that there was probable cause at
5 that point based on that and then the investigation was
6 continuing. Once you get into the inventory of the
7 vehicle and what's found in the vehicle.

8 Q. We'll get to that and I'll ask you specifically
9 about that detective. In hindsight having lost faith in
10 Randi Parks at some point do you wish that you had gone
11 and checked out those video tapes?

12 A. No.

13 Q. Do you wish that you had better proof that Darren
14 Belt was there?

15 A. No.

16 Q. Okay. You're satisfied that the statements given
17 by Randi Parks were sufficient for you in your mind that
18 Darren Belt was a participant in this crime?

19 A. I'm satisfied with the evidence that has been
20 uncovered throughout this investigation and that the main
21 thing that has never changed were the people involved.
22 Yes, I'm satisfied with that.

23 Q. You're a detective and you're a corporal as well is
24 that correct?

25 A. That's correct.

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1 Q. Okay. I don't want to misstate that. Explain to
2 me and I may be confused, explain to me exactly what your
3 role in this investigation was. Is this quote unquote
4 your investigation? Are you the lead detective in this
5 case?

6 A. You know in our position at the police department
7 patrol officers respond to calls for service. It could
8 be something as simple as a barking dog to something as
9 complex as an armed robbery; they respond to everything
10 in between.

11 The supervisor at that point calls for a detective
12 to come out. Due to the fact that we were on the street
13 that night we automatically responded to the scene. And
14 when I say we I mean me and Detective Decamp.

15 As a supervisor I work to supervise, to make sure
16 that Detective Decamp is doing the right thing but since
17 I'm out I'm a working supervisor. When the sergeant is
18 off I'm more the supervisor where if the sergeant is
19 there working I do the work of a detective.

20 So I was out and I'm a worker. It's not uncommon
21 for me to get out and take statements and to participate
22 in an investigation. The next -- since I had interviewed
23 ---

24 Q. --- if I could stop you for just a second because I
25 want to ask a follow up. Is there a single detective

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1 assigned to these particular cases or you the detective
2 or is there a slew of detectives involved in an
3 investigation ---

4 A. --- and I was kind of getting there. I'm the case
5 agent that was assigned to the case. From the
6 prosecution standpoint I make sure that everything -- I
7 attend the hearings. I interviewed -- I attempted to
8 interview one guy that didn't provide much information.
9 I interviewed Parks so I had a good knowledge, a good
10 understanding of what is going on.

11 Obviously, I can't do everything and we work as a
12 team. That's the biggest thing; we work as a team. But
13 as far as other detectives being involved that's not
14 necessarily the case.

15 Our unit went out the next day to canvass for the
16 gun because we felt the gun was important to get it off
17 the street so nobody got hurt with it.

18 Q. Detective Eckert if I could get you to give me a
19 brief answer to this question. If you're the case --
20 you've described yourself as the case agent on the case.
21 To a lay person is that the lead detective from somebody
22 whose knowledge of these things comes from watching cop
23 shows basically?

24 A. Sure.

25 Q. Okay. So you are the ---

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1 A. --- I want you to have a good understanding as to --
2 and I'd like the jury to have a good understanding as to
3 when you're assigned as the case agent you know we look
4 also at other people's active cases.

5 Just because I was out there doesn't mean that I'm
6 going to be the case agent. If I got a more active case
7 load I could have assigned it to another detective.

8 Q. Who are the other -- were there any other detectives
9 that were working this case?

10 A. Detective Decamp was out with me that night,
11 Detective Lapp [phonetic] who is no longer with our
12 agency participated in the canvas of the area as well as
13 Lieutenant Hembree participated in the canvas of the
14 area.

15 Q. Is he a detective?

16 A. Yes, he just got promoted to Lieutenant. At the
17 time he was a sergeant in the unit.

18 Q. Okay. You stated that when you initially responded
19 to the general scene on Coleman Boulevard and Moultrie
20 Middle School etcetera that your initial response was to
21 a call I presume over police radio from Officer
22 Gillespie. Am I stating that correctly?

23 A. That's correct. He put out that he was chasing
24 three people across Coleman or up through the farmer's
25 market who had just been involved in a robbery, yes.

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1 Q. Was that the description that he gave that you were
2 responding to three ---

3 A. --- to the best of my recollection and it was very
4 jumbled, very garbled; adrenaline is going, I remember
5 him saying three black males. That's to the best of my
6 recollection as to what he said.

7 Q. Okay. Would you be able to -- and I understand
8 it's been a while, would you be able to specifically say
9 that Gillespie did not provide a description over the
10 radio of black shirts, black hoodies, black hats with
11 white lettering on them, facial scars did that come out
12 over the call?

13 A. I don't recall. Again, I was at another scene up in
14 the Brickyard, that fight that I had talked about that we
15 were dealing with, the search warrant that we were
16 preparing to execute and then we had cleared from those
17 and then responded.

18 I remember I listened to my radio. I was on another
19 call dealing with stuff there and I heard Gillespie
20 chasing people, units flood the area -- no, so
21 specifically I don't recall if he put out those detailed
22 descriptors that you're mentioning.

23 Q. But to the best of your recollection it was three
24 black males?

25 A. Yes. I do remember him saying three black males,

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1 yes.

2 Q. Okay. And I believe your testimony was that when
3 you arrived at the scene two people were already in
4 custody?

5 A. That is correct, sir.

6 Q. And that was Hayes and Parks?

7 A. Yes, sir.

8 Q. And subsequent to arriving you began to canvas the
9 area is that right?

10 A. Correct.

11 Q. Explain to me -- if you could provide some details
12 regarding this canvassing. How long did you canvass?
13 What was the area that you canvassed? What were you
14 looking for?

15 A. We were looking for a third individual involved
16 first and foremost. The area wasn't that well lit. It
17 was very dark out. It was night. It was 12:30 at night.
18 We were in a neighborhood, residential neighborhood in an
19 area called the Old Village.

20 I specifically remember canvassing the area of Hamp
21 Fludd. I want to say it's towards Morrison and one of
22 the officers I believe it was Officer Ivey I was with
23 thought there was an abandoned house over there that he
24 thought would be beneficial to go check. I don't
25 remember us ever making it to that house because more so

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1 I knew that we had the two that I wanted to get back to
2 the station.

3 Q. Are you clear on these details Detective Eckert
4 because wasn't it in fact Officer Ivey who arrested Randi
5 Parks and Hayes so he couldn't have been with you going
6 to check out an abandoned house ---

7 A. --- again, they were in custody by the time I had
8 gotten there. And to the best of my recollection and
9 what I remember hearing him testify to was he put then in
10 the backseat of a car and continued to canvas, sir.

11 Q. Okay. So while you're canvassing if I understand
12 your testimony correctly you're looking for a person?

13 A. Correct.

14 Q. Were you looking for a gun or were you looking for
15 contraband any of that sort of stuff or just a person?

16 A. More so just a person than anything.

17 Q. And the best description at that particular time
18 that you had of that third person was a black male?

19 A. Correct.

20 Q. Okay. When Randi Parks was arrested did he have
21 property belonging to any of the victims on him?

22 A. He had Mr. McElhenney's wallet. And that was
23 relayed to me. I didn't search him or anything like
24 that.

25 Q. Certainly ---

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1 A. --- but that's what was relayed to me, yes.

2 Q. Okay. And when the gun was located the next day do
3 you know where the gun was located?

4 A. It was -- what was relayed to me was that it was
5 located in close proximity as to where Mr. Parks was
6 hiding up under the dump truck.

7 Q. Okay. So would it be a fair statement to say that
8 Randi Parks out of the group of Randi Parks, Mr. Hayes,
9 and Mr. Belt Randi Parks was caught red handed.

10 A. Yes.

11 Q. He's not getting out of this from the moment that he
12 is arrested he knows good and well he's not getting out
13 of this.

14 A. He had the wallet of the victim that he told us one
15 of the co-defendants told him that had given to him. We
16 had good evidence on Mr. Parks, yes sir.

17 Q. So would that be the definition of being caught red
18 handed?

19 A. Yes.

20 Q. Okay. Do you think that being caught red handed
21 had anything to do with Mr. Parks's agreement to give you
22 a statement later on?

23 MR. ZIEGLER: Objection, Your Honor. Speculation.

24 THE COURT: Sustained.

25 MR. DETREVILLE: I'll withdraw the question, Your

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1 Honor.

2 Q. [Mr. DeTreville] You started interviewing Mr. Parks

3 I think your testimony was about 1:45, 1:50 a.m.?

4 A. Yes, roughly right around there. Its marked on the
5 Advisement of Rights sheet.

6 Q. Okay. And that was after you had spoken to Mr.

7 Hayes and didn't receive essentially any information from
8 him whatsoever.

9 A. Correct. Yes, sir.

10 Q. And you were in contact with Sergeant Horton who had
11 already pulled over what he described as a third suspect
12 by the time you started interviewing Mr. Parks?

13 A. Sergeant Horton hadn't pulled him over Officer
14 Gillespie had pulled him over. Sergeant Horton was out
15 with him and for whatever reason they thought they had
16 the third suspect on the traffic stop, yes sir.

17 Q. Let's be clear about that. I don't like the term
18 for whatever reason. Was some specific reason relayed to
19 you as to why they believed they thought they had the
20 third suspect?

21 A. They told me that they had stopped him on a speeding
22 violation. Again I was at the station. I didn't have a
23 radio with me; it was over on my desk across the hallway
24 so I couldn't hear what they were saying or anything. I
25 didn't have my cell phone in the interview room with me.

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1 I didn't have any firsthand knowledge as to why they had
2 stopped him. The call to me basically was hey, we
3 believe we have the third suspect on a traffic stop. If
4 your guy is cooperating see if you can get a description
5 of the third individual involved.

6 Q. Okay. At that particular time when you spoke to
7 Sergeant Horton they had pulled over a black male for
8 speeding and had him at the gas station the Exxon on
9 Coleman Boulevard.

10 A. That's correct, 323 Coleman Boulevard the Scotchman.

11 Q. The -- one of the victims was at the police station
12 in the same timeframe that you were speaking with Mr.
13 Parks is that correct?

14 A. I don't know how long he was at the station. Again
15 they were in the Criminal Investigations Bureau. I was
16 across the hall. I didn't go and check in with Detective
17 Decamp and say how's your interview going.

18 I trust that if he needs anything he would come and
19 get me. And there were officers in the patrol room and I
20 had them stay with Mr. Parks while I went to the traffic
21 stop.

22 Q. Okay. But you are aware that a victim was taken to
23 the police station and gave a written statement?

24 A. I am aware of that yes, sir. I don't know when he
25 left or when they finished up. I don't have the details

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1 on that.

2 Q. Did you use any of the descriptive information
3 provided by the victim? Did you relay any of that to
4 Sergeant Horton ---

5 A. --- no, sir.

6 Q. Okay.

7 A. Because I hadn't seen the statement. I hadn't seen
8 what Mr. Burnett had provided. I didn't. I went solely
9 on what Mr. Parks was conveying to me.

10 Q. And I think you read my mind Detective Eckert. I
11 was going to ask you the sole basis for identifying this
12 third suspect as being involved in this particular armed
13 robbery were the words of Randi Parks?

14 A. That's correct. I was interviewing what I thought
15 was an individual who was cooperative and was implicating
16 himself. He was as you said caught red handed and he was
17 providing a description of his co-defendants; the people
18 that were involved in this robbery with him.

19 Q. He was providing -- would it be a fair statement to
20 say he was providing a description of a person but you
21 can't say for certain that he was actually providing a
22 description of the co-defendant?

23 A. He provided me with the description of an individual
24 that he said participated in this armed robbery.

25 Q. Okay. I just wanted to clarify that that your

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1 suspicion that this person was a co-defendant also came
2 from Randi Parks' words solely.

3 A. And Sergeant Horton who I had a conversation with on
4 the phone that said we believe we have the third guy on a
5 traffic stop. And I didn't get into why do you believe
6 that. I was asked to do something and I did it.

7 Q. Okay. But let's be clear. At the time it would
8 have been impossible for Sergeant Horton or anybody else
9 on the scene to have any description of a third suspect
10 other than a black male. That was the only description
11 that had been developed at that point.

12 A. No. They had prior to Sergeant Horton coming to
13 meet with me he had been over in the Wild Wings parking
14 lot with Mr. Burnett and Detective Decamp and then he had
15 come to me.

16 Again, like I said I was off the radio. I don't
17 know what was being said on the radio. I was in an
18 interview room in a secure location trying to interview
19 people of this armed robbery.

20 Q. And speaking of radios are transmissions between
21 officers via police radio are those recorded?

22 A. They are I believe on the main channel. I know we
23 have alternate channels. I don't know specifically which
24 -- I know the main channel is recorded yes if that
25 answers your question ---

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1 Q. --- I think it does. Is it standard police
2 operating procedure to conduct official investigations
3 communications between officers by cell phone?

4 A. It can happen. You don't want to put all of that
5 traffic on the radio. There are times when it is easier
6 to relay information over a cell phone or an alternate
7 phone source.

8 Q. I think my question was is it policy to use the
9 radio as opposed to using a cell phone?

10 A. Per policy they want you on the radio as much as
11 possible if it pertains to an investigation. But again I
12 didn't have my radio with me.

13 Q. And the purpose of using a radio is precisely
14 because of what you described. It's being recorded and
15 it can be listened to later to ascertain the contents of
16 a particular conversation.

17 A. Certainly.

18 Q. And that absolutely cannot be done on personal cell
19 phones that are being used.

20 A. Again, I was calling from the police department,
21 from a landline at the police department. I wasn't
22 calling from my cell phone.

23 Q. I'm sorry. I thought you testified that you were
24 communicating by cell phone?

25 A. No, I've never testified to that. I said I made a

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1 call from the sergeant's office and that my cell phone
2 was more than likely on my desk where I keep it when I go
3 into interviews because I don't want to get interrupted.

4 Q. So the first description that you got from Randi
5 Parks that you relayed to Sergeant Horton who was on the
6 scene with Mr. Belt who had been pulled over for speeding
7 and I believe this is a synopsis of your testimony there
8 was an individual by the name of "L".

9 A. Uh Huh. I'm sorry; yes.

10 Q. Who was driving a blue truck.

11 A. And then he changed it to a blue or green; I'm
12 sorry, a bluish green truck or jeep.

13 Q. How long did it take him to change from a bluish
14 truck to a jeep ---

15 A. --- it was immediately.

16 Q. Okay. And this person had cornrows and an eye
17 injury?

18 A. Correct.

19 Q. Okay. Did not refer to this person by name?

20 A. No.

21 Q. And Mr. Parks also said something about a backpack
22 that was in the car?

23 A. That was during a second relay of information.

24 Q. Okay. That was during a second phone call between
25 you and Sergeant Horton?

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- 1 A. Yes.
- 2 Q. Okay. Did he say whose backpack it was?
- 3 A. No, he didn't.
- 4 Q. Okay. And then shortly thereafter -- let me back
5 up I'm sorry. Approximately what time was this that you
6 were getting this information from Randi Parks?
- 7 A. Around 1:50, 1:55 in the morning.
- 8 Q. Okay. And are you -- do you know what time Mr.
9 Belt was pulled over for speeding?
- 10 A. From sitting here 1:37 I believe.
- 11 Q. So this interview that you are conducting with Randi
12 Parks is taking place approximately 20 minutes after the
13 traffic stop had been initiated. Fair statement?
- 14 A. Right because I had been interviewing someone else
15 previously and you just kind of work in order.
- 16 Q. Certainly. You went out to the scene shortly
17 thereafter?
- 18 A. That's correct.
- 19 Q. Accurate statement? Okay. And you stated that you
20 observed a green jeep occupied by a black male driver and
21 maybe it was cornrows. I gather that you are not
22 terribly familiar with the concept of cornrows.
- 23 A. Correct.
- 24 Q. Versus braids or dreads or things of that nature.
- 25 A. Correct.

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1 Q. You don't seem to be a hair guy. And you also
2 observed something with the eye?

3 A. That's correct.

4 Q. Okay. What was it -- do you recall specifically
5 what it was that you observed on the eye?

6 A. It was some sort of injury and it drew my suspicion.
7 I even asked him you know you don't like to point things
8 out about people and I didn't want to make him feel
9 uncomfortable or if it was bad thing. I asked him hey,
10 what happened to your eye or something to that context
11 and he said he didn't want to talk about it.

12 Q. Did you as you were approaching the vehicle to
13 observe the driver did you have an opportunity to look
14 through the windows of the car to see -- to check and see
15 if there was anything in plain view in the vehicle?

16 A. There were times during the stop that I looked in
17 the vehicle to look and see if there was anything in
18 plain view.

19 I didn't -- you know watching the video to the best
20 of my recollection I don't think I did on approach not
21 like an active traffic stop. I knew they had been out
22 there with him.

23 Q. Okay. Well how much time passed from the time that
24 you arrived on the scene until you arrested of Mr. Belt?

25 A. Specifically I want to say it was between 12 -- I

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1 mean to the best of my recollection probably 10, 12, 15
2 minutes something. It wasn't I jumped out of my car and
3 went and put handcuffs on him. You know I investigated.

4 Q. And following Mr. Belt's arrest and I believe we
5 kind of glided over this particular topic in your direct
6 examination following Mr. Belt's arrest his car was
7 searched correct?

8 A. It was inventoried subsequent to his arrest, yes.

9 Q. Okay. And an inventory is a search? It's an
10 inventory search?

11 A. An inventory search.

12 Q. Okay. So when I asked if it was searched, your
13 response would be ---

14 A. --- well I mean we were inventorying it subsequent
15 to the arrest and I didn't participate in that because I
16 had to take the guy back to the station but it gets
17 inventoried so that there is a record as to what is in
18 the car.

19 Q. But you did after following arresting Mr. Belt you
20 did actually look in the car ---

21 A. --- I did look in the car, yes.

22 Q. And what did you personally observe when you looked
23 in the car?

24 A. Nothing that stood out to me. I was looking for
25 elements of the crime of armed robbery, i.e. a gun. That

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1 was the main thing I was looking for was to see if there
2 was a gun back there knowing that I didn't want a gun on
3 the street.

4 Q. Was the search that you performed was that before or
5 after the inventory search took place or was it at the
6 same time?

7 A. That was before because I was on the scene for a
8 very short period of time once he was taken into custody
9 because I wanted to get him back to the station.

10 Q. Okay. So at the time that you were looking for a
11 gun in the vehicle nothing had been removed from the car
12 as part of an inventory search ---

13 A. --- to the best of my knowledge yes nothing had been
14 removed.

15 Q. Okay.

16 A. I mean there were several people there and they were
17 getting started and we were directing them hey, we need
18 to get this thing towed. So I don't think they had began
19 the inventory yet.

20 Q. Okay. So fair statement nothing had been removed
21 from the vehicle at the time that you searched the car
22 for a gun or some other element of an armed robbery?

23 A. Just so we can make it clear I wasn't in there
24 maneuvering or manipulating things. It was a quick look
25 through to see if anything stood out to me as I had one

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1 guy who had provided some credible information at that
2 point from the description of the person that was
3 involved with him and I wanted to see if there was
4 anything in plain view that I could use to assist me in
5 my interview.

6 Q. Okay. And while you were searching the car looking
7 not manipulating anything, not ripping seats out of the
8 car or things of that nature but while you're searching
9 looking for a gun etcetera did you have occasion to
10 observe any black clothing in the car?

11 A. No.

12 Q. Okay. A black shirt?

13 A. Nothing that I recall, nothing that I noted in the
14 report, nothing that stands out to me, nothing that ever
15 got back to the station.

16 Q. A black hoodie?

17 A. No.

18 Q. A black hat?

19 A. No.

20 Q. A black hat with white lettering on it?

21 A. No.

22 Q. Latex gloves?

23 A. No.

24 Q. Okay. You've been present at the trial of this case
25 correct? As the case agent you sit in on the entire

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1 trial.

2 A. And I will continue to be here.

3 Q. So you've heard the testimony that has been provided
4 in this case by all the witnesses heretofore correct?

5 A. I have.

6 Q. And you've heard Mr. Gillespie testify that he
7 observed specifically either a black shirt or a black
8 hooded sweatshirt; I think he kind of went back and forth
9 between the two, and a black hat with white lettering on
10 it. Do you recall him testifying?

11 A. I do.

12 Q. In that manner? And I just want to clarify your
13 testimony is that you saw nothing of the sort?

14 A. None of that stands out to me, no.

15 Q. Okay. And after you made an observation of Mr.
16 Belt you said you began asking him some general questions
17 is that correct?

18 A. That's correct.

19 Q. Okay. Where you going, where you coming from,
20 etcetera?

21 A. Correct.

22 Q. Were there more questions than just those where you
23 going and where are you coming from?

24 A. It was general questions related trying to determine
25 where he was going you know where he was headed to, where

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1 he was coming from, why he was in the area; just basic
2 general questions trying to figure out why he was in the
3 area.

4 And at that point I began explaining to him hey,
5 your name has come up as part of this armed robbery
6 investigation and I'd like you to voluntarily come to the
7 station with me.

8 Q. And you don't recall the name of the subdivision
9 that Mr. Belt provided to you in response to where he was
10 going?

11 A. I don't, no. I'm sorry.

12 Q. But you do according to your testimony specifically
13 recall that no such subdivision exists?

14 A. That's correct.

15 Q. Okay. Did -- is it possible that Mr. Belt told you
16 that he was looking for a subdivision called Shadow
17 Creek?

18 A. It certainly could be but there is no Shadow Creek
19 in Mount Pleasant.

20 Q. Okay. There are a lot of neighborhoods in Mount
21 Pleasant that have the word Creek in them wouldn't you
22 say? I can come up with about five off the top of my
23 head.

24 A. I don't know how that ---

25 Q. --- I'll withdraw the question. Is it possible that

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1 he told you that he was looking for a subdivision called
2 Hickory Shadows?

3 A. Hickory Shadows never came out of his mouth, sir.

4 Q. Okay. Very good. Did he tell you that he had
5 stopped several times asking for directions at gas
6 stations and asked you to check with the attendants at
7 the gas station to verify that?

8 A. I don't remember him saying that to me, no sir.

9 Q. Okay. You can't say that he didn't say that you
10 just don't remember him saying it?

11 A. I don't recall him saying that, no. Could he have
12 said that to Gillespie when he was on the scene and not
13 gotten relayed to me? Certainly. But I don't remember
14 ever hearing that he had stopped at a bunch of gas
15 stations and to verify it.

16 Q. In your testimony you talked about specifically I
17 believe the Solicitor asked you about a subdivision
18 called Hickory Shadows is that right?

19 A. That's correct.

20 Q. And I'm a little bit confused about your description
21 of the subdivision Hickory Shadows. You said that it is
22 nowhere near where Mr. Belt was is that a fair -- is that
23 what your testimony was?

24 A. It's a good ways up the road. I would say it's
25 probably four or five miles up the road. You're in the

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1 Old Village near the water near the Shem Creek Bridge
2 Hickory Shadows is almost to the interstate where you can
3 go 17 to go north on 17 over by the old Walmart or you
4 can get on 526 and can go to the north area. It's like
5 one of the first subdivisions when you come into Mount
6 Pleasant right there as you come down 526.

7 Q. If I were to tell you that it is 2.1 miles from the
8 Exxon on Coleman Boulevard to the entrance of Hickory
9 Shadows would that surprise you at all?

10 A. I thought -- personally I thought it would be more
11 than that but if you've mapped it out you've mapped it
12 out.

13 Q. You heard Detective Decamp's testimony about the
14 distance between Hickory Shadows and the Exxon on
15 Coleman Boulevard too did you not?

16 A. Uh Huh.

17 Q. And that testimony was that it was maybe a couple of
18 miles?

19 A. Maybe perception. Maybe my distance perception is
20 off; I don't know. I know it's not the next subdivision
21 over from the Old Village. I do know that and I'm very
22 familiar with Hickory Shadows. That was one of my
23 neighborhoods and responsibility when I was on patrol.

24 Q. You're very familiar with Hickory Shadows are you
25 familiar with the fact that there is a Kangaroo station

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1 directly at the entrance to ---

2 A. --- I am and there is a couple of auto body shops
3 behind there. It was a problem area for Mount Pleasant
4 in the '90's and there is a great HOA guy that tries to
5 clean up the neighborhood and regularly cleans the
6 median. I'm very familiar with Hickory Shadows.

7 Q. I understand. I'm fairly familiar with it too. I
8 used to deliver pizzas in Mount Pleasant. And you're
9 familiar with Detective Decamp's testimony that Hickory
10 Shadows is maybe a couple of minutes drive from the Exxon
11 on Coleman Boulevard?

12 A. Uh Huh.

13 Q. Okay. To the best of your knowledge where was Mr.
14 Belt living at the time that he was arrested?

15 A. His driver's license says North Charleston. There
16 has been testimony that he lived in Columbia. I don't
17 know where he was laying his head.

18 Q. Not Mount Pleasant though?

19 A. No.

20 Q. You don't have any information on that? Did Mr.
21 Belt ever tell you that he wasn't familiar with the Mount
22 Pleasant area?

23 A. He might have but I remember him being adamant that
24 he was going to this neighborhood and the neighborhood
25 that he was saying is not in Mount Pleasant. Usually if

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1 you're adamant about something the neighborhood is going
2 to be there.

3 Q. He was adamant about the name of the subdivision he
4 was looking for but you don't recall it?

5 A. Right.

6 Q. And you didn't include what he told you in any of
7 your reports did you?

8 A. No.

9 Q. Okay. Does that seem like that would be kind of an
10 important detail?

11 A. Well I think it's important that I knew that the
12 neighborhood didn't exist. I mean you can put a name on
13 anything and I knew firsthand what he was naming is not a
14 neighborhood in the town of Mount Pleasant.

15 Q. But you said you are very familiar with Hickory
16 Shadows.

17 A. Uh Huh.

18 Q. So when Mr. Belt told you that he was looking for
19 Shadow Creek that didn't set off any alarm bell like
20 maybe he's talking about Hickory Shadows?

21 A. No.

22 Q. And there is that word Shadows. Are there any other
23 neighborhoods in Mount Pleasant with the word Shadows in
24 them?

25 A. Nothing that -- the dominant one is Hickory Shadows.

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1 Nothing that's really ringing a bell right now.

2 Q. So you didn't make any leap in logic between Shadow
3 Creek and Hickory Shadows which is a neighborhood that is
4 two miles away and a couple of minutes drive away. That
5 link did not take place at that particular time?

6 A. I don't think it was a leap -- I don't think it
7 needed to be a leap in logic. He was adamant that he was
8 going to this neighborhood that I knew didn't exist and
9 he stuck with that neighborhood.

10 I didn't have a notepad out with me recording
11 everything he said. It was a very active investigation,
12 very fluid and no, I didn't write down what he said.

13 Q. Okay. Forgive me if I digress for a moment
14 Detective Eckert. I think I just heard you say this was
15 a very active and or fluid investigation on several
16 occasions so far is that correct?

17 A. Uh Huh.

18 Q. And generally the context of you making such
19 testimony is to explain why certain evidence was not
20 collected, written down, investigated; something to that
21 effect.

22 A. So I guess you're -- if I'm understanding your
23 question correctly and you can maybe rephrase it if I
24 didn't I didn't write -- you're asking why I didn't write
25 it down. I left the station from what I was doing. I

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1 didn't have a notepad with me to write it down. I
2 thought that ---

3 Q. --- a police detective doesn't have a notepad?

4 A. That night I didn't. No, it was at the office with
5 people that I was interviewing okay. And the reason that
6 I went out to the scene was to see if we could get some
7 voluntary compliance and have Mr. Belt come back with us.
8 And that didn't happen.

9 So no, I didn't have a notepad with me. I was
10 counting on the in car camera working and it didn't work.
11 And no, I neglected to write down what neighborhood he
12 was saying.

13 Q. So you don't have a notepad on your report
14 statements made by somebody that you believe to be a
15 suspect in an armed robbery. Your in car camera wasn't
16 working.

17 A. No, I don't have an in car camera sir.

18 Q. I'm sorry; in fact you didn't have an in car camera
19 ---

20 A. --- Officer Gillespie's in car camera wasn't
21 working.

22 Q. Okay. The audio and the audio that Officer
23 Gillespie was wearing on his belt that wasn't working
24 either.

25 A. Uh Huh.

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- 1 Q. What else wasn't working that night?
- 2 A. I was working. I was there until 7 in the morning.
- 3 Q. Okay. What non-human things weren't working that
- 4 night other than the things that we've already described?
- 5 A. I think everything else was good.
- 6 Q. Okay. As the case agent in this case you review
- 7 all the materials that are part of the file essentially,
- 8 the police file?
- 9 A. I've looked through the reports, yes sir.
- 10 Q. Okay. Are you familiar with the results of the
- 11 inventory search of Mr. Belt's vehicle?
- 12 A. I've looked at the tow sheet, yes.
- 13 Q. Okay. Is there a gun on that inventory sheet?
- 14 A. No, the gun was recovered the next day.
- 15 Q. Any property belonging to Shane Burnett or Mr.
- 16 McElhenney?
- 17 A. No, sir.
- 18 Q. Okay. Any black clothes, any hooded sweatshirts,
- 19 black hats; things of that nature, latex gloves?
- 20 A. No, sir.
- 21 Q. Does the -- when an inventory search is conducted
- 22 it's suppose to be a full inventory. Fair statement?
- 23 A. You know I think it was summed up pretty good
- 24 yesterday items of value. What we would hate to happen
- 25 is somebody have a cell phone or a computer in there and

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1 it gets stolen. We're not going to write down like the
2 example given yesterday a registration card. So it's
3 items of value. They give you a very small block to
4 write things in it.

5 Q. Items of value and things that are alleged to be
6 evidence of a crime?

7 A. We would remove -- there is another block where you
8 could document what you removed from the vehicle.

9 Q. Okay. And none of the items I was just reciting
10 and I think we've talked about this before none of those
11 items that we're reciting none of those were on the tow
12 sheet?

13 A. No.

14 Q. Does the lack of their presence on that tow sheet in
15 your mind indicate that those items actually did not
16 exist or were not present in Mr. Belt's car at the time
17 that he was arrested?

18 A. Well I didn't participate in the search, inventory
19 search incident to the arrest. Briefly when I looked in
20 the things that you are naming I didn't see.

21 For whatever reason the officers I can't say what
22 they saw. I wasn't there going through it piece by piece
23 with them. I was back at the station interviewing. They
24 are not there; I don't know.

25 Q. As part of your job as a detective you review these

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1 things and you rely on these documents to give you an
2 assessment of hey, this is what was found in this car
3 that night.

4 A. Right. And I also rely on people on the street you
5 know to help me out; tow workers. I don't know why they
6 didn't take it. I can't answer that.

7 Q. Did Mr. Gillespie ever tell you specifically that he
8 saw a black shirt or a black hooded sweatshirt or a black
9 hat with white lettering on it, latex gloves? Was that
10 information relayed to you?

11 A. No, I don't remember hearing anything about that but
12 again I wasn't...

13 Q. What other source would you rely upon in order to
14 verify that these things actually existed in that place
15 and time?

16 A. I mean I rely on the officers.

17 Q. Okay. And the officers didn't tell you anything at
18 all about it.

19 A. I don't remember hearing anything about the gloves,
20 the hat, the hat with white writing or the sweatshirt;
21 no.

22 Q. Okay. I believe your testimony was that it is
23 common for folks to -- it's not common excuse me, not
24 common for folks to tell the truth in interviews.

25 A. Correct. I mean we always try to get to the 100

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1 percent truth but it doesn't happen.

2 Q. And when you are interviewing these folks they're
3 trying to figure out what you're going to give up and
4 that sort of thing ---

5 A. --- what evidence we have on them ---

6 Q. --- and I think you used the word half truths also I
7 think that was a specific word that you used. In
8 reviewing the first two statements that Mr. Parks gave to
9 you were you able to -- at the time when you had these
10 written statements were you able to determine which parts
11 of those were false, which parts of them were true, and
12 which parts of them were half-truths?

13 A. Well, I mean I was hoping that he was being
14 completely honest and forthcoming but clearly he wasn't.

15 Q. Those hopes were dashed fairly quickly. Fair
16 statement?

17 A. Say again?

18 Q. Those hopes were dashed that he was being honest
19 with you?

20 A. Well after booking him back into the jail that
21 second day I mean that was dashed. But again I go back
22 to there are some truths in those statements; who he was
23 with, where they were coming from, what brought them to
24 the area. I mean there was definitely some truth in
25 those statements.

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1 Q. Let me ask you a philosophical question. How do you
2 know that those things are true when the rest of the
3 document I'm guess you're conceding is full of lies? How
4 are those particular things true and how did you arrive
5 at that conclusion?

6 A. Because again as I said we determined when we got to
7 the stop that we have probable cause. Just because you
8 get probable cause doesn't mean the investigation stops.
9 The investigation is continuing.

10 When they did their inventory search and found the
11 backpack there is evidence as to whose backpack that was
12 okay. Whose name was in that backpack and how they got
13 down to the Charleston area that the three of them had
14 rode together.

15 Q. How do you know that?

16 A. Because that's Mr. Hayes backpack, sir.

17 Q. I understand that.

18 A. Okay.

19 Q. And the existence of that backpack tells you that
20 the three of them rode down from Columbia together?

21 A. Well I'm relying on ---

22 Q. --- proof positive?

23 A. Say again?

24 Q. Proof positive? That's proof positive that they
25 rode down together ---

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1 A. --- I think as we get through all the evidence I
2 think that it will be seen.

3 Q. Okay. So your opinion is that from today's
4 perspective you can go back and pull out a one line
5 statement from Mr. Parks' written statement about a
6 backpack and you can point to that statement about a
7 backpack and say well, yes there are some true things in
8 there.

9 A. No. My opinion is that Randi Parks was scared in
10 the beginning of this. My opinion is that Randi Parks
11 was trying to do as much damage control for himself and
12 for his friends because clearly he didn't give them both
13 up that first night or that second night.

14 But it wasn't until November when we were on the 4th
15 floor of the Solicitor's office that he finally gave
16 everyone up.

17 Q. He didn't give everybody up that first night?

18 A. He called ---

19 Q. --- I'm very confused by that statement.

20 A. He called one of them out. He didn't come out and
21 say my friends from the neighborhood Darren Keith Belt
22 was involved in this robbery he used a street name, a
23 slang name; someone he referred to as "L". And he gave
24 tidbits of information.

25 Q. But the physical description that you said he

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1 provided to you that's not giving somebody up I mean
2 right off the bat?

3 A. I mean that added to it.

4 Q. Okay. I guess I'll have to take that. So I
5 understand and I don't want to put words in your mouth
6 and correct me if I'm wrong it sounds to me like the
7 parts of Randi Park's statements that you have concluded
8 are true are all the parts of his statements that are
9 damaging to Mr. Belt. Would that be a fair statement?

10 A. I would say damaging to himself as well.

11 Q. Okay.

12 A. He's on the hook for this as well.

13 Q. All the parts of Mr. Parks's statements that are not
14 helpful to the State's case it sounds like you've
15 determined those are not true.

16 A. There is a lot of things that aren't true in his
17 statement. I mean he lied to us, yes. He lied. But the
18 things that never changed were the people involved in
19 this robbery that was witnessed by an officer that gave
20 chase and people were taken into custody shortly
21 thereafter.

22 Q. Okay. So the fact that Randi Parks has called out
23 "L" Lizard and then six months later Darren Belt given
24 this description and all this sort of stuff, the fact
25 that he has been implicating Mr. Belt from the beginning

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1 to you is conclusive evidence that he is telling the
2 truth in that regard?

3 A. And the facts that he picked him out of a lineup at
4 the Solicitor's office and the facts of other evidence
5 that you know has been presented in the trial.

6 Q. Let me stop you for just a second. You said that
7 Mr. Parks picked Mr. Belt out of a lineup at the
8 Solicitor's office?

9 A. He picked him out of photos, yes.

10 Q. How many photos were shown to Mr. Parks?

11 A. Again, they were you know the Solicitor's office
12 handled that. I didn't show that.

13 Q. But you were there. I'm not saying you handled it
14 you were there though, you saw it.

15 A. I believe there was one photo that was shown.

16 Q. One photo?

17 A. Uh Huh.

18 Q. And he said that's the guy?

19 A. Uh Huh.

20 Q. Okay. And I want to be clear. The fact that he
21 has given this same statement over and over and over and
22 over again to you means that it's true?

23 A. I feel comfortable leaving here and moving forward
24 that the part that is true is the players that are
25 involved in this robbery. Do I know why the robbery

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1 happened? No, I wasn't with them when they planned it.

2 I'm not friends of Darren Belt, Randi Parks, or Ricky

3 Hayes. I don't know -- I would hope nobody would ever

4 rob anybody. I don't know why people rob people.

5 Q. I'm sorry, sir. I didn't ask you about why people

6 rob people. The question is it seems that the part that

7 you determined to be true is the part ---

8 MR. ZIEGLER: --- objection, Your Honor ---

9 Q. --- that is helpful to get a conviction for Darren

10 Belt.

11 THE COURT: Please let him finish. Now what is
12 your objection?

13 MR. ZIEGLER: Asked and answered.

14 THE COURT: Move on Mr. DeTreville. It is asked
15 and answered. Thank you.

16 MR. DETREVILLE: I'll move on, Your Honor.

17 Q. [Mr. DeTreville] You stated in your testimony that
18 by the second statement that Mr. Parks had given on May
19 8th that he was referring to a third suspect no longer as
20 "L" but as Lizard. Do you recall that testimony?

21 A. I do.

22 Q. When was the last time you looked at that written
23 statement from May the 8th?

24 A. Probably within the past couple of weeks through
25 last night.

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1 Q. If I told you he doesn't refer to anybody as Lizard
2 in that statement would that give you pause?

3 A. I think there is a point in there where he called
4 him "L" or Lizard I do believe.

5 Q. Another thing that is not included in any of your
6 reports which frankly I'm hearing for the very first time
7 today that I had no idea took place you actually
8 testified that you drove Randi Parks to the Hickory
9 Shadows subdivision?

10 A. I did. It's in my second supplement and I can point
11 it out to you. We talked in depth about going to the
12 house and he points out a house to me.

13 Q. Okay. If I overlooked it; my fault.

14 A. Yes, it's in there.

15 Q. And please I'm not trying to suggest that you're
16 hiding anything.

17 A. Because I'm not.

18 Q. Of course not. And in Hickory Shadows on North
19 Shadow Boulevard is where you went?

20 A. North Shadow Drive, sir.

21 Q. North Shadow Drive; excuse me. He told you that's
22 where they had been earlier that night.

23 A. He had pointed to the house, yes sir.

24 Q. Okay. And on the evening that Darren Belt was
25 arrested he gave a statement to Detective Decamp. You

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1 heard Detective Decamp testify about what Mr. Belt told
2 him correct?

3 A. Yes, sir.

4 Q. And that very evening he had told Detective Decamp
5 that he was looking for Shadow Creek or Hickory Shadows
6 and described exactly where the neighborhood was that he
7 was looking for.

8 A. Again, that wasn't relayed to me. I was tied up in
9 interviewing Mr. Parks and completing other paperwork
10 pertinent to this case.

11 Q. Okay. So you were tied up with Mr. Parks would it
12 be a fair statement to say that you were tied up with Mr.
13 Parks because he was singing like a bird and you weren't
14 that terribly interested in Mr. Belt because he was only
15 giving information that was helpful to his case.

16 A. No, what was relayed to me was that Mr. Belt wasn't
17 giving any information that was helpful to this case.
18 And like I said it's a team concept. I can't be in three
19 places at once interviewing three different people.

20 We had somebody that we thought was cooperating that
21 provided some pertinent information and I was working to
22 capture those facts.

23 Q. So you would not consider it pertinent information
24 that your actual third suspect was giving verifying
25 information that was correct about where he was going and

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1 what he was looking for?

2 A. It was never relayed to me that he was looking for
3 Hickory Shadows that night.

4 Q. Was it ever relayed to you that he was looking for a
5 neighborhood with the word Shadows in it that you turn at
6 the Kangaroo station on Chuck Dawley Boulevard ---

7 A. --- no, that was never relayed in that much detail
8 to me, no sir.

9 Q. Okay. So you didn't have an opportunity to review
10 Mr. Belt's statement from that particular evening that
11 was given to Detective Decamp?

12 A. By that time Mr. Belt had asked for legal counsel
13 and I can't speak with him once he invokes his rights.

14 Q. And you didn't discuss those details with Detective
15 Decamp?

16 A. No because I knew I couldn't speak with him.

17 Q. Speak with who?

18 A. Mr. Belt because he had asked for an attorney.

19 Q. Why would that prevent you from speaking with
20 Detective Decamp ---

21 A. --- about this case because that's his right.

22 Q. I'm sorry maybe you don't understand my question.
23 I'm asking you why you didn't talk to Detective Decamp?

24 A. I thought you were asking why I didn't talk to your
25 client.

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1 Q. No, I understand asking for a lawyer and things of
2 that nature. I'm asking why you didn't talk to Detective
3 Decamp? Weren't y'all working this case together
4 cooperative; it was a team thing.

5 A. Because we had facts supporting that this armed
6 robbery occurred and two people were taken into custody
7 shortly after the robbery. You know Mr. Parks had
8 provided the description of his third co-defendant.

9 Q. I can't help but come back to this and you correct
10 me if I'm wrong. It sounds like you continue to testify
11 that you're placing emphasis on things that were helpful
12 to your investigation and de-emphasizing things that
13 didn't fall into the story that you were developing. Is
14 that fair?

15 MR. ZIEGLER: Objection, Your Honor.

16 THE COURT: What's the basis?

17 MR. ZIEGLER: Asked and answered.

18 THE COURT: Sustained.

19 MR. DETREVILLE: If I might have a moment, Your
20 Honor.

21 THE COURT: You may.

22 [Whereupon, Mr. DeTreville reviews documents]

23 Q. [Mr. DeTreville] You said that on the day after Mr.
24 Parks was arrested you went to retrieve him from the jail
25 and take him back to the Mount Pleasant Police Department

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1 and interview him again?

2 A. That's correct.

3 Q. That's the second statement that he gave?

4 A. Correct.

5 Q. And it was then that he told you that y'all -- I
6 guess I'm kind of hearing y'all talk on some personal
7 level when you're driving and that sort of thing that he
8 tells you he has a baby, etcetera and those sorts of
9 things?

10 A. A baby on the way, yes.

11 Q. A baby on the way. And as part of this and I think
12 I heard the word developing or the words developing a
13 rapport with Mr. Parks. Fair?

14 A. Correct.

15 Q. Okay. And as part of developing a rapport with him
16 you allowed him to use your cell phone and call his
17 family on speaker and things of that nature.

18 A. That's correct.

19 Q. Okay. And based on that rapport that you had
20 developed with Mr. Parks and I want to use your words
21 exactly based on that rapport you quote felt he was being
22 honest with you.

23 A. No, I felt that he had been honest with me up until
24 that point. I knew he was going to be at the jail for a
25 long time. I didn't know if he had money to put on a

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1 phone account. I know it's hard to get calls in the
2 jail.

3 Q. That's why you were buying him cokes and things of
4 that nature ---

5 A. --- no, that's called a comfort break.

6 Q. Okay.

7 A. That's a comfort break.

8 Q. Cokes, cigarettes and things of that nature?

9 A. Correct.

10 Q. You're fairly liberal with the comfort breaks of Mr.
11 Parks?

12 A. I think they are documented in the statement we
13 maybe took three or four comfort breaks over four hours,
14 five hours time period.

15 Q. And I think and I apologize if I took the words out
16 of context I think your testimony was that when you were
17 in the Sally port with Mr. Parks that you did not
18 maintain a grip on Mr. Parks because quote you felt like
19 he was being honest with you.

20 A. I didn't expect to happen what happened. I felt
21 that he had been cooperative and yes, I let my guard
22 down.

23 Q. Would it be fair to say that based on the totality
24 of circumstances that at this point you kind of trusted
25 Mr. Parks. Why else would you have released your grip on

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1 him when the Sally port doors had closed?

2 A. No. You know it was my mistake. I know that I
3 should have had a hand on him when escorting him. And I
4 think it takes a lot for someone to call out their own
5 mistakes. I made a mistake and I suffered from it.

6 Q. Wasn't the real mistake trusting Mr. Parks?

7 A. No, the real mistake was not escorting him properly
8 because had I escorted him properly I wouldn't have been
9 running out Leeds Avenue chasing this guy down.

10 Q. Okay. And how long did this chase after Mr. Parks
11 escapes from Charleston County Detention Center in your
12 custody how long did this chase go on for?

13 A. It was probably three or four minutes, five minutes.

14 Q. And I'm hearing from your testimony that it doesn't
15 necessarily sound like Mr. Parks voluntarily gave himself
16 up at the end of this chase.

17 A. No.

18 Q. Okay. But you did hear Mr. Parks testify that he
19 voluntarily gave himself up at the end of this chase?

20 A. It didn't happen that way.

21 Q. Okay. And you also heard Mr. Parks tell the jury
22 that you used excessive force on him when you did catch
23 up.

24 A. I did hear that, yes.

25 Q. Okay. Truthful statement?

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1 A. No.

2 Q. Okay.

3 A. And I was investigated for that and I was cleared.

4 Q. Understood. So the agency that investigated that
5 didn't believe Mr. Parks either?

6 A. Correct.

7 Q. And you said when you were chasing him out the main
8 driveway of this Sally port area you were giving chase
9 and you were relaying information about what was going on
10 on the radio?

11 A. Correct.

12 Q. Okay. What details did you provide over the radio
13 about the suspect?

14 A. That I am chasing a guy out the jail, a black male
15 in a jail jumpsuit and I gave the direction that I was
16 going. You know just because I'm relaying information
17 doesn't mean that I get constant free access to the
18 radio.

19 Other people are chiming in I'm in route to him.
20 The watch commander called the jail to get him some help
21 over there. Other people were coming on. The dispatcher
22 said what's your status. So it's not like I had constant
23 communication.

24 Q. I understand that that's fine. The information that
25 you relayed over the radio while you were giving chase to

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1 a suspect included a physical description of that suspect
2 and what the suspect was wearing and the direction that
3 that suspect was going..

4 A. Correct.

5 Q. Anything else?

6 A. I think that was...

7 Q. Was that essentially the greatest amount of detail
8 that you could provide over the radio at that time?

9 A. Well different people you know when they are in I
10 don't want to call it crisis but when they are --
11 different people react to things differently. I don't
12 know if I was focused on getting that information out. I
13 gave as much information as I could.

14 Q. And that's in accord with your training to give as
15 much information out as you could. You didn't have any
16 other way of describing Mr. Parks and somebody wearing a
17 jail jumpsuit if you describe that over the radio that's
18 probably going to stick out on somebody who is running
19 down Leeds Avenue. Fair statement?

20 A. Correct.

21 Q. Okay. So you gave the best description that you
22 had available to you at that time?

23 A. Correct.

24 Q. You didn't hold any details back?

25 A. No. I mean there really weren't any -- I mean they

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1 were kind of cut and dry. There weren't any details to
2 hold back.

3 Q. And that's in accord with your police training
4 correct?

5 A. Correct.

6 Q. Okay. When you did catch Mr. Parks I think you
7 said I think your words were the fight was on.

8 A. Correct.

9 Q. And it took another -- it took a retired police
10 officer who just happened to be driving down the street
11 stopping and assisting you to fully get Mr. Parks under
12 control.

13 A. Correct.

14 Q. He was fighting you like crazy?

15 A. Uh Huh.

16 Q. Was -- did you participate in returning Mr. Parks to
17 the detention center after?

18 A. I did.

19 Q. How long did that process take. How long were you
20 there processing him in?

21 A. Ten or fifteen minutes.

22 Q. Was Mr. Parks placed on suicide watch while you were
23 there or after you left?

24 A. They made the decision when we were walking him in
25 based on his statements that they were going to dress him

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1 out for suicide watch.

2 Q. Okay. So we've got somebody who has escaped from
3 the Detention Center and is placed on suicide watch. Are
4 those the characteristics of a fairly desperate person?

5 A. Sure.

6 Q. Okay. And desperate people do whatever they can to
7 help themselves.

8 A. Sure.

9 Q. You testified that you were present and I think we
10 talked about it earlier in the interview that was
11 conducted on Mr. Parks at the Solicitor's office on
12 November of 2013.

13 A. That's correct.

14 Q. Okay. And you testified that he gave you a sincere
15 apology.

16 A. He did.

17 Q. Okay. How do you know it was a sincere apology?

18 A. I mean just the tone that he used and what he was
19 saying to me.

20 Q. Okay.

21 A. I mean as I going to trust him ---

22 Q. --- that's my next question.

23 A. Am I going to go visit him in the jail? No. I mean
24 this whole thing was a huge wake up to me. It's what
25 you're trained for. And yes I did wrong by not escorting

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1 him properly.

2 Q. And that's okay. We've heard you admit
3 responsibility for that and that's fine; things happen.
4 But you would never trust Mr. Parks again would you?

5 A. No.

6 Q. Okay. Should the jury trust Mr. Parks?

7 A. I think they should based on the -- again I go back
8 to ---

9 MR. ZIEGLER: --- objection, Your Honor.

10 THE COURT: Sustained. Ladies and gentlemen please
11 disregard that last statement. Ladies and gentlemen I
12 think we've reached a good point for a comfort break. So
13 please remember all my admonitions. Do not begin
14 discussing this case. Take your note pads or leave them
15 and let us know Mr. Shine when you are ready to come back
16 in. Please rise for the jury.

17 [Whereupon, the jury exits at 11:32 a.m.]

18 THE COURT: Thank you. Detective you may step
19 down. Please do not discuss your testimony with anyone.

20 [Whereupon, the witness exits the witness stand]

21 THE COURT: Anything before we take our comfort
22 break.

23 MR. DETREVILLE: Nothing from the defense, Your
24 Honor.

25 THE COURT: I went ahead and gave them lunch orders

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1 so just plan accordingly when they come. Make sure you
2 have your witnesses ready. We'll go until lunch is
3 delivered at least about the same time as yesterday.
4 Thank you. We're at ease.

5 MR. DETREVILLE: And for information Judge I'm very
6 close to being done with this witness.

7 THE COURT: I understand but we still have five or
8 six more witnesses.

9 MR. DETREVILLE: I understand.

10 THE COURT: We will be ending fairly close to 5
11 today. I cannot stay later than that.

12 [Whereupon, court is in recess from 11:32 a.m. until
13 11:43 a.m.]

14 THE COURT: Thank you. Anything before we bring
15 in the jury Mr. Ziegler?

16 MR. ZIEGLER: No, Your Honor.

17 MR. DETREVILLE: Nothing, Your Honor.

18 [Whereupon, Detective Eckert resumes the witness
19 stand]

20 THE COURT: I'll remind you you are still under
21 oath. Bring in the jury.

22 [Whereupon, the jury enters at 11:44 a.m.]

23 THE COURT: Thank you. Be seated. Mr. DeTreville
24 you may continue.

25 MR. DETREVILLE: Thank you, Your Honor.

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1 CROSS-EXAMINATION (resumes)

2 BY MR. DETREVILLE:

3 Q. You testified in your direct testimony Detective
4 Eckert that no lineup or show up or anything of that
5 nature was conducted on the evening of these arrests
6 because of and I may be paraphrasing logistical issues it
7 just couldn't be done at 1 o'clock in the morning.

8 A. For the lineup aspect logistical, for the show up
9 again I said very suggestive in nature and you know
10 talking to the seasoned supervisor, and when I say
11 seasoned I mean one with more experience on the street
12 than me he didn't think it would be a good idea; really
13 didn't and I think I explained as to why.

14 Q. Okay. And in your previous testimony you stated
15 that Mr. Parks was shown a single photograph of Mr. Belt
16 and asked to identify him. Was that very suggestive
17 also?

18 A. Again, that was done -- I didn't do that. I was
19 present.

20 Q. You were present.

21 A. When that was done. You know our policy at the
22 police department is we show six photos.

23 Q. Okay. Your policy at the police department is six
24 photos but that doesn't apply apparently in the
25 Solicitor's office to the best of your knowledge from

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1 what you've observed?

2 A. I don't know what the Solicitor's office policies
3 and procedures are. I'm not privy to their policy
4 manual, no sir.

5 Q. And I think your testimony also you continued on to
6 say that no lineup was conducted the next day either with
7 an attempt to get the victims to identify the suspects.

8 A. That's because the media got a hold of it before we
9 could. I went home and went to sleep and the media had
10 gotten a hold of it and put their pictures out. So again
11 no, we didn't do a lineup.

12 Q. Okay. So did the victims tell you that they saw
13 the media coverage or are you aware of the fact that they
14 saw the media coverage?

15 A. I am aware of that. The next day when I got back
16 into the office there was talk that it was on the Post
17 and Courier and that names were mentioned. That was
18 brought to my attention. So you can't show a lineup if
19 that ---

20 Q. --- mug shots too right?

21 A. I'm not -- I would assume so. I hate to assume but
22 that's the only way where they would get the pictures.

23 Q. I wouldn't ask you this if -- did you hear Mr.
24 Burnett's testimony that he observed the mug shots on the
25 news media?

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1 A. Yes.

2 Q. Are you satisfied then that he saw mug shots the
3 very next morning ---

4 MR. ZIEGLER: --- objection, Your Honor.

5 THE COURT: What's your basis?

6 MR. ZIEGLER: Speculation.

7 THE COURT: Sustained.

8 Q. [Mr. DeTreville] Your testimony you went on to say
9 that with the victims having seen media reports before
10 you could do a lineup i.e. the very next morning and I
11 put this in quotes and tell me if I misquoted you, your
12 testimony was of course they would be able to identify
13 the suspects.

14 A. Well, I mean if they had seen their photo, yes
15 especially when we're getting the same photos from
16 Charleston County. That's who we get our lineups from.
17 The media goes to bond court, the media gets pictures
18 from the jail. And that's unfortunately what sells. You
19 know that's the news.

20 Q. So they've seen mug shots and in your stated opinion
21 seeing those mug shots would make it inevitable that they
22 could identify these three suspects in a lineup?

23 A. I think it would taint a lineup, yes.

24 Q. Okay. Would it taint their testimony at trial?

25 MR. ZIEGLER: Objection, Your Honor, speculation.

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1 THE COURT: Sustained.

2 MR. DETREVILLE: If I could have just a moment,
3 Your Honor?

4 THE COURT: You may.

5 [Whereupon, Mr. DeTreville reviews documents]

6 Q. [Mr. DeTreville] Thank you, detective. I don't have
7 any other questions.

8 A. Thank you, sir.

9 THE COURT: Mr. Ziegler?

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REDIRECT EXAMINATION

BY MR. ZIEGLER:

Q. Detective, the gas station that was referred to regarding surveillance videos where was that in relation to the robbery incident?

A. The robbery incident occurred in front of the farmer's market. The gas station is not directly across from the farmer's market; it's more up the road. So I mean if -- it more shoots at an angle, the gas station more at an angle as to where it occurred at.

And again cameras are set up to get the property not across five lanes of traffic 20 yards of a football field or whatever the distance may be. I've worked cases there where I've looked at that video before.

Q. Is the gas station on the same side of the road as the incident location?

A. No, they were on the northbound side. They were walking north up Coleman Boulevard. The gas station is on the southbound side.

Q. And how wide is the Coleman Boulevard?

A. It's five lanes, lanes about 10 foot in width and there are four of those. There is an unprotected median so it's a good distance.

Q. Is the gas station in your knowledge is that a private business?

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1 A. That is a private business, yes.

2 Q. Detective, is it possible to capture every contact
3 you have with other officers in an investigation is it
4 possible to capture all that on your radio?

5 A. No. It's clearly not possible. There are times
6 when radios get left in cars. You know I don't have a
7 fancy police radio in my car.

8 I have one radio; it's a Walkie Talkie and I'm
9 expected to take that everywhere I go and if I'm in the
10 car -- you know in this case I left it on my desk. I
11 wanted quiet and time to talk about what had occurred.

12 Q. The defense asked you about the defendant's
13 statement about a neighborhood Shadows and whether you
14 talked to Detective Decamp about what that neighborhood
15 was what the name that was given. And that would have
16 been on May 7th, 2013?

17 A. Correct.

18 Q. And when did you learn from Randi Parks that they
19 had been in a neighborhood called Hickory Shadows before
20 the robbery and they were on Shadow Drive when did you
21 learn that?

22 A. It wasn't until May 8th as we were finishing up the
23 interview before going back to the jail around 2 o'clock
24 that afternoon.

25 Q. So did you know that information the night of the

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1 robbery?

2 A. No.

3 Q. In the interview of Mr. Parks at the Solicitor's
4 office from your knowledge when he was shown photos of
5 the individuals participating in the robbery when he was
6 shown those had he provided the names of those
7 individuals, the real names of those individuals at that
8 point?

9 A. To the best of my knowledge yes, he had.

10 Q. When you are interviewing a witness, a suspect,
11 anybody do you want to make them uncomfortable? Do you
12 want to deprive them of things that food and drink and
13 bathroom?

14 A. If I did that they would shut down and you'd get
15 nowhere. You try to make them as comfortable as you can
16 when people are cooperating we work with them and the
17 little things are what make people comfortable.

18 Q. And even if someone is not cooperating is it proper
19 to make them uncomfortable?

20 A. No, you still don't want to make them uncomfortable.
21 Everyone has their rights and they are protected by their
22 rights and they don't have to talk.

23 He was talking and he was being cooperative. If he
24 wouldn't have been talking I wouldn't have had to give
25 comfort breaks because I would have returned him to the

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1 jail.

2 Q. In Mr. Parks's first statement to you the night of
3 the robbery did he admit to being the gunman?

4 A. No, he did not.

5 Q. Did he say "L" was involved in the robbery?

6 A. Yes.

7 Q. Did he say his cousin Lamont was involved in the
8 robbery?

9 A. Yes.

10 Q. And in your second statement, his second statement
11 his second interview with him on May 8th did he admit to
12 being the gunman at that point?

13 A. No.

14 Q. Did he state that "L" was involved in the robbery?

15 A. He did.

16 Q. Did he state that his cousin Lamont was involved in
17 the robbery?

18 A. Yes.

19 Q. And in the later third interview in the Solicitor's
20 office did Randi Parks admit to being the gunman?

21 A. He did.

22 Q. Did he make any contradictions about who was
23 involved with him at that point?

24 A. Still the same, "L", Darren Keith Belt; "L" and
25 Ricky Lamont Hayes his cousin.

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1 Q. So what was -- is it fair to say that the thing that
2 changed would be Mr. Parks taking responsibility?

3 A. Yes, he was ---

4 MR. DETREVILLE: --- objection, Your Honor.

5 THE COURT: Sustained.

6 MR. ZIEGLER: No further questions of this witness,
7 Your Honor.

8 THE COURT: Mr. DeTreville?

9 MR. DETREVILLE: No additional questions, Your
10 Honor.

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

12 THE WITNESS: Thank you, Your Honor.

13 [Whereupon, the witness is excused and exits the
14 witness stand]

15 THE COURT: Call your next witness.

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Justin Hembree-Direct Examination by Mr. Maynor
September 17, 2015

1 MR. MAYNOR: The State calls Lieutenant Hembree.
2 [Whereupon, Lieutenant Hembree comes forward]
3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]
5 CLERK OF COURT: State your full name and spell
6 your last name for the record.
7 THE WITNESS: Lieutenant Justin Hembree, Mount
8 Pleasant Police Department, H-E-M-B-R-E-E.
9 - - - - -
10 JUSTIN HEMBREE,
11 Having been first duly sworn,
12 Was examined and testified as follows:
13 DIRECT EXAMINATION
14 BY MR. MAYNOR:
15 Q. Good morning Lieutenant Hembree how are you?
16 A. Good sir, how are you?
17 Q. Can you tell me a little bit about what you do?
18 A. Yes, sir. I currently supervise the Criminal
19 Investigation Bureau for the police department.
20 Q. Which police department is that?
21 A. Mount Pleasant.
22 Q. How long have you been working with Mount Pleasant
23 Police Department?
24 A. Since February of 2002.
25 Q. Were you working back in 2013?

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1 A. Yes, sir.

2 Q. What was your position then?

3 A. The supervisor of the Investigations Bureau.

4 Q. And if you're a supervisor of the Investigations
5 Bureau what kind of duties are you tasked with?

6 A. Managing the detectives in the office, case
7 management, giving direction and advice if it's
8 necessary, also collateral duties and victim advocates
9 and warrants division and some other stuff.

10 Q. Were you working on May 7th, 2013?

11 A. I was.

12 Q. What time did you get into work that morning?

13 A. I don't remember, usually around 8 or 8:30 somewhere
14 in that ballpark.

15 Q. And when you got to work were you briefed on any
16 incidents that happened maybe the night before?

17 A. Yes, sir. The way our office is structured is I
18 would get a phone call if any detectives are activated
19 day or night.

20 So I get a phone call the evening before that there
21 was an armed robbery interrupted in progress and
22 detective Corporal Eckert responded as one of the
23 supervisors in the office so the next morning I was
24 already aware of it when I got to work.

25 Q. And when you got there what did you take over that

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1 morning? What was the first thing you wanted to do when
2 you sort of learned that there was an armed robbery that
3 happened the night before?

4 A. Well I knew that there were suspects in custody and
5 I knew that there had been certain things done. I like
6 to make a list of any items that have been covered and
7 then things that needed to be covered.

8 Q. What -- can you tell the jury what those things were
9 that you were still looking for?

10 A. Yes, sir. Detective Lapp who was a detective in the
11 office at the time she advised me that a phone had been
12 taken during the robbery. She called the number on the
13 phone and that person answered and we needed to go meet
14 with that person.

15 Q. Did you go meet with that person?

16 A. Yes sir, that morning it was May the 7th. So the
17 robbery was interrupted at a little after midnight on the
18 7th so this is 8 o'clock that same day, 8 o'clock in the
19 morning. I get to work 8 or 8:30 and this is around
20 10:45 she tells me this part.

21 We go down to the city of Charleston. I don't
22 remember the exact street but we met with a gentleman
23 Kenneth Ford. Mr. Ford had answered the phone call from
24 Detective Lapp and he was in possession of the phone so
25 we went down and met with him.

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1 Q. Whose phone was that?

2 A. It was one of the victims of the robbery. I don't
3 recall his name.

4 Q. How did y'all identify that was the phone of the
5 victim?

6 A. The phone number provided by the victim and the
7 description of the phone and obviously the victim gives
8 us that phone number and the detective calls the phone
9 number and the guy answers it.

10 Q. So you just went and picked it up from Mr. Ford?

11 A. Yes, sir. We spoke to him at length. He didn't
12 give any indication that he was involved in any way. He
13 was extremely cooperative, very forthcoming.

14 He met us and that's not something that a criminal
15 involved in the robbery would have probably done. He
16 gave a likely story of how he located the phone and he
17 made several attempts to return it to its rightful owner.

18 Q. And once you recovered the phone what did you do
19 then?

20 A. So we recovered the phone, we returned back over to
21 Mount Pleasant. I had been told that the night of the
22 incident was very dark outside and so we decided to go
23 over to the area where the suspects were located and
24 canvass on foot; just kind of a commonality of
25 investigations so we could go over. We walked the area.

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1 We park on Hamp Fludd Street. Detective Lapp was
2 driving. We get out of the car, and I'm going to use my
3 hands, we get out of the car she parks just shy of a
4 Chandler Construction dump truck. I had the knowledge
5 already that one of the suspects had been located behind
6 the dump truck.

7 I walked directly behind the dump truck probably
8 less than a minute timeframe. I looked down beside a
9 fence that parallels the dump truck and there is a
10 revolver up against the fence.

11 Q. Let me back up a little bit. Is Hamp Fludd that
12 road -- what neighborhood is that in?

13 A. It's in the Old Village of Mount Pleasant.

14 Q. Okay. So when you came back to the Old Village in
15 Mount Pleasant you understood that to be the area where
16 the armed robbery sort of ---

17 A. --- well it occurred in a different location. I
18 knew from the briefing that I had that the subjects had
19 fled that direction. It was my understanding they
20 intercepted one subject walking.

21 In a patrol of the immediate area where the subjects
22 had last been seen they found another gentleman whose
23 feet were sticking out behind the dump truck. That's how
24 they located him. Then I knew they had had other folks
25 in custody.

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1 Q. Was that the same dump truck that he was hiding
2 under was the same one that you saw that morning?

3 A. That was the way I understood it, yes sir.

4 MR. MAYNOR: May I approach the witness, Your
5 Honor?

6 THE COURT: You may.

7 Q. [Mr. Maynor] Lieutenant Hembree I'm going to show
8 you some photos. Will you take a look at these for me?

9 A. Yes, sir.

10 [Whereupon, the witness is shown photographs]

11 Q. I'm handing the witness what has been marked as
12 State's exhibits -- I'll give you the numbers in just a
13 second. Lieutenant Hembree do you recognize those
14 photos?

15 A. Yes, sir.

16 Q. What are those photos of?

17 A. This [indicates] is the dump truck that is parked
18 along Hamp Fludd Road and then the pictures that follow
19 are of a white Styrofoam plate and I can explain that.
20 So I walk over behind the truck and I see this gun and
21 it's a black revolver ---

22 THE COURT: --- hold on one second. Could I just
23 for my recordkeeping and for the record what exhibit
24 numbers ---

25 MR. MAYNOR: --- let me give you the exhibit

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1 numbers; I apologize. There are quite a few of them.
2 It's State's exhibit 24, 25, 26, 28, and 29 for
3 identification purposes only at this point.

4 THE COURT: Have you shown them to Mr. DeTreville?

5 MR. MAYNOR: Yes, Your Honor.

6 THE COURT: Thank you.

7 Q. [Mr. Maynor] Would you continue telling me how you
8 recognize those photos just briefly. Are those photos
9 consistent with what you were ---

10 A. --- yes, sir. So again we parked just shy of this
11 dump truck that is on the side of the road, walk up to
12 the back of the dump truck where I understood one of the
13 subjects had been located.

14 I look up against the wooden fence that parallels
15 it, there is a black revolver sitting almost up against
16 the fence. It had a wooden handle. We had only been on
17 scene like a minute literally when I see it. So I see it
18 there, it starts to sprinkle rain.

19 I look around and I see a paper plate. I don't
20 likely believe a paper plate has been involved in the
21 robbery so I pick it up, it's like a Styrofoam plate and
22 I pick it up and sit it over the top of the gun so that
23 the rain wouldn't destroy any of the evidence. I
24 notified my supervisor at the time and then crime scene
25 was notified and they came to retrieve it.

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1 Q. Are those pictures a true and accurate depiction of
2 the scene that morning when you got there?

3 A. Yes, sir.

4 Q. And the same with the picture of the gun and the
5 Styrofoam plate behind the truck?

6 A. Yes sir, we never moved the gun.

7 MR. MAYNOR: Your Honor, the State would request to
8 move State's exhibit into evidence. That's number 24,
9 25, 26, 28, and 29.

10 THE COURT: Any objection?

11 MR. DETREVILLE: No, Your Honor.

12 THE COURT: State's 24, 25, 26, 28, and 29 into
13 evidence without objection. You may publish.

14 MR. MAYNOR: Thank you, Your Honor.

15 [Whereupon, State's exhibit number 24, 25, 26, 28,
16 and 29 are entered into evidence by the court]

17 MR. MAYNOR: Thank you, Your Honor.

18 Q. [Mr. Maynor] I know Lieutenant Hembree you were
19 describing those as I asked you but would you walk us
20 through kind of what this is right here [indicates]
21 first? What is this a picture of?

22 A. That's the road that I was describing earlier. The
23 female on the right side, that's Detective Lapp. That
24 Impala that is just behind the dump truck that's the car
25 we arrived in so when we arrived on scene everything

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1 would look just like this minus the people that you see
2 in the picture and the Tahoe that was parking there; that
3 is crime scene's vehicle.

4 So when we arrived it was just the dump truck and
5 this other piece of construction equipment on the side of
6 the road. The gun was located up against the fence right
7 behind that dump truck on the driver's side.

8 Q. The same dump truck as you understood where one of
9 the suspects was found?

10 A. Yes sir, that's the way I understood it, yes sir.

11 Q. I'm going to show you what has been marked as
12 State's exhibit 25. Can you describe what you viewed in
13 this picture too?

14 A. Yes, sir. It's kind of hard to see but there is a
15 small round paper plate and depending on the order of
16 your photos but that would be where the gun was and the
17 plate was placed over the -- I placed the plate over the
18 gun.

19 Q. And what's that large metal object up in the top
20 right of that screen there?

21 A. That's the rear side of the dump truck, the bed.

22 Q. I'm going to show you State's exhibit 26. Is that
23 the Styrofoam plate that you were talking about?

24 A. Yes, sir.

25 Q. And what's under that?

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1 A. The revolver, the little handgun.

2 Q. And so you walked up and you were searching for this
3 gun and you found it and it started to rain?

4 A. Yes, sir. This is almost immediate. I'd like to
5 take credit for like this lengthy investigative thing
6 that I did to find the gun. I walk up to the back of the
7 truck and there was a gun laying there. It was just
8 right out in the open.

9 Q. And State's exhibit 28 could you point out what you
10 see in this picture?

11 A. Yes. You can see the cylinder of the recover right
12 there mixed in with the leaves.

13 Q. State's exhibit 29 is that the same revolver?

14 A. Yes, sir.

15 Q. And when you found the gun and put the Styrofoam
16 plate over it to cover it from the rain what did you and
17 Detective Lapp do after that?

18 A. Detective Lapp walked up the roadway to speak to one
19 of the construction workers about the truck. We were
20 trying to determine how the phone would have been found
21 on the side of the road a ways away from the scene and
22 she was covering that angle.

23 I stayed with the plate and the gun to make sure
24 that -- there are folks that walk through the area and
25 stuff and I wanted to make sure it didn't disappear.

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1 Q. And did you contact crime scene?

2 A. I contacted my boss and I believe my boss contacted
3 crime scene.

4 Q. And who came out from crime scene?

5 A. Angie Mitchell, Officer Angie Mitchell.

6 MR. MAYNOR: Beg the court's indulgence.

7 [Whereupon, Mr. Maynor and Mr. Ziegler confer]

8 Q. [Mr. Maynor] Have you heard of McGrath Darby Road?

9 A. Yes, sir.

10 Q. Do you know where that is?

11 A. I do.

12 Q. Is that in Mount Pleasant?

13 A. Yes, sir.

14 Q. Can you describe where McGrath Darby Road is in
15 relation to where you found that gun?

16 A. It's probably a mile away or more.

17 Q. Is that south, north, east, west?

18 A. It would be south of where the gun was located.

19 Q. Is that towards the city of Charleston?

20 A. Yes, sir.

21 Q. And when you met with Kenneth Ford about the phone
22 did you have any indication that he was involved in this?

23 A. Not a bit. He had made some attempts by his
24 explanation made some attempts to call the numbers on the
25 phone to see if he could find the owner. He was

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1 cooperative, polite; he wasn't nervous, no heavy
2 breathing or anything that would indicate that he was
3 cautious about talking to us. He described finding the
4 phone off of the side of the road. It was in a couple of
5 pieces.

6 The battery had come out of it, which was consistent
7 with it having fallen or being thrown. And then it was
8 my understanding through speaking with Detective Lapp on
9 scene where this gun was recovered that that construction
10 truck had been moved at some point ---

11 MR. DETREVILLE: --- objection, Your Honor.
12 Hearsay.

13 THE COURT: Is there an exception Mr. Maynor?

14 MR. MAYNOR: No Your Honor, there is not.

15 THE COURT: Please rephrase your question so as not
16 to elicit hearsay. Thank you.

17 Q. [Mr. Maynor] Lieutenant I don't have any further
18 questions at this time. I'd appreciate you answering any
19 questions Mr. DeTreville asks.

20 THE COURT: Mr. DeTreville. Thank you.
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1 CROSS-EXAMINATION

2 BY MR. DETREVILLE:

3 Q. Good afternoon, Lieutenant.

4 A. Hey, sir.

5 Q. I'll be very brief. Thank you for your testimony.

6 We saw the photographs of the crime scene and in

7 particular there was one that showed I believe the back

8 end of the dump truck was a steel plate sort of in the

9 middle of the picture. I think your testimony was the

10 gun was located underneath that plate?

11 A. No, sir.

12 Q. I'm sorry. I misunderstood about the plate.

13 A. It was at the backside of the truck. The truck has

14 an overhanging bed and it was up against the fence on

15 that side at the rear of the truck on the bed.

16 Q. That plate was just there?

17 A. Assumably, yes sir. I didn't put it there.

18 Q. You'd didn't maneuver that or anything. I

19 understand now. In that particular photograph the gun

20 was actually closer to the truck than the steel plate

21 was?

22 A. The gun was closer to the fence.

23 Q. Closer to the fence?

24 A. Yes, sir.

25 Q. I didn't hear you sort of quantify the distance. I

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- 1 heard that it was very close and it took you maybe a
2 minute, maybe even seconds to locate this gun. About how
3 far away from this dump truck was the gun?
- 4 A. From the truck?
- 5 Q. Yes?
- 6 A. Feet.
- 7 Q. Steps?
- 8 A. Yes, a few steps. I'm not entirely sure sir; I
9 apologize.
- 10 Q. No that's fine ---
- 11 A. --- it was very close -- very close proximity.
- 12 Q. Maybe what we might call spitting distance?
- 13 A. Sure.
- 14 Q. Okay. And you didn't collect the gun or process
15 the gun or anything like that?
- 16 A. No, sir.
- 17 Q. That was crime scene?
- 18 A. Yes, sir.
- 19 Q. Officer Mitchell that you referred to previously?
- 20 A. Yes, sir.
- 21 Q. The fence. That fence that is along that dump truck
22 along there how would you describe the quality of that
23 fence?
- 24 A. I didn't ---
- 25 Q. --- is it beat up?

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1 A. Is it what?

2 Q. Is it beat up?

3 A. I don't recall; I apologize. I didn't pay that much
4 attention to it.

5 Q. That's fine. Is it a tall fence or a short fence?

6 A. I'd have to look at the pictures again; I apologize.

7 Q. That's fine. I'll withdraw the question.

8 MR. DETREVILLE: Thank you, Judge. No other
9 questions.

10 THE COURT: Mr. Maynor redirect?

11 MR. MAYNOR: Yes, Your Honor.

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REDIRECT EXAMINATION

BY MR. MAYNOR:

Q. I just want to ask you a little bit more about the Styrofoam plate that you found. Do you remember where that was before you picked it up?

A. It was around the area. There is just trash and stuff in this area. Obviously things that would have been carried by a possible suspect we look for masks, gloves, they might discard a cigarette, things might fall out of their pockets; obviously a gun, but a Styrofoam plate not likely.

And I didn't want anything to ruin it. I can't remember if I got it off the ground nearby or if it was 10 feet away I don't remember.

Q. You didn't pick up the gun did you?

A. No, I didn't touch it.

MR. MAYNOR: No further questions of this witness, Your Honor.

MR. DETREVILLE: Nothing, Your Honor.

THE COURT: Thank you. You may step down.

[Whereupon, the witness is excused and exits the witness stand]

THE COURT: Call your next witness.

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September 17, 2015

1 MR. MAYNOR: The State calls Officer Angie
2 Mitchell.

3 [Whereupon, Officer Mitchell comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: State your full name and spell
7 your last name for the record.

8 THE WITNESS: Angela Mitchell, M-I-T-C-H-E-L-L.

9 - - - - -

10 ANGELA MITCHELL,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. MAYNOR:

15 Q. Good afternoon Officer Mitchell.

16 A. Good morning.

17 Q. Can you tell the jury what you do?

18 A. I am a crime scene investigator and evidence
19 technician with the town of Mount Pleasant.

20 Q. How long have you been doing crime scene tech?

21 A. It's been about nine years now. I've been with the
22 town since 2000 but I've been doing that since 2006.

23 Q. Can you explain part of the training you might have
24 taken as part of your duties?

25 A. I've had various training, a lot of it on the job

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1 training. I've had crime scene training through the
2 academy, through different agencies that go over basic
3 crime scene.

4 Then we have a little more in depth crime scene
5 classes that I've gone to, photography, D-N-A collection
6 class; just different things like that, several different
7 classes.

8 Q. Part of that might be collecting evidence?

9 A. Yes.

10 Q. Were you working on May 7th, 2013?

11 A. I was.

12 Q. Were you called out to Hamp Fludd Road in Mount
13 Pleasant?

14 A. I was.

15 Q. Did you know anything about the case before you were
16 called out there?

17 A. I basically knew there had been an armed robbery the
18 night before. I don't really get a whole lot of the
19 details when -- it happened and I wasn't on call that
20 night so I didn't respond.

21 . Actually I was out there but those items weren't
22 found that night; they were found the next morning. So I
23 knew that there had been an armed robbery that had taken
24 place but that's pretty much it.

25 Q. So what items are you referring to?

State v Darren Belt
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September 17, 2015

1 A. The firearm.

2 Q. So when you made out to Hamp Fludd Road in Mount
3 Pleasant what were you tasked with doing that day?

4 A. I was tasked with taking photographs of the evidence
5 that the detectives had found that morning and collecting
6 those items and packaging them.

7 MR. MAYNOR: May I approach the witness, Your
8 Honor?

9 THE COURT: You may.

10 Q. [Mr. Maynor] Ms. Mitchell I'm showing you what has
11 been marked as State's exhibit 30 for identification
12 purposes. Will you take a look at that?

13 [Whereupon, the witness is shown exhibit]

14 A. Yes.

15 Q. Can you tell me what that is?

16 A. This is a photograph of the firearm that was
17 recovered that day.

18 Q. Is that your hand in the picture?

19 A. Yes, that's my hand.

20 Q. Had that gun been moved when you found it?

21 A. No, it had not been moved. A Styrofoam plate had
22 been placed over the top of it; it was starting to rain.
23 But it hadn't been moved ---

24 Q. --- did you take that picture?

25 A. Yes.

State v Darren Belt
Angela Mitchell-Direct Examination by Mr. Maynor
September 17, 2015

1 MR. MAYNOR: Your Honor, the State requests to move
2 State's exhibit 30 into evidence.

3 MR. DETREVILLE: Without objection, Your Honor.

4 THE COURT: State's 30 into evidence without
5 objection. You may publish.

6 [Whereupon, State's exhibit number 30 is entered
7 into evidence by the court]

8 Q. [Mr. Maynor] So just again would you mind describing
9 that to the jury what you found.

10 A. That is the firearm. What I did -- I had taken a
11 couple of other pictures of it before that one but that's
12 just me opening the gun up so that I could see if there
13 is any ammunition in it and as you can see there are four
14 bullets in the revolver and I just took a picture of it.

15 Q. I'm going to show you what has been marked as
16 State's exhibit 33. Is this that same gun?

17 [Whereupon, the witness is shown exhibit]

18 A. It is.

19 Q. Did you collect this gun?

20 A. I did.

21 Q. And did you empty out those bullets as well?

22 A. I did.

23 MR. MAYNOR: May I approach the witness, Your
24 Honor?

25 THE COURT: You may.

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Angela Mitchell-Direct Examination by Mr. Maynor
September 17, 2015

1 Q. [Mr. Maynor] I'm going to hand you what has been
2 marked for identification purposes as State's exhibit 34.
3 Will you take a look at those?

4 [Whereupon, the witness is shown exhibit]

5 Q. What are those?

6 A. These are the four bullets that were taken out of
7 that gun, the gun right there [indicates]. They are .38
8 special rounds.

9 Q. And did you mark those?

10 A. I did.

11 Q. And put in that evidence bag?

12 A. I did.

13 MR. MAYNOR: Your Honor, the State requests to move
14 State's exhibit 34 into evidence.

15 THE COURT: Any objection?

16 MR. DETREVILLE: No objection, Your Honor.

17 THE COURT: State's 34 into evidence without
18 objection.

19 [Whereupon, State's exhibit number 34 is entered
20 into evidence by the court]

21 MR. MAYNOR: May I publish this to the jury?

22 THE COURT: You may.

23 Q. [Mr. Maynor] Now Ms. Mitchell when you collected the
24 gun and those bullets what did you do with them?

25 A. What I would have done was take the gun back to the

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1 Mount Pleasant Police Department and process it for
2 fingerprints, D-N-A and that kind of thing, look for any
3 kind of trace evidence we would possibly find on there.

4 With that gun I swabbed the trigger and I believe it
5 was the hammer for any kind of touch D-N-A that would be
6 found.

7 Q. What were the results of your analysis?

8 A. They were inconclusive through SLED. SLED is the
9 one who processes what I've done with it. I just take a
10 swab with sterile water and swab the hammer and the
11 trigger.

12 Those are two likely places that somebody would have
13 touched that firearm and then those swabs in turn go to
14 SLED and they do a chemical -- they do the analysis on
15 that.

16 Q. Can you explain to the jury that swab analysis?
17 What type of fingerprints one might need or why there
18 might not be any D-N-A?

19 A. I'm not a D-N-A expert by any means. I can just
20 tell you by experience we haven't -- with touch D-N-A we
21 get very few results back if it's from touch D-N-A ---

22 MR. DETREVILLE: --- Your Honor, I would object to
23 this line of questioning. I think that the witness is
24 saying she is not an expert in this field; it's
25 scientific.

State v Darren Belt
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September 17, 2015

1 THE COURT: Sustained.

2 Q. [Mr. Maynor] But you did send off your swab sample
3 and other forensic analysis off to SLED ---

4 A. --- I did ---

5 Q. --- for testing and they came back ---

6 A. --- they came back negative, inconclusive; no
7 results.

8 MR. MAYNOR: Beg the court's indulgence.

9 THE COURT: Take your time.

10 [Whereupon, Mr. Maynor views documents]

11 Q. [Mr. Maynor] Ms. Mitchell, thank you. I have no
12 further questions. Please answer any that Mr. DeTreville
13 has.

14 MR. DETREVILLE: I have no questions for this
15 witness, Your Honor.

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

17 [Whereupon, the witness is excused and exits the
18 witness stand]

19 THE COURT: Call your next witness.
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State v Darren Belt
Kenneth Ford-Direct Examination by Mr. Ziegler
September 17, 2015

1 MR. ZIEGLER: The State calls Kenneth Ford.
2 [Whereupon, Mr. Ford comes forward]
3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: State your full name and then
6 spell your last name.

7 THE WITNESS: My name is Kenneth Ford. My last
8 name is spelled F-O-R-D.

9 THE COURT: Mr. Ziegler?

10 - - - - -

11 KENNETH FORD,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. ZIEGLER:

16 Q. Good afternoon Mr. Ford.

17 A. How you doing.

18 Q. Thank you for coming today.

19 A. Yes, sir.

20 Q. What were you doing today otherwise?

21 A. I was supposed to be working but I came here.

22 Q. Okay. What's your work?

23 A. I'm a painter.

24 Q. How long have you been doing that?

25 A. About 32 years.

State v Darren Belt
Kenneth Ford-Direct Examination by Mr. Ziegler
September 17, 2015

1 Q. How old are you?

2 A. I'm 63.

3 Q. Have you always lived in Charleston?

4 A. Yes, sir.

5 Q. Generally what part of time do you live in?

6 A. I live on Lawrence Street. That's by Mitchell Park
7 in that area off of Fishburne.

8 Q. Is that downtown?

9 A. It's the city.

10 Q. Okay. And are you familiar with the events that we
11 are here about today and what you did on May 7th, 2013?

12 A. Yes, sir.

13 Q. On May 7th, the morning of May 7th, 2013 what were
14 you doing?

15 A. I was heading over to Mount Pleasant. I rode the
16 bus over because I was supposed to be catching a ride to
17 go out to a subdivision called Saw Grass. We were
18 painting over there.

19 Q. So you were going to work?

20 A. Yes, sir.

21 Q. And what about the bus? Where were you going to
22 catch that?

23 A. I caught the bus as soon as we got across the bridge
24 on to the right the first traffic light I got off
25 approximately right there.

State v Darren Belt
Kenneth Ford-Direct Examination by Mr. Ziegler
September 17, 2015

1 Q. Is that like near Patriot's Point?

2 A. Yes, sir.

3 Q. Okay. So there is a gas station ---

4 A. --- there's a gas station on the right hand side
5 right there.

6 Q. And that's like at the base of the bridge?

7 A. When you come across the bridge it would be on the
8 right that's the bus stop.

9 Q. And that's Coleman Boulevard?

10 A. I believe so.

11 Q. So when you got to the bus station at that
12 intersection there what did you do?

13 A. We crossed the road me and a young lady because I
14 wasn't familiar with the area and she was showing me how
15 to get back to 17 which is where I could catch the ride
16 at.

17 We crossed the road and came and discovered the cell
18 phone on the ground and I thought somebody might have
19 lost it off a truck or whatever so I picked it up. I
20 walked a few feet further and then there was this battery
21 and I inserted it and the phone came on.

22 Q. Okay. So when you saw the phone there it was in
23 two pieces you said?

24 A. Yes sir, they were separate.

25 Q. And where were those pieces in relation to each

State v Darren Belt
Kenneth Ford-Direct Examination by Mr. Ziegler
September 17, 2015

1 other and where were they on the road?

2 A. Well when I -- one was by the curb almost by the
3 grass and when I went up and walked a little further --
4 the first part was like grassy and then I turned to the
5 sidewalk and when I got to the sidewalk there was the
6 battery there of the phone I would say about six or seven
7 feet away from it.

8 Q. Okay. So the actual phone part was that on the
9 grass or was that in the road ---

10 A. --- that was right by the curb it's near grassy area
11 right by the curb and I saw it and I picked it up. Then
12 we went -- me and the young lady was continuing to walk
13 toward the little road that comes across there and goes
14 out to 17 then that's when I saw the battery and I picked
15 it up and I put inside it.

16 Q. Okay. And what did you do then once you put the
17 battery in the phone.

18 Q. Well I started to make some calls to see who it
19 belonged to. One call went through and I believe the
20 lady said that was her son's phone or something like
21 this.

22 I gave her my information of what my telephone
23 number was and my address and then she said well, that's
24 my son's phone. And later on I got a call from the
25 police department from Mount Pleasant and they asked me

State v Darren Belt
Kenneth Ford-Direct Examination by Mr. Ziegler
September 17, 2015

1 about it and all like that. I told them and they came
2 around and recovered the phone and I gave it to them.

3 Q. So where were you when they came to get the phone?

4 A. I was at home. I had gotten home.

5 Q. And when they -- did the police come downtown to
6 you?

7 A. Yes, sir.

8 Q. And when they got there did they speak to you?

9 A. Yes, sir.

10 Q. And did you speak to them?

11 A. Yes, I told them how I recovered the phone and where
12 it was located and stuff like that.

13 Q. And so did they take the phone and you handed it
14 back ---

15 A. --- I handed it over to them and haven't seen it
16 since.

17 Q. I want to show you a photo.

18 MR. ZIEGLER: May I approach the witness, Your
19 Honor?

20 THE COURT: You may.

21 Q. [Mr. Ziegler] Mr. Ford, do you recognize that photo?

22 [Whereupon, the witness is shown photograph]

23 A. Yes, sir.

24 Q. Generally what is that?

25 A. This is about the area I see it. We came across the

State v Darren Belt
Kenneth Ford-Direct Examination by Mr. Ziegler
September 17, 2015

1 street here [indicates] and crossed the road here
2 [indicates] and about right in there [indicates]
3 somewhere the phone was here [indicates] and then we
4 walked here [indicates] and this is the area the battery
5 was there.

6 Q. Is that an accurate picture of the area from what
7 you remember it?

8 A. It's close to it. I remember the wall being here
9 [indicates] and this is where we turned to go down that
10 road there [indicates].

11 MR. ZIEGLER: Your Honor, the State moves to admit
12 State's exhibit 31 into evidence.

13 THE COURT: Any objection?

14 MR. DETREVILLE: None, Your Honor.

15 THE COURT: State's exhibit 31 into evidence
16 without objection.

17 [Whereupon, State's exhibit number 31 is entered
18 into evidence by the court]

19 MR. ZIEGLER: May I publish?

20 THE COURT: You may.

21 Q. [Mr. Ziegler] As you understand it Mr. Ford what is
22 this road [indicates]?

23 A. That's Coleman there isn't it?

24 Q. Is that what you understand it to be?

25 A. Yes, sir. And we was coming down that's just the

State v Darren Belt
Kenneth Ford-Direct Examination by Mr. Ziegler
September 17, 2015

1 road the bus comes on when it comes across the bridge.

2 Q. Okay.

3 A. When you cross the Ravenel -- on that road right
4 there and then the road comes with the traffic light
5 right there [indicates] that's the one I had to go over
6 to get to 17 to catch my ride.

7 Q. So you -- had you crossed the street, Coleman?

8 A. We crossed here [indicates] you see where the corner
9 is here [indicates] where the sidewalk is?

10 Q. Yes.

11 A. Okay. We crossed in that general area right there
12 because traffic wasn't coming at that time me and the
13 young lady she was giving me directions.

14 MR. ZIEGLER: Your Honor, may I have the witness
15 come to the projector to show some things on the photo?

16 THE COURT: I'm concerned we're not going to be
17 able to hear him. If you could be of assistance then I
18 think you can accomplish what you need to accomplish.

19 MR. ZIEGLER: Thank you.

20 Q. [Mr. Ziegler] So Mr. Ford where was it in this photo
21 that you located the battery and the phone?

22 A. Okay. Do you see where the double sign is over the
23 sidewalk there, the double sign on the sidewalk?

24 Q. The street sign there [indicates]?

25 A. Yes, sir. Just before we got there behind that sign

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Kenneth Ford-Direct Examination by Mr. Ziegler
September 17, 2015

1 right there by that curve right behind that sign there
2 [indicates] there was a telephone. And then we went up a
3 little further when you get past the palm tree you see
4 the palm tree?

5 Q. Yes.

6 A. The battery was in that general area right there.

7 Q. Near that palm tree?

8 A. Yes, sir.

9 Q. Was it in the grassy area?

10 A. It wasn't on the sidewalk. It was right in the
11 little grassy area there [indicates].

12 Q. And then the phone was?

13 A. It was by the curb, close to the curb here
14 [indicates] before you got to it. But they were
15 separate.

16 Q. Okay.

17 MR. ZIEGLER: No further questions of this witness,
18 Your Honor.

19 MR. DETREVILLE: Briefly, Your Honor.
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State v Darren Belt
Kenneth Ford-Cross-Examination by Mr. DeTreville
September 17, 2015

CROSS-EXAMINATION

BY MR. DETREVILLE:

Q. Mr. Ford, thank you for coming today. Very, very briefly are you familiar with the Mount Pleasant area?

A. Well, I wasn't at that time because I was riding the bus to get to work. On that morning I had to catch the bus over there and had to get back to 17 to catch a ride to come to 526 side in order for me to get up to Saw Grass I had to catch the guy who I was working with. He would pick me up there and we rode down to Saw Grass. So I wasn't familiar with the area, no.

Q. So you weren't that familiar with Mount Pleasant then. Do you feel more familiar with it now?

A. Yes, sir. I've been over here several times since then.

Q. Okay. Do you know where the Old Village is, the neighborhood of Old Village?

A. No, I'm not familiar with it.

Q. Do you know where Shem Creek is?

A. That's when you go further down Coleman Boulevard and it comes to a little bridge right there where the boats be at?

Q. Exactly.

A. That I'm familiar with, yes sir.

Q. You're familiar with Shem Creek?

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Kenneth Ford-Cross-Examination by Mr. DeTreville
September 17, 2015

1 A. I've seen it before.

2 Q. Do you know about how far away Shem Creek is from
3 where you found the cell phone?

4 A. I couldn't give you an exact distance. I'd say
5 about quarter mile, two mile, a mile, something like a
6 quarter of mile.

7 Q. A quarter mile to two miles?

8 A. Sir, I can't give you a definite distance.

9 Q. That's fine.

10 MR. DETREVILLE: No further questions of this
11 witness, Your Honor.

12 MR. ZIEGLER: No redirect, Your Honor.

13 THE COURT: Thank you. Mr. Ford, thank you for
14 coming. You're free to go. Thank you.

15 THE WITNESS: Okay. Thank you.

16 [Whereupon, the witness is excused and exits the
17 witness stand]

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1 THE COURT: Ladies and gentlemen there is a matter
2 I must take up outside your presence unrelated to this
3 case. I am chief administrative judge for the 9th
4 circuit so there is a brief matter I must take up outside
5 your presence. It will be just a few moments so take
6 your comfort break because we're just going to continue
7 again until our lunch comes. Please rise for the jury.

8 [Whereupon, the jury exits at 12:33 p.m.]

9 THE COURT: Thank you. Just a few moments. It's
10 a matter unrelated to this case. Thank you.

11 [Whereupon, court is in recess from 12:33 until
12 12:43 p.m.]

13 THE COURT: Anything before we bring in the jury?

14 MR. ZIEGLER: Your Honor, we may -- we do have an
15 issue with evidence that the State intends to introduce
16 with jail calls. It will be not this next witness but...

17 THE COURT: Well we're at a break. Let's go ahead
18 -- it makes sense to do it now since we could have done
19 this Tuesday?

20 MR. ZIEGLER: Yes, Your Honor. But I didn't
21 anticipate ---

22 THE COURT: --- you didn't anticipate the issues?

23 MR. ZIEGLER: No.

24 THE COURT: What's the issue then?

25 MR. ZIEGLER: The State doesn't necessarily have an

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1 issue it just plans to introduce clips of a jail call.

2 THE COURT: All right. And you have an issue
3 then?

4 MR. DETREVILLE: I guess it might be my issue,
5 Judge.

6 THE COURT: All right.

7 MR. DETREVILLE: I would just want the entire audio
8 played if we're going to play clips.

9 THE COURT: How long is it? He's entitled to do
10 that?

11 MR. DETREVILLE: Its 13 minutes.

12 THE COURT: That was an easy one. We'll play it
13 all. With that being said is there any reason we can't
14 play it all?

15 MR. ZIEGLER: From my listening there is a part
16 where the defendant says that he recently got out, which
17 I interpreted meant he got out of jail so that could be
18 an issue for the defense.

19 MR. DETREVILLE: I'll be totally honest with you
20 Judge. I didn't hear that. It's not the easiest thing
21 in the world to listen to begin with. I didn't hear it
22 and I don't think he had just gotten out of jail anyway.

23 THE COURT: Has he been in custody this entire
24 time?

25 MR. ZIEGLER: Yes.

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1 MR. DETREVILLE: Since ---

2 THE COURT: --- so you were saying he had just
3 gotten out from a previous time?

4 MR. ZIEGLER: Yes, and then ended up back in jail.

5 MR. DETREVILLE: I don't think he had been in any
6 sort of ---

7 THE COURT: --- just take a moment to talk to your
8 client about what may or may not have been contained on
9 that. If you need a few moments because once we play it
10 then I think ---

11 MR. DETREVILLE: --- we can't be unplayed.

12 THE COURT: Then I think you may waive any
13 objection you have to that.

14 MR. DETREVILLE: Certainly Your Honor, I'll be very
15 brief.

16 [Whereupon, Mr. DeTreville confers with the
17 defendant]

18 MR. DETREVILLE: I'm sorry, Your Honor. I think in
19 discussing the matter with my client there is a
20 possibility that statement is on the recording. Again, I
21 didn't catch it Judge but my client had been in a half-
22 way house not long prior to this incident so it is a
23 possibility that he is referring to that half-way house.
24 So I think out of an abundance of caution we would
25 certainly want that particular portion not played.

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1 THE COURT: Can you redact only that statement or
2 that portion?

3 MR. ZIEGLER: Your Honor, I think we could play
4 around it but I would like further clarification whether
5 the State is required to play the entire recording? I
6 would prefer to play clips that we intend to use against
7 the defendant.

8 THE COURT: How are you getting the jail tape in?

9 MR. ZIEGLER: Through Officer Sherbine, the jail
10 the custodian.

11 THE COURT: What will happen is you play the part
12 that you want and then you would just play the part that
13 you want. Or you could have no objection based upon my
14 previous ruling and you could play it all at the same
15 time. It's a matter of semantics and I understand why
16 you may not want to do it. So do you wish to go forward
17 and just play the portion you want and then we'll play
18 whatever portion you want with the understanding ---

19 MR. DETREVILLE: --- at that point Judge I would
20 probably want to play the whole thing from start to
21 finish as a matter of -- I mean it's the context that is
22 important not losing the meaning of the words based on
23 context at that point.

24 THE COURT: With the same statement. ---

25 MR. DETREVILLE: --- without the ---

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1 THE COURT: --- without that so not in its entirety
2 because now it's never going to be played in its
3 entirety.

4 MR. DETREVILLE: Understood, Your Honor.

5 THE COURT: So Mr. Ziegler you will play yours and
6 then you can play the entirety with the redacted portion.
7 All right? Great.

8 [Whereupon, Mr. Ziegler and Mr. DeTreville confer]

9 MR. DETREVILLE: Your Honor?

10 THE COURT: Yes?

11 MR. DETREVILLE: As a housekeeping matter would it
12 be better for us to go find that statement exactly where
13 it is on the disk now before the jury comes in?

14 THE COURT: Well, I would have thought -- you've
15 had more than enough time to get this taken care of so
16 let's hope you know where it is. Please rise for the
17 jury.

18 [Whereupon, the jury enters at 12:50]

19 THE COURT: Mr. Ziegler, call your next witness.
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State v Darren Belt
Jeremy Able-Direct Examination by Mr. Ziegler
September 17, 2015

1 MR. ZIEGLER: The State calls Mr. Jeremy Able.

2 [Whereupon, Mr. Able comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: State your full name and spell
6 your last for the record.

7 THE WITNESS: Jeremy Ryan Able, A-B-L-E.

8 - - - - -
9 JEREMY ABLE,

10 Having been first duly sworn,

11 Was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. ZIEGLER:

14 Q. Good afternoon Mr. Able.

15 A. Good afternoon, sir.

16 Q. How are you today?

17 A. Doing well, thank you.

18 Q. Did you travel here today?

19 A. I did.

20 Q. Where from?

21 A. I travelled from Greenwood, South Carolina.

22 Q. Thank you for doing that. Where are you employed?

23 A. I'm employed with Chandler Construction Services and
24 that's based out of Greenwood, South Carolina.

25 Q. And have you ever worked in Charleston for Chandler?

State v Darren Belt
Jeremy Able-Direct Examination by Mr. Ziegler
September 17, 2015

1 A. Yes sir, I have. We have half of our company is
2 located in Charleston.

3 Q. And when was that that you worked in Charleston
4 generally?

5 A. It was approximately three years ago to
6 approximately a year and a half ago.

7 Q. And are you familiar with an incident that has been
8 investigated on May 7th, 2013?

9 A. Yes, sir.

10 Q. And on May 7th 2013 were you working in Charleston
11 around that time?

12 A. I was. We were working in Mount Pleasant in the
13 Charleston area.

14 Q. What kind of project were you working on?

15 A. We were working in the Old Village in Mount Pleasant
16 working on installing new water lines and sewer lines in
17 the area known as the Old Village in Mount Pleasant.

18 Q. And so what were your responsibilities for the
19 company, for Chandler at the time?

20 A. At that time when I was in Charleston I was driving
21 a crew truck for the company and any assorted equipment
22 operator or truck driving responsibilities at that time.

23 Q. And did you operate one of those vehicles on May
24 7th, 2013?

25 A. I did. I operated a couple different vehicles on

State v Darren Belt
Jeremy Able-Direct Examination by Mr. Ziegler
September 17, 2015

1 that day actually.

2 Q. What were those?

3 A. I operated a crew truck, which I drove from our shop
4 which is located in Jedburg. I drove it from Jedburg to
5 the Old Village in Mount Pleasant. And then when I got
6 to Mount Pleasant that morning I drove a flat bed dump
7 truck that we have also that day.

8 Q. Mr. Able, I'm publishing State's exhibit number 24.
9 Does that appear to be the dump truck you drove that day?

10 A. Yes sir, it is.

11 Q. And is that approximately where it was located when
12 you operated it?

13 A. Yes, sir.

14 Q. Approximately what time on May 7th, 2013 did you
15 first drive this truck on the photo?

16 A. It probably would have been around 8 o'clock. We
17 normally get to a job site around 7 every morning so when
18 I would have got to the job site in the crew truck I
19 would have parked it, got in that truck, checked it out
20 before I would have left with it around probably 8
21 o'clock or so.

22 Q. About 8 a.m.?

23 A. Yes, sir.

24 Q. And just to be clear for the jury which truck in
25 that photo are we discussing here that you drove?

State v Darren Belt

Jeremy Able-Direct Examination by Mr. Ziegler

September 17, 2015

1 A. It's the one kind of right of center in the picture.
2 It's red and yellow. You can kind of barely see a "C" on
3 the door written in red with the yellow outline with the
4 black dump bed on it.

5 Q. Okay. Where did you drive it that morning May 7th?

6 A. That morning I was going to North Charleston. I was
7 more than likely going to pick up asphalt that morning in
8 North Charleston.

9 Q. And do you know the route that you took to get
10 there?

11 A. I probably would have taken considering we were on
12 that end of the Old Village we were working in the entire
13 Old Village.

14 So that being the end closer to the Ravenel Bridge I
15 would have probably taken the Ravenel bridge to get to
16 North Charleston via 17 and Interstate 26.

17 Q. And to get to the Ravenel Bridge do you remember
18 like what main road it would be to get there? Would it
19 have been Coleman Boulevard does that sound familiar?

20 A. Yes, it would have. Yes. From the direction the
21 truck was pointing and facing there I would have
22 basically drove straight probably a couple hundred yards,
23 turned right and then made another left and then turned
24 left onto Coleman Boulevard.

25 Q. And then have you driven that route before?

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1 A. Yes, sir. That was the way we would normally go to
2 go to North Charleston if we were on that side of the Old
3 Village.

4 Q. And were there times when you also took 526 to get
5 to North Charleston?

6 A. Yes, sir. We would occasionally depending on where
7 we were going in North Charleston we may end up taking
8 Coleman down to 526 and going that way as well.

9 Q. After you drove to North Charleston about what time
10 did you return the truck to the place where you got it?

11 A. Yes, sir. I would have returned the truck to that
12 general area. I would have probably went and dumped the
13 asphalt that we had and then brought the truck back to
14 right there. That's where the truck normally always
15 staged. It was normally there most every night.

16 Q. Okay.

17 A. And that would have been if I picked up asphalt at 8
18 and dumped it back in Mount Pleasant I probably would
19 have gotten back around 10ish.

20 Q. 10 a.m.?

21 A. Yes, sir.

22 Q. And did you park the truck near the place where you
23 picked it up?

24 A. Yes, sir. I think so. I don't recall parking it
25 anywhere else.

State v Darren Belt
Jeremy Able-Direct Examination by Mr. Ziegler
September 17, 2015

1 MR. ZIEGLER: No further questions of this witness,
2 Your Honor.

3 THE COURT: Mr. DeTreville?

4 MR. DETREVILLE: Thank you, Your Honor.
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State v Darren Belt
Jeremy Able-Cross-Examination by Mr. DeTreville
September 17, 2015

1 CROSS-EXAMINATION

2 BY MR. DETREVILLE:

3 Q. Good afternoon, sir.

4 A. Good afternoon.

5 Q. Very briefly Mr. Able.

6 A. Yes, sir.

7 Q. Do I understand correctly that you're not 100

8 percent sure which direction you drove that truck in that

9 particular morning?

10 A. That's correct. I don't know 100 percent. I can't

11 remember.

12 Q. You could have taken a left out of the Old Village

13 and gone the Ravenel bridge route or you could have taken

14 a right and gone down 526. Either way you sort of end up

15 in the same place right?

16 A. Correct. There is only ---

17 Q. --- it probably depends on traffic or something of

18 that nature?

19 A. Correct.

20 Q. So you're not -- 50/50?

21 A. I'd say so.

22 Q. That looks like a comfortable truck. Is it a smooth

23 ride?

24 A. Define comfortable sir.

25 Q. It bounces enough to put you to sleep?

State v Darren Belt
Jeremy Able-Cross-Examination by Mr. DeTreville
September 17, 2015

1 A. I fall asleep easily I don't know. I wouldn't say
2 that.

3 Q. I understand. It's not a smooth ride is it?

4 A. No, it's not.

5 Q. It bounces you around pretty good?

6 A. It does.

7 Q. Okay. And you operate this kind of machinery and
8 big trucks and all sorts of stuff ---

9 A. --- yes, sir.

10 Q. Is this one smoother than other things or is this
11 rougher than other things in your estimation?

12 A. It's just as rough as any other vehicle of that
13 size. Like you said they are certainly not made to ride
14 smoothly and they do not.

15 Q. It's not a Cadillac?

16 A. No, sir; by no means.

17 Q. Thank you Mr. Able. Have a good trip back.

18 A. Yes, sir.

19 MR. DETREVILLE: No further questions of this
20 witness, Your Honor.

21 THE COURT: Redirect? Hold on.

22 THE WITNESS: I'm sorry.

23 MR. ZIEGLER: Nothing further, Your Honor.

24 THE COURT: All right. Now you can leave. Thank
25 you.

State v Darren Belt
Jeremy Able-Cross-Examination by Mr. DeTreville
September 17, 2015

1 THE WITNESS: Are you sure?

2 THE COURT: I'm sure. Feel free to stay with us.

3 THE WITNESS: I think y'all can handle it.

4 THE COURT: Thank you, sir.

5 [Whereupon, the witness is excused and exits the
6 witness stand]

7 THE COURT: Call your next witness.

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State v Darren Belt
Kevan Sherbine-Direct Examination by Mr. Maynor
September 17, 2015

1 MR. MAYNOR: The State calls Officer Kevan
2 Sherbine.

3 [Whereupon, Officer Sherbine comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: State your full name and spell your
7 last for the record.

8 THE WITNESS: Kevan Sherbine, S-H-E-R-B-I-N-E.

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10 KEVAN SHERBINE,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. MAYNOR:

15 Q. Good afternoon, Officer Sherbine.

16 A. Hey.

17 Q. Can you tell the jury where you work?

18 A. I work at the Sheriff Al Cannon Detention Center.

19 Q. Is that commonly known as the Charleston County
20 jail?

21 A. Yes.

22 Q. How long have you been employed there?

23 A. About four and a half years.

24 Q. And can you explain your duties?

25 A. I'm the professional visitation officer; I'm the

State v Darren Belt
Kevan Sherbine-Direct Examination by Mr. Maynor
September 17, 2015

1 main point of contact between the inmates and their
2 attorneys, other professional visitors. I do about 90
3 percent of the subpoenas that are served on the jail. I
4 also help the regular lobby officers with their day to
5 day duties.

6 Q. Do you receive subpoenas for jail calls for inmates?

7 A. Yes.

8 Q. Can you describe to the jury what you do when you
9 get one of those subpoenas?

10 A. When I get a subpoena I look for what it is asking
11 for; a specific parameter in terms of dates, the specific
12 inmate. Once I have that information I enter it into our
13 internal database.

14 It pulls all of the phone calls that that inmate
15 would have made within that specific timeframe. I print
16 a hard copy and then I burn the audio to a disk. I label
17 both and put them in an envelope, seal it, and call the
18 agency that requested it.

19 Q. Can you also briefly explain the PIN numbers given
20 to inmates?

21 A. Inmates are assigned a unique PIN number when they
22 come into the booking process they are assigned that
23 number. When they are fingerprinted and photographed
24 that unique PIN number is used when they make phone
25 calls. It's how their phone calls are tracked.

State v Darren Belt
Kevan Sherbine-Direct Examination by Mr. Maynor
September 17, 2015

1 Q. Did you receive a subpoena regarding this case?

2 A. Yes.

3 Q. For who?

4 A. For Darren Belt I believe.

5 Q. And were they for his jail calls?

6 A. Yes.

7 MR. MAYNOR: May I approach the witness, Your
8 Honor?

9 THE COURT: You may.

10 Q. [Mr. Maynor] Officer Sherbine I'm handing you what
11 has been marked as State's exhibit 35 for identification
12 purposes. Will you take a look at that? You can pull it
13 out if you'd like to.

14 [Whereupon, the witness is shown exhibit]

15 Q. Can you explain what this is?

16 A. This is an audio C.D. of inmate phone calls with the
17 inmate's name, number, and dates on it.

18 Q. Is that disk in the same format which you would have
19 responded to a subpoena for jail calls?

20 A. It is, yes.

21 Q. Is that the same format you'd use in the ordinary
22 course of your business?

23 A. Yes.

24 Q. Is that your handwriting on there?

25 A. It is, yes.

State v Darren Belt
Kevan Sherbine-Direct Examination by Mr. Maynor
September 17, 2015

1 Q. Is that your name on there?

2 A. It is.

3 Q. And what was the date range for that request?

4 A. May 7th, 2013 through June 7th, 2013.

5 Q. Is that disk in the same condition as you saw it
6 last time?

7 A. There is an additional little bit of writing on it
8 but yes.

9 MR. MAYNOR: Your Honor, the State moves to admit
10 State's exhibit 35 into evidence.

11 THE COURT: Any objection?

12 MR. DETREVILLE: No objection, Your Honor.

13 THE COURT: State's 35 into evidence without
14 objection.

15 [Whereupon, State's exhibit number 35 is entered
16 into evidence by the court]

17 MR. MAYNOR: Permission to publish this to the
18 jury?

19 THE COURT: You may.

20 Q. [Mr. Maynor] If you'll bear with me Officer Sherbine
21 we're going to play a little bit of this jail call.

22 MR. MAYNOR: Beg the court's indulgence.

23 Q. [Mr. Maynor] Officer Sherbine if you're looking at
24 the screen on one of these jail calls can you tell when
25 it was recorded, when that jail call was recorded?

State v Darren Belt
Kevan Sherbine-Direct Examination by Mr. Maynor
September 17, 2015

1 A. Yes.

2 Q. Can you take a look at that jail call and tell us
3 what the date was when this particular jail call was
4 recorded?

5 A. May 7, 2013.

6 Q. The approximately time?

7 A. 13:47 which would be about 1:47 in the afternoon.

8 Q. And that was May 7, 2013?

9 A. Yes.

10 Q. Thank you.

11 [Whereupon, the video plays]

12 THE COURT: Just so the record is clear when you
13 begin to play if you'll note what time that you begin to
14 play and what time you end play for the record.

15 MR. MAYNOR: Yes, Your Honor. We are beginning
16 this portion of the jail call at 7:52, the 7:52 minute
17 mark on that May 7th call. And the prior two portions
18 were played at the 25th second, the first section in the
19 25th second and the second portion was at one minute and
20 one second. Now we're on the third section which
21 commences at 7:52.

22 [Whereupon, the video plays]

23 MR. MAYNOR: This next portion of the tape will
24 start at the 13th minute and ten seconds, 13:10.

25 [Whereupon, the video plays]

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Kevan Sherbine-Direct Examination by Mr. Maynor
September 17, 2015

1 Q. [Mr. Maynor] Officer Sherbine I'm sorry you had to
2 sit through that. That's all the questions the State has
3 for you. Please answer anything that Mr. DeTreville has.

4 THE COURT: Mr. DeTreville?

5 MR. DETREVILLE: Your Honor, may I approach very
6 briefly?

7 THE COURT: All right. Mr. Maynor?

8 [Whereupon, an off the record bench conference is
9 held]

10 THE COURT: Ladies and gentlemen your sandwiches
11 have arrived so we're going to go ahead and let you have
12 your lunch. We'll do it about the same way that we did
13 yesterday. So Mr. Shine if you'll just -- and y'all can
14 utilize your cell phones during your lunch hour, you can
15 take them in. Please remember all of my admonitions.
16 Please do not do any independent research. Do not begin
17 deciding any issue in this case. Please take your
18 notepads with you. We're going to be doing some other
19 things in here as well during your lunch break. Please
20 rise for the jury.

21 [Whereupon, the jury exits at 1:15 p.m.]

22 THE COURT: Thank you. Be seated. You may step
23 down. We're going to be about 30 minutes so stay in
24 touch. The Solicitor will tell you when to come back all
25 right?

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Kevan Sherbine-Direct Examination by Mr. Maynor
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1 THE WITNESS: Thank you.

2 THE COURT: They are going to take their lunch
3 break so you're going to need your lunch break. So it's
4 going to be very short.

5 [Whereupon, the witness is excused and exits the
6 witness stand]

7 THE COURT: Just come up here and let me go over
8 the charges with because we're close to that right?

9 MR. DETREVILLE: From our perspective yes, Your
10 Honor.

11 THE COURT: Let me so I can have the charge -- Mr.
12 Belt please stand. Please swear Mr. Belt.

13 [Whereupon, the defendant is duly sworn by the Clerk
14 of Court]

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State v Darren Belt
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1 THE COURT: Mr. Belt, what I understand of where we
2 are is we have one cross-examination of Mr. Sherbine and
3 then the State is going to rest isn't that correct?

4 MR. ZIEGLER: That's correct, Your Honor.

5 THE COURT: So we are about 13 minutes of trial
6 testimony away from the State resting. At that point you
7 will have an opportunity to present your defense. Did
8 you have an opportunity to speak with your attorney or
9 whomever concerning what I advised you last evening?

10 MR. BELT: Yes, I did.

11 THE COURT: Have you made a decision whether or not
12 you will testify?

13 MR. BELT: Yes, I did.

14 THE COURT: And what is that decision?

15 MR. BELT: I'm not.

16 THE COURT: All right. And Mr. DeTreville you
17 have gone over that with your client and advised him of
18 the benefits and the consequences of that decision?

19 MR. DETREVILLE: I have indeed, Your Honor.

20 THE COURT: All right. So I included -- you may
21 have a seat Mr. Belt. Thank you so much.

22 [Whereupon, the defendant is seated]

23 THE COURT: I always include the failure of the
24 defendant to testify just because it's easier to take it
25 out than put it in. Mr. Belt, you can go have lunch.

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1 I'm just going to go over charges with your attorney all
2 right. Let's give him 30 minutes; 2 o'clock; that's a
3 good 30.

4 [Whereupon, court is in recess from 1:17 p.m. until
5 2:09 p.m.]

6 THE COURT: Thank you. Please come look at the
7 verdict form. Mr. Sherbine you can come take the stand.
8 Thank you.

9 [Whereupon, Mr. Sherbine resumes the witness stand]

10 [Whereupon, an off the record bench conference is
11 held]

12 THE COURT: So let's put all this on the record.
13 Are you -- just because procedurally I understand this is
14 the State's last witness so if you're not going to call
15 -- if you don't have any questions are you done? You
16 have cross-examination?

17 MR. DETREVILLE: I will offer no questions for this
18 witness, Your Honor.

19 THE COURT: All right. So he may step down right?

20 MR. DETREVILLE: Certainly.

21 THE COURT: So you may step down. You are free to
22 go.

23 THE WITNESS: Thank you.

24 [Whereupon, the witness is excused and exits the
25 witness stand]

State v Darren Belt
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1 THE COURT: Then with that Mr. Ziegler?

2 MR. ZIEGLER: Yes, Your Honor. The State rests.

3 Can we do that in front of the jury?

4 THE COURT: I will allow you to do that in front of
5 the jury but we have a lot of housekeeping that we can
6 get done so I don't have to keep bringing them in and
7 out. So I'll allow you to do that in front of the jury.
8 And with that Mr. DeTreville do you have any motions or
9 matters?

10 MR. DETREVILLE: One matter of law, Your Honor.
11 The defense would move for -- the State has rested on the
12 record Your Honor is that satisfactory?

13 THE COURT: Correct. Then again reserving I
14 always allow you to go through and make sure at the close
15 of both the State's and the defendant's case to make sure
16 that all the evidence that you think has been admitted is
17 properly admitted. So that would be the only other
18 housekeeping matter.

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State v Darren Belt
Motion for Directed Verdict-Remarks by Mr. DeTreville
September 17, 2015

1 MR. DETREVILLE: Your Honor, the defense would move
2 for a directed verdict in this matter. We would ask that
3 the court pass judgment on whether there has been
4 competent evidence presented in this matter that would --
5 the existence of competent evidence that would allow a
6 jury to find the defendant guilty in this case.

7 THE COURT: All right. Mr. Ziegler?

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State v Darren Belt
Motion for Directed Verdict-Remarks by Mr. Ziegler
September 17, 2015

1 MR. ZIEGLER: Thank you, Your Honor. The State has
2 presented a number of pieces of evidence. The victims
3 have testified that a robbery did occur on May 7th, 2013.
4 They testified that there were three individuals and that
5 property was taken from them. That a gun was presented
6 by the individuals and that when the police arrived the
7 individuals ran away.

8 There were three individuals later located one of
9 them had the victim's property on his person. That that
10 individual implicated others, two other people in the
11 robbery and that individual has testified indicating that
12 the defendant participated with him in this robbery. The
13 State has presented facts that would support
14 corroboration of that as far as the defendant's proximity
15 to the robbery located when located and connection was
16 shown to two other individuals who were allegedly
17 participating in the robbery.

18 THE COURT: All right. Anything else?

19 MR. ZIEGLER: No, Your Honor.

20 THE COURT: Anything further?

21 MR. DETREVILLE: Nothing further, Your Honor.
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State v Darren Belt
Motion for Directed Verdict-Ruling by the Court
September 17, 2015

1 THE COURT: All right. In ruling on a motion for
2 directed verdict per Rule 19 of the South Carolina Rules
3 of Criminal Procedure I must view the evidence and all
4 reasonable inferences in the light most favorable to the
5 non moving party; in this case the State. I am concerned
6 only with the existence or non existence of the evidence.

7 Mr. Belt is charged with two counts of armed
8 robbery. In order to prove this offense the State must
9 prove beyond a reasonable doubt that the defendant took
10 personal property from the person or presence of another
11 person. Property is in the presence of another person if
12 it is within the person's reach, inspection, observation
13 or control. The State must also prove that the defendant
14 carried the property away intending to permanently
15 deprive the owner of the property and to keep the
16 property for the defendant's own use. The slightest
17 removal or the complete possession even for an instant is
18 sufficient.

19 Further, the State must prove beyond a reasonable
20 doubt that the defendant was armed with a deadly weapon
21 during the robbery. There has been testimony presented
22 by several witnesses that it was a revolver and that
23 would meet the statutory definition of a deadly weapon.
24 Mr. Gillespie testified that while he was on patrol he
25 observed three black males approach two white males and

State v Darren Belt
Motion for Directed Verdict-Ruling by the Court
September 17, 2015

1 saw one of the white males put his hands in the air. He
2 further testified that when he approached the scene one
3 of the white males told him that they had been robbed at
4 gunpoint. Mr. McElhenney testified he threw his wallet
5 and phone on the ground and the black males took those
6 items. Mr. Burnett testified he threw his cell phone,
7 change, pocket knife, cigars and a lighter on the ground
8 and that those items were taken as well.

9 Mr. Burnett testified that one of the three males
10 held a gun to his stomach and to his head and further
11 testified that he noticed one of the three black males
12 had a scar on his eye facial area. Detective Eckert
13 testified as to his observations when the defendant was
14 stopped for a traffic violation an armed robbery had
15 occurred. The police had arrested two suspects and were
16 canvassing the area for a third. The officers had
17 stopped the defendant for speeding which was a valid
18 traffic stop as conceded to by the defense.

19 And based upon the totality of the circumstances
20 Officer Eckert testified that that was the probable cause
21 to arrest the defendant. Viewed in the light most
22 favorable to the non moving party the motion for directed
23 verdict as to both counts of the armed robbery are
24 denied. I'll note your exception to my ruling.

25

State v Darren Belt
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September 17, 2015

1 THE COURT: Anything further? Any other pretrial
2 motions -- excuse me, any other motions or matters?

3 MR. DETREVILLE: No, Your Honor.

4 THE COURT: And you are again renewing all previous
5 pretrial motions and matters at this time as well?

6 MR. DETREVILLE: That's correct, Your Honor.

7 THE COURT: And again I have heard nothing based
8 upon the testimony presented throughout the State's case
9 that would make me change my initial ruling for the
10 pretrial motions and matters that we heard. With that is
11 there anything further?

12 MR. DETREVILLE: Nothing additional, Your Honor.

13 THE COURT: Anything further from the State?

14 MR. ZIEGLER: No, Your Honor.

15 THE COURT: And Mr. DeTreville now do you have any
16 additional witnesses?

17 MR. DETREVILLE: We do not, Your Honor.

18 THE COURT: Mr. Belt, please stand.

19 [Whereupon, the defendant stands]

20 THE COURT: We now have reached the stage of this
21 trial where you could present your defense. You indicated
22 to me prior to our lunch break that you did not wish to
23 testify. Do you wish to testify at this time?

24 MR. BELT: No, I do not.

25 THE COURT: All right. Thank you. So with that

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1 Mr. DeTreville you will have last close is that correct?

2 MR. DETREVILLE: That's correct, Your Honor.

3 THE COURT: Do you need any time to get your
4 thoughts together? Now would be the time to do it. You
5 need just a few moments?

6 MR. ZIEGLER: Yes, Your Honor.

7 THE COURT: Okay. How many moments do you need?

8 MR. ZIEGLER: Ten minutes, Your Honor.

9 THE COURT: Perfect. Thank you.

10 [Whereupon, court is in recess from 2:18 p.m. until
11 2:26 p.m.]

12 THE COURT: So when I bring the jury in you will
13 rest and then I will say reserving all motions and
14 matters because you'll have the opportunity then at the
15 close of the instructions to the jury to renew all these
16 motions again. Then you will rest and then I will
17 instruct -- you will do the closing Mr. Ziegler?

18 MR. ZIEGLER: Yes, Your Honor.

19 THE COURT: And approximately how long is your
20 closing?

21 MR. ZIEGLER: Approximately a half hour, Your
22 Honor.

23 THE COURT: All right. And approximately how long
24 is yours?

25 MR. DETREVILLE: I will confess that I am dreadful

State v Darren Belt
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September 17, 2015

1 at these estimations probably a bit longer than that; 45
2 minutes.

3 THE COURT: All right. Then I will instruct the
4 jury and then they will retire to consider their verdict.
5 Let's bring in the jury.

6 [Whereupon, the jury enters at 2:29 p.m.]

7 THE COURT: Thank you. Ladies and gentlemen of
8 the jury did every member of the panel comply with the
9 court's instruction over your lunch break? If you did
10 not comply please stand. Thank you. All 14 jurors have
11 complied with the court's instructions. Mr. Ziegler, on
12 behalf of the State?

13 MR. ZIEGLER: The State rests, Your Honor.

14 THE COURT: All right. Thank you. Reserving all
15 motions and matters Mr. DeTreville?

16 MR. DETREVILLE: Your Honor, the defense rests as
17 well.

18 THE COURT: Thank you. Ladies and gentlemen you
19 have now heard all of the testimony that you will hear in
20 this case and have received into evidence all of the
21 exhibits that will be made part of the record in this
22 case. As I instructed you earlier in the trial what is
23 marked as evidence and entered into evidence will go back
24 with you when you consider your verdict in your jury
25 room. Ladies and gentlemen we have reached the stage in

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September 17, 2015

1 the trial where you will hear closing arguments on behalf
2 of counsel. Mr. Ziegler on behalf of the State will give
3 his first close and then you will hear Mr. DeTreville on
4 behalf of the defendant give his close. After that I
5 will instruct you on the law applicable to this case and
6 then you will retire to consider your verdict.

7 Ladies and gentlemen just as I instructed you what
8 was contained in opening statements is not evidence in
9 this case neither is what is contained in their closing
10 arguments. It's merely the attorney's contention as to
11 what the evidence has shown you. If you will, please
12 give your strict attention? Mr. Ziegler?

13 MR. ZIEGLER: Thank you, Your Honor.

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State v Darren Belt
Closing Argument-Remarks by Mr. Ziegler
September 17, 2015

1 CLOSING ARGUMENT

2 BY MR. ZIEGLER:

3 Ladies and gentlemen of the jury defense counsel in
4 this case would like you to focus on Randi Parks. He
5 lied more than once before he owned up to this armed
6 robbery. He admits that he lied. He did it because he
7 was protecting himself and he was protecting his friends.
8 He greatly minimized his involvement in this robbery when
9 he spoke to the police initially. He didn't admit to
10 being the gunman but something changed between May of
11 2013 when this incident occurred and November of 2013.

12 Over that time period Randi Parks took
13 responsibility for his actions and he owned up to his
14 role as the gunman in this robbery and he put it on the
15 record. He put it on the record in the Solicitor's
16 office and he put it on the record when he pled guilty in
17 open court to two counts of armed robbery. He will be
18 sentenced and he said he'll take what is coming to him.
19 He pled guilty. That's not changing.

20 What else never changed? What has never changed
21 from the moment this robbery occurred are the two people
22 Randi identified as the individuals who robbed the
23 victims with him; Ricky Lamont Hayes and Darren Belt.
24 You know that Randi Parks has lied about this case
25 before. You know he has a criminal record. But the

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1 State did not choose Randi Parks. No the defendant chose
2 Randi Parks when he chose to associate with him and
3 commit armed robbery with him. This case is not just
4 about Randi Parks. Randi did not commit this armed
5 robbery alone. In fact he did not even orchestrate it.
6 He woke up in an area unfamiliar to him, was handed a gun
7 and he was encouraged to rob victims and he had help
8 doing it. And Randi told you who handed him the gun, who
9 showed him who to rob and who helped him do it. He told
10 you, the jury, that that person was Ricky Lamont Hayes.

11 And Randi told you who looked on as the gun was
12 handed over and who joined in the robbery of two
13 pedestrians and who ran away when a police officer
14 appeared. He told you, the jury, that person was the
15 defendant. And Randi Parks' word alone is not the only
16 piece of evidence to show the defendant was an active
17 participant in this armed robbery. So I'd like to
18 introduce you to some concepts, some key words.

19 Three robbers. Officer Gillespie and the victims
20 stated that there were three robbers. Mr. McElhenney
21 specifically remembers that there were three. Mr.
22 Burnett said maybe there was a fourth person behind him
23 but couldn't be sure. But Officer Gillespie saw three.
24 Mr. McElhenney saw three. And three people have been
25 charged with this armed robbery. They were all

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1 apprehended not long after the robbery; two of them
2 apprehended blocks away minutes after the robbery.
3 Detective Ivey testified that it was about four minutes
4 after the robbery when he first made contact with Ricky
5 Lamont Hayes and just a few blocks away in the direction
6 in which they had run and very close to where Mr. Hayes
7 was found Mr. Randi Parks was located under a dump truck
8 minutes later. And on Mr. Parks was a wallet.

9 Mr. McElhenney the victim testified that this is his
10 wallet. He threw this wallet down during the robbery and
11 this wallet was located on the person of Randi Parks.
12 Well that's two, that's two. There is a third person who
13 is involved and that person was located approximately an
14 hour and 22 minutes after the robbery occurred. Think
15 about where that person was located. That's a longer
16 period of time than when Mr. Parks and Mr. Hayes were
17 located but it's the same night, an hour and 22 minutes
18 later.

19 And Officer Gillespie testified that he first made
20 contact with that person's vehicle, that third person's
21 vehicle near Morrison and Royall in the Old Village of
22 Mount Pleasant. And that is right in this area
23 [indicates]. And look how close that is to where Mr.
24 Parks and Mr. Hayes were located. And Officer Gillespie
25 testified that he saw that person, that third person

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1 driving out of the Old Village of Mount Pleasant away
2 from the Old Village towards Coleman Boulevard and this
3 is Coleman Boulevard [indicates]. And Officer Gillespie
4 testified that that person was driving on Whilden Street
5 when he began to make the traffic stop. And this is
6 Whilden Street [indicates].

7 And that direction is toward Coleman Boulevard. And
8 the stop occurred, the vehicle stop stopped at a gas
9 station right here [indicates], the edge of the Old
10 Village. That's proximity. That's proximity in time
11 just over an hour. That's proximity in location; the
12 defendant was coming out of the same area the police were
13 searching and he was first seen very near where Mr. Parks
14 and Mr. Hayes were found.

15 A distinctive eye. Who was the driver of this
16 vehicle that Officer Gillespie stopped, Mr. Gillespie
17 stopped? It was a person with a distinctive eye. And
18 you heard from Mr. Burnett and he told you that during
19 the robbery he noticed that one of the robbers had a
20 facial scar or an eye injury; something was not right.
21 Something was wrong with this eye; it stuck out to him.
22 And many officers have testified that when they made
23 contact with the defendant they quickly noticed that
24 something was unusual about his eye and it stuck out to
25 them too. Mr. Burnett testified that the third

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1 individual was stockier than the gunman. There is an
2 apparent height differential between Mr. Burnett and the
3 defendant. Mr. Burnett testified that he was about five
4 nine and defense counsel stated that the defendant is
5 about five two. That's a seven inch difference.

6 But on that night Mr. Burnett and Mr. McElhenney
7 were under the pressure of a gun. Things were happening
8 quickly. It was chaotic. The individuals who were
9 robbing them were shuffling about, they were moving
10 about. They weren't standing still; they weren't
11 standing back to back comparing heights. It was a
12 chaotic situation.

13 Participation. Participation. Did this defendant
14 participate in the armed robbery? Yes. The victims
15 testified that all the robbers were moving about and
16 shuffling in a coordinated effort to contain the victims
17 on the sidewalk and prevent them from running away. And
18 all three of the robbers at some point the victims have
19 testified went to the ground to pick up property dropped
20 by the victims.

21 Mr. Burnett's cell phone was taken and he said a
22 pocket knife and some cigars. Mr. McElhenney's wallet
23 was taken and his cell phone was taken. So all of them,
24 all three of these individuals were participating. They
25 were all pitching in. Mr. Parks was the gunman but

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1 everyone had a viable role. Dark clothing. You would
2 have noticed on the video of Mr. Gillespie's traffic stop
3 that the defendant exited the vehicle and it appeared
4 that he was wearing khakis and it appeared a blue tank
5 top. Perhaps you would not describe that as dark
6 clothing but Officer Gillespie testified that when he
7 approached the defendant's vehicle he observed in the
8 backseat some black clothing and a black hat. And keep
9 in mind over an hour passed between the time of this
10 robbery and the time the defendant was first located.
11 That's plenty of time to change clothes, plenty of time
12 to remove dark clothing.

13 What was in the defendant's vehicle? Did he have
14 any connection to Mr. Parks and Mr. Hayes? Well, he was
15 close by in proximity but how do we know that he knew Mr.
16 Parks or Mr. Hayes? How do we know that he had any
17 association with them? Well there was a backpack found
18 in his vehicle in the backseat and it's got some shoes in
19 it, some general life possessions. But also in that
20 backpack were letters addressed to Ricky L. Hayes.

21 Well now it's starting to seem like there is a
22 connection. Not only is the defendant found in close
23 proximity to where Mr. Parks and Mr. Hayes were found but
24 there is a backpack in his vehicle and that backpack
25 seems to belong to Mr. Hayes and contains letters

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1 addressed to him. So that was another connection. What
2 was the defendant doing in Mount Pleasant? Officers
3 asked him that. What are you doing here? And he
4 testified that he was looking for a neighborhood that the
5 officers said they had not heard of it. Shadow Drive.
6 Shadow Drive? Where does that come in? Well, these
7 letters addressed to Ricky Hayes was from Mount Pleasant
8 and are on Shadow Drive. And officers who know Mount
9 Pleasant Detective Eckert testified that is in the
10 Hickory Shadows neighborhood.

11 Detective Eckert told you that Randi Parks showed
12 him where the defendant and he and Ricky Hayes had been
13 prior to the robbery. They were visiting a female and
14 Randi Parks showed Detective Eckert that house they were
15 at visiting that female was it the Hickory Shadows
16 neighborhood on Shadow Drive.

17 So Detective Decamp and other officers asked the
18 defendant where he was going. And yes he seemed to have
19 mentioned Shadow something numerous various associations
20 of Shadow but he wasn't getting the name of the
21 neighborhood Hickory Shadows right. But testimony shows
22 that he had already been there in Hickory Shadows in some
23 Shadow area earlier in the night before the armed
24 robbery. So it doesn't seem unusual that perhaps he was
25 indicating he was trying to go back there. He had

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1 already been there something he knew of in Mount Pleasant
2 maybe the only thing he knew of in Mount Pleasant; he
3 wasn't from there. You heard about the cell phone that
4 belonged to Mr. McElhenney and it was found on the
5 roadside by Mr. Ford the morning after the robbery. Mr.
6 Ford was going to work and he located on the side of the
7 road it was in two pieces. We can't be sure how that
8 phone got to that location. It could have been placed
9 somewhere on the truck by any of these three robbers and
10 then fallen off the truck as Mr. Able drove it the next
11 morning to pick up a load of asphalt.

12 The phone really could have been placed on any
13 vehicle in the Old Village in any area where the robbers
14 were found. Suppose that vehicle was then driven the
15 next morning down Coleman Boulevard over the Ravenel
16 Bridge and the phone fell off the vehicle. So that may
17 explain how the phone ended up down Coleman Boulevard.
18 At that location where it ended up was in line with the
19 direction that the truck driver drove. It was on the
20 way. It was on the truck driver's route.

21 When defense counsel was asked how do you believe
22 Randi Parks? How do you believe Randi Parks?
23 corroboration? How do you corroborate what Randi Parks
24 is saying? Well you heard about contemporaneous text
25 messages. Randi Parks said that he sent text messages to

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1 his wife before the robbery while the three were on their
2 way to Charleston from Columbia. And he testified that
3 those text messages included him telling his wife who he
4 was with, whose car he was in, and what they were going
5 to do. He was with Lamont and Lizard. He was in
6 Lizard's vehicle and he was going to Charleston to get
7 some money.

8 Now those text messages occurred before the robbery,
9 before Randi knew there would ever be any investigation
10 of this matter, before Randi knew there would be a
11 robbery. He told his wife he was on the way to
12 Charleston with Lamont and Lizard in Lizard's vehicle.

13 Mr. Belt the defendant himself corroborates what
14 Randi is saying. You heard it on his jail call that he
15 had just come back from Columbia last night. You heard
16 him call himself Lizard on that jail call and you'll hear
17 it again. So that corroborates some of the things that
18 Randi Parks is saying. And Randi Parks does not seem to
19 be lying about where the gun was located, where he hid;
20 all that lines up. He hid under a dump truck and that
21 dump truck was located.

22 Near that dump truck was a gun that officers found
23 the next morning after the robbery. And Randy fully
24 admits that this is the gun he used in that robbery. And
25 he told you that when he was trying to evade police he

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1 dropped the gun. He hopped the fence and he dropped the
2 gun and he lost it at that point. He tried to find it
3 but it was dark and he couldn't find it. Well when the
4 officers got to the scene where Randi was located the
5 next morning very close to the fence they located the
6 gun.

7 Here's the fence [indicates] and Detective Hembree
8 told you that he found the gun under this paper plate
9 [indicates] -- well he placed the plate on top of the gun
10 but the gun was found in that spot [indicates] very close
11 to that fence. So Randi knows the details and that gun
12 was loaded; four rounds.

13 You heard from Officer Mitchell when she found that
14 gun she opened it up and noticed there were four rounds
15 in it and she collected them. And the gun was a revolver
16 and both of the victims told you they knew that the gun
17 used in that robbery, they could see it, they were
18 focused on it, they both knew it was a revolver, a .38
19 revolver.

20 With that evidence and those concepts there is
21 another addition to it; the defendant's own words. And
22 if you'll allow me to play some of those words.

23 [Whereupon, the video of jail call plays]

24 MR. ZIEGLER: This call was from Darren Belt. Its
25 Lewis isn't. Man this is Lizard, man, locked up. I'm

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1 locked up. I've been getting into it over the truck.
2 The other person says you two been getting into it over
3 the truck. Yes, we done get into over the truck. You
4 know what I mean. Like he act like he never been in my
5 shit. He said I don't know what type of shit that boy
6 been on. I was supposed to have a certain amount of
7 money for them everything been good. Next thing you know
8 that money gonna be all the money now. Type of shit that
9 is, you see what I'm saying. So yes, I'm in some shit.
10 So it seems the other person is asking what did you get
11 locked up for fighting. After the defendant was saying
12 he got into it over the truck. The other person says
13 well did you get locked up for fighting? What is the
14 defendant's answer? Oh, no I was just saying that's why
15 I needed money and shit, man.

16 So you've heard all the evidence in this case. That
17 evidence shows beyond a reasonable doubt that Darren Belt
18 was a participant in this robbery. On May 6th, 2013 the
19 defendant, Ricky Hayes, and Randi Parks were together in
20 Columbia and the defendant was there; he says so himself.
21 Yes, I was in Columbia and I come back down here last
22 night. Corroboration. These three individuals were
23 together in Columbia on May 6th, 2013 and they had the
24 idea of going to Charleston, Ricky Hayes idea. Go to
25 Charleston to get some money. So all three travelled to

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1 Mount Pleasant where Hayes is from and they were in the
2 defendant's vehicle and the defendant was with them. And
3 Hayes directed them to several houses in Mount Pleasant
4 where he was talking to a female about how he could get
5 some money. And the defendant was there and Randi Parks
6 was there. After all, the defendant himself in
7 explaining why he was locked up said he needed money.

8 And as midnight passed on a quiet Coleman Boulevard
9 the defendant saw on the sidewalk two men happily walking
10 home from a bar. He saw that he could get what he
11 needed; money. Not by punching a time clock and doing a
12 day's work, but by taking it. Making money by taking
13 money. Shane Burnett and Glenn McElhenney don't deserve
14 what happened to them that night and the defendant does
15 not deserve to get away with it. Thank you.

16 THE COURT: Mr. DeTreville?

17 MR. DETREVILLE: Thank you, Your Honor. May it
18 please the court, counsel?
19
20
21
22
23
24
25

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1 CLOSING ARGUMENT

2 BY MR. DETREVILLE

3 Good afternoon ladies and gentlemen. Again on
4 behalf of my client, Mr. Darren Belt I'd like to thank
5 you for your service, for your patience, and your
6 diligence in attending to this matter. It's not always
7 an enjoyable process but is a very fundamental part of
8 our Constitution of our republic and we want to thank you
9 and I think you on behalf of my client for what you are
10 doing today.

11 I'd like to start off my argument by bringing you
12 full circle back to the very beginning of this case back
13 to the very first words that you heard from the attorney
14 when you were seated in that jury box; the State's
15 opening argument. I don't generally take notes while
16 opposing counsel is summarizing their case in an opening
17 statement but I did take particular note of a single
18 statement made by the State because I thought at the time
19 that it would perfectly encapsulate their case.

20 The State told you from the very beginning that the
21 evidence would show that during this robbery both of the
22 victims emptied their pocket and threw items on the
23 ground and that two of the robbers involved in this
24 robbery then picked those items up off the ground. Now I
25 don't put that before you at the present time because I

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1 think that that issue is dispositive in this case. It's
2 a small part of counsel's opening argument but I think it
3 crystallizes a most important point in this case. The
4 State's most important witness, the lynch pin of the
5 State's whole case Mr. Randi Parks disputed the State's
6 own version of the facts in this case from that
7 statement.

8 You may recall me asking one of the victims Mr.
9 McElhenney the very first witness to testify in this case
10 if he recalled dumping his stuff on the ground or if the
11 robbers were going through his pockets. His response to
12 me he was crystal clear, and I put that in quotes, he was
13 crystal clear that nobody went through his pockets that
14 he had dumped all of his stuff on the ground. Randi
15 Parks, Darren Belt and Lamont Hayes went through their
16 pockets and took all the stuff out of them.

17 The State told you from the very beginning what the
18 evidence was going to prove in this case and it was
19 contradicted by their lynch pin witness. I ask you to
20 keep that fresh in your mind as you consider this case
21 and I would suggest to you from that point on that the
22 wheels started to come off the prosecution's case even
23 before the State had completed their opening argument.
24 And Ladies and gentlemen of the jury I think that I can
25 summarize the State's case for you in but a couple of

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1 sentences. One, Randi Parks; two black clothes in the
2 car and a black hat with white lettering on it; three,
3 identification; four, wrong place wrong time; and five,
4 letters in a car. That is the sum total of the case they
5 presented to you in asking you to convict Darren Belt of
6 two counts of armed robbery. There is nothing else.

7 Now I told you at the outset of this case that Randi
8 Parks is what we lawyers call in technical legal language
9 a bad witness. I trust that during the trial of this
10 case, during his testimony that Mr. Parks did nothing to
11 disabuse you of my analysis of him. I also ask you the
12 jury if you are so inclined to keep notes in your
13 notepads how many times did Randi Parks admit to lying on
14 the stand. How many lies was he caught in while he was
15 on the stand? If you were able to keep track of how many
16 times he admitted to being a liar for lying how many
17 times I caught him lying.

18 I trust that tally will further support my
19 description of him as bad because from the time he took
20 the stand until the time he left Randi Parks lied. He
21 admitted to lying, he admitted to being a liar and he
22 contradicted his own testimony literally from sentence to
23 sentence. Even on occasions when he knew he was lying,
24 that I knew he was lying and I hope all you knew he was
25 lying he lied by he insisted he was telling the truth.

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1 It's almost metaphysical. It's almost artistry. Lying
2 is part of Randi Parks's' D-N-A. He cannot escape that
3 and the State cannot escape the fact that their case
4 hinges on a lying, bad witness.

5 I'm not going to bore you with a laundry list of all
6 of the time that I think that Randi Parks lied. We could
7 be here all afternoon. We could be here until tomorrow
8 but I'll give you a hint. I counted 22 times. I hope
9 some of you were keeping track and I hope your number is
10 close to mine. I'll ask that you consider this humble
11 proposition as you consider the number of times that you
12 caught Randi Parks lying.

13 Once somebody admits to lying at what point can you
14 parse through the litany of things that that person has
15 said in an effort to find little nuggets of truth because
16 that's what the State wants you to do. They want you to
17 go through his testimony, sort through the lies, find
18 little pieces of truth and use those little pieces of
19 truth to convict Darren Belt.

20 Is that possible? Is that possible? Is it
21 something that you want to do? Do we want to go through
22 the testimony of a liar and give him the benefit of the
23 doubt on some things and not the benefit of doubt on
24 others? Can we strip somebody of their liberty based on
25 the testimony of a liar? Or is it the case that once

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1 somebody has been caught in so many lies, once they have
2 admitted to lying so many times that they simply must be
3 disregarded as a valid source of truth altogether once a
4 person testifies that they have given two, not one but
5 two wholly false statements.

6 Mr. Parks testified that he admitted that the first
7 two statements that he gave could be disregarded as total
8 fabrications. That he gave two entirely false statements
9 to yours truly sent them to me in the mail. Can that
10 person look at you with a straight face and say trust me
11 now I'm telling the truth? I'd ask you to give
12 thoughtful consideration to that question ladies and
13 gentlemen of the jury as you enter your deliberations.

14 And I believe when you couple that problem, that
15 fundamental problem with truthfulness with Randi Parks's
16 utter contempt for the philosophical concept of truth
17 when you couple that with his bias, with his motivations,
18 with his admitted concern for self-preservation I don't
19 believe that you can believe a word that he said.

20 Here's a man who looked at you and said -- let me
21 back that up -- Randi Parks never looked at you when he
22 was testifying. I'm sure some of you probably noticed
23 that. When he said to you under oath I pled guilty of
24 two counts of armed robbery in August of 2014. I haven't
25 been sentenced yet. But there are no deals from the

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1 State. I'm not expecting anything in return for my
2 testimony. If they gave me 60 years, that would be fine.
3 No, I don't expect to get a minimum sentence. But my
4 escape charge? That got dismissed. Cool. I guess Randi
5 Parks thinks that you the jury aren't possessed with the
6 ability, aren't possessed with critical thinking skills.
7 I think that is his underlying assumption.

8 But I think you are. I think you know a charade
9 when you see one particularly one as obvious as hand
10 handed and as ill concealed as this one was. And I think
11 that you know very well that Randi Parks travelling show
12 doesn't have the faintest whiff of truth about it. Not
13 only is Randi Parks an unrepentant compulsive liar who
14 possesses not an iota of conscience about his lies but he
15 is a highly motivated unrepentant compulsive liar who
16 possesses not an iota of conscience about his lies.

17 Think about those things while you are deliberating
18 in this case ladies and gentlemen. When I called him a
19 bad witness was I being kind? Was that an understatement
20 or is he conceivably the worse witness that the State
21 could put on the stand. I told you I wasn't going to
22 give you a laundry list of the lies that Randi Parks told
23 but I think some of them bear repeating and I think some
24 of them are important because some of them are especially
25 repellant. You heard Detective Ivey testify. He took

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1 the stand. And he testified that when he arrested Randi
2 Parks he asked him where the gun was. He clarified that.
3 He said I begged him to tell me where the gun was. There
4 could be kids around here Mr. Parks and somebody could
5 get hurt. Tell me where the gun is. Did Randi Parks
6 tell him where the gun was? At trial oh he knew exactly
7 where it was the whole time. He told you that he knew
8 within a few square feet of where that gun was the entire
9 time he was talking to Detective Ivey.

10 Lieutenant Hembree got up on the stand and told you
11 he spotted it in seconds. And where was it? Within
12 spitting distance of where Randi Parks was arrested.
13 Self preservation? I'm not the gunman; don't look at me.
14 Remember he didn't know anything about a gun until later
15 he admitted oh yes, I was the gunman. And then he
16 expects you to believe that he came in and gave a
17 truthful statement because it was just time for him to
18 man up.

19 I don't know how I got the gun. I don't know how I
20 got the wallet. How did those things happen to me? I
21 don't know but it's time to man up. And by manning up he
22 means pointing the finger at people other than himself.
23 I think of particular importance as well was the
24 particularly egregious lie that Mr. Parks told about Mr.
25 Belt holding a knife to the throats of the victims in

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1 this armed robbery. Literally not a single other person
2 ever mentioned that and they all specifically denied that
3 it ever happened. I asked Mr. Parks about that
4 specifically and he said oh, well Mr. Belt was holding
5 the victims by their shoulders and he was holding the
6 knife to their throats at the same time.

7 Self preservation, deflection; I don't know what it
8 is that motivates Mr. Parks to tell the stories he tells.
9 That's two of them, maybe three of them. There are 20
10 more just like that. You heard them. I hope that you
11 took notes about it because the creditability of Randi
12 Parks is a central issue in this case.

13 The State would have you believe that because this
14 little tiny thing that he said is corroborated by
15 something else. Okay, they were in Columbia earlier in
16 the day. Okay. They came down from Columbia. Or this
17 other little piece of something was corroborated by
18 somebody else but you should just accept what he tells
19 you from the witness stand as being the whole truth.
20 That you shouldn't have any reasonable doubt about the
21 things that he is telling you. They want to minimize for
22 you ladies and gentlemen of the jury the importance of
23 this witness's creditability. And I can't emphasize it
24 to you enough. This is the lynch pin of their case.
25 This is what they have; his testimony. And if you don't

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1 believe that it is credible I'd submit to you ladies and
2 gentlemen of the jury that you can't convict Darren Belt.
3 If you can't believe Randi Parks, if you have problems
4 with his creditability, if his creditability or lack
5 thereof gives you reasonable doubt, what else is there?
6 The black shirt and the black hat with white lettering on
7 it?

8 You had the testimony of Mr. Gillespie formerly
9 Officer Gillespie. He was the one who pulled Mr. Belt
10 over. Mr. Gillespie would strangely expect you to
11 believe and keep in your head two completely opposite
12 notions at the same time I saw a black hat and a black
13 shirt in the backseat of Darren Belt's car when I walked
14 up to it. But no, I don't know where they are. I never
15 mentioned them to anybody. I didn't put them in a
16 report. I didn't mention it to my supervisor. I never
17 collected them. I never suggested to anybody else to
18 collect them. That wouldn't be my place. I discovered a
19 key piece of evidence in plain view in the defendant's
20 car but it really wasn't my job to collect it.

21 There is a table of evidence over here that has been
22 submitted for your consideration. There is no black
23 shirt. There is no black hooded sweatshirt or whatever
24 it was that he said it was. There is no hat with white
25 lettering on it. Was it black or was it navy blue Mr.

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1 Gillespie? I can't say. Was it a shirt or was it a
2 hoodie? You testified previously under oath that it was
3 a hoodie now you're saying it's a shirt. I'm not sure.
4 You said the hat had white lettering on it. What was the
5 letter? I don't know.

6 Mr. Gillespie said that he saw a suspect at the
7 scene when he first arrived wearing a black shirt and a
8 black baseball cap with white lettering on it. Literally
9 nobody else in this case supported that testimony. Not
10 even the victims when they were pressed. The only person
11 who saw that shirt and hat but never provided that
12 description to anybody ever until the trial of this case
13 two and a half years later is the only person who says
14 that he also saw those items in Darren Belt's car. Oh,
15 and latex gloves; just for the added insinuation of
16 guilt.

17 I hope that strikes you as odd. It strikes me as
18 terribly odd because it is odd. It's odd to the point of
19 being disturbing. You heard Corporal Myers testify that
20 he did the inventory search on Darren Belt's vehicle.
21 That he did a quote unquote full inventory of everything
22 that was in the car and he said I didn't see a shirt.
23 No, I don't remember that; no hoodie, no hat, no gloves.
24 You heard Detective Eckert say I looked around the car.
25 I was looking for a gun. You know I didn't -- I wasn't

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1 exactly moving things around or anything like that but I
2 was looking for a gun. I didn't see a black shirt and I
3 didn't see a black hat. You heard the victims Mr.
4 McElhenney and Mr. Burnett and neither one of them saw
5 them. I haven't seen them.

6 Ladies and gentlemen of the jury you haven't seen
7 them. But the State expects you to believe that they
8 exist anyway. That's part of their case. They expect
9 you to believe in something that you can't see with your
10 own eyes. I used to believe in things I couldn't see
11 with my own eyes; the Easter Bunny.

12 This is a request of you, the jury, to convict
13 somebody on faith, literally on faith. Trust me the
14 black shirt was in there. I don't know where it is now.
15 They want you to convict Mr. Belt on the basis of their
16 Easter Bunny evidence. They want you to accept that
17 these things exist and that you should deprive Mr. Belt
18 of his liberty on the basis of that.

19 Ladies and gentlemen I'm all in favor of faith in a
20 house of worship. We go to church to celebrate faith but
21 we're not in a church right now we're in a courthouse.
22 And we go to courthouses to celebrate proof beyond a
23 reasonable doubt. And the mysterious disappearing black
24 shirt and hat, the ones that apparently sprouted legs and
25 walked away they don't help prove anything beyond a

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1 reasonable doubt. But there they are part of the State's
2 case. What else do they have? A puzzling mismatch of
3 physical descriptions the likes of which I've never heard
4 before. Let me do you the service of cutting straight to
5 the chase. These identifications stink. They are
6 contradictory and the methodology with which they were
7 reported is highly suggestive. Not only are they
8 unreliable but that they are false memories created after
9 the fact and reported to you two and a half years later.

10 Who provided descriptions in this case? Mr.
11 Gillespie and we've talked about him already. He was
12 formerly Officer Gillespie. He testified very clearly,
13 was very clear that he was trained to provide the
14 greatest detail possible in both his reports and in his
15 dispatches. No argument from him on that. He agreed.

16 Minutes after his observation of the suspects from
17 30, 60 feet away he dispatched three black males in dark
18 clothing; nothing else, three black males in dark
19 clothing. Minutes had passed since he observed these
20 individuals and he was trained to give the greatest
21 amount of detail possible; three black males in dark
22 clothing. Again, did he mention did he specify black
23 shirts, black hoodies, black hats with white letters on
24 them? No. But wouldn't it have been great if he did.
25 Would we be here right now? Did he mention an eye injury

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1 in his report? Did he mention an eye injury in his
2 dispatch? A deformity, a scar; anything of that nature?
3 No. Well wouldn't that have helped? Did he mention
4 hoodies? Did he mention braids? Did he mention
5 cornrows? Did he mention dreads; anything of that
6 nature? No. Three black males in dark clothing. That's
7 as much detail as he could provide minutes after seeing
8 the suspects and two and a half years later he recalls a
9 black shirt, a black hat with white lettering, and a
10 problem with one of the suspects eyes never mentioned
11 before. And he expects you -- he expects that to hold
12 water with you.

13 You saw the video from the traffic stop or you saw
14 portions of it at least so you saw what Mr. Belt was
15 wearing. He was wearing a light blue tank top and light
16 khaki pants. The State would have you believe that
17 somehow he escaped the scene and was on the run for an
18 hour and a half in the Old Village and managed to elude
19 capture during all that time. And in that time period he
20 also managed to change clothes completely.

21 He wasn't wearing black. He wasn't wearing a hat.
22 They weren't in his car. Mr. Belt is not possessed of
23 magic powers. He cannot go into a phone booth and change
24 his appearance instantly. So what are you left with from
25 Mr. Gillespie's description? If you throw out the black

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1 shirt, the black hoodie, the black hat I hope that we can
2 all agree that those things are bogus. You're left with
3 an eye injury and cornrows or braids or cornrow braids,
4 dreads, whatever. It didn't really seem to matter.

5 But, and this is a big but, Mr. Gillespie observed
6 all of those things after he had already decided that
7 Darren Belt was a suspect in this case. Yes, he saw a
8 problem with Darren Belt's eye but not at the scene. He
9 did it at the Exxon station after he pulled him over.
10 You can look at Mr. Belt. You're walking up to his car
11 window that's going to be one of the first things you
12 notice.

13 He developed that description having already seen
14 Mr. Belt in the context of him being a suspect; something
15 he assumed from the moment he got behind Mr. Belt's car.
16 Now two and a half years later I don't know if he
17 actually believes that he saw those things before
18 observing Mr. Belt or not.

19 But two and a half years later he wants you to
20 believe that from the very moment he saw this robbery
21 taking place he saw a messed up eye, a black hat, a black
22 hoodie and some kind of cornrows or braids or something.
23 None of these things, none of these things and I can't
24 emphasize this enough, none of these things were included
25 in the report. None of them were included in a dispatch.

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1 There is no contemporaneous record of Mr. Gillespie
2 having observed these characteristics of Mr. Belt at the
3 time of the robbery. All of these characteristics pop up
4 in Mr. Gillespie's head after he's seen Mr. Belt.

5 Who else saw the suspects? Mr. McElhenney? Mr.
6 McElhenney provides you with a description of three black
7 males at least two of them were wearing hoodies. I am in
8 fact ready at this point in the trial to concede that
9 Darren Belt is a black male. He fits that description.

10 But can we all agree that Mr. McElhenney's
11 description of the suspects doesn't exactly provide us
12 with proof here which leaves us with the description that
13 to me personally I find the most puzzling and troubling
14 in this entire case and that's the one provided by the
15 second victim Mr. Shane Burnett.

16 Now please ladies and gentlemen of the jury don't
17 mistake my problems with Mr. Burnett's description of the
18 suspects with some lack of sympathy for the victim of a
19 violent crime. Please don't take that away. I do have a
20 lot of sympathy for Mr. Burnett. But I do have some deep
21 concerns about his testimony at trial in this case. I
22 stayed awake. I couldn't sleep last night and the reason
23 why I couldn't sleep last night is because I kept going
24 over Mr. Burnett's testimony in my head over and over and
25 over again. I'm exhausted. I only slept an hour last

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1 night. And after that one hour power nap that I had I
2 woke up more puzzled I think than when I started. I
3 still haven't figured it out. Where do you begin with
4 Mr. Burnett's testimony? I'll start with the written
5 statement that he gave that he provided to Detective
6 Decamp.

7 Detective Decamp was also a witness in the trial of
8 this case. That written description of the suspects
9 stated as follows and I put this in quotation marks for
10 you. Four black males 18 to 25 years old all wearing
11 black clothing, no facial hair, hair length equal
12 shoulder length parenthesis all the same description.

13 Later in testimony that he would give under oath he
14 states that the whole robbery took place in the span of
15 about eight to ten seconds. That there were definitely
16 two men in front of him, which I think I can accept as
17 true because Randi Parks said he was the only person in
18 front of him and if Randi Parks said it I'm pretty sure
19 that it's a lie.

20 At this trial we had so much more details from Mr.
21 Burnett that nobody had ever heard before. He described
22 the gunman, Mr. Parks, as young and not very big, dark
23 colored clothing, dreads or a hoodie. The other guy in
24 front of him had a scar on his eye. He looked like he
25 had been in a lot of fights. He was lots of trouble; he

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1 was kind of scared of him. He then went on to tell you
2 specifically and gave you great detail about the news
3 reports that he viewed the next day pertaining to this
4 robbery. And he also told you that as part of those news
5 reports there were mug shots. He saw pictures of all
6 three suspects the next day.

7 He read you his previous sworn testimony which
8 contradicted the testimony he gave at trial in this case.
9 Now the gentleman is about 25. He's a light skin black
10 male. He's a little bit shorter than me. I'm five --
11 and this is in quotes -- he's a little bit shorter than
12 me I'm five nine. I couldn't really tell if there was
13 facial hair because the gun was in the way and I was
14 paying attention to the gun. He kept reading.

15 The second person in front quote this guy was maybe
16 my height but quite a bit heavier than the first guy. He
17 was heavier, a little stockier. He looked to me like he
18 had some kind of a facial scar or something maybe wasn't
19 right about his eye or his face. I was mainly focused on
20 the gun but this guy was also fairly light skinned, same
21 age range 25 to 30. He looked like he had been in
22 trouble and I didn't want to mess with him.

23 And it's I think at this point that we first devolve
24 into a truly bizarre exchange. I pressed Mr. Burnett
25 about the second suspect's height. His testimony that

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1 the second suspect was maybe my height Darren Belt is
2 five foot two. Shane Burnett is five foot nine. That's
3 a seven inch height difference. Did that bother Mr.
4 Burnett? Not in the slightest. Maybe my height. A
5 seven inch difference that's what I meant. Mr. Belt has
6 some distinguishing characteristics and one of them is
7 his eye. The other one is the fact that he is five foot
8 two.

9 Mr. Burnett insisted to you, the jury, that a seven
10 inch height differential meant maybe my height. Then
11 went on to say that in his view maybe my height meant two
12 feet in either direction meaning that he felt that he
13 could truthfully testify that somebody who was either
14 three foot nine or seven foot nine was maybe his height.
15 Somebody who suffers from dwarfism, the tallest player in
16 the history of the NBA is maybe Mr. Burnett's height.
17 And Mr. Burnett never retreated from this. He was
18 insistent upon it.

19 He had no problem with the seven inch height
20 differential and maybe I don't blame him because you know
21 why? Mr. Burnett wants Mr. Belt to be convicted. It's
22 plain and simple. The fact that Mr. Belt is seven inches
23 shorter than him doesn't really bother him that much.
24 And if I had been robbed at gunpoint I might want
25 everybody to get convicted too. I can't say; nobody has

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1 ever stuck a gun in my face. I can only describe to you
2 the testimony that Mr. Burnett gave about the physical
3 characteristics of Mr. Belt as absurd. I can't think of
4 another word for it. Three foot nine or seven foot nine?

5 When I say that maybe somebody is maybe my height,
6 and this is from my prospective I'm six foot three. Mr.
7 Burnett is five foot nine. He's not maybe my height.
8 He's not even close to my height. Somebody who is maybe
9 my height is an inch or two in either direction maybe.
10 Not two feet, not the tallest player in the history of
11 the NBA. I assure you I don't use the word absurd
12 lightly but I think it's merited here.

13 And the problems with his testimony didn't stop
14 there. I pressed him about his testimony that the second
15 suspect had some kind of facial scar or something wasn't
16 right about his eye or his face. I asked him which one
17 was it which I think is a fair question because there are
18 two ors in that statement; two. Some kind of facial scar
19 or something wasn't right about his eye or something
20 wasn't right about his face. Which one was it Mr.
21 Burnett?

22 And Mr. Burnett responded that he was certain that
23 when he gave that testimony that he was referring only to
24 the suspect's eye; the eye and the eye only. There was
25 no other possible interpretation of that statement. But

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1 there are other interpretations in that statement. It's
2 not a description at all. It's a list of possibilities.
3 There's something wrong with his face or there is
4 something wrong with his eye or he had a facial scar.
5 You pick. Or he was four feet tall.

6 I would suggest to you ladies and gentlemen of the
7 jury that similar to the description provided by Mr.
8 Gillespie that the news coverage that Mr. Burnett viewed
9 the morning after this incident took place colored his
10 memory of what the suspects looked like. He developed
11 this description that he testified to you about after he
12 saw mug shots of all three defendants. Before seeing the
13 mug shots? Three black males. And like I said I'm not
14 sure I blame him. But it doesn't get you beyond a
15 reasonable doubt.

16 Let's also not forget that he testified that the
17 whole robbery took eight to ten seconds. And he spent
18 four of those seconds staring down the barrel of the gun
19 counting the rounds in the revolver's chambers. He was
20 sure of that because at first he thought it was unloaded
21 but then in that four second period realized that they
22 were hollow points. So that gives him four to six
23 seconds. Let's be optimistic. Let's say he has six
24 seconds to look at these fellows and all that detail he
25 poured on you he developed in six seconds and

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1 regurgitated it for you two and a half years later for
2 the first time; nothing at the time, four black males all
3 with shoulder length hair 18 to 25 years old wearing dark
4 clothing. That's it. Two and a half years later we've
5 got problems with eyes and all sorts of stuff.

6 I pressed Mr. Burnett on that issue because I think
7 it's important. Why didn't you provide details that
8 night? Wouldn't that have been helpful? Didn't you want
9 these guys to get caught? Wouldn't you have run up to
10 the cops and tell them everything that you knew about
11 what these guys looked like so they could catch them
12 lickety-split?

13 He said he didn't think it was really necessary that
14 night. They had already caught the three guys; why
15 bother. He was tired. He was exhausted. He was
16 stressed out; he had a baby at home. I get that but his
17 justification for not providing details was that they had
18 already caught the guys.

19 Then you hear from Detective Decamp who directly
20 contradicts Mr. Burnett's assessment about providing
21 details. He says and he describes Mr. Burnett again in
22 quotations as very eager to provide details while he is
23 giving his statement at the police station. Very -- let
24 me find the quote -- was eager to provide details of the
25 reported robbery. He further testified that all of those

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1 details were included in that report.. That based on his
2 observations Detective Decamp who doesn't have an axe to
3 grind in this case believed that Shane Burnett had
4 provided as great of detail as he was able.

5 Then he watched the news the next day. And he told
6 you he complained to the news media he wanted his name
7 out of the story. He couldn't believe it was in there.
8 He was angry. He also told you there were mug shots and
9 that he saw them. Having provided no detail on the night
10 of the incident despite a neutral party saying that he
11 had provided as great of detail as he possibly could two
12 and a half years later he's ready to tell you exactly
13 what these dudes looked like.

14 I find it odd. I cannot square it in my head ladies
15 and gentlemen. I cannot figure it out. A witness who
16 claims to have been so filled to the brim with details
17 and described as eager to provide those details by a
18 third party gives no details. Wouldn't that have been
19 helpful? Would that have helped y'all?

20 But again he saw the mug shots. I submit to you
21 ladies and gentlemen of the jury it is false memory of
22 what he saw. And I don't say that lightly. I think he
23 wants a conviction so bad that he believes that that's
24 what he actually saw. But it isn't possible to ignore
25 the fact that his memory is tainted by his observation of

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1 that news story. You heard Detective Eckert get on the
2 stand and say that there is no way that he didn't conduct
3 a lineup the next day. Why didn't he conduct a lineup
4 the next day? Well everybody had seen the news coverage
5 and seen the mug shots on the news already and so it was
6 impossible for that lineup to not be tainted; his word
7 not mine.

8 This is the lead detective in the case. He told you
9 that these descriptions were going to be tainted. No
10 mention, I cannot repeat this enough there is no mention
11 of any description of Mr. Belt's eye, no description of
12 his size, no description of his clothes other than dark
13 clothing prior to a news story being attained by all
14 parties involved all of whom say that they saw that news
15 story and all of whom later give you a detailed
16 description.

17 What do you see when you see a mug shot of Darren
18 Belt? What is going to stand out to you? I know what
19 would stand out to me. His eye. I'll admit that. There
20 is no hiding it. It would stand out to me. And it would
21 stand out to me if I was looking at a news story with
22 three mug shots I'd look at the three mug shots and say
23 there is something wrong with that dude's eye. Odd. The
24 testimony that Detective Decamp provided also provides us
25 with a segue into the wrong place wrong time theory of

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1 the case that the State wants you to believe. Darren
2 Belt was black -- is black, excuse me. He's going ten
3 miles an hour over the speed limit in the Old Village a
4 quarter of a mile away from the scene of a robbery that
5 had taken place 90 minutes previous. Presto bang-o; he's
6 guilty.

7 But what did Darren Belt tell Decamp when he gave a
8 statement that night not two and a half years later but
9 that night and it's written down? I was looking for
10 Shadow Creek neighborhood. The neighborhood is -- you
11 turn at the Kangaroo station on Chuck Dawley Boulevard
12 and that's where the neighborhood is. Coincidentally I
13 happen to know if you take a left at the Kangaroo station
14 off of Chuck Dawley Boulevard you go into the Hickory
15 Shadows subdivision.

16 Now if you're not familiar with the area I submit to
17 you ladies and gentlemen that it is not a difficult leap
18 in logic to connect the mistaken Shadow Creek with
19 Hickory Shadow. But no officer involved in this case had
20 ever heard of that neighborhood so he must be guilty even
21 though he told them exactly where the neighborhood was.

22 Detective Decamp told you that he was very familiar
23 with the area as part of his regular beat. How far away
24 is Hickory Shadows? How far away is the Kangaroo station
25 on Chuck Dawley Boulevard from the Exxon station on

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1 Coleman Boulevard Detective Decamp? About two miles.
2 How long would it take to drive from the Exxon station on
3 Coleman Boulevard to the Kangaroo station on Chuck Dawley
4 Boulevard? A couple of minutes.

5 Was Mr. Belt lost or is he guilty beyond a
6 reasonable doubt because he was a quarter of a mile away
7 90 minutes later. Presto bang-o; that's a big part of
8 their case. They show you maps. Here's where he was.
9 Here's where the robberies took place. Just 90 minutes
10 later there he was again.

11 Wrong place, wrong time. The phone thing the State
12 played for you during their closing arguments, replayed
13 for you repeatedly audio from a jail phone call that Mr.
14 Belt made. I don't think they meant to play the clip
15 that they didn't play for you before the one where you
16 clearly hear Mr. Belt say man I was in the wrong place at
17 the wrong time. It doesn't take a huge leap in logic
18 Shadow Creek Hickory Shadows, told them exactly where it
19 was a couple of minutes away. Wrong place, wrong time.

20 And then there is the letters, the backpack. Let me
21 start my argument with this by asking you a rhetorical
22 question. What do letters addressed to somebody in a car
23 tend to prove? Do they prove that you committed a crime?
24 No. Does it prove that probably at some point in the
25 past that person was in that car? I'm ready to go there.

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1 But I don't have a real clear understanding of how
2 letters addressed to Ricky Hayes found in Darren Belt's
3 car in a closed backpack really have anything at all to
4 do with proving that Darren Belt was an active
5 participant in an armed robbery somewhere.

6 You've seen the letters. They are postmarked 2012.
7 This happened in May of 2013. I'm not suggesting that
8 that backpack had been in there for a year. I think that
9 would be absurd. But does anybody really know how long
10 they were in there for? I don't. I asked everybody that
11 got on the stand please tell me do you know how long that
12 backpack had been in there? No.

13 Now don't get me wrong had these letters addressed
14 to Ricky Hayes been letters from Darren Belt saying hey
15 let's go rob somebody on Coleman Boulevard on May 6th,
16 2013 we'd probably have a different story right now. But
17 they don't. They're medical bills and things like that.
18 I think there is a water bill in there. A water bill
19 addressed to Ricky Hayes on North Shadow Drive which is
20 in the neighborhood that Darren Belt said that he was
21 looking for.

22 Does it take a big leap in logic to think that
23 Darren Belt actually was trying to go back to his friend,
24 Ricky Hayes's house? That he got lost at some point that
25 he wasn't with Ricky Hayes. He wasn't with Randi Parks

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1 but that he was trying to find his way back to Ricky
2 Hayes's house because it's really the only place he knows
3 in Mount Pleasant and he got lost. I don't think that
4 takes a huge leap in logic. It's my opinion and I hope
5 you share it.

6 Beyond the fact that it tends to prove that Ricky
7 Hayes was in Darren Belt's car at some point between 2012
8 and 2013 those letters prove absolutely nothing. Guilt
9 by association. Presto bang-o. And those letters in
10 that backpack those constitute the sum total of the
11 incriminating evidence found in Darren Belt's car at the
12 time that he was pulled over. Nothing else.

13 Did they find a gun in his car? No, they looked.
14 No gun. Did they find any of the victim's property in
15 Darren Belt's car? No. They looked. Did they find
16 anything in Darren Belt's car besides four letters
17 addressed to Ricky Hayes that would suggest that Darren
18 Belt participated in this crime in any fashion
19 whatsoever? No, they did a full inventory.

20 I'm going to ask you to ignore the black shirt and
21 the black hat for the time being. No, I'm going to ask
22 you to ignore that forever. There is no contraband in
23 that car that was stolen property. Nothing but four
24 letters in a backpack addressed to somebody else. What
25 else do they have ladies and gentlemen? I don't know. I

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1 listened to the whole case. I've been here since the
2 beginning sitting right over there. I don't know what
3 else they have. I'm hoping that -- I've been trying to
4 figure that out but to my estimation that seems to be the
5 sum total of the evidence that has been presented against
6 Mr. Belt.

7 And the State based on that sum total of evidence
8 asks you to strip away my client's liberty to call him an
9 armed robber and to send him to prison. Randi Parks,
10 they have Randi Parks which I would submit to you means
11 they got nothing. I'll let you decide if he's credible
12 or not on any level. He isn't -- I'll let you decide if
13 he isn't cloaked in a self preservation bias that renders
14 him completely incapable of telling the truth.

15 The mysterious disappearing black shirt and hat even
16 got mentioned in the State's closing. They still want
17 you to believe that that was there. Somehow it never got
18 inventoried. Somehow only one person ever saw it and
19 nobody else ever did. But that's evidence of a crime.

20 A plethora of conflicting, vague and questionable
21 descriptions of Darren Belt all of which were given two
22 and a half years later despite the clear opportunity even
23 the duty to provide those details on May 7th or May 8th
24 of 2013 all of these descriptions materialized either
25 after seeing Darren Belt firsthand or seeing mug shots on

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1 the news. No lineup, no six pack; nothing of the sort
2 ever conducted. Is that something that they have?
3 That's a big part of their case. Wrong place, wrong time
4 we just covered that and some letters. That is the sum
5 total of the case. I ask you ladies and gentlemen of the
6 jury to consider all of these parts of the case as
7 individual parts.

8 Does the State's theory of this case fall apart when
9 you look at these things individually when you look at
10 them from a prospective of beyond a reasonable doubt?
11 I'd submit to you that the only common thread in this
12 story with all of the contradictory stories that have
13 been told to you the only common thread in this case is
14 reasonable doubt that exists everywhere.

15 Take your time when you are deliberating ladies and
16 gentlemen. I don't want you to cherry pick through
17 things. I'm not going to ask you to cherry pick through
18 things. The State needs you to cherry pick through
19 things. Don't do that. I want you to look at this case
20 and the totality of the circumstances. Do any of the
21 pieces of this puzzle fit?

22 Take your time and see if you agree with me. Don't
23 leave your common sense at the door. If you do those
24 things I'm confident that you will return with the
25 verdict of not guilty. Thank you.

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JURY CHARGE

THE COURT: Mr. Foreman, are you prepared to go forward with the charge at this time. Does anybody need a comfort break? All right. We will proceed.

Ladies and gentlemen I am now going to instruct you on the law applicable to this case. I typically do not send back a written charge of my instructions so please pay close attention. As I instructed you Mr. Foreperson you will be responsible for writing the verdict but I'm going to go over those verdict forms right before I send you back to consider your verdict.

I remind you that during this trial you and I have had certain duties to perform. As the trial judge it is my responsibility to preside over the trial of this case. I have the duty to rule on the admissibility of the evidence offered during this trial. You are to consider only the evidence before you. If there was any testimony ordered stricken from the record you must disregard that testimony. You are to consider only the testimony that you heard from the witness stand, the exhibits that have been made part of the record in this case as well as the stipulations of counsel.

I have the additional duty to charge you the law applicable to this case. As the presiding judge I am the sole judge of the law in this case. You are not to infer

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1 from anything that I have said or done throughout the
2 progress of this trial that I have any opinion about the
3 facts in this case. The law does not allow me to have an
4 opinion about the facts in this case. This is solely a
5 matter for you to determine.

6 The indictments in this case charge Mr. Belt with
7 two counts of armed robbery. I remind you the fact that
8 Mr. Belt was arrested, charged and indicted in this case
9 is not evidence and cannot be considered by you as
10 evidence of guilt nor does it create any presumption or
11 inference of guilt.

12 An indictment is simply the formal written
13 instrument which contains the charge made against the
14 defendant. It is the formal document by which this case
15 is brought into court. Just as the indictments in this
16 case are not evidence any terminology or label used to
17 refer to the individuals involved in this case cannot be
18 considered as evidence. For example the use of the words
19 defendant or victim are merely labels and may not be
20 considered by you as evidence.

21 There were two indictments in this case. Indictment
22 2013-GS-10-4529, which was a true billed indictment for
23 armed robbery involving the victim Robert McElhenney.
24 Indictment 2013-GS-10-4530 armed robbery involving the
25 victim Shane Burnett. You must decide each indictment

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1 separately on the evidence and the law applicable to it
2 uninfluenced by your decision as to any other indictment.
3 The defendant may be convicted or acquitted on one or
4 both of the offenses charged. You will be asked to write
5 a separate verdict for each indictment.

6 Mr. Belt has pled not guilty to each indictment. A
7 person charged with committing a criminal offense in
8 South Carolina is never required to prove himself
9 innocent. I charge you it is an important rule of law
10 that the defendant in a criminal trial no matter what the
11 seriousness of the charge may be will always be presumed
12 to be innocent of the crime for which the defendant was
13 indicted unless guilt has been proven by evidence
14 satisfying you of that guilt beyond a reasonable doubt.

15 The presumption does not end when you begin your
16 deliberations but it accompanies the defendant throughout
17 the trial until you reach a verdict of guilt based upon
18 evidence satisfying the standard of guilt beyond a
19 reasonable doubt.

20 The presumption of innocence is not mere legal
21 theory. It is not just a legal phrase. It is a
22 substantial right to which every defendant is entitled
23 until you, the jury, are satisfied from the evidence of
24 the defendant's guilt beyond a reasonable doubt. The
25 State has the burden of proving the defendant guilty

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1 beyond a reasonable doubt. Some of you may have served
2 as jurors before in civil cases where you were told that
3 it was only necessary to prove that a fact is more likely
4 true than not true such as by a greater weight or
5 preponderance of the evidence. In criminal cases the
6 State's proof must be more powerful than that. It must
7 be beyond a reasonable doubt.

8 Proof beyond a reasonable doubt is proof that leaves
9 you firmly convinced of the defendant's guilt. There are
10 very few things in this world that we do know with
11 absolute certainty. And in criminal cases the law does
12 not require proof that overcomes every possible doubt.
13 If based upon your consideration of the evidence you are
14 firmly convinced that the defendant is guilty of the
15 crime charged you must find the defendant guilty. If on
16 the other hand you think there is a real possibility that
17 the defendant is not guilty you must give the defendant
18 the benefit of the doubt and find him not guilty.

19 There are two types of evidence generally presented
20 throughout a trial; direct evidence and circumstantial
21 evidence. Direct evidence is the testimony of a person
22 who claims to have actual knowledge of a fact such as an
23 eye witness. Circumstantial evidence is proof of a chain
24 of facts and circumstances indicating the existence of a
25 fact. The law makes absolutely no distinction between

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1 the weight or value to be given either direct or
2 circumstantial evidence, nor is a greater degree of
3 certainty required of circumstantial evidence than of
4 direct evidence. You should weigh all the evidence in
5 this case and after weighing all of the evidence you are
6 not convinced of the guilt of the defendant beyond a
7 reasonable doubt you must find the defendant not guilty.

8 Necessarily you must determine the creditability of
9 the witnesses who have testified in this case.
10 Creditability simply means believability. It becomes
11 your duty as jurors to analyze and to evaluate the
12 evidence and determine which evidence convinces you of
13 its truth.

14 In determining the believability of the witnesses
15 who have testified in this case you may believe one
16 witness over several witnesses or several witnesses over
17 one witness. You may believe a part of the testimony of
18 a witness and reject the remaining part of the testimony
19 of that same witness. You may believe the testimony of a
20 witness in its entirety or reject the testimony of a
21 witness in its entirety.

22 You may consider whether any witness has exhibited
23 to you any interest, bias, prejudice or other motive in
24 this case. You may also consider the manner and the
25 appearance of a witness while on the witness stand.

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1 There has been evidence presented that witnesses have
2 made prior statements which are not consistent with the
3 witness's testimony here in court during this trial. You
4 may use this evidence to decide whether to believe the
5 witness. You may also use the evidence of the earlier
6 contradictory statements to determine the truth of those
7 statements. It is up to you to decide whether to believe
8 the earlier statements or the testimony given at trial.

9 If a witness has shown to have knowingly testified
10 untruthfully concerning any material matter you may
11 consider this in determining whether to trust the witness
12 testimony as to other matters. You may reject all
13 testimony of that witness or give all or part of the
14 testimony the weight you think it deserves.

15 A person who has committed prior bad acts or has a
16 past criminal record is competent to testify during a
17 trial. Prior bad acts or a past record does not affect
18 the ability of that witness to testify. The prior bad
19 acts or past record may only be considered by you if at
20 all in determining the witness's believability.

21 Remember you are the sole judges of the facts in
22 this case and of the believability of any and all of the
23 witnesses. In order to establish criminal liability
24 criminal intent is required. For example the mental
25 state required to be proven by the State for a particular

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1 crime might be purpose, intent, knowledge, recklessness
2 or criminal negligence. Criminal intent must be proven
3 by the State beyond a reasonable doubt. Criminal intent
4 is always a matter that must be determined by the jury
5 from the circumstances surrounding the situation.

6 There is no way to prove intent to a mathematical
7 certainty. There is no way medical science can dissect a
8 person's brain and determine what the person had in mind.
9 So the law says that criminal intent may be inferred from
10 the circumstances shown to have existed. This is how you
11 make a determination of whether or not the element
12 requiring intent was present.

13 It is not necessary to establish intent by direct
14 and positive evidence but intent may be established by
15 inference in the same way as any other fact by taking
16 into consideration the acts of the parties and all of the
17 facts and circumstances of the case. Criminal intent is
18 a mental state, a conscious wrongdoing. It is up to you
19 to determine what the defendant intended to do based upon
20 the circumstances shown to have existed.

21 Criminal intent can arise from action or a failure
22 to act. It may arise from negligence or recklessness or
23 an indifference to duty or to consequences that is
24 considered by the law to be the equivalent of criminal
25 intent. The defendant is charged with two counts of

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1 armed robbery. In order to prove this offense the State
2 must first prove beyond a reasonable doubt that the
3 defendant took personal property from the person or
4 presence of another person. Property is in the presence
5 of a person if it is within the person's reach,
6 inspection, observation or control so that the person
7 could if not overcome with violence or presented -- or by
8 prevented by fear keep possession of the property.

9 The State must also prove beyond a reasonable doubt
10 that the defendant carried the property away intending to
11 permanently deprive the owner of the property and to keep
12 the property for the defendant's own use. The slightest
13 removal of the property or the complete possession of the
14 property even for an instant by the defendant is
15 sufficient to show a taking and carrying away of the
16 property.

17 The taking and carrying away of the property must
18 have been done with violence or by putting the owner of
19 the property in fear of violence. Finally the State must
20 prove beyond a reasonable doubt that the defendant was
21 armed with a deadly weapon during the robbery. A deadly
22 weapon is any article, instrument or substance which is
23 likely to cause death or great bodily harm. Whether an
24 instrument has been used as a deadly weapon depends upon
25 the facts and circumstances of each case. If a crime is

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1 committed by two or more people who are acting together
2 in committing a crime the act of one is the act of all.
3 A person who joins with another to commit an unlawful act
4 is criminally responsible for everything done by the
5 other person which happens as a natural and probable
6 consequences of the acts done in carrying out the common
7 plan or purpose.

8 If two or more people are assisting or in acting
9 together in committing the offense the act of one is the
10 act of all or as sometimes said the hand of one is the
11 hand of all. Prior knowledge that a crime is going to be
12 committed without more is not sufficient to make a person
13 guilty of that crime. Mere knowledge that another person
14 is going to commit a crime even if the defendant is
15 present when the crime is committed is not sufficient to
16 convict the defendant as a principal.

17 Guilt as a principal is shown by actual or
18 constructive presence at the scene as a result of prior
19 arrangement. Therefore a finding of a prior arranged
20 plan or common scheme is necessary for a finding of guilt
21 as a principal. The State must prove beyond a reasonable
22 doubt by competent evidence the theory of the hand of one
23 is the hand of all. A principal in a crime is one who
24 either actually commits the crime or who is present
25 aiding abetting or assisting in committing the crime.

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1 When a person does an act in the presence of and with the
2 assistance of another the act is done by both, or two of
3 more acting with a common plan or intent are present at
4 the commission of a crime it does not matter who actually
5 commits the crime; all are guilty. The hand of one is
6 hand of all. Present at the commission of a crime means
7 to be sufficiently near to aid and abet and assist in the
8 commission of a crime. However mere presence at the
9 scene of a crime is not sufficient to convict one as a
10 principal on the theory of aiding and abetting.

11 Intent is also a necessary element for there must
12 have been a common design or scheme or intent to commit
13 the crime and the crime must have been committed pursuant
14 thereto with the person aiding and abetting by some overt
15 act. Intent means intending the result which actually
16 occurs not accidentally or involuntarily. Intent may be
17 shown by acts and conduct of the defendant and other
18 circumstances from which you may naturally and reasonably
19 infer intent.

20 The State must prove these elements beyond a
21 reasonable doubt. Mere presence at the scene is not
22 sufficient to prove someone guilty of a crime. A
23 defendant's presence where a crime is being committed or
24 a mere association does not make a defendant an
25 accomplice or an aider or abettor of the person

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1 committing the crime. The burden is on the State to
2 prove every element of the crime charged. If you find
3 after reviewing the evidence that the State has proved
4 that the defendant was only present at the scene of the
5 crime and that they have not proved beyond a reasonable
6 doubt any other participation in the crime then you must
7 find the defendant not guilty. The law is that proof of
8 at the scene of the crime is not sufficient to find
9 someone guilty.

10 An issue in this case is the identification of the
11 defendant as the person who committed the crime charged.
12 The State has the burden of proving beyond a reasonable
13 doubt the identity of the person as the defendant
14 committing the crime. You must be satisfied beyond a
15 reasonable doubt of the accuracy of the identification of
16 the defendant before you may convict the defendant.

17 Identification testimony is an expression of belief
18 or impression by a witness. You must determine the
19 accuracy of the identification of the defendant. You
20 must consider the believability of each identification
21 witness in the same way as any other witness. You may
22 consider whether the witness had an adequate opportunity
23 to observe the offender at the time of the offense. This
24 will be affected by things like how long or short a time
25 was available, how far or close the witness was, the

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

11 Ladies and gentlemen throughout the progress of this
12 trial I have instructed you to disregard certain evidence
13 by striking it from your notes. I have determined that
14 it was not proper evidence and you should not consider it
15 for any purpose during your deliberations. As to any
16 questions to which an objection was sustained or as to
17 any testimony ordered stricken you must not speculate as
18 to what the answer might have been or as to the reason
19 for the objection.

20 During examination of a witness in this trial
21 reference was made to the witness's testimony in a
22 previous trial. The previous trial referred to was not a
23 trial of this defendant but was a trial of a co-defendant
24 in this case. A statement alleged to have been made by
25 the defendant has been admitted into evidence in this

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1 case. While the court has determined that the statement
2 was admissible I instruct you that you do make the
3 ultimate decision of whether or not the defendant made
4 the statement. If the defendant did make the statement
5 you must determine whether the statement was made by the
6 defendant voluntarily and of his own free will.

7 This means that the statement was not caused by
8 pressure, force, fear, threats, coercion or intimidation
9 or by hope or a promise of leniency or a reward of any
10 kind. In determining whether the statement was voluntary
11 you should consider both the characteristics of the
12 defendant and the details of the questioning.

13 Some of the factors that you must consider are the
14 age of the defendant, the defendant's education or lack
15 thereof, the defendant's mental ability or capacity, the
16 defendant's I.Q. or intelligence, the defendant's
17 background -- excuse me, the defendant's background and
18 environment, the place and length of detention, the
19 nature of the questioning, the advice or lack thereof to
20 the defendant of his Constitutional rights including but
21 not limited to the right to remain silent, that any
22 statement could be used against him in a court of law,
23 the right to have a lawyer present, that if he could not
24 afford a lawyer a lawyer would be appointed to represent
25 him without any cost and that he could stop making a

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1 statement at any time. You must carefully consider all
2 the surrounding circumstances before you give any weight
3 to an alleged statement. The State has the burden of
4 proving beyond a reasonable doubt that the alleged
5 statement was voluntary. If you determine it was you may
6 give the statement any further consideration that you
7 deem proper. You must decide what weight if any should
8 be given to the alleged statement. If you determine the
9 alleged statement was not the free and voluntary
10 statement of the defendant you should not consider it at
11 all.

12 I instruct you and emphasize the fact that the
13 defendant did not testify is not a factor to be
14 considered by you in any way in your deliberation and in
15 your consideration on the question of the guilt or the
16 innocence of the defendant. It must not be considered by
17 you in any manner whatsoever. A defendant has the
18 Constitutional right to remain silent and the assertion
19 of this right must not be considered by you in your
20 deliberations.

21 I repeat under your oath you are draw no conclusion
22 whatsoever from the fact that the defendant in this case
23 did not testify. The fact that this defendant did not
24 testify should not even be discussed in the jury room.
25 The burden of proof as I have indicated to you is on the

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1 State. The defendant is not required to prove his
2 innocence. The burden of proof remains on the State to
3 prove guilt beyond a reasonable doubt. You have heard
4 testimony concerning the penalty a person can serve for
5 the crime alleged in these indictments.

6 In determining the guilt or the innocence of this
7 defendant you cannot consider any possible penalty for
8 any particular crime. The punishment for the crime is a
9 matter for me to determine and you should never consider
10 it in any manner in arriving at an impartial verdict as
11 to the guilt or innocence of the defendant.

12 Ladies and gentlemen I'm now going to go over the
13 verdict form with you. Please understand there is no
14 significance in the way that I read this to you. It is
15 simply has to go on the paper first. Mr. Foreperson you
16 are responsible for filling out the verdict forms.

17 In the Court of General Sessions for the 9th
18 Judicial Circuit indictment number 2013-GS-10-4529 on the
19 charge of armed robbery of victim Robert McElhenney we,
20 the jury, find Darren Keith Belt you will either indicate
21 guilty or not guilty. And once you have reached a
22 unanimous decision you will sign it and date that verdict
23 form. In the Court of General Sessions indictment 2013-
24 GS-10-4530 on the charge of armed robbery of victim Shane
25 Burnett we, the jury, find Darren Keith Belt and again

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1 you will either indicate guilty or not guilty on the
2 verdict form. There is no significance in the way those
3 words appear on the verdict form. It's simply I have to
4 place them on the verdict form in one way -- one has to
5 go before the other. Once again it must be a unanimous
6 decision meaning all 12 of you must agree.

7 Once you have completed that verdict form you will
8 sign it and date it. And once both are completed you
9 will knock on the jury room door indicating to the
10 bailiff that you have completed both verdict forms. We
11 will bring you back into the jury room [sic] and we will
12 take the verdict forms from you. I will make sure they
13 are in order and they will be read by the Clerk.

14 Ladies and gentlemen this is the last time that I
15 will say this to you. Do not begin your deliberations.
16 Do not discuss this case amongst yourselves. We will be
17 collecting the verdict forms and the evidence to go back
18 with you.

19 Ladies and gentlemen to my first 12 is there any
20 member of the jury panel who for whatever reason feels
21 that you would be unable to complete your service to this
22 case by continuing into the verdict -- into the jury room
23 to retire to consider your verdict. If there is anyone
24 who cannot accomplish that please stand at this time.
25 Thank you. All 12 members have indicated that they can

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1 continue their deliberations. To my two alternates at
2 this time you have completed your service but same
3 admonitions and I will come and release you from this
4 case once the first 12 have begun their deliberations.
5 Ladies and gentlemen please rise.

6 [Whereupon, the jury exits at 4:19 p.m.]

7 THE COURT: Thank you. Be seated. Any objection,
8 correction to the charge as read from the State?

9 MR. ZIEGLER: None, Your Honor.

10 THE COURT: From the defendant?

11 MR. DETREVILLE: None, Your Honor.

12 THE COURT: Thank you. Please come and get the
13 information -- or the evidence collected.

14 [Whereupon, counsel and the court reporter review
15 the evidence]

16 THE COURT: Evidence is out. Very nice job
17 gentlemen. Thank you.

18 [Whereupon, court is in recess from 4:27 p.m. until
19 4:38 p.m.]

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1 THE COURT: We got a note. Do you want your client
2 out for it? I've already responded to it. We received a
3 note. I was actually releasing the alternates so I was
4 already back there and received a note and the jury has
5 asked for a transcript of the jail tape and I just simply
6 responded you've received into evidence all the exhibits
7 that have been made part of the record of this case. Is
8 that sufficient? There was no transcript correct?

9 MR. ZIEGLER: No.

10 MR. DETREVILLE: That's sufficient, Your Honor.

11 THE COURT: Thank you. Anything? I just returned
12 the note back. It will be court's 4 when it comes back
13 out.

14 [Whereupon, court's exhibit number 4 is marked by
15 the court reporter]

16 THE COURT: Anything further?

17 MR. ZIEGLER: No, Your Honor.

18 MR. DETREVILLE: Nothing, Your Honor.

19 THE COURT: All right. Counsel approach.

20 [Whereupon, an off the record bench conference is
21 held]

22 [Whereupon, court is in recess from 4:39 p.m. until
23 5:14 p.m.]

24 THE COURT: Be seated. We have a note.

25 [Whereupon, court's exhibit number 3 is marked by

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1 the court reporter]

2 THE COURT: So what's the plan playing the jail
3 tape, playing the audio?

4 MR. ZIEGLER: Yes. We are relying on you for the
5 plan on that as far as -- we're ready to play it.

6 THE COURT: Okay. There was no redaction
7 requested is that correct?

8 MR. DETREVILLE: I'm sorry?

9 THE COURT: The entire tape is in. So can I -- but
10 was there some concern about any redaction that is
11 needed?

12 MR. DETREVILLE: I was of the belief that they
13 would just hear the portions that had already been played
14 for them but not the whole ---

15 THE COURT: --- well the entire audio is in without
16 objection, correct Madame Court Reporter?

17 THE COURT REPORTER: 35 was admitted.

18 THE COURT: So the only redaction that was
19 discussed was I just got out.

20 MR. DETREVILLE: That's correct, Your Honor.

21 THE COURT: All right.

22 MR. ZIEGLER: All the jury heard as I -- previously
23 was the clips that we played. The entire...

24 THE COURT: Well the entire tape was introduced
25 correct, not just the clips?

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1 MR. ZIEGLER: Correct. Your Honor, I'm not sure.
2 My inclination is the jury would only hear what they have
3 already heard. But I don't have the case law to support
4 that right now.

5 THE COURT: Do you want them to hear the entire
6 thing minus the redaction or do you want them just to
7 hear just what Mr. Ziegler played for them?

8 MR. DETREVILLE: I think I would prefer just the
9 portion Mr. Ziegler played.

10 THE COURT: All right. Let's bring in the jury.
11 They are concerned that they cannot hear it so can you
12 play it louder?

13 MR. ZIEGLER: I can yes. We do have more volume on
14 it so.

15 THE COURT: Okay.

16 [Whereupon, the jury enters at 5:17 p.m.]

17 THE COURT: Mr. Foreman I understand that you wish
18 to hear the audio from the jail tape so Mr. Ziegler will
19 be in charge of playing those clips.

20 [Whereupon, video clip plays]

21 THE COURT: You want to have that last part played
22 again?

23 THE FOREPERSON: Yes, ma'am.

24 THE COURT: Can you play that last clip again?

25 Thank you.

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1 [Whereupon, the video clip plays]

2 MR. ZIEGLER: That's the end of what we played.

3 THE COURT: All right. Mr. Foreman do you need to
4 hear any of those clips again?

5 MR. FOREPERSON: No, ma'am.

6 THE COURT: Please go and continue your
7 deliberations. Please rise for the jury.

8 [Whereupon, the jury exits at 5:24 p.m.]

9 THE COURT: Thank you. Be seated. All right.
10 We're at ease.

11 [Whereupon, court is in recess from 5:25 p.m. until
12 5:53 p.m.]

13 THE COURT: You're renewing all your previous
14 motions?

15 MR. DETREVILLE: I'm sorry. I am renewing all my
16 previous objections.

17 THE COURT: And the court stands by the initial
18 rulings. Please bring in the jury.

19 [Whereupon, the jury enters at 5:51 p.m.]

20 THE COURT: Thank you. Please be seated. Mr.
21 Foreman I understand you have reached a verdict. If you
22 will fold the verdict forms and hand them to my bailiff.

23 [Whereupon, the Foreperson complies]
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1 VERDICT

2 THE COURT: Mr. Belt please stand.

3 [Whereupon, the defendant complies]

4 CLERK OF COURT: The verdict forms in the matter of
5 the State of South Carolina versus Darren Keith Belt,
6 defendant, as to one charge. On the charge of armed
7 robbery of victim Robert McElhenney we, the jury, find
8 Darren Keith Belt guilty. Signed by the Foreperson of
9 the jury on September 17, 2015. Ladies and gentlemen of
10 the jury if this was your verdict please raise your right
11 hand.

12 [Whereupon, the jury complies]

13 CLERK OF COURT: Thank you. Please let the record
14 reflect that all 12 jurors raised their right hand. On
15 the charge of armed robbery of victim Shane Burnett we,
16 the jury, find Darren Keith Belt guilty. Signed by the
17 Foreperson of the jury on September 17, 2015. Ladies and
18 gentlemen of the jury if this was your verdict please
19 raise your right hand.

20 [Whereupon, the jury complies]

21 CLERK OF COURT: Thank you. Please let the record
22 reflect that all 12 jurors raised their right hand.

23 THE COURT: Anything further requested of the jury
24 from the defendant?

25 MR. DETREVILLE: No, Your Honor.

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1 THE COURT: From the State?

2 MR. ZIEGLER: Nothing from the State, Your Honor.

3 THE COURT: Thank you. Please have a seat.

4 Ladies and gentlemen this completes your service to this
5 case. If you will please be escorted back to your jury
6 room I will be there in just a few moments to personally
7 thank you for your service. Please rise for the jury.

8 [Whereupon, the jury is excused and exits at 5:53
9 p.m.]

10 THE COURT: Thank you. Outside the presence of
11 the jury any motions or matters?

12 MR. ZIEGLER: Nothing from the State, Your Honor.

13 THE COURT: All right.

14 MR. DETREVILLE: Your Honor, we would request a
15 period of time to file post trial motions.

16 THE COURT: What post trial motions do you think
17 that you will be....

18 MR. DETREVILLE: Perhaps a motion for a new trial,
19 Your Honor.

20 THE COURT: How long do you think? I typically do
21 not give additional time. You were advised of that
22 during the pretrial.

23 MR. DETREVILLE: May I have until the beginning of
24 next week, Your Honor.

25 THE COURT: Are you requesting to defer sentencing

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1 until you file the motions or can we proceed with
2 sentencing at this time?

3 MR. DETREVILLE: I would leave that in the court's
4 discretion if Your Honor prefers to proceed.

5 THE COURT: Let me -- do you have your sentencing
6 sheets?

7 MR. ZIEGLER: Yes, Your Honor.

8 THE COURT: I'm going to release the jury. I'm
9 going to go get the indictments for the juror to sign so
10 do you have any additional -- anyone that we need to hear
11 from for sentencing?

12 MR. DETREVILLE: I'm sorry, Your Honor I didn't
13 understand ---

14 THE COURT: --- do you have any family members or
15 anyone for sentencing?

16 MR. DETREVILLE: I do not, Your Honor.

17 THE COURT: All right. Would you if we delayed
18 sentencing?

19 MR. DETREVILLE: May I speak with my client
20 briefly?

21 [Whereupon, Mr. DeTreville and the defendant confer]

22 MR. DETREVILLE: That would be helpful Your Honor
23 and we could have somebody come speak on Mr. Belt's
24 behalf if we delayed sentencing.

25 THE COURT: Any objection? I notice that the

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1 victims are not here. Do you want to delay sentencing to
2 allow for the victims to be present as well?

3 MR. ZIEGLER: Yes, Your Honor. That would be fine.

4 THE COURT: Mr. Ziegler do you have a preference on
5 sentencing?

6 MR. ZIEGLER: As far as a request from the State?

7 THE COURT: Date, date, a date?

8 MR. ZIEGLER: For the date? Anytime next week
9 would be ---

10 THE COURT: --- next week you're at a conference.

11 MR. ZIEGLER: Yes, Your Honor.

12 THE COURT: And then the following week I will be
13 in Berkeley. So we will do it the week of October 5th,
14 which is a GS week so do you have a preference on the
15 day?

16 MR. ZIEGLER: Preferably that Monday I suppose. It
17 really doesn't matter during that week actually, Your
18 Honor.

19 THE COURT: Any?

20 MR. DETREVILLE: Any day but Friday I think
21 probably would be okay Your Honor.

22 THE COURT: I'm going to go ahead and set it at 10
23 a.m. I already have a group of the Turning Leaf pleas so
24 I'll go ahead and set it at that time as well.

25 MR. DETREVILLE: I'm sorry Your Honor, what day is

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1 that?

2 THE COURT: 10 a.m. on the 6th. And if you will
3 file -- I'll give you until Tuesday to file your post
4 trial motions and we'll hear your post trial motions at
5 that time as well.

6 MR. DETREVILLE: At the sentencing, Your Honor?

7 THE COURT: Correct. Mr. Ziegler anything else
8 before we recess?

9 MR. ZIEGLER: No, Your Honor.

10 THE COURT: Mr. DeTreville anything before we
11 recess?

12 MR. DETREVILLE: Nothing, Your Honor.

13 THE COURT: I'm going to give you these sentencing
14 sheets back Mr. Ziegler.

15 [Whereupon, the court confers with the Clerk]

16 THE COURT: Oh, we do need to stamp them. Give
17 them to Mike; we're going to stamp them deferred. All
18 right. Thank you.

19 [Whereupon, the jury trial concludes at 6:01 p.m.]
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STATE OF SOUTH CAROLINA	)	THE COURT OF GENERAL SESSIONS
	)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	CASE NOs. 2013A1010202453-4
STATE OF SOUTH CAROLINA	)	
	)	DEFENDANT'S MOTION FOR
vs.	)	NEW TRIAL
	)	
DARREN KEITH BELT,	)	
	)	
Defendant.	)	
_____	)	

PLEASE TAKE NOTICE THAT THE DEFENDANT, by and through his counsel, J. Michael DeTreville, appointed, hereby moves this Court to grant him a new trial pursuant to Rule 29 of the South Carolina Rules of Criminal Procedure. In support of this motion, Defendant would show:

1. At trial of this matter, the State elicited testimony regarding the existence of a black shirt and a black hat alleged to have been observed in the back seat of Defendant's vehicle at the time he was stopped and subsequently arrested. Neither the black shirt nor the black hat were ever produced as evidence at trial in this matter, denying the Defendant his constitutional right to effectively cross-examine the witness testifying regarding the existence of these items. The existence of a black shirt and hat in such close proximity to the Defendant was a key issue at trial in this matter, as the suspects in this case were all described as having been wearing "all black" and "a black hat or hoodie" (or some minor variation thereof). The police officer who testified regarding his observation of the black shirt and hat also testified that he made no effort to collect these items, despite having described the items as having given him probable cause to prolong the Defendant's traffic stop and having described them as a "key piece of evidence." Defendant suffered unfair prejudice as a result of being denied the right to effectively cross-examine this witness regarding the existence of and/or characteristics of the black shirt and hat. Moreover, the lack of introduction of key evidence at trial, with only unsubstantiated testimony regarding its existence,

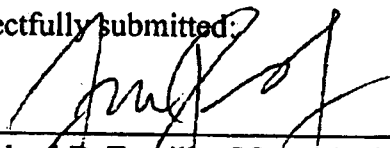
would lead to confusion amongst the jury regarding what ultimately was the paramount issue at trial of this matter --- eyewitness identifications and suspect descriptions, and the Defendant's match or lack thereof to such descriptions. Defendant timely objected to the introduction of this testimony and renewed his objection at the close of evidence.

2. This Court should also grant a new trial to the Defendant in this matter as the jury's verdict is against the weight of the evidence presented at trial, to-wit:

- a) Each eyewitness provided wildly varying descriptions of the Defendant, under oath, on several occasions, and each admitted at trial to having seen pictures on the news of the Defendant prior to giving detailed physical descriptions of the Defendant, such that no trier of fact could credibly rely upon such testimony;
- b) The Defendant did not match the description provided by witnesses at the scene, was not arrested at the scene, and was in possession of no contraband at the time of his arrest;
- c) Defendant's co-defendant, who testified at trial, admitted to having lied both during the course of the police investigation and trials of this Defendant and another co-defendant on no less than twenty (20) occasions, and was so obviously biased by his own self-interests (having not been sentenced for his guilty plea almost two years hence) that no trier of fact could credibly rely upon such testimony; and
- d) Without such flawed and biased testimony the Defendant would have been found not guilty at trial.

For the reasons stated above, Defendant would humbly request this Court set aside his guilty verdict and grant him a new trial, to commence forthwith.

Respectfully submitted:

By: 

J. Michael DeTreville, SC Bar # 73693
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Charleston, South Carolina
October 22, 2015

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	
	)	
STATE OF SOUTH CAROLINA,	)	CASE NO. 2013-GS-10-4529
	)	2013-GS-10-4530
	)	
PLAINTIFF,	)	TRANSCRIPT OF RECORD
	)	
VS.	)	
	)	
DARREN BELT,	)	POST-TRIAL MOTION AND
	)	SENTENCING
DEFENDANT.	)	
	)	

October 23, 2015

Charleston, South Carolina

B E F O R E:

The Honorable Kristi L. Harrington

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

Alexander Ziegler, Assistant Solicitor
For the State

Michael Detreville, Esquire
For the Defense

I N D E X

Post-Trial Motion by Mr. Detreville -- 03

Sentencing -- 18

EXHIBITS - None Proffered

CERTIFICATION OF TRANSCRIPT -- 19

Look for an original signature in blue ink on the certification sheet to verify that the court reporter has certified the transcript you are viewing.

If you need an additional copy of this transcript or a sealed transcript or if opposing counsel requires a copy of the transcript, you should contact the court reporter.

Certification will satisfy Rule 80, Stenographic Report of Transcript as Evidence.

1 (WHEREUPON, Darren Belt was duly sworn.)

2 THE COURT: All right. Mr. Detreville, what are we
3 doing here today?

4 MR. DETREVILLE: Your Honor, we filed a post-trial
5 motion for a new trial. And I believe my client is also set
6 for sentencing today as well, Your Honor.

7 THE COURT: All right. I see that y'all are here.
8 Just have a seat. This is going to take a little longer
9 than standing. But feel free to stand, but just we are
10 going to be here a while.

11 All right. Mr. Ziegler, are you prepared to go
12 forward?

13 MR. ZIEGLER: Yes, Your Honor.

14 THE COURT: All right. And so as to your motion for a
15 new trial I have reviewed everything. I will be happy to
16 hear from you.

17 MR. DETREVILLE: Thank you, Your Honor. Our motion for
18 a new trial is based substantially on the motion to suppress
19 that we filed at the time of the trial regarding certain
20 items that were found -- or not found, shall we say, in Mr.
21 Belt's vehicle at the time that he was initially arrested
22 pursuant to a traffic stop.

23 The initial items that we asked the court to suppress
24 pertain to a black shirt and a black hat that the officer
25 who initially stopped Mr. Belt testified at trial that he

1 observed in Mr. Belt's vehicle. Those items were not
2 produced at trial.

3 I think -- I believe that there was testimony that none
4 of the officers who participated in the inventory search of
5 the vehicle saw those items or thought to collect those
6 items despite a couple of the witnesses stating that those
7 were key pieces of evidence.

8 We've -- we asked that Your Honor suppress testimony
9 regarded those items as a denial of my client's
10 constitutional right to effect cross-examination of
11 witnesses against him.

12 There were -- there was conflicting testimony about
13 characteristics of the black shirt and black hat at trial as
14 well as some question as to whether it was even a hat or a
15 hoodie or things of that nature.

16 Without those items actually being present at trial
17 there was simply no way for us to effectively cross-examine
18 the witness regarding those and potentially additional
19 witnesses as well, Your Honor.

20 In addition to -- we have included that matter in the
21 written motion for a new trial. Your Honor, as an oral
22 motion there was also as part of that motion to suppress -
23 and this was included in the motion to suppress - it was
24 filed with the court, the issue of the traffic stop and what
25 we view as an illegal second detention of Mr. Belt pursuant

1 to that traffic stop.

2 The traffic stop lasted for a period of approximately
3 45 minutes. And our argument was that there was no probably
4 cause to hold him for that period of time, that the -- that
5 the arresting officer should have issued him a traffic
6 citation because of the lack of probably cause and let him
7 go about his way, and that any items that were seized
8 pursuant to that traffic stop should have been suppressed
9 essentially as fruit of the poisonous tree, Your Honor.

10 Those two items are the primary bases for our request
11 for a new trial. The -- we also included in our written
12 motion that to request that the court find that the jury's
13 verdict was against the weight of the evidence presented at
14 trial. And we were -- cited in the written motion, which I
15 believe Your Honor has a copy of, the bases for that which
16 would include - and without taking up too much of the
17 court's time just simply reciting things that are written,
18 Your Honor - problems with eyewitness identifications,
19 matching of descriptions, clear -- clear bias and problems
20 with truthfulness regarding certain witnesses at trial and
21 that without those particular -- without that particular
22 testimony that Mr. Belt in all likelihood would not have
23 been found guilty at trial. Those are the bases for our
24 request for a new trial, Your Honor.

25 THE COURT: Mr. Ziegler, I have your State's response

1 to the motion for new trial. Anything further I need to
2 know?

3 MR. ZIEGLER: Your Honor, just to summarize the State's
4 response briefly. First of all the State would renew its
5 arguments from -- from the trial and the pretrial motions
6 about the lawfulness of the traffic stop and the detention
7 regarding the black shirt and the black hat and the right to
8 confront the witness.

9 The State's position is that there is -- it was
10 completely acceptable to allow the officer to testify to his
11 personal observations about what he saw in the vehicle even
12 though those items that he claimed to see were not
13 collected. In addition other witnesses could be -- were
14 cross-examined about the existence of those items and the
15 collection of them.

16 Regarding the second main argument that the defense
17 makes about the verdict being against the weight of
18 evidence, first the State argues that all the witnesses in
19 this case were cross-examined and it was for the jury to
20 evaluate the credibility of those witnesses and the weight
21 of the evidence presented. So that was properly in the
22 hands of the jury.

23 And as to the second aspect of that response the State
24 argues that there was a significant amount of competent
25 evidence presented over the course of the trial, more than

1 ten witnesses, which the jury could use to support its
2 verdict of guilty in this place.

3 And those -- some of those pieces of evidence and some
4 of that testimony is highlighted in the State's written
5 motion.

6 THE COURT: Anything further before I rule on your
7 motion for a new trial?

8 MR. DETREVILLE: Nothing additional, Your Honor.

9 THE COURT: Based upon my review of your argument, the
10 State's response, as well as the testimony that was
11 presented throughout the trial of Mr. Belt, I deny your
12 motion for a new trial.

13 I do find that there was competent evidence for which
14 the jury to reach that verdict.

15 Are there any other post-trial motions, Mr. Detreville?

16 MR. DETREVILLE: Nothing, Your Honor.

17 THE COURT: Prepared to go forward with sentencing at
18 this time?

19 MR. DETREVILLE: We are, Your Honor.

20 THE COURT: Mr. Ziegler, I notice that one of the
21 victims is here as well as the lead investigator. I heard
22 testimony from both of them, but I will be happy to hear
23 from the victim if he wishes to address the court.

24 MR. ZIEGLER: Okay. Thank you, Your Honor. Would you
25 like to hear from Mr. Burnett now?

1 THE COURT: Yes.

2 MR. BURNETT: Darren, I don't know if it is appropriate
3 for you to look at me or not, but if it's okay ---

4 THE COURT: I would ask that you not ask -- make that
5 request. But first of all I need you to state your full
6 name for the record and spell your last name. Thank you.

7 THE WITNESS: I'm sorry. Shane Burnett. Last name
8 B-U-R-N-E-T-T.

9 THE COURT: Okay. And Mr. Burnett, I appreciate your
10 patience. We have gotten a little off schedule today, so I
11 appreciate your patience. And just as if I would not let
12 Mr. Belt turn around and address you, your comments need to
13 be made to the court.

14 I'm happy to hear from you. Thank you again. And I
15 hope your new job is going well.

16 MR. BURNETT: It is. Thank you very much.

17 I guess the only thing I have to say to the court is in
18 the eyes of God Darren Belt is my brother and for that I
19 forgive him. I don't hold any bad feelings for him.

20 I hope that whatever time he spends in jail that he
21 spends those years reflecting on what he has done and that
22 he can have a good life.

23 I have got a beautiful wife and two beautiful children,
24 and I am going to go home tonight and be with them. And
25 that night he wanted to take something for me. But the

1 truth is he could have everything I have if he works. He
2 could have all of those things. And every day is a chance
3 to turn it around. That's all.

4 THE COURT: Thank you, Mr. Burnett. I appreciate your
5 compassion and your kind words. Thank you.

6 Anything further from the State?

7 MR. ZIEGLER: Your Honor, Mr. McElhaney is the other
8 victim in this case, and he is not present today. He has
9 been ill the past couple of days.

10 But I have spoken to him about his -- heard from him
11 about his position on sentencing. He just wanted to convey
12 that he thought that he was going to be killed during this
13 incident, there was a gun involved, and that he would
14 request a significant sentence. He called it a full
15 verdict.

16 I am just interpreting what that would mean but ---

17 THE COURT: Say that one more time.

18 MR. ZIEGLER: Mr. McElhaney asks for a, quote, full
19 verdict. I am just assuming that means ---

20 THE COURT: Remind me of Mr. Belt's previous
21 convictions.

22 MR. ZIEGLER: It is 2005 drinking alcohol in public,
23 entry on lands after notice; 2007 possession of cocaine and
24 possession of cocaine base that he was given a suspended YOA
25 sentence for; 2009 a federal conviction for felon in

1 possession of a firearm; 2011 possession of marijuana.

2 THE COURT: How long has your client been in custody,
3 Mr. Detreville?

4 MR. DETREVILLE: Exactly 900 days, Your Honor.

5 THE COURT: Anything further from the State?

6 MR. ZIEGLER: Yes, Your Honor, this case just to remind
7 Your Honor of the facts this was ----

8 THE COURT: You don't need to re- -- I remember.

9 MR. ZIEGLER: Okay.

10 THE COURT: Thank you.

11 MR. ZIEGLER: But this was a situation in which the
12 victims were complete strangers to the defendants and they
13 were confronted on the side of the road on the sidewalk as
14 they were walking home.

15 And it was a very dangerous situation and a very
16 frightening situation for the victims, and the State
17 requests significant prison sentence.

18 THE COURT: Was there an offer made?

19 MR. ZIEGLER: Your Honor, the offer was 12 years. The
20 State would request a sentence in line with that of what the
21 codefendant received.

22 THE COURT: And what was the codefendant what did he
23 receive?

24 MR. ZIEGLER: He received the maximum -- well, not the
25 maximum but a 30-year sentence.

1 THE COURT: All right. Mr. Detreville, I am happy to
2 hear from you, your client, and whomever regarding
3 sentencing.

4 MR.. DETREVILLE: Thank you, without -- again, without
5 rehashing the facts from the trial of this case I believe
6 that the facts as presented indicate that my client was
7 while a participant in this -- in this crime was not one of
8 the main actors here.

9 I think that the great weight of evidence suggested
10 that Mr. Belt's codefendant, Mr. Hayes, was the de facto
11 ringleader in this -- in this action. And he is the
12 individual who received the maximum sentence previously, the
13 30 years. And Mr. Hayes had a substantial criminal record
14 to go along with that as well.

15 We also heard testimony from another codefendant in
16 this case, Mr. Parks, who by his admission was the
17 individual carrying and pointing the firearm in this -- in
18 this case.

19 I don't believe that there is any evidence that
20 suggests that my client was ever in possession of a weapon.
21 No weapons were found on him in his vehicle. No contraband
22 of any sort was found in his vehicle or anything of that
23 nature. All the contraband was found on and the weapons
24 were found on the other two codefendants.

25 From speaking with my client, from speaking with his

1 family, I believe that there was some outside pressure shall
2 we say from the -- from the codefendant Mr. Hayes to get Mr.
3 Belt to participate in this activity. I don't believe that
4 this is something that he would have done without that poor
5 association.

6 And certainly he recognizes that he is, you know, he is
7 responsible for the crowd that he runs with. This was not
8 somebody who is a usual -- a usual person that he associated
9 with. He is responsible for associating with him, but I
10 think there was some outside pressure on him from Mr. Hayes
11 to participate in this activity.

12 I would also ask that the court note that despite there
13 being a weapon involved in this case that nobody was hurt.
14 I do note that Mr. -- and I'm sorry, I forget his name. The
15 other victim in this case was transported to the hospital.
16 I think his testimony was that Mr. Parks placed the gun in
17 his stomach and then he had I think he said a watermelon-
18 sized hernia, something -- a pre-existing condition that
19 caused that hospitalization. Other than that there were no
20 injuries. There's no -- nobody was physically attacked
21 other than the gun that Mr. Parks pointed at them.

22 Your Honor, we are asking for leniency in sentencing as
23 a result of some of those factors. But I would also ask he
24 has numerous family members present here today who I think
25 can shed some more light on the situation as well, and I

1 would ask that they be heard at this time as well.

2 THE COURT: All right.

3 Ma'am, I need you to state your full name for the
4 record and please spell your last name.

5 MS. BELT: Amy Addison Belt, B-E-L-T. I am his
6 step-mother. And this is my mother-in-law.

7 MS. ANDERSON: Mildred Anderson.

8 THE COURT: Ms. Belt, I am happy to hear from you
9 regarding anything you wish to tell the court.

10 MS. BELT: Okay. My mother-in-law has most of the
11 information because being his dad and I have been only
12 married nine years. But the time that I have been around he
13 has been very respectable and he is very remorseful for
14 anything that he has done wrong.

15 And I do have a message from his father which is in
16 Tennessee working and couldn't get here. But his father
17 wants to state that he feels partially at fault for the --
18 some of the routes that he's -- Darren has chosen to take
19 because of his drug addiction.

20 His father struggled with drugs for many, many years.
21 But we are happy to say that he is 14 years clean. He is an
22 electric -- electrical journeyman.

23 And aside from the fact that he -- his mother and his
24 father were military people so they were often left in the
25 care of others. As a matter of fact as of this moment his

1 mom is deployed in Liberia. So he kind of thinks that he
2 wasn't there, you know, in his life enough to make a real
3 difference.

4 THE COURT: Thank you, Ms. Belt.

5 Ms. Anderson, do you wish to address the court?

6 MS. ANDERSON: Just a brief comment, Your Honor.

7 Please forgive me; I am upset.

8 THE COURT: I am going to need you to speak up.

9 MS. ANDERSON: I would just like to say that I
10 apologize for Darren's behavior and that Darren was brought
11 up in a pretty stable environment. And when his mother and
12 father were divorced he just started to drift apart. And at
13 that time I thought he needed counseling because he always
14 seemed angry. And not able to get him that help.

15 And once he and his family moved back to the states and
16 moved into Columbia Darren experienced a traumatic
17 experience when he was injured. Someone broke into an
18 apartment where he was visiting and shot him. And so I
19 think all those things had an effect on Darren and he just
20 never could get his -- get himself together. And I do
21 apologize for that. And I hope you will consider that --
22 those things.

23 Please forgive me for my

24 MS. BELT: In reference to the comment that the victim
25 made to -- about him working and being able to afford the

1 things that ---

2 THE COURT: I don't -- I don't need you to respond to
3 that.

4 MS. BELT: Okay.

5 THE COURT: I think sometimes people want to back and
6 forth.

7 MS. BELT: But I just ---

8 THE COURT: But I just need to know -- I am getting
9 ready to sentence your step-son, so that is what I need to
10 hear about. All right?

11 MS. BELT: He -- he was attending ITT Tech when he got
12 in trouble and was actively looking for employment but had
13 been denied some positions because of his injury.

14 THE COURT: All right. Thank you. Anything else, Mr.
15 Detreville?

16 MR. DETREVILLE: I didn't know if anybody else wanted
17 to speak. No, that would be it, Your Honor.

18 THE COURT: And does your client wish to address the
19 court?

20 MR. DETREVILLE: I believe he does, Your Honor.

21 THE COURT: All right. Mr. Belt, you do not have to
22 address the court. I will not hold the fact that you do not
23 address the court against you if you choose not to.

24 I know that you -- I have placed you under oath and you
25 have the right to appeal this charge so anything that you

1 say will be part of the record.

2 Mr. Belt, you also need to know that this is classified
3 as a violent and a most serious offense. Do you understand
4 what those two classifications mean to you?

5 MR. BELT: Yes, ma'am, I do.

6 THE COURT: And you understand that you have the right
7 to appeal this conviction and the sentence that I will
8 impose here today?

9 MR. BELT: Yes, ma'am.

10 THE COURT: And you have ten days to do so.

11 MR. BELT: Yes, ma'am.

12 THE COURT: Happy to hear from you, Mr. Belt.

13 MR. BELT: Okay. I just want to say that I -- I
14 apologize to the victims and their families. And Mr.
15 Burnett he said that he forgives me, but I apologize to his
16 family because I know that they are affected by this too.
17 So I hope that they can also forgive me.

18 I apologize to the other victim and his families and
19 hopefully they can forgive me too. And hopefully they can
20 be at peace now that this situation has come to this what it
21 is now.

22 I just wanted to say that I apologize to my family for
23 making them come out of town just to go through this
24 situation right here. I apologize to them for just getting
25 myself in this situation and everything that it has caused

1 them.

2 And I know there's a lot of things in my life that I
3 never got a chance to experience, and there's going to be a
4 lot of things in my life that I won't get a chance to
5 experience due to me being there. And I don't have any
6 kids. I don't have no girlfriend. I don't have any
7 friends. All I do have is just a few family members that
8 love and care for me.

9 And I just hope that when this is all over with I can
10 get a chance to get back out there with those few family
11 members that I do have.

12 Because right now I have got to go make things right
13 with society. But I just hope that when I get out I can
14 make it up to my family.

15 So I just want to apologize to anybody that this has
16 affected. I apologize to the court system for taking time
17 out of their lives to deal with this situation when they
18 could have be doing other things.

19 And I just apologize to just anybody who was affected
20 by this, because it affects other people more than it
21 affects me because I'm just one person. And there's two
22 victims and their families, my family, the court system.
23 That is way more than me, so I just apologize to anybody who
24 is affected by the situation.

25 THE COURT: Thank you, Mr. Belt. I appreciate those

1 words.

2 Anything else, Mr. Detreville?

3 MR. DETREVILLE: Nothing, Your Honor.

4 THE COURT: Taking into account all the facts of the
5 case, the jury's verdict, as well as Mr. Belt's prior
6 record, as well as the opportunities that he had, it is the
7 order of the court on 2013-GS-10-4529 and 4530 that will run
8 concurrent that you be committed to the State Department of
9 Corrections for a term of 18 years.

10 Good luck to you, sir. Credit for 900 days.

11 (WHEREUPON, the hearing concluded.)

(NOTE: A transcript which has been certified by the court reporter will bear an original signature on the below certification sheet. Please contact the court reporter for additional certified transcripts.)

CERTIFICATE

I, the undersigned Phyllis Norton, Official Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the captioned case, relative to appeal, in the Court for Charleston County, South Carolina, on October 23, 2015.

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



PHYLLIS NORTON, CVR
(Signature in blue ink.)

Date: January 6, 2016

Certified Transcript Provided For: SCCID
Certification Reference # 010616 0215

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FGN20130503414

WITNESSES

Mt. Pleasant Police Department

AGENCY CASE NUMBER

2013P0003429

ARREST WARRANT NUMBER

2013A1010202454

DATE OF ARREST

May 7, 2013

ACTION OF GRAND JURY

TRUE BILL

ACTING FOREPERSON

Foreperson of Grand Jury
Date:

SEP 10 2013

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO: 2013GS1004530

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

September Term 2013

THE STATE

vs.

DARREN KEITH BELT

DOB: [REDACTED]

B/M

Indictment for

Armed Robbery

FILED

9/23/2013 11:01:03 AM

JULIE J. ARMSTRONG

CLERK OF COURT

ATTEST: A TRUE COPY

JULIE J. ARMSTRONG (SEALED)

CLERK, C.P., S.S. & F.C.

By: *Michelle Han*

DEPUTY CLERK

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

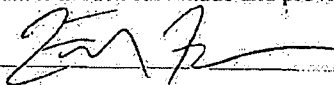
INDICTMENT

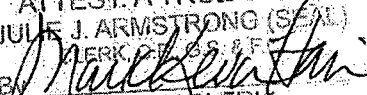
At a Court of General Sessions, convened on September 9, 2013 the Grand Jurors of Charleston County present upon their oath:

Armed Robbery

That on or about May 7, 2013, in Charleston County, South Carolina, the Defendant, Darren Keith Belt, by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, did take and carry away goods and/or monies from the person or immediate presence of Shane Burnett with the intent to permanently deprive the victim of possession thereof, in violation of §16-11-330(A) of the South Carolina Code of Laws (1976) as amended.

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


EMMANUEL FERGUSON
ASSISTANT SOLICITOR

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
B. 
DEPUTY CLERK

754
FGN20130503414

WITNESSES

Mt. Pleasant Police Department

AGENCY CASE NUMBER

2013P0003429

ARREST WARRANT NUMBER

2013A1010202453

DATE OF ARREST

May 7, 2013

ACTION OF GRAND JURY

TRUE BILL
ACTING FOREPERSON

Foreperson of Grand Jury
Date:

SEP 10 2013

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2013GS1004529

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

September Term 2013

THE STATE

vs.

DARREN KEITH BELT

DOB: [REDACTED]

B/M

Indictment for

Armed Robbery

FILED

9/23/2013 11:01:03 AM

JULIE J. ARMSTRONG

CLERK OF COURT

ATTEST: A TRUE COPY

JULIE J. ARMSTRONG (SEAL)

CLERK, C. G. S. & F.C.

DEPUTY CLERK

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

INDICTMENT

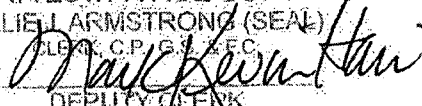
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That on or about May 7, 2013, in Charleston County, South Carolina, the Defendant, Darren Keith Belt, by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, did take and carry away goods and/or monies from the person or immediate presence of Robert McElheney with the intent to permanently deprive the victim of possession thereof, in violation of §16-11-330(A) of the South Carolina Code of Laws (1976) as amended.

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

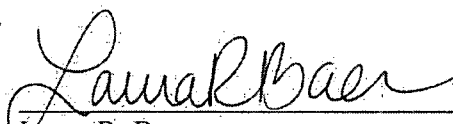

EMMANUEL FERGUSON
ASSISTANT SOLICITOR

ATTEST: A TRUE COPY
JULIE L ARMSTRONG (SEAL)
CLERK, C.P.S. REC.
By 
DEPUTY CLERK

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,



Laura R. Baer
Appellate Defender

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

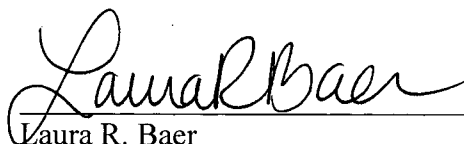
ATTORNEY FOR APPELLANT

This 28th day of November, 2016.

CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,



Laura R. Baer
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 28th day of November, 2016.

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